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(U) The Attorney General has also issued revised Guidelines for the Disclosure and Use of Grand Jury Information under Rule 6(e)(3)(D). On May 15, 2008, the Deputy Attorney General issued a memorandum which provides amplifying guidance as to lawful use and disclosure of 6(e) information. See also AGG-Dom, Part V.A.8 and DIOG subsections 18.6.5.11 and 12.

14.7 (U) THREAT TO LIFE – DISSEMINATION OF INFORMATION

14.7.1 (U) OVERVIEW

(U//FOUO) The FBI has a responsibility to notify persons of threats to their life or threats that may result in serious bodily injury and to notify other law enforcement agencies of such threats (Extracted from DOJ Office of Investigative Policies, Resolution 20, dated 12/16/96). Depending on the exigency of the situation, an employee, through his or her supervisor, must notify the appropriate operational division at FBIHQ of the existence of the threat and the plan for notification. That plan may be followed unless advised to the contrary by FBIHQ.

14.7.2 (U//FOUO) INFORMATION RECEIVED THROUGH FISA SURVEILLANCE

(U//FOUO) If information is received through a FISA-authorized investigative technique indicating a threat to life or serious bodily harm within the scope of Section 14.7, the field office case agent responsible for that FISA must immediately coordinate the matter with the FBIHQ SSA responsible for that investigation and an NSLB attorney from the applicable counterintelligence or counterterrorism law unit. These individuals must consult the applicable FISA minimization procedures, consider the operational posture of the investigation, and collectively determine the appropriate manner in which to proceed. FBI executive management may be consulted, as appropriate (e.g., if DIDO or declassification authority is needed). The field

office case agent must document the dissemination. If the decision is made not to disseminate the threat information, that decision must be approved by an ASAC or higher and the reasons must be documented in the applicable investigative file.

14.7.3 (U) DISSEMINATION OF INFORMATION CONCERNING THREATS AGAINST INTENDED VICTIMS (PERSONS)

14.7.3.1 (U) WARNING TO THE INTENDED VICTIM (PERSON)

14.7.3.1.1 (U) EXPEDITIOUS WARNINGS TO IDENTIFIABLE INTENDED VICTIMS

(U//FOUO) Except as provided below in Sections 14.7.3.1.1.1 (Exceptions) and 14.7.3.1.2 (Custody or Protectee), when an employee has information that a person who is identified or can be identified through reasonable means (hereafter a "intended victim") is subject to a credible threat to his/her life or of serious bodily injury, the FBI employee must attempt expeditiously to warn the intended victim of the nature and extent of the threat.

14.7.3.1.1.1 (U) EXCEPTIONS TO WARNING

(U//FOUO) An employee is not required to warn an intended victim if:

- A) (U//FOUO) [REDACTED]
- B) (U//FOUO) the intended victim knows the nature and extent of the specific threat against him/her.

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14.7.3.1.1.2 (U) MEANS, MANNER, AND DOCUMENTATION OF WARNING/NOTIFICATION OR DECISION NOT TO WARN

(U//FOUO) The FBI employee, in consultation with his or her supervisor, must determine the means and manner of the warning, using the method most likely to provide direct notice to the intended victim. In some cases, this may require the assistance of a third party. The employee must document on an FD-999 the content of the warning, as well as when, where and by whom it was delivered to the intended victim. The FD-999 must be placed in a zero file or if investigative methods are used, the appropriate investigative file.

(U//FOUO) The employee, in consultation with his or her supervisor, may seek the assistance of another law enforcement agency to provide the warning. If this is done, the employee must document on an FD-999 that notice was provided by that law enforcement agency, as well as when, where and by whom (i.e., the name of the other agency's representative) it was delivered. The employee must also document the other agency's agreement to provide a timely warning. The FD-999 must be filed as specified above.

(U//FOUO) Whenever time and circumstances permit, an employee's decision not to provide a warning in these circumstances must be approved by an ASAC or higher. In all cases, the reasons for not providing a warning must be documented by EC or similar successor form in a zero file or if investigative methods are used, the appropriate investigative file.

²² (U//FOUO) [REDACTED]

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14.7.3.1.2 (U) WARNINGS WHEN INTENDED VICTIM IS IN CUSTODY OR IS A PROTECTEE

(U//FOUO) When an employee has information that a person described below is an intended victim, the employee, in consultation with his or her supervisor, must expeditiously notify the law enforcement agency that has protective or custodial jurisdiction of the threatened person.

(U//FOUO) This section applies when the intended victim is:

- A) (U//FOUO) a public official who, because of his/her official position, is provided a protective detail;
- B) (U//FOUO) [REDACTED]
- C) (U//FOUO) detained or incarcerated.

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(U//FOUO) This paragraph does not apply to employees serving on the security detail of the FBI Director or any other FBI protected persons when the threat is to the individual they protect.

14.7.3.1.2.1 (U) MEANS, MANNER, AND DOCUMENTATION OF WARNING/NOTIFICATION

(U//FOUO) The employee, in consultation with his or her supervisor, may determine the means and manner of the notification. When providing notification, the employee shall provide as much information as possible regarding the threat and the credibility of the threat. The employee must document on an FD-999 what he or she informed the other law enforcement agency, and when, where, how (e.g., telephone call, email) and to whom the notice was delivered. The FD-999 must be placed in a zero file or if investigative methods are used, the appropriate investigative file.

14.7.3.2 (U) NOTIFICATION TO LAW ENFORCEMENT AGENCIES THAT HAVE INVESTIGATIVE JURISDICTION

14.7.3.2.1 (U) EXPEDITIOUS NOTIFICATION

14.7.3.2.1.1 (U) THREATS TO INTENDED PERSONS

(U//FOUO) Except as provided in Sections 14.7.3.2.2, when an employee has information that a person (other than a person described above in Section 14.7.3.1.2) who is identified or can be identified through reasonable means is subject to a credible threat to his/her life or of serious bodily injury, the employee must attempt expeditiously to notify other law enforcement agencies that have investigative jurisdiction concerning the threat.

14.7.3.2.1.2 (U) THREATS TO OCCUPIED STRUCTURES OR CONVEYANCES

(U//FOUO) When an employee has information that a structure or conveyance which can be identified through reasonable means is the subject of a credible threat which could cause a loss of life or serious bodily injury to its occupants, the employee, in consultation with his or her supervisor, must provide expeditious notification to other law enforcement agencies that have jurisdiction concerning the threat.

14.7.3.2.2 ***(U) EXCEPTIONS TO NOTIFICATION***

(U//FOUO) An employee need not attempt to notify another law enforcement agency that has investigative jurisdiction concerning a threat:

A) (U//FOUO) [REDACTED]

B) (U//FOUO) when the other law enforcement agency knows the nature and extent of the specific threat to the intended victim.

(U//FOUO) Whenever time and circumstances permit, an employee's decision not to provide notification to another law enforcement agency in the foregoing circumstances must be approved by an ASAC or higher. In all cases, the reasons for an employee's decision not to provide notification must be documented in writing in a zero file or if investigative methods are used, the appropriate investigative file.

14.7.3.2.3 ***MEANS, MANNER, AND DOCUMENTATION OF NOTIFICATION***

(U//FOUO) The employee may determine the means and manner of the notification. The employee must document in writing in the applicable investigative file the content of the notification, and when, where, and to whom it was delivered.

14.7.4 ***(U//FOUO) DISSEMINATION OF INFORMATION CONCERNING THREATS, POSSIBLE VIOLENCE OR DEMONSTRATIONS AGAINST FOREIGN ESTABLISHMENTS OR OFFICIALS IN THE UNITED STATES***

(U//FOUO) If information is received indicating a threat to life within the scope of Section 14.7, or possible violence or demonstrations against foreign establishments or officials in the United States, the field office case agent must immediately coordinate the matter with the FBIHQ SSA responsible for the case, who must notify the Department of State (DOS), United States Secret Service (USSS), and any other Government agencies that may have an interest. See Section IV of the 1973 MOU between the FBI and USSS, for the FBI's information sharing responsibilities with the USSS in such cases.

14.7.5 ***(U) DISSEMINATION OF INFORMATION CONCERNING THREATS AGAINST THE PRESIDENT AND OTHER DESIGNATED OFFICIALS***

(U//FOUO) The United States Secret Service (USSS) has statutory authority to protect or to engage in certain activities to protect the President and certain other persons as specified in 18 U.S.C. § 3056. An MOU between the FBI and USSS specifies the FBI information that the USSS wants to receive in connection with its protective responsibilities.

(U//FOUO) Detailed guidelines regarding threats against the President of the United States and other USSS protectees can be found in "Presidential and Presidential Staff Assassination, Kidnapping and Assault." (See the Violent Incident Crimes Policy Guide, 0511PG)