



U.S. Department of Justice
Drug Enforcement Administration

DEA AGENTS MANUAL

DEA SENSITIVE



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The procedures, guidelines and other provisions of the Drug Enforcement Administration (DEA) Agents Manual are not intended to, do not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter, civil or criminal. Except for purposes of internal DEA procedure and discipline, these guidelines do not place any limitations on otherwise lawful investigative or litigative prerogatives of the DEA, its employees, or the Department of Justice (DOJ).



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CHAPTER 61 GENERAL

UNITED STATES DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION

CLASSIFICATION CODE
Chapter 61

DEA
NOTICE

FOI

FOI
Correction Upon revision of Agents Manual

SUBJECT: 6115 THREATS AGAINST DEA EMPLOYEES, FACILITIES, *COOPERATING INDIVIDUALS*, TASK FORCE OFFICERS, JUDGES, PROSECUTORS OTHER LAW ENFORCEMENT OFFICERS

This Notice provides the current guidelines and procedures for the various program areas in Chapter 61.

A. Paragraphs A thru A.5 remain the same.

B. DEA *Cooperating Individuals.* Report as in *A2* above except code numbers of cooperating individuals will be used in lieu of their names, and contact the appropriate prosecutor's office for possible application of the Victim and Witness Protection Act. For individuals who warrant some measure of protection but do not qualify for the Witness Protection Program, see 6612.42C of the Agents Manual. *Any threat against cooperating individual will be handled in an appropriate manner. One additional Report of Investigation must be forwarded to FS within 45 days of the initial reporting.*

C. DEA Task Force Officers. Change report as in 2A above to report as in *A2* above.

D. DEA Facility or Property. Change report as in 2A above to report as in *A2* above.

E. Judges or Prosecutors. Change report as in 2A above to report as in *A2* above.

Note: There are no other changes in this section.

FOI
Revision
** Addition

FOI

See Section: H-1,2,3C,3D,4,5
F-1 through 7

Issued by: HNS RAG



6117.2 DOMESTIC POSITIONS. Paragraphs A thru C9 remain the same.

10. Aviation Area Supervisor. Incumbent provides technical and administrative supervision over Criminal Investigator Pilots and plans, organizes, and coordinates operational aspects of aviation support to criminal investigations of a national or international scope.**

Make the following pen-and-ink changes to the various program areas.

6118.4 AUTHORIZED EXERCISE PROGRAM. Paragraphs A thru B remain the same.

C. Cross out the first sentence in this paragraph.

6135 RECOVERED FUNDS (Also see 6663.67.)
Paragraph A remains the same.
Cross out paragraph B.

6142 MONTHLY REPORTS.

Change office symbol PES to PAS.

6142.1 MONTHLY ASSET REMOVAL AND DEA-7 "INFORMATION ONLY" PACKAGE. Cross out this subsection.

6142.4 MONTHLY ACTIVITY SUMMARY (DEA FORM 455). Cross out this subsection.

6143.2 OTHER QUARTERLY REPORTS. Paragraphs A thru D remain the same.

E. Quarterly Firearms Seizures Reports. see *6663.61(G)*

Note: There are no other changes in Chapter 61.

FOI
• Revision
• Addition

FOI

FOI

2. Nondrug Evidence - Special Agents in Charge will be responsible to insure that the investigative value of nondrug evidence of interest to the other agency is shared fully consistent with the intent of this directive.

3. Clandestine Drug Laboratories - Special caution must be taken relative to the seizure of clandestine drug laboratories by Agent personnel. This caution cannot be overstated, as the common presence of explosive chemicals and the delicate nature of closing down an in-process operation present real dangers. Therefore, unless there are the most extenuating circumstances, neither FBI nor DEA personnel will attempt the seizure of a clandestine laboratory without the presence of a DEA chemist experienced in the required procedures.

F. Furnishing Controlled Substances

Controlled substances are by their very nature harmful to humans and, therefore, require a special degree of care in handling. The responsibility for keeping these substances out of the hands of the public applies to all law enforcement personnel. The handling of these substances must be distinguished from other forms of contraband or instruments of criminal activity. However, there are certain circumstances in which it is advantageous to an investigation to furnish small quantities of controlled substances to a violator through an undercover Agent or informant. The furnishing of a controlled substance by an Agent of the Government is considered sensitive enough to require the personal approval of the Administrator of DEA. In joint investigations, concurrence of both Headquarters will be required.

CHAPTER 64 DIVERSION INVESTIGATIONS

Subchapter 641 Diversion Control Program

6411 DEA OFFICE OF DIVERSION CONTROL (OD)

6411.1 GENERAL. The mission and goals of DEA as they relate to the control of legally manufactured controlled substances are as defined in Chapter 50 of the DEA Diversion Investigators Manual. The DEA Office of Diversion Control (OD) is charged with managing the overall program.

6411.2 DIVERSION INVESTIGATORS (GS-1810). The 1810 Diversion Investigator workforce is responsible for initiating and developing investigations of suspect registrants as directed by the Diversion Investigators Manual. During the course of these investigations it may become necessary to use traditional enforcement actions. DEA policy prohibits Diversion Investigators from the following enforcement actions:

- A. Undercover activities of any kind.
- B. Executing arrest or search warrants. The 1810 Investigator may be present after the area has been secured to identify records, documents, or drugs.
- C. Conducting surveillance, either moving or stationary.
- D. Developing, directing, or paying informants. This does not deny the 1810 the ability to develop or receive information from registrants or drug industry officials who wish to lend their support to investigations or to provide information on diversion matters. An 1810 Diversion Investigator may accompany 1811 personnel in the debriefing of informants when such debriefing takes place in secure premises, i.e., DEA office, police station, etc.

6412 ENFORCEMENT SUPPORT OF DIVERSION CONTROL

6412.1 GENERAL. In support of diversion cases, DEA Special Agents (or State or local enforcement officers) will conduct the necessary enforcement actions.

6412.2 DEA FIELD RESPONSIBILITY. The responsibility for assuring that 1811 personnel are made available to conduct enforcement actions rests with field management. This does not preclude the use of State or local officers in joint cases where appropriate.

The following procedures will be used to coordinate enforcement actions which become necessary during the course of a diversion case.

A. The SAC or RAC, satisfied that the proposed enforcement actions are necessary, and that State or local officers in joint cases are unavailable or inappropriate, is responsible for assuring that adequate resources are made available to conduct these activities within the framework of existing resources and priorities.

B. The SAC or RAC will assign an 1811 group to conduct the enforcement activity. In offices where there is more than one

6612.31

circumstances of any nonmonetary assurance given. Also enter any procedural waivers pursuant to 6612.21. Use a white bond addendum sheet if additional space is needed.

E. For informants other than defendant/informants and restricted use informants, the approval of the immediate supervisor (items 63-65) is sufficient.

For defendant/informants and restricted-use informants, the additional approval of the SAC (or Country Attache) (items 66-68) is required. The SAC's (or Country Attache's) approval is also required where any establishment procedures were waived.

The re-establishment of an informant previously declared unreliable requires DO approval (request and response by teletype).

F. Attach a photograph and copies of written approvals, if any, to each copy of DEA Form 202.

6612.3 UTILIZATION OF INFORMANTS

6612.31 General Policies

A. Informants are assets of DEA, not a specific agent. At its discretion, DEA management may reassign an informant to the control of another agent or another office.

B. Agent/informant contacts will be of a strictly professional nature. Extrinsic social or business contacts are expressly prohibited.

C. Contacts with informants will be such that their knowledge of DEA facilities, operations, activities, and personnel is kept to the minimum necessary to their successful utilization.

D. At least two agents must be capable of contacting an informant. Whenever practical, two agents (or an agent and an officer of another enforcement agency) will be present at all contacts with the informant.

E. All significant contacts with the informant, and all information obtained at these contacts, will be documented in writing.

F. Informants (and sources of information) shall be advised at the outset that:

1. They shall not violate criminal law in furtherance of gathering information or providing services to DEA, and that any evidence of such a violation will be reported to the appropriate law enforcement agency.

2. They have no official status, implied or otherwise, as agents or employees of DEA.

3. The information they provide may be used in a criminal proceeding, and that, although DEA will use all lawful means to protect their confidentiality, this cannot be guaranteed.

4. It is a Federal offense to threaten, harass, or mislead anyone who provides information about a Federal crime to a Federal

6632.2

F. The duration of the order must not exceed 60 days. Should additional time be necessary, an extension may be applied for in no more than 60-day increments. The application for an extension need only meet the requirements for an original application as listed in paragraph D.

G. Upon obtaining the court order for the initial installation and for extension, the SAC/ASAC/RAC will submit a teletype to Headquarters, Investigative Support Section, subject: Installation of Telephone Decoder or Trap and Trace Device. The teletype should contain the following information:

1. File title, number, and G-DEP identifier.
2. Telephone number and listing.
3. Dates of court order and installation.
4. Number of days authorized.

H. The decoder may be installed in any convenient and secure location, including the field office itself. A copy of the court order should be served on the telephone company, who will furnish cable and pair information, as well as other assistance as directed by the court.

I. Paperwork provided by the telephone company on trap and trace information and the decoder's continuous strip of paper are to be handled and processed as documentary evidence. (See 6663.65.)

J. Field management must maintain careful administrative records on telephone lines leased for decoder operations, terminate these leases promptly when their usefulness is ended, and check telephone company bills for these lines to prevent improper charges.

K. In accordance with 18 USC 3125, an annual report on pen registers and trap and trace devices is required. The case agent is responsible for supplying to the respective Technical Operations Unit (either at the termination of the order or the end of the quarter) the DEA-477, Master Installation Record. This form will be initiated by the case agent in conjunction with the Technical Operations Unit. The case agent will be provided a copy of this form and is required to advise the technical group of any changes or updates.

The Technical Officer will submit the DEA-477 on a quarterly basis to the Investigative Support Section (OS). OS will prepare the annual report based on the quarterly report submissions.

6632.3 CONSENSUAL TELEPHONE INTERCEPTS

A. Consensual telephone intercepts are commonly used as a means of documenting a conversation between a suspect and the undercover agent (or informant). These intercepts require the prior approval of the immediate supervisor. Where circumstances preclude prior approval, the intercept may be conducted and subsequently reported to the immediate supervisor at the earliest practical time. No additional approvals are necessary.

B. Unless it is totally impractical, these intercepts will be recorded. Where recording is not possible, an agent should monitor the conversation from an extension telephone or some equivalent arrangement.

For recorded intercepts, it is generally sufficient to report the substance of a consensual intercept in a DEA Form 6, without having to transcribe the conversation. However, where the conversation is deemed to be of high significance to the investigation, it should be transcribed. Both the tapes and transcripts made of them will be handled as set forth in 6663.66.

C. Other than the above, no special reporting requirements apply to consensual telephone intercepts (e.g., DEA Forms 220, 220a, or 284).

6632.4 NONCONSENSUAL TELEPHONE INTERCEPTS. Interceptions of nonconsensual telephone communications (wire communications) are subject to the provisions of 18 USC 2510 et seq. (often referred to as Title III of the Omnibus Crime Control and Safe Streets Act of 1968, or simply as Title III). Title III prohibits all such intercepts except where authorized by a Court Order under strictly controlled circumstances. Deviation from the specified procedures may jeopardize the case, and potentially subject the agents to contempt proceedings and/or civil and criminal suits. Note that cellular telephone calls are protected as wire communications, but a Court Order is not required to monitor the radio portion of cordless telephone calls.

6632.41 Preliminary Planning and Evaluation. Where the use of a wire intercept is being contemplated, the following factors will be considered.

A. It is necessary that a particular telephone (or several particular telephones) is being used to transact illicit drug business. This is most often verified by toll checks, and a short-term decoder on the telephone in question. Further verifications should be obtained by the undercover agent (or informant) contacting the violator at the telephone in question to measure the extent of the violator's use of this telephone. There are two blanket circumstances under which a Title III intercept will not be approved:

1. Where the objective is to obtain additional evidence of an offense for which the subject has already been arrested and/or indicted (unless the objective is to obtain evidence of a different offense).

2. Where the circumstances are such that a substantial number of "privileged" communications will likely be intercepted. (This restriction does not apply, however, to situations where privileged communications may by chance occur, or to situations in which the spouse, attorney, physician, or clergyman is a party to the offense.)

B. There is an extraordinary exception to this particular requirement. Where it is shown that a target is thwarting