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**FEDERAL BUREAU OF INVESTIGATION**

# [Redacted]

Precedence: ROUTINE

Date: 12/19/2005

Doc [Redacted] b2

(S) To: General Counsel  
Inspection  
Counterterrorism

Attn: NSLB  
Attn: Internal Investigations  
Attn: [Redacted] UC [Redacted]  
b1

From: [Redacted] RA

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT b2  
WHERE SHOWN OTHERWISE b6

Contact: SA [Redacted] b7C

Approved By:

[Redacted]

DATE: 06-29-2007  
CLASSIFIED BY: 65179/DMH/KSP/RM  
REASON: 1.4 (c)  
DECLASSIFY ON: 06-29-2032 b7E

Drafted By:

(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO (Pending) -1109 1073946

(U) Title: ~~(S)~~ Possible Intelligence Oversight Board Matter SA [Redacted] b6  
b7C

(U) Synopsis: ~~(S)~~ To provide information relating to a potential IOB matter.

(U) ~~(S)~~ Derived From: G-3  
Declassify On: X1

Details: (S)

[Large Redacted Block]

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*Miller 4/5/06*

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*kas 01/26/06*

b6  
b7C 263-O-U-44  
NSL VIO-4597

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To: General Counsel

Attn: NSLB

Inspection

b2

(U)

From: [redacted]

Re: ~~(S)~~ 278-HQ-C1229736-VIO, 12/19/2005

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(U)

~~(S)~~ On December 5, 2005 at 12:27pm SA [redacted] received an e-mail from [redacted] containing two internet links. The specific text of the e-mail was:

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~~SECRET//ORCON,NOFORN  
RECORD 315N~~

To download the message on this link

(S)

[redacted]

And

(S)

[redacted]

b1

Enjoy!

Thanks

[redacted]

b6

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~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations  
DECLASSIFICATION EXEMPTION 1  
SECRET//ORCON,NOFORN~~

~~(S)~~ SA [redacted] did not know the context of the links he received or the content they might contain. SA [redacted] used a secure computer and network to access both of the above listed sites.

(S)

[redacted]

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~~SECRET~~

To: General Counsel

Attn: NSLB

Inspection

b2

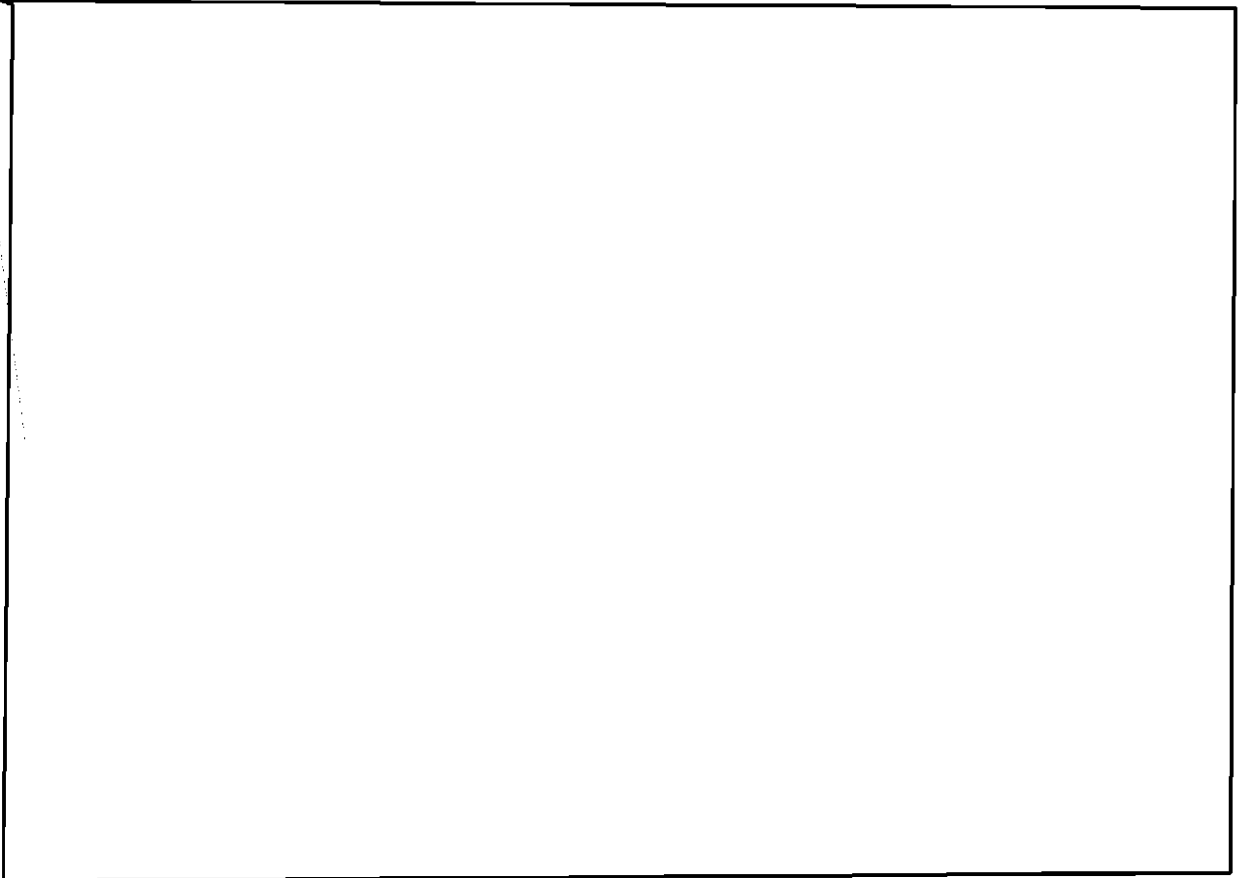
From: [redacted]

Re: ~~(S)~~ 278-HQ-C1229736-VIO, 12/19/2005

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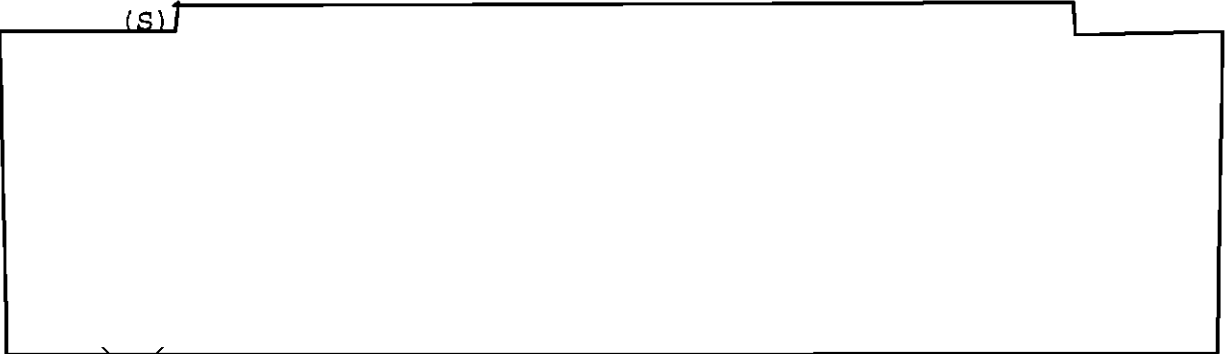
(U)

(S)



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(S)



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~~(S)~~ The second link resolved to an image. From the link provided, the resulting file purported to be an image file, specifically a JPG file.

(S)



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~~SECRET~~

To: General Counsel

Attn: NSLB

Inspection

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From: [redacted]

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Re: ~~(S)~~ 278-HQ-C1229736-VIO, 12/19/2005

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(S)

[redacted]

(S)

(S)

[redacted]

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~~(S)~~ After speaking with [redacted] Office of the General Counsel, National Security Law Branch, SA [redacted] was informed that viewing the second link was perfectly acceptable and no issues existed. Furthermore, [redacted] advised [redacted]

(S)

[redacted]

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~~SECRET~~

To: General Counsel

Attn: NSLB

Inspection

b2

From: [REDACTED]

b7E

Re: ~~(S)~~ 278-HQ-CI229736-VIO, 12/19/2005

(U)

LEAD(s):

Set Lead 1: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) NSLB is requested to review the above captioned matter.

Set Lead 2: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) Inspection is requested to review the above captioned matter.

Set Lead 3: (Info)

COUNTERTERRORISM

AT WASHINGTON, DC

(U) Read and clear.

◆◆

~~SECRET~~

~~SECRET//ORCON/NOFORN~~

**FEDERAL BUREAU OF INVESTIGATION**

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**Precedence:** ROUTINE

**Date:** 3/13/2006

(S)

**To:** [redacted]  
Counterterrorism  
Inspection

**Attn:** CDC [redacted]  
**Attn:** CTD/CSX [redacted]  
**Attn:** IIS SC Toni Fogle

**From:** General Counsel  
National Security Law Branch/CTLU 1/LX-1 3S-100  
**Contact:** [redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**Approved By:** Thomas Julie F  
[redacted]

DATE: 06-29-2007  
CLASSIFIED BY: 65179/DMH/RSP/RW  
REASON: 1.4 (c)  
DECLASSIFY ON: 06-29-2032

(U)

**Drafted By:** [redacted]

**Case ID #:** (S) 278-HQ-C1229736-VIO - 1233

**Title:** (U) Intelligence Oversight Board  
(IOB) Matter 2006 [redacted]

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(U)

**Synopsis:** (S) It is the opinion of the Office of the General Counsel that the above referenced matter must be reported to the Intelligence Oversight Board (IOB) and referred to the Inspection Division, FBIHQ. OGC will prepare and deliver the required correspondence to the IOB. Our analysis follows.

(U)

(S) ~~Derived From: G-3  
Declassify On: X1-25~~

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**Reference:** (S) [redacted]

**Administrative:** (U) This communication contains one or more footnotes. To read the footnotes, download and print the document in Corel WordPerfect.

(U)

**Details:** (S) By electronic communication (EC) dated December 19, 2005 (278-HQ-C1229736-VIO Serial 1109), the [redacted] Division, reported to the Inspection Division (Inspection) and the Office of the General Counsel (OGC) this potential IOB matter. [redacted] requested that OGC review the facts of the captioned matter and determine whether it warrants reporting to the IOB. In our opinion, this matter requires reporting. Our analysis follows.

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~~SECRET//ORCON/NOFORN~~

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OIG/DOJ REVIEW: [redacted]  
NSL VIO 1603  
FBI INVESTIGATION  
OIG/DOJ INVESTIGATION  
DATE: 3/27/06  
(m)

(U)

To: [redacted] From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/13/2006

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[redacted]

(S//OC/NF) On December 5, 2005, SA [redacted] assigned on a 90-day TDY to Counterterrorism Division (CTD),

(S)

[redacted]

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[redacted]

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[redacted]

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To: [redacted] From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/13/2006

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(U)

[redacted] (S//OC/NF)  
[redacted] He promptly contacted NSLB regarding this matter.

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~~(S//OC/NF)~~ Later on December 5, 2005 NSLB made the initial determination that [redacted]

(S)

[redacted] The CDROM copy of the information was subsequently sequestered, and all individuals receiving the file were told to sequester the information. [redacted]

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(C)

[redacted]

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[redacted] (S//OC/NF)  
[redacted]

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~~(S)~~ As required by Executive Order (E.O.) 12863 (Sept. 13, 1993) and Section 2-56 of the National Foreign Intelligence Program Manual (NFIPM), OGC was tasked to determine whether the [redacted]

(S)

[redacted] matters that should be reported to the IOB. We believe that the reported activity requires IOB notification.

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(U) Section 2.4 of E.O. 12863 mandates that the heads of Intelligence Community components report all information to the IOB that it deems necessary to carry out its responsibilities. That section requires Inspectors General and General Counsel of the Intelligence Community to report "intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive." This language has been interpreted to mandate the reporting of any violation of guidelines or regulations approved by the Attorney General, in accordance with E.O. 12333, if such provision was designed in full or in part to protect the



To: [redacted] From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/13/2006

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individual rights of a United States person. This includes violations of agency procedures issued under E.O. 12333, unless they involve purely administrative matters.<sup>1</sup> The Office of the General Counsel (OGC) submits reports to the IOB.<sup>2</sup>

~~(S)~~ The Attorney General's Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations (NSIG) provide that [redacted]

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(S)

[redacted] NSIG (Introduction) at 4.

(U) Title 18, United States Code, Section 2511(2)(f) states that the procedures contained in the FISA and Title III of the 1968 Omnibus Crime Control Act (as amended by the Electronic Communications Privacy Act) "shall be the exclusive means by which electronic surveillance . . . and the interception of domestic wire and oral communications may be conducted." Additionally, Section 2.5 of E.O. 12333 provides that, "[e]lectronic surveillance, as defined in the Foreign Intelligence Surveillance Act of 1978, shall be conducted in accordance with that Act, as well as this Order." Under Title 50, United States Code, Section 1802(b), the FISC is authorized to grant an order approving the electronic surveillance of a foreign power or an agent of a foreign power for the purposes of obtaining foreign intelligence information. Under the pertinent FISA definition, the term "electronic surveillance" means "the acquisition by an electronic, mechanical, or other surveillance device of the contents of any wire or radio communication to or from a person in the United States, without the consent of any party thereto, if such acquisition occurs in the United States." 50 U.S.C. § 1801(f)(2).

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[redacted]

<sup>1</sup> (U) The FBI is required to maintain for three years records of administrative violations, for possible review by the Counsel to the IOB, together with a copy of the opinion concerning the basis for the determination that IOB notification was not required.

(U)

<sup>2</sup> ~~(S)~~ See EC from Inspection Division to All Divisions; Title: Revised Procedures for the Submission of Reports of Potential Intelligence Oversight Board (IOB) Matters, Case ID # 66F-HQ-A1247863 Serial 172 at 4 (2/10/2005).

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To: [redacted] From: General Counsel  
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/13/2006

(U) While neither the subject of the investigation, nor the sender of the email are US-PERS, because the server is located in the United States, Fourth Amendment protections apply. As stated above, NSLB's initial determination was that the file could not be viewed without an additional court order because of the password protection used on this US based server. Decisional law supports our initial determination. In *Trulock v. Freeh*, 275 F.3d 391 (4th Cir. 2001) the United States Court of Appeals for the Fourth Circuit held that opening password-protected files went beyond the scope of a consent search of a residence which had been provided by the accused's roommate. The Circuit Court analogized password-protected files to a locked footlocker inside the bedroom. While a roommate could consent to the search of the bedroom, or of a shared computer, he could neither consent to the search of a locked footlocker nor of any password-protected files on the computer. *Id.* at 403. See also \_\_\_ F. Supp. at \_\_\_, 2006 WL 23445 (W.D. Va 2006).

(S) [redacted]

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[redacted] See National Foreign Intelligence Program Manual (NFIPM) Section 2-56.G.1. In accordance with the reporting requirements of Section 2.4 of E.O. 12863, the error must be reported to the IOB. OGC will prepare appropriate correspondence to report this matter to the IOB.

(S) It is noted that [redacted] consulted with NSLB and OIPR to ensure that the overcollected material was properly sequestered, and [redacted] sequestered the data to prevent its use or further dissemination

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(S) [redacted]

(U) ~~(S)~~ OGC is required to report this matter to the IOB in accordance with E.O. 12863 and Section 2-56 of the NFIPM. OGC will prepare and deliver the required correspondence.

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(U) To: [redacted] From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 3/13/2006

LEAD(s):

Set Lead 1: (Action)

COUNTERTERRORISM

(S)

AT CSX [redacted]

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(U)

~~(S)~~ COUNTERTERRORISM is requested to ensure that the unauthorized overcollection as described in 278-HQ-C1229736-VIO Serial 1109 is forwarded utilizing the appropriate chain of custody to the Office of Intelligence Policy and Review, Department of Justice, ATTN: [redacted] 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530.

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Set Lead 2: (Info)

[redacted]

AT [redacted]

(U) Read and clear.

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Set Lead 3: (Discretionary)

INSPECTION

AT WASHINGTON, DC

(U) For review and action deemed appropriate.

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# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 04/13/2006

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room 11865

**Contact:** UC [redacted] Ext. [redacted]

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**Approved By:** Miller David *DM*

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 06-29-2007 BY 65179/DMH/KSR/RW

**Drafted By:** [redacted] *ks*

**Case ID #:** (U) 278-HQ-C1229736-VIO (Pending)

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 1622  
OGC/IOB# 2006-[redacted]

b2

**Synopsis:** (U) To report a potential Intelligence Oversight Board (IOB) matter to the Office of General Counsel, National Security Law Branch (NSLB).

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1109

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 12/19/2005, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the matter described therein is not indicative of willful misconduct. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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~~SECRET~~/ORCON/NOFORN

# FEDERAL BUREAU OF INVESTIGATION

Precedence: PRIORITY

Date: 03/20/06

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To: [Redacted]  
Counterterrorism  
Inspection

Attn: SAC  
CDC  
Attn: ITOS I / CONUS IV  
SSA [Redacted]  
Attn: IIS [Redacted]

From: General Counsel  
NSLB/CTLU I/Room [Redacted]  
Contact: [Redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Approved By: Thomas Julie F

Drafted By: [Redacted] rm

Case ID #: (U) 278-HO-C1229736-VIO (Pending) 1273

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(S) ~~(U)~~ [Redacted]  
~~(U)~~ 278- [Redacted] 33854-VIO (Pending)

Title: (U) REPORT OF POTENTIAL INTELLIGENCE  
OVERSIGHT BOARD (IOB) MATTERS  
INTELLIGENCE OVERSIGHT BOARD CONTROL  
[Redacted] DIVISION  
IOB 2006- [Redacted]

DATE: 06-29-2007  
CLASSIFIED BY 65179/DML/KSR/RM  
REASON: 1.4 (c)  
DECLASSIFY ON: 06-29-2032

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(U) ~~(S)~~ Synopsis: It is the opinion of the Office of General  
Counsel (OGC) that the above referenced matter must be reported  
to the Intelligence Oversight Board (IOB) and to the FBI  
Inspection Division, Internal Investigations Section. Our  
analysis follows.

(U) ~~(S)~~ Derived From: G-3  
Declassify On: X1

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(U) Reference: (S) 278-HO-C1229736-VIO  
[Redacted]

Details: (S) [Redacted]  
Court (FISC) [Redacted]

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~~SECRET~~/ORCON/NOFORN

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OIG/DOJ REVIEW  
FBI INVESTIGATION  
OIG/DOJ INVESTIGATION

DATE: 4/6/06

NSL 10-1608

*downloaded  
04/05/06  
kaw*

To: [redacted] From: General Counsel  
Re: (U) 278-HQ-C1229736, 03/20/06

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(S)

[redacted], as that

(S)

term is used in the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG or "the Guidelines").<sup>1</sup>

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[redacted]

[redacted]

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The results of the [redacted] were not entered into any FBI computer systems. [redacted] forwarded the incorrect disk and printouts to USDOJ Office of Intelligence Policy and Review for disposition.

(U)

(S) Consistent with the requirements of Executive Order (E.O.) 12863 and Section 2-56 of the National Foreign Intelligence Program Manual (NFIPM), OGC was tasked to determine whether the surveillance error described here is a matter which must be reported to the IOB. We conclude that it must. Section 2.4 of E.O. 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division, and the General Counsel, OGC, respectively) report to the IOB all information "concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive."

(U)

(S) A "United States person" is defined in section II.W of the Guidelines as "an individual who is . . . [a] United States citizen . . . or . . . a permanent resident alien . . . ." This regulatory definition is based on the definition of a "United States person" as that term is used section 101(i) of the Foreign Intelligence Surveillance Act (FISA), 50 U.S.C. § 1801 et seq. The latter states, in pertinent part, that a "United States person" means a citizen of the United States [or] an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Naturalization Act) . . . ."

~~SECRET~~/ORCON/NOFORN

To: [redacted] From: General Counsel  
Re: (U) 278-HQ-C1229736, 03/20/06

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(U) Title 18, United States Code, Section 2511(2)(f) states that the procedures contained in the FISA and Title III of the 1968 Omnibus Crime Control Act (as amended by the Electronic Communications Privacy Act) "shall be the exclusive means by which electronic surveillance . . . and the interception of domestic wire and oral communications may be conducted." Additionally, Section 2.5 of E.O. 12333 provides that, "[e]lectronic surveillance, as defined in the Foreign Intelligence Surveillance Act of 1978, shall be conducted in accordance with that Act, as well as this Order." Under Title 50, United States Code, Section 1802(b), the FISC is authorized to grant an order approving the electronic surveillance of a foreign power or an agent of a foreign power for the purposes of obtaining foreign intelligence information. Under the pertinent FISA definition, the term electronic surveillance means, "the acquisition by an electronic, mechanical, or other surveillance device of the contents of any wire communication to or from a person in the United States, without the consent of any party thereto, if such acquisition occurs in the United States..." 50 U.S.C. § 1801(f)(2).

(S) In this instance, it is clear that as a consequence of an error on the part of a communications carrier, the FBI unintentionally obtained wire communications not authorized [redacted]. Even though [redacted] was diligent in its discovery of the carrier's error, the surveillance that did occur was not authorized [redacted].

(C) Consequently, in accordance with E.O. 12863 and Section 2-56 of the NFIPM, the error must be reported to the IOB, which this Office will do. OGC will prepare an appropriate cover letter and an LHM for the Deputy General Counsel to report this matter to the IOB.

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~~SECRET~~/ORCON/NOFORN

To: [redacted] From: General Counsel  
Re: (U) 278-HQ-C1229736, 03/20/06

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**LEAD(s) :**

**Set Lead 1: (Discretionary)**

[redacted]

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AT [redacted]

(U)

~~(S)~~ Coordinate with FBIHQ, the Counterterrorism Division, ITOS I, CONUS IV, to ensure that all recordings, log sheets and memoranda of any kind related to the unauthorized ELSUR are collected, sequestered, sealed and delivered to CONUS IV for submission to the Office of Intelligence Policy and Review, Department of Justice, for destruction.

**Set Lead 2: (Discretionary)**

INSPECTION

AT WASHINGTON, DC

(U) For appropriate action.

**Set Lead 3: (Info)**

COUNTERTERRORISM

AT WASHINGTON, D.C.

(U) For information only.

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# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 04/13/2006

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room [redacted]

**Contact:** UC [redacted] Ext. [redacted]

**Approved By:** Miller David *[Signature]*

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**Drafted By:** [redacted] *[Signature]*

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 06-29-2007 BY 65179/DMH/KSR/RJ

b7C

**Case ID #:** (U) 278-HQ-C1229736-VIO (Pending)

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 1746  
OGC/IOB# 2006-[redacted]

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**Synopsis:** (U) To report a potential Intelligence Oversight Board (IOB) matter to the Office of General Counsel, National Security Law Branch (NSLB).

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1273  
278-HQ-C1229736-VIO Serial 1036

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 10/24/2005, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the matter described therein is not indicative of willful misconduct. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 04/13/2006

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section IPU, Room 11865

**Contact:** UC [redacted] Ext. [redacted]

**Approved By:** Miller David *[Signature]*

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**Drafted By:** [redacted] *[Signature]*

**Case ID #:** (U) 278-HQ-C1229736-VIO (Pending)

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 1762  
OGC/IOB# 2006-[redacted]

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**Synopsis:** (U) To report a potential Intelligence Oversight Board (IOB) matter to the Office of General Counsel, National Security Law Branch (NSLB).

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1251  
278-HQ-C1229736-VIO Serial 1112

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 12/14/2005, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the matter described therein is not indicative of willful misconduct. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 06-29-2007 BY 65179/DMH/KSR/RW

~~SECRET~~

# FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/14/2006

To: [Redacted]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: CRS [Redacted] Ext. [Redacted]

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b7E (SP/RM)

Approved By: Miller David *[Signature]*

DECLASSIFIED BY 6517  
ON 06-29-2007

Drafted By: [Redacted]

✓ Case ID #: (U) 263-HQ-0-U - 417 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 1762  
OGC/IOB# 2006-[Redacted]

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Synopsis: (U) To advise that captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This matter is returned to the field for corrective action as appropriate. Case closed at IIS.

(U)

~~(S)~~

~~Derived From : G-3  
Declassify On: X1~~

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1112

Reference: (U) 278-HQ-C1229736-VIO Serial 1251  
278-HQ-C1229736-VIO Serial 1112

Details: (U) Upon review of [Redacted] Division's captioned report of a potential IOB violation, IIS did not find the matter indicative of willful misconduct. IIS only addresses allegations where deliberate and/or aggravated misconduct is evident.

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(U) IIS views this matter as a possible performance related issue with respect to the employee and respective supervisor. Therefore, appropriate action relative to this matter is left to the discretion of the division. IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 03/18/2005 (319X-HQ-A1487720 serial 6).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

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# FEDERAL BUREAU OF INVESTIGATION

**Precedence:** ROUTINE

**Date:** 04/13/2006

**To:** General Counsel

**Attn:** NSLB

**From:** Inspection

Internal Investigations Section, IPU, Room 11865

**Contact:** UC [redacted] Ext. [redacted]

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**Approved By:** Miller David *DM*

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 06-29-2007 BY 65179/DNH/KSR/RM

**Drafted By:** [redacted]

**Case ID #:** (U) 278-HQ-C1229736-VIO (Pending)

**Title:** (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 1772  
OGC/IOB# 2006 [redacted]

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**Synopsis:** (U) To report a potential Intelligence Oversight Board (IOB) matter to the Office of General Counsel, National Security Law Branch (NSLB).

**Reference:** (U) 278-HQ-C1229736-VIO Serial 1269  
278-HQ-C1229736-VIO Serial 1117

**Details:** (U) The Internal Investigations Section (IIS) received an EC from [redacted] Division dated 11/17/2005, reporting a possible IOB error. Based upon a review of the referenced EC it is the IIS's opinion the matter described therein is not indicative of willful misconduct. Therefore, no internal investigation will be conducted by the IIS and this matter is being relegated to the NSLB for whatever action they deem appropriate.

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# FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 04/14/2006

To: [redacted]

Attn: SAC (Personal Attention)

From: Inspection

Internal Investigations Section, IPU, Room 11865

Contact: CRS [redacted] Ext. [redacted]

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Approved By: Miller David *DM*

DECLASSIFIED BY: 65179/DMH/KSP/RN  
ON 06-29-2007

Drafted By: [redacted]

✓ Case ID #: (U) 263-HQ-0-U - 419 (Pending)

Title: (U) INTELLIGENCE OVERSIGHT BOARD MATTER  
INSD/IIS TRACKING# 1772  
OGC/IOB# 2006 [redacted]

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Synopsis: (U) To advise that captioned reporting of potential Intelligence Oversight Board (IOB) violation has been reviewed by the Internal Investigations Section (IIS), and is not considered willful misconduct. This matter is returned to the field for corrective action as appropriate. Case closed at IIS.

(U)

~~(S) Derived From: G-3  
Declassify On: X1~~

Enclosure(s): (U) 278-HQ-C1229736-VIO Serial 1117

Reference: (U) 278-HQ-C1229736-VIO Serial 1269  
278-HQ-C1229736-VIO Serial 1117

Details: (U) Upon review of [redacted] Division's captioned report of a potential IOB violation, IIS did not find the matter indicative of willful misconduct. IIS only addresses allegations where deliberate and/or aggravated misconduct is evident.

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(U) IIS views this matter as a possible performance related issue with respect to the employee and respective supervisor. Therefore, appropriate action relative to this matter is left to the discretion of the division. IIS recognizes and appreciates that this matter was brought to our attention as required by the revisions mandated by National Security Law Branch/OGC EC, dated 03/18/2005 (319X-HQ-A1487720 serial 6).

THIS EC IS UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE.

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FEDERAL BUREAU OF INVESTIGATION  
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Page 22 ~ Duplicate

Page 23 ~ Duplicate

Page 24 ~ Duplicate

Page 25 ~ Duplicate

Page 26 ~ Duplicate

Page 27 ~ Duplicate

Page 28 ~ Duplicate

Page 29 ~ Duplicate

Page 30 ~ Duplicate

Page 32 ~ Duplicate

Page 33 ~ Duplicate

Page 34 ~ Duplicate

Page 35 ~ Duplicate

Page 36 ~ Duplicate

Page 37 ~ Duplicate

Page 38 ~ Duplicate

Page 39 ~ Duplicate