



SUE the
FED



hack your
FBI
FILE



1

- Freedom Of Information (FOIA) and Public Record Act (PRA) Requests
 - General Information About How To Make A Request
 - Making Requests About Yourself (Privacy Act)
- FBI
 - How understanding emerging data structures used for file/dossier management improves your request.
 - Older data structures
 - Newer and emerging data structures

The Training Resource On My Website Covers

➤ Part 1: Drafting A Request

- Selecting topics and agencies and types of records requested.
- Best practices for drafting request content and format.
- Fees & Waivers.
- Timelines, Anticipated Responses, Appeals, Tracking.
- Exceptions/Exemptions/Exclusions.

➤ Part 2: FBI Data Structures

- Systems
 - CRS > ACS (UNI, IDM, ECF)
 - Sentinel (ECF)
 - DIVS
- Indexing (Main File, Cross Reference)(Universal Case File Number)

Before You Start

Plan to Mitigate Risk

- If you are worried about contacting the agency directly, you want to have one person who can submit things for you for the duration of the process.
 - If this person is a journalist or public interest group, it can help you get fees waived.
 - This person is likely protected from disclosing who is behind the request.
 - Notably, people can request other peoples' FOIA requests. So if you are an activist working against a company, that company can get your request. If you are a journalist, other journalists can get it. On July 10 the federal government began a "release to one, release to all" program to simultaneously release FOIA disclosures at 5 agencies.
- The FBI opens a FOIA specific file for you when you file a request, so by virtue of filing a FOIA the FBI will maintain a file on you. It is supposedly segregated from investigative files.
 - There is at least one example of an FBI agent visiting someone and mentioning the person's FOIA as part of the reason for a visit.

Before You Start

Learn the bureaucracy & prepare to out bureaucrat the staff.

- To win records, or preserve your right to sue, you need a good calendar system, a good method for tracking certified mail, and a good filing methods to keep a chronologically ordered set of hard copy and electronic documents.

Be Prepared

- You want to list an address that will be checked regularly, and consistent for a few years.
- Time is of the essence, so you need a way to check and respond to mail quickly.
- Be prepared to file an appeal or a lawsuit within 20 days. Have it ready to go in the event you don't get a response. A suit can be a short cut around an appeals process that can take months or years. You can win costs & attorneys' fees if you win the suit. Acting quickly is one way to help you win.

How Understanding FBI Data Structures Gets You A Better Response

You Need to Know How to Out Design the FBI's Search

- The FBI designed its FOIA process and standard search in ways that guarantees it will not locate records.
- However it designs systems for field agents to perform complex searches for records in non-FOIA contexts.
- Design your request to convince a court that the FBI should search using the most powerful methods instead of the standard methods.

Be Strategic

- The FBI is a secret organization. It wants to keep its files secret.
- Perform thorough research on the agency and request topic before you submit the request. You only get one bite at the apple before you have to start over. It is hard to appeal things that you didn't include in the first letter (such as information you learn about later). You want to write your first request as if a lawyer wrote it if you are hoping to "preserve" anything for litigation.

How Understanding FBI Search Processes Gets You A Better Response

If you want a search that goes beyond a basic search you will probably have to sue.

- Initially the FBI only searches the Central Records System (CRS) using the Universal Name Index (i.e. more than just searching if there is a main file indexed to your name because you were of ongoing investigative interest but the case is closed).
- Upon filing a suit the FBI is likely to search:
 - Using UNI –cross referenced files and not just the main file
 - Ex: This would be like opening a file folder that was indexed to someone else's name, and finding the documents about you.
 - Ex: Your name would be in the text of an email, but not the subject line.
- If you litigate the suit for a while, the FBI may search other data sources:
 - ELSUR (Electronic Surveillance)
 - Sentinel
 - Other places you justify searching with your thorough research

How Understanding FBI Data Structures Gets You A Better Response

Don't write an
“any and all”
request

- Once you know how the FBI structures its files you know why you need to be specific. (see longer guide caitlinkellyhenry.com/foia)

Be Specific

- The FBI uses one system to respond to FOIA requests unless the requester specifies otherwise (UNI>ACS>CRS).
- FBI staff went to Congress for money for non-FOIA systems because finding records in the ACS/CRS system was like “finding a needle in a haystack.”
- FBI field agents and staff use other data systems (Sentinel, DIVS) for day to day field work because those systems are likely to find records, unlike the FOIA system.

How Indexing Works

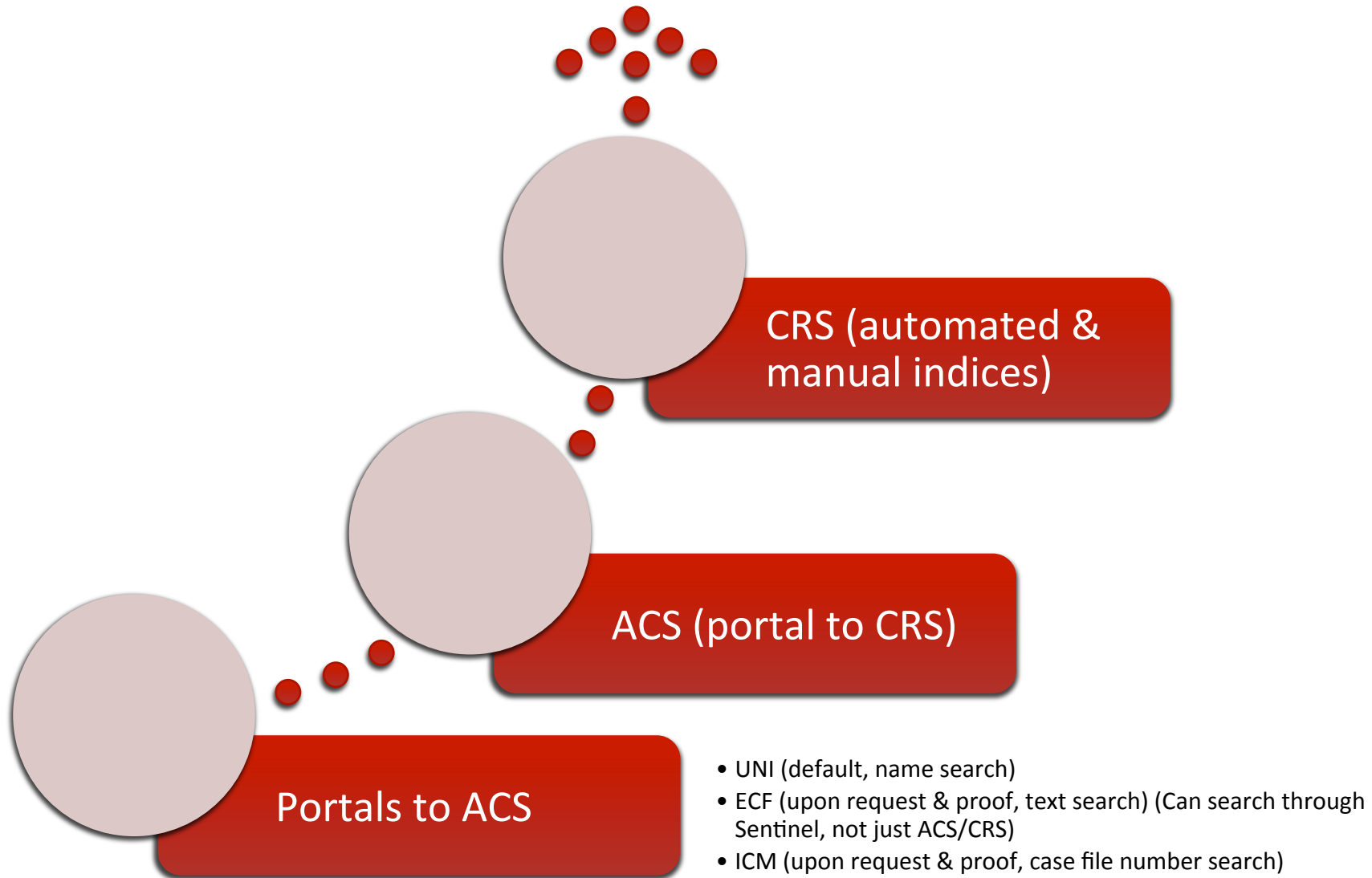
UCFN (Universal Case File Number) Indexing System

- Used to search ICM. Also good to cross reference to find more files after initial disclosures.

- Ex 111-HQ-12345
 - 111 is classification of the type of investigation (each federal crime corresponds to a different code)
 - HQ is the abbreviated form of the Office of Origin “OO” (field office that opened the case, whereas field offices that receive leads from the “OO” are called Lead Offices “LO”).
 - 12345 Is the individual case file number for the particular investigation. This is followed by a serial number, as each document in the file is chronologically serialized.

How Indexing Works

- For A Default Search of the Central Records System (CRS)
 - Access is through the General Indices
 - These are arranged in alphabetical order.
 - The indices are either
 - Manual - Paper **index cards** searched **manually** or
 - Automated – Electronic indices.
 - A default search is Via ACS (through UNI, ICM, ECF)
 - You can also request a special search through Sentinel, DIVS, or other data warehouses.
 - CRS Entries are either
 - Main File
 - Cross Reference



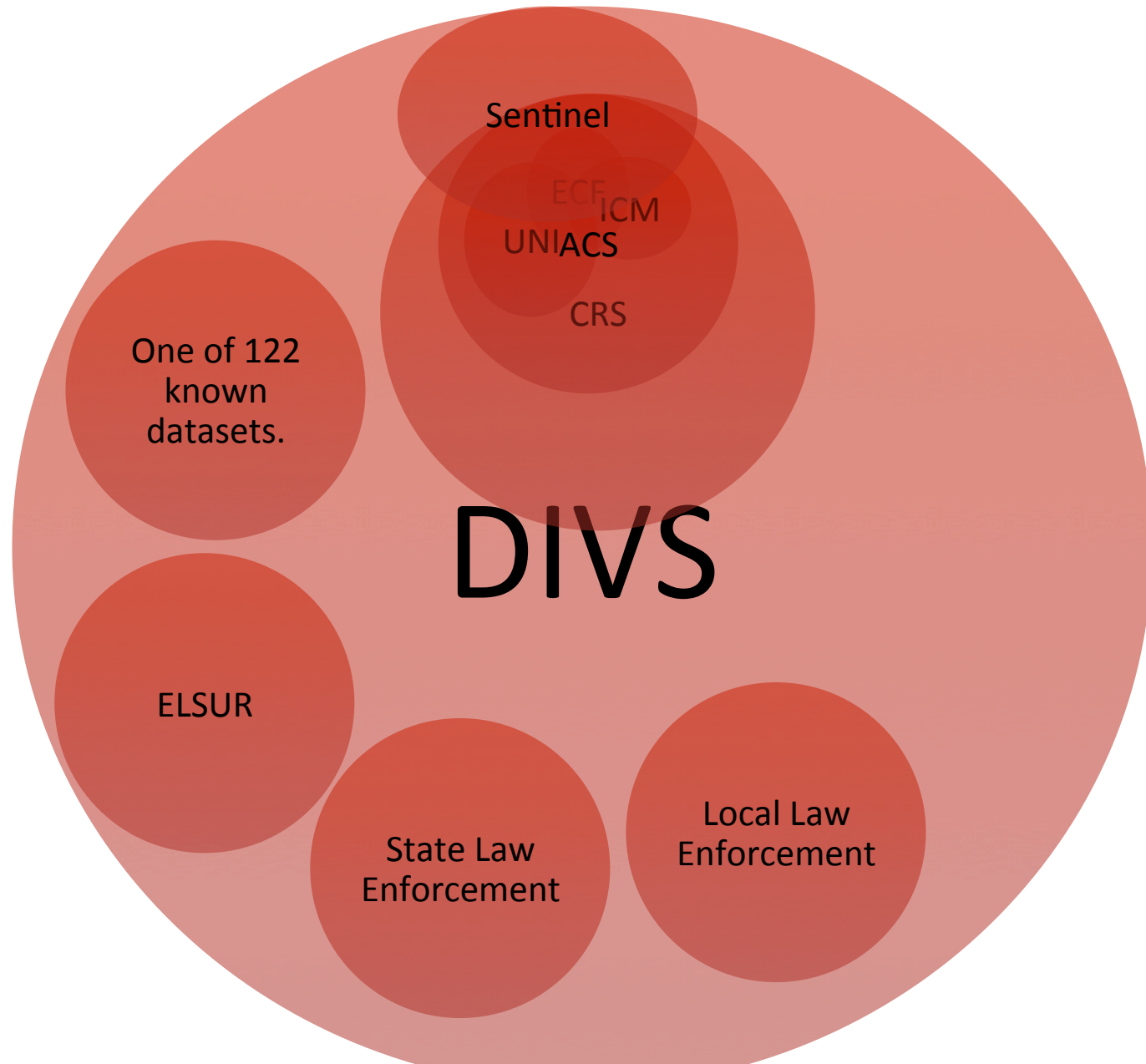
at 3, 5.) As one former FBI executive explained at a Congressional hearing in 2002, “there’s no mouse, there’s no icon, there’s no year 2000 look to it, it’s all very keyboard intensive.” (Ex. 14 at 15.) According to the FBI’s former Chief Technology Officer, Jack Israel, ACS is “based on old technology . . . you’re dealing with the old IBM green screens. You’re not dealing with a web-based environment, which every one is used to from the Internet.” (Ex. 5 at 3.)

Image of ACS “Portal” Terminal



Example of an IBM 3270 “Green Screen” Terminal

The DOJ OIG concluded that there were “national security implications because the



Describing Where the FBI Should Search and What It Should Search For

➤ Name Search

- The FBI default search (UNI) is only a name search. You must affirmatively request other types of searches and give enough facts/argument to justify why the FBI should perform the search.
- Typically the FBI searches name variations in conjunction with other identifiers such as DOB, SSN, residence.

➤ Full Text Search

- They're unlikely to do this in response to your initial request, but you should ask to preserve it for appeal/litigation.

➤ Key Word Search

- They're unlikely to do this in response to your initial request, but you should ask to preserve it for appeal/litigation.

Types of Records FBI Creates & Maintains

Specify type. Would records be...

- Emails
- Complaint Forms
- Memorandum of Investigation
- Field Notes
- Report of Investigation
- Field Operation Worksheets
- Arrest Reports
- Agent's notes
- Arrest Evaluations
- Investigation

- Specify that you want records maintained in any form
 - Including multimedia and electronic records
 - Including paper notes
- Specify the format you would like to receive records in
 - If they're electronic, ask for a CD

Places to Search – Sentinel

Sentinel

- Newer “Portal” to search CRS, it appears to now be used to perform ECF text searches (see full FOIA guide).
- Can search indexed identifiers: persons, organizations, locations, incidents, property, & communication accounts.
- Built with a search function that has the ability to limit searches to specific cases and sub-files contained within a case.
- Can use Boolean terms and connectors.

Places to Search - DIVS

- Deployed in October 2010
- Provides a one-password, access-controlled, integrated search capability.
- Examines relationships and makes connections across large amounts of data.
- Does not aggregate or convert data; instead, it creates and searches a massive index of the content of the included databases.
- Searches across more than 122 (as of Spring 2015) FBI and non-FBI STAS plans to expand the reach to FBI and other U.S. Intelligence Community, law enforcement, and public data sets. Based on **voluntary contributions of state, local, and federal**, Intelligence Community (IC) and Law Enforcement (LE) data repositories.
- **Its Google-like interface** returns results from each database. When the user selects a return for review, DIVS **opens that file in its native database.**

-Example of why you have to specify where the FBI should search.

-You don't want to be limited to a "standard search" (UNI/CRS).



Special Cases

When would I not use a standard search (as outline above)?

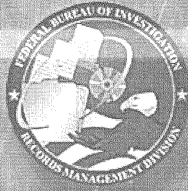


Special Cases

FBI Internal Training

Discovered in FOIA Suit
Colgan v. Department of Justice
14-00740 D.D.C. Filed
4/14/2014

- Short answer is - we go where the request takes us.
- If it is not an "any and all" request, we search (or don't search) based on information provided.

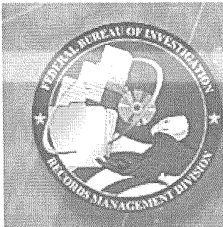


ECF Searching

When should an ECF search be performed?

- The request is for a very specific item that was not located during an ACS search.
- Cases marked High-Visibility HVS
- When directed by your supervisor

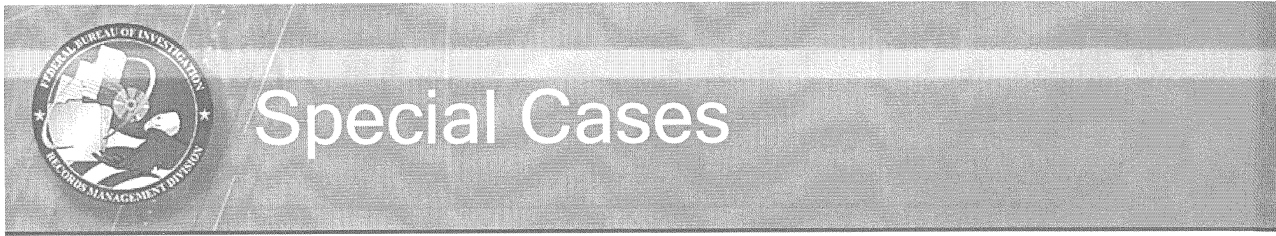
FBI Internal FOIA Search Training Manual Released In FOIA Case



Special Cases

- Examples of information that merits deviation:
 - Specific crimes or reasons for investigative interest
 - Specific locations of criminal activity
 - Specific file numbers, even if FO is not the receiver of the FOIA request

FBI Internal FOIA Search Training Manual Released In FOIA Case



- Examples of information that **does not** merit deviation:
 - List of previous addresses
 - Requests to “search all/specific field offices” without supporting details
 - Requests to “search for all cross-references” without supporting details

FBI Internal FOIA Search Training Manual Released In FOIA Case



What is ACS?

Automated Case System

- System used to search for information located within the FBI's Central Records System (CRS) by name or case ID through use of the universal index (UNI).
- Certain requests may require a specialized search in ACS by a search term through the use of Electronic Case File (ECF).

FBI Internal FOIA Search Training Manual Released In FOIA Case



ECF Searching

When should an ECF search be performed?

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FBI Internal FOIA Search Training Manual Released In FOIA Case



ECF Searching in Sentinel

What do I enter in the search box?

ECF Search Filters

Advanced search filters help you narrow the number of search results that will be returned from an *ECF Search*. *These filters will search for documents or serials by matching specific items to the related field.*

Procedures:

- Click the **search box**.
- Enter search text and hit enter or click the search arrow.
- Click the "look up" icon to display a list of attributes that can be searched for and select one of them.
- Once the search box appears at the top of the page, you can select **ADVANCED SEARCH** to narrow the search parameters.
- Combine search terms with search (Boolean) operators.

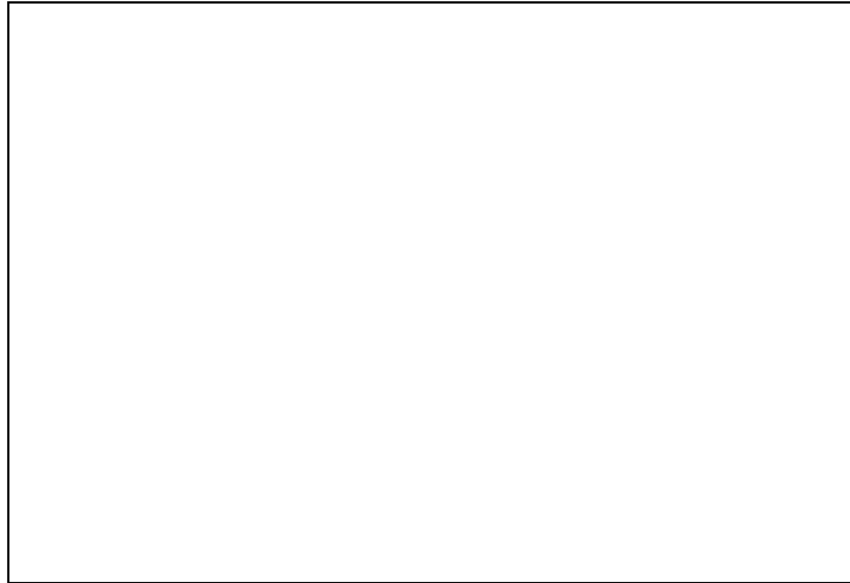
b7E

60



ECF Search Results:

The list of hits can be sorted by date or narrowed by case type, field office, type of document, and date.



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61

FBI Internal FOIA Search Training Manual Released In FOIA Case

Search in ECF for Text

- Viewing the text of a file in ECF can be helpful in forming a direct ident to the subject of the request as well as determining that the file is not responsive to the subject of the request. You can also see the dates of the serial to determine if that portion of the file is within the scope of the request.
- The following is a list of steps that will guide you through the process of searching for text within a file. **Please note that not every file will have text available.
- You have started conducting an ACS search on the subject of your request. You have located a file, selected the file [redacted] and go into the file.
- 1. You are looking at the main page of the file in ACS. The top of the page you are viewing should read "View Full Response". [redacted] This is the "View Serial" function in ECF. b7E
- 2. A window appears that is titled "View ECF Serials". This window allows you to search for text of a specific serial in the file. [redacted] This will allow you to see the attributes of serial 1. (On some instances you will be prompted that "serial 1 does not exist", this means that the serial was not uploaded into ACS.)
- 3. If serial 1 has been loaded into ACS, a window will appear entitled "View Document Attributes". If text is available there will be an option at the bottom of this window [redacted] This means that there is text available to be viewed for this serial. To view the text [redacted] [redacted] While viewing the text, F7 and F8 are utilized to page forward and page back. (Some serials within the same file may contain text, while other serials within that file will not).
- 4. If you wish to search other serials for text [redacted] the "View ECF Serials" window. Enter the serial number that you wish to search for text and hit enter. Repeat steps as necessary. 78

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PGP Key ID
2AFD2A91

PGP key fingerprint
730F BEBF 5CE5 182D F8D7 2245
C98D B5DE 2AFD 2A91

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