

(b) (2)

Weekly Muster 2007-11

Week of Muster: Upon Receipt

Topic: Operational Guidance for Border Search/Examination of Documents, Papers, and Electronic Information

Headquarters POC: **Tactical Operations Division**
(b)(6) & (b)(7)(C)

CBP's primary mission is to protect the American public against terrorists and their instruments of terror. With this priority mission in mind, the Offices of Anti-Terrorism and Field Operations generated operational guidance regarding the review and retention of paper documents and information in electronic devices and electronic storage media.

(b)(2) & (b)(7)(E)

Further, this operational guidance does not alter the authority or ability of officers to seize, disseminate, or retain documents and information in electronic media (b)(2) & (b)(7)(E) where there is *probable cause* to believe that such documents or information constitute evidence of a crime or are otherwise subject to seizure and forfeiture.

Guidance Relating to Initial Review

- *Without individualized suspicion*, paper documents and electronic devices may be reviewed in the course of administering customs, immigration, or other laws enforced or administered by CBP.

Guidance Relating to Copying, Transmitting, and Retaining

- CBP officers may copy and transmit documents and information in electronic devices to appropriate agencies or entities *without individualized suspicion* when technical support is required, such as translation services.
- For reasons other than technical assistance, officers may copy and transmit documents and information in electronic media to other agencies or entities only where *reasonable suspicion* exists that (b)(2) & (b)(7)(E) information relating to terrorist activities or unlawful conduct. Reasonable suspicion is not required if (b)(2) & (b)(7)(E) provides consent. (b)(2) & (b)(7)(E)

LAW ENFORCEMENT SENSITIVE

(b) (2)

- When technical assistance is required from an entity outside CBP, copies of documents or information shall be returned to CBP within 15 days from transmission unless the Director, Field Operations in consultation with the appropriate legal counsel, approves extensions in seven-day increments. In cases where retention or dissemination of copies furthers the mission of another agency or entity, that agency or entity's existing legal authorities and policies will govern retention and/or dissemination.
- Copies of documents or information returned to CBP, when determined to be of no relevance to customs, immigration, or other laws enforced or administered by CBP, will be destroyed.

Presenters Note: Discretionary authority is to be utilized to deny entry to persons that pose a known or possible threat to the United States. All officers must bear in mind that the authority to exercise discretion and make decisions affecting people's lives, carries with it the responsibility for ensuring that all actions advance the goals of professionalism, courtesy, and respect for the position of public trust that we hold.

(b)(2) & (b)(7)(E)

(b)(2) & (b)(7)(E)

all officers and managers must maintain the highest levels of professionalism, impartiality, and courtesy to the traveling public. As always, please take this muster opportunity to stress the importance of professionalism when dealing with members of the public.