



DEPARTMENT OF THE TREASURY  
INTERNAL REVENUE SERVICE  
WASHINGTON, D.C. 20224

Criminal Investigation

March 26, 2012

MEMORANDUM FOR SPECIAL AGENTS IN CHARGE

FROM: James D. Robnett, Associate Director  
Special Investigative Techniques (SIT)  
Criminal Investigation (SE:CI:IEO:OPS:SIT)

SUBJECT: ELSUR Checks

Field offices are using Service initiated Title III wiretaps more successfully in their investigations. This memorandum will serve as guidance on the proper submission of an Electronic Surveillance Requests (ELSUR) request.

ELSUR requests are required by law:

Title 18, Section 2518(1)(e) states as follows:

“a full and complete statement of the facts concerning all previous applications known to the individual authorizing and making the application, made to any judge for authorization to intercept, or for approval of interceptions of, wire, oral, or electronic communications involving any of the same persons, facilities or places specified in the application, ....”

Special Agents need to ensure that phone numbers and/or targets (Subjects), as well as business(es) that are potentially going to be monitored are not or have not been a subject of a previous wiretap or other intrusion by wire. These checks are submitted by IRS to Drug Enforcement Administration Special Operations Division (DEA SOD) who handles these queries for IRS-CI on an informal agreement. These checks will only be initiated at the headquarters level.

Requests to DEA SOD should be submitted in a uniformed fashion. Request should be consolidated and contain the following information:

Name, address, date of birth, social security number and any other identifying information on each and every target/subject listed on the affidavit for Title III authorization. This request does not include each and every interceptee an agent believes may be caught in the monitoring, but only targets/subjects/violators/interceptees specifically listed in the affidavit. These are targets/subjects that are listed in the affidavit, even if they do not have a phone number that will be monitored at this time. The proper format of this information would be:

1. First Middle Last (Maiden Name)

Alias: Nickname, alias

DOB: 13/13/2013

SSN: 000-00-0000

1111 Constitution Avenue, N.W.

Washington, D.C. 20224

**TARGET TELEPHONE NUMBER: 202-555-1212**

IMSI Number

ESN Number

Any other identifying information for the telephone number

They should be listed in an orderly fashion on the memorandum to SIT. This list should be inclusive to keep the paperwork burden at DEA SOD to a minimum as they process approximately 100,000 of these requests per year.

In addition to the above information, any and all target telephone numbers that are listed on the affidavit requesting authorization for monitoring will also be placed on the memorandum with any subscriber information available, if the number is not associated with one of your targets. The law requires this information be checked. Specials Agents must email a copy to \*CI-HQ-SIT.

In the subject area, please provide the case name and case number that the affidavit applies to. DEA SOD uses the case number for tracking (SIT uses the case name). Please plan ahead, the query can take as long as 5 days.

Electronic Surveillance Request checks are good for 45 days and DEA SOD does not provide an ELSUR check on partial names or FNU LNU (first name unknown/last name unknown).

Requests are sent to DEA SOD's generic mailbox by email from a SIT analyst to: SOD.ELSUR.Requests@usdoj.gov. **If you encrypt the email to be sent through SIT to DEA SOD, please send the password to SIT in a separate email.**

**\*\*\*ELSUR CHECKS WILL NOT BE CONDUCTED AT ANY OTHER TIME EXCEPT SERVICE INITIATED REQUESTS FOR ORDER TO INITIATE ELECTRONIC NON CONSENSUAL MONITORING.\*\*\***

If you have any questions or concerns, please contact me at 202-622-8102 or Senior Analyst David Kalil at 202-622-8960.

Attachment