CHAPTER – VII

Comprehensive study of Special Investigating Agencies of United States of America

(I) Federal Bureau of investigation (FBI)

(1) Introduction

The common name of FBI is Federal Bureau of Investigation with the motto ‘Fidelity; Bravery, Integrity’. The motto of FBI is derived from its backronym. It was formed in 1908. It is a government agency that serves as both a federal criminal investigative body and an intelligence agency. It is federal law enforcement agency with the United States of Congress as the Governing body. The FBI’s headquarters, the J.Edgar Hoover Building, is located in Washington, D.C. Fifty six field offices are located in major cities throughout the United States. The constituting instrument for the FBI is the United States Code Title 28 Title 28 Part-II Chapter 33.

The operational structure of the FBI Consists of a list of its child agencies as Major Units.

Its child agencies are:-

- FBI Academy
- FBI Laboratory
- Criminal Justice information Services (CJIS)
- Critical Incident Response Group (CIRG)
- Counterterrorism Division (CTD)
- FBI Police (FBIP)

While its Major Units are:--

- Behavioural Analysis Unit (BAU)
- Law Enforcement Bulletin Unit (LEBU)
- Hostage Rescue Team (FBI) (HRT)
- Joint Terrorism Task Force (JTTF)
- FBI Police
- National Security Branch (NSB)

Since the FBI is an intelligence-driven, threat-focused national security and law enforcement organization and is also the principle investigative arm of the U.S.
Department of Justice and a full member of the U.S. Intelligence community hence it has the authority and responsibility to investigate specific crimes assigned to it and to provide other law enforcement agencies with cooperative services, such as fingerprint identification, laboratory examinations and training. It also gathers shares and analyzes intelligence, both to support its own investigations and those of its partners to combat the security threats facing the United States of America. In fact the FBI is one of the many federal agencies with law enforcement responsibilities. The investigative authority of the FBI is the broadest of all federal law enforcement agencies. It has divided its investigations into a number of programs, such as domestic and international terrorism, foreign counter-intelligence, cyber, public corruption, civil rights, organized crime/drugs, white collar crimes, violent crimes and major offenders and applicant matters. The investigative philosophy of FBI emphasizes close relations and information sharing with other federal, state, local and international law enforcement and intelligence agencies. A large number of its investigations are conducted in concert with other law enforcement agencies or as a part of joint task forces.

The FBI is a Special Investigating Agency of the United States of America which works for the United States Department of Justice that serves as both a federal criminal investigative body and an internal intelligence agency (counterintelligence). Presently the Federal Bureau of Investigation has an investigative jurisdiction over 200 categories of federal crimes. The main goal of Federal Bureau of investigation is to protect and defend the United States, to uphold and enforce the criminal laws of the United States, and to provide leadership and criminal justice services to federal, state, municipal and international agencies and partners.

Some of the top investigative priorities of FBI are to protect the United States from terrorist attacks, foreign intelligence operations and espionage. The FBI also protects the United States against cyber-based attacks and high technology crimes. Another important priority of the FBI is to combat public corruption and protect the anvil rights of all individuals.

The Federal Bureau of Investigation has actively participated in combating transnational/national criminal organizations and enterprises. It has significantly

321 Ibid.
been successful in combating major white-collar crimes and other violent crimes. Also it has been supporting federal, state, local and international partners. Last but not the least, the federal, bureau of investigation upgrades technology time on time for successful performance of its mission.

The Federal Bureau of investigations Directors are appointed by the President of the United States. They must be confirmed by the Unites States Senate and serve a term of five years in the office. If reappointed, then for a maximum of 10 years, unless they resign or are fired by the President before their term ends. The current FBI director is Robert Muller, who was appointed in 2001 by George W. Bush. The FBI director is responsible for the day to day operations at the FBI. He makes sure that the cases and operations are handed correctly. The Director is also in charge of making sure that the leadership in any one of the FBI field offices are manned by qualified agents. The Intelligence Reform and Terrorism Prevention Act was passed after the September 11 attacks. Before the act, the FBI director would directly brief the President of the United States on any issues that arise from within the FBI. Since then, the director now reports to the Director of National Intelligence (DNI); who further reports to the President.

The federal government has the primary responsibility for investigating and prosecuting serious crime on Indian reservations. The Federal Bureau has criminal jurisdiction in “Indian Country” (the official name for the program) for major crimes under the “Indian Country” Crimes Act (Title 18, United States Code, Section 1152), the Indian Country Major Crimes Act (Title 18, United States Code, Section 1153), and the Assimilative Crimes Act (Title 18, United States Code, Section 13). The 1994 Crime Act expanded federal Criminal Jurisdiction in Indian Country in such areas as guns, violent juveniles, drugs and domestic violence. Under the Indian Graming Regulatory Act, the FBI has jurisdiction over any criminal act directly related to casino gaming. The federal bureau of investigations also investigates civil rights violations, environmental crimes, public corruption and government fraud occurring in “Indian Country”. Indian reservations often use

---

324 Indian Country Country Homepage (WWW.Fbigov/hq/Cid/indian/about. Last visited March 28th, 2012
their own investigating agencies for crime within its reservations like the Bureau of Indian Affairs, which is an agency of the U.S. Department of the interior.

The Federal Bureau of Investigation’s mandate is established in Title 28 of the United States Code (U.S. Code), Section 5333, which authorizes the Attorney General to appoint officials to detect crimes against the United States. While the FBI gets the authority and responsibility to investigate specific crimes from other federal statutes. The FBI is charged with the responsibility of enforcing compliance of the United States Civil Rights Act of 1964 and investigating violations of the act in addition to prosecuting such violations with the United States Department of Justice (DOJ). The FBI also shares concurrent jurisdiction with the Drug Enforcement Administration (DEA) in the enforcement Administration (DEA) in the enforcement of the Controlled Substances Act of 1970.

Federal Bureau of Investigation’s Chief tool against organized crime is the Racketeer Influenced and Corrupt Organizations (RICO) Act. Information obtained through an FBI investigation is presented to the appropriate U.S. Attorney or Department of Justice official, who decides of prosecution or other action is warranted. The FBI often works in conjunction with other federal agencies. Immigration and Customs Enforcement (ICE) is the only other agency with the closest amount of investigative power.

It was after the attacks of September 11 that the FBI was designated as the lead organization in terrorism investigations after the creation of the U.S. Department of Homeland and Security. ICE-HIS and the FBI are both integral members of the Joint Terrorism Task Force.

(2) Aims and Objectives of Federal Bureau of Investigation (FBI)

The Federal Bureau of Investigation’s main aim is to protect and defend the United States. It upholds and enforces the criminal laws of the United States. Also it provides leadership and criminal justice services to federal, state, municipal and international agencies. The FBI’s top investigative priorities are:

1- To protect the United States from terrorist attacks;
2- To protect the United Stated against foreign intelligence operations and espionage.

---

325 “U.S. Code” Title 28533 Investigative and other officials; appointment”
3- To protect the United States against cyber-based attacks and high technology crimes.

4- It combats public corruption at all levels and protects civil rights.

5- FBI combats white collar crime and other violent crimes.

6- Also it combats transnational / national criminal organizations and enterprises.

7- Last but not the least upgrades technology for successful performance of the FBI’s mission.

The Federal Bureau of Investigations, investigates and handles all type of crimes. From Bank robberies to bank frauds, drugs related offences, conspiracies, sexual crimes, terrorist activities, etc. The list is endless and endless is the role of FBI. FBI has proved to be the top federal investigating agency of the United States.

(3) **Mandated Legal Authority for Federal Bureau of Investigation FBI**

Title 28 of the United States Code (U.S. Code), Section 533, authorizes the Attorney General to “appoint officials to detect… crimes against the United States”. The FBI has been given the authority and responsibility to investigate specific crimes by other federal statutes.

The FBI’s Chief tool against organized crime is the Racketeer Influenced and Corrupt organizations (RICO) Act. It is also charged with the responsibility of enforcing compliance of the United States Civil Rights Act of 1964. Also it investigates violations of the act in addition to prosecuting such violations with the United States Department of Justice (DOJ).

Concurrent Jurisdiction have been given to the FBI with the Drug Enforcement administration (DEA) in the enforcement of the Controlled Substances Act of 1970. The FBI often works in conjunction with other federal agencies, including the U.S. Coast Guard (USCG) and U.S. Customs and Border Protection (CBP) is seaport and airport security. It works in conjunction with National Transportation Safety Board in investigating airplane crashes and other critical incidents.

The USA Patriot Act increased the powers allotted to the FBI especially in Wiretapping and monitoring of Internet activities. In one of the most controversial provision of the act, called as *sneak and peek* provision grants the FBI the powers to search a house, even while the residents are away, and not requiring them to notify
the residents for several weeks afterwards. Under the Patriot Act’s provisions the FBI also resumed inquiring into the library records of those who are suspected of terrorism. The word resumed is used here because it was something supposedly not done since the 1970s.

Immigration and Customs Enforcement (ICE) is the only agency other than the FBI, with the closest amount of investigative power. After the September 11 attacks, the Attorney General assigned the FBI as the designated-lead organization in terrorism investigations after the creation of the U.S. Department of Homeland Security. The FBI’s authority to investigate a specific criminal violation is conferred by numerous other congressional statutes, such as the Congressional Assassination, Kidnapping and Assault Act\(^{326}\). The FBI has special investigative jurisdiction to investigate violations of state law in limited circumstances, specifically felony killings of state law enforcement officers\(^{327}\) violent crimes against interstate travelers\(^{328}\) and serial killers\(^{329}\). A request by an appropriate state official is required before the CBI has authority to investigate these matters. It has the authority to investigate threats to the national security pursuant to the presidential executive orders, attorney general authorities and various statutory sources. The FBI derives its unique ability to address national security and criminal threats from the combination of authorities as mandated in the legal dictum. Unlike many domestic intelligence agencies around the world, the FBI can shift seamlessly between intelligence collection and action. This allows the FBI to not only gather intelligence on a subject to learn more about his social and financial network but also arrest him quickly if harm to an innocent person appears imminent.

(4) History of Federal Bureau of Investigation (FBI)

The FBI originated from a force of Special Agents created in 1908 by Attorney General Charles Bonaparte. It was in the year 1886, that the Supreme court, in

\(^{326}\) Title 18, U.S. Code, Section 351
\(^{327}\) 28 U.S.C. 540
\(^{328}\) 28 U.S.C. 540AO
\(^{329}\) 28 U.S.C. 540 B
Found that the states had no power to regulate interstate commerce. The resulting Interstate Commerce Act of 1887 created a Federal responsibility for interstate law enforcement. In 1908, Bonparte created a corps of Special Agents. They were the men who were the forerunners of the FBI. Thus the first FBI agents were actually Secret Service agents. Its jurisdiction derived from the Interstate Commerce Act of 1887 as said above before. The Department of Justice most frequently called upon Secret Service Agents to conduct investigations in 1907. These men were well trained, dedicated and expensive. The first chief of the Secret Service was Stanley W. Finch and the service agents reported to the Chief. Bonparte wanted complete control of investigations under his Jurisdiction. Thus on May 27, 1908, with the help of Congress, a law was enacted to prevent the Department of Justice from engaging ‘Secret Service Agents’.

Attorney General Bonaparte appointed a force of Special Agents within the Department of Justice. This action is celebrated as the beginning of the FBI. Department of Justice was renamed as the Bureau of Investigation on March 16, 1909.

**Primitive Days to Present Times**

There were few federal crimes when the Bureau was established. The Bureau of Investigation primarily investigated violations of laws involving national banking, bankruptcy, naturalization, antitrust, peonage, and land fraud. The first major expansion in Bureau Jurisdiction come in June 1910 when the Mann Act was passed, making it a crime to transport women over state lives for immoral purposes.

Over the next few years the number of Special Agents grew to more than 300. With the entry of United States into World War-I 1917, the bureau’s work was increased again. The Bureau acquired responsibility for the Espionage*, selective service*, Sabotage Acts* and investigated enemy aliens. After the World War I, the Bureau of Investigation returned to its pre-war role of fighting the few federal crimes.

The years from 1921 to 1933 were called as the “lawless years” because of the gangsterism. The Bureau of Investigation had limited success using its narrow
jurisdiction to investigate some of the criminals of the ‘gangster era’. Slowly the Bureau of Investigations gained stature. On May 10, 1924 Hoover was selected as the head, to the Bureau of Investigation. There were approximately 650 employees, including 441 Special Agents when Hoover took over. Many changes were introduced by Hoover. These reforms made the American Law enforcement achieve its long term goal. The goals were establishment of an Identification Division; i.e. tracking criminals by means of identification records. By the end of the decade, Special Agent training introduced by Hoover was institutionalized. Now the Bureau was fully equipped to act as an efficient enforcement agency.

During the early and mid-1930s several crucial decisions solidified the Bureau’s position as the nation’s premier law enforcement agency. A number of federal crime laws that significantly enhanced the Bureau’s Jurisdiction were passed in May and June 1934. The Bureau of Investigation was renamed as the ‘United States Bureau of Investigation on July*, 1932. Finally in 1935, the name was again changed to Federal Bureau of Investigation. Also in 1935, the FBI National Academy was established to train police officers in modern investigative methods. Again in 1939, with the actual outbreak of war, the responsibilities of the FBI escalated. The total number of FBI employees rose from 7400 to over 13,000 including approximately 4,000 Agents by the end of 1943.

The world that the FBI faced in faced after the War in September 1945 was very different from the world of 1939 when the war begin. Economically the United States had become the world’s most powerful nation. The FBI’s role in fighting crime also expended in the postwar period through its assistance to state and local law enforcement and through increased jurisdictional responsibility. At the same time, Congress gave the FBI new federal laws with which to fight civil rights violations, racketeering and gambling. In 1966, the Supreme Court said that federal law could be used to prosecute Civil Right Violations. Involvement of the FBI in organized crime investigations was hampered by the lack of possible federal laws covering crimes perpetrated by racketeers.

The two strongest weapons for combating organized crime were given to the FBI during President Richard Nixon’s Administration. A national tragedy produced another expansion of FBI Jurisdiction, when President Kennedy was assassinated. It
was then that the congress passed a new law to ensure that any such act in future would be a federal crime.

No specific guidelines for FBI Agents covering national security investigations had been developed by the Administration or Congress; these, in fact, were not issued until 1976. It used both traditional investigative techniques and counter intelligence programs to counteract domestic terrorism and conduct investigations of individuals and organizations who threatened terrorist violence. It was during, Director Kelley’s tenure that, numerous policy changes, that targeted the training and selection of FBI and law enforcement leaders, procedures of investigative intelligence collection were instituted.

Traditionally the FBI was using its own criteria for intelligence collection, based on executive orders but later Attorney General Edward Levi established finely detailed guidelines for the first time and they came in effect on March 10, 1976. The FBI followed the principle of “Quality over Quantity” in investigations. Throughout the 1980s the illegal drug trade severely challenged the resources of American law enforcement. In 1982, the Attorney General gave the FBI concurrent jurisdiction with the Drug Enforcement Administration (DEA) over narcotics violations in the United States. Again in 1986, Congress had expanded FBI Jurisdiction to cover terrorist acts against U.S. Citizens outside the V.S. boundaries.

FBI’s breakthrough use of DNA technology enabled genetic crime-scene evidence to positively identify or rule out suspects by comparing their particular DNA patterns. It also strengthened its response to white-collar crimes and reassessed its strategies in defending the national security. It created the National Security Threat List, which was approved by the Attorney General in 1991, which mentioned all the countries that were posing as a serious threat to the United States.

It was on July 20, 1993, that President Clinton nominated Louis J. Free to be the FBI Director. He restructured the FBI in order to maximize its operational response to crime. He introduced changes which strengthened the FBI’s traditionally high requirements for personal conduct and ethics. Director Free initiated many changes to prepare for evolving criminal challenges. He began construction of a new state of the art FBI forensic laboratory. He formed the Critical Incident Response Group to deal efficiently with crisis situations. Also the Computer Investigations and Infrastructure Threat Assessment Center was created to respond to physical and
cyber attack against U.S. infrastructure. He even started a comprehensive and integrated FBI response to nuclear, biological and chemical (NBC) crisis incidents when the FBI was designated leading law enforcement agency in NBC investigations. Robert M. Mueller, III became the sixth FBI Director one week before the terrorist attacks of September 11, 2001. At present, he is still serving as Director of FBI. Though his term ends on September 4, but it is learnt that President Obama is asking Congress to pass legislation that would entered the 10 year term of Robert S. Mueller III, by two years.

(5) Organisational Structure

The Federal Bureau of Investigation is organized into five functional branches and the office of the Director, which contains is managed by an Executive Assistant Director. Each office and division within the branch is managed by an Assistant Director.

A systematic look of FBI office organization is being given below.

1- Office of the Director
   1- Office of Congressional Affairs
   2- Office of Equal Employment Opportunity Affairs
   3- Office of the General Counsel
   4- Office of Integrity and Compliance
   5- Office of the Ombudsman
   6- Office of Professional Responsibility
   7- Office of Public Affairs
   8- Inspection Division
   9- Facilities and Logistics Services Division
   10- Finance Division
   11- Records Management Division
   12- Resource Planning Office
   13- Security Division.

Now lets have look at the 5 functional branches of the FBI.

1- National Security Branch
   1- Counterintelligence Division
   2- Counterterrorism Division
   3- Directorate of Intelligence
4- Weapons of Mass Destruction Directorate

II- Criminal, Cyber, Response and Services Branch
1- Criminal Investigative Division
2- Cyber Division
3- Critical Incident Response Group
4- Office of International Operations
5- Office of Law Enforcement Co-ordination

III- Human Resources Branch
1- Training Division
2- Human Resources Division

IV- Science and Technology Branch
1- Criminal Justice Information Services Division
2- Laboratory Division
3- Operational Technology Division
4- Special Technologies and Applications office

V- Information and Technology Branch
1- Information Technology Operations Division
2- Office of IT Policy & Planning
3- Office of IT Program Management
4- Office of IT Systems Development
5- Office of the Chief Knowledge Officer

The Federal Bureau of Investigation has been equipped with a systematic rank structure of officers within it in order to facilitate the working of the FBI in a well coordinated way. Following is a complete listing of the rank structure found within the FBI\textsuperscript{330}.

1- Director
2- Deputy Director
3- Associate Deputy Director
4- Chief of Staff & Senior Counsel to the Director
5- Deputy Chief of Staff
6- Executive Assistant Director
7- Associate Executive Assistant Director

\textsuperscript{330} www.Fbi.gov.in
The Heart and soul of the Federal Bureau of Investigation lies in the investigation process. The Mission of FBI is served very well by the investigations carried out by the FBI itself. Both the investigations and intelligence are unseparable parts of the Federal Bureau of Investigations. Just as the intelligence, the investigations of the FBI, serve to the utmost needs of the United States security. The Federal Bureau of Investigations has set its priorities, within which they follow their investigative techniques and mechanism. It has National Security Priorities grouped with three types of priorities and the other is Criminal Priorities grouped with five criminal priorities.

Terrorism, Counterintelligence and Cyber Crime have been grouped under the National Security Priorities while Public Corruption, Civil Rights, Organised Crime, White-Collar Crime and violent crime and Major Thefts have been placed under criminal priorities. The listing itself clearly shows how well organized is the working scheme of investigational process of Federal Bureau of Investigation.

September 11, 2001 was a pivotal point in American history and for the FBI. The ensuring investigation was the most massive in the history of the Bureau. The FBI has made a series of changes to enhance its ability to protect the protect the nation from a vast array of threats. The September 11, attacks led to far – reaching changes in the organization. The Criminal Investigative Division (CID) of the Federal Bureau of Investigation is the largest operational division, which has served as a foundational strength of the FBI for nearly a century. The CID gives priority to cases on the basis of highest priority threats facing the nation. Public Corruption and civil rights have been the CID’s top two priorities. Post the September 11, 2001 attacks, the criminal agents and intelligence analysts have developed and focused
investigative strategies against complex and globalized criminal organizations which pose as a threat to the U.S. National Security. The FBI is the leading organization which deals with the efforts to combat white-collar-crime. The official statistics show annual convictions grown from 2,952 in 2001 to 4,236 in 2010.\textsuperscript{331} The Criminal Investigative Division of the FBI developed and adhered to a strategic vision during times of competing priorities and limited resources. Consequently it improved the quality of the outcomes achieved. Public corruption is one of the top priority of the criminal investigations. It poses as a fundamental threat to our national security and way of life. The investigative department of FBI is very dedicated in combating this corruption, with the skills and capabilities of its staff. Cyber threats have become the most critical threats, which a nation faces today. In fact they are one of the most serious economic and national security challenge. Cyber threats are not exclusively associated with computer hackings or spies who want to steal over nation’s secrets. In reality they could shut down our electric grid or water supply and can damage our cities and above all, kill innocent people. The 2011 Norton Cybercrime Report out the global cost of cyber crime at nearly $400 billion a year, and found that there are more than one million victims of cyber crime every day. The FBI’s authorities and capabilities allows them to investigate and target criminal, foreign intelligence and terrorists acts alike. In order to deal with cyber threats, the FBI-led National Cyber Investigative Joint Task Force (NCIJTF) has been established.

The NCIJTF helps the FBI to collect real-time intelligence which is incredibly valuable for the protection of our networks. The FBI has even embedded FBI agents physically in foreign police agencies around the world to investigate cyber intension jointly. About 500 foreign law enforcement officers from more than 50 nations are being trained by the FBI in Cyber investigative techniques.\textsuperscript{332}

It was in 2008, that the U.S. President mandated the NCIJTF (National Cyber Investigative Joint Task Force) to be the focal point for all government agencies to coordinate, integrate and share information related to all domestic cyber threat investigations. It has the goal to predict and prevent what’s on the horizon and to pursue the enterprises behind cyber attacks. The NCIJTF also ensures that the

\textsuperscript{331} WWW.Fbi.gov/CID. Last visited January 18th, 2012.
\textsuperscript{332} WWW.Fbi.gov/Cyber Crime. Last Visited Feb 7\textsuperscript{th}, 2012.
privacy of all Americans is intact and protected during the course of any cyber investigations.

(7) **Role of Intelligence in the Federal Bureau of Investigation (FBI)**

As said before, the FBI is an intelligence driven, threat-focused national security and law enforcement organization. Also we know that the mission of the FBI is to protect and defend the United States against terrorist and foreign intelligence threats and to uphold and enforce the criminal laws of the United States hence, in order to perform its mission, the FBI has to employ a number of tools such as information technologies, forensics, investigative techniques and above all intelligence. Intelligence is one of those integral parts which facilitate the FBI’s investigative mission. In fact intelligence is embedded in the day to day work of the FBI, right from the preliminary investigations to the development of FBI-wide investigative strategies. What is intelligence? Simply defined intelligence is analyzed and refined information which is useful to the policymakers in order to make decisions about potential threats to our national security.

The FBI and the other organizations that make up the U.S. Intelligence Community use the term “intelligence” in three different ways

1- Intelligence is a product that consists of information that has been refined to meet the needs of policymakers.

2- Intelligence is also a process through which that information is identified, collected, and analyzed.

3- Intelligence refers to both the individual organizations that shape raw data into a finished intelligence product for the benefit of decision makers and the larger community of these organizations.

Since the threats facing the today’s environment are more global and often emanate from transnational enterprises that rely on sophisticated information technology so it is very necessary that in order to protect national security, one has right information at right time. In order to achieve this mission, intelligence is one such tool, which is very crucial. The Federal Bureau of Investigation is one such organization which has the ability to integrate intelligence and investigations, thus making it unique.2

The FBI’s authority to collect information is very clearly laid out in law and is directed by the attorney general. It has a mandate from Congress, the President, the Attorney General and the Director of National Intelligence (DNI) to protect national security by producing intelligence in support of its own investigative mission. Intelligence collection is done only in accordance with intelligence priorities set by the President and is also guided by the attorney general at every step. The FBI is committed to carry out its mission in accordance with the protections provided by the Constitution. Its collection authorities are controlled by the Federal Courts. The FBI only collects and disseminated intelligence under guidelines designed specifically to protect the privacy of U.S. Citizens. The FBI has sophisticated methods of gathering, analyzing and disseminating intelligence and every since the Bureau’s history it has used intelligence to investigate and solve cases. Going through the history of FBI, one comes to know that the field of intelligence was not left untouched even in those times. On 24th June 1940, the FBI had established a Special Intelligence Service (SIS) at President Roosevelt’s request. Under the SIS, the Bureau dispatched agents to countries throughout the Western Hemisphere.334

It was in the aftermath of the events of 9/11 that the FBI recognized the need to establish centralized control over intelligence operations throughout the Bureau. In 2001 a dedicated analysis section in the Counter terrorism Division was created and in 2002 an office of Intelligence was created within the Counter terrorism Division (CTD). Again in 2003 all the FBI programs i.e. Criminal, Cyber, Counterterrorism, counter intelligence – and unified intelligence authorities came under a new FBI office of Intelligence led by an executive assistant director for intelligence (EAD-1). Recommendations were further made by the office of Intelligence to strengthen the FBI’s intelligence capability. Hence the Directorate of Intelligence was established in February 2005 as a dedicated national intelligence workforce within the FBI. The President directed the attorney general in June 2005 to create a ‘National Security Service’ within the FBI, as recommended by the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (WMD) Commission). Finally in September 2005 the

National Security Branch (NSB) was created which combines the missions, capabilities and resources of the Counter terrorism and Counterintelligence divisions.

Role of intelligence is very crucial in the investigation process. Unrefined data is developed into polished intelligence for the use of policy makers. Raw information is collected and converted into a form usable by analysts. Further the analysts convert this form of raw information into intelligence. This process includes integrating, evaluating and analyzing available data and preparing intelligence products. The raw information’s reliability, validity and relevance is evaluated and weighed. The information is logically integrated, put in context and used to produce intelligence. The FBI disseminates information is logically integrated, put in context and used to produce intelligence. The FBI disseminates information in three standard formats i.e. Intelligence Information Reports (IIRs), FBI Intelligence Bulletins and FBI Intelligence Assessments. The FBI uses various friends of intelligence to provide important information for policy decisions. Mostly people view intelligence as gathered through secret or convert means. According to the FBI means there are six main ways of collecting intelligence that are often collectively referred to as “intelligence collection disciplines” or the “INTs”. They are given below:

1- Human Intelligence (HUMINT)

In this process information is collected through human sources. It can be done openly or through convert means. Within the United States, HUMINT collection is the FBI’s responsibility. While beyond the U.S. border, HUMINT is generally collected through CIA (Central Intelligence Agency), but also by other U.S. Components abroad.

2. Signals Intelligence (SIGINT)

It is an electronic process in which electronic transmissions can be collected by ships, planes, ground sites, or satellites. The FBI Collects SIGINT through authorized wiretaps and other electronic intercepts of information.

3. Imagery Intelligence (IMINT)

It is also referred to as photo intelligence (PHOTINT) IMINT was practiced to a greater extent in World Wars I and II when both sides took photographs from airplanes. These days, the National Reconnaissance office designed, builds and
operates imagery satellites while the national geospatial-Intelligence Agency is largely responsible for processing and using the imagery.

4 Measurement and Signatures Intelligence (MASINT)

It is discipline that concerns weapons and capabilities and industrial activities. MASINT includes the advanced processing and use of data gathered from overhead and airborne IMINT and SIGINT collection systems.

5. The Defense Intelligence Agency’s central MASINT office (CMO)

It is the principle user of MASINT data. MASINT can be used to identify chemical weapons or pinpoint the specific features of unknown weapons systems. The FBI’s extensive forensic work is a type of MASINT. The FBI Laboratory’s Chem.-Bio sciences Unit, provides analysis to detect traces of chemical, biology or nuclear materials to support the prevention, investigation and prosecution of terrorist activities.

6. Open-Source-Intelligence (OSINT)

Such type of intelligence is gathered from information and sources that are generally available, including information obtained from the media i.e. newspaper, radio, tv and professional and academic (papers, conferences, professional associations etc) and above all public i.e. government reports, demographics, hearings, speeches, etc. The Director of Intelligence makes sure that all intelligence activities of FBI are managed well and that intelligence is embedded in every investigative program of FBI.

The FBI created an Intelligence workforce to elevate the importance of intelligence within the organizing. It consists of intelligence analysts, physical surveillance specialists and special agents. Intelligence Analysts are professionals who create intelligence by converting raw data into actionable information. They develop specific expertise and offer an accurate understanding of present and future threats. The reports created by the IA’s help investigators and policy makers in their respective fields. Language Analysts (LAS) are yet another component of the Intelligence Workforce which provide quality translation, interpretation and language analysis services to the FBI and the intelligence community.

The most important component of Intelligence Workforce which is responsible for performing investigative support directly related to the Bureau’s foreign counterintelligence and international terrorism functions is the FNO’s
Surveillance Specialists. The investigative work of the FBI and other federal government, state and local agencies in the intelligence community is significantly affected by their work. These specialists collect, analyze and disseminate intelligence data gathered during the course of surveillance operations. Last but not the least, comes the work of Special Agents who carry out the responsibilities of the FBI by enforcing more than 260 federal statutes pertaining to civil rights violations, financial crime, bank robbery, kidnapping, terrorism, drug trafficking matters etc. They also work with federal, state and local law enforcement agencies on investigative matters of joint interest.

(a) Reform in Intelligence Post (September 11, 2001)

The FBI’s intelligence program is a critical component of the FBI’s effort to transform itself into an agency with a strong intelligence. Capacity to help meet the FBI’s post – September 11, priority of preventing future terrorist attacks on the United States. The final report of the National Commission on Terrorist Attacks upon the United States (9/11 Commission) made several observations about the role of intelligence in the FBI as well as its intelligence capabilities. One of the primary observations concerned the FBI’s strategic plan to reshape the way the FBI addressed. Terrorism cases, which shifted the FBI’s priorities and mandated a stronger intelligence collection effort. The plan also called for a new information technology system to aid in the collection, analysis and dissemination of intelligence and other information.

The 9/11 commission found that if the FBI had fully implemented the 1998 strategic plan, it would have made a major step toward addressing terrorism systematically. However, the commission found that the plan was not successfully implemented and attributed that failure to several factors, including the following 335

Firstly the FBI’s practice of hiring analysts from within the agency rather than recruiting individuals with the relevant educational background and expertise contributed to a lack of strategic analysis. In the 9/11 commission’s field visits, its staff encountered several situations in which poorly qualified administrative personnel were promoted to analyst positions, in part as a reward for performance in other positions.

335 In Commenting on a draft of FBI May 2005 report, the FBI stated that the Department of Justice rejected its budget requests for the additional personnel necessary to implement the plan.
Secondly, when the FBI hired or promoted people with appropriate analytical skills and experience, the lack of a long-term career path and a professional training program caused many capable individuals to leave the FBI or move internally to other positions. Last but not the least, when the FBI hired qualified analysts, FBI managers often did not use them effectively. As a result, analysts were often asked to perform duties that were not analytic in nature such as answering phones.

The September 11, 2001 terrorist attacks on the United States have been labeled as a major intelligence failure, similar in magnitude to that associated with the Japanese attack on Pearl Harbor. In response to criticism of its role in this failure, the FBI has introduced a series of reforms to transform the Bureau from a largely law enforcement agency focused on criminal investigations into a more mobile, agile, flexible, intelligence-driven agency that can prevent acts of terrorism.

Since the FBI is institutionally able to provide an integrated approach because it already combines both law enforcement and intelligence functions hence the major component of this effort is the restructuring and upgrading of various intelligence support units into a formal and integrated intelligence program. The JIC (Joint Inquiry into Intelligence Community Activities Before and After the Terrorists Attacks of Sep 11, 2001). Concluded that the FBI failed to focus on the domestic threats and relied upon outdated and insufficient technical systems.

Following are the areas of intelligence where certain reforms have been implemented in order to improve the intelligence of segment of FBI.

1. Business Process Changes
2. Organisational Changes
4. Business Process reforms

The FBI formalized and disciplined its approach to intelligence by embracing the traditional intelligence cycle, a process through which. 

(a) Intelligence collection priorities are identified by national level officials.

337 For purposes of this report, intelligence is defined to include foreign intelligence, counterintelligence and criminal intelligence.
339 See the JIC Inquiry P. xvi
(b) Priorities are communicated to the collectors who collect this information through various human and national technical means.

(c) The analysis and evaluation of this raw intelligence are converted into finished intelligence products.

(d) Finished intelligence products are disseminated to consumers inside and outside the FBI and Department of Justice.

(e) A feedback mechanisms is created to provide collectors, analysts and collection requirements officials with consumer assessment of intelligence value.

Since intelligence has always been one of the FBI’s core competencies and organic to the FBI’s investigative mission, hence the organizations intelligence efforts had been disciplined by the intelligence cycle of intelligence requirements, collection, analysis and dissemination.

2- Organizational Changes

The FBI has been restructured to support an integrated intelligence program. Also new intelligence related positions and entities have been formed at FBI headquarters and across its 56 field offices to improve its intelligence capacity. Mueller, FBI’s director created a new position of Executive Assistant Director for Intelligence (EAD-I). The EAD-I manages a single intelligence program across the FBI’s four investigative/operational divisions i.e. counterterrorism, counter intelligence, criminal and cyber. Intelligence has been elevated from program support to full program status by establishing anew Office of Intelligence (OI). It is responsible for implementing an integrated FBI – Wide intelligence strategy and ensures that intelligence is appropriately shared within the FBI as well as other federal agencies. The O.I. is headed by an Assistant Director who reports to the EAD-I and is comprised of six units. They are:

1- Career Intelligence (Works to develop career paths for intelligence & analysts).
2- Strategic Analysis (Provides strategic analyses to senior level FBI executives),
3- Oversight (oversees field intelligence groups).

---

343 Statement of Mueller, III Director FBI, before the Joint Inquiry, Oct, 17, 2002
4- Intelligence Requirements and Collection Management (establishes and implements procedures to manage the FBI intelligence process)

5- Administrative Support and

6- Executive Support,

The Federal Bureau of Investigations have established field intelligence groups in 56 field offices to drive collection, analysis and dissemination at the local level. A field intelligence group is comprised of intelligence analysts who conduct largely tactical analysis; special agents, who are responsible for intelligence collection and reports officer, a newly created position. The FBI has been criticized for failing to effectively share information with numerous consumers including members of the Intelligence Community and state and local law enforcement authorities hence EAD for Law Enforcement Services was established. Under this new position an Office of Law Enforcement Coordination was also created which is staffed by a former state Police Chief, which works with the office of Intelligence to ensure that relevant information is shared, with state and local law enforcement, as appropriate.

3- Resource Enhancement and Allocation Reforms

Federal Bureau of Investigation (FBI) had a budget of approximately $ 8.1 Billion including $ 119.2 Million for other programmes in 2012. The Federal Bureau of Investigation has increased its budget almost 50% since September 11, from $ 3.1 billion in FY2000 to $ 4.6 billion in FY 2004. While in fiscal year (FY 2010), the FBI received from congress a total of approximately & 8 billion, including $425 million enhancements for its intelligence counterterrorism, laboratory and information technology programs. Prior to September 11, the FBI employed 159 Counterterrorism analysts The FBI estimates of July 2003, bring the number of Counterterrorism analysts to 475. The FBI has attached a great importance to the role analysts play, infact the Office of Intelligence has signaled to the FBI that analysts have a valid and valuable role to play within the organization. Also, the FBI is revamping its training to reflect the role of

347 Statement of Chairman, Academy Panel on FBI reorganization, National Academy of Public Administration, before the Subcommittee on Commerce, State, Justice, Judiciary and Related Agencies, Committee on Appropriations, House of Representatives, June 18, 2003 p.3.
intelligence. It has revised its new agent training and established a college of Analytical Studies. Specifically, the FBI is providing more intelligence training for new special agents. The new training is intended to expose new employees to the intelligence cycle – requirements, collection, analysis, reporting and dissemination – and to how intelligence advances national security goals. Also the agents are also taught how to use strategic and tactical analysis effectively.\textsuperscript{349}

The FBI recognizes the critical importance of improving its antiquated information technology system so that it can more effectively share information both internally and with the rest of the Intelligence Community. The FBI has recently eliminated an internal barrier to communication by allowing its criminal and intelligence investigators to physically work together on the same squads. The most important change which the FBI has worked on since Sep 11, 2001 attacks is that of improving its intelligence and information sharing with other federal agencies as well as with State and Local Officials. It has established an Executive Assistant for Law Enforcement Services, who is responsible for co-ordinating law enforcement with State and Local Officials through a new Office of Law Enforcement Coordination. Last but not the least, it has increased dissemination of weekly intelligence bulletins to States and localities as part of an effort to educate and raise the general awareness of terrorism issues.

\textbf{(8) Coordinating Partners with the Federal Bureau of Investigation (FBI)}

\textbf{1- The National Joint Terrorism Task Force (NJ TTF)}

It was established in 2002 to manage the Joint Terrorism Task Force program which has been around since the 1980s. Originally located at FBI headquarters, the NJTTF moved to the multi-agency NCTC, (National Counter Terrorism) where it performs its mission while also working with NCTC personnel to exchange information, analyse data, and plan antiterrorism strategies. The mission of the NJTTF consists of managing and supporting each JTTF by sharing intelligence and terrorism threat information thus providing big picture terrorism analysis; which offers guidance and allows setting sound policies and further helps supplying resources for manpower, equipment and space to facilitate training.

\textsuperscript{349} Interview with an FBI official, Jan, 15, 2004
2- Joint Terrorism Task Force (JTTF)

The Federal Bureau of Investigation’s JTTF was created to strengthen efforts to combat terrorism by enhancing co-operation between federal, state and local law enforcement agencies throughout the country. There are now over 100 FBI JTT’s. With special agents and state/local law enforcement officers. Their mission is to gather evidence and follow the leads, collect and share intelligence and the most crucial mission is to respond to threats and incidents at a moment’s notice in support of combating terrorist activities.

3- Terrorism Financing Operations Section (TFOS)

It is a specialized section in the FBI’s Counter terrorism division. Whenever terrorists raise money, store money, move money or spend money, they leave a trial behind, like the snails. Although these trials are complex yet they are traceable and identifiable through global financial systems. The mission of the agents and analysts at TFOS is to trace transactions and track patterns to assist in identifying, disrupting and prosecuting terrorists, their associates and leaders.

(II) INTERNAL REVENUE SERVICE, CRIMINAL INVESTIGATION (IRS-CI)

IRS-CI is another U.S. based special investigating agency which investigates and assists in the prosecution of criminal tax, money laundering and narcotics – related financial crime cases. Potential criminal violations of the U.S. Internal Revenue Code and related financial crimes are investigated by them. It is the only federal agency that can investigate potential criminal violations of the Internal Revenue Code. The Criminal Investigation’s (CI) inception happened to happen in 1919, with the Commissioner of Internal Revenue Creating the Intelligence Unit to investigate allegations of tax fraud. The nucleus of the Criminal Investigation (CI) was made with six United States Post Office Inspectors transferred to the Bureau of Internal Revenue; which later became the CI. The Intelligence Unit quickly became renowned for the financial investigative skill of its special agents during the time of thirties.

In July 1978, the Intelligence Unit changed its name to Criminal Investigation (CI). Criminal Investigation’s core mission is to ensure the integrity and fairness of the United States tax system.350

350 HTTP://WWW.IRS.Gov. Last visited July 20th, 2011,
The American system of taxation is based on the premise that all income is taxable (which includes illegally earned income). Today’s sophisticated schemes to defraud the government and the American economy demand the financial analytical ability of forensic investigators to wade through complex paper and computerized financial records.

The IRS-CI’s criminal investigations fall under four independent categories:

- Legal Source Tax Crimes
- Illegal Source Financial Crimes
- Narcotics-Related Financial Crimes
- Counter terrorism Financing.

In order to have an investigation initiated the special agents have to strictly comply with the procedures, which are mandatory to ensure that the investigations are based on factual evidence that tax fraud or other financial crime has occurred.

IRS Criminal Investigation (CI) Special agents have a combined accounting and law enforcement background thus making the special agents as experts at financial transactions. The Criminal Investigation responds to terrorism in a very efficient way. Due to their unique skills, they are able to analyze complex and usual financial transactions. The Special agents combat terrorism involving the members of the extremist groups who have committed tax evasion, money laundering or currency violations. They even investigate activities by persons which support terrorism, especially if tax exempt organizations are being utilized. The IRS-CI investigates complex, extensive or convoluted financial transactions.

The IRS-CI has played a pivotal role in many investigations of individuals and organizations believed to be involved in or supporting international activities. After the September 11, 2001 attacks the CI has become more active in investigating international terrorist activities. It has well coordination with the Federal Bureau of Investigation and provides financial expertise and counter terrorism investigative assistance of both the FBI and Task forces.

The FBI is the lead domestic terrorism agency in the United States, working to identify and prevent domestic terrorism acts before they occur and investigate them when they do take place. It is also the lead federal agency in responding to a domestic terrorism crisis situation, functioning as the on-scene manager for the

---

United States government. Criminal Investigation (CI) partners with FBI, investigating individuals and groups which facilitate their activities through tax evasion and money laundering. The FBI receives a great deal of investigative support from the IRS Criminal Investigation. An example of this collaboration is the recent Nevada Joint Terrorism Task Force Case, that resulted in the arrest of four members of an anti-government group on federal money laundering, tax evasion and weapon, because of its unique law enforcement mission to investigate money transactions, hence it coordinates with the Main Treasury of U.S. to promote a common strategy to fight terror finance.

Following offices of the United States Department of the treasury Coordinate with IRS(CI) in achieving their mission targets.

1- The Office of Terrorism and Financial Intelligence (TFI) – marshals the IRS(CI)’s intelligence and enforcement functions with the twin aims of safeguarding the financial system against illicit use and combating rogue nations, terrorist facilitators, weapons of mass destruction (WMD) proliferators, money launders, drug kingpins and other national security threats.

2- Office of Terrorist Financing and Financial Crimes (TFFC) – It works across all elements of the national security community including the law enforcement, regulatory, policy, diplomatic and intelligence communities, above all with the private sector and foreign governments to identify and address the threats presented by all forms of illicit finance to the international financial system. It develops initiatives and strategies to deploy the full range of financial authorities to combat money laundering, terrorist financing, WMB proliferation and other criminal and illicit activities both at home and abroad. It also takes systematic initiatives to enhance the transparency of the international financial system. It also implements threat – specific strategies.

3- The Office of Foreign Assets Control (OFAC)- This V.S. department of the Treasury administers and enforces economic and trade sanctions based on U.S. Foreign Policy and national security goals against targeted foreign countries and regimes, international narcotics traffickers, those engaged in activities related to the proliferation of weapons of mass destruction and finally to other threats to the national security, foreign policy or economy of
the United States of America. It can also freeze assets under U.S. jurisdiction. OFAC seeks input from Treasury enforcement agencies to identify terrorists and terrorist fundraising activities.

The IRSCI is also facilitated by the efforts of a Central facility that conducts financial research and analysis to support ongoing investigations and identify terrorist funding activities. This central facility is named as CT-LDC (Counterterrorism Lead Development Center). It uses advanced analytical technology and deducts valuable income tax data to support ongoing investigations by IRS CI. It proactively identifies potential patterns and perpetrators with a particular focus on the use of tax exempt organizations to fund terrorist activities. The objectives of the CT-LDC are “to provide effective and efficient support to ongoing counterterrorism investigations; to identify emerging issues, trends and patterns; to identify and forward leads through proactive research; and to liaison with Joint Terrorism Task Forces (JTTF) of the Federal Bureau of Investigation”.

The primary responsibility of CT-LDC is to provide support in all IRS terrorism investigations. The CT-LDC provides support to other law enforcement agencies, however it is preferred that these requests flow through an IRS-CI agent assigned to JTTF.

If the CT-LDC receives information of imminent threat, the information is immediately shared with a JTTF liaison or any other agency that may be impacted. The CT-LDC receives information for research from a number of sources including the IRS-CI Narcotics and Counterterrorism section, Terrorist Financing Operations Section (TFOS), JTTFs, and other state and local law enforcement.

Another unit named CI computer Investigative Specialists (CIS) also provide assistance to terrorist investigations by the IRS, since most financial records are stored on computers. They are experts in extracting financial records stored in computer hard drives, computer networks and even the Internet. CIS takes part in every IRS criminal and counter-terrorism investigation that involves the acquisition of digital evidence.
(III) COMPARATIVE STUDY OF CENTRAL BUREAU OF INVESTIGATION AND FEDERAL BUREAU OF INVESTIGATION

In order to know and understand and above all interpret the working of special investigating agencies of other countries, we need to make a comparative study of their investigating agencies and the Indian Investigating Agencies. In this chapter two very capable, impeccable and efficient special investigating agencies of United States of America i.e. the Federal Bureau of Investigation and Central Bureau of Investigation of India are being considered. This study will help us to know about the working conditions, infrastructure, domain, progress reports, interagency cooperation, legal status etc. of both the Special Investigating Agencies. Above all it will also let us know where the agencies lag behind each other, although both of them can be very aptly said to be one of the premier investigating agencies of India and United States of America.

Coming to Federal Bureau of Investigation, it is primarily a law enforcement agency, collecting intelligence related to domestic security and performing crime investigation. It can be said, more conveniently that FBI investigates crimes. Thus it is concerned with security, intelligence and investigation above all. In addition to addressing some domestic intelligence issues, the FBI has offices abroad to coordinate information collection. The overseas offices of the FBI alert domestic offices to potential threats that action ought to be taken to ensure domestic security. It also assists the local police in handling major cases and handles domestic law enforcement issues. The FBI coordinates national efforts to track down missing persons, complex investigations which local law enforcement agencies cannot handle. Law enforcement agencies even send material for analysis to the FBI if their local labs are not equipped to handle it. Major murder cases, crimes which cross state boundaries, kidnappings are all under the jurisdiction of the FBI. It even handles domestic surveillance. If the Central Intelligence Agency wants information on individuals within the United States, they must go through the FBI to obtain it. It maintains Federal Watchlists, most wanted documentation and surveillance services on suspicious individuals inside the United States.

Whereas the Central Bureau of Investigation is India’s premier investigative agency, responsible for a wide variety of criminal and national security matters. It is responsible for investigation into various crimes and national security, above all it
specializes in investigating crimes involving high ranking government officials and politicians. The Central Bureau of Investigation was established on 1st April 1963 and evolved from the Special Police Establishment founded in 1941. It is controlled by the Department of Personnel and Training in the Ministry of Personnel, Public Grievances and Pension of the Union Government usually headed by a Union Minister who reports directly to the Prime Minister. CBI derives its power to investigate from the Delhi Special Police Establishment Act 1946.

Coming back to The Federal Bureau of Investigation, it was founded in 1908 during the presidency of Theodore Roosevelt. Initially the FBI was a team of special agents dispatched to investigate unique crimes and support local law enforcement. It was believed that the formation of division of special agents would reduce corruption and improve the justice system. It investigated violations of federal crimes and assisted other agencies such as the United States Treasury with investigations.

The FBI was largely shaped by J. Edgar Hoover. He instituted a series of procedures surrounding promotions, the processing of crimes and Jurisdiction which are still in use today. He even created the beginnings of a national data base of criminals and crimes which has been refined over the years. The FBI is governed by the United States Department of Justice and operates as per operations jurisdiction. The Central Bureau of Investigation mainly deals with investigations in conventional crimes like assassinations, kidnappings, hijacking, crimes committed by extremists, murders, dowry deaths, rape, large scale Banks and Insurance frauds etc.

As on date, the Central Bureau of Investigation has seven divisions namely Anti Corruption Division, Economic Offences Division Special Crimes Division, Policy and International Police Cooperation Division, Administrative Division, Directorate of Prosecution and the Central Forensic Science Laboratory. Each of the seven divisions deals with specific crimes and duties, enriched with the best of expertise. As on date, offences under existing 74 Central Acts, 19 State Acts and 243 offences under the Indian Penal Code have been notified by the Central Government under section 3 of the DSPE Act.

Director, CBI as Inspector-General of Police Delhi Special Police Establishment, is responsible for the administration of the organization. With
enactment of Central Vigilance Act, 2003, the superintendence of Delhi Special Police Establishment vests with the Central Government save investigations of offences under the Prevention of Corruption Act, 1988, in which, the superintendence vests with the Central Vigilance Commission. The mechanism for selection of Director, CBI and other officers of the rank of SP and above in CBI has been provided in the CVC Act. The Central Bureau of Investigation as 16 Zones and 60 Branched and it is ensured that each State is covered by at least one Branch/Unit of CBI at State-Capital or at least a big metro.

Talking about the Federal Bureau of Investigation, it has its headquarters in Washington, D.C. with 56 field offices located in major cities throughout the United States with approximately 380 smaller offices called resident agencies. It has more than 60 international offices called “legal attaches” in United States embassies worldwide. The Structure of the Federal Bureau of Investigation is quite different from the Central Bureau of Investigation. Since it is an intelligence driven, security branch and a law enforcement agency hence the primary divisions of the agency are:

1. National Security Branch
2. Criminal, Cyber, Response and Services Branch
3. Human Resources Branch
4. Science and Technology Branch
5. Information and Technology Branch.

Each branch is associated with different jobs with not a very large difference between the Central Bureau of Investigation and the FBI. One of the lines of difference between the working structure of both of the special investigating agencies lies in the fact that the CBI lags behind in the information technology fields. There is no scope for it in the pinnacle in Indian domain. The CBI, still has no planned strategies for the information technologies which is a very vast exploring and 2 important factors in making an important criminal justice system. Another aspect which I found, the CBI lagging in is the “Critical incident Response group” which a sub division found in “criminal Cyber response and services branch. It deals with Critical incidents which happens at a “Spur’s Moment” It is a group which is also available in response to such incidence. India also need such a group which is also there in cases of critical mishappenings. During the “Mumbai terror attacks” India depended on the “National Security Cards” Which is a specialized force in
tackling Crime attacks, but even they could not arrive on time due to the inefficiency of Indian government in handling such situations had we got an agency or group like the “Critical Incident Response group” we could have saved the federal bureau of investigation also leads in other areas such as Fingerprints and other Biometric departments which is used for exploring and advancing the use of new And enhanced Biometric technologies and capabilities for integrations into operations, turning into effective tools for the law enforcement and intelligencies communities. The Central Bureau of Investigation also needs such a department in order to overcome difficulties they face while handling problem related to such operations

(IV) REVIEW

Most of the countries which are democratic have their own specialized agencies which work separately from the police for the collection and gathering of domestic intelligence. The catastrophic events of September 11, 2001 launched the “global war on terrorism”. Two kinds of Policing have been named, one is “high policing” while the other is “low policing*. High Policing has two distinguishing features – its sustentative focus and its methods. While the High Policing targets what might be called macro-crimes, i.e. crimes that are considered threats to the society in general, such as drug trafficking. While the low policing is associated with micro-crimes that affect only the individuals.

High policing is less transparent, less accountable and less careful with respect to human rights. While low policing emphasizes prevention through visible patrolling and deterrence through the application of criminal law. On the other hand, in high policing, prevention is the key objective, utilizing the tactics of covert intelligence gathering, surveillance and disruption.

The Word Counterterrorism can be used as a synonym for “High Policing” as it refers to the covert. Activities of intelligence gathering. Specialized Agencies have been given the responsibility of counter-terrorism. Such agencies rarely have exclusive jurisdiction for intelligence gathering abroad, but are supplemented by military as well as other civil agencies. Most of the countries have created an agency that specializes in collecting domestic intelligence about potential violators. Following countries have such Specialized Agency For example Australia (ASIO),

353 Bayley 2006
France (DST), Israel (Shin Bet), Japan (PSIA), the United States (FBI). While some do intelligence gathering only, such as the Canadian Security Intelligence Service (CSIS) and Israel’s Shin Bet at the same time the FBI of United States does both the jobs of intelligence and investigations. The Central Bureau of Investigation, India’s leading national counter terrorism agency have got the full police powers and can detain, arrest and submit for prosecution. Other’s in the same league are Japan’s (PSIA) Public Security Investigation Agency and Spain’s National Intelligence Center (CNI).

Infact all national, i.e. centralized police services engage in counterterrorism with the exception of Sweden. Indeed, all sub-national counterterrorism is carried out by police. There are no cases of agencies specializing in counter terrorism at sub-national levels. Thus, the police in all federal systems have counter terrorism responsibilities. In sum, police in all democratic countries, centralized and non-centralized, are authorized to engage in high as well as low policing. The extent to which they actually do so varies widely.