

USPS PROCEDURES

MAIL COVER REQUESTS



RESTRICTED INFORMATION

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Publication 55, September 2011

1. EXPLANATION

This publication provides instructions to law enforcement agencies requesting a mail cover as part of a criminal investigation. All conditions and procedures contained in these instructions must be met before a mail cover can be authorized.

2. DISTRIBUTION

- a. Initial. Headquarters, Criminal Investigations Service Center (CISC) Managers and Inspectors in Charge (INC) receive initial copies.
- b. Additional Copies. Only the Inspection Service may issue copies to law enforcement agencies on a case by case basis.

3. PROTECTION

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4. COMMENTS

Address comments and questions to:

**U.S. Postal Inspection Service
Office of Counsel
475 L'Enfant Plaza, Room 3341
Washington, DC 20260-2100**

This publication is effective upon receipt.

G. J. Cottrell
Chief Postal Inspector

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I. Summary

A. Policy Statement

It is the policy of the Postal Inspection Service to maintain close control and supervision of mail covers as a sensitive law enforcement investigative technique, in accordance with applicable federal laws and regulations (Title 39, United States Code, Section 410; Title 39, Code of Federal Regulations, Section 233.3). Requesting agencies must treat mail covers as restricted and confidential information. To the extent possible, mail covers should not be introduced as evidence in criminal or civil proceedings. Since mail cover information is recorded by postal employees in the postal facility responsible for delivery of the mail, the implementation of the mail cover may be subject to operational restrictions established at this facility. The failure of a requestor to comply with these requirements and conditions may result in a suspension of future mail cover requests.

B. Definitions

The Criminal Investigations Service Center (CISC) is the primary administrator of the mail cover program with a national geographical area of responsibility.

“Mail Cover” is the process by which a nonconsensual record is made of any data appearing on the outside cover of any sealed or unsealed class of mail matter, or by which a record is made of the contents of any unsealed class of mail matter as allowed by law. The information provided by a mail cover may only be used to: (i) protect national security (ii) locate a fugitive; (iii) obtain evidence of commission or attempted commission of a crime; (iv) obtain evidence of a violation or attempted violation of a postal statute, and/or (v) assist in the identification of property, proceeds or assets forfeitable under law.

“Sealed mail” means mail on which appropriate postage is paid, and which, under postal laws and regulations, is included within a class of mail maintained by the Postal Service for the transmission of letters sealed against inspection, including First-Class Mail, Priority Mail, Express Mail (domestic and international), Mailgram messages, Global Express Guaranteed Document service, Global Priority Mail service, International Priority Airmail service, international Letter Post Mail other than International Surface Airlift service and Publishers’ Periodicals, and international transit mail.

“Unsealed mail” means mail on which appropriate postage for sealed mail is not paid, and which under postal laws or regulations is not included within a class of mail maintained by the Postal Service for the transmission of letters sealed against inspection, including Periodicals, Standard Mail, Package Services, incidental First-Class attachments or enclosures mailed under DMM E070, and (as defined in the International Mail Manual), Global Express Guaranteed Non-Document service, international parcel post mail, International Surface Airlift service, and Publishers’ Periodicals.

C. Purpose

This publication contains the guidelines which law enforcement agencies must use in preparing mail cover requests. Mail covers are implemented only when all requirements are met in a written request to the Inspection Service. In emergency situations, a mail cover may be initiated based on a verbal request which is confirmed by a written request within three (3) calendar days. In **emergency** circumstances, the mail cover information may be provided to the requestor prior to the receipt of the written request.

D. Authority

The United States Postal Inspection Service (Inspection Service) has sole regulatory authority to approve mail covers. Title 39 of the Code of Federal Regulations, Section 233.3, authorizes and prescribes the manner in which mail covers are conducted. [Note that in the CFR there are references to the Inspection Service Operations Support Group, which is now known as the Criminal Investigations Service Center (CISC)]

Requests are approved by the Chief Postal Inspector or designee at Headquarters and, by delegation, to the CISC Manager or their designee. In emergencies, local Inspectors in Charge may also approve cover requests.

II. Restrictions

A. Cover Categories

Mail covers are issued only to agencies empowered by statute or regulation to conduct criminal investigations and are **strictly controlled** to assure proper use. They are not to be used as an initial investigative step.

Mail covers are restricted to the following categories of investigations:

1. To protect national security against actual or potential threats to the U.S. by a foreign power or its agents. (Note: Only those agencies with national security investigative authority may request covers in this category through the U. S. Postal Inspection Service's Office of Counsel).
2. To locate a fugitive.
3. To acquire evidence of a commission or attempted commission of a crime punishable by one year or more in prison (felony violations).
4. Obtain evidence of a violation or attempted violation of a postal statute.
5. To assist in the identification of property, proceeds or assets forfeitable because of a violation of criminal law.

B. Mail Contents and Disclosure

Approved mail covers authorize the recording of information from the outside wrappers or envelopes of sealed and unsealed classes of mail. Mail covers do not authorize the search, seizure or opening of any class of mail. Mail in USPS custody may be seized and its contents examined only under authority of a properly executed **federal** search warrant or a legally recognized exception to the warrant requirement. Only postal personnel are authorized to record information relevant to mail covers. Information should only be disclosed at the express direction of the Inspection Service. The existence of a current mail cover maintained on a particular subject may be disclosed to another law enforcement agency upon request. Such disclosure is permissible as a "routine use" under the Postal Service Privacy Act regulations and is consistent with Inspection Service liaison policy. Provided the request otherwise meets the requirements for mail cover authorization, accumulated cover information on the subject may be disclosed.

C. Regulations Compliance

Each request is reviewed to ensure that it contains enough information to stand alone as full justification for the cover and fully complies with all regulation requirements.

Extensions: Requests for time extensions of approved mail covers must state the investigative benefits gained from the original request and anticipated to be obtained from the extension. A mail cover will be extended beyond the initial time period of the original where sufficient justification is provided. Extensions, if approved, can be granted in 30-day periods (60 day periods for fugitives), not to exceed 120 days. Mail Cover extensions beyond 120 days must be approved by the Chief Postal Inspector. The request for extension must state whether the subject has been indicted or an information filed and if the subject is represented by an attorney.

D. Submission Requirements

Once a request is approved, mail cover data is provided on PS Form 2009, Information Concerning Mail Matter or photocopied by the Postal Service and attached to PS Form 2009. These forms, with photocopy attachments, if any, remain USPS property and must be returned to the CISC Manager within 60 days after the termination date of the cover. Reproduction of these forms, with photocopy attachments, if any, is prohibited.

III. Preparation

A. Mailing Instructions

Complete the External Law Enforcement Request for Mail Cover Template. This template must be accompanied by a cover letter requesting the mail cover on agency letterhead, signed by the requesting agent's supervisor. Endorse the request and envelope RESTRICTED INFORMATION. Seal the request in the envelope, place it in a second envelope, and mail to:

**CISC Manager
Attn: MC Specialist
433 W. Harrison Street, Room 3255
Chicago, IL 60699-3255**

B. Mandatory Information

There is certain information which **must** be furnished to determine if a mail cover can be approved. See sample mail cover request provided as Exhibit 1. Exhibit 2 is a sample of PS Form 2009, Information Concerning Mail Matter, and is what the Postal Service uses for the recording.

1. **Date of Request.** Enter the date the request for mail cover is completed.
2. **Type of Request.** Indicate the type of request, i.e. new request, extension, fugitive, forfeiture, etc.
3. **Number of Days:** Select the number of days requested for the mail cover. Current regulations provide that except in fugitive (30 or 60 days) and national security cases, the standard period for a mail cover is 30 days. Extensions may be granted 30 days at a time, up to 120 days. No mail cover shall be extended to remain in force longer than 120 days unless approved by the Chief Postal Inspector at National Headquarters.
4. **Subject of Mail Cover Name & Address:** Only one subject may be requested on each mail cover template. Identify each person or business to be covered by full name, address, and ZIP Code. Where a request specifies covering "All Names at Subject Address", there must be justification for the broader scope. Conclusory statements about the use of aliases by certain classes of violators are discouraged. Support for "All Names at Subject Address" should stem from articulable activities of the cover subject(s) under the particular circumstances of the investigation. Because the cover request must be facially sufficient, grounds for covering all names should be provided even when the nature of the case suggests mail is received in an array of names (i.e. credit card fraud).

Information regarding the persons residing at or receiving mail at a particular address should be obtained prior to submitting the mail cover request. This information can normally be requested from the local Postal Inspector's office. Be careful to ensure that the cover is limited only to the persons required for the investigation and that the information provided establishes a basis to show the involvement of each subject in the matter under investigation. If a name should be excluded from the mail cover, indicate this name and the fact it should be excluded on the template. As an example, a mail cover request for all names at a specific address, without adequate justification will be rejected.

Identify anyone else who receives mail at the same address but is not a subject of your investigation, so that person's mail can be excluded from the cover.

5. **Indictment Statement:** Ordinarily, a mail cover will not be approved for a criminal investigation purpose where the subject has already been indicted for the offense under investigation. The only exceptions to this prohibition are where the subject is a fugitive or where the mail cover information

will be used for a forfeiture investigation. In the case where the mail cover is being requested to locate a fugitive, clearly identify the fugitive and the specific statute which the fugitive violated, including title, section and penalty. State whether whereabouts are known or unknown.

If the subject is formally charged by indictment or information while the mail cover is in effect, notify the CISC Manager immediately to terminate the cover. As stated above, except in fugitive and forfeiture cases, mail covers are not continued if the person is indicted or an information is filed for the crime upon which the mail cover was requested. In these instances, a new mail cover request must be submitted which states as its basis the identification of assets for forfeiture purposes or the location of the suspect as a fugitive.

6. Attorney:

Mail covers shall not include matter mailed between the mail cover subject and his or her known attorney due to attorney client privilege unless the attorney is also a subject under investigation.

a. If the subject of the mail cover has a known attorney, check the box "Yes". If not, check the box "No". If "Yes" is checked, state the attorney's name and address.

b. If the purpose of the mail cover is to locate a fugitive, state the name and address of known attorney(s), or check the box "No" indicating the attorney(s) are not known.

c. If the subject of the mail cover is an attorney or they are known to be a judicial officer, e.g. judge, magistrate, etc., check the box "Yes". If not, check the box "No."

7. Fugitive: If the cover request involves a fugitive, state the fugitive's name, aliases, and any relationship between the fugitive and the mail cover subject.

8. Forfeiture: In those cases where information is being sought in furtherance of a forfeiture, it will be necessary to specify both the legal basis of the forfeiture (facts which describe the forfeiture investigation) and applicable statutes which authorize the forfeiture by the requesting agency (forfeiture statute and the agency's forfeiture authority).

9. Violation: In a case where the cover is being requested to develop information for a criminal investigation, cite the specific applicable statute, that is within the jurisdiction of your agency, with a description of the violation, and the penalty provided under the code (e.g., Title 18, United States Code, Section 1343, Wire Fraud penalty is five (5) years imprisonment and/or \$1,000 fine). A mail cover request may be based on a criminal violation of law with the purpose of developing additional evidence. A request may also be based on a forfeiture statute with the purpose of identifying and locating forfeitable assets. Requests having both criminal and forfeiture bases are acceptable provided they set forth the relevant statutes, the agency forfeiture authority, and meet the additional requirements of a mail cover. Use of boilerplate language such as "to identify and locate assets" in forfeiture requests is discouraged, as the requestor should be specific regarding the forfeitable property of a particular subject. Mail cover requests having a forfeiture basis can survive indictment of the cover subject since additional information is utilized solely to identify and locate assets related to a criminal violation. However, when the subject of a dual request has been charged (indictment, information) and investigators are continuing to seek assets or property which may be forfeitable, a new mail cover order must be requested in accordance with 39 CFR §233.3(g)(7).

10. Reasonable Grounds:

a) **"Basis".** Provide reasonable grounds that demonstrate the information from the mail cover is necessary to develop evidence in a criminal investigation. For example, reasonable grounds might be based on information from a confidential informant, public complaint, previous investigation, etc. Be specific and concise in outlining the reasonable grounds element. The mail cover request must contain a description of the circumstances on how a

mail cover could further the investigation or provide evidence of a crime. The mere assertion that one is investigating the violation of a particular statute does not establish an acceptable basis for the cover. The request should set forth what the subject is doing to violate the statute and explain how information gained from covering the mail could help develop additional evidence.

- b) **“Purpose”**. State your purpose for requesting a mail cover and explain how the mail cover will provide evidence of a crime or assist in your investigation. A mail cover should not be used as merely a routine investigative tool.
- c) **“Connection”**. If the mail cover subject is not the subject of the investigation, describe the affiliation of the mail cover subject to the subject of the investigation.

11. Class of Mail. The classes of mail to be covered must be checked. Usually, only sealed mail will be covered. If it is necessary to add unsealed mail, specify the reasons for its inclusion.

12. Special Instructions. Note any additional circumstances relevant to your investigation, such as particular mail the subject receives or name of the local Postal Inspector if liaison has been established.

13. Request For Extension. A request for an EXTENSION of the mail cover must include the following information:

- a. MAIL COVER REFERENCE NUMBER from the initial request;
- b. The results obtained from the original mail cover, and if the mail cover assisted or did not assist the investigation;
- c. The anticipated benefits to be derived from the mail cover extension;
- d. Regarding the violation under investigation, answer “Yes” or “No” if the subject’s indictment status has changed since the previous mail cover request; and
- e. Regarding the subject’s legal representation status, answer “Yes” or “No” if there has been a change since the last mail cover request. If so, state the nature of the change, including the attorney’s name and address.

14. Agency Name, Requestor Name, Address Where Mail Cover Results Should Be Mailed, Telephone Number, Fax Number and E-Mail Address. All fields are required to be completed with the exception of fax number and e-mail address which are optional fields.

15. Name, Title, and Signature of Supervisor Authorizing Mail Cover Request. All fields are required to be completed, and mail cover template signed prior to submission to the CISC.

Reminders:

- 1. Mail covers are not authorized for exploratory purposes or for crimes punishable by less than one year imprisonment (misdemeanors).
- 2. Requests referencing federal grand jury material covered by Rule 6(e) of Federal Rules of Criminal Procedure are returned without action.
- 3. The request is a permanent part of the mail cover file and will be made available through proper disclosure procedures, including criminal or civil discovery actions.
- 4. A nexus between the investigation and each address/subject must be included.

C. Daily Documentation

Cover information is documented daily by the Postal Service on Forms 2009 and sent to you by the CISC no later than the end of the authorized time frame. If you need the Forms 2009 during the course of the cover period, specify in your request that the Forms 2009 are to be submitted on a weekly basis. (Can be submitted daily to the requestor in fugitive cases.) Return all PS Forms 2009, with photocopy attachments, if any, to the CISC Manager within 60 days of the mail cover termination date. The results of each individual mail cover must be forwarded in its entirety, in one mailing, by accountable mail, double enveloped and marked "Restricted" with the following information inscribed on the inner envelope: State Where Subject Resides, e.g. TX.

Reminders:

- a. All Forms 2009, and photocopies, if any, are USPS property.
- b. Reproduction of forms and/or attachments to the forms are prohibited.
- c. Use of forms as evidence, or reference to mail covers in criminal, civil or administrative proceedings, should be avoided to the extent possible.
- d. Requesting official must ensure **security** of forms with attachments, if any, and their return.
- e. The failure of a requestor to comply with these requirements and conditions may result in a suspension of future mail cover requests.

D. Commercial Mail Receiving Agencies (mail drop)

Because mail delivered to a CMRA is generally not sorted by addressee, a mail cover will normally not be processed when it may unduly impact postal operations.

Exhibit 1



External Law Enforcement Agency
REQUEST FOR MAIL COVER

Complete all sections of the mail cover template below and attach a cover letter on your agency letterhead with an original signature by your immediate supervisor. These should be placed in an envelope endorsed **RESTRICTED INFORMATION**. Seal the request in the envelope, place it in a second envelope, and mail to the CISC. The mail cover request should be addressed as follows:

CISC Manager
Attn: MC Specialist
433 W. Harrison Street, Room 3255
Chicago, IL 60699-3255

For further instructions on mail cover requests submitted by external law enforcement agencies, please see **Publication 55, USPS Procedures for Mail Cover Requests**. This publication may be requested by contacting our Mail Covers Unit at **312-669-5673**.

<p>1. <u>DATE OF REQUEST</u> 8/26/05</p>	<p>2. <u>TYPE OF REQUEST:</u></p> <p>New Request: <input checked="" type="checkbox"/> (Complete only Item 13) Extension: <input type="checkbox"/> Fugitive: <input type="checkbox"/> (Refer to Item 7) Forfeiture: <input type="checkbox"/> (Refer to Item 8)</p>	<p>3. <u>NUMBER OF DAYS:</u> Indicate the number of days requested: 30 days <input checked="" type="checkbox"/> Fugitive only: 30 days <input type="checkbox"/> 60 days <input type="checkbox"/></p>
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4. SUBJECT OF MAIL COVER NAME & ADDRESS: **Only one subject address may be requested on each mail cover template.** Identify the individual(s) or business(es) to be covered by indicating full name(s), address, and ZIP+4 Code:

Name(s): **Kane Sweeney**
 Address: **123 Laura Flamuth Drive**
 City: **Anywhere**
 State & Zip+4: **NY 10001-1234**

If coverage of "All Names" receiving mail at the subject address listed above is needed, provide justification. Also, indicate any names that should be excluded from this request.

All Names at Subject Address: Yes (provide justification below) No

Justification:

5. INDICTMENT: Has the subject been formally charged, i.e. indictment or information with the offense that is the basis of this mail cover request? Yes No

6. ATTORNEY:

a) Does the subject(s) of the investigation have a known attorney? Yes No
 If so, state the attorney's name and address.

b) If this request involves a fugitive, does the fugitive have a known attorney? Yes No
 If so, state the attorney's name and address.

c) Is the mail cover subject a judicial officer (e.g. attorney, judge, etc.)? Yes No

7. FUGITIVE: If the cover involves a fugitive, state the fugitive's name, aliases, and any relationship between the fugitive and the mail cover subject.

8. FORFEITURE: If the only purpose of the mail cover is to identify property for forfeiture, state the legal basis for the forfeiture investigation, including the applicable forfeiture statute.

The mail cover will provide information concerning financial assets the subject may have that were derived from the described drug activity which may be subject to forfeiture under law.

9. **VIOLATION:** State the applicable violation description, statute number, and penalty. If this involves a fugitive and the statute for the warrant is Unlawful Flight or Failure to Appear, also state the original charge.

Violation Description, e.g. *Wire Fraud*: **Possession of a Controlled Substance**

Statute, e.g. *Title 18 USC 1343*: **Title 21 USC 841(a)**

Penalty, e.g. *Ten Years*: **Up to 15 years imprisonment**

Is this violation a felony with imprisonment more than one year? Yes No

10. **REASONABLE GROUNDS:**

a) **Basis** - How has the mail cover subject violated, or is suspected of violating, the criminal statute? Make a definite statement that an official investigation into the possible violation of this criminal statute, fugitive search, or asset forfeiture is being conducted and cite the applicable section(s) of the United States Code or applicable State or Local law. Explain in detail your justification.

Our informant advised that a sizeable quantity of cocaine will be mailed to John Doe, 123 Main Street, Chicago, IL 60645-1234 from Tuscon, AZ on or about September 18. The suspect shipment was ordered on or about August 24. The subject of the mail cover was convicted in 1993 and again in 2000 for drug trafficking. Our informant has personally made two buys from the subject.

b) **Purpose** – What information do you expect to obtain from the mail cover? How will the mail cover facilitate the investigation, including the location of property or assets for forfeiture, or the location of a fugitive, e.g. banking information, co-conspirators, etc.?

The mail cover will provide information regarding the source of the drugs and also information concerning financial assets the subject may have that were derived from the above described drug activity which may be subject to forfeiture under law.

c) **Connection** - If the mail cover subject is not the subject of the investigation, describe the affiliation of the mail cover subject to the subject of the investigation.

11. CLASS OF MAIL: Indicate the class of mail requested. Justification must be included for other than First Class.

- First-Class Mail (Personal or business correspondence: Includes Priority Mail [generally over 11 oz.] and Express Mail)
- Package Services (Parcel Post, bound printed materials, media mail and library mail)
- International

Provide further justification for these classes of mail:

- Periodicals (Magazines, newspapers)

Justification:

- Standard Mail (Bulk Business Mail)

Justification:

12. SPECIAL INSTRUCTIONS: State any special instructions or concerns about this particular request.

13. REQUEST FOR EXTENSION: (For an extension request, complete only the section below.)

At the expiration of the mail cover period, or prior thereto, the requesting authority may request and be granted additional 30-day periods (60-day periods for fugitives). To ensure there is no gap in the mail cover, the extension request should be submitted a minimum of 10 days prior to the end of the mail cover. The requesting authority must provide a statement of the investigative benefits of the mail cover and the anticipated benefits to be derived from its extension. The request for an extension must state whether the subject has been indicted or an information filed and if the subject is represented by an attorney.

Per Postal Regulations, no mail cover shall remain in force longer than 120 continuous days unless approved for further extension by the Chief Postal Inspector.

- (a) MAIL COVER REFERENCE NO.:
- (b) State, in detail, how the results of the prior mail cover assisted, or did not assist, the investigation.
- (c) Describe the anticipated benefits to be derived from this mail cover extension.
- (d) Regarding the violation under investigation, has the subject's indictment status changed since the previous mail cover approval? Yes No
- (e) Has the subject's legal representation status changed since the last mail cover approval? If so, state the nature of the change, including attorney's name and address. Yes No

Mail covers are issued only to law enforcement agencies empowered by statute or regulation to conduct criminal investigations and are strictly controlled to assure proper use.

Mail Covers are an investigative tool, and are not to be used as an initial investigative step.

14. AGENCY NAME, REQUESTOR NAME, ADDRESS WHERE MAIL COVER RESULTS SHOULD BE MAILED (with Zip +4 code), TELEPHONE NUMBER, FAX NUMBER AND E-MAIL ADDRESS:

In order to process this request, all fields below are required to be completed (fax and e-mail are optional fields)

Agency Name: **Drug Enforcement Administration**

Is this a law enforcement agency? Yes No

Requestor's First Name: **Jennifer**

Requestor's Last Name: **Kohlberg**

Requestor's Title: **Special Agent**

Address: **999 Canal Street**

City/State/Zip+4: **Chicago, IL 60009-6789**

Telephone Number: **123-456-7890**

Fax Number: **123-456-7891**

E-Mail Address: **JKohlberg@DEA.com**

15. NAME, TITLE, AND SIGNATURE OF SUPERVISOR AUTHORIZING MAIL COVER REQUEST:

Supervisor's First Name: **Michael**

Supervisor's Last Name: **Stamer**

Supervisor's Title: **Supervising Agent**

Supervisor's Address: **999 Canal Street**

Supervisor's City/State/Zip+4: **Chicago, IL 60009-6789**

Supervisor's Telephone Number: **123-456-9990**

Supervisor's Signature and Date: *Michael Stamer* 8/26/05

AN ELECTRONIC VERSION OF THIS FORM IS AVAILABLE UPON REQUEST BY CONTACTING THE MAIL COVERS UNIT AT 312-669-5673.

ALL COMPLETED MAIL COVER REQUESTS MUST BE SENT VIA THE UNITED STATES MAIL TO THE CRIMINAL INVESTIGATIONS SERVICE CENTER PER INSTRUCTIONS AT THE TOP OF THE FIRST PAGE OF THIS TEMPLATE.

(For CISC Internal Use Only)

Reviewer's Initials & Date: _____

Exhibit 2

◀ **RESTRICTED INFORMATION** ▶

U.S. Postal Service INFORMATION CONCERNING MAIL MATTER		FILE NO.: «MC#» «initials»	
RETURN THIS FORM (AND ATTACHMENTS) TO: «service center name» «service center address» «service center city state zip»	FROM (<i>Postal Office</i>) «post office city state zip»	DATE RECORDED: «dayofweek» «date»	RECORDED BY:
	The delivery of mail was not delayed while obtaining this information. _____ POSTAL MANAGER		

INSTRUCTIONS

- Photocopy the front (and back, if appropriate) of each mail piece to be delivered on the date indicated above.
- Attach photocopies to this form.
- If post office is not equipped with a photocopier, record the information from each mail piece on this form.

SENDER'S NAME/ RETURN ADDRESS	ADDRESSEE'S NAME/ADDRESS	EXTERIOR MARKINGS	METER/ POSTMARK DATE/ORIGIN	MAIL CLASS

● **MAIL THIS FORM IN TWO ENVELOPES. DO NOT USE WINDOW ENVELOPES. THE INNER ENVELOPE MUST BE MARKED "RESTRICTED INFORMATION".**

«MC#» Subject Address: **«mail cover address»**