

Subject: DEPARTMENT POLICY AND PROCEDURES ON MAIL COVERS

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12-25-00 PURPOSE

This chapter states policies and procedures to be followed in requesting the U.S. Postal Service to carry out a mail cover. 39 CFR 233.2 contains additional information on mail covers.

12-25-10 DEFINITIONS

For the purposes of this chapter, the following definitions from 39 CFR 233.2 apply:

- A. "Mail Cover" is the process by which a record is made of any data appearing on the outside cover of any class of mail matter, including checking the contents of any second-, third-, or fourth-class mail matter as now sanctioned by law, in order to obtain information in the interest of (1) protecting the national security, (2) locating a fugitive, or (3) obtaining evidence of commission or attempted commission of a crime.
- B. "Fugitive" is any person who has fled from the United States or any State, territory, the District of Columbia, or possession of the United States, to avoid prosecution for a crime, to avoid punishment for a crime or to avoid giving testimony in a criminal proceeding.
- C. "Crime", is any commission of an act or the attempted commission of an act that is punishable by law by imprisonment for a term exceeding one year.
- D. "Law enforcement agency" is any authority of the Federal Government or any authority of a State or local government one of whose functions is to investigate the commission or attempted commission of acts constituting a crime.

12-25-20 POLICIES ON MAIL COVERS

- A. Only the head of each HHS organization that is considered to be a "law enforcement agency" under the definition stated above in Subsection 12-25-10D can request the U.S. Postal Service to initiate and carry out a mail cover.

- B. The requesting official must obtain approval from the Inspector General, the Deputy Inspector General, or the Assistant Inspector General for Investigations and individuals who are acting in the capacity of the above officials during their absence (Note: The approval authority may not be redelegated within the Office of Inspector General) before sending a request for a mail cover to the U.S. Postal Service.
- C. Use of a mail cover as an investigative measure is to be limited to situations where: (1) the necessary information cannot be obtained by any other means, and (2) the imposition of a mail cover is essential to an investigation.
- D. The U.S. Postal Service limits each mail cover and each renewal of a mail cover to 30 days.
- E. A mail cover is to be cancelled if the information sought is obtained prior to the expiration of the 30 days.
- F. All documentation received from the U.S. Postal Service as a result of a mail cover is to be treated in the strictest confidence while in the possession of the Department. It is to be returned to the Postal Inspector in Charge from whom it was received no later than 60 days after its receipt.

#### 12-25-30 PROCEDURES FOR REQUESTING MAIL COVERS

##### A. Request for Initial Mail Cover

In making a request to initiate a mail cover, the requesting official should:

1. Prepare the request in the form of a letter addressed to the Postal Inspector in Charge of the area in which the mail cover will be carried out.
2. Include the following information in the request:
  - a. a statement as to which authorized purpose contained in 39 CFR 233.2(d)(2)(ii) will be served by the mail cover;
  - b. the citation of the statute which gives the requesting official authority to investigate the matter in question;
  - c. the identity of each individual or business to be covered (give name, address and zip code number of each);
  - d. a statement that an official investigation is in progress;
  - e. the Federal statute alleged to have been violated and the criminal penalty, if convicted;
  - f. the reasonable grounds that exists which demonstrate that the mail cover is necessary to the investigation;

- g. the name and address of any attorney for the mail cover subject or a statement that the subject's attorney, if any, is not known (Mail cover data excludes matter mailed between the mail cover subject and his known attorney);
    - h. a statement that the subject of the mail cover request, if not a fugitive, is not under indictment in connection with the matter under investigation;
    - i. a statement that if the subject is indicted for any cause during the mail cover period, the Postal Inspector in Charge will be immediately notified (Note: Under such circumstances, the mail cover is required to be cancelled and if the subject is under investigation for further criminal violations, a new mail cover must be requested); and
    - j. the coverage requested should be specified, i.e., business or residential, first-class only, first-class and parcels, etc.
  3. Obtain approval from an appropriate official of the Office of Inspector General by sending to them the official file copy of the request (plus two other copies) and a brief covering memorandum explaining why the mail cover is necessary.
  4. Keep the request until receiving the official file copy with the OIG approval, then send it to the Postal Inspector in Charge.
  5. Maintain the official file copy of the request.

B. Request for Renewal of a Mail Cover

In making each subsequent request to renew a mail cover, the requesting official should follow the procedure outlined above in Subsection 12-25-30A, and should explain in the memorandum to the appropriate OIG official why an extension of the mail cover is necessary. In addition, the request for the fourth renewal and any subsequent renewal is to contain specific reasons for continuing the mail cover and be addressed to the Chief Postal Inspector.

C. Request to Cancel a Mail Cover

Requests to cancel a mail cover should be sent directly from the requesting official to the Postal Inspector in Charge to whom the request to initiate or renew the mail cover was addressed.

