

DEPARTMENTAL REGULATION		Number: 1710-001
SUBJECT: Interception and Monitoring of Telephone and Non-telephone Conversations	DATE: February 6, 1984	
	OPI: Office of Inspector General	

1. PURPOSE

This regulation sets out Department policy relating to the surreptitious interception and monitoring of telephone and non-telephone conversations.

2. SPECIAL INSTRUCTIONS/RESCISSIONS

- a. Agency and staff heads are responsible for informing their employees of the provisions of this regulation.
- b. Directive Rescinded. Chapter 16, Section 10, Title 1, Administrative Regulations, dated October 26, 1978 is superseded by this regulation.

3. POLICY

- a. General. No officer or employee of the Department shall intercept (secretly listen to) telephone or non-telephone conversations by mechanical, electronic or other device or means.
- b. Exception - Consensual Monitoring.
 - (1) Telephone Conversations. The Inspector General, or designee, may authorize monitoring of telephone conversations with the consent of a party to the conversation, when necessary in criminal investigations. The Inspector General is responsible for the control of such consensual monitoring by agents of the Department of Agriculture. Advance written or oral (when necessitated by exigent circumstances) authorization from the Inspector General is required before such monitoring is conducted.
 - (2) Non-telephone Conversations. The Inspector General, or designee may authorize consensual monitoring of non-telephone conversations when necessary in criminal investigations. The Inspector

General shall comply with Attorney General (Department of Justice) guidelines and amendments thereto with respect to the authorizations.

4. MONITORING TELEPHONE CALLS

Except as provided in section 3 above, no officer or employee shall authorize, permit, or participate in the monitoring of telephone conversations from, to, or within the Department, or with respect to official business of the Department, for any purpose unless prior and adequate notice is given to, and agreement received from, all participants to the conversation. This prohibits listening in for any reason without the prior approval of all parties to the conversation.

a. Identification

(1) Conference Call. If the telephone call is to be a conference call, all participants in the conference will be fully identified prior to the subject matter of the call being introduced.

(2) Monitored Call. If the call is monitored by a secretary or any other person for the purpose of taking either notes or a verbatim transcript of the conversation, the secretary or other person will be identified and the assent of all other parties to the conversation will be obtained prior to the subject matter being discussed. The monitoring shall be terminated as soon as the portion of the telephone conversation agreed upon for monitoring is terminated.

b. Monitoring Device. If any electronic or mechanical device is used to monitor a telephone conversation, the conditions as outlined above will be adhered to.