

# RESCINDED

AL 95-6

Subject: Reporting Suspicious Criminal Activity

This issuance has been replaced by  
OCC 96-19.

TO: Chief Executive Officers of all National Banks, Department and Division Heads, and all Examining Personnel

The OCC, along with the other federal financial institutions regulatory agencies and the Financial Crimes Enforcement Network (FinCEN), a unit within the Department of the Treasury, has been working to improve the reporting process for suspected criminal activity. In connection with this effort, on July 3, 1995, the OCC published a notice of proposed rulemaking in the Federal Register. This proposed regulation would revise and simplify the current process by:

Replacing the current short and long "criminal referral" forms with one, uniform, interagency form.

Eliminating the requirement that financial institutions file the form with a number of federal agencies and, instead, require them to file the form only with FinCEN.

Eliminating the need for financial institutions to submit any supporting documentation with the form.

Raising significantly many of the dollar thresholds for required reporting of potential violations of criminal law.

We are attaching a copy of the proposed new form (called the Suspicious Activity Report or SAR), along with the proposed instructions so that you can become familiar with them.

The OCC is working with the other agencies to create computer software that would enable you to generate and complete the new form on your computers. We are also working with the other agencies to enable financial institutions to file the form via magnetic media. Those national banks that wish to use magnetic media must use the specifications established by the Department of Treasury. To obtain these specifications, please contact Ms. Barbara Rosenberg at IRS Detroit Computing Center, 985 Michigan Avenue, Detroit, Michigan 48226 or at (313) 234-1422. Banks that currently file Currency Transaction Reports (CTRs) by magnetic tape will be receiving the specifications automatically.

The public comment period for the OCC's proposed suspicious activity reporting regulation ended on September 1, 1995, and the OCC staff is

currently in the process of evaluating the comments received. The other federal financial institutions regulatory agencies and FinCEN are also in the process of issuing proposed rules. We anticipate that this process will be concluded within the next 90 days.

Until the new form is issued, you should continue to use the current criminal referral forms. Once the new regulations are finalized, the SAR will replace those criminal referral forms and, in addition, the SAR will become the single method of reporting suspicious currency transactions under the Bank Secrecy Act. Until the SAR is finalized, banks should report suspicious currency transactions on the current criminal referral forms in light of the fact that, as of October 1, 1995, the box that banks have historically checked for suspicious currency transactions on the Currency Transaction Report (CTR) was eliminated.

Questions about the new reporting process should be directed to the Enforcement & Compliance Division at (202) 874-4800.

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Date: November 7, 1995

(Sample of the Suspicious Activity Report mentioned in this advisory letter is not available electronically)