



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No. 306-DE-80444

5600 Crooks Road
Suite 200
Troy, Michigan 48098
April 30, 2012

Barry L. King
Attorney At Law
Giamarco, Mullins & Horton, P.C.
101 West Big Beaver Road
Troy, Michigan 48084

RE: Oakland County Child Killer Case

Dear Mr. King:

We are in receipt of your letter dated April 17, 2012, concerning the status of the Oakland County Child Killer case. This is an ongoing investigation, and thus, we are unable to respond to any specific questions about this matter. However, we would like to provide some context as to our involvement with this investigation in light of recent calls for the Department of Justice to investigate these killings.

The Federal Bureau of Investigation's (FBI) general authority to investigate violations of laws of the United States is codified under Title 28, United States Code (USC), Section 533(a). Absent additional express authority, the FBI lacks jurisdiction to investigate violations of state law, such as murder or rape. In 1998, the United States Congress enacted the Protection of Children from Sexual Predators Act. Under Section 701 of that Act, Congress granted the FBI authority to investigate serial killings at the specific request of the head of the state or local law enforcement agency with existing investigative jurisdiction. Congress placed that authority at 28 USC Section 540B.

Unlike the FBI's limited authority in domestic police cooperation matters, FBI investigations of serial killers under Section 540B are fully authorized federal investigations. However, FBI investigations conducted under the authority granted in Section 540B strictly support state prosecutions for violations of state laws. FBI Agents investigating serial killings under Section 540B will not supplant state and local authorities in these matters; but rather, they will work with them cooperatively to solve the case.

Furthermore, Agents conducting serial killer investigations cannot obtain most types of federal process, because the investigations do not support federal criminal charges. Local and state authorities and, if necessary, Agents, can work with state prosecutors to obtain state process in support of these investigations.

Under the aforementioned guidelines dictated by Congress, the FBI has and will continue to assist local and state authorities in their efforts to solve these heinous crimes. However, the FBI cannot supplant state and local authorities, and "take over" the case. Additionally, all legal process must continue to be sought through the Oakland County Prosecutor's Office, or other appropriate state authority, as federal prosecutors have no jurisdiction with which to charge these crimes.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew G. Arena", written in a cursive style.

Andrew G. Arena
Special Agent in Charge