



MANUAL TRANSMITTAL

Department of the Treasury
Internal Revenue Service

25.4.2

MARCH 16, 2021

EFFECTIVE DATE

(03-16-2021)

PURPOSE

- (1) This transmits revised IRM 25.4.2, Employee Protection, Caution Upon Contact Taxpayer.

MATERIAL CHANGES

- (1) 25.4.2.4(2) Note: The OEP Main Line Phone # has changed to (313) 234-2490.

EFFECT ON OTHER DOCUMENTS

This material supersedes IRM 25.4.2, dated January 26, 2021.

AUDIENCE

All Business Operating and Functional Divisions with employees whose duties require them to have contact with taxpayers.

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25.4.2

“Caution Upon Contact” Taxpayer

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25.4.2.1
(12-15-2020)
Program Scope and Objectives

- (1) **Office of Employee Protection (OEP) Mission:** To effectively administer programs tracking potentially dangerous taxpayers and those taxpayers that should be approached with caution.
- (2) **Purpose:** This IRM section provides information on OEP and describes the Caution Upon Contact (CAU) program and CAU reporting process.
- (3) **Audience:** The information and procedures in this IRM apply to all IRS employees with duties requiring taxpayer contact.
- (4) **Program Owner:** The Chief, Office of Employee Protection, reports to the Associate Director, Incident Management and Employee Protection, and oversees the CAU program.
- (5) **Contact Information:** To recommend changes to this IRM, see IRM 1.11.6.6, Providing Feedback About an IRM Section - Outside of Clearance, and send your suggestions to the *PGLD OEP mailbox.

25.4.2.1.1
(10-31-2018)
Background

- (1) The **Caution Upon Contact** (CAU) program was implemented in 2002 to enhance the safety of IRS employees. This IRM section provides information on the program’s criteria, procedures, five-year reviews, and the location of the program’s indicator.

25.4.2.1.2
(12-15-2020)
CAU Program Roles

- (1) The following subsections detail OEP’s and IRS employee’s specific roles and responsibilities within the CAU program.

25.4.2.1.2.1
(12-15-2020)
OEP’s Role

- (1) OEP administers the CAU program by:
 - Initiating a CAU case;
 - Reviewing and analyzing the Caution Indicator Referral Report, Form 13090, against the CAU criteria;
 - Making a determination as to whether or not CAU criteria have been met;
 - Inputting and removing the CAU indicator to and from the Integrated Data Retrieval System (IDRS) Master File and/or Non-Master File accounts;
 - Maintaining the CAU section of the Employee Protection System (EPS) e-Trak Database;
 - Functioning as liaison with General Legal Services (GLS);
 - Providing information and feedback to referring employees and their respective IRS managers;
 - Performing CAU five-year reviews.

25.4.2.1.2.2
(12-15-2020)
IRS Employee’s Role

- (1) IRS Employee’s role is to:

Step	Action
a)	Prepare a Form 13090, Caution Indicator Referral Report, ensuring the form contains: <ul style="list-style-type: none"> • The facts necessary to explain the incident, describing the exact words, body language or gestures made by the taxpayer; • The Taxpayer's Social Security Number or Employer Identification Number; and • A minimal amount of tax information and only what is necessary to establish a nexus to tax administration.
b)	Provide a copy of the completed Form 13090 to their immediate manager.
c)	Submit the Form 13090 to OEP via fax, mail, or a secure E-mail message.

25.4.2.1.3
(10-31-2018)

Terms

- (1) The following terms and definitions are provided to clarify terminology used in the CAU program:

- a. **Threat:** Verbal or written expression of intent to cause harm to an IRS employee or contractor or to an IRS employee's or contractor's immediate family member. It also includes preventing an IRS employee or contractor from leaving a taxpayer's business or residence, even if no physical contact actually occurs.
- b. **Intimidate:** Action intended to cause an IRS employee or contractor to become timid, or to force or deter an IRS employee or contractor from taking action.
- c. **Nexus to Tax Administration:** A taxpayer who has some type of open activity or reasonable prospect of future activity on their or their business's IDRS Master File or Non-Master File account, or a taxpayer who, even one with no open activity or reasonable prospect of future activity, initiates contact with the Service or any other tax administration authority.

25.4.2.1.4
(10-31-2018)

Acronyms

- (1) The following table contains definitions for the acronyms used in this IRM:

Acronym	Definition
CAF	Centralized Authorization File
CAU	Caution Upon Contact
EIN	Employer Identification Number
EPS	Employee Protection System
GLS	General Legal Services
IDRS	Integrated Data Retrieval System
IRM	Internal Revenue Manual
IRS	Internal Revenue Service
OEP	Office of Employee Protection
PGLD	Privacy, Governmental Liaison, & Disclosure

Acronym	Definition
POA	Power of Attorney
PDT	Potentially Dangerous Taxpayer
ROI	Report of Investigation
SSN	Social Security Number
TIGTA	Treasury Inspector General for Tax Administration

25.4.2.1.5
(12-15-2020)
Related Resources

- (1) The following resources have additional information on OEP and the CAU program:
 - OEP Knowledge Base site at: <https://portal.ds.irsnet.gov/sites/vl003/lists/employeeprotection/landingview.aspx>
 - Document 12855, Office of Employee Protection (OEP) Spotlight on Safety
 - Document 12963, A Guide to the Office of Employee Protection (OEP) Programs

25.4.2.2
(12-15-2020)
The CAU Program

- (1) The designation of Caution Upon Contact (CAU) must be based on reliable evidence or information. There must also be a nexus to tax administration.
- (2) Taxpayers must be identified by Social Security Numbers (SSN) and/or Employer Identification Numbers (EIN).
- (3) A PDT designation takes precedence over a CAU designation. As a result, taxpayers who have been identified as PDT’s cannot be simultaneously designated with the CAU indicator.
- (4) The following criteria have been established for determining CAU status. The behavior/activity/incidents at issue must have occurred within the ten-year period immediately preceding the time of classification as Caution Upon Contact:
 1. Individuals who, within the past 10 years, have threatened physical harm that is less severe or immediate than necessary to satisfy PDT criteria;
 2. Individuals who, within the past 10 years, have threatened suicide; or
 3. Individuals who, within the past 10 years, have filed or threatened to file a frivolous lien or a frivolous civil or criminal legal action against an IRS employee, a former employee, a contractor, or an immediate family member of an IRS employee, a former employee, or contractor.
- (5) A taxpayer who meets any of the above criteria must be approached with caution.

Note: The preceding criteria were approved by Chief Counsel. Adherence to the criteria is essential to ensure compliance with the Privacy Act. If a particular situation represents a borderline case in the application of the above criteria, the determination must be made in favor of the CAU designation (erring on the side of caution) for the protection of Service employees.

25.4.2.3
(12-15-2020)

CAU Determination and Appeal

- (1) The Chief, Office of Employee Protection has the authority to make all CAU determinations.
- (2) Cases determined to not meet CAU criteria can be appealed by the referring employee's IRS Manager.
- (3) The referring employee's IRS Manager must contact the Chief, Office of Employee Protection, either in writing or by telephone, to discuss the reasons for disagreement.
- (4) If an agreement is not reached between the Chief, Office of Employee Protection and the employee's IRS Manager, the Chief, Office of Employee Protection will forward the case to General Legal Services (GLS). GLS will make a final decision on the determination.

Note: The information that is sent to GLS, in order for a final determination to be made, includes the Form 13090, Caution Indicator Referral Report, received from the referring IRS employee, all IDRS research, and the case write-up completed by the assigned OEP Specialist.

25.4.2.4
(03-16-2021)

CAU Indicator

- (1) Input and removal of the CAU indicator onto IDRS is restricted to OEP.
- (2) Input of the CAU indicator will result in "CAU" appearing on the systems and documents listed in Exhibit 25.4.2-1.

Note: When an IRS employee discovers a CAU indicator on a taxpayer's account and that employee is unaware of why the taxpayer was designated as a CAU, the IRS employee may utilize the link to OEP's EPS e-Trak Database Site at: <https://etrak7.web.irs.gov/etrak-privacy/page.request.do?page=eps.caf.lookup>. The IRS employee is to enter the taxpayer's SSN into the SSN search field. The taxpayer's information will appear along with the CAU criteria met. If an IRS employee does not have access to a computer to utilize the OEP EPS e-Trak Database, the IRS employee may contact OEP to obtain background information on the reason(s) for the CAU designation. IRS employees may contact OEP by calling OEP's main line at (313) 234-2490 or sending a secure message to OEP's mailbox *PGLD OEP.

25.4.2.5
(12-15-2020)

CAU Indicator versus PDT Indicator

- (1) If a CAU case meets PDT criteria rather than CAU criteria:
 - a. The OEP Specialist will notify the referring IRS employee and his/her manager that a PDT case will be initiated on the reported incident.
 - b. The OEP Specialist will contact the referring employee's local Treasury Inspector General for Tax Administration (TIGTA) Field Division to begin an investigation and to initiate a PDT case.

25.4.2.6
(01-26-2021)

Power of Attorney (POA) Information

- (1) An IRS employee, who is assigned a case for which there is a POA and there will be contact with that POA, has a "business need to know" whether the POA has been designated as a PDT or CAU. The IRS employee can utilize IDRS to ascertain whether the POA has been designated as a PDT or a CAU, just as the IRS employee does for any taxpayer, as long as the IRS employee does not access any of the POA's other tax information.
- (2) IDRS Command Code "ENMOD" can be used to determine if the POA has been designated as either a PDT or a CAU. If an IRS employee does not

know the POA's SSN and/or EIN needed to utilize “ENMOD”, he/she can use Command Codes “NAMES” or “NAMEI” to obtain the POA's SSN - OR - “NAMEE” or “NAMEB” to obtain the POA's EIN. For assistance in using these Command Codes, please consult the “IRS Processing Codes and Information” handbook (Document 6209) or other IDRS resources.

- (3) If an IRS employee is unable to determine if the POA has been designated as either a PDT or a CAU utilizing IDRS, the IRS employee may utilize the link to OEP's EPS e-Trak Database at: <https://etrak7.web.irs.gov/etrak-privacy/page.request.do?page=eps.caf.lookup>. The IRS employee is to enter the POA's Centralized Authorization File (CAF) number into the CAF Number search field.
 - a. If the POA has been designated as a PDT or CAU, or if a case on the POA is in Pending status, the POA's information will appear, along with the PDT or CAU criteria met, .
 - b. If the POA has not been designated as a PDT or CAU, or if there are no cases on the POA in Pending status, no information will appear.
- (4) If an IRS employee does not have access to a computer to utilize IDRS or OEP's EPS e-Trak Database, the IRS employee may contact OEP. The IRS employee will give the POA's name, address and CAF number to an OEP Specialist who will utilize OEP's EPS e-Trak Database and determine if the POA has been designated as either a PDT or a CAU.

25.4.2.7
(12-15-2020)
**Five-Year Review of CAU
Records**

- (1) A CAU indicator will remain on the taxpayer's IDRS Master File and/or Non-Master File account for five years, at which time, the status will be reevaluated by an OEP Specialist.
- (2) Any taxpayer who has been designated with a CAU indicator for five years, and who meets one or both of the following renewal criteria, will retain the CAU indicator for an additional five-year period:
 - a. An additional CAU or PDT referral was made during the five-year period under review and/or
 - b. There is current IRS activity at the time of the review.
- (3) If the taxpayer does not meet the above renewal criteria, an OEP Specialist will remove the CAU indicator from that taxpayer's IDRS Master File and/or Non-Master File account.

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**Exhibit 25.4.2-1 (12-15-2020)
Display of CAU Indicator**

Once a designation has been made, the CAU indicator will appear in the upper right-hand section of the following documents and systems:

- National Computing Center (NCC) Transcripts (except Privacy Act Transcripts)
- Microfilm Replacement System (MRS) Transcripts
- Audit Information Management System (AIMS)
 - AIMS Display (AMDIS)
 - AIMS Weekly Updates
 - AIMS Charge-Out (Form 5546)
- Federal Tax Deposit (FTD) Alerts (BMF only)
- Integrated Data Retrieval System (IDRS) Transcripts
 - Tax Modules (TXMOD)
 - Entity Modules (ENMOD)
 - Summary Modules (SUMRY)
 - Taxpayer Delinquent Inquiry (TDINQ)
- Corporate Files On Line (CFOL) Modules
 - Individual Master File On Line (IMFOL)
 - Business Master File On Line (BMFOL)
 - Information National On Line Entity (INOLE)
- Balance Due Accounts
- Return Delinquency Accounts
- Daily Transaction Registers (DTR's)
- Integrated Collection System (ICS) screens
- Automated Collection System (ACS) Web
- Examination Returns Control System (ERCS) screens

