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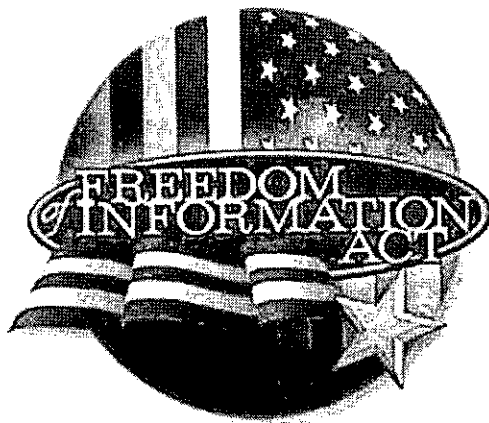
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PRIVACY ACTS**

**SUBJECT: MANUAL OF INVESTIGATIVE  
OPERATIONS AND GUIDELINES (MIOG)**

**UPDATES  
PART 2 VOL.1**



**FEDERAL BUREAU OF INVESTIGATION**

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MANUAL OF INVESTIGATIVE OPERATIONS AND GUIDELINES

PART II

VOLUME I

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SECTION 7. INTERVIEWS

7-1 USE OF CREDENTIALS FOR IDENTIFICATION

Credentials (commission cards) shall be exhibited to all persons interviewed by Special Agents so there will be no doubt concerning the organization with which they are connected.

EFFECTIVE: 01/08/79

7-2 THOROUGHNESS, PRECAUTIONS, TELEPHONIC AND USE OF INTERPRETERS

EFFECTIVE: 01/08/79

7-2.1 Thoroughness and Precautions During Interviews

(1) When interviewing subjects and suspects, consideration should be given to including questions as to the knowledge on the part of the interviewee of previous crimes of a type similar to the one currently being investigated. The objective is to develop information concerning other unsolved violations.

(2) In the interrogation of subjects and suspects of Bureau investigations, all Agents should be most meticulous not to disclose directly or indirectly confidential informants or confidential sources of information. Questions or references to papers and files may enable an intelligent subject to fix the source of our information.

(3) During an interview with a witness, suspect, or subject, Agents should under no circumstances state or imply that public sentiment or hostility exists toward such person. If, during an interview with a witness, suspect, or subject, questions are raised by such persons, or if anything transpires which gives reasonable grounds to believe that subsequently such questions or incident may be used by someone in an effort to place an Agent or the Bureau in an unfavorable light, a memorandum regarding such questions or incident should be immediately prepared for the SAC. The SAC is responsible

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for promptly advising FBIHQ and the USA of such questions or incident and FBIHQ must be promptly informed of all developments.

(4) Agents are not acting as practicing attorneys and under no circumstances should legal advice be given or an attempt made to answer legal questions. Agents who are attorneys should not deliberately make known their legal training. If an Agent who is an attorney is questioned regarding his/her legal training, Agent should state that he/she is an attorney but that he/she is not in a position to give legal advice or answer legal questions. Agents should not interview subjects, subsequent to the initial interview, to determine what plea subject will make on arraignment. If a USA should make such a request, USA should be informed of FBIHQ instructions.

EFFECTIVE: 01/08/79

7-2.2 Telephone Interviews

Interviews and investigations by telephone are highly undesirable. However, in those few instances in which a substantial saving of time would be effected and the necessary information can be fully obtained, the use of the telephone may be justified. The SAC must personally approve the use of the telephone to conduct interviews and investigations in every instance.

EFFECTIVE: 01/08/79

7-2.3 Use of Interpreters

When subjects cannot converse in English adequately, make arrangements to have interpreter present. Use Bureau personnel if available in same or adjacent office. Otherwise, qualified interpreters from other U.S. intelligence or enforcement agencies may be used. If none of foregoing available, consider use of sponsor or close relative of subject for exploratory interview, leaving way open for reinterview with qualified interpreter if all questions cannot be resolved. If qualified interpreter is necessary and is not available, request FBIHQ assistance.

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EFFECTIVE: 01/08/79

7-3           REQUIRING FBIHQ AUTHORITY

FBIHQ authority to interview is required before interviews are conducted in the following instances:

(1) The individual to be interviewed is prominent and/or controversial and suspected of a crime and/or the investigation may receive extensive media coverage.

(2) The individual is an employee of the news media who is suspected of a crime arising out of the coverage of a news story or while engaged in the performance of his/her duties as an employee of the news media. Attorney General authority is also needed. (See MAOP, Part II, 5-7, for further information.)

(3) Refer to FCIM, Part I, 0-2.5 for FCI investigations.

(4) In other matters, the need for FBIHQ authority is set forth in the guidelines dealing with a particular type of case.

(5) Whenever a question arises as to whether or not FBIHQ authority must be obtained prior to an interview, it should be resolved in favor of contacting FBIHQ.

EFFECTIVE: 01/08/79

7-4           ONE VS TWO AGENT INTERVIEW OF SECURITY SUBJECT

Safety, security, sensitivity and good judgment are considerations in evaluating necessity for two Agents to conduct interview of any subject in all types of security investigations. SACs have responsibility and option of deciding when two Agents should be present during any interview of this nature. Safety of Specials Agents should be first priority in any evaluation in this regard.

EFFECTIVE: 01/08/79

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7-5 EVALUATION OF AN INTERVIEW

An interview cannot be considered thorough unless the account thereof shows the basis for allegations or other pertinent information furnished by the source during the interview. Only with the benefit of these important details can the information be fully and properly evaluated. Statements or allegations may not be accepted without inquiring of the source as to how source acquired such information, or as to the basis for beliefs or opinions he/she might express. If his/her information is based on hearsay, an effort must be made to identify the original source and to interview that source if feasible to do so. In this regard, consideration must be given to protection of the identity of confidential Bureau informants or sources when necessary. When details as to the basis for allegations made or the identity of original sources if disseminated outside the FBI would tend to reveal the identity of an individual whose identity should be protected, that fact should be called to attention and those details furnished by cover page(s). For example, A furnishes the New York Office pertinent information, orally or in writing, which A said he/she received from B. The body of New York's report must clearly show that A cannot personally attest to the accuracy of the information, but that he/she received it from another individual; however, B should not be named in the body of a report unless the New York Office knows there is no objection to the disclosure of B's name. Whether B is identified by name or not, the body of the report must contain any available description of B to permit an evaluation of the information being reported. These requirements are applicable to interviews of all types, including established FBI sources or informants, subjects, suspects, and witnesses, and to all types of Bureau investigations. Written statements by informants are not to be considered an exception. The basis for statements attributed to established sources and confidential informants need not be set out in investigative reports provided informants' statements or channelizing memoranda specifically show the information is based on personal knowledge of the informant. If it is not of informant's personal knowledge, the investigative report must show the basis for informant's statements. Any deviation from these requirements should be called to FBIHQ's attention and fully justified. Failure to comply without sufficient justification will be considered a substantive error for which administrative action will be considered.

EFFECTIVE: 10/23/86

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7-6 INTERVIEWING COMPLAINANTS AND SUBJECTS OF CRIMINAL  
INVESTIGATIONS

EFFECTIVE: 10/23/86

7-6.1 Interviews of Complainants

(1) Complainants who have transmitted information to FBIHQ by letter and who have been advised that they would be interviewed in the field must be interviewed promptly and appropriate advice submitted to FBIHQ. Delay in handling the interview must be reported to FBIHQ.

(2) Complainants who have communicated with field offices must be interviewed promptly when they have been advised that an Agent would interview them.

EFFECTIVE: 10/23/86

7-6.2 Subjects of Criminal Investigations

(1) In interviews with subjects and suspects, consideration is to be given to the solution of crimes other than the one which is presently being investigated.

(2) In such interviews, the disclosure of the identity of confidential informants and confidential sources of information must be avoided.

(3) In interviewing subjects of criminal investigations where the possibility exists the subject may have evaded payment of income taxes or there is an apparent irregularity relating to the payment of income taxes, consideration should be given to inquiring of the subject as to whether he/she filed an income tax return for the pertinent period and where it was filed. Such an inquiry should not be made where there is a possibility that it will prejudice our case. If any information of interest to the Internal Revenue Service, Treasury Department, is obtained as a result of such an inquiry, it should be promptly referred to the local office of the Internal Revenue Service, and to FBIHQ in a form suitable for dissemination.

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EFFECTIVE: 10/23/86

7-7 DEVELOPMENT OF DEROGATORY INFORMATION DURING INTERVIEWS

Derogatory data developed through interviews of witnesses and other sources must be completely approved or disproved and accurately and factually established as applicable to the person under investigation. The danger of relying upon information obtained from one source is obvious and vigorous steps must be taken to further develop such cases through evidence obtained through other sources and from various investigative techniques. Beware of being misled by circumstantial evidence and guard against incomplete interviews or overeager witnesses who deviate from telling what they actually know to what they erroneously feel the FBI is desirous of obtaining.

EFFECTIVE: 02/20/90

7-8 IDENTIFICATION OF SUSPECTS

Identification of suspects by witnesses interviewed should be in crystal-clear, unmistakable language, showing exact basis for such identification, and corroboration should be developed for same wherever possible. Make certain that when suspects are identified in a lineup the identification is from independent knowledge and recollection of the facts by the witnesses, and not from the witnesses' mere association with the suspect with a photograph of the suspect previously exhibited to the witnesses. There is no "margin of error" allowed the FBI for mistaken identifications. Obtain a signed statement whenever it is possible in those instances in which a witness, who would or could subsequently testify, makes a positive identification of a subject from a photograph or by personal observation. |Investigators may wish to utilize Form FD-747, Photo Spread Folder, to display the photographs. | If witness refuses to|provide a signed|statement, so indicate in the report.

EFFECTIVE: 02/20/90

7-9 INTERVIEWS INVOLVING OR RELATING TO COMPLAINTS

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EFFECTIVE: 02/20/90

7-9.1 Complaints Received at the Field Office

Complaints must be handled by the SAC, ASAC, or supervisory staff in all offices which do not have an authorized complaint desk. If the information in the complaint will result in publicity or if FBIHQ may be interested, FBIHQ should be advised promptly.

EFFECTIVE: 02/20/90

7-9.2 Complaints In Person or By Telephone

(1) The employee receiving the complaint must complete Form FD-71 immediately. However, the preparation of the complaint form is not necessary in those instances in which immediately upon receipt of the complaint a teletype, airtel or letter is sent out the same day to another field office or FBIHQ setting forth the essential facts of the complaint. Any details which normally would appear on the complaint form which are not contained in the body of such teletype, airtel, or letter are to be added to the yellow file copy so that complete data will be available in the files of the office where the complaint was received. FD-71 is a letter-size preinserted carbon white form made up so that the name and aliases of the subject, address, character, name of the complainant, address, phone number, personal or telephonic, date and time, subject's description, facts, and name of employee receiving the complaint can be entered and the results of the indices check can be shown.

(2) The index must be checked immediately regarding names of complainant (unless complainant is a known or established source) and subject. The SAC must indicate action to be taken. Proper consideration must be given to all persons who contact field offices either telephonically or personally whether as complainants or visitors. Such contacts must be handled courteously and promptly and there must not be any improper, indifferent, or arrogant treatment of such contacts.

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EFFECTIVE: 02/20/90

7-9.3 Complaints By Letter

(1) Concerning a matter not within the jurisdiction of the FBI but within the jurisdiction of some other Federal investigating agency, acknowledge the letter of the complainant to the proper agency. (Form FD-342 may be used to transmit anonymous letters.) If complaint concerns a matter handled by Department of Labor under Labor-Management Reporting and Disclosure Act 1959, advise complainant in acknowledgement that the matter has been referred to the USA for appropriate action. Immediately upon referral to USA include information in an LHM and forward to FBIHQ.

(2) Incoming communications must be acknowledged promptly, except where SAC deems otherwise.

EFFECTIVE: 01/31/78

7-9.4 Complaints Critical of the FBI or Its Employees

(1) Complaints received critical of employees or the FBI must be thoroughly investigated and promptly reported to FBIHQ.

(2) Upon receipt of a critical complaint about the FBI from a public official which necessitates an inquiry to ascertain the facts prior to acknowledging the communication, the SAC, or in his absence whoever is acting for him, must promptly call the public official, acknowledge receipt of the communication, state that a prompt inquiry is being initiated to ascertain the facts, and that as soon as all the facts are secured the SAC will be in touch with the complainant. If there is any question in the mind of the SAC, or whoever is acting for him, as to the propriety of this, immediately communicate with the appropriate official of FBIHQ so that the matter can be resolved.

EFFECTIVE: 01/31/78

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7-9.5 Legal Requirements of the Privacy Act of 1974 (Title 5,  
USC, Section 552a)

When conducting an interview for any purpose, the interviewing Agent must always bear in mind the provisions of the Privacy Act, i.e., information collected must be: (1) relevant and necessary to accomplish a purpose of the Bureau; (2) authorized to be accomplished by statute or Executive Order of the President (or by the Constitution).

Additionally, the information collected must be accurate, relevant, timely, and complete; and, if describing how an individual exercises a right guaranteed by the First Amendment to the Constitution, the collection and maintenance of the information must be pertinent to and within the scope of an authorized law enforcement activity.

For a more detailed explanation of these provisions, refer to Section 190-5 of this Manual.

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SECTION 10. RECORDS AVAILABLE AND INVESTIGATIVE TECHNIQUES

10-1 INTRODUCTION

(1) The following information is being provided as a reference for investigative personnel seeking additional data and/or the location of individuals who are the subjects of FBI investigations. This information is presented in two parts, Records Available and Investigative Techniques.

(a) Records Available are those documents which may assist in either compiling a necessary profile (either of a group, an individual or a business enterprise), or will assist in locating subjects, suspects, witnesses or victims.

(b) An Investigative Technique is a method by which an activity is conducted (Title III) or information placed (stop notice) which may aid in the identification or location of a subject or in the gathering of evidence.

(2) The use of any of these records or investigative techniques must be in accord with legal and ethical investigative procedures. In many cases, the obtaining of records or use of an investigative technique must be authorized by the SAC, Department of Justice, Attorney General or court order. If any doubt exists as to what the correct procedure is, the appropriate supervisory personnel must be consulted. It should be additionally noted that the information contained in this section is not all-inclusive regarding records or investigative techniques available.

(3) As the various items appear, there will be either a reference to another section in this manual or to another manual, an explanation of what the technique is or simply a listing of the record. Additional record information is available in Part II, Section 19 of this manual titled, "Location of Other Government, Industrial, and Organizational Records."

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10-2

RECORDS AVAILABLE

[REDACTED]  
Biographic Directories

[REDACTED]  
City Directory  
Closed and Pending Files  
Court System

[REDACTED]  
Department of Veterans Affairs

[REDACTED]  
Field Office Special Services List

[REDACTED]  
Government Agencies

[REDACTED]  
Identification Records (FD-9)

[REDACTED]  
Interstate Identification Index

[REDACTED]  
Maps

Marriage Records

Merchant Marine

Military Departments

Motor Vehicle Department

[REDACTED]  
National Auto Theft Bureau

Newspaper Library

[REDACTED]  
PD Checks

[REDACTED]  
Probation and Parole Offices

Public Libraries

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Schools and Colleges  
Social Security Records  
Sources of Information Index  
Street Guide  
Surveillances

[REDACTED]  
Telephone Directory

[REDACTED]  
Unemployment Agencies, Federal and State

[REDACTED]  
Voter Records

b2  
7E

EFFECTIVE: 05/25/90

10-3 INVESTIGATIVE TECHNIQUES | (See MIOG, Part II, 21-23  
(25).)|

Authorship Identification

Authorship identification is an examination of aural (recordings), written or printed material to determine a subject's age, ethnic, geographical or educational idiosyncrasies. (See MIOG, Part II, 13-28.)

Artist Conceptions

see MIOG, Part II, 13-24

Crime Scene Searches

see MIOG, Part II, 13-6.4

Check Circulars

see MIOG, Part II, 21-25

Circular Letters

see MIOG, Part II, 21-24

Computer Assistance or  
Automatic Data Processing

see MIOG, Part II, 10-4

Interstate Identification Index (III)

see MIOG, Part II, 10-5

Consensual Monitoring

see MIOG, Part II, 10-10

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Electronic Surveillance (ELSUR)

see MIOG, Part II, 10-9

Evidence -

Racketeering Records  
Analysis

see MIOG, Part II, 13-20

Collection, Identification,  
and Preservation of  
Physical Evidence

see MIOG, Part II, 13-6.4.7

Collection of Evidence in  
Rape Cases

see MIOG, Part II, 13-8.2.5

Fluorescent Powders  
and Other Marking Materials

see MIOG, Part II, 13-15.2

Plastic Cast Impression of  
Stamped Numbers in Metal

see MIOG, Part II, 13-13.3.1

Restoration of Obliterated  
Markings

see MIOG, Part II, 13-14.2  
(10)

Shoe/Tire Tread Cast and Lifts

see MIOG, Part II, 13-19

Hypnosis

see MIOG, Part II, 10-12

Identification Orders

see MIOG, Part II, 21-25

Informants

see MIOG, Part I, 137

Mail Covers

see MIOG, Part II, 10-6

National Crime Information Center

see MAOP, Part II, 7

Pen Registers

see MIOG, Part II, 10-10.7

Photographic Examinations

see MIOG, Part II, 13-18

Photographic Surveillances

see MIOG, Part II, 13-7.5

Polygraph Examinations

see MIOG, Part II, 13-22

Stop Notices

see MIOG, Part II, 10-7

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Surveillance Techniques	see MIOG, Part II, 9
Telephone Toll Records	see MIOG, Part II, 10-8
Title III Coverage	see MIOG, Part II, 10-9.10
Undercover Activities - Criminal Matters	see MIOG, Part II, 10-11
Wanted Flyers	see MIOG, Part II, 21-25
Wanted or Flash Notices on Fingerprint Cards	see MIOG, Part II, 14-15.5

EFFECTIVE: 09/03/93

10-4 COMPUTER ASSISTANCE OR AUTOMATIC DATA PROCESSING

The Systems Development Section (SDS) of the Technical Services Division assists the field in investigative matters: (1) involving computer or data processing personnel; (2) where there are voluminous records that require sequencing, comparison or calculations; (3) requiring assistance in the wording of subpoenas for computer records; or search warrants for searching of computer installations, etc. More detailed information regarding computer services available to you is set forth in Part II, 16-10, of this manual.

EFFECTIVE: 11/17/88

-5 INTERSTATE IDENTIFICATION INDEX (III)

(1) The III allows on-line accessibility of more than twelve million criminal arrest records through the use of your NCIC computer terminal. The III maintains index records which contain personal descriptive data of the subject of the criminal history record. The location of the data base(s) which stores the criminal history record is also part of the Index. Records available through the III include: subjects arrested with dates of birth 1956 or later and all individuals arrested for the first time on or after 7/1/74, regardless of their dates of birth.

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(2) Detailed instructions for conducting name searches and record retrievals are set forth in Part 10 of the NCIC OPERATING MANUAL. The state control terminal officer within your state can respond to any questions or problems you might have concerning the operation of your NCIC computer terminal.

(3) All field offices are encouraged to use III in their daily operations.

(4) If no record is located through the III File, check with the FBI Identification Division since it maintains over 13 million additional manual records.

EFFECTIVE: 11/17/88

10-6 MAIL COVERS

EFFECTIVE: 03/09/81

10-6.1 United States Postal Service (USPS) Regulations

(1) USPS regulations governing mail covers are codified in Title 39, Code of Federal Regulations (CFR), Section 233.2 and designate the Chief Postal Inspector to administer all matters governing mail cover requests by law enforcement agencies. Except for national security mail covers, the Chief Postal Inspector may delegate any or all such authority to the Regional Chief Postal Inspectors. In addition, all Postal Inspectors in Charge and their designees are authorized to order mail covers within their districts in fugitive and criminal matters.

(2) USPS regulations state that a mail cover may be requested to locate a fugitive, to obtain information regarding the commission or attempted commission of a crime, or to protect the national security.

(3) For mail cover purposes, a "mail cover" is defined by USPS as the process by which a record is made of any data appearing on the outside cover of any class of mail matter, (the FBI may not request a check of the contents of any class of mail); a "crime" is defined as the commission or attempted commission of an act punishable

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by imprisonment for a term exceeding one year; a "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 or to avoid giving testimony in a criminal proceeding.

(4) No mail covers shall include matter mailed between the mail cover subject and subject's known attorney-at-law. However, the mere fact that a subject has retained an attorney will not defeat a mail cover. A mail cover may be used but mail between the subject and subject's attorney shall not be included. Mailed matters between the subject and subject's attorney are protected.

(5) Excepting fugitive cases, no mail cover shall remain in force when the subject has been indicted for any cause. If the subject is under investigation for further criminal violations, a new mail cover order must be requested consistent with USPS regulations. A mail cover on an indicted subject who is not a fugitive is still possible under certain conditions. Although not available for crimes for which the subject has been indicted, a mail cover may be used as an investigative tool to investigate the subject's other crimes. As to fugitives, a mail cover is available for the offense for which indicted and other crimes.

(6) Excepting mail covers ordered upon subjects engaged, or suspected to be engaged, in any activity against the national security, or activity violative of any postal law, no mail cover order shall remain in force for more than 30 days. At the expiration of such period or prior thereto, the requesting authority may be granted additional 30-day periods under the same conditions and procedures applicable to the original request. No mail cover shall remain in force longer than 120 days unless personally approved for further extension by the Chief Postal Inspector. |In all requests for mail covers to extend beyond 120 days, the requesting authority must specify the reasonable grounds that exist which demonstrate the mail cover is necessary for one of the stated purposes. |

(7) No officer or employee of the USPS other than the Chief Postal Inspector, Postal Inspectors in Charge or their designees are authorized to order mail covers. Under no circumstances shall a postmaster or postal employee furnish information, as defined in paragraph (3), to any person except as authorized by the Chief Postal Inspector, Postal Inspector in Charge or their designees.



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EFFECTIVE: 03/09/81

10-6.2 Policy

(1) FBIHQ approval must be obtained before a mail cover request is submitted to the USPS.

(2) In criminal matters, requests for mail covers should be submitted when it can be shown that use of the technique would be logical, resourceful, appropriate, and when the use of the technique is in conformance with all regulatory requirements and guidelines including the Attorney General's Guidelines on General Crimes, Racketeering Enterprises, and Domestic Security/Terrorism Investigations. When requesting authorization to utilize a mail cover, consideration should be given to whether the information sought can be obtained in a timely and effective manner by less intrusive means. Further, in recognition that use of a mail cover raises possible First-Amendment concerns, care should be taken to ensure use of the mail cover will be confined to the immediate needs of the investigation, particularly when considering a mail cover to be placed on an individual who is not the subject of a criminal investigation.

(3) The SAC should review and approve all requests for FBIHQ approval of mail covers and should review and approve all requests for continuation of existing mail covers.

(4) The SAC should conduct frequent checks as to the productivity of mail covers after being placed into effect.

(5) Cases are not to be closed until the mail cover has expired or has been withdrawn. FBIHQ is to be notified upon the termination of each mail cover. FBIHQ is also to be notified if request for mail cover is not approved by the Postal Service, which notification shall include a statement of the reasons given by the postal authorities for not approving the request.

(6) Information obtained as a result of a mail cover in fugitive or criminal cases should be reported in the cover pages.

(7) Requests for mail covers should not be submitted in preliminary criminal inquiry investigations. ("The Attorney General's Guidelines on General Crimes, Racketeering Enterprises, and Domestic Security/Terrorism Investigations," effective 3/21/83.)

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(8) A mail cover index is to be maintained by the Support Services Supervisor (Office Services Manager). 3- by 5-inch cards, FD-57, may be filed alphabetically or by street address and should reflect the following:

- (a) Name and address of person whose mail is covered
- (b) Fugitive or criminal case
- (c) File number of case
- (d) Date when placed
- (e) Identity of Agent handling
- (f) City
- (g) Duration of mail cover

(9) After the mail cover has been discontinued, the mail cover index card is to be destroyed.

EFFECTIVE: 01/21/86

10-6.3 Requesting FBIHQ Approval

EFFECTIVE: 05/10/82

10-6.3.1 Fugitive or Criminal Cases

(1) In recommending a mail cover in a fugitive or criminal case, submit an airtel to FBIHQ advising that UACB within ten days your office intends to request a mail cover from the district Postal Inspector in Charge covering the area where the mail cover is to be placed.

(2) This airtel must also include the following information:

- (a) Brief background of the case.
- (b) A statement setting forth the reasons that the

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use of a mail cover is logical, resourceful and appropriate.

(c) Identity and complete mailing address of the person whose mail is to be covered.

(d) Location of the district Postal Inspector in Charge to be utilized.

(e) The Federal statute and maximum possible penalty involved.

(f) Whether the person whose mail is to be covered is under indictment in connection with the matter under investigation.

(g) Whether the person whose mail is to be covered is known to have retained an attorney and, if so, the attorney's name.

(h) In fugitive cases, whether the fugitive is under indictment in connection with the matter under investigation.

(i) In fugitive cases, whether the fugitive is known to have obtained an attorney and, if so, the attorney's name.

(3) Upon FBIHQ approval, your request to the appropriate district Postal Inspector in Charge must be written or confirmed in writing.

(4) In fugitive and criminal cases, mail covers may be placed initially for 30 days' duration and may be extended on request to the district Postal Inspector in Charge for additional 30-day periods up to a total of 120 days. If an extension of the mail cover beyond this 120-day period is desired, FBIHQ approval must be obtained prior to submitting the request for extension to the appropriate USPS authority. Any request for FBIHQ approval for extension beyond 120 days must clearly set forth the specific reasonable grounds that exist which demonstrate the mail cover is necessary.

(5) In requesting that confidential arrangements be made to initiate a particular mail cover, the period of days of the mail cover must be specified but a particular date should not be.

(6) When emergency authority is needed to establish a mail cover, USPS regulations state that the appropriate Postal Inspector in Charge, or that Inspector's designee may act upon an oral request, to be confirmed by the requesting authority in writing within two business days. However, the USPS will release no information

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until an appropriate written order is received. In these situations, FBIHQ authority may be obtained by telephone, followed by confirming teletype or by immediate teletype requesting emergency authority to establish a mail cover. As in routine instances, FBIHQ approval must be obtained prior to making an emergency request to the Postal Inspector in Charge for a mail cover. Emergency requests must also set forth the same information as that which is required in routine requests.

EFFECTIVE: 05/10/82

10-6.3.2 National Security Cases

(1) As noted above, USPS regulations state that a mail cover may be requested to protect the national security. For mail cover purposes, "to protect the national security," is defined by USPS as protecting the United States from any of the following actual or potential threats to its security by a foreign power or its agents: (i) an attack or other grave hostile act; (ii) sabotage, or international terrorism; or, (iii) clandestine intelligence activities.

(2) All mail covers in national security cases must be approved personally by the Director of the FBI or, in Director's absence, by the Acting Director on Director's behalf. If the individual on whom the mail cover is to be placed is a United States person, Attorney General approval is also required.

(3) All correspondence concerning national security mail covers should be transmitted "BY LIAISON" and addressed as follows:

Chief Postal Inspector  
U.S. Postal Service  
475 L'Enfant Plaza, Southwest  
Washington, D.C. 20260

Attention: Legal Liaison Branch  
Room 3417

(4) The name and address of the individual or establishment on which the mail cover is to be placed must be unclassified. A statement such as "For the purpose of placing the mail cover, the above-captioned individual's name and address are considered unclassified," will suffice.

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(5) In these national security cases, when the field is recommending to FBIHQ that a mail cover be requested, complete information concerning the name and address of each individual or organization to be covered, including ZIP code, should be supplied. Set forth information similar to that outlined above for criminal cases, including any information concerning known attorneys of record and any information as to whether or not the subject is under indictment. Requests for approval of national security mail covers will require more detailed explanations and must stipulate and specify the reasonable grounds that exist which demonstrate the mail cover is necessary to protect the United States from an actual or potential threat to its national security.

(6) If the request for a mail cover in a national security case is approved by FBIHQ, arrangements for implementing the mail cover will be handled by FBIHQ.

EFFECTIVE: 02/16/89

10-7 STOP NOTICES

EFFECTIVE: 06/10/88

10-7.1 Definition

A stop notice is a request to be advised if an individual or property comes to the attention of any organization or a member thereof.

EFFECTIVE: 06/10/88

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10-7.2 Placement of Stops

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The form utilized for placement of stops is an FD-56, a 3-by 5-inch card. This should record the date a request is made of a particular law enforcement agency [REDACTED] etc. This form should not be prepared if information has previously been furnished NCIC unless a reason exists otherwise. If so, it should be indicated on FD-56. The office placing the stop should prepare the FD-56 and route to the office of origin (OO) by letter or as an enclosure to another communication setting forth the results of investigation. This communication should include the name of the Agent placing the stop and with whom the stop was placed.

EFFECTIVE: 06/10/88

10-7.3 Indexing Stops

(1) The requesting and placing offices are required to record in their automated indices each name and/or item of property which is documented in a stop notice while the stop notice is in force (subject or reference record). The miscellaneous part of the index record should contain the same information as included on the FD-56.

(2) The Office of Origin (OO) will file the FD-56 in the manual general index except when FBIHQ is OO. If FBIHQ is OO, the office placing the stop will maintain the FD-56 in its manual general index. The FD-56 will be filed with the manual general index before the letter group "A" led by a separator marked "STOP NOTICES" and sequenced in proper numerical order (Classification, Case, Serial). If the stops were placed by a written communication, only one card is needed even though more than one item was listed. When stops have been placed with FBIHQ or by another field office, no cards (FD-56s) are necessary.

EFFECTIVE: 06/10/88

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10-7.4 Removal of Stops

(1) It is the direct responsibility of the OO to remove all stops on individuals or property when a determination has been made that they are no longer needed. Stop cards are to be reviewed quarterly to remove obsolete cards and to discontinue unnecessary stops.

(2) Mechanics of removing stops - Office of origin will forward, via routing slip, FD-56 to office which placed stop advising stop should be removed. Notation will be made on appropriate serial in file indicating name of employee and date stop removed after which FD-56 will be destroyed. Office of origin should be advised of removal of a stop by the office which placed the stop.

EFFECTIVE: 06/10/88

10-7.5 Types of Stops

EFFECTIVE: 06/10/88

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10-7.5.1 [REDACTED]

Stop notices are placed by letter to [REDACTED]  
[REDACTED]

EFFECTIVE: 06/10/88

10-7.5.2 Immigration and Naturalization Service (INS)

These stops (INS Lookout Notices) are placed by use of the FD-315 form. The original FD-315 must be signed by the approving field supervisor and sent directly to INS as indicated on the form. INS will not place stops on U.S. citizens since it has no statutory authority over U.S. citizens.

(1) INS stops are of necessity never classified. The stop names and identifiers are available on lists or electronically in

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areas open to travelers.

(2) INS regulations state that other Federal agencies may request the posting of lookouts. These requests for stops must meet the INS criteria for posting unless there are outstanding warrants of arrest, [REDACTED]

[REDACTED] FBI investigative activity does not usually meet INS criteria for posting lookouts.

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Per  
INS

(3) The INS Stop System consists of three parts: (a) The INS "National Automated Immigration Lookout System" (NAILS), an automated telecommunications network records system; (b) The "INS Lookout Book" printed with one-line lookout records, updated and distributed once every calendar month; and (c) A 90-day temporary emergency lookout system posted electronically by INS Central Office, or by local FBI Border Offices.

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INS

(4) [REDACTED] INS stops will be posted until the subject's ninetieth birthday.

(5) Instructions for Completing FD-315 - Instructions are printed on the reverse of the FD-315 form. One subject should appear on a single form with additional names or aliases listed alphabetically on that form. Do not use spelling variations. Only actual names used by subject or those names for which subject is known to have identification should be submitted. One birthday only should be used. If the subject is considered armed and dangerous, suicidal or having physical or mental problems, the caution block should be checked (x'd) and this information should be explained under "Miscellaneous."

The FD-315 lists [REDACTED]

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Per  
INS

(a) [REDACTED]

(b) [REDACTED]

(c) [REDACTED]



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(6) Emergency INS Border Stops - A teletype can be forwarded to INS Headquarters requesting an emergency INS stop. In addition, border FBI offices may place stops with INS at a local level along the Canadian and the Mexican borders. In order to handle such stops these offices must be provided with: identity; description; photograph, if available; approximate time subject expected and mode of travel. Emergency stops should be placed selectively when all of the above items are not available. In addition, when it becomes apparent these stops will extend beyond 90 days, an FD-315 should be sent to INS, Washington, D.C.

(7) Cancellation and Amending of INS Stops - It is incumbent upon the requesting office to place and cancel stops. The FD-315 should also be used to amend or provide additional pertinent information developed on subject. In all cases the FD-315 should be used and the proper action is to be indicated. Stops are cancelled automatically by INS at the end of the period indicated. Note: the maximum time an INS stop can be in effect by submission of an FD-315 is five (5) years. If no cancellation date is shown on the FD-315, INS will place the stop for a maximum of one (1) year. The requesting office should be on the alert to renew these stops if required.

EFFECTIVE: 05/25/90

10-7.5.3

(1)

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[REDACTED]

(2) [REDACTED]

(3) [REDACTED]

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EFFECTIVE: 02/16/89

10-8      STORED WIRE AND ELECTRONIC COMMUNICATIONS AND  
TRANSACTIONAL RECORDS ACCESS

Title 18, USC, Section 2703, sets forth the procedural requirements that the Government must meet in order to obtain access to electronic communications in storage and related transactional records, including telephone toll records.

EFFECTIVE: 01/22/90

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10-8.1 Contents of Electronic Communications in Electronic Storage

The statute draws a distinction between contents of electronic communications that have been in storage for 180 days or less, and those that have been stored for a longer period of time. This distinction is based on the belief that while the contents of a message in storage should be protected by Fourth Amendment standards, as are the contents of a regularly mailed letter, to the extent that the record is kept beyond six months, it is closer to a business record maintained by a third party for its own benefit and, therefore, deserving of a lesser standard of protection. A distinction is also made for contents of electronic communication in a remote computing service.

(1) 180 days or less - A governmental entity may require the disclosure by a provider of electronic communication service of the contents of an electronic communication that is in electronic storage in an electronic communications system for 180 days or less, only pursuant to a warrant issued under the Federal Rules of Criminal Procedure or equivalent state warrant (Title 18, USC, Section 2703(a)).

(2) More than 180 days - For contents of an electronic communication that has been stored for more than 180 days, a governmental entity may use any of three alternative means of access, depending on the notice given to the subscriber, or customer. The Government may, without providing any notice to the subscriber, obtain a state or Federal search warrant based upon probable cause (Title 18, USC, Section 2703(b)(1)(A)). If the Government chooses to give notice to the subscriber, it may obtain access to the records by using either a grand jury, administrative, or trial subpoena authorized by a Federal or state statute (Title 18, USC, Section 2703(b)(1)(B)(i)), or a new statutory court order based upon a finding that the records are relevant to a legitimate law enforcement inquiry (Title 18, USC, Section 2703(b)(1)(B)(ii) and (d)). This court order, like a court order for a pen register or trap and trace, may be obtained from a "court of competent jurisdiction" which includes "a district court of the United States (including a magistrate of such a court) or a United States Court of Appeals." The required notice may be delayed pursuant to Title 18, USC, Section 2705.

(3) Contents of electronic communications in a remote computing service - Access to the contents of electronic communications is governed by Title 18, USC, Section 2703(b) and the means of access available are the same as those mentioned above for

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communications stored for more than 180 days. However, it is unclear whether communications stored in a remote computing service for less than 180 days are governed by Title 18, USC, Section 2703(a), that is, that such communications can be obtained only by a Federal or state search warrant based upon probable cause. The Department of Justice has urged United States Attorneys to argue that Government access to the contents of an electronic communication held by a remote computing service does not require a search warrant during the first 180 days. Questions relating to this area should be directed to the Legal Research Unit, FBIHQ.

EFFECTIVE: 01/22/90

10-8.2 Access to Transactional Information

(1) Telephone Toll Records

(a) Criminal and Civil Matters - Access to telephone toll records is governed by Title 18, USC, Section 2703. Specifically, the disclosure of toll records to a governmental entity is permitted only when the governmental entity:

1. uses an administrative subpoena authorized by a Federal or state statute, or a Federal or state grand jury or trial subpoena;
2. obtains a warrant issued under Federal Rules of Criminal Procedure or equivalent state warrant;
3. obtains a court order for such disclosure under Title 18, USC, Section 2703(d); or
4. has the consent of the subscriber or customer to such disclosure.

The Department of Justice has, however, advised that it is a misuse of the grand jury to utilize the grand jury as an investigative aid in the search for a fugitive in whose testimony the grand jury has no interest. Therefore, grand jury subpoenas for witnesses or records, including telephone toll records, should not be requested in Federal fugitive investigations. (See Part II, Section 2-9.8, of this manual for limited situations in which courts have recognized that grand jury efforts to locate a fugitive are proper.) Where the telephone toll records being sought are those of a member of the news media, approval

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of the Attorney General is required. (See MAOP, Part II, Section 5-7.1 entitled "Investigations Involving Members of the Media.")

(b) National Security Cases - See Foreign Counterintelligence Manual, Part I, Section O.

(c) Notification to Telephone Subscriber

Criminal and Civil Matters - Many electronic communication service providers of long distance telephone service will automatically notify a subscriber that his/her records have been released to law enforcement unless the SAC certifies that such notification would prejudice an investigation. The certification period is 90 days, after which many electronic communication service providers will automatically notify the subscriber of the release within five days unless there is a recertification. Each recertification extends the nondisclosure period for an additional 90 days. At the conclusion of the final recertification period, the subscriber will, within five days, be notified of the record release. Each SAC must ensure appropriate administrative devices are in effect to provide for the initial certification where required and recertification prior to the termination of the preceding 90-day period where a continuing need for nondisclosure exists.

(2) Subscriber Listing Information

Criminal and Civil Matters - Some telephone companies are requiring compliance with Title 18, USC, Section 2703 before they will release subscriber listing information, including that which is publicly available. It is the opinion of the Department of Justice that Title 18, USC, Section 2703(c) was not intended to apply to subscriber information, whether published or unpublished. Questions concerning this issue should be directed to the Legal Research Unit, FBIHQ.

(3) Video Tape Rental or Sales Records

The Video Privacy Protection Act of 1988 amended Chapter 121 of Title 18 "Stored Wire and Electronic Communications and Transactional Records Access" by adding a new section (redesignation of section 2710) governing the disclosure of video tape rental or sales records. It makes the unauthorized disclosure of records by any person engaged in the rental, sale, or delivery of prerecorded video cassette tapes or similar audiovisual materials unlawful and provides an exclusionary rule to prohibit personally identifiable information otherwise obtained from being admissible as evidence in any court

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proceeding.

(a) The new section defines personally identifiable information as "information which identifies a person as having requested or obtained specific video material or services . . . ." The disclosure of this information to law enforcement is permitted only when the law enforcement agency:

1. Has the written consent of the customer; or
2. obtains a warrant issued under the Federal Rules of Criminal Procedure or equivalent State Warrant;
3. a grand jury subpoena;
4. a court order (a court order shall issue only upon prior notice to the consumer/customer).

(b) The disclosure of merely the name, address, and telephone number of customers of a video tape service provider, when the information being sought does not identify the customer as having requested or obtained specific video materials or services, may be made to law enforcement without compulsory process or the prior opportunity to prohibit such disclosure by the customer.

This type of information was specifically not included in the definition of "personally identifiable information" (that type of information protected by the Video Privacy Protection Act of 1988) to allow law enforcement to obtain information about individuals during routine investigations such as neighborhood investigations.

(c) No separate disclosure procedure was provided for National Security cases.

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10-9 ELECTRONIC SURVEILLANCE (ELSUR) PROCEDURES AND  
REQUIREMENTS

(1) Electronic surveillance is one of the most effective and valuable investigative techniques utilized in both criminal and national security investigative matters. To protect the use of this technique, the administrative and management controls contained in this section will receive the same meticulous oversight as does the informant program. Unless otherwise noted, it will be the responsibility of the case Agent and his/her supervisor to ensure compliance with these instructions. It should be clearly understood that the use of electronic surveillance requires (a) administrative or judicial authorization prior to its use, and (b) contact with the field office ELSUR support employee to coordinate all necessary recordkeeping, and (c) consultation with the Technical Advisor (TA) or a designated Technically Trained Agent (TTA) to determine feasibility, applicable technique, and the appropriate equipment.

(2) The procedures and requirements for ELSUR recordkeeping, control of evidentiary-type materials, and approval for use with regard to national security investigations are addressed in the Foreign Counterintelligence Manual.

EFFECTIVE: 04/24/89

10-9.1 Definitions

(1) Electronic Surveillance - The aural or other acquisition of the contents of any wire, electronic or oral communication through the use of any electronic, mechanical or other device (Title 18, USC, Section 2510 et seq.).

(2) ELSUR Indices - An alphanumerical index card system maintained at FBIHQ and each appropriate FBI field office containing the names of all individuals or entities, all locations and all facilities for which electronic surveillance has been sought by the FBI in a court order. It also identifies those individuals who have been participants in a conversation monitored or overheard during the course of an FBI electronic surveillance; and those who own, lease, license, or otherwise hold a possessory interest in property subjected to an electronic surveillance conducted by the FBI.

(3) ELSUR Cards - 3-x-5-inch cards which comprise the ELSUR indices.

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(4) Principal Cards - 3-x-5-inch cards maintained in the ELSUR indices containing the true name or best-known name of all named interceptees identified in any application filed in support of court authorized Title III electronic surveillance. (See 10-9.12(1).)

(5) Proprietary Interest Cards - 3-x-5-inch cards maintained in the ELSUR indices identifying the entity(s) and individual(s) who own, lease, license, or otherwise hold a possessory interest in locations subjected to electronic surveillance authorized under Title III.

(6) Overhear Cards - 3-x-5-inch cards maintained in the ELSUR indices containing the true name or best-known name of individuals (including non-U.S. persons, Special Agents, assets, informants, cooperating witnesses, etc.) who have been reasonably identified by a first name or initial and a last name as having participated in conversations intercepted during the conducting of an electronic surveillance. (See 10-9.10 and 10-10 for further details.)

(7) Blue ELSUR Index Cards - 3-x-5-inch cards, blue in color, used for preparing Principal, Proprietary Interest and Overhear cards in Title III matters. All ELSUR cards relating to Title III are blue in color.

(8) White ELSUR Index Cards - 3-x-5-inch cards, white in color, used for preparing Overhear cards in consensual monitoring matters.

(9) Source - With regard to ELSUR matters, the word "source" refers to the technique (microphone, telephone, body recorders, etc.) employed to conduct the electronic surveillance. In Title III matters, the "source" is the control number assigned; and in consensual monitoring matters, the "source" will be the control number assigned or the word "consensual."

(10) Title III Electronic Surveillance - The aural or other acquisition of the contents of any wire, electronic or oral communication pursuant to a court order obtained under the provisions of the Omnibus Crime Control and Safe Streets Act of 1968 (Title 18, USC, Section 2510 et seq.) for offenses set forth in Title 18, USC, Section 2516.

(11) Consensual Monitoring - The interception by an electronic device of any wire or oral communication wherein one of the parties to the conversation has given prior consent to such monitoring



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and/or recording.

EFFECTIVE: 04/24/89

10-9.2 Instructions for Maintaining ELSUR Indices

(1) The FBI has an obligation to totally retrieve the authority, contents and resulting use of material acquired regarding all persons targeted, monitored, or who otherwise hold a possessory interest in property subjected to electronic surveillance by this Bureau. In order to fulfill this obligation, it is the responsibility of each field office to comply with these instructions so that any electronic surveillance can be recalled from the files of the FBI.

(2) Indexing procedures in ELSUR matters will be the same as those set forth in the "Index Guide" which is available in each field office through the File Assistant/ELSUR support employee. All offices utilizing electronic surveillances will maintain one ELSUR index and prepare two copies of the appropriate-type ELSUR card, one for forwarding to FBIHQ and one for inclusion in the field office ELSUR indices. Each card filed in the field office ELSUR indices will be date-stamped to reflect the month, day and year the card was filed. Cards prepared in the name of an individual will be filed in alphabetical order according to the last name. Names of businesses, organizations, etc., will also be filed in alphabetical order. Proprietary Interest cards cross-referencing telephone and vehicle identification numbers will be filed in a separate section within the ELSUR indices in numerical order according to the last three digits of the number. Should the last three digits be identical with any already in file, proceed to the next digit to the left. Addresses will be filed according to the name of the street; numbered streets will be spelled out, and in both cases will be filed in alphabetical order in a separate section within the ELSUR indices. In the event an address contains two street names, an appropriate card will be made for filing by each street name.

(3) The ELSUR indices will be maintained in a securely locked cabinet and will operate exclusively under the supervision of the field office ELSUR coordinator or the support employee designated to assist the coordinator. Access to the ELSUR index must be restricted to an absolute need-to-know basis.

(4) In the event any ELSUR index card within the ELSUR indices in any given field division is classified according to

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existing Executive order instructions to protect information involving national security, the ELSUR index of that field division must be classified at the level of the highest classification of any material contained therein. Any information retrieved as a result of a search of the ELSUR index must be reviewed for proper classification prior to internal FBI dissemination and/or subsequent release.

(5) The assistant ELSUR coordinator will conduct an annual review of the ELSUR indices to locate and correct misfiled cards, duplications, and subsequent overhears. Particular attention will be given to Proprietary Interest cards and Principal cards to ensure each item is complete where necessary. As this review is completed, an index card will be inserted at the front of each drawer within the index and will show the date the review was completed and the initials of the employee who conducted the review.

EFFECTIVE: 02/16/89

10-9.3 Requests for ELSUR Checks

(1) Upon submitting a request to FBIHQ for an electronic surveillance indices check, it is necessary to indicate in each request the reason why the information is being sought, such as whether the sought after ELSUR information will be used for preparation of a Title III affidavit, for an investigative lead, or for other purposes.

(2) Field office personnel handling ELSUR checks should also note that per U.S. Attorney's Manual, Title 9, Section 9-7.000, all requests for search of electronic surveillance records under a defense claim pursuant to Title 18, USC, Section 3504, or Federal Rules of Criminal Procedure, Rule 16, or for other trial-related reasons, must be directed by the Government trial attorney to the Department of Justice, Criminal Division, Attention: Legal Support Unit, Office of Enforcement Operations, Telephone Number FTS [REDACTED] b2  
All assertions on behalf of the United States must be made by the Attorney General or Attorney General's designee. In the event a Government trial attorney requests an ELSUR check, the attorney should be advised of the instructions referred to above in the U.S. Attorney's Manual.

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relating to consensual monitoring ELSURs, the field division should always advise if the ELSUR coverage in question is still pending or a covert operation not yet disclosed.

(6) The ELSUR index should also be searched for any telephone numbers and addresses provided in the departmental request. All indicated files resulting from the search should be thoroughly reviewed for information relative to electronic surveillance.

EFFECTIVE: 04/18/85

10-9.5 Transmitting ELSUR Material to FBIHQ

(1) ELSUR index cards will be submitted, utilizing Form FD-664. This is a preprinted form directed to the ELSUR Index at FBIHQ. FD-664 requires the submitting field office to fill in blanks on the FD-664 reflecting the exact number of index cards submitted, the exact field office case title and file number and the technique utilized for the ELSUR. An inventory is required on the FD-664 indicating the identity of the ELSUR index cards submitted; therefore, list the name(s), entity(s), address(s), telephone number(s), and vehicle identification number(s) indexed on the top line of each card enclosed. Lengthy submissions may be reflected by addenda to the form. Further, the FD-664 may be utilized for noncriminal matters. If utilized for noncriminal matters, the proper classification should be affixed to the form. The original and one copy of the FD-664, as well as accompanying enclosures, will be inserted in a plain brown envelope, sealed and clearly marked:

Director, FBI  
ELSUR Index  
FBIHQ

and submitted to reach the Bureau within the time frame allotted.

(2) Unless instructed to the contrary, responses to ELSUR surveys and related correspondence will be transmitted to the Bureau by airtel to: Director, FBI, Attention: ELSUR Index. This airtel should be entitled "ELSUR." The original and one copy of the transmittal airtel as well as accompanying enclosures will be inserted in a plain brown envelope sealed and clearly marked: Director, FBI, ELSUR Index, FBIHQ. This airtel will be submitted to reach the Bureau within the time frame allotted the specific type of material being forwarded and within Bureau deadline.

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(3) When a court-ordered surveillance is authorized, installed, extended, or when a noncriminal matter installation is made or approved, an FD-664 should be submitted to FBIHQ. This does not preclude submission of a teletype or other expeditious communication to the appropriate substantive investigative section in criminal or noncriminal matters pertaining to emergency authorizations of both court-ordered or noncourt-ordered matters. All communications should be classified according to material contained within the communication. All communications should contain the field office case title and complete file number. Any communications concerning expeditious authorization and/or installation should contain also the name(s) of target(s), address(s) telephone number(s), source number of the installation or consensual monitoring number and dates of authorization, installation, extension and expected termination.

EFFECTIVE: 06/18/87

10-9.6 Retention of ELSUR Files and Related Records

On January 10, 1980, Judge Harold H. Greene, U.S. District Court, District of Columbia, issued a preliminary injunction to suspend all records destruction programs. Since that time, this order has been modified somewhat; however, these modifications did not include ELSUR materials. Until otherwise advised by FBIHQ, all originals and copies of original tapes, logs, transcripts, records, files and communications reflecting any ELSUR information relating to Title III matters, criminal intelligence matters and consensual monitoring matters will be retained.

EFFECTIVE: 06/18/87

10-9.7 Marking File Cover "ELSUR"

To ensure certain files are retained beyond the established file destruction period, a check mark will be placed on the ELSUR line or "ELSUR" will be stamped on the case file covers of those files containing the "results" or the "products" of electronic surveillance on every current, every preceding, every subsequent and every Sub volume to the file even though the product of the electronic surveillance may have been taken from another file or furnished by

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EFFECTIVE: 04/18/85

10-9.4 ELSUR Searching Procedures

(1) In connection with White House inquiries, requests under the Freedom of Information/Privacy Acts (FOIPA), discovery motions, U.S. District Court orders, and other lawful motions emanating from the courts, the Department of Justice directs inquiries to FBIHQ regarding possible electronic surveillance coverage of witnesses, defendants, or attorneys involved in Federal court proceedings. In order to accurately respond to such requests, field offices receiving instructions from FBIHQ to conduct a search of the ELSUR index and general office indices should search the name as shown, as well as aliases, variations in spelling, combinations and contractions, the extent of which is determined by the searching employee. All combinations searched must be shown on the incoming communication or an attached search slip so that the extent of the index search is readily apparent.

(2) An individual who has been party to a conversation intercepted by electronic surveillance may frame a request under the FOIPA to include a search of the ELSUR indices. Such would require close coordination between FBIHQ and the field division which may have submitted ELSUR indices cards identifiable with the requester.

(3) This process of coordination will generally be initiated by an FOIPA Section airtel to the appropriate field division when the FOIPA request is received for processing. This airtel will request review of field office ELSUR records to determine if the individual monitored is identical to the requester and if there are additional instances of monitoring. FBIHQ ELSUR Index may not have previously alerted the FOIPA Section that the individual was monitored in a consensual or Title III electronic surveillance investigation.

(4) Where the overhear is recent in date, it is possible that the consensual electronic surveillance in question relates to a pending investigation or a covert operation not yet disclosed. The pending character of this investigative matter would not be evident from the FBIHQ ELSUR Index records. This pending status governs FOIPA Section processing of the ELSUR request and the FOIPA Section must be made aware of the status to ensure that the fact of an overhear will not be prematurely disclosed to the requester.

(5) Therefore, in responding to an FOIPA Section airtel

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another office.

EFFECTIVE: 12/10/93

10-9.8 Preservation of Original Tape Recordings

All original criminal ELSUR-taped recordings will be placed in an FD-504 (Chain of Custody - Original Tape Recording Envelope), sealed and retained in a modified steel wardrobe-type cabinet, security-approved container, or metal file cabinet equipped with a bar-lock device, hasp or other security-approved lock unless, under Title III, the authorizing judge has directed to the contrary. These cabinets are to be housed in a limited or restricted access location to ensure against unauthorized access in order to overcome any claim that the ELSUR tape was altered or distorted while in the possession of the FBI and to assure the chain of custody. (See 10-9.6 for current rules regarding the retention of taped recordings. In matters involving national security refer to the Foreign Counterintelligence Manual for instructions regarding the handling of national security taped recordings.)

EFFECTIVE: 08/12/86

10-9.8.1 FD-504 (Chain of Custody - Original Tape Recording Envelope)

(1) All original tape recordings (including closed circuit television recordings) maintained as a part of a permanent record of the FBI, as well as those sealed by the U.S. District Judge, should be placed in an FD-504 envelope, exhibited as a bulky and stored as instructed above in Section 10-9.8 of this manual.

(2) The procedures for filling out the FD-504 are as follows:

(a) File Number - Enter the substantive case file number to which the tape recording relates and include the 1B (Bulky Exhibit) number.

(b) Tape Number - Enter the sequential number given the tape recording enclosed.

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(c) Agent Supervising Interception - Enter the name of the Agent (or other Bureau employee) who removes the tape from the recording device after the recording is made; or who first receives custody of the original tape after the recording is made and the tape is being surrendered for retention.

(d) Title III Court-Order or FISA Court-Order  
Control Number: Mark appropriate space to indicate if the ELSUR is authorized under Title III or under the Foreign Intelligence Surveillance Act (FISA) of 1978, and enter the control/symbol number assigned.

(e) Consensual ELSURs - Mark appropriate box to indicate Consensual Monitoring (CM) telephone or nontelephone and any CM number assigned.

(f) In instances wherein the original tape recording enclosed in an FD-504 envelope is not a court-ordered or consensual ELSUR, mark the appropriate box to identify the origin of the tape enclosed, (i.e., Volunteered Tape-Not FBI ELSUR; Interview; other).

(g) Interception: Date and Place - Enter date and place (city/town and state) where intercept occurred.

(h) Tape Removed From Equipment - Enter date and time the tape was removed from the recording device.

(i) Identity of Persons Intercepted, If Known - Enter "See Log" for all court-ordered ELSURs (those authorized under Title III and under the FISA of 1978). For warrantless ELSURs (Consensual Monitoring) enter the true name or best known name of all individuals (including the consenting party) identified as having been overheard.

CHAIN OF CUSTODY

(j) Accepted Custody - Signature of the first person accepting custody of the recording (Agent supervising the intercept and/or any others taking custody of the contents of the FD-504).

(k) Released Custody - The released custody column should show the signature of the last person accepting custody and then releasing custody to the next person. The last name exhibited as accepting custody would normally be the individual that places the evidence in the tape storage facility and thus releases custody, by

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signature, to the tape storage facility for permanent storage. (See Title III Section of the ELSUR Working Guide, page 44).

(3) In sealing the FD-504 envelope, the flap should be moistened, then sealed. The date the envelope is sealed and the initials of the employee sealing the envelope should be affixed on the flap at the point where the end of the flap meets the envelope. Yellow transparent preprinted "evidence tape" should then be placed atop the seam of the flap and overlapping to the other side of each edge of the envelope, as shown in the Title III Section of the ELSUR Working Guide, pages 44 and 45.

(4) In those situations involving interoffice travel and ELSUR usage, i.e., body recorder, ensure original recordings are entered into chain of custody as a bulky exhibit within five days of the receipt of the recording, as required in the Manual of Administrative Operations and Procedures, Part II, Section 2-4.4.1(1)(b). All original tapes are to remain in the field office where first entered as a bulky exhibit. If tapes are entered into the recordkeeping system of the host office (the office wherein the tape was made), the recordings will remain in the custody of the host office. ELSUR indexing will be done by the office where the tape recordings are entered as bulky exhibits, and, if appropriate, host office copies of the recordings will be made and forwarded to other concerned field offices by the custodial offices.

(5) If, during the conduct of an ELSUR, the recording device fails to operate or malfunctions and the tape is found to be blank or contains only portions of the conversation, the tape is to be retained in an FD-504 envelope as described herein.

EFFECTIVE: 08/12/86

10-9.9 Recordkeeping Procedures for ELSUR Information Generated  
Through Joint FBI Operations

(1) In joint FBI operations with other Federal, state and local law enforcement agencies wherein electronic surveillance is conducted through a Title III installation, the agency which prepares the affidavit, application and order seeking the authority will assume all responsibility for ELSUR indexing and recordkeeping. The fact that the investigation is a joint operation will be stated in the affidavit and application for the court order and will specify which agency is lending support to the other.

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(2) Accordingly, if an outside law enforcement agency prepares the affidavit, application, and order in a Title III criminal matter in which the FBI is lending investigative support, that agency is responsible for the proper maintenance of all transcripts and tapes resulting from the Title III installation. In such case, that agency is also responsible for the preparation of electronic surveillance index cards and none would be prepared for inclusion in the FBI electronic surveillance indices.

(3) With regard to consensual monitoring, the agency that obtains authorization for consensual monitoring will assume all responsibility for the necessary ELSUR indexing and recordkeeping. See 10-10.2 or 10-10.3.

EFFECTIVE: 10/18/88

10-9.10 Electronic Surveillance - Title III Criminal Matters  
(See MIOG, Part II, 10-3, 10-9.1(6) & 10-10.9.1(8)(c).)

An FD-669, Checklist-Title III (Criminal Matters) form, is to be executed, serialized and retained in a separate sublettered file to the case file. One form is to be prepared for each application filed in each investigation. Every item contained thereon is to be initialed as completed and, where appropriate, will show the serial number of the communication prepared that ensures the requirement has been met.

(1) Title III of the Omnibus Crime Control and Safe Streets Act of 1968 (Title 18, USC, Sections 2510-2521) provides a legislative basis with carefully constructed controls, requirements, and limitations for the judicial authorization of electronic surveillance techniques in certain major violations, including, but not limited to:

(a) Organized crime activities such as certain gambling offenses, racketeering, extortionate credit transactions and use of interstate commerce facilities in the commission of murder for hire;

(b) Murder, kidnaping, robbery or extortion prosecutable under Title 18, U.S. Code;

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- assault;
- (c) Presidential assassination, kidnaping, or
- (d) Obstruction of justice;
- (e) Interference with interstate commerce by violence or threats of violence;
- (f) Interstate transportation of stolen property, theft from interstate shipment, and interstate travel to incite a riot;
- (g) Espionage, sabotage, treason and the illegal acquisition or disclosure of atomic energy information; (See (2).)
- (h) Sexual exploitation of children;
- (i) Interstate transportation or receipt of stolen vehicles;
- (j) Hostage taking;
- (k) Mail fraud;
- (l) Fugitive from justice from an offense described in Title 18, USC, Section 2516(1);
- (m) Certain firearms violations;
- (n) Obscenity;
- (o) See Title 18, USC, Section 2516, for a complete listing of applicable violations.

(2) With respect to the types of investigations listed in item (g) above, which might be the act of an agent of a foreign power, consideration should be given to obtaining electronic surveillance according to the provisions of the Foreign Intelligence Surveillance Act of 1978 (FISA) (Title 50, USC, Section 1801 et seq.). It is generally accepted that the provisions of FISA afford greater security to the Government's case, as there are detailed security precautions incorporated into the entire process. While obtaining electronic surveillance pursuant to FISA may be more difficult than a Title III surveillance in those instances where foreign powers may be involved, it should be the preferred method. If electronic surveillance pursuant to FISA is determined to be the preferred method in a

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particular investigation, concurrence of the USA is not required, as this function will be coordinated by FBIHQ with the appropriate Department of Justice office. (See Foreign Counterintelligence Manual, Part I, O-2.6.3 & Appendix 10, for procedures in obtaining a FISA court order.)

(3) Title III Applications - Approval Levels

(a) The initial phase in the stringent administrative approval process of Title III applications commences at the field level with the review and approval of the Title III affidavit by field office supervisory personnel, the principal legal advisor (PLA) and the concurrence of the respective USA or Strike Force Attorney. The PLA in each field office is completely familiar with the statutory and procedural requirements for electronic surveillance, and must be consulted whenever a Title III is being considered.

(b) FBIHQ's review of an electronic surveillance request is a three-fold operation: case supervision, legal analysis and executive approval. In this regard, those applications involving the following sensitive issues or circumstances require the approval of the Director or Acting Director:

1. "emergency" Title III interceptions (i.e., interceptions conducted prior to judicial approval under provisions found in Title 18, USC, Section 2518(7));
2. applications requesting Title III interceptions based upon "relaxed specificity" (i.e., applications in which the requirement to specify those facilities from which, or the place where, the communication is to be intercepted has been eliminated--so called "roving" interceptions) under provisions of Title 18, USC, Section 2518(11)(a) and (b);
3. the anticipated interception of conversations of members of Congress, Federal judges, high-level Federal officials; and high-level state executives and members of a state judiciary or legislature;
4. situations involving significant privilege issues or First Amendment concerns (e.g., attorney-client privilege or other privileged conversations, or interception of news media representatives);
5. situations involving significant privacy

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concerns (e.g., interceptions of conversations in a bedroom or bathroom, etc.);

6. applications concerning Domestic Terrorism, International Terrorism, or Espionage cases;

7. in any other situation deemed appropriate by either the Assistant Director, Criminal Investigative Division, or Legal Counsel Division, or their Deputies.

Nonsensitive Title III applications for electronic surveillance of wire and oral communications and of electronic communications not involving [REDACTED] may be approved by the Assistant Director or Deputy Assistant Director acting on his/her behalf in the Criminal Investigative Division. Legal Counsel Division will review and approve all such Title III submissions prior to final executive approval.

Title III applications for authorization to intercept electronic communications over a [REDACTED] do not require FBIHQ review and approval, but may proceed with SAC approval. (See MIOG, Part II, 10-10.11.1(2)(b).)

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(c) Thereafter, with the approval of the Attorney General, or Attorney General's designee, the USA or the Strike Force Attorney shall apply to a Federal judge of a competent jurisdiction for a court order authorizing the interception of communications relating to the specified offenses listed in Title III (Title 18, USC, Section 2516). Judicial control, however, does not cease with the signing of a court order authorizing the interception of communications but continues into the operational phase of the electronic surveillance--installation, monitoring, transcribing and handling of tapes. In addition, a cover airtel is to be sent to FBIHQ with a copy of each periodic report prepared for the prosecuting attorney and filed with the court. This report is to be submitted to FBIHQ the same day or next workday after the periodic report is filed with the court.

(4) It is essential that the requirements set forth in Title 18, USC, Section 2518, be followed meticulously in the preparation of a Title III application. In addition, it is essential that the following points be covered:

- (a) That the probable cause is current;
- (b) That definite grounds have been established for

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certifying that normal investigative procedures have been tried and failed or demonstrating why these procedures appear to be unlikely to succeed or would be too dangerous if tried (the courts have made clear that the use of "boilerplate" statements in this respect are unacceptable);

(c) An attempt has been made to identify the subscriber to the telephone on which coverage is sought, if the name is not that of one of the principals;

(d) That minimization will be assured, especially when the coverage involves a [REDACTED] or the like;

(e) That the premises to be covered are described fully, including a diagram, if possible, in requests for microphone installations (although no surreptitious entries are to be conducted for the purpose of obtaining such data), (see 10-9.10(6) below);

(f) That upon consideration of preparing an affidavit for coverage under Title III, the field office forward an airtel to FBIHQ, under case caption, setting forth by separate subheading the Synopsis of Overall Investigation, Priority of the Investigation Within the Division, Anticipated Manpower Requirements and what outside support, if any, will be needed, a Synopsis of Probable Cause Justifying Title III Application, the Prosecutive Opinion of the U.S. Attorney, and Characterization of the Interceptees;

(g) That a request for an ELSUR search of all office records be submitted, in writing, to the office ELSUR File Assistant (EFA) within 45 days prior to the submission of the affidavit to FBIHQ. The request should identify the substantive case title, to include the violation and field office file number. It should state the request is being submitted in anticipation of Title III ELSUR coverage and list the following: (1) person(s), (2) facility(s), (3) place(s) and, if appropriate, (4) vehicle identification number(s), etc., under consideration in order to identify prior applications. The EFA will conduct a search of the ELSUR Automated Records System (EARS) database requesting "all office records." Only the Principal, Proprietary Interest, and Intercept records contained in the EARS database, which relate to unclassified criminal matters, should be printed in their entirety, attached to the search request, and furnished the requestor. No information relating to court-ordered ELSURs conducted pursuant to the Foreign Intelligence Surveillance Act or information relating to consensual monitorings conducted pursuant

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to Attorney General Guidelines for FBI Foreign Intelligence Collections and Foreign Counterintelligence Investigations should be printed or provided to the requestor. It is the responsibility of the requestor in the office seeking a new court order to follow up the results of the search. Contact must be made with those offices identified as having filed previous applications to the court to obtain facts required for inclusion in the affidavit being prepared.

(h) Where extension orders are sought naming NEW person(s) (principals/targets), facility(s) or place(s), an ELSUR search must be conducted on the newly added principals/targets, prior to submission of the extension affidavit to the DOJ. Where extension orders are sought naming the same principals/targets, facilities, or places specified in the initial affidavit submitted to FBIHQ, a "recheck" of the EARS will be conducted for the purpose of updating the search. The "recheck" will be conducted for all extensions sought 90 days following the filing of the initial application.

(i) Requests for ELSUR searches which relate to Title 21, USC violations, must be searched through the Drug Enforcement Administration (DEA), Washington, D.C. This will be accomplished by the FBIHQ ELSUR index for all search requests which relate to 245 violations. The need for an ELSUR search of the DEA records for any other violation must be specifically requested through the office EFA at the time the ELSUR search request is submitted. All pre-Title III ELSUR searches conducted will be transmitted to FBIHQ ELSUR index automatically via the EARS. Headquarters will forward the request to the DEA, Washington, D.C., and provide a response to the requesting office. Appropriate documentation confirming the conduct of all pre-Title III searches must be serialized and filed in the substantive case file or the corresponding ELSUR subfile to the case file. Documentation may be in the form of a memorandum, airtel, teletype, or search slip. Requests for a search of the ELSUR index received from any outside agency or department are to be referred to the ELSUR Unit at FBIHQ.

(5) See Title 18, USC, Section 2518 for a complete listing of the statutory requirements (procedure for interception of Title III);

(6) Where it is necessary, prior to issuance of a court order, to survey property or premises to determine the feasibility of installation of wire or oral communication intercepting devices, or other electronic surveillance devices such as beepers and closed circuit television cameras, the survey shall not exceed lawful activity, i.e., no entry or other intrusion into an area where a

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reasonable expectation of privacy exists may be made absent consent of the proper party. |(See (4)(e) above.)|

(7) In matters involving the use of Closed Circuit Television (CCTV) in conjunction with a Title III electronic surveillance, refer also to Part II, Section 10-10.9 of this manual.

(8) Roving Interceptions. One of the most significant additions to Title 18, USC, Section 2518 brought about by the Electronic Communications Privacy Act of 1986 concerns the specificity required in the description of the place where, or the telephone over which, electronic surveillance is to be conducted. The original law required that the application for, and the order authorizing, an electronic surveillance request indicate the "particular" facility or place in which the interception was to occur. The new law contains an exception to the particularity requirement and, in effect, allows an interception order to target a specific person rather than the specific telephone or premises that person might use. The amendments establish two similar rules to govern the interception of "oral communications" and "wire or electronic communications" where the target facility need not be identified with specificity before the interception order is obtained (Title 18, USC, Section 2518(11)).

(a) With respect to "oral communications," the application must contain a full and complete statement as to why the ordinary specification requirements are not practical. The application must also identify the person committing the offense and whose communications are to be intercepted. The judge must then make a specific finding that the ordinary specification rules are not practical under the circumstances (Title 18, USC, Section 2518(11)(a)). Examples of situations where ordinary specification rules would not be practical include cases in which [REDACTED]

[REDACTED] In such cases, the order would allow law enforcement officers to follow the targeted individual and engage in the interception once the conversation occurs (Title 18, USC, Section 2518(12)).

(b) The provision concerning "wire or electronic communications" is similar to that governing oral communications. The application must specifically identify the person committing the offense whose communications are to be intercepted. The application must also show, however, that the person committing the offense has demonstrated a purpose to thwart interception by changing facilities. In these cases, the court must specifically find that such purpose has been evidenced by the suspect. An example of a situation that would

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meet this test would be [REDACTED]

[REDACTED] (Title 18, USC,  
Section 2518(11)(b)).

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(c) With respect to both oral and wire or electronic communications, the approval of the Attorney General, Deputy Attorney General, Associate Attorney General, Assistant Attorney General or an Acting Assistant Attorney General is required before a relaxed specificity order is sought. Approval by a Deputy Assistant Attorney General in the Criminal Division, which is authorized for all other interceptions, is not sufficient for this type of application.

(d) The Government cannot begin the interception until the facilities from which, or the place where, the communication is to be intercepted is determined by the agency implementing the order (Title 18, USC, Section 2518(12)). Congress also intended that the actual interception not commence until the targeted individual begins, or evidences an intention to begin, a conversation. It was not intended that the relaxed specificity order be used to tap a series of telephones, intercept all conversations over those phones, and then minimize the conversations recorded as a result. This provision puts the burden on the investigatory agency to determine when and where the interception is to commence. There is no requirement of notification to the court once the premises or specific phone is identified prior to making the interception; however, a specific place or phone must be identified. Limiting interceptions to specific places once they are determined should satisfy the specificity requirement of the Fourth Amendment.

(e) Obviously, this provision will be a valuable tool in criminal investigations [REDACTED]

[REDACTED] However, the Fourth Amendment implications involved in this procedure should not be ignored. This is an extraordinary provision and it is the intention of the Department of Justice that it be used sparingly and only in clearly appropriate cases. This provision is not a substitute for investigative footwork; it is not intended that the ordinary showing of probable cause with respect to a specific telephone or location be dispensed with on the theory that the subject is a criminal who engages in criminal conversations wherever he/she goes.

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(f) A further consideration, especially in wire or electronic interceptions, is the practical problems faced by the telephone company or other provider of electronic communication services in effecting the interception, complete with leased lines to



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the Government listening post, on extremely short notice. Care has to be exercised to work with the telecommunication companies and to provide them with as much information and notice as possible as far in advance as possible. Telephone companies in particular have expressed great concern about their ability to comply with such orders, which may require action on their part that will strain their ability to assist law enforcement officials in these cases. Congress, at the request of the telephone companies, included a provision in the Act allowing the companies to move the court that has issued a reduced specificity order for the interception of wire or electronic communications to modify or quash the order if the interception cannot be performed in a timely or reasonable manner (Title 18, USC, Section 2518(12)). The key for all concerned is to approach this procedure with care and foresight and to be aware of the practical and legal problems that may arise.

(9) It is also necessary that the post-execution sealing requirements of Title 18, USC, Section 2518(8)(a) be met. Failure to adhere to this requirement could result in suppression of relevant interceptions in the absence of a satisfactory explanation for any delay in sealing. Agents should therefore be prepared to submit the original recordings of all interceptions to the issuing judicial official for sealing immediately at the conclusion of the period of continuously ordered electronic surveillance. In this context, if there is no break in time between the expiration of the original order and any subsequent extensions, Agents may wait until the expiration of the final extension before fulfilling this requirement.

If any delay in making this delivery is anticipated, the Agent supervising the electronic surveillance should document the causes for this delay, i.e., duplication equipment failure, unforeseen manpower allocation priorities, and notify the supervising Assistant United States Attorney or Strike Force Attorney of the anticipated delay. If the supervising Agent anticipates this delay to be any greater than five days from the expiration date of the continuous electronic surveillance, he/she should, through the supervising attorney, within that five-day period obtain an extension of time in which to fulfill the sealing requirements from the appropriate judicial official.

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10-9.11 Emergency Provisions, Title III Criminal Matters

(1) In regard to the interception of wire communications or oral communications in which a reasonable expectation of privacy exists, or electronic communications, the Department will generally recognize no exception to their requirement that a warrant first be obtained. However, if an emergency situation exists wherein time does not permit following the warrant process and such electronic surveillance is believed crucial, the Attorney General, Deputy Attorney General, or the Associate Attorney General, under the authority of Title III (Title 18, USC, Section 2518 (7)), can authorize electronic surveillance prior to obtaining a court order. This means, of course, that no SAC or FBIHQ official has the authority on his/her own to authorize interception of wire, oral, or electronic communications, even under emergency circumstances where a human life is in jeopardy. Title 18, USC, Section 2518 (7), which contains the specific requirements for emergency authorization, provides as follows:

"Notwithstanding any other provision of this chapter, any investigative or law enforcement officer, specially designated by the Attorney General, the Deputy Attorney General, the Associate Attorney General or by the principal prosecuting attorney of any State or subdivision thereof acting pursuant to a statute of that State, who reasonably determines that--

"(a) an emergency situation exists that involves--

"(i) immediate danger of death or serious physical injury to any person,

"(ii) conspiratorial activities threatening the national security interest, or

"(iii) conspiratorial activities characteristic of organized crime, that requires a wire, oral, or electronic communication to be intercepted before an order authorizing such interception can, with due diligence, be obtained, and

"(b) there are grounds upon which an order could be entered under this chapter to authorize such interception,

may intercept such wire, oral, or electronic communication if an application for an order approving the interception is made in accordance with this section within forty-eight hours after the interception has occurred, or begins to occur. In the absence of an

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order, such interception shall immediately terminate when the communication sought is obtained or when the application for the order is denied, whichever is earlier. In the event such application for approval is denied, or in any other case where the interception is terminated without an order having been issued, the contents of any wire, oral, or electronic communication intercepted shall be treated as having been obtained in violation of this chapter, and an inventory shall be served as provided for in subsection (d) of this section on the person named in the application."

(2) A field office seeking emergency Title III authorization should telephone such request, along with all known facts and circumstances, to the Criminal Investigative Division (CID), FBIHQ. During weekend, holiday, or nighttime hours requesting field offices should telephone the request to the CID Duty Supervisor. In either case the telephone request should be followed by a teletype setting forth details contained in the telephone request.

(3) The grounds upon which an order may be entered (in emergency situations) are limited to violations of those crimes enumerated in Title 18, USC, Section 2516, and to an emergency situation existing that involves immediate danger of death or serious physical injury to any person, conspiratorial activities threatening the national security interest, or conspiratorial activities characteristic of organized crime.

(4) The phrase "conspiratorial activities . . . characteristic of organized crime" is not defined in either the statute or the legislative history. Therefore, what activity meets this definition must be considered on a case-by-case basis. It is noted that DOJ has in the past demonstrated a willingness to consider authorizing emergency electronic surveillance on the basis that participants were members of an organized crime group in the traditional sense that the term has been applied. It would seem that, at a minimum, there would have to be evidence of two subjects (exclusive of informants and undercover operatives) conspiring to commit some violation enumerated in Title 18, USC, Section 2516.

(5) With regard to the phrase "conspiratorial activities threatening the national security interest," both the statute and the legislative history are devoid of any definition. Requests from the field for emergency Title III authority may in some cases be examined at FBIHQ to determine any possible applicability that the above statutory language may have to the activity in question. In some cases a determination may be made that the application for electronic surveillance can more appropriately be made under the emergency

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provisions of the Foreign Intelligence Surveillance Act (Title 50, USC, Section 1805 (e)).

(6) Since Section 2518(7) requires that a written application for electronic surveillance be received by the court from which authorization is being sought within 48 hours after the interception has occurred or begins to occur, preparation of the affidavit should commence contemporaneously with the telephone request to FBIHQ. The affidavit should be transmitted by facsimile to FBIHQ as expeditiously as possible to allow for necessary processing by FBIHQ and DOJ, and submission to the appropriate court within the statutory time limit. Field offices may provide assistance to local USAs' offices without facsimile facilities by transmitting the application and proposed order over field office facilities to FBIHQ. These documents will be handcarried along with the affidavit to the DOJ. In accordance with DOJ policy, written application will be made to a court for an order approving the interception, whether or not the interceptions obtained are determined to be fruitful from an evidentiary standpoint. In the event that the need for electronic surveillance evaporates following authorization but prior to the installation and activation of the technical equipment, the submission of an affidavit is not necessary. In such cases it will be sufficient to submit an LHM briefly setting forth the fact that a request for emergency electronic surveillance was made, the basis for such request, and the reason why such surveillance became unnecessary.

(7) It should be emphasized that the above-described procedures under which emergency Title III authorization can be obtained do not in any way eliminate the need to comply with the requirements of a nonemergency Title III application since one may intercept communications under oral emergency authority only ". . . if an application for an order approving the interception is made in accordance with this section within forty-eight hours after the interception occurred, or begins to occur . . ." (Emphasis added). The net effect of the emergency authorization process is that, following receipt of emergency authority, the entire nonemergency process must be undertaken, but within a much shorter period of time (48 hours).

(8) With regard to oral communication (microphone interceptions as opposed to wire interceptions), it is important to note that Title III authority is, by definition (see Title 18, USC, Section 2510 (2)), required when such oral communications are uttered by a person who exhibits a justifiable expectation of privacy. In the absence of such justifiable expectation (e.g., a forcibly occupied building, the residence of a stranger or of a hostage, and similar

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situations), no Title III court order is necessary for interception of the communications. However, for purposes of administrative control, DOJ continues to require that prior approval for such interceptions be obtained in the same manner currently required for the approval of consensual monitoring of nontelephone oral communications (body recorders and/or transmitters), that is by obtaining emergency FBIHQ authority which is thereafter confirmed in writing to DOJ. These procedures entail consultation with and concurrence of a representative of the local USA's office, followed by a request to FBIHQ for emergency authority. The request and the basis for same are thereafter confirmed in writing with the DOJ. (See 10-10 for detailed requirements.) A field office desiring to institute microphone surveillance in hostage or other emergency situations where the existence of a justifiable expectation of privacy is in doubt should telephone the request to CID, FBIHQ. (Where possible, such request should recite the opinion and recommendations of the field office Principal Legal Advisor.) CID will furnish all known facts and recommendations to Legal Counsel Division (LCD), which will make the final determination regarding the presence or absence of a justifiable expectation of privacy. If LCD determines that there is no justifiable expectation of privacy in the particular situation, CID will orally authorize use of the microphone surveillance. The field office must follow with a teletype reciting the oral authorization given and the facts upon which the authorization was based. The subsequent confirming letter from CID to the DOJ should specifically include the AUSA's opinion, and should state the opinion of LCD with respect to the absence of a justifiable expectation of privacy and the basis for that conclusion. If LCD determines that a justifiable expectation of privacy does exist, Title III authority is of course necessary for the microphone surveillance.

(9) With regard to microphone surveillance, it is noted that some electronic tracking devices (commonly referred to as "ETDs," "beepers," or homing devices) [REDACTED]

[REDACTED] have incidental microphone capabilities. Although the primary use of such devices may be for their homing capability, the incidental microphone capability of the devices may require that Title III court authorization be obtained prior to their use. Requests for authorization to utilize such devices in ransom packages should be telephoned to the appropriate substantive desk at FBIHQ.

(10) Relative to the authority to make emergency entries to install microphones absent a court order. In a situation where there is determined to be a justifiable expectation of privacy, or installation would involve trespass, emergency Title III authority

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must first be obtained under Title 18, USC, Section 2518 (7). The U.S. Supreme Court held that the power of the courts to authorize covert entries ancillary to their responsibility to review and approve electronic surveillance applications is implicit in the Title III statute. LCD believes that authority for the investigative or law enforcement officer specially designated by the Attorney General (normally the Director) to approve entries to install microphones can logically be derived from the emergency provisions of the statute (Section 2518 (7)), and that this derivation of authority is consistent with the Court rationale. Since FBI policy requires the inclusion of a specific request for surreptitious entry authority in routine Title III affidavits when such entry is necessary, this request, along with the underlying basis, should of course appear in the affidavits submitted (within the 48-hour time frame) following emergency Title III authorizations.

EFFECTIVE: 04/24/89

||10-9.11.1 Form 2 Report

(1) The Form 2 report, to be submitted by a field office upon completion of Title III ELSUR activity, is a form designed by the Administrative Office of the United States Courts (AOC), and is utilized by the Department of Justice (DOJ) and the AOC to obtain certain specific information relating to the administration of Title III physical activity, (i.e., actual monitoring, physical surveillance, etc., in direct support of the ELSUR) and the results obtained therefrom. Usually in April of each calendar year, the AOC publishes a booklet reporting all Title III activity for the previous calendar year. This report is required by Title 18, USC, Section 2519, of the Omnibus Crime Control and Safe Streets Act of 1968.

(2) FBIHQ, upon notification of the filing of an application for a Title III court order, will, on a case-by-case basis, forward by airtel under the substantive case caption of the field office involved, a prenumbered, precarboned Form 1 and Form 2 packet as provided to the FBI by the AOC. The Form 1 report consists of ply 1 and ply 2 of the packet. The Form 2 report consists of ply 3 and ply 4 of the packet.

(3) Form 2 reports and related correspondence are to be typewritten.

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(4) On or before the 30th day following the denial of a Title III court order or the expiration of the authorized period of the order, including all extensions, the designated Special Agent will assist the prosecuting attorney in completing plies 1 and 2 (Form 1 portion of the packet) and items 1 through 6 of plies 3 and 4, (Form 2 portion of the packet) identical on both the Form 1 and Form 2. The Form 1 portion should remain with the prosecuting attorney. The prosecuting attorney shall then be responsible for providing the issuing judge the ply 1 and ply 2 (Form 1) for review, approval, and signature so that the court may forward the Form 1 to the AOC.

(5) Items 6 through 11 of plies 3 and 4 of the Form 2 report are to be completed by the designated Special Agent and not by the prosecuting attorney. Ply 3 of the Form 2 report is to be submitted to FBIHQ 60 calendar days following the termination of a court-authorized Title III. This rule will apply strictly to all Title IIIs, whether denied or granted, routine or emergency, except those authorized during the last 60-day period of the calendar year. Any Title III authorized during the last 60 days of the calendar year or terminating on or before December 31 are to be submitted to FBIHQ no later than five working days following termination of the Title III. This submission is to be made regardless of whether or not resource costs (Item 9B) of the installation, basically supplies and other items, are available at the time of submission. The ply 4 portion of the Form 2 is to be submitted appropriately to the prosecuting attorney.

(6) Any Title III expiring before midnight of December 31 should be reported to FBIHQ, telephonically, on the next working day following the termination of Title III activity. Thereafter, the Form 2 should be submitted to FBIHQ within five working days.

(7) In a joint or task force type investigation involving another agency, the agency which is responsible for recordkeeping procedures, as outlined in the MIOG, Part II, Section 10-9.9, shall be responsible for the preparation and submission of the Form 2 (plies 3 and 4 of the packet) in accordance with that agency's established procedures. It will be the responsibility of the designated Special Agent to maintain effective liaison with the responsible agency in order that all necessary statistics, costs, and results are compiled and reported on one Form 2 to be submitted by the responsible agency, if other than the FBI.

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10-9.11.2 Completion of Form 2 Report

The following is a listing of each Section and Subsection set forth on the Form 2 report with an explanation of the information to be entered for each Section/Subsection.

(1) "COURT AUTHORIZING OR DENYING THE INTERCEPT"

The Form 2 shows the above caption as Item 1 and all ply copies of the Forms 1 and 2. The docket number is generally preprinted and is utilized to track the form itself. To properly complete item number one, the full name of the judge signing or denying the Title III court order should be shown, along with the identity of the court to include the exact street address and not a post office box number.

(2) "SOURCE OF APPLICATION"

(a) Subsection 2A "Official Making Application."  
This section should be used to show the full name of the official making the original application to the court, generally an Assistant United States Attorney. The title of the official making the original application should be shown with his or her telephone number and area code. The county and the agency name should be shown with the exact mailing address, not, Federal Building, with the name of a city and state.

(b) Subsection 2B "Prosecution Official Authorizing Application." The appropriate name to be shown is a DOJ official in Washington, D.C., not a United States Attorney or an Assistant. The word "same" may be shown only if a DOJ official was also the official making the original application, as shown in Subsection 2A.

(3) "OFFENSES (LIST MOST SERIOUS OFFENSE FIRST)"

Enter the offense(s) specified in the Title III order or application for an extension of the order (predicate offenses, i.e., ITSP, TFIS, etc., cited in application). List, in capital letters, and underline the most serious offense first, (only one offense should be underlined). The following controls should be used to determine the most serious offense:

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(a) When two or more offenses are specified in the application, the offense with the highest maximum statutory sentence is to be classified as the most serious.

(b) When two of the offenses have the same maximum sentence, a crime against a person is to take priority over a crime against property.

When listing the offenses, a general description such as gambling, narcotics, racketeering, etc., will suffice. DO NOT cite the offense by title and section of the U.S. Code.

(4) "DURATION OF INTERCEPT"

Enter the number of days requested and the date of the application. Use the appropriate box to show whether the application was denied or granted and show the date of the order or denial of the order. If the application was granted with changes, changes should be listed in the column captioned "Granted With These Changes." That is to say, if the judge, the official making the application or the prosecuting attorney authorizing the application differs from those named in Item 1 and 2 above, the new individual should be named and identified by title in this section. Also, if emergency authorization was granted, it should be shown in this section along with the date granted i.e., "Emergency Authority 9/1/86." Do not list source numbers or techniques authorized. If insufficient space exists in this section to show all changes, submit on plain bond paper with number of section and title, as an attachment to ply 3 of the Form 2.

(5) "TYPE OF INTERCEPT"

Check the appropriate block(s) and note the specific device if not telephone or microphone.

(6) "PLACE"

Check the appropriate block(s). Be specific as to the business type and other type location, if any.

NOTE: When this portion of the form has been completed, the Form 1 portion (plies 1 and 2) is to remain with the prosecuting attorney who shall then be responsible for providing the form to the issuing judge for review, approval and signature in order for the court to forward the Form 1 to the AOC. The authorizing judge is required to file the Form 1 report with the AOC within 30 days of the expiration of the order, including all extensions.

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(7) "INSTALLATION"

Check the appropriate block; only one block should be checked.

(8) "DESCRIPTION OF INTERCEPTS"

Subsections 8A through 8F to be utilized to show:

- (a) that date on which the last ELSUR installation was terminated;
- (b) the specific number of days the installation was in actual use;
- (c) the average frequency of intercepts per day, (rounded off to the nearest number). Divide the "Number of Communications Intercepted," (8E), by the "Number of Days in Actual Use," (8B), i.e., 131 intercepts divided by 29 days equals 4.51 or 5 intercepts per day.
- (d) the number of identifiable individuals whose communications were intercepted, (count each person only one time even if intercepted more often);
- (e) the estimated number of communications intercepted, and
- (f) the estimated number of incriminating communications intercepted.

(9) "COST"

(a) Subsection 9A "Nature and Quantity of Personnel Used to Install and Monitor." This section should be utilized to show the exact number of Special Agents (SAs) assigned to physically monitor, log, perform other administrative functions or work in any other capacity, specifically regarding the Title III itself. Also, the specific number of support (clerical) personnel utilized for tape transcription, duplication or other administrative support should be shown in this subsection. SA time should be shown in total number of work days, i.e., "65 Special Agents days." Use the same formulation for support personnel. If a joint operation, other agencies' (either state, local or Federal) personnel time should be shown by number of work days and broken down as above. If three Deputy Sheriffs were

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utilized for five days, show "15 Deputy Sheriff days." The expended personnel time of other Federal agencies should be listed in the same manner. Do not co-mingle state, local, or Federal time. "Personnel Cost" segment should be left blank. Cost figures will be computed at FBIHQ. Therefore, it is necessary that accurate and specific information be furnished to FBIHQ via this form.

(b) Subsection 9B "Nature of Other Resources (Cost of Installation, Supplies, etc.)." Requires specific cost figures which pertain to the Title III itself. For instance, leased line figures, if available at the time of reporting; equipment or tools necessary for the specific installation(s) and any other supplies, not to include tapes, unless purchased with case funds specifically for this case. This resource cost is to be shown in the block to the right of item 9B marked "Resource Cost." The "Total Cost" figure is to be left blank.

(10) "RESULTS"

This subsection should be executed when results have been obtained. Do not place the words "not applicable" or "N/A" in this subsection. This subsection should be utilized in much the same manner as an FD-515 (Accomplishment Report Form).

Items 10A through 10D are to be utilized to show:

(a) "Number of Persons Arrested" (or otherwise taken into Federal custody, i.e., pre- or post-indictment summons) & "Arrest Offenses." Enter the total number of persons arrested. Count each person only once regardless of the number of offenses charged. List all offenses charged in the arrests. Again, a general description such as gambling, narcotics, racketeering, etc., will suffice. (Do not enter individual's name and do not use U.S. Code citations.)

(b) "Number of Motions to Suppress." Enter the number of motions to suppress (quash evidence) which were granted, denied and are still pending.

(c) "Number of Persons Convicted" & "Conviction Offenses." Enter the total number of persons convicted as a result of the interception and the offenses, by general description, for which the convictions were obtained. Persons who pled guilty would be counted in this category. Again, count each convicted person only once. (Report upon conviction. Not necessary to await sentencing.)

(d) "Number of Trials Completed." Enter the number

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of trials resulting from this Title III installation which have been completed. Do not count as a trial any instance where a plea was taken during the trial. Also, do not count any grand jury information such as dismissal of indictment.

(11) "COMMENTS AND ASSESSMENT"

This subsection should be utilized mainly to show if two or more Title III installations are related. This may be shown by inserting the words "related to document number \_\_\_\_\_." All Form 2s are prenumbered, and the docket number for the related Form 2 should be shown. The remaining sections of item number 11 should be left blank. The prosecutor's signature and date of report are to be left blank. (These blocks are executed by the Attorney General or Attorney General's designee in Washington, D.C., at the time of the Annual Report.)

Retain one copy of the completed Form 2 (ply 3) in a field office control file and one copy in the 1A Section of the substantive case file for supplemental submissions and recordkeeping purposes.

EFFECTIVE: 06/18/87

10-9.11.3 Submissions of Form 2 Report to FBIHQ

(1) Appropriate administrative controls are to be utilized by field offices to ensure accurate and timely submission of the Form 2. The Special Agent to whom the case is assigned and his/her supervisor are administratively responsible for the Form 2 report. SACs are "responsible" for the accuracy of the content of all Form 2 reports and their timely submission.

(2) The report is to be forwarded by airtel in a plain brown envelope, sealed and clearly marked:

Director, FBI  
ELSUR Index  
FBIHQ

The airtel will include the following information:

(a) Complete case title and name of Special Agent executing Form 2.

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(b) List of principals named in the initial application for the specific Title III. Should principals be added in an extension application, these names are to be listed and identified with the specific extension order, i.e., "1st extension," "2nd extension," etc.

(c) The annual salary of any non-FBI personnel listed in Item 9, Subsection 9A, used to install and/or monitor the Title III.

(d) Should a case be deemed sensitive to the point that any information disseminated outside the FBI or DOJ would compromise the investigation or witnesses, etc., a detailed statement must be made in the airtel relative to the reason why the Form 2 report should not be sent to DOJ for dissemination to the AOC for publication.

(e) The names required in Item "(b)" above are to be listed, in the format as described, on a white 3 X 5 inch card captioned "Principals," followed by the docket number (corresponding to the docket number on the Form 2), and the names of the individuals named as principals in the initial application and each extension thereof. This 3 X 5 inch card is to accompany the airtel and Form 2 report submitted to FBIHQ.

EFFECTIVE: 06/18/87

10-9.11.4 Supplemental Form 2 Reports

(1) Supplemental reports pertaining to statistical information called for in Item 10, caption "RESULTS" are included in each calendar year Title III report made by the AOC. The results called for in the supplemental report pertain to Title III ELSUR activity conducted during prior calendar years. Therefore, supplemental reports are to be submitted to FBIHQ as indicated in 10-9.11.3, above and subsequent to the submission of the original Form 2. The supplemental reports are to be submitted to FBIHQ by no later than close of business November 15 of each individual calendar year. Field offices will be reminded of this required submission by annual airtel to all SACs.

(2) If no supplemental information has been developed, that is to say, no further statistical information exists for the case or is forthcoming pertaining to the Title III, field offices are to

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submit an airtel to FBIHQ setting forth the fact that no supplemental information will be submitted and giving reason, i.e., case closed, trial set for following year, etc.

(3) The November 15 deadline will be extended only in the event statistical information is to be routinely reported by Form 2 within the same calendar year the original Form 2 is submitted. This information could include arrests, convictions (not necessarily to include sentencing), number of trials completed or major seizures prior to the end of the calendar year. Further, if no additional statistics are expected to be reported, the field office should so state in the submitting airtel.

(4) The additional information to be reported should be added to the copies of the previously submitted ply 3 of the Form 2 retained in the 1A section of the substantive case file and the field office designated control file. The form should then be duplicated and forwarded to FBIHQ. A copy of supplemental Form 2 should be retained in the 1A section of the substantive case file and the field office designated control file.

(5) For further guidance regarding the execution of a Form 2, refer to the "ELSUR WORKING GUIDE," Title III Section, pages 68 and 68.01.

(6) Special Agents preparing Form 2 reports should note the Form 2s are to be prepared and submitted by Special Agents, not Assistant United States Attorneys or other DOJ officials, notwithstanding instructions appearing at the bottom of ply 3 of the Form 2.

EFFECTIVE: 06/18/87

10-9.12 ELSUR Indexing in Title III Criminal Matters

The ELSUR support employee in each field division will index or supervise the indexing and review of all ELSUR cards in Title III matters prior to their submission to FBIHQ. This is to ensure all cards are complete, accurate and in a format specified herein. (For indexing procedures, refer to the "Index Guide" available at each field office through the File Assistant/ELSUR support employee.) In Title III matters, all ELSUR cards will be typewritten. Two original cards will be prepared, one to be forwarded to FBIHQ for inclusion in the FBIHQ ELSUR Index and one to be maintained in the field office

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ELSUR index. If the information appearing on an ELSUR card is classifiable, the card must be classified in accordance with standard classifying procedures. For indexing purposes, microphone surveillance (MISUR) being utilized in conjunction with either a closed circuit television (CCTV) surveillance or an electronic tracking device will be treated as a microphone surveillance.

(1) Principal Cards - 3-x-5-inch cards maintained in the ELSUR indices containing the true name or best-known name of targets of Title III electronic surveillances. The term "principal" means any individual specifically named in the application furnished the court as being expected to be monitored during the course of the electronic surveillance. Included on the Principal card is the term "Principal Title III"; the control number assigned the source, the Bureau file number, if known; and the field office file number. In Title III matters, Principal cards are prepared on blue index cards and are to be submitted to FBIHQ within ten working days of the date the application is filed with the court regardless of whether or not authorization is granted and whether or not an installation is made or activated. In the event that a new individual(s) is named in an application for an extension or amendment of a court order, ensure Principal cards are submitted on the new individual(s).

Example of Principal Card

Principal Title III (Blue 3-x-5-inch index card)

- |                        |
|------------------------|
| a. SMITH, JOHN         |
| b. PRINCIPAL TITLE III |
| c. AL NDNY-1           |
| d. 182-111             |
| e. AL 182-1            |

(2) Proprietary Interest Cards - 3-x-5-inch cards maintained in the ELSUR Index identifying the entity(s) and individual(s) who own, lease, license, or otherwise hold a possessory interest in locations subjected to electronic surveillance. These cards also identify the locations, telephone numbers, vehicle

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identification number, etc., targeted in the Title III application. Proprietary Interest cards further include the control number assigned the source; the date the surveillance was instituted; space for the date it will be discontinued; Bureau file number if known; and field office file number. Proprietary Interest cards should be prepared in a manner so as to be retrievable by the name of the proprietor(s), the location, and each facility specified in the application. Accordingly, to accomplish this cross-referencing, an appropriate number of these cards should be prepared, interchanging the top three entries in conformity with proper cross-indexing and filing procedures. In Title III matters Proprietary Interest cards are prepared on blue index cards. Where electronic surveillance devices are being installed on a motor vehicle, the vehicle identification number (and not the license number) will appear as item "c." All Proprietary Interest cards are to be submitted to FBIHQ within ten working days of the date the application is filed with the court, regardless of whether or not authorization is granted by the judge and whether or not an installation is made or activated. In the event that a new location or facility is identified in an application for an extension or amendment of a court order, ensure Proprietary Interest cards are submitted reflecting this new or modified information within ten working days of the date the application is filed with the court.

(a) Examples of Proprietary Interest Cards for  
Telephone Surveillance (TESUR) Coverage in Title III Criminal Matters

1. Proprietary Interest card for filing by  
name(s).

- |    |   |
|----|---|
| a. | SMITH, JOHN   |
| b. | 202-324-3300  |
| c. | 901 Elm Avenue, Room 300<br>Albany, New York<br>Holiday Inn |
| d. | AL NDNY-1   |
| e. | Instituted: 11-1-82   |
| f. | Discontinued: (to be filled in later)                       |
| g. | 182-000   |
| h. | AL 182-12   |

2. Proprietary Interest card for filing by  
telephone number.



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- b. 202-324-3300
- a. SMITH, JOHN
- c. 901 Elm Avenue, Room 300  
Albany, New York  
Holiday Inn
- d. AL NDNY-1
- e. Instituted: 11-1-82
- f. Discontinued: (to be filled in later)
- g. 182-1000
- h. AL 182-12

3. Proprietary Interest card for filing by  
address.

- c. 901 Elm Avenue, Room 300  
Albany, New York  
Holiday Inn
- a. SMITH, JOHN
- b. 202-324-3300
- d. AL NDNY-1
- e. Instituted: 11-1-82
- f. Discontinued: (to be filled in later)
- g. 182-1000
- h. AL 182-12

4. Proprietary Interest card for filing by  
facility.

- c. Holiday Inn  
901 Elm Avenue, Room 300  
Albany, New York
- a. SMITH, JOHN
- b. 202-324-3300
- d. AL NDNY-1
- e. Instituted: 11-1-82
- f. Discontinued: (to be filled in later)
- g. 182-1000
- h. AL 182-12

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(b) Examples of Proprietary Interest Cards for TESUR Coverage in Title III Criminal Matters Wherein More Than One Person Owns, Leases, Licenses, or Otherwise Holds a Possessory Interest in the Property Subjected to the Surveillance

1. Proprietary Interest card for filing by name(s).

- |    |  |
|----|--|
| a. | SMITH, JOHN<br>JONES, SARA                             |
| b. | 202-324-3300   |
| c. | 901 Elm Avenue<br>Albany, New York<br>ABC Trucking Co. |
| d. | AL NDNY-1  |
| e. | Instituted: 11-1-82                                    |
| f. | Discontinued: (to be filled in later)                  |
| g. | 182-1000   |
| h. | AL 182-12  |

2. The above card will be filed under the name of SMITH, JOHN and another should be prepared for filing under the name of JONES, SARA.

- |    |  |
|----|--|
| a. | JONES, SARA<br>SMITH, JOHN                             |
| b. | 202-324-3300   |
| c. | 901 Elm Avenue<br>Albany, New York<br>ABC Trucking Co. |
| d. | AL NDNY-1  |
| e. | Instituted: 11-1-82                                    |
| f. | Discontinued: (to be filled in later)                  |
| g. | 182-1000   |
| h. | AL 182-12  |

3. Proprietary Interest card for filing by telephone number.

- |    |              |
|----|--------------|
| b. | 202-324-3300 |
| a. | SMITH, JOHN  |

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JONES, SARA  
c. 901 Elm Avenue  
Albany, New York  
ABC Trucking Co.  
d. AL NDNY-1  
e. Instituted: 11-1-82  
f. Discontinued: (to be filled in later)  
g. 182-1000  
h. 182-12

4. Proprietary Interest card for filing by  
address.

c. 901 Elm Avenue  
Albany, New York  
ABC Trucking Co.  
a. SMITH, JOHN  
JONES, SARA  
b. 202-324-3300  
d. AL NDNY-1  
e. Instituted: 11-1-82  
f. Discontinued: (to be filled in later)  
g. 182-1000  
h. AL 182-12

5. Proprietary Interest card for filing by  
facility.

c. ABC Trucking Co.  
901 Elm Avenue  
Albany, New York  
a. SMITH, JOHN  
JONES, SARA  
b. 202-324-3300  
d. AL NDNY-1  
e. Instituted: 11-1-82  
f. Discontinued: (to be filled in later)

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- g. 182-1000
- h. AL 182-12

(c) Example of Proprietary Interest Card for MISUR  
Coverage in Title III Criminal Matters

1. Proprietary Interest card for filing by  
name.

- a. SMITH, JOHN
- b. MISUR
- c. 901 Elm Avenue, Room 300  
Albany, New York  
Holiday Inn
- d. AL NDNY-2
- e. Instituted: 11-1-82
- f. Discontinued: (to be filled in later)
- g. 182-1000
- h. AL 182-12

2. Proprietary Interest card for filing by the  
address

- c. 901 Elm Avenue, Room 300  
Albany, New York  
Holiday Inn
- a. SMITH, JOHN
- b. MISUR
- d. AL NDNY-2
- e. Instituted: 11-1-82
- f. Discontinued: (to be filled in later)
- g. 182-1000
- h. AL 182-12

3. Proprietary Interest Card for filing by  
facility.

- c. Holiday Inn  
901 Elm Avenue, Room 300  
Albany, New York
- a. SMITH, JOHN
- b. MISUR
- d. AL NDNY-2

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- e. Instituted: 11-1-82
- f. Discontinued: (to be filled in later)
- g. 182-1000
- h. AL 182-12

(d) Example of Proprietary Interest Card for MISUR  
Coverage Involving a Vehicle in Title III Criminal Matters

1. Proprietary Interest card for filing by  
name.

- a. SMITH, JOHN
- b. MISUR
- c. VIN 1A2345RA789
- d. AL NDNY-3
- e. Instituted: 11-1-82
- f. Discontinued: (to be filled in later)
- g. 182-1000
- h. AL 182-12

2. Proprietary Interest card for filing by the  
vehicle identification number.

- c. VIN 1A2345RA789
- a. SMITH, JOHN
- b. MISUR
- d. AL NDNY-3
- e. Instituted: 11-1-82
- f. Discontinued: (to be filled in later)
- g. 182-1000
- h. AL 182-12

No card for filing under the address is required in matters involving  
a motor vehicle.

(e) Example of Proprietary Interest Cards for CCTV  
Coverage in Connection With MISUR Coverage

1. Proprietary Interest card for filing by  
name.

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- a. SMITH, JOHN
- b. MISUR
- c. 901 Elm Avenue, Room 300  
Albany, New York  
Holiday Inn
- d. AL NDNY-3
- e. Instituted: 11-1-82
- f. Discontinued: (to be filled in later)
- g. 182-1000
- h. AL 182-12

2. Proprietary Interest card for filing by the  
address.

- c. 901 Elm Avenue, Room 300  
Albany, New York  
Holiday Inn
- a. SMITH, JOHN
- b. MISUR
- d. AL NDNY-3
- e. Instituted: 11-1-82
- f. Discontinued: (to be filled in later)
- g. 182-1000
- h. 182-12

3. Proprietary Interest card for filing by the  
facility.

- c. Holiday Inn  
901 East Avenue, Room 300  
Albany, New York
- a. SMITH, JOHN
- b. MISUR
- d. AL NDNY-3
- e. Instituted: 11-1-82
- f. Discontinued: (to be filled in later)
- g. 182-1000
- h. 182-12

In most situations when Proprietary Interest cards are prepared, item "f" will not be known. In some situations, items "d" and "e" may not be known. When this information is determined, it should be furnished

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to FBIHQ, by airtel, or an amended card(s) should be prepared.

(3) Overhear Cards - 3-x-5-inch cards maintained in the ELSUR indices containing the true name or best-known name of all individuals (including non-U.S. persons, Special Agents, assets, informants, cooperating witnesses, etc.) who have participated in conversations intercepted during the conduct of a Title III electronic surveillance. Only one Overhear card is required per source for any individual overheard, regardless of the number of times his/her voice is overheard. If the individual is overheard on more than one source, a separate Overhear card should be submitted to FBIHQ for each source the first time an individual is overheard. As the ELSUR indices maintained at FBIHQ will only contain one Overhear card the first time an individual is overheard on a specific source, it will be the responsibility of the field office to maintain records of all subsequent overhears of that individual over the same source. Accordingly, the field office should enter the date of each subsequent overhear on the card maintained on that individual in the field office ELSUR indices. Overhear cards are only submitted if the identity of the individual overheard is known or a full name is given. In the event that a partial name, code name, nickname or alias overheard during an electronic surveillance is positively identified with a specific individual through investigation or further monitoring, an Overhear card is then submitted to FBIHQ. The overhear date will be the earliest date the individual was monitored over that source and all subsequent overhears determined to be identical to that individual should be recorded on the field office ELSUR card. In addition to the name of the individual overheard, Overhear cards contain the date on which the conversation took place; the symbol number assigned to the source; Bureau file number, if known; and the field office file number. In Title III matters, Overhear cards are prepared on blue index cards and submitted to FBIHQ within a reasonable period of time, not to exceed 30 calendar days following the first instance an individual is identified as having been overheard over each different ELSUR installation. All Overhear cards will be submitted to FBIHQ, in accordance with instructions for the submission of ELSUR cards.

Example of Overhear Card in Title III Matters

Overhear Title III, TESUR or MISUR coverage.

- |    |             |
|----|-------------|
| a. | SMITH, JOHN |
| b. | 12-7-81     |
| c. | AL NDNY-1   |
| d. | 182-111     |

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e. AL 182-1

Any additional information a field office deems necessary for inclusion on any type ELSUR card being forwarded to FBIHQ should be labeled on the card and explained in a brief statement in the FD-664. As an example, an auxiliary office submitting Overhear cards to FBIHQ as the result of an ELSUR conducted at the request of another field office may wish to reflect on the Overhear card the file number of the office of origin. An Overhear card prepared in this manner would appear as follows:

a. SMITH, JOHN  
b. 12-7-81  
c. AL NDNY-1  
d. 182-11  
e. AL 182-11  
f. OO: BS 182-12

It would not be necessary for the auxiliary office to prepare copies of the Overhear cards for inclusion in the ELSUR index of the office of origin; to forward a copy of the FD-664 to the office of origin for information purposes is sufficient.

EFFECTIVE: 06/06/86

10-9.13 Marking of Recordings for Identification

See Part II, 16-8.2.3 of this manual.

EFFECTIVE: 09/22/87

10-9.14 Loan of Electronic Surveillance Equipment to State and Local Law Enforcement Agencies

See Part II, 16-7.3.4 of this manual.



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EFFECTIVE: 09/22/87

10-9.15 Submission of Recordings

For instructions regarding the forwarding of tapes to FBIHQ see Part II, 16-8.2.4 and 16-8.2.8 of this manual, and MAOP, Part II, 2-4.4.10(1).

EFFECTIVE: 04/19/91

10-9.16 Transcription of Recordings

(1) FD-652, Transcription Request/Approval Sheet, should accompany each request for transcription of any tape. Include on the FD-652, under "Summary," information describing where the discussion/meeting took place, what the subject of the conversation was, and any other details that would be helpful to the typist in accurately transcribing tape recordings. It is mandatory that the SAC grant approval for all full-text transcriptions and indicate this approval by initialing the appropriate block on FD-652. The final disposition of this form is being left to the discretion of each individual office. They may be disposed of in the same manner as the FD-77 (Dictation Slip). (See MAOP, Part II, Section 10-18.1(4), for use of FD-77.)

(2) For additional instructions regarding the preparation of transcripts of recordings, see Correspondence Guide - Field, Section 2-11.6.

EFFECTIVE: 04/19/91

10-10 CONSENSUAL MONITORING - CRIMINAL MATTERS

EFFECTIVE: 04/19/91

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10-10.1 Use of Consensual Monitoring in Criminal Matters

(1) Consensual monitoring is the interception by an electronic device of any wire or oral communication wherein one of the parties to the conversation has given prior consent to such monitoring and/or recording.

(2) Title 18, USC, Section 2511 (2)(C), requires consent from one of the parties to the conversation to bring the interception within an exception to the general warrant requirement. To document conformance to the requirements of the statute, FBI policy requires that a consent form be obtained from the consenting party.

(3) No exception should be made to executing and properly witnessing the consent form in the situation wherein an informant, a Special Agent or any other law enforcement officer is the consenting party. Additionally, the consent form constitutes an accurate, reliable official record that may be utilized in a court in the event the issue of consent is raised or the administrative procedure needs to be documented to assure the court compliance with Title 18, USC, Section 2511 (2)(C).

(4) In matters involving the use of Closed Circuit Television (CCTV) in conjunction with the consensual monitoring technique, refer also to Part II, Section 10-10.9 of this manual.

EFFECTIVE: 04/19/91

10-10.2 Monitoring Telephone Conversations in Criminal Matters  
| (See MIOG, Part I, 89-2.11(7), 91-11.3.2(2), 192-14(2);  
| Part II, 10-9.9(3), 16-7.4.1.) |

| An FD-670, Checklist - Consensual Monitoring - Telephone  
(Criminal Matters) form, | lists all recordkeeping and operational  
requirements specified in the MIOG, MAOP, and the "ELSUR Working  
Guide." This form is available for optional use as a reference and  
training aid to ensure adherence to all existing Bureau requirements. |

(1) SACs may authorize monitoring of telephone conversations in nonsensitive criminal matters. This authorization should be in writing, and may be granted under the conditions that:

(a) Agents should obtain written consent (for all ELSURs not approved by an appropriate court) as documented by an

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executed Form FD-472, whenever possible; however, oral consent will be acceptable in those instances where the consenting party declines to give written consent. When oral consent is obtained, at least two Agents should be present to witness this consent, and the fact that the consenting party has declined to give written consent should be recorded on the FD-472. This form should then be executed in all respects with the exception of the consenting party's signature. Once the consent form has been obtained, it will not be necessary to obtain a separate consent form for each instance wherein conversations are to be monitored and/or recorded. It is sufficient if the consent form is signed for each investigation so long as the office is continuing to operate under the same authority and the subjects (target(s) and consenting party) do not change. This consent form shall remain valid until such time as the consenting party expresses the desire, either orally or in writing, to a Special Agent of the FBI to rescind the consent;

(b) Prior to its initial use, the USA, AUSA, or Strike Force Attorney in the district where the monitoring will take place should provide an opinion that no entrapment is foreseen and concur with the monitoring and/or recording of the conversation as an investigative technique. This initial concurrence should be confirmed in writing. Whenever a change in parties or circumstances occur, subsequent opinions should be obtained and confirmed in writing. (See MIOG, Part II, 10-10.3(10).)

(c) Separate control files -- for body recorders and/or transmitting devices and another for telephone monitoring -- should be established in each field office and appropriate documents relative to the authorization and utilization of this procedure should be retained. These control files will be for the purpose of the SAC's administrative control and for review during inspection.

(2) In cases of extreme sensitivity, SACs should continue to obtain FBIHQ authority for consensual monitoring of telephone conversations. Title III of the Omnibus Crime Control and Safe Streets Act of 1968 specifically exempts consensual monitoring (both telephonic and body recording equipment) from the provisions of the statute.

(3) In certain situations, it may be more effective and efficient to utilize three-way or conference calling in conjunction with approved telephonic consensual monitoring. Once consent forms have been signed and authorization received, three-way or conference calling may be used to make more efficient use of an Agent's time and/or to alleviate the necessity for face-to-face contact with the

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consenting party, thereby avoiding the compromise of a covert investigation. However, the use of conference calling is not appropriate in all cases. In some instances, it may be desirable for the Agent to be with the consenting party at the time the call is placed in order that the Agent may utilize notes or gestures to provide information and guidance to the consenting party during the course of the call.

EFFECTIVE: 10/15/93

10-10.3 Monitoring Nontelephone Conversations In Criminal Matters  
| (See MIOG, Part I, 7-14.6(14), 9-7.2(5), 91-11.3.3,  
192-15; Part II, 10-9.9(3), 10-10.9.3(1), 16-7.4.1; &  
Legal Handbook for Special Agents, 8-3.3.3(1).) |

An FD-671, Checklist - Consensual Monitoring -  
Nontelephone (Criminal Matters) form, | lists all recordkeeping and  
operational requirements specified in the MIOG, MAOP, and the "ELSUR  
Working Guide." This form is available for optional use as a  
reference and training aid to ensure adherence to all existing Bureau  
requirements. |

(1) On 11/7/83, the Attorney General issued "Procedures  
for Lawful, Warrantless Interceptions of Verbal Communications." The  
guidelines supersede those issued by the Attorney General on 9/22/80.  
They apply to all nontelephonic consensual monitoring in criminal  
investigations. All requests, except those in which one or more of  
seven listed circumstances are present, can be approved at FBIHQ or,  
where an emergency situation exists, by the SAC, as opposed to the  
Department of Justice (DOJ). | (See MIOG, Part II, 10-10.3 (3) &  
(8).) | These seven circumstances requiring DOJ approval are as  
follows:

(a) The interception relates to an investigation of  
a Member of Congress, a Federal judge, a member of the Executive  
Branch at Executive Level IV or above, or a person who has served in  
such capacity within the previous two years;

(b) The interception relates to an investigation of  
any public official and the offense investigated is one involving  
bribery, conflict of interest, or extortion relating to the  
performance of his or her official duties. (Public official is  
defined as an official of any public entity of government including

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special districts as well as all Federal, state, county, and municipal governmental units.);

(c) The interception relates to an investigation of a Federal law enforcement official;

(d) The consenting or nonconsenting person is a member of the diplomatic corps of a foreign country;

(e) The consenting or nonconsenting person is or has been a member of the Witness Security Program and that fact is known to the agency involved or its officers;

(f) The consenting or nonconsenting person is in the custody of the Bureau of Prisons or the United States Marshals Service; in cases where the individual is in the custody of the Bureau of Prisons or the United States Marshals Service, the field office teletype requesting authorization for use of consensual monitoring devices on a prisoner, or a request for a furlough or extraordinary transfer of a prisoner, must contain the following information in addition to that information set out in 10-10.3 (8):

1. The location of the prisoner
2. Identifying data concerning the prisoner  
(FBI number, inmate identification number, social security number, etc.)
3. The necessity for using the prisoner in the investigation
4. The name(s) of the target(s) of the investigation
5. Nature of the activity requested (wear consensual monitoring device, furlough, extraordinary transfer)
6. Security measures to be taken to ensure the prisoner's safety if necessary
7. Length of time the prisoner will be needed in the activity
8. Whether the prisoner will be needed as a witness

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9. Whether a prison redesignation (relocation) will be necessary upon completion of the activity

10. Whether the prisoner will remain in the custody of the FBI or whether he/she will be unguarded except for security purposes

|(See MIOG, Part II, 27-16.5.)|

(g) The Attorney General, Deputy Attorney General, Associate Attorney General, Assistant Attorney General for the Criminal Division, or the United States Attorney in a district where an investigation is being conducted has requested the investigating agency to obtain prior written consent for making a consensual interception in a specific investigation.

The presence of one or more of the above seven circumstances requires Office of Enforcement Operations, DOJ approval. Additionally, all requests requiring DOJ approval shall be reviewed and approved by the Principal Legal Advisor prior to submission of the communication to FBIHQ with the name of the Principal Legal Advisor stated in the requesting communication.

(2) The Guidelines also mandate the FBI's obtaining prior authorization from the United States Attorney, Assistant United States Attorney, Strike Force Attorney or any other previously designated DOJ attorney for the particular investigation in which the monitoring will be utilized.

(3) The Director has designated Criminal Investigative Division Section Chiefs or their next superior officials as FBIHQ officials who can approve those consensual monitoring requests which do not require DOJ approval. Where emergency situations exist, consensual monitoring authority may be granted by the respective SAC.  
|(See|(1) &|(8).)|

(4) In view of these regulations, when it is anticipated that nontelephone consensual monitoring will be used, authority through FBIHQ must be obtained. This request should reach FBIHQ at least seven calendar days prior to its anticipated use. Agents should continue to obtain written consent, as documented by an executed Form FD-473, whenever possible; however, oral consent will be acceptable in those instances where the consenting party declines to give written consent. When oral consent is obtained, at least two Special Agents should be present to witness this consent, and the fact that the consenting party has declined to give written consent should be

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recorded on the FD-473. This form should then be executed in all respects with the exception of the consenting party's signature.  
|(See MIOG, Part II, 10-10.9.1(6).)|

(5) Once the consent form has been obtained, it will not be necessary to obtain a separate consent form for each instance wherein conversations are to be monitored and/or recorded. It is sufficient if the consent form is signed for each investigation so long as the office is continuing to operate under the same authority and the subjects (target(s) and consenting party) do not change. This consent form shall remain valid until such time as the consenting party expresses the desire, either orally or in writing, to a Special Agent of the FBI to rescind the consent.

(6) No exception should be made to executing and properly witnessing the consent form in the situation where an informant, a Special Agent or any other law enforcement officer is the consenting party. Additionally, the consent form constitutes an accurate, reliable, official record that may be utilized in a court in the event the issue of consent is raised or the administrative procedure needs to be documented to assure the court compliance with Title 18, USC, Section 2511 (2)(C).

(7) FBIHQ or DOJ authority is required in joint operations with non-Federal law enforcement agencies in which FBI nontelephone monitoring equipment will be used. |(See MIOG, Part II, 16-7.3.4(2).)|

(8) In requesting FBIHQ authority for use of nontelephone monitoring equipment in nonemergency situations, it will be necessary to use the following format in the field communication. Only in the Administrative Data portion of this communication should the consenting party be identified (if protection is sought) by symbol number or name. This communication may be furnished directly to the Department: |(See MIOG, Part II, 10-9.11(8), 10-10.3(1)(f), & (3) above.)|

PURPOSE: Authority is requested to utilize an electronic device to monitor and/or record private conversations between \_\_\_\_\_ and \_\_\_\_\_ (if appropriate, insert "and others yet unknown") in connection with a \_\_\_\_\_ (character) matter.

DETAILS: Begin with a sentence which states whether or not this request requires DOJ approval. If DOJ approval is required, identify which of the seven sets of circumstances require such approval and provide a statement that the Principal Legal Advisor, identified by

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name, has reviewed and approved the communication for legal sufficiency. Describe background of case--reasons why device is needed and when and where needed. Identify person who is to wear device or indicate if fixed device is to be used (body recorder, transmitter, CCTV, other) and where it will be installed (automobile, office, home of consenting party, etc.) and indicate it will only be used when consenting party is present. If informant, person whose identity should be protected, or undercover Agent is consenting party, identify person as "source." Show under Administrative Data the symbol number of informant, identity of undercover Agent, or name of person whose identity is to be protected. Show type of device to be used and specifically state that consenting party is willing to testify in court and will execute the FD-473 or will give oral consent which will be witnessed by two Special Agents.

U.S. ATTORNEY'S OPINION: Identify USA, AUSA, or Strike Force Attorney with whom case discussed. Specifically set out USA's opinion regarding entrapment and specifically state USA approves the use of device.

EMERGENCY AUTHORITY: If circumstances of an exigent nature arise which preclude a routine request, authority for the use of nontelephone consensual monitoring equipment may be granted by the SAC of the respective field division. In each instance where emergency authority has been granted by the SAC, Form FD-759 must be executed by the field office and forwarded to FBIHQ no later than five working days from the date the authority was granted.

The Attorney General's Guidelines regarding Procedures for Lawful Warrantless Interceptions of Verbal Communications (see 10-10.3(1)) cite seven sensitive situations which require written authorization from the DOJ for approval. Where an emergency situation exists involving a sensitive circumstance, prior DOJ authorization is not required. Under such circumstances, the SAC may approve the request; however, subsequent DOJ notification is required and will be handled by FBIHQ upon receipt of Form FD-759.

ADMINISTRATIVE DATA: All administrative data should be shown in this section. Here only should the person who is to wear the device be identified (if protection is sought) by name or symbol number or indicate if fixed device.

(9) All offices should ensure appropriate administrative controls are established to ensure FBIHQ is advised of the results of the usage of consensual monitoring equipment within 30 days of the expiration of each FBIHQ and/or DOJ authorization. If it is



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anticipated that an extension of authority will be needed, ensure that the requesting teletype is received at FBIHQ at least seven days prior to expiration of authority. Authority is granted for a period of 30 days on each request. Within 30 days of the expiration of authorization and each extension thereof, an FD-621 shall be prepared under the substantive case caption including the character of the case, executed in its entirety and forwarded to FBIHQ in a sealed brown envelope labeled "Director, FBI, ELSUR Index, FBIHQ."

(10) | The initial opinion of the USA, AUSA, or Strike Force Attorney regarding entrapment and concurrence in the use of the technique should be confirmed in writing. Whenever a change in parties or circumstances occurs subsequent opinions should be obtained and confirmed in writing. (See MIOG, Part II, 10-10.2(1)(b).) |

EFFECTIVE: 10/15/93

10-10.4 Deleted

EFFECTIVE: 12/16/88

|| 10-10.5 ELSUR Indexing in Consensual Monitoring Matters

The ELSUR support employee in each field division will index, or supervise the indexing of, and review all ELSUR cards in consensual monitoring matters, prior to their submission to FBIHQ. This is to ensure that all cards are complete, accurate and in a format specified herein. (For indexing procedures refer to the "Index Guide" available at each field office through the File Assistant/ELSUR support employee.) In consensual monitoring matters all ELSUR overhear cards will be typewritten. Two original cards will be prepared; one to be forwarded to FBIHQ for inclusion in the FBIHQ ELSUR Index, and one to be maintained in the field office ELSUR index. If the information appearing on an ELSUR card is classifiable, the card must be classified in accordance with standard classifying procedures.

(1) Overhear Cards - 3-x-5 cards maintained in the ELSUR indices containing the true name or best-known name of all individuals (including non-U.S. persons, Special Agents, assets, informants, cooperating witnesses, etc.) who have participated in conversations

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intercepted during the conduct of a consensual monitoring matter. Only one Overhear card is required per source for any individual overheard, regardless of the number of times his/her voice is overheard. If the individual is overheard on more than one source, a separate Overhear card should be submitted to FBIHQ for each source the first time an individual is overheard. As the ELSUR indices maintained at FBIHQ will only contain one Overhear card the first time an individual is overheard on a specific source, it will be the responsibility of the field office to maintain records of all subsequent overhears of that individual over the same source. Accordingly, the field office should enter the date of subsequent overhears on the card maintained on the individual in the field office ELSUR indices. Overhear cards are only submitted if the identity of the individual overheard is known or a full name is given. In the event that a partial name, code name, nickname or alias overheard during an electronic surveillance is positively identified with a specific individual through investigation or further monitoring, an Overhear card is then submitted to FBIHQ. The overhear date will be the earliest date the individual was monitored over that source, and all subsequent overhears determined to be identical to that individual should be recorded on the field office ELSUR card. In addition to the name of the individual overheard, Overhear cards contain the date on which the conversation took place; the control number assigned to the source or the word "Consensual"; the technique ("telephone" or "nontelephone" spelled out); Bureau file number, if known; and the field office file number. In consensual monitoring matters, Overhear cards are prepared on white index cards. All Overhear cards will be submitted to FBIHQ, in accordance with instructions for the submission of ELSUR cards, within a reasonable period of time, not to exceed 30 calendar days following the first instance an individual is identified as having been overheard over each different ELSUR installation.

Examples of Overhear Card in Consensual Monitoring  
Matters

(a) Overhear Consensual Monitoring - Telephone

- |  |
|--|
| a. SMITH, JOHN                                     |
| b. 12-7-82   |
| c. AL CM# 10 (Telephone) or Consensual (Telephone) |
| d. 182-111   |
| e. AL 182-1  |

(b) Overhear Consensual Monitoring - Nontelephone

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- a. SMITH, JOHN
- b. 12-7-82
- c. AL CM# 11 (Nontelephone) or Consensual  
Nontelephone)
- d. 182-111
- e. AL 182-1

(2) Any additional information a field office deems necessary for inclusion on any type ELSUR card being forwarded to FBIHQ should be labeled on the card and explained in a brief statement in the FD-664. As an example, an auxiliary office submitting Overhear cards to FBIHQ as the result of an ELSUR conducted at the request of another field office may wish to reflect on the Overhear card the file number of the office of origin. An Overhear card prepared in this manner would appear as follows:

- a. SMITH, JOHN
- b. 12-7-82
- c. AL CM # 12 (Nontelephone) or Consensual  
(Nontelephone)
- d. 182-111
- e. AL 182-11
- f. OO: BS 182-12

It would not be necessary for the auxiliary office to prepare copies of the Overhear cards for inclusion in the ELSUR index of the office of origin; to forward a copy of the FD-664 to the office of origin for information purposes is sufficient.

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10-10.5.1 Administration of ELSUR Records Regarding Informants and Assets

(1) Title 18, USC, Section 3504, allows a claim to be made for disclosure of ELSUR information "...in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, or other authority of the United States...." Discovery motions may be made by a defendant in the proceedings, or on behalf of witnesses, and attorneys providing representation. However, in a motion for disclosure of ELSUR information involving a source who participated in consensual monitoring, a response by the Government does not necessarily disclose the identity of the source (consenting party) and/or the confidential nature of the relationship that individual had with the FBI except in situations where a determination is made by the appropriate authority that source disclosure is relevant to the proceedings.

Every effort will be made by FBIHQ through liaison with the Department of Justice to prevent disclosure.

(2) To prevent unwarranted disclosures, the following procedures are to be used when a source is party to a consensual monitoring:

(a) Communications to FBIHQ requesting consensual monitoring authorization are to identify informants or assets by symbol number or other appropriate terminology.

(b) In the execution of the required consent form (FD-472, FD-473), the true name of the consenting party is to be used. When the consenting party is a source, the original of the executed form is to be retained in the exhibit section of the source's main file.

(c) On the FD-504 (Chain of Custody-Original Tape Recording) envelope, the true name of the source is to be set forth in the space provided for the entry, "Identity of Persons Intercepted." The completed FD-504 is to be maintained in a limited or restricted access location in full compliance with the instructions set forth in Part II, Section 10-9.8, of this manual.

(d) Neither the true name nor the informant symbol number is to be set forth on the FD-192 (Bulky Exhibit-Inventory of Property Acquired as Evidence) form.

(e) FD-302s, transcripts, etc., pertaining to

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consensual monitorings are to be prepared and maintained in compliance with the instructions set forth in Part I, Section 137-10 of this manual; Section 2-11.6 through 2-11.6.4 of the Correspondence Guide-Field or in the appropriate section of the Foreign Counterintelligence Manual. Because of the nature of consensual monitoring, particularly when a limited number of conversants are involved, strict adherence to these guidelines is essential to protect the identity of the source.

(f) Overhear cards are to be prepared for all reasonably identified participants to a consensually monitored conversation, including the consenting party. For sources, both the FBIHQ and the field office cards are to be prepared for the true name(s) of the individual(s) monitored. Except for required classification markings, as applicable, no additional notations are to be set forth on the cards submitted to FBIHQ to indicate the monitored person is a source or to indicate that there is any unique sensitivity to the consensual monitoring conducted. Such caveats may, however, be placed on the field office ELSUR cards, but must be documented to a specific serial which reflects the need for and duration of special handling.

(g) The airtel to FBIHQ (FD-664) enclosing ELSUR cards for sources is to be prepared and submitted as outlined in Section 10-9.5 above. The names being indexed by each card enclosed will be listed on the FBIHQ copies of the airtel exactly as they appear on the ELSUR cards. Except for required classification markings, as applicable, no additional notations are to be placed on this airtel (FD-664) to indicate the enclosed overhear cards relate to a source. The copy of this communication to be placed in the field office substantive file is to be redacted so as to reflect the symbol number of the source rather than the true name.

(h) ELSUR material is not to be indexed to nor submitted from an informant or asset file. ELSUR indexing is to be done reflecting the field office substantive case file.

(i) For additional instructions regarding informant or asset matters, see also Part I, Section 137, of this manual, or the appropriate section of the Foreign Counterintelligence Manual.

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10-10.6 Use of Consensual Monitoring in National Security Matters

Refer to Foreign Counterintelligence Manual, Appendix 1,  
Section IV.F.

EFFECTIVE: 12/05/85

10-10.7 Pen Registers (Dialed Number Recorder) | (See MIOG, Part II,  
10-3 & 16-7.4.6.) |

(1) The Electronic Communications Privacy Act of 1986 (Act), as amended, regulates the use of dialed number recorders and the pen register technique (Title 18, USC, Sections 3121-3127). The Act codifies existing Department of Justice (DOJ) policy of obtaining a court order to authorize the installation and use of a pen register and sets forth the procedure for seeking such an order. It is not necessary to obtain a court order when the telephone user consents to the installation of the pen register device.

(2) Supervisory personnel are to ensure that the use of the pen register is not substituted for other logical investigations. Prior to requesting that an attorney for the Government apply for a pen register order under the Act, the case Agent should submit a memorandum or other appropriate communication, initialed by the supervisor, to the case file and to the pen register control file setting forth the reasons for pen register use and documenting the basis for the statements to be made in the application. If the United States Attorney or Strike Force Chief requires a written request specifying the factual basis for the assertions in the application, copies of the letter may be designated to the above-indicated files in lieu of a separate memorandum. The above instructions apply to all instances wherein a pen register is to be used, whether alone or in conjunction with the interception of wire or electronic communications under the provisions of the Act. A legal advisor should be consulted if there is any question as to the sufficiency of facts stated or whether the existing facts are stated in a manner which would clearly warrant the assertions made in the application for the order. A copy of each order obtained must be filed in the pen register control file.

(3) Prior to the actual filing of an application for a pen register order, the case Agent is to ensure the availability of equipment within his/her field office. If the equipment is not available from the existing office inventory, then the TA or TTA

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should be requested to make appropriate contact with the Operational Support Unit, Information Resources Division, to secure equipment. All requests for pen register equipment must be confirmed in writing.

(4) The Act requires the Attorney General to make an annual report to Congress on the number of pen register orders applied for by law enforcement agencies of the Department. DOJ has advised the FBI by memorandum of this requirement and has requested quarterly reports on pen register usage. Court-ordered pen register usage must be reported to FBIHQ within five workdays of the expiration date of any original or renewal order. To satisfy DOJ data requirements and standardize and simplify field reporting, the form airtel captioned "Pen Register/Trap and Trace Usage" (FD-712) must be used. If an order is obtained, but no actual coverage of any lines is effected, then no submission is required. These reporting requirements do not apply to pen register usage effected under the provisions of the Foreign Intelligence Surveillance Act.

(5) It should be noted that the same telephone line which carries the electronic impulses signaling the number which has been dialed also carries voice transmissions. Therefore, supervisory personnel must ensure that all FBI and non-FBI personnel operating pen register equipment solely under a pen register order be informed of the above and warned that audio monitoring equipment must never be utilized in connection with pen register coverage of telephone lines.

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10-10.7.1 Emergency Provisions

If an emergency situation exists wherein time does not permit the obtaining of a court order for a pen register, any Deputy Assistant Attorney General or higher Department of Justice official may authorize the installation and use of a pen register prior to obtaining a court order. However, the specific provisions of Title 18, USC, Section 3125, must be satisfied. These provisions state:

(1) Notwithstanding any other provision of this chapter, any investigative or law enforcement officer, specially designated by the Attorney General, the Deputy Attorney General, the Associate Attorney General, any Assistant Attorney General, any acting Assistant Attorney General, or any Deputy Assistant Attorney General, or by the principal prosecuting attorney of any state or subdivision thereof

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acting pursuant to a statute of that state, who reasonably determines that -

(a) an emergency situation exists that involves -

1. immediate danger of death or serious bodily injury to any person; or
2. conspiratorial activities characteristic of organized crime,

that requires the installation and use of a pen register or a trap and trace device before an order authorizing such installation and use can, with due diligence, be obtained, and

(b) there are grounds upon which an order could be entered under this chapter to authorize such installation and use may have installed and use a pen register or trap and trace device if, within 48 hours after the installation has occurred, or begins to occur, an order approving the installation or use is issued in accordance with Section 3123 of this title.

(2) In the absence of an authorizing order, such use shall immediately terminate when the information sought is obtained, when the application for the order is denied or when 48 hours have lapsed since the installation of the pen register or trap and trace device, whichever is earlier.

(3) The knowing installation or use by any investigative or law enforcement officer of a pen register or trap and trace device pursuant to (1) above without application for the authorizing order within 48 hours of the installation shall constitute a violation of this chapter.

In essence, the "emergency" pen register provision mirrors the "emergency Title III" provision found in Title 18, USC, Section 2518(7). However, there are several differences. First, the number of statutorily designated DOJ officials who may approve emergency use of pen register devices in Federal investigations is broadened to include "any Assistant Attorney General, any Acting Assistant Attorney General, or any Deputy Assistant Attorney General." Second, unlike Section 2518(7), the emergency pen register statute does not include emergency situations involving "conspiratorial activities threatening the national security interest." In those rare situations where an "emergency" pen register would be required for use in situations threatening the national security, consideration should be given: (a)

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to utilizing the emergency provisions of the Foreign Intelligence Surveillance Act of 1978 (FISA), which regulates pen register devices as well as electronic surveillance interceptions in national security investigations, which include criminal espionage cases; or (b) to emphasizing that the situation, although threatening the national security, either involves an immediate danger of death or serious physical injury to any person or that the situation concerns conspiratorial activities characteristic of organized crime (e.g., a terrorist group's plan to bomb a building). Of course, if investigative or law enforcement officers are dealing with the telephone subscriber or customer (user), the customer's consent, as is indicated in Section 3121(b)(3), is sufficient, and a court order need not be obtained.

EFFECTIVE: 01/22/90

10-10.8 Electronic Tracking Devices

Electronic tracking devices, [REDACTED] are called beepers. The two devices must be distinguished from each other. This section addresses electronic tracking devices. [REDACTED] Generally speaking, tracking devices are specifically excluded from Title III requirements because of the manner in which they function and the limited privacy implications related to their use (Title 18, USC, Section 2510(12)(D)). However, in those circumstances where a court order is required, Title 18, USC, Section 3117 provides for extrajurisdictional effect. That is, a court order issued by a judge or magistrate may authorize the use of the device within the jurisdiction of the court and outside that jurisdiction if the device is installed in that jurisdiction. The Department of Justice has interpreted this section to mean that such use is valid outside of the court's jurisdiction both inside and outside the jurisdiction of the United States.

(1) On Vehicles

(a) A search warrant is not required to install an electronic tracking device on the exterior of a motor vehicle in a public place, and the device may be used to monitor the vehicle's travel over public roads. A person traveling in an automobile on public highways has no reasonable expectation of privacy in his/her movements from one place to another. Since no search or seizure is involved in the use of this technique, no quantum of proof is necessary to justify its use. Likewise, a search warrant is not

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needed to continue to monitor the device after the vehicle enters a private area, so long as the auto may be visually observed from adjoining premises. If the vehicle enters a private garage or hidden private compound, a search warrant should be obtained if monitoring is to continue.

(b) The same general rule has usually been applied to the use of tracking devices on aircraft.

(2) Other Personal Property

(a) Electronic tracking devices often are placed in various types of personal property and then used to monitor the location of the suspect and the property.

(b) Placement of an electronic tracking device inside personal property lawfully accessible to the Government is not a search under the Fourth Amendment. Likewise, monitoring the device while the property is in a public place, or open to visual observation, even though it is on private property, is not a search. However, monitoring the device once it has been taken into private premises not open to visual observation is a Fourth Amendment search which, in the absence of an emergency, requires a search warrant. It is not generally possible at the time of installation of an electronic tracking device to anticipate the route and the destination of the property into which it has been placed; and there exists a risk in any case that monitoring the device while it is located inside private premises will become necessary. Therefore, a search warrant should be acquired prior to the installation and monitoring of the device, unless an emergency exists which renders such acquisition impracticable. The application for the warrant should set forth (1) a description of the object into which the device is to be placed, (2) the circumstances justifying its use, and (3) the length of time for which the surveillance is requested. Because of the variety of situations in which electronic tracking devices may be employed and the need to maintain proper controls over their use, FBIHQ authorization is required before such a device is utilized.

EFFECTIVE: 01/22/90

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10-10.9 Closed Circuit Television (CCTV) (Video Only) - Criminal  
Matters

(1) Department of Justice (DOJ) regulations require that prior authorization be obtained for all CCTV surveillances for law enforcement purposes. The level of such authorization will vary with the circumstances under which this technique will be employed.

(2) Authorization for the use of CCTV does not automatically convey authorization for the use of any other technique (e.g., audio monitoring), either by itself or in conjunction with the use of this technique. The use of such additional techniques must be specifically requested at the proper level of authorization; must meet all requirements as set forth in this manual regarding the use of that technique; and must be specifically authorized prior to implementation.

(3) A separate control file for CCTV matters should be established in each field office and appropriate documents relative to instructional material, authorization, and utilization of this technique should be retained. This control file will be for the purpose of the SAC's administrative control and for review during inspection.

EFFECTIVE: 01/22/90

10-10.9.1 CCTV Authorization Delegated to Bureau Officials -  
Criminal Matters | (See MIOG, Part I, 9-7.2.) |

(1) For CCTV surveillance of events transpiring in public places, or places to which the public has general unrestricted access, and where the camera can be placed in a public area, or in an area to which the surveillance Agents have nontrespassory, lawful access, delegated FBI officials may independently authorize CCTV surveillance without the need to notify the DOJ either before or after the surveillance.

(2) Authorization by SAC - The SAC of the Bureau field office in whose territory the monitoring is to occur may authorize for a period of up to 30 days, unless otherwise specified, the use of CCTV where:

(a) the area to be viewed is an exterior public area, such as a public street or an exterior door, and

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(b) the camera is located in a public area or is placed in a location under the exclusive possession and control of the FBI, [REDACTED]

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The SAC will consult with the field office Principal Legal Advisor and the United States Attorney (USA) in all cases in which questions or sensitive or unusual circumstances arise. (The opinion of the USA, if required, is to be confirmed in writing, if not obtained in writing.)

(3) Documentation of the above details, brief background concerning the investigation, and the authorization of the SAC must be set forth in the field office substantive case file, with a copy designated for the field office control file. Form FD-677 will be used for this purpose. In those cases involving sensitive or unusual questions or circumstances, the substantive desk at FBIHQ is to be notified.

(4) Authorization by Designated FBIHQ Officials - The Section Chief of the appropriate section of the Criminal Investigative Division (CID), FBIHQ, may authorize for a period of up to 30 days, unless otherwise specified, the use of CCTV where:

(a) the area to be viewed is an interior common area, such as a public hallway in a building or the lobby of an apartment building, motel or bank; and

(b) the camera is located in a public area, or area under the exclusive possession and control of the FBI; or

(c) the camera is located on private premises, but no trespassory entry is required to install the equipment because consent to install has been obtained from a person within a possessory interest in the premises.

The Section Chief will consult with the Legal Counsel Division (LCD) where any questions or unusual circumstances arise.

(5) Authorization by the DOJ - In situations where no court order is required, DOJ authorization for a period of up to 30 days, unless otherwise specified (obtained via appropriate communication to the CID, FBIHQ), is required for the use of CCTV to view the interior of private premises or other areas where a reasonable expectation of privacy otherwise exists, but a participant in the activity to be viewed has consented to such monitoring. In any

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situation where there is uncertainty as to the existence of a reasonable expectation of privacy, DOJ authority must be sought. All requests requiring DOJ approval shall be reviewed and approved by the Principal Legal Advisor prior to submission of the communication to FBIHQ.

(6) Nonemergency requests of the DOJ for authorization of CCTV surveillance will follow the same authorization procedures and rules as used in nontelephone consensual monitoring requests. Review MIOG, Part II, Section 10-10.3(4), et seq.

(7) "Emergency" Authorization - In those unique situations where CCTV surveillance requests cannot be delivered to the DOJ at least 48 hours before the proposed use, the appropriate CID Section Chief, with the concurrence of the Principal Legal Advisor, may furnish "emergency" authorization for the use of CCTV, if, in their judgment, judicial authorization is not required. In such cases, the Section Chief must give written notice to the DOJ no later than five working days after such emergency authorization is given. This notification shall set forth the nature of the emergency; the need for expeditious action; and a description of the investigation being conducted, including the subject of the investigation and the method of utilization of CCTV surveillance. In order for this deadline to be met, it will be necessary for field offices telephonically receiving emergency authorization to submit to the substantive unit at FBIHQ a teletype setting forth appropriate details within two working days of the granting of such authorization. (Refer to paragraph (10) below.)

(8) Judicial Authorization - Judicial authorization, after DOJ approval, is required for the use of CCTV in all cases where a reasonable expectation of privacy exists either in the place where the camera is to be installed, or in the place to be viewed, and appropriate consent has not been obtained. This requirement includes the situations where CCTV is to be used in conjunction with such court-ordered aural surveillance under Title III, even if it is to be used only for minimization purposes. Where CCTV is to be used in conjunction with such court-ordered aural surveillance, judicial authorization will be initiated by:

(a) A separate section of the Title III affidavit establishing probable cause that the activity to be surveilled will, in fact, be acquired; the proposed location of the camera; names of persons expected to be viewed; and a statement made by the affiant that in the affiant's judgment, the video surveillance is warranted; and

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(b) A separate application and draft order prepared by the appropriate United States Attorney for the video surveillance, in addition to the usual application and order for aural surveillance.

(c) See Part II, Section 10-9.10 of this manual for guidelines regarding Title III electronic surveillance.

(9) Documentation of Consent - In those situations requiring the consent of an individual for either the monitoring or the placing of the equipment, Agents should obtain written consent whenever possible; however, oral consent will be acceptable in those instances where the consenting party declines to give written consent. When oral consent is obtained, at least two Agents should be present to witness this consent, and the fact that the consenting party has declined to give written consent should be appropriately documented and witnessed. No exceptions should be made to executing and properly witnessing this consent in a situation wherein an informant, a cooperating witness, a Special Agent, or any other law enforcement officer is the consenting party.

(10) In requesting FBIHQ/DOJ authority for the use of CCTV equipment, an appropriate communication is to be submitted under the substantive case caption and directed to the appropriate section of the CID, FBIHQ. Only in the Administrative Data portion of this communication should the consenting party be identified (if protection is sought) by symbol number or name. It should be noted that if DOJ authorization is being sought, a copy of the field communication may be forwarded from FBIHQ directly to the DOJ along with the request, excising from the communication the "ADMINISTRATIVE DATA" portion. It will be necessary to use the following format in the field communication: (See (7) above.)

PURPOSE: Authority is requested to conduct a Closed Circuit Television Surveillance in connection with a \_\_\_\_\_ (character) \_\_\_\_\_ matter.

LOCATION: (Identify: --

(a) the specific area to be subjected to CCTV surveillance, noting if the surveillance is an interior common space, or if the surveillance is to be conducted with the consent of a participant in the activity to be viewed, and

(b) the specific location where the camera is to be placed, noting how access to such location is to be achieved. If

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access is to be given with the consent of a person with a possessory interest in the premises, state such consent has been obtained.)

DETAILS: (Begin with a sentence which states whether or not the request requires DOJ approval and the reason for such and provide a statement that the Principal Legal Advisor, identified by name, has reviewed and approved the communication for legal sufficiency. Briefly provide a description of the investigation being conducted, identifying the subject of the investigation and the anticipated target(s) of the surveillance. Set forth the method of utilization of the CCTV surveillance, if not fully described above. If utilization is to be dependent upon the consent of a participant in the activity to be viewed, indicate that this person has granted consent and has agreed to testify, if required, and that the device will only be used when the consenting party is present. If an informant, a person whose identity should be protected, or an undercover Agent (UCA) is the consenting party, identify this person as "source." Show under "ADMINISTRATIVE DATA" the symbol number of the informant, the identity of the UCA, or the name of the person whose identity is to be protected.)

EMERGENCY AUTHORITY (if necessary): (If emergency authority is being requested in a teletype, describe the nature of the emergency and the need for expeditious action.)

(If emergency authority was granted telephonically by an FBIHQ official, use the following phrase:

"Emergency authorization was granted by an FBIHQ official because... (describe the nature of the emergency and the need for expeditious action)")

(In instances where emergency authorization is telephonically provided to a field office, a record is to be made in the field office file of the date, the name of the individual furnishing such authorization, and the name of the individual to whom it was provided.)

ADMINISTRATIVE DATA: (All administrative data, including symbol number of informant, identities of UCAs, or names of persons to be protected, should be set forth in this section.)

(11) A substantial modification in either the location where the CCTV camera is to be placed or in the area to be subjected to CCTV surveillance, or a change in the primary subject(s) of the investigation, the anticipated target(s) of the CCTV surveillance, or

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the consenting party(s) will require separate authorization.

(12) All offices should ensure appropriate administrative controls are established. If it is anticipated that an extension of authority will be needed, ensure that the requesting teletype is received at FBIHQ at least seven days prior to expiration of authority.

EFFECTIVE: 10/15/93

10-10.9.2 CCTV - ELSUR Records - Criminal Matters

The use of nonaural CCTV (video only) in conjunction with a criminal investigation as outlined above does not constitute an "intercept" as defined in Title 18, USC, Section 2510, and, therefore, is technically not an electronic surveillance. As such:

(1) Absent other types of coverage, ELSUR cards relating to nonaural CCTV coverage are not to be prepared;

(2) Absent other types of coverage, a check mark should not be placed on the ELSUR line on case file covers and the file cover shall not be stamped "ELSUR."

(This situation does not apply to national security matters, as terminology defined by the Foreign Intelligence Surveillance Act of 1978 is different from that defined in Title III.)

EFFECTIVE: 12/10/93

10-10.9.3 CCTV (Audio and Video) - ELSUR Indexing - Criminal Matters

(1) CCTV to be used with the consent of a participant in conjunction with audio monitoring equipment may be handled in the same manner and in the same communication as a request for the consensual monitoring of nontelephone conversations, but requires the additional information noted under the subheading "LOCATION" in (10) above. See also Part II, Section 10-10.3 of this manual entitled "Monitoring Nontelephone Conversations in Criminal Matters.")



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(2) For indexing purposes, a microphone surveillance (MISUR) being utilized in conjunction with a CCTV surveillance will be treated as a MISUR.

(3) See Part II, Section 10-9.12, of this manual for indexing requirements, procedures, and specific examples of principal, proprietary interest, and overhear cards in Title III matters. In consensual monitoring matters, refer to Part II, Section 10-10.5, of this manual for indexing requirements, procedures, and specific examples of overhear cards.

EFFECTIVE: 07/18/86

10-10.9.4 CCTV - Preservation of the Original Tape Recording

As with all original tape recordings, original CCTV recordings will be properly identified; duplicated, if necessary; placed in an FD-504 (Chain of Custody - Original Tape Recording) envelope; exhibited in the file; and otherwise maintained in accordance with standard instructions dealing with the handling of original tape recordings and the preservation of evidence.

EFFECTIVE: 09/22/87

10-10.10 Tape Recorders

(1) Heavy-duty plant-type recorders and portable single carrying case-type recorders, are usually utilized in court-authorized technical surveillance under Title III or the Foreign Intelligence Surveillance Act. (See Part II, 16-7.3.4, of this manual relative to loan of this equipment to other law enforcement agencies.) Smaller handheld cassette tape recorders and concealable tape recorders are usually used for consensual monitoring. In either case the necessary authorization outlined in this manual must be obtained prior to their use for these purposes.

(2) Use of tape recorders for the purpose of overt recording of the statements of witnesses, suspects, and subjects is permissible on a limited, highly selective basis only when authorized by the SAC. To ensure the voluntariness of a statement electronically recorded, the following conditions are to be adhered to:

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(a) the recording equipment must be in plain view of the interviewee;

(b) consent of the interviewee to the recording must be obtained and clearly indicated on the tape;

(c) the questioning must be carefully prepared so that the tone of voice and wording of the questions do not intimidate or coerce; and

(d) recording tapes must not be edited or altered, and the originals must be sealed (in an FD-504, Chain of Custody - Original Tape Recording Envelope) and stored in such a manner as to ensure the chain of custody.

EFFECTIVE: 09/22/87

10-10.11 Radio Monitoring

EFFECTIVE: 09/22/87

10-10.11.1 [REDACTED]

[REDACTED]

[REDACTED]

(1) [REDACTED]

(a) [REDACTED]

[REDACTED]

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FOIPA DELETED PAGE INFORMATION SHEET

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MI06, Part II, Section 10, page 90

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[REDACTED] ELSUR indexing is required.

EFFECTIVE: 06/26/91

10-10.11.2 Other Types of Radio Monitoring

(1) [The radio portion of handheld or cordless telephone conversations are specifically excluded from Title III requirements (Title 18, USC, Section 2510(12)(A)). These devices utilize a radio transmission over a limited distance to a base station at a regular telephone. They are so easily intercepted, often over an ordinary AM radio, that there is no reasonable expectation of privacy in these communications.]

(2) [Other radio communications such as those that are broadcast so as to be readily accessible to the public (AM and FM radio station broadcasts), ship to shore general public type communications, public safety communications, citizen band amateur and general mobile radio services, and the like are also specifically excluded from Title III requirements (Title 18, USC, Section 2511(2)(g)).

(3) No judicial warrant of any type is required for the interception of the radio communications set forth above. SACs may authorize such interceptions. ELSUR indexing is not required. Interceptions should be logged and reported on FD-302s.

(4) Certain hybrid communications which contain both wire and radio components such as cellular telephones (both wire and radio portion) are covered by Title III, whereas others are not, e.g., cordless telephones (radio portion not covered). Any question regarding whether a particular device or radio communication is covered by Title III should be directed to the Legal Research Unit, FBIHQ.

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10-10.11.3 Cellular Telephones

Both the wire and radio portions of a cellular telephone conversation are specifically covered by Title III and a Title III court order must be obtained to intercept cellular communications.

EFFECTIVE: 10/18/88

10-10.12 Approval for the Use of Technical Equipment

Technical equipment shipped to field offices does not constitute authority for its use. In criminal matters, SAC, FBIHQ, or Department of Justice authorization is required prior to the use of certain types of electronic surveillance equipment. For the specific authorization required, in criminal matters refer to the appropriate section of this manual relating to the type of equipment being considered for use. In national security matters refer to the Foreign Counterintelligence Manual.

EFFECTIVE: 10/18/88

10-10.13 Technical Collection of Evidence - Safeguarding Techniques and Procedures

(1) Electronic Surveillance techniques must not be compromised by disclosure in correspondence and during judicial proceedings.

(2) Information regarding technical operations, equipment and techniques must not be divulged during testimony, in FD-302s, in Title III affidavits, or in other correspondence directed outside the FBI during the course of an investigation.

(3) This policy should be brought to the attention of all USAs and Strike Force Attorneys and other interested parties so that prosecutions can be planned without the necessity that the Government's case requires this type of disclosure.

(4) Details concerning the safeguarding of techniques and procedures [REDACTED] can be found in Part II, Section 6 of this manual.

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EFFECTIVE: 10/18/88

10-10.14 Review by Technical Advisor (TA)

All correspondence concerning technical matters is to be reviewed by the TA or, in his/her absence, a Technically Trained Agent (TTA) prior to being approved by the SAC or other official acting for SAC. The purpose of this requirement is to ensure that requests for technical matters are cleared through the individual in the office having the most current knowledge of equipment availability, equipment capability, technical procedures, and technical policies. The specific duties of the TTA are set forth in Part II, Section 16-7.2.6 of this manual.

EFFECTIVE: 10/18/88

10-10.15 Training for TTAs

(1) The TA will set minimum training requirements for all TTAs in TA's office and ensure that these minimum requirements are met. The minimum requirements will be different from office to office, but will be designed to provide all TTAs with experience in the provision of all aspects of electronic surveillance support.

(2) The SAC must ensure that a program for achieving minimum requirements is established and complied with consistently. The SAC must ensure that all communications, instructions, and SAC memoranda pertaining to technical work and technical equipment must be read and initialed by all active TTAs.

(a) The SAC will provide sufficient time for the TA to implement a program of instruction and training for active TTAs, investigative personnel, and supervisors.

(b) Additional information regarding Technical Training and the Technical Investigative Program can be found in Part II, Section 16-7 of this manual.

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10-10.16 [REDACTED]

(1) [REDACTED]

(2) [REDACTED]

(3) [REDACTED]

(4) Expert witnesses are available from the Technical Services Division, FBIHQ, for tape analysis and court testimony regarding authenticity relating to editing and other associated matters. These normally become points of question at pretrial hearings. It is a well-established fact that tape recordings and other technically collected evidence are admissible in court. On the basis of current case law, the Government can introduce tapes solely on the testimony of the Agent(s) who monitors and records the intercept (assuming the Agent can identify the voice(s) and testify to the authenticity of the tape).

[REDACTED]

Normally, the Agent who signs the application for a court-ordered intercept will be called as a witness at a suppression hearing.

[REDACTED]

(5) If, in an unusual circumstance, the Government's case mandates a disclosure of FBI technical operations, equipment or technique, the problem should be first brought to the attention of the Principal Legal Advisor who will determine the disclosure and the reasons. Alternatives to disclosure will be sought and if no

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resolution is possible which would protect FBI technical concerns, then notification should be made to FBIHQ, Engineering Section, Technical Services Division, so a final decision can be made in conjunction with the appropriate FBIHQ investigative divisions.

(6) Further details as to [REDACTED]

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EFFECTIVE: 01/22/90

10-10.17 Trap/Trace Procedures (See MIOG, Part I, 9-7(7), 91-11.3.2(1), & 192-14(1).)

(1) American Telephone and Telegraph (AT&T), other long line carriers and local operating telephone companies have the capability to identify a telephone number that is calling another specific telephone number through the use of trap and trace devices and procedures. This technique is an internal telephone company operation that can be successfully effected in certain limited circumstances.

(2) The Electronic Communications Privacy Act of 1986 (Act), as amended, regulates the use of this technique (Title 18, USC, Sections 3121-3127). The Act codifies existing Department of Justice (DOJ) policy of obtaining a court order to authorize the installation of a trap/trace device and sets forth the procedure for seeking such an order. It is not necessary to obtain a court order when the telephone user consents to the installation of a trap/trace device.

(3) DOJ and the FBI have reached agreements with AT&T and local telephone companies to follow certain guidelines in applying for and effecting the trap/trace technique. Investigative personnel requiring the use of this sensitive investigative technique should contact the field office Technical Advisor (TA) or a Technically Trained Agent (TTA) for information. Local trap/trace activity will be coordinated by the TTAs in the field office. (See Part II, 16-7.2.6(18) of this manual.)

(4) The Act also requires the Attorney General to make an annual report to Congress on the number of trap/trace orders applied for by law enforcement agencies of the Department. DOJ has advised the FBI by memorandum of this requirement and has requested quarterly reports on court-ordered trap/trace usage.



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(5) The use of court-ordered trap/trace techniques must be reported by airtel to FBIHQ, Attention: Operational Support Unit, Information Resources Division, within five workdays after the expiration date of each original or renewal order. To satisfy DOJ data requirements, and standardize and simplify field reporting, the form airtel captioned "Pen Register/Trap and Trace Usage" FD-712 must be used.

(6) These reporting requirements do not apply to trap/trace usage effected under the provisions of the Foreign Intelligence Surveillance Act.

(7) American Telephone and Telegraph (AT&T) and other carriers bill the FBI for costs associated with the installation of trap and trace devices and/or the utilization of trap and trace procedures. The cost of this technique varies considerably. The actual cost depends on the number of telephone company offices involved; field offices should not routinely request a trap and trace and should limit the utilization of this technique to only those situations where it is absolutely necessary.

(a) Payment of these expenses follows the same guidelines as other areas of confidential expenditures, with SAC having authority to approve up to \$20,000 per case each fiscal year. Any requests over \$20,000 should be directed to FBIHQ, Attention: Operational Support Section, Criminal Investigative Division.

(b) Upon receipt of the monthly invoice/statement from AT&T, or other telecommunications carrier, FBIHQ conducts a preliminary review of all services that were provided and completed since the last billing period.

(c) Once the preliminary review is completed, a copy of the approved invoice/statement is forwarded with blank Form 6-153 to the appropriate field division which requested the service.

(d) Form 6-153 should be completed by the field division and returned to FBIHQ, Attention: Operational Support Section, Criminal Investigative Division.

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10-10.17.1 Emergency Provisions

If an emergency situation exists wherein time does not permit the obtaining of a court order for a trap and trace, any Deputy Assistant Attorney General or higher DOJ official may authorize the installation and use of trap and trace procedures prior to obtaining a court order. However, the specific provisions of Title 18, USC, Section 3125, must be satisfied. These provisions state:

(1) Notwithstanding any other provision of this chapter, any investigative or law enforcement officer, specially designated by the Attorney General, the Deputy Attorney General, the Associate Attorney General, any Assistant Attorney General, any acting Assistant Attorney General, or any Deputy Assistant Attorney General, or by the principal prosecuting attorney of any state or subdivision thereof acting pursuant to a statute of that state, who reasonably determines that -

(a) an emergency situation exists that involves-

1. immediate danger of death or serious bodily injury to any person; or

2. conspiratorial activities characteristic of organized crime, that requires the installation and use of a pen register or a trap and trace device before an order authorizing such installation and use can, with due diligence, be obtained, and

(b) there are grounds upon which an order could be entered under this chapter to authorize such installation and use may have installed and use a pen register or trap and trace device if, within 48 hours after the installation has occurred, or begins to occur, an order approving the installation or use is issued in accordance with Section 3123 of this title.

(2) In the absence of an authorizing order, such use shall immediately terminate when the information sought is obtained, when the application for the order is denied or when 48 hours have lapsed since the installation of the pen register or trap and trace device, whichever is earlier.

(3) The knowing installation or use by any investigative

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or law enforcement officer of a pen register or trap and trace device pursuant to (1) above without application for the authorizing order within 48 hours of the installation shall constitute a violation of this chapter.

In essence, the "emergency" trap and trace provision mirrors the "emergency Title III" provision found in Title 18, USC, Section 2518(7). However, there are several differences. First, the number of statutorily designated DOJ officials who may approve emergency use of trap and trace devices in Federal investigations is broadened to include "any Assistant Attorney General, any acting Assistant Attorney General, or any Deputy Assistant Attorney General." Second, unlike Section 2518(7), the emergency trap and trace statute does not include emergency situations involving "conspiratorial activities threatening the national security interest." In those rare situations where an "emergency" trap and trace would be required for use in situations threatening the national security, consideration should be given: (a) to utilizing the emergency provisions of the Foreign Intelligence Surveillance Act of 1978 (FISA), which regulates pen register/trap and trace devices as well as electronic surveillance interceptions in national security investigations, which include criminal espionage cases; or (b) to emphasizing that the situation, although threatening the national security, either involves an immediate danger of death or serious physical injury to any person or that the situation concerns conspiratorial activities characteristic of organized crime (e.g., a terrorist group's plan to bomb a building). Of course, if investigative or law enforcement officers are dealing with the telephone subscriber or customer (user), the customer's consent, as is indicated in Section 3121(b)(3), is sufficient, and a court order need not be obtained. Use Form FD-472 to document consent.

EFFECTIVE: 03/23/92

10-11 FBI UNDERCOVER ACTIVITIES - CRIMINAL MATTERS | (SEE MIOG,  
PART II, 10-14.1.5.) |

(NOTE: FBI UNDERCOVER ACTIVITIES - FCI MATTERS, SEE FCI  
MANUAL.)

The undercover technique is one of the most effective and successful investigative tools the Federal Bureau of Investigation has to investigate crime. As such, it should be protected and used

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wisely. The conduct of undercover operations (UCOs) is governed by the Attorney General's Guidelines (AGG) on FBI Undercover Operations which were initially approved in 1980 and revised 11/13/92. The FIELD GUIDE FOR UNDERCOVER AND SENSITIVE OPERATIONS which sets forth FBI policies and procedures concerning the conduct of UCOs has been disseminated to the field. The field office undercover coordinator (UCC) and the Undercover and Sensitive Operations Unit (USOU), Criminal Investigative Division, FBI Headquarters, should be consulted regarding specific questions relating to UCOs.

EFFECTIVE: 12/07/93

| 10-11.1 | Deleted |

EFFECTIVE: 10/18/93

| 10-11.2 | Deleted |

EFFECTIVE: 10/18/93

| 10-11.3 | Deleted |

EFFECTIVE: 10/18/93

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| 10-11.4 | Deleted |

EFFECTIVE: 10/18/93

| 10-11.5 | Deleted |

EFFECTIVE: 10/18/93

| 10-11.6 | Deleted |

EFFECTIVE: 08/28/91

10-11.7 | Deleted |

EFFECTIVE: 08/28/91

| 10-11.8 | Moved and Renumbered as 10-16 |

EFFECTIVE: 08/28/91

| 10-11.9 | Deleted |

EFFECTIVE: 08/28/91

10-12 USE OF HYPNOSIS AS AN INVESTIGATIVE AID

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EFFECTIVE: 02/16/89

10-12.1 Approval to Utilize

Hypnosis is legally permissible when used as an investigative aid for lead purposes in Bureau cases where witnesses or victims are willing to undergo such an interview. The use of hypnosis should be confined to selective Bureau cases. Upon finding a willing witness or victim, Bureau authority must be obtained from the appropriate Assistant Director, who may delegate this authority to the Section Chief level. The Behavioral Science Instruction and Research Unit, Training Division, functions as a technical resource to the field and must receive copies of all communications pertaining to the use of hypnosis. Set forth in your request for authorization the name of the hypnosis expert you intend to use and a brief summary of expert's qualifications. You should consider utilizing only a psychiatrist, psychologist, physician, or dentist who is qualified as a hypnotist. Upon receipt of Bureau authority, the matter must be thoroughly discussed with the USA or Strike Force Attorney in Charge, including the fact that a specially trained Agent (hypnosis coordinator) will participate in the hypnotic session. The USA or Strike Force Attorney In Charge is to be advised that he/she must obtain written authorization of the Director or the Associate Director, Office of Enforcement Operations, Criminal Division, in each case. You are cautioned that under no circumstances will Bureau personnel participate in hypnotic interviews in non-Bureau cases.

EFFECTIVE: 02/16/89

10-12.2 Hypnotic Session

(1) It is recommended that written permission to conduct a hypnotic interview be obtained prior to the interview. This permission should include permission of the witness or victim to have the entire hypnosis session audio or video taped or both.

(2) It is important that you either audio or video tape the entire session and any subsequent hypnotic sessions. Video tape, however, is the preferred method of recording these sessions.

(3) When considering the use of hypnosis, one important aspect is the proper prehypnotic explanation of this technique to the

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witness or victim. Hypnosis is not a product of the power or magic of the hypnotist. The witness or victim is not likely to reveal his or her innermost secrets or lose control of his or her mind. Further, hypnosis itself is not likely to produce any physical or psychological damage to the person hypnotized.

(4) You must also bear in mind that the use of the information obtained through hypnosis cannot be assumed to be necessarily accurate. Careful investigation is needed to verify the accuracy of information obtained during these sessions.

EFFECTIVE: 02/16/89

10-12.3 Role of the Hypnosis Coordinator

The hypnotic session should be attended by the hypnotist and the specially trained Bureau Agent (hypnosis coordinator) who will act as liaison with the hypnotist. It must be clearly understood that the hypnotist is charged with the responsibility of supervising the hypnotic session and must remain physically present throughout the proceedings. The hypnosis coordinator is qualified to question the witness or victim while under hypnosis, but will not conduct the hypnotic induction or terminate the hypnotic state. The request for authorization to utilize hypnosis will include the name of the Bureau hypnosis coordinator who is acting as liaison.

The Agent assigned to the case may also be present at the interview if there are no objections by the hypnotist; however, the number of persons actually present at the hypnotic session should be held to a minimum.

EFFECTIVE: 11/20/90

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10-12.4 Hypnosis Evaluation

In order to evaluate the efficacy of this technique, a detailed summary describing the results of the hypnotic interview must be forwarded to the Bureau with a copy to Training Division. This summary should specifically include the following items:

- (1) The identification of any significant investigative information obtained through the utilization of this technique.
- (2) Total number of hypnosis sessions to include the length of each session.
- (3) The hypnotic technique utilized to include the manner of recording the interview.
- (4) The identity of the hypnosis coordinator and the hypnotist.
- (5) Disposition of the case.

EFFECTIVE: 11/20/90

| 10-13 VISUAL INVESTIGATIVE ANALYSIS (VIA)

| The Visual Investigative Analysis|Unit's|primary objective is to assist the investigator by graphic analyses of all information and physical evidence (toll records, pen register records, financial records, etc.) related to|significant and complex investigations. The VIA Unit utilizes an information management data base to achieve this objective. The data base allows for data retrieval by chronology and/or subject matter. The analytical models derived from this data base include VIA Networking, Link Analysis and Matrix Analysis.|

- | (1) VIA Networking is a case management technique which assists in the planning, coordinating, controlling and analyses of|complex investigations. It displays chronological relationships among known and alleged activities related to a crime and the dependent relationship of investigation to those activities.| Link Analysis graphically displays individual and organizational relationships among all entities identified during the investigation. It demonstrates these relationships by utilizing various types of lines to illustrate the strength of the relationships, and geometric figures to differentiate persons, places,|assets, organizations and

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other aspects of the investigation. Matrix Analysis, a complementary technique, summarizes factors related to a series of crimes to identify similarities. The analytical models reconstruct the crime and related investigation, and demonstrate the complicity of suspects/subjects. They are supported by written reports that contain observations of the analyst, based on the analysis of available information. The results of the VIA process provide investigative and prosecutive personnel with a basis for developing future investigative and prosecutive strategy.

(2) Should a field office desire Investigative Support Information System (ISIS) support and anticipate using VIA, the VIA assistance should be requested at the same time as the ISIS support. This will allow ISIS and VIA personnel to structure the ISIS data base to make it compatible with the VIA application.

(3) Since the primary objective of VIA is to assist the investigation, requests for VIA assistance should be sent to the VIA Unit, Criminal Investigative Division, as early as possible during the investigation and should include a synopsis of the investigation.

EFFECTIVE: 11/20/90

10-14 ADVANCE FUNDING FOR INVESTIGATIVE PURPOSES (See MAOP, Part II, 6-11, 6-12, & 6-12.3(3).)

(1) Appropriated funds are available directly from FBIHQ for investigative purposes in situations where the expenditure is of a confidential nature. An advance of funds may be requested to fund confidential case expenditures which cannot be readily supported from the field office draft system. Such expenses include the purchase of evidence such as drugs, payments to cooperating witnesses, and other large nonrecurring items. Advance of funds shall be used to fund all Group I Undercover Operations. NOTE: Group I Undercover Operation advances MAY NOT be used to fund drug purchases or cooperating witness/criminal informant expenses. Field offices may also request an advance of funds for Foreign Counterintelligence Undercover Operations, Special Operations Groups, Off Premise Sites, Special Surveillance Groups, and Show and Buy-Bust requirements.

(2) Once an advance of funds has been received from FBIHQ to fund an investigation, SAC authority to spend funds from the draft system is rescinded. The draft system may no longer be used until all

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advances have been liquidated or returned and appropriate authority to use the draft system has been obtained.

EFFECTIVE: 12/07/93

10-14.1 Types of Advance Funding Authority

Funds may be requested for the following investigative purposes:

EFFECTIVE: 11/23/87

10-14.1.1 Case Authority

(1) The SAC has authorization to spend up to \$20,000 per fiscal year for confidential expenditures incurred in connection with any single investigative matter, including Group II Undercover Operations (see paragraph (3) below). SAC authority in the amount of \$20,000 is automatically renewed for each case at the beginning of each succeeding fiscal year, unless advised to the contrary by FBIHQ. If expenditures are projected to exceed SAC authority of \$20,000 during the fiscal year, a request for additional authority must be sent to the appropriate substantive program manager at FBIHQ to request ADDITIONAL AUTHORITY for the amount of expenditures that are anticipated for the remainder of the fiscal year. Each request must include:

(a) That additional case authority is requested for a specific amount.

(b) Detailed justification to support the request.

(c) Total amount spent to date during the investigation, regardless of the source of funds.

(d) Statement as to the availability of funds in the field office budget. If the balance of available budgeted funds is insufficient to support planned expenditures, the authority request must include a request to reallocate funds from another budget category or a request to supplement the total field office budget.

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(e) Adequacy of the draft system to fund request.

(f) A deadline by which FBIHQ must respond.

(g) Wire transfer instructions if expeditious handling is required. Wire transfers less than \$25,000 must be justified.

(2) If additional authority is approved, the date upon which the additional authority was granted MUST be noted on each advance or expense request in excess of \$20,000.

(3) The SAC may approve nonsensitive undercover operations (Group IIs) with maximum cumulative funding of \$40,000 for operational expenses. The SAC may not, however, authorize spending of more than \$20,000 in such matters. As explained above, if expenditures are projected to exceed \$20,000 during a fiscal year, a request for additional authority must be made of the substantive program manager at FBIHQ, in conformance with procedures set forth in paragraph (1) above.

EFFECTIVE: 12/07/93

10-14.1.2 Informant Payment Authority (See MIOG, Part II, 10-14.1.3, & MAOP, Part II, 6-11.).

An advance of funds may be requested to pay informants for information provided. Payment is based on the value of the information and is approved on a payment-by-payment basis. The SAC is authorized to approve cumulative payments up to \$20,000. Additional payments or individual payments in excess of \$20,000 must be approved at FBIHQ. Requests for authority to make a payment or requests for an advance of funds to make a payment should be directed to FBIHQ and should contain the following:

(1) Justification for the payment

(2) Adequacy of the draft system to fund the payment

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(3) Justification of the "emergency" if a wire transfer has been requested.

EFFECTIVE: 12/07/93

10-14.1.3 FCI/Terrorist Informant Authority

An advance of funds may be requested for regular monthly payments to FCI/Terrorist informants for information being provided. Authority for such payments can only be granted by FBIHQ. Requests for authority and advances of funds should be set out as described for Informant Payment Authority in 10-14.1.2 above.

EFFECTIVE: 12/07/93

10-14.1.4 Bribe of Public Officials Authority

Advances may be made for bribe payments. Authority to attempt bribes of public officials should be obtained pursuant to policy defined in Part I, 58-6.6(1) and 194-5.6(1) of this manual. Requests for advances of funds should be made to the substantive desk at FBIHQ, and should contain the following information:

(1) Adequacy of the draft system to provide the bribe money

(2) Justification of the "emergency" if a wire transfer is requested.

EFFECTIVE: 12/07/93

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10-14.1.5 Undercover Funding Authority

Request for advance funding for FCI, Group I and Group II Undercover Operations should be made to the substantive desk at FBIHQ. Short-term FCI and Group II Undercover Operations may be funded from the draft system. Larger FCI and Group II cases may use advanced funds if the draft system is insufficient to fund the operation. All Group I Undercover Operations are funded from FBIHQ advances. Authority to conduct undercover operations is discussed in Part II, 10-11, of this manual, "FBI UNDERCOVER ACTIVITIES - CRIMINAL MATTERS." Authority to conduct undercover operations in FCI matters is discussed in Part I, Section 0-4 of the Foreign Counterintelligence Manual.

EFFECTIVE: 12/07/93

10-14.1.6 Show and Buy-Bust Money Funding Authority

(1) Show and Buy-Bust money is available on a case-by-case basis to provide financial credibility for an asset/informant, cooperating witness or Undercover Agent or to consummate a proposed illegal transaction in support of a specific investigative case. Use of these funds does NOT constitute an EXPENDITURE of appropriated funds. Such funds are NEVER to be allowed to become evidence or to leave the care, custody or control of the FBI. They are to be returned to FBIHQ when no longer needed by the case for which their use was originally authorized so that they may be subsequently reissued.

(2) Show funds cannot be deposited into a bank or other financial institution without an exemption from the Attorney General. Upon receipt of an exemption, the funds are to be placed in a federally insured financial institution, unless otherwise authorized, to provide credibility to an operation.

(3) The funds may be used in a display of cash to reinforce the role of an Undercover Agent or to consummate a proposed illegal transaction as part of an arrest (Buy-Bust) scenario.

(4) The SAC may approve the use of up to [REDACTED] for Show purposes or for use in a Buy-Bust situation. The use of more than [REDACTED] must be approved in advance by FBIHQ.

(5) Requests for Show or Buy-Bust funds must specify:

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- (a) Justification for the use of the funds and the need for Attorney General exemptions for the use of bank account(s),
  - (b) That the United States Attorney will not require the funds to be retained as evidence,
  - (c) That the funds will not be allowed to leave the care, custody or control of the FBI, and
  - (d) Precautions to be taken to ensure the safety of involved personnel and the security of funds to be used.
  - (6) Show and Buy-Bust funding requests in amounts of [REDACTED] or less should be sent directly to the attention of the Confidential Services Unit, Accounting Section, Finance Division, (copy to the FBIHQ substantive desk for information) with the personal approval of the SAC or, in SAC's absence, the ASAC.
  - (7) All Buy-Bust funding requests and requests for Show money in amounts of more than [REDACTED] should be directed to the substantive desk at FBIHQ.

EFFECTIVE: 12/07/93

10-14.1.7 Deleted

EFFECTIVE: 05/25/90

10-14.2 Delivery of Advance

Funds can be made available to the field by Department of the Treasury check or, in the case of an emergency, by wire transfer. All advances of appropriated funds are made to specific cases and cannot be commingled with advances for other cases. All requests must be submitted under the investigative case caption with a complete field office file number. The funds may not be deposited in any bank without an exemption from the Attorney General.

- (1) Department of the Treasury Check - Once a request for an advance is approved by the substantive desk it takes three working

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days for the Accounting Section to obtain a check from the Department of the Treasury. The check, which is payable to the SAC, is then forwarded to the field by airtel. Requests should be made far enough in advance to anticipate time for the approval process, acquisition of the check, and delivery by the U.S. Postal Service.

(2) Wire Transfer - An approved request for an advance by wire transfer received by the Accounting Section by [REDACTED] will usually be delivered in the field by [REDACTED]. Requests for wire transfers should contain the following information:

(a) Name and address of receiving bank (must be a Federal Reserve System Member Bank)

(b) Name and title of bank contact

(c) Official Bureau name of the Special Agent who will pick up the funds. (See MIOG, Part I, 58-6.6(1) & 194-5.6(1).)

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EFFECTIVE: 12/07/93

10-14.3 Accountability/Vouchering Requirements

When an office requests an advance of funds from FBIHQ the SAC assumes the responsibility for providing adequate resources to safeguard the advance and to account for it in a timely fashion. The field is to verify the outstanding balances of all advances except Show Money as of the last day of each month. The certification will take the form of a Confidential Travel Voucher (SF-1012) and is due at FBIHQ by the tenth day of the following month. A Confidential Travel Voucher is required for each calendar month an advance is outstanding even if no expenditures were made during a given month, because the "no amount" voucher serves to certify the cash balance outstanding at the end of each month.

(1) Physical Responsibility - Funds are advanced to a specific office for use in a specific case. They are tracked by field office file number. The funds advanced for one case or office cannot be utilized by another case or office. The SAC is personally responsible for all advances sent to SAC's division. The advance will remain SAC's responsibility until the funds are returned to FBIHQ or the expenditures of the funds are reported to FBIHQ on a Confidential

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Travel Voucher with a Blue Slip (FD-37) supported by paid receipts or Agent certifications for each and every expenditure.

(2) Confidential Travel Voucher - All expenditures from advances of appropriated funds are to be vouchered promptly on a Confidential Travel Voucher (SF-1012). Vouchering procedures are described in the CONFIDENTIAL FUNDING GUIDE; however, the following general rules apply:

(a) Expenditures must be vouchered promptly and no less frequently than monthly.

(b) A voucher must be submitted for each calendar month that the advance remains outstanding.

(c) The voucher should represent that calendar month's expenditures.

(d) The amount reported on line 8 (d) "Balance Outstanding" on the SF-1012 must represent the cash on hand on the last day of the calendar month being reported.

(e) For the purpose of certifying the balance of cash on hand, a voucher must be submitted even for months in which no expenditures were made.

(f) Vouchers are due at FBIHQ by the tenth day of the month following the month being reported.

(g) The Confidential Travel Voucher is supported by a Blue Slip (FD-37) and both must be signed by the SAME approving official, either the SAC or ASAC.

(h) The voucher must be supported by original paid invoices (receipts) or signed certifications for each and every expenditure included in the voucher and listed on the itemization of expenditures.

(i) An Itemization of Expenditures (FD-736) and a Voucher Reconciliation (FD-735) must be attached to the voucher.

(3) Return of Funds to FBIHQ - Advances no longer needed for the case for which they were advanced should be sent back to FBIHQ as soon as possible. They can be returned by check or wire transfer.

(a) Return by Check - Outstanding balances of less



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than \$25,000 are to be returned by cashier's check payable to the FBI. The check should be attached to the final voucher listing expenditures for the month in which the outstanding funds are being returned. The returned funds should be described (e.g., "return of direct advance," "return of show money," "submission of interest income," "refund of deposit," etc.) in the Voucher Reconciliation (FD-735) attached to the voucher. Costs incurred in purchasing cashier's checks or money orders must be vouchered as expenditures, not deducted from the amount to be remitted.

(b) Return by Wire Transfer - Outstanding balances of \$25,000 or more should be returned to FBIHQ by wire transfer.

1. The funds should be wired from a Federal Reserve System Member Bank through the Treasury Financial Communication System (TFCS) to:

Department of the Treasury - Federal Reserve Bank,  
New York City, Treasury Department Code [REDACTED]  
for credit to [REDACTED]

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2. The bank should also be instructed to include in the third party information section of the TFCS funds transfer message format, a description of the return in the following format:

Field office abbreviation and field office file number, name of the remitting Agent and the statement, "Return of outstanding balance of advanced funds." (e.g., "BS 183G-1224, SA John Smith, Return of outstanding balance of advanced funds.")

NOTE: DO NOT include classified file numbers in the TFCS transfer message format.

(4) On the same day the funds are wired, a teletype must be sent to FBIHQ, Accounting Section, Attention: Confidential Services Unit, confirming the wire transfer and describing the type of funds being returned, i.e., return of a direct advance, show money, interest income, or evidence.

(5) The final voucher, listing expenditures for the month in which the outstanding funds are being returned, must be submitted to the Confidential Services Unit, Accounting Section. The returned funds should also be described (e.g., return of advanced funds, show money, etc.) on the Voucher Reconciliation (FD-735) attached to the voucher.

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10-14.4 Field Office Centralized Control System for Advance of Funds

As with all advances to field offices, advances for investigative purposes must be reported to and included in the field office centralized control system for advance of funds. This requires that one copy of the Bureau communication confirming an advance of funds be placed in a 66F- control file captioned "Advance of Funds Control File." In addition, a ledger page must be created for each advance received. The ledger will record the amount received, vouchers submitted against the advance, any funds returned, the date of cash counts, and internal audits. Instructions as to the operation of the centralized control system can be found in the MAOP, Part II, 6-12, "Advance of Funds - Centralized Control System."

EFFECTIVE: 12/07/93

10-15 TRACING OF FIREARMS

Firearms that are recovered during and subsequent to FBI investigations and/or other documentary evidence of firearms, both foreign and domestically manufactured, should be traced through the appropriate district office of the Bureau of Alcohol, Tobacco and Firearms (ATF), when possible and consistent with FBI interests. Furnish the type of firearm, including the manufacturer, model, caliber or gauge, barrel length, overall length, serial number, and name and address of interested U.S. Attorney (USA). If certification is needed for court proceedings, this will be furnished directly to the interested USA by ATF, per Part I, Section 4, if this manual, entitled "Firearms Acts."

EFFECTIVE: 08/28/91

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XXXXXXFEDERAL BUREAU OF INVESTIGATION  
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MIOG, Part II, Section 10, page 114

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## PART II

### SECTION 11. TECHNIQUES AND MECHANICS OF ARREST

#### 11-4.7.3 Publicity

[REDACTED]

#### 11-4.8 Miscellaneous

[REDACTED]

#### 11-4.9 Photograph of Subjects

[REDACTED]

#### [[11-5 EMERGENCY AND PURSUIT DRIVING

(1) Emergency driving describes the need to move by motor vehicle from one place to another in an expeditious manner in order to respond to exigent circumstances. Pursuit driving refers to the following of a motor vehicle for the purpose of making an apprehension or conducting a surveillance. Both emergency and pursuit driving may require tactics or techniques which increase the risks already inherent in operating a motor vehicle.

(2) FBI vehicles responding to emergency or pursuit situations will utilize an adequate warning system, such as a siren, flashing light, or other device required by local statutes where use of such equipment will not defeat the FBI's mission. While employing such devices, drivers of Bureau vehicles during an emergency or a pursuit continue to have a duty to drive with due regard for the safety of others.

(3) In the interest of safety, the following factors should be considered prior to initiating maneuvers or speed which could pose a risk of death or serious injury to participants or third parties:

(a) The seriousness of the offense under investigation including whether the suspect has threatened the life or safety of others or poses a risk to the community in the event of escape.

(b) Variables such as the weather, road conditions, performance capabilities of the vehicles involved, and the presence of pedestrians and other traffic.

The above factors should be communicated to the driver's supervisor as soon as it is practical to do so. If, in the judgment of the driver or the supervisor, the potential risks outweigh the benefits to be derived from continued pursuit or emergency response, such pursuit or response should be terminated. The use of a vehicle or roadblock to effectuate a stop can be considered a seizure under the Fourth Amendment and must be conducted in a reasonable manner and in conformity with FBI policy concerning the use of force as set forth in the Legal Handbook for Special Agents, 3-6.4.]

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**SECTION 12. FIREARMS**

**EFFECTIVE:**

**12-1 | AUTHORIZATION AND RESPONSIBILITY TO CARRY FIREARMS (See  
MAOP, Part II, 2-1.5 & Legal Attache Manual, 2-18.)**

**In 1934, Congress authorized Special Agents (SAs) of the  
Federal Bureau of Investigation to carry firearms under Title 18, USC,  
Section 3052.**

**EFFECTIVE: 05/20/94**

**12-1.1 SAC Responsibility**

**SACs are ultimately responsible for the use and  
maintenance of all firearms and related equipment in their respective  
divisions, including training. SACs are also responsible for all  
defensive tactics training and related equipment. A Principal  
Firearms Instructor (PFI) will be assigned by the SAC to manage the  
division firearms program. A primary defensive tactics instructor  
(PDTI) will be assigned by the SAC to manage the Defensive Tactics  
Program.**

**EFFECTIVE: 05/20/94**

**12-1.2 Special Agent (SA) Responsibility (See MAOP, Part I,  
1-3.2.)**

**SAs are directly responsible for all aspects of the use  
and maintenance of firearms and related equipment under their control.  
Firearms instructors will be trained by the FBI Academy, Firearms  
Training Unit (FTU), and defensive tactics instructors trained by the  
FBI Academy, Physical Training Unit (PTU), to support the Field  
Firearms and Defensive Tactics Programs.**

**EFFECTIVE: 05/20/94**

**12-2 | UTILIZATION OF FIREARMS |**

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**EFFECTIVE: 05/20/94**

**| 12-2.1 | Policy |**

**EFFECTIVE: 05/20/94**

**| 12-2.1.1 Deadly Force - Standards For Decisions (See MIOG, Part II, 30-3.8 (3); MAOP, Part I, 1-4 (4); LHBSA, 3-6.4 & 4-2.5.)**

**| (1) Policy Text - "Agents are not to use deadly force against any person except as necessary in self-defense or the defense of another, when they have reason to believe they or another are in danger of death or grievous bodily harm."**

**| (2) Definitions**

**| (a) Deadly force - Force that is likely to cause death or serious bodily injury.**

**| (b) Reasonable grounds to believe - facts that would cause a reasonable person to conclude that the point at issue is probably true (Probable Cause).**

**| (c) Necessary - Alternative steps are not likely to lead to safe control of the subject.**

**| (3) Required Showing to Justify Use**

**| (a) Individual was likely to cause death or serious bodily injury if not controlled, AND**

**| (b) Deadly force was necessary to safely achieve control.**

**| (4) Assessing Dangerousness**

**| (a) Reasonably believed to previously have caused or attempted to cause death or serious bodily injury to Agents or other persons; or**

**| (b) Reasonably believed to be armed with a deadly weapon; or**

**| (c) Not reasonably believed to be armed but**

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reasonably believed to be presently arming self with deadly weapon; or

(d) Not reasonably believed to be armed but reasonably believed to have the ability to inflict serious injury without the use of a deadly weapon and to be resisting; or

(e) "Armed and Dangerous" notation, standing alone, is insufficient.

**(5) Assessing Necessity**

(a) Policy statement: "Whenever feasible, verbal warnings should be given before deadly force is applied."

(b) Where a subject may be granted an opportunity to surrender without exposing Agents or the public to unreasonable danger, policy requires that the opportunity be given.

**(c) Considerations:**

1. The likelihood that the person will resist
2. The person's actions when confronted
  - a. noncompliance
  - b. resistance
3. The person's known and likely capabilities

**(d) Factors:**

1. Availability of cover
2. Persons in vicinity at risk
3. Likelihood that subject will surrender
4. Nature of threat posed

**(6) Degree of Force Permitted**

**(a) Reasonable force**

1. Where deadly force is permissible, Agents may utilize the amount of force reasonably necessary to eliminate the threat they are facing

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a. if shooting in self-defense or defense of others, they may fire until the subject surrenders or no longer poses a threat

(7) Judicious Application of Deadly Force

(a) Sound judgment still required

1. Where deadly force is permissible under FBI policy, Agents still have the duty to assess whether their use of deadly force creates a danger to the public that outweighs the likely benefit of that use of force.

(8) Warning Shots

(a) Policy Text: "No warning shots are to be fired by Agents..."

(b) Justification: Warning shots are forbidden because firing a gun creates the potential for unintended injury.

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12-2.1.2 Carrying of Weapons

(1) SAs must be armed or have immediate access to a firearm at all times when on official duty unless good judgment dictates otherwise. SAs are authorized to be armed when off-duty.

(2) The SAC or designee is ultimately responsible for assignments where firearms might be used. SAC should be on-scene if possible.

(3) Safety levers should not be engaged on any pistol constructed with a double action first shot. With the exception of single-action pistols, handguns should not be carried in a cocked mode.

(4) When an SA is moving, the finger must be off the trigger, double-action weapons should be decocked and safety engaged on single-action weapons, unless exigent circumstances are present.

(5) To preclude unintentional discharges when covering an adversary, double-action weapons should be decocked and single-action weapons (including shoulder weapons) should either have the safety



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engaged or finger off the trigger, unless exigent circumstances are present.

(6). When SAs are armed, handguns must be fully loaded.

(7) Unless operationally deployed, shoulder weapons should be maintained with no round in the chamber.

(8) Prior to entry into areas where potential danger exists, a round should be chambered in all shoulder weapons. The safety should remain engaged until the circumstances require placing the weapon in the "fire" mode.

(9) SAs must be familiar with and currently qualified with all firearms and equipment they carry and are personally responsible for appropriate use, security, and maintenance of these firearms.

(10) When possible, emphasis must be placed on planning arrests to ensure superiority of manpower and firepower to exert maximum pressure on the individual(s) being sought so that they have no opportunity to either resist or flee.

(11) SAs may draw their weapons without being confronted with a deadly force situation if good judgment dictates or in exigent circumstances. Proper training and experience in arrest situations must be relied upon to provide the proper response when confronted with deadly force situations.

(12) Handguns should be carried on the SA's person.

(13) SAs should avoid unnecessary display of weapons in public. Good judgment must dictate in all situations.

(14) Accidental or unintentional discharge of a weapon is extremely dangerous to the public and to FBI personnel and will not be tolerated. Any unintentional discharge must be reported to FBIHQ using FD-418.

(15) Specialized weapons, i.e., M-16, MP5A3, gas delivery systems, etc., must only be deployed by SAs trained and currently qualified in their use.

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12-2.1.3 Firearms Aboard Aircraft (See MIOG, Part I, 164-15 (4).)

(1) Title 49, USC, Section 1472(1), generally forbids carrying firearms aboard aircraft. SAs are exempt from this prohibition.

(2) FAA Federal Air Regulation 108.11 (a) (Title 14, CFR, Section 108.11) recognizes the authority of FBI SAs to carry firearms aboard aircraft at all times.

(3) FBI SAs are instructed to carry a firearm on their person aboard any commercial domestic flight when on official business, unless operational considerations dictate otherwise.

(4) SAs must avoid unnecessary display of firearms to the public while traveling by aircraft.

(5) The FBI has exclusive jurisdiction over the Aircraft Piracy Statute, interference with flight crew and certain crimes aboard aircraft.

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12-3 ISSUED WEAPONS

(1) FBI SAs are authorized to carry and utilize only issued or Bureau-approved personally owned weapons regardless of on- or off-duty status.

(2) A handgun, regardless of Bureau-issued or personally owned status is referred to as ASSIGNED PROPERTY.

(3) Firearms can only be carried by those Bureau employees who are (1) authorized to use firearms in connection with their official duties and (2) are currently qualified.

(4) All Bureau handguns should be sighted in for accuracy during firearms sessions. Unless operational needs dictate otherwise, handguns should be sighted in for [REDACTED] b2 b7E

(5) Any changes or alterations to any assigned weapon must be authorized by the Firearms Training Unit (FTU).

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**12-3.1 | Distribution of Firearms**

Depending on operational considerations, each field office must maintain an adequate number and type of firearms.

**(1) Handguns -**


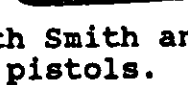
(a) SAs are permitted to have a total of three assigned handguns in any combination of revolvers and semiautomatic pistols. This includes Bureau-issued handguns. SAs may elect three personally owned weapons, but must then turn in the Bureau-issued handgun. Current Bureau firearms instructors are exempted from this requirement.

(b) Handguns are intended for general self-defense and should not be solely relied upon for offensive operations, e.g., raids, arrests.

(c) The Bureau is equipped with Smith and Wesson revolvers.

(d) Small-framed revolvers, i.e., M-36, M-49, M-60, etc., are intended for use when concealability is important.

(e) Maximum range is defined as that greatest distance a bullet will travel when fired from a particular weapon. "Effective" range is defined as the greatest distance from which a competent shooter could reasonably expect to accurately hit a target. Maximum and effective ranges of approved revolver ammunition are listed below:

CALIBER	MAXIMUM RANGE	EFFECTIVE RANGE
.38 Special (147 gr.)	1800 yds.	
.357 Magnum (158 gr.)	2700 yds.	

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(f) The Bureau is equipped with Smith and Wesson, Browning Hi-Power and Sig Sauer semiautomatic pistols.

(g) Maximum and effective ranges for pistol ammunition are listed below:

CALIBER	MAXIMUM RANGE	EFFECTIVE RANGE
---------	---------------	-----------------

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9mm (147 gr.)	1800 yds.
10mm (180 gr.)	2166 yds.
45 cal (230 gr.)	1466 yds.

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(2) Shotguns

(a) The Bureau is equipped with Remington Model 870 12-gauge shotguns with 14, 18 and 20-inch barrels.

(b) Maximum and effective ranges for shotgun ammunition are listed below:

AMMUNITION	MAXIMUM RANGE	EFFECTIVE RANGE
00 Buck (9 pellet)	500 yds.	
Rifled Slug (1 oz.)	900 yds.	

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(3) Rifles

(a) The Bureau is equipped with the following rifles:

MODEL	CALIBER
Winchester 70	30.06 Springfield (S)
Winchester 70 (custom heavy barrel)	.308 Winchester (W)/7.62mm
Remington 700 (heavy barrel)	.223 Remington (R) or 308 (W)
Colt M-16A1 (rifle and carbine)	.223/5.56mm
Colt M-16A2 (rifle and carbine)	.223/5.56mm

(b) Bolt action and fully automatic rifles are authorized for use only by current firearms instructors, [REDACTED] who are qualified. (Any exception to this requirement must be approved by the Unit Chief, FTU.)

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(c) Weapons capable of fully automatic or "burst" fire, e.g., M16A1 and M16A2 rifles (some weapons may be equipped with selector locks designed to function in semiautomatic mode only) may only be used by current firearms instructors, [REDACTED] who are currently qualified in their use. Any other SA can use these weapons if equipped with a fire selector lock and are qualified in their use.

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(d) The SAC has the authority during emergency situations to approve removal of the selector locks on M16A1 or M16A2 rifles. This authority may not be delegated and should only be exercised during the most exigent circumstances. This weapon should

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then only be issued to personnel such as [REDACTED] or Bureau-trained firearms instructors who are qualified. Upon termination of the emergency situation the SAC must ensure the selector locks are properly reattached to the weapons [REDACTED]

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(e) Bureau rifles should be sighted in during firearms training sessions to ensure accuracy.

(f) Maximum and effective ranges for approved rifle ammunition are listed below. [REDACTED]

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CALIBER	MAXIMUM RANGE	EFFECTIVE RANGE
.223 R (55/69 gr.)	2900 yds	[REDACTED]
.308 W (168 gr.)	5500 yds	[REDACTED]
30.06S (150 gr.)	5500 yds	[REDACTED]

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(4) Submachine Guns

(a) The Bureau is equipped with Heckler and Koch submachine guns.

(b) Submachine guns may only be used by current firearms instructors, [REDACTED] who are currently qualified in their use.

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(c) The Thompson submachine gun may only be used for display and demonstration purposes.

(d) Maximum and effective ranges for submachine gun ammunition are listed below:

CALIBER	MAXIMUM RANGE	EFFECTIVE RANGE
9mm (147 gr.)	1900 yds	[REDACTED]
.45 ACP (230 gr.)	1760 yds	[REDACTED]

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(5) Carbines

(a) The Bureau is equipped with Heckler and Koch (H&K) and Colt carbines.

(b) All SAs are authorized to use the H&K MP5SF provided they are currently qualified with the weapon.

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(c) The M16A1 and M16A2 carbines are authorized for use only by currently qualified firearms instructors, [REDACTED] unless equipped with fire selector locks. [REDACTED]

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(d) Maximum and effective ranges of carbine ammunition are listed below:

CALIBER	MAXIMUM RANGE	EFFECTIVE RANGE
9mm (147 gr.)	1900 yds	[REDACTED]
.223R (55/69 gr.)	2900 yds	[REDACTED]

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12-4 PERSONALLY OWNED WEAPONS

EFFECTIVE: 05/20/94

12-4.1 Policy

(1) SAs are authorized to carry approved personally owned weapons (POWs) in lieu of a Bureau-issued firearm, provided the SA is currently qualified with those weapons.

(2) SAs are authorized one Remington Model 870 shotgun with barrel length of no more than 20 inches and no less than 18 inches provided the SA is currently qualified to use that weapon. A personally owned shotgun must have a "flexi-tab" shell carrier installed by the Quantico Gun Vault.

(3) SAs are authorized one AR-15 rifle or carbine or one Heckler and Koch Model 94 provided the SA is currently qualified with that weapon.

(4) Before approval of a POW is granted, the weapon must be inspected by the Principal Firearms Instructor (or designee) for condition, serviceability, and required features before submission to the FBI Academy Gun Vault for inspection.

(5) Approval for POWs will only be granted for currently manufactured models. Once a weapon is discontinued by a manufacturer, that model will no longer be approved. Previously approved weapons in this category will continue to be approved until removed by submission

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of FD-431.

(6) POWs authorized to be carried on official business are to be treated in the same manner as nonexpendable Bureau property.

(7) No firearm will be approved as personally owned which requires an application for National Firearms Act (NFA) approval from the Bureau of Alcohol, Tobacco, and Firearms (ATF). Those weapons that apply as listed in Title 18, Section 5845 are as follows:

(a) A shotgun having a barrel or barrels of less than 18 inches in length;

(b) A rifle having a barrel or barrels of less than 16 inches in length;

(c) Any weapon mentioned in (a) or (b) above which has an overall length of less than 26 inches;

(d) Any machine gun (fully automatic weapon);

(e) Any silencer or suppressed weapon.

(8) Only revolvers of the type issued by the FBI are approvable. In order to be approved, the revolver must be chambered for .38 Special or .357 Magnum, have a blued or stainless steel finish, steel frame, barrel length no shorter than two inches and no longer than four inches, and hold a minimum of five cartridges. A current list of approvable revolvers is maintained by the Firearms Training Unit (FTU) and Gun Vault.

(9) Only semiautomatic pistols of the type and caliber issued by the FBI are approvable. The prospective POW must have an approvable factory finish, have an all steel or aluminum alloy frame with a barrel length not to exceed five inches. A current list of approvable pistols is maintained by the FTU and Gun Vault.

(10) Authority to carry any other pistol must be granted only by the FTU or, in the case of specialty weapons, by the Criminal Investigative Division on a special case basis.

(11) Pistols must be equipped with a minimum of four magazines.

(12) The Gun Vault will be responsible for blued or parkerized finishes only. If the condition of the finish renders the weapon unserviceable, authority to carry may be withdrawn.

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(13) Shotguns with magazine extensions or collapsible stocks will not be approved.

**(14) Approval Procedure**

(a) The field division PFI will manage this program for the office.

(b) A SA seeking weapon approval will submit FD-431 in quadruplicate to PFI with the weapon for approval.

(c) PFI (or firearms instructor) will verify that the weapon meets the requirements for approval as a POW in terms of condition, serviceability, required features, and being an approvable model.

(d) PFI (or firearms instructor), after signing the FD-431, will submit the forms for SAC approval and transmittal, returning three copies of the FD-431 to FBI Academy Gun Vault WITH THE WEAPON. One copy of the FD-431 should be maintained as a field office tickler copy. Pistols must be accompanied by four factory magazines and magazine-fed shoulder weapons must be submitted with a minimum of two factory magazines.

(e) Weapons must be clean, unloaded, properly packaged, and properly shipped.

(f) Gun Vault will inspect for physical condition and test fire the weapon for functionality.

(g) If the weapon meets all necessary inspection prerequisites, the firearm will be returned to the submitting PFI with the FD-431 marked "approved." The Bureau will not supply parts needed to make a weapon acceptable for approval.

(h) SAs must fire a qualifying score on the current qualification course for the weapon in question and appropriately record scores before authority to carry the weapon will be granted.

(i) Once the approval procedure is complete, the SA is authorized to carry this POW. The approval copy of FD-431 should be placed in the SA's personnel file.

(j) Any reason for disapproval of a weapon will be explained in full on the FD-431 and with the weapon returned to the submitter.



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(15) To remove a POW from Bureau-approved status, properly execute Form FD-431 in quadruplicate and forward three copies to Quantico. Upon receipt of the return copy from Quantico, enter deletion on SAS firearms training records.

(16) Any questions regarding approval of any POW should be resolved with the FTU prior to purchase or request for approval.

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12-5 MAINTENANCE AND REPAIRS

(1) SAS are personally responsible for security and maintenance of all firearms and other expendable and nonexpendable related equipment assigned to them.

(2) Alterations, repairs, and refinishing of assigned firearms must be conducted by FBI gunsmiths. Exceptions include refinishing by manufacturers or other contractors whose use has been approved by the Firearms Training Unit (FTU) in advance.

(3) After-market parts or options are not approved unless authority is granted by FTU policy. Nonstandard factory parts must also be approved by the FTU.

(4) SAS are to bring all Bureau-assigned handguns to the Gun Vault each time they attend an in-service or conference at the FBI Academy.

(5)



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(6) No firearm is authorized for official use unless it is physically inspected and authorized by the Gun Vault, (i.e., seized weapons, personal purchases, etc.).

(7) Any violations of above policy must be reported via airtel to FBIHQ and the FTU for possible administrative action.

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(8) Firearms must be unloaded, cleaned, and properly packaged before shipment via Federal Express, or other appropriate means. A cover airtel should be included which states the reason the firearm is being returned to the FBI Academy, Room 110, Building 9, Quantico, Virginia 22135. (DO NOT MAIL WEAPONS "ATTENTION: GUN VAULT"). (See MAOP, Part II, 2-2.2.1 (1) & 6-2.3.9.)

(9) When it becomes necessary to render a weapon inoperable during the course of an investigation, it must be accomplished under the direction of the Gun Vault.

(10) Field offices intending to use seized guns for demonstrations or teaching purposes must first submit those weapons to the Gun Vault for inspection, approval, and possible modifications.

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**12-5.1 Care of Firearms**

(1) After being used and periodically during storage, all weapons should be carefully cleaned and a thin film of oil left in the chamber(s), barrel, and on all exposed metal surfaces to include magazines.

(2) Excess oil and solvent must be completely wiped off wood stocks. Do not allow any oil or solvent to come in contact with the lenses of any telescopic sights or night sights.

(3) Due to the fact that handguns are almost continually encased in leather holsters, regular inspection and lubrication should be conducted to prevent rusting.

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**12-5.2 Pistol Physical Inspection - (This section is provided as a guide to assist firearms instructors in the thorough examination of pistols for potential damage).**

(1) Stress cracks on alloy frames

(a) Inside and outside of rail guides

(b) Slide stop area

(c) All visible pin holes

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(d) Take down lever area (Sig Sauer)

(e) Grip (ensure grip does not affect function of magazine release, and decocking lever).

(f) Barrel locking surface

(2) Stress cracks on slides

(a) Inside and outside of ejection port

(b) Recoil guide channel at the muzzle

(c) Slide rail grooves

(d) All visible pin holes

(e) Breech face

(3) Broken parts

(a) Tip of extractor

(b) Ejector

(c) Springs

(d) Recoil guide

(e) Barrel locking surface

(f) Levers

(g) Magazine follower and lips

(h) Magazine welds

(i) Night sights that do not illuminate or missing

inserts.

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12-6 SECURITY OF WEAPONS

(1) Each SA is personally responsible for the security of weapons under his/her control.

(2) SACs must provide safe storage areas for Bureau-assigned firearms in Bureau office space.

(3) When on duty and out of the office, handguns should be kept on the SA's person unless operational considerations or good judgment dictate otherwise.

(4) [REDACTED]

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(5) When SAs remove handguns from their person, it is recommended that the weapon and holster be removed together to prevent unintentional discharge.

(6) [REDACTED]

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(7) All firearms stored in Bureau office vaults or other approved areas must be unloaded, functional and clean.

(8) All operational shoulder weapons, whenever possible, should be stored muzzle end down to facilitate the natural movement of lubricants toward the barrel end.

(9) All weapons should be stored unloaded in the following manner:

(a) Revolvers - cylinder closed, hammer down.

(b) Pistols - slide closed, hammer released, magazine removed.

(c) Remington Model 870 shotgun - action closed, trigger snapped, safety on.

(d) Colt Model M-16A1/M-16A2 rifles or carbines - magazine removed, action closed, trigger snapped, fire selector on "SEMI."

(e) Winchester Model 70 Rifle - action closed, trigger snapped, safety off.

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(f) Thompson submachine gun - magazine removed, action closed, fire selector on "SINGLE," safety on "FIRE."

(g) H&K MP5A3, MP5A3(SD) and MP5-SF - magazine removed, action closed, trigger snapped, safety on.

(h) M79 Grenade Launcher - action closed, trigger snapped, safety on.

(i) Federal Gas Gun - action closed.

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12-6.1 Security of Weapons at Residence or Non-Government Space

(1) SAs are personally responsible for security of all assigned firearms to prevent unauthorized handling or unintentional discharge.

(2) When devices or containers are provided by the Bureau for the storage of weapons away from Bureau space, SAs should make use of this equipment whenever possible.

(3) When unattended, each firearm must be made inoperable by one or more of the following methods:

(a) Remove and separate the source of ammunition.

(b) Install commercially available pistol lock, trigger lock, or cable lock.

(c) Contain in a commercially available lock box or other container which will provide appropriate security.

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12-6.2 Vehicles (See MAOP, Part I, 1-3.2.)

(1) No Bureau-assigned firearm may be left in the passenger compartment of an unattended Bureau vehicle or vehicle authorized for official use unless the vehicle doors are locked and the firearm is secured in a locked vehicle weapons mount.

(2)

(3) Other nonexpendable Bureau equipment related to SA safety may be maintained in the passenger compartment of an unattended Bureau vehicle or vehicle authorized for official use only if properly concealed and if the vehicle doors are locked. "Properly concealed" means placed in an appropriate container and/or secreted within the vehicle to prevent observation and identification of the item from the vehicle exterior. This equipment should be stored under the seat whenever possible. If the size of the nonexpendable equipment prevents under-the-seat storage, it is permissible to conceal the item on the floorboard. However, the equipment should not be left on the vehicle seats. Such equipment may be left in this status during any period when operational concerns may require quick access.

(4) Any nonexpendable Bureau equipment not related to SA safety is to be maintained in the locked trunk of an unattended Bureau vehicle or vehicle authorized for official use.

(5)

(6)

(7)

(8)

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(9) The standards set forth above are minimum standards. Employees are expected to exercise good judgment in providing adequate security to all such equipment and firearms.

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12-7 AMMUNITION

(1) SAs and other Bureau employees authorized to carry firearms may load their Bureau assigned weapon(s) only with ammunition provided or approved by the FBI.

(2) During training, any authorized ammunition for FBI use may be fired.

(3) At all other times outside of training sessions, FBI authorized service ammunition must be used.

(4) It is the SAC's responsibility to ensure that the field office maintains an adequate supply of ammunition for training and operational contingencies.

(5) Field office ammunition inventories should be rotated to promote serviceability and be inspected a minimum of once each quarter.

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12-7.1 Training and Service Ammunition

(1) Training ammunition:

(a) .38 Special caliber, midrange wadcutter

(b) All other .38 caliber, 9mm and .45 caliber listed under service ammunition.

(c) 12 gauge #9 skeet shot shell

(d) All other 12-gauge shotgun loads listed under service ammunition.

(e) All carbine and rifle cartridges listed under service ammunition.

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(f) 9mm 124 grain full metal case (FMC)

(g) .45 caliber 230 grain FMC

(2) Service ammunition

(a) [REDACTED]

(b) .357 Magnum Semijacketed hollow point (158g)

(c) [REDACTED]

(d) [REDACTED]

(e) [REDACTED]

(f) 12 gauge 9 pellet 00 Buck

(g) 12 gauge 12 pellet 00 Buck

(h) 12 gauge 1 oz. Rifled Slug

(i) [REDACTED]

(j) [REDACTED]

(k) 30.06 Springfield (150 g)

(l) .223 caliber FMC (55 g)

(m) .223 caliber soft point (SP) (55 g)

(n) .223 caliber HPBT (69 g)

(3) .38 Special caliber ammunition can be fired in a .357 Magnum revolver. Because of a longer cartridge case, a .357 Magnum cannot be fired in a .38 Special revolver.

(4) For duty use except during firearms training, revolvers must be loaded with .38 Special caliber [REDACTED]

(5) For justifiable situations when extra penetration or long range are needed from a handgun, .357 magnum revolvers may be loaded with approved .357 magnum ammunition.

(6) .38 Special caliber and .357 magnum ammunition must



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not be mixed together in the same revolver. The power of the .357 Magnum could cause the .38 caliber bullet to dislodge from the cartridge case and jam the cylinder.

(7) All ammunition should be stored in a secure, and preferably dehumidified, controlled temperature environment.

(8) Ammunition carried on the person should be used during the next firearms training session and replaced with a fresh supply.

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**12-8 FIREARMS PROCUREMENT**

(1) The purchase of firearms as Bureau property must be (1) approved by the Firearms Training Unit (FTU) and (2) administered by the FBI Academy Gun Vault.

(2) All firearms purchased or obtained by a field office as Bureau property must be shipped directly to the FBI Academy Gun Vault from the manufacturer for inspection before use.

(3) All Bureau-assigned firearms must be inspected and test-fired by the FBI Academy Gun Vault before use.

(4) Any exceptions to this policy must first be approved by the FTU before procurement.

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**12-9 FIREARMS IN RESIDENT AGENCIES**

(1) Firearms may be maintained in resident agencies.

(2) All handguns and shoulder fired weapons must be stored in an approved safe, vault or safe-type cabinet.

(3) Whichever storage container is selected, it must be reinforced, fireproof, and have a heavy duty lock or combination dial lock.

(4) Field offices are authorized to purchase safes, vaults, or safe-type cabinets. They must first receive design approval from the Firearms Training Unit (FTU) before pursuing the

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procurement process through the Facilities Management Unit (FMU), FBIHQ.

(5) All other conditions sighted herein that govern the use and maintenance of Bureau assigned firearms also apply.

(6) Any exceptions to this policy must be approved in writing by the FTU.

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12-10 FIREARMS TRAINING

(1) The objective of the FBI firearms training program is to annually provide eight (8) opportunities for firearms training. Four (4) of these are mandatory qualification sessions. Field offices whose range availability and ammunition supply will not support this level of training should submit a proposed training plan to the Training Division, Firearms Training Unit (FTU), for approval. This plan should include the number of sessions, courses to be used, and the number of rounds to be fired.

(2) The SAC, through the Principal Firearms Instructor (PFI), is responsible for all firearms training, weapons and ammunition inventories, and overseeing the Field Firearms Program.

(3) SAs and all other personnel authorized to carry firearms must meet or exceed minimum proficiency and safety requirements set forth in the Annual Field Firearms Program.

(4) PFIs are responsible for all transition training either from revolver to pistol or pistol to revolver. The PFI must be satisfied that the SA has successfully completed the requirements of transition training and proficiency checklist as specified in training curricula provided by the FTU and is qualified to carry that weapon. PFI must verify this training by documentation on or attached to the SA's FD-40.

(5) Each PFI will strictly adhere to the format of the calendar year Field Firearms Program provided by the FTU. Any changes must be submitted by airtel and approved in advance by the Unit Chief, FTU.

(6) All firearms training sessions must be supervised by the PFI or a Bureau-approved firearms instructor designated by the PFI.

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(7) All SAs are required to attend defensive tactics training conducted in conjunction with each of the firearms qualification sessions.

(8) The Defensive Tactics Training Course will be managed by the Principal Defensive Tactics Instructor in each field division. This program is submitted to each office in conjunction with the annual Field Firearms Training Program.

(9) Firearms training requirements are submitted to the field annually by airtel to all SACs, captioned, "Field Firearms Training Program."

(10) Field offices must report the following by airtel captioned, "Annual Field Firearms Training Report," to the FTU by close of business 12/31:

(a) Dates of training sessions

(b) What ranges were used

(c) Names of instructors assisting each session.

These names should also be listed at the bottom of FD-39 score cards.

(d) Names of Bureau personnel who have missed any required training sessions and specify reason for each delinquency.

(e) Names of all Bureau personnel who have failed to shoot qualifying scores with any authorized weapon. Include date last qualified.

(f) Any Bureau employee authorized to carry firearms who is delinquent, or fails to shoot qualifying scores after remedial training, automatically loses authority to carry firearms until the deficiency is dissolved.

(11) The PFI is to ensure that ranges used for field firearms training are inspected and contain no safety hazards that would endanger FBI personnel.

(12) PFIs are to make every effort to ensure that the air quality of indoor ranges used by the field offices complies with the Occupational Safety and Health Administration (OSHA) standards. A copy of these standards is available upon request from the FTU. If an indoor range does not comply with OSHA standards, an effort should be made to locate an alternate facility.

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(13) The authority in charge of a particular range should be advised of any safety deficiencies noted. Good judgment should dictate whether that facility can continue to be used until a deficiency is corrected.

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12-10.1 Firearms Delinquencies

(1) Any SA authorized to carry firearms who does not attend firearms training during a firearms training period is considered delinquent. If a delinquency occurs, the employee must prepare a memorandum of explanation to the SAC documenting the circumstances for the absence. The SAC can either excuse the absence or rescind authority to carry firearms when an Agent becomes delinquent. No SA will be permitted to become delinquent for two consecutive firearms training periods. If this occurs, the SAC must require the employee to surrender his/her firearm unless the absence(s) is excused. The Firearms Training Unit (FTU) is to be advised of such instances in the "Annual Field Firearms Training Report."

(2) Those Agents who were unable to attend firearms training on their regularly scheduled days should be rescheduled at the earliest convenience.

(3) Delinquencies must be corrected as soon as possible.

(4) The identity of SAs who fail to attend firearms training sessions or meet minimum requirements during the calendar year must be listed in the annual report submitted to the FTU before 12/31 of each year.

(5) An unexcused delinquency from training is a serious matter and is not acceptable. If this deficiency persists, the SAC is required to inform the individual that the authority to carry firearms is rescinded. The weapon is to be surrendered and only reissued for training purposes. The individual is then unable to participate in raids or dangerous assignments which require the individual to be armed. FBIHQ must be advised of the delinquency and recommendations must be made to Administrative Summary Unit (ASU), FBIHQ, and FTU for appropriate administrative action.

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**| 12-10.2 Firearms Qualification**

**EFFECTIVE: 05/20/94**

**| 12-10.2.1 Firearms Qualification Policy**

(1) All SAs must qualify with all weapons they are authorized to carry.

(2) All SAs must qualify four times per calendar year.

(3) SAs must qualify with each assigned handgun a minimum of once per year. It is recommended that the handgun regularly carried on duty be fired for qualification at each firearms session. The courses and scores fired annually are included in the Field Firearms Training Program for each calendar year.

(4) Specific training requirements are set out in the Field Firearms Training Program submitted by the Firearms Training Unit (FTU) for each calendar year. Principal Firearms Instructors are required to follow current established course protocols set by the FTU.

(5) Whenever authority to carry a weapon is rescinded, a memorandum of explanation should be attached to the SA's FD-40.

**EFFECTIVE: 05/20/94**

**| 12-10.2.2 Recording Scores**

(1) The names of SAs receiving firearms training should be indicated on the Form FD-39 or an approved automated system.

(2) The individual scores shall be entered in the appropriate column of Form FD-39. This form shall contain the names of all SAs attending firearms training. Supervising firearms instructors shall be listed at the bottom of FD-39.

(3) After completion of a training period, scores are to be transferred from the FD-39 to each SA's FD-40. FD-39s are retained for one year, then destroyed; FD-40 must accompany SA's personnel file

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| upon transfer.

| (4) The scores of SAs on special assignments shall be furnished to their regular office of assignment.

| (5) No SA shall calculate his/her own scores on record run courses.

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| 12-10.2.3 Failure to Qualify

| (1) If an SA fails to qualify, the Principal Firearms Instructor must provide remedial training and an opportunity to requalify on the next regularly scheduled qualification day.

| (2) After opportunities have been provided for requalification and failures continue to exist, the Principal Firearms Instructor must advise the Firearms Training Unit by airtel in the Annual Field Firearms Training Report.

| (3) Employees must demonstrate proficiency to be permitted to carry firearms. If the employee cannot qualify after remedial training, the SAC must require the employee to surrender his/her firearm.

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| 12-10.2.4 Shoulder Weapons

| SAs will qualify with each assigned shoulder weapon a minimum of twice per year. SAs with assigned weapons will use that specific weapon when qualifying.

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12-10.3 Safety Rules

(1) Cardinal Rules:

(a) Treat all firearms as if they are loaded.

(b) Never point a weapon at anyone unless you are justified.

(c) Keep your finger off the trigger unless you intend to shoot.

(2) General Rules:

(a) All live-fire FBI firearms training must be supervised by an FBI Firearms Instructor.

(b) When transporting weapons on your person to and from the range, handguns should be holstered; shoulder weapons should be in a safe condition and carried with the muzzle pointed straight up.

(c) Safety precautions must be adhered to and enforced. Discipline must be maintained. Unsafe and careless behavior will not be tolerated.

(d) Immediately upon picking up a firearm, face a safe direction, open the action and check to see that the weapon is unloaded. Check it again.

(e) Never give a firearm to or take a firearm from anyone, unless the action is open allowing the person receiving the weapon to see that it is unloaded. Always present the weapon BUTT first.

(f) Never anticipate a command. Pay attention to instructors. You will be told exactly what to do.

(g) Perform safety check on the weapon before a training session. Make sure the weapon is unloaded before checking the barrel for obstructions. After training, you need only to make sure the weapon is unloaded.

(h) Load and unload only on the firing line and only as instructed. Any exceptions will be stipulated by the lead Firearms Instructor.

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(i) Keep the firearm pointed down range or safe direction at all times.

(j) Use only one hand when holstering a handgun. Any exception will be so stipulated by lead Firearms Instructor.

(k) No smoking, eating or drinking on the firing line.

(l) No talking on the firing line except when instructed to do so.

(m) Never permit the muzzle of a firearm to touch the ground.

(n) In case of a misfire or malfunction, perform immediate action drill, unless instructed to do otherwise.

(o) After firing a shot that does not sound as loud as it should, clear the weapon and check to see if a bullet is lodged in the barrel.

(p) Never leave your firing position unless instructed to do so.

(q) Never remove a weapon from the holster in training, unless instructed to do so.

(r) Never dry fire on the range unless under direct supervision of a Firearms Instructor. Exceptions will be specifically identified by the lead Firearms Instructor.

(s) Eye and ear protection are mandatory when firing on the range. Ear plugs should be worn in conjunction with proper sound barriers.

(t) Everyone is responsible for range safety. Immediately report any safety violations you see to a Firearms Instructor.

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12-10.4 Firearms Training of Noninvestigative Employees

As a rule, only Agents receive firearms training from the Bureau. Exceptions are:

- (1) Electronics technicians and security patrol clerks specifically authorized by FBIHQ.
- (2) Uniformed-Police Officers at the FBI Academy and FBIHQ.
- (3) Other non-Agent personnel with special authority to carry firearms.
- (4) All non-Agent personnel who are authorized to carry firearms will comply with all regulations in this section that normally refer to Agents. In addition, they must also attend annual legal training, quarterly defensive tactics training, and participate in the Fitness Indicator Test (FIT).

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12-10.5 Police Firearms Training

- (1) FBI firearms instructors may conduct police firearms schools.
- (2) Firearms training is to be given only to law enforcement groups.
- (3) The Principal Firearms Instructor must ensure that ranges used for firearms training are inspected and contain no safety hazards that would endanger FBI or police personnel.
- (4) Firearms demonstrations are to be given only by current firearms instructors.

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12-10.6 Firearms Instructors

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12-10.6.1 Policy

(1) To qualify as a Bureau firearms instructor, candidates must attend the Firearms Instructor In-Service (FAIS) presented by the FTU.

(2) To maintain instructor status, employees must qualify quarterly and obtain the following minimum scores when these courses are fired:

(a) 30 round bulls-eye course

1. One-hand score 240, or

2. Two-hand (optional) score 260

(b) RQC score 94

(c) PQC score 90

(d) Shotgun 10A score 90

(e) MP-5 (qualification course) score 94

(3) To maintain instructor status, in addition to shooting instructor level scores on courses listed in (2) above, each instructor must participate in at least one documented Bureau firearms training session per year.

(4) Firearms instructors must attend a Recertification Program at the FBI Academy every four years.

(5) Failure to comply with instructor requirements will result in the loss of current status. The employee will be listed officially as firearms instructor - inactive.

(6) To regain active firearms instructor status, the employee must attend a Recertification Program at the FBI Academy and demonstrate proficiency as noted in (2) above.

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**12-10.7 Firearms Target Guidelines  
Steel Target Policy**

(1) For standard service and training ammunition, steel targets are not to be used at distances less than ten yards. Some types of frangible ammunition may allow use of steel targets at closer distances.

(2) To minimize ricochets, firing positions should be perpendicular to the target line.

(3) Steel targets must have a specific Brennel or American Rockwell rating to prevent "dimpling" of steel or complete penetration when impacted by bullets.

(4) Construction of any steel targets must be coordinated through the Firearms Training Unit.

(5) Principle Firearms Instructors are responsible for the use of proper weapons and ammunition on steel targets; i.e., use jacketed or frangible ammunition, no rifle ammunition used on steel designed only for pistol bullets, use of shotgun buckshot loads instead of rifled slug.

(6) Steel targets must be inspected before each training session.

(7) All personnel on the steel course site must stand behind the shooter. In multiple courses, the shooter must not be ahead of another shooter.

(8) All personnel on the steel course site must continuously wear eye and ear protection.

(9) Before use, Principal Firearms Instructors are to verify that the proper ammunition is used for each steel target system.

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**12-11 SHOOTING INCIDENTS (See MAOP, Part II, 8-1.3.2.)**

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12-11.1 Reporting of Shootings (See MAOP, Part II, 8-1.3.2.)

(1) In all shooting incidents involving FBI personnel, notify FBIHQ by telephone.

(2) Incidents where Bureau personnel are present involving the discharge of a firearm must be reported as soon as time permits by teletype to the Chairperson, Shooting Incident Review Group (SIRG), with a copy to the Firearms Training Unit (FTU). FD-418 (Shooting Incident Report), in triplicate, is to be submitted to the FTU by airtel within five working days. SA's FD-40 (Firearms Record) should be attached to the FD-418.

(3) If an FBI employee is injured, designate one copy of teletype for the Office of Congressional and Public Affairs, Attention: Correspondence Unit.

(4) SAC must personally ensure that investigations relative to Agent-involved shooting incidents are handled quickly and properly.

(5) SAC is to ensure that involved Agent(s) are removed quickly from the scene to reduce the effects of post-shooting trauma.

(6) Agents involved in a shooting must be given sufficient time to regain composure before giving any statements.

(7) Agent must understand his/her constitutional rights.

(8) Initial teletype should state whether an Inspector is required to conduct the inquiry.

(9) If an Inspector is not ordered to the scene, the SAC or ASAC must conduct an administrative inquiry when a weapon was discharged by FBI personnel.

(10) If the SAC or ASAC was involved in the planning or execution of events, FBIHQ should be advised during initial contact.

(11) The appropriate Assistant Director will advise Assistant Director, Inspection Division, relative to the need for an Inspector on the scene.

(12) If an Inspector is not dispatched to the scene, SAC will advise by teletype that he/she is conducting the necessary administrative inquiry, UACB.

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(13) The SAC is responsible for preserving evidence and instituting a logical investigation.

(14) Forms FD-644 (Warning and Assurance to Employee Requested to Provide Information on a Voluntary Basis) and FD-645 (Warning and Assurance to Employee Required to Provide Information) are not to be used in investigations concerning shooting incidents in the absence of specific, compelling reasons. Such a determination will be made by the SAC/Inspector in consultation with FBIHQ officials. (See MAOP, Part I, 13-6 (3) and MIOG, Part I, 263-5 (3).)

(15) Results of administrative inquiry, in the form of an investigative report, are to be submitted to FBIHQ within two weeks.

(16) To assure accuracy and completeness, SAC should confer with the Chairperson, SIRG.

(17) Submit original and eight copies of report to Assistant Director, Criminal Investigative Division (CID), Attention: SIRG. CID will distribute to members of SIRG.

(18) The SIRG will provide to the Director evaluative analysis, observations, recommendations for corrective actions from an operational standpoint, and recommendations for administrative action.

(19) The SIRG is composed of representatives from:

- (a) Criminal Investigative Division
- (b) Inspection Division
- (c) Personnel Division (PD)
- (d) Training Division (TD)
- (e) National Security Division

(f) Field supervisor (preferably one who has been involved in a shooting incident) from the Washington, D. C. area will serve as a permanent member of the SIRG.

(g) Office of General Counsel (nonvoting member; for legal analysis and advice to the SIRG).

(20) The report, which should have pertinent FD-302 interviews of participants and witnesses, signed, sworn statements of

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principals involved, diagrams, and photographs, if appropriate, should be captioned "Administrative Inquiry, Shooting Incident, (name) Division, (date of shooting)" and should specifically reference, using the case caption, the teletype that initially advised FBIHQ of the shooting. Reference should also be made to the communication which forwarded the FD-418s.

(21) The SAC's recommendation(s) for any administrative action should be set forth on the administrative pages of the report.

(22) In joint investigations wherein a local, state, or other Federal law enforcement officer fires a weapon or is shot but no shots are fired by FBI personnel:

(a) SAC or ASAC will notify FBIHQ by teletype.

(b) FD-418 must be submitted.

(c) Furnish promptly the complete results of investigation to include but limited to the following:

1. Activities of accompanying officer which led to the shooting.

2. Details of raid/arrest plan.

3. Instructions given to accompanying officer.

4. FD-302s of FBI witnesses and FBI personnel having knowledge of relevant events.

(d) FBI/controlled task force:

1. Include all of (c) above, plus:

a. Degree of FBI supervision exercised over the officer's day-to-day physical conduct.

b. Chain of command within the task force.

c. A copy of any Memorandum of Understanding on task force responsibilities.

d. A copy of the administrative inquiry report (if available) prepared by the local or state agency.

(e) Submit an original and eight copies of the

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report to the Assistant Director, CID, Attention: SIRG, with one copy designated to the FTU.

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12-11.2 Guidelines for Intervention at the Shooting Scene (See MAOP, Part II, 8-1.3.2.)

(1) After the shooting scene has been secured, the first concern expressed and acted upon will be that all Bureau personnel are well cared for both physically and mentally.

(2) The Agent(s) involved in the shooting incident will be permitted and encouraged to immediately contact his/her spouse and/or family. If the Agent has been injured, or if he/she feels it would be useful, the Agent's family will be contacted immediately in person by a designated Agent who knows the family personally. The field office will also be notified of the Agent's condition so that there will be a response to the family who called the office. It is particularly important that family notification occur before press and/or media accounts appear.

(3) Agents who have been personally involved in the shooting incident will be removed from the scene as soon as possible and not assigned further duties in the investigation of that incident.

(4) If the Agent's weapon is secured for evidence or ballistics tests, another will be issued immediately unless there is cause not to issue a weapon. The Principal Legal Advisor, Office of General Counsel, FBIHQ, or the United States Attorney's Office should be consulted if questions arise regarding whether an Agent's weapon should be surrendered to local authorities.

(5) The SAC or ASAC will initiate a personal contact with the Agent(s) and his/her family in a supportive role and offer assistance, if needed. This contact will be made as soon as possible following the incident (within the first 24 hours).

(6) The current Bureau procedure of not releasing the identity of Agents involved in investigations or incidents is especially important in post-shooting matters and will be maintained.

(7) An SAC should communicate with FBIHQ if any of the established procedures appear to be inappropriate for a specific incident.

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(8) SACs and/or ASACs should hold an office conference, as soon as practical, after a shooting incident and as often as necessary to keep all personnel advised of pertinent details concerning the shooting incident. This should substantially reduce rumors and distorted accounts of the incident. (See MAOP, Part II, 8-1.3.2.)

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**12-11.3 Guidelines For Intervention During The First Week (See MAOP, Part II, 8-1.3.2.)**

(1) The Critical Incident Program consists of several specifically trained Agents and support employees located at the FBI Academy, Quantico, Virginia, and throughout the field offices administered from Personnel Division (PD), FBIHQ.

(2) The Critical Incident Program also includes FBI Chaplains in each field office who have been trained to respond to Agents and support employees who have been involved in critical incidents including shootings.

(3) Bureau policy establishes confidentiality for any conversations between employees and peer support employees or FBI Chaplains.

(4) There are exceptions to this Bureau policy of confidentiality which could require disclosure. These exceptions might include, but are not limited to, risk of death or injury, perspective criminal acts, or interference with Bureau investigations. A decision to disclose must first be discussed with the Critical Incident Program Manager, PD, FBIHQ. No assurance can be given that the courts will recognize the confidential relationships established by this policy. In a criminal or civil action arising from a critical incident, the court could conceivably order disclosure notwithstanding Bureau policy.

(5) The SAC or ASAC will advise the office FBI Chaplain(s) of the critical incident and coordinate a request for peer support with the PD, FBIHQ.

(6) A brochure is available to Agents/employees who have been involved in shooting incidents covering:

(a) The symptoms to be expected and their normal course.

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(b) Administrative handling of the post-shooting investigation.

(c) Legal aspects of the shooting incident.

(d) Counseling services available.

(7) An official from FBIHQ will contact the Agent personally by telephone. The scope and direction of this call is to express concern for the welfare of the Agent and his/her family. The Assistant Director, PD, will coordinate the personal phone contacts.

(8) A total of five optional days of administrative leave are available to be taken (at sole discretion of) persons directly involved in the shooting incident. The use of that administrative leave will be strongly encouraged by the SAC. This leave may be taken at any time at the discretion of the Agent and should be coordinated with his/her supervisor. The Health Care Programs Unit (HCPU), PD, will furnish guidance concerning individuals eligible for leave and authority to grant leave. (Also see LEAVE ADMINISTRATION GUIDE.)

(9) An Agent directly involved in the shooting incident should be advised by the SAC that the Agent can be reassigned from his/her squad for a period of time if the Agent so desires.

(10) The SAC will immediately coordinate with HCPU, PD, FBIHQ, if an Agent directly involved in the shooting incident requires other special attention, to initiate the utilization of the mental health professional resources of the Employee Assistance Program (EAP).

(11) If an Inspector has been assigned to conduct the shooting inquiry, he/she will review these intervention guidelines with appropriate field office managers.

(12) In the event of an incident which involves the death of an employee or a line-of-duty injury that results in the hospitalization of the employee for serious injuries, the Director desires to personally contact the employee or family and offer comments that will contribute, even if in only a small fashion, to the healing process that lies ahead. To facilitate these contacts the following information should be relayed to the Director expeditiously, usually by teletype.

(a) A brief description of the incident and the nature of the injuries sustained.

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(b) The name(s) and age(s) of the employee's immediate family.

(c) Where and when the employee or family may be reached.

(d) Any other information that would be helpful during the Director's contact with employee or family.

(13) Recognizing that the FBI's continuing concern can significantly help the recovery of our employees and their families, it may be beneficial for the Director to recontact them. The timing of this recontact is left to the discretion of the SAC. Recontact requests should be submitted by teletype to the Director's personal attention and include the following information:

(a) The information requested above.

(b) An update on the condition of the employee or family.

(14) More periodic expressions of concern by the immediate FBI family will be led by the SAC. SACs should be aware of the extensive support structure that exists in the HCPU of the PD. This includes peer support, contract mental health professionals, FBI Chaplains and the EAP. These resources should be used as appropriate to provide our employees and their families with the support and assistance they need during times of extreme trauma and sorrow.

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**12-11.4 Guidelines for Long-Term Issues (See MAOP, Part II, 8-1.3.2.)**

(1) SAC or ASAC will personally make every effort to facilitate the administrative investigation of a shooting incident.

(2) If a group of Inspectors from FBIHQ is required to conduct an investigation of the shooting incident, an effort will be made to ensure that at least one of the Inspectors has received training in the effects of post-shooting trauma and, if possible, has personally experienced a shooting incident.

(3) Agents should be allowed to pace their own return to work following shooting incidents. The Personnel Division (PD) will

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furnish guidelines concerning use of administrative leave. The SAC and supervisor will be involved in this decision-making process.

(4) If a transfer of an Agent to another squad following a shooting incident is contemplated, consideration will be given to the effects of the transfer on the adjustment period and the Agent should be involved in the decision.

(5) The letter announcing the conclusion of a Bureau investigation of a shooting incident will be phrased in a way that takes into account the emotional impact on the Agent who has been involved in a life-threatening situation and may have suffered post-shooting trauma.

(6) SACs and/or ASACs or the Principal Firearms Instructor should personally and individually provide the necessary positive and/or negative feedback to Agents after the administrative inquiry has been completed. This will also afford an opportunity to ascertain if the involved Agent(s) is amenable to any formal recognition, as warranted. Medals or incentive awards following a shooting incident in which subjects have been seriously injured or killed can have a negative psychological impact and/or be perceived as a reward. However, medals or incentive awards may be appropriate, and will be authorized if recommended and justified. Emphasis will be on the effort to save lives.

(7) Agents who have been involved in a shooting incident will not immediately be assigned to duties likely to involve armed confrontations. This is even more important when a given Agent has already been involved in a previous shooting incident. This consideration should take precedence over other action, including transfers.

(8) Employees who have been involved in shooting incidents will be afforded an opportunity to attend a Post-Critical Incident Seminar at the FBI Academy. These group sessions will be the basis for future modifications in policy and training and will also provide a pool of employees able to provide meaningful peer support. The group sessions provide a therapeutic understanding of the shooting event. These conferences will be coordinated by the Training Division's Behavioral Science Services Unit (BSSU).

(9) PD's Employee Benefits Unit has prepared a booklet captioned "Your Worker Compensation Benefits" for questions relating to work-related illnesses and injuries.

(10) The PD Transfer Ombudsman had been designated to

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serve as a single point of contact at FBIHQ concerning insurance and compensation matters following a shooting incident. The Ombudsman will be available on a case-by-case basis to respond following a critical incident and offer assistance to victims and survivors of that incident concerning insurance and compensation matters. The Ombudsman attends Post-Critical Incident Seminars and maintains contact with the Critical Incident Program Manager.

(11) Six months after the shooting incident, HCPU, PD, FBIHQ, will contact the SAC of the Agent involved in the shooting incident to determine if follow-up counseling is necessary.

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**12-11.5 Guidelines For Training (See MAOP, Part II, 8-1.3.2.)**

(1) Training related to post-shooting trauma and its management will be made available to Bureau administrative personnel. A training block of this type will be presented by the Behavioral Science Services Unit, (BSSU), Firearms Training Unit, and the Management Science Unit, Training Division. A presentation in this area should also be incorporated into upcoming SAC Conferences, Senior Executive Programs, and Executive Development Institute sessions.

(2) An orientation session by the BSSU on an introduction to post-shooting trauma will be provided to students during New Agents training.

(3) In the planning of operations which have a high risk of armed confrontations and/or may involve the use of deadly force, if the SAC, ASAC or supervisor is aware of an Agent who is experiencing high levels of personal and/or family stress or health problems, consideration should be given to temporarily excuse the SA from participating in the exercise in order to minimize the risk of cumulative stress or trauma incidental thereto.

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12-11.6    Nondisclosure of Agents' Names in Shooting Incidents (See  
MAOP, Part II, 5-2 (3) and 8-1.3.2.)

Names of Agents involved in shooting incidents in performance of duty should not be volunteered to outsiders since experience has shown that once their identities become a matter of public knowledge, the potential that they and their families will be subjected to harassment and possible retaliation substantially increases. If identities of Agents involved in shooting incidents have been made public through inclusion in public records or disclosure at public proceedings, SACs may verify the Agents' identities in response to inquiries by news media representatives or others.

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12-12        HOLSTER/ACCESSORY EQUIPMENT

(1)    SAs must train with holsters and related equipment normally used on duty at each firearms training session.

(2)    Holsters are not provided for personally owned weapons.

(3)    Personally owned holsters must be approved through the Principal Firearms Instructor before use.

(4)    Alterations to any holster are not permitted.

(5)    Accessory equipment, i.e., magazine or speed loader pouches, ammunition pouches, handcuff pouches, etc., must be maintained and inspected in the same manner as holster.

(6)    Each SA is responsible for the proper maintenance of all holsters and accessory equipment under his/her control.

(7)    Bureau-issued holsters/accessories, when worn or damaged beyond repair may be replaced through the FBI Academy Gun Vault.

(8)    All strong side belt holsters will meet the following requirements:

(a)    Must be able to draw and reholster the handgun with one hand.

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(b) The holster must not require the trigger finger to pass through the trigger guard to release the weapon.

(c) the holster must secure the weapon during strenuous physical activity (running, climbing, upside down, etc.).

(9) Miscellaneous holsters refer to shoulder holsters, belly bands, ankle holsters, inside pants holsters, cross-draw holsters, fanny (butt) packs.

(a) All regulations that exist for strong side hip holsters apply with the exception that it is permissible for the weak hand to steady the holster while returning the weapon. However, no holster will be approved that REQUIRES using both hands to draw the weapon.

(b) Firearms instructors are to ensure that proper safety is exercised during training with any miscellaneous holster.

(10) SAs should use both Bureau-issued and personally owned holsters and other firearms equipment during firearms training sessions to ensure familiarity.

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| 12-13 [REDACTED]

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| 12-13.1 [REDACTED]

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| 12-13.2 Description

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EFFECTIVE: 05/20/94

12-14 CHEMICAL AGENTS (See MIOG, Part II, 11-4.5.3.)

EFFECTIVE: 05/20/94

12-14.1 Policy

SAC approval is necessary prior to the use of chemical agent canisters, projectiles, aerosol grenades, or chemical smoke.

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12-14.2 Procedure

(1) SAC approval is not necessary before using chemical agent aerosol Individual Protective Device (IPD).

(2) Whenever chemical agents are deployed in any form, advise FBIHQ and the Firearms Training Unit (FTU) by airtel with FD-418 attached outlining use and detailed results within five working days of the incident.

(3) Whenever an IPD is used, an FD-418 must be executed within five working days and submitted to the FTU.

(4) Only SAs who have received proper training are authorized to use weapons delivery and hand deployed chemical agent systems, including IPDs.

(5) SAs or other authorized employees are prohibited from transporting any chemical agent material in the passenger compartment of commercial aircraft.

(6) [REDACTED] b2  
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(7) Only chemical agents and IPDs approved by the Training Division are permitted for official use.

(8) Use, Effects and Maintenance

(a) The chemical agents used by the Bureau are:

1. [REDACTED] b2  
b7E

2. [REDACTED]

(b) Gas masks should be available for all Bureau personnel exposed to chemical agents.

(c) Chemical agents should always be deployed "down wind."

(d) Where possible, deploy chemical agents at a level lower than the location of Bureau personnel because the chemicals are heavier than air.

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(e) During short-term exposure, chemical agents will not damage the lungs.

(f) Under long-term exposure, chemical agents can be lethal.

(g) Chemical agents displace oxygen and in confined areas, can cause asphyxiation.

(h)

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b7E

(i) Chemical agents produce severe eye irritation, tearing and skin inflammation and stinging.

(j) Irritation should disappear by washing with soap and cold water and exposure to fresh air.

(k) Do not rub eyes as this may promote additional irritation.

(l) Do not bandage eyes.

(m) Replace clothing exposed to chemical agents as they retain the contaminants for long periods of time.

(n) Seek medical attention after exposure to chemical agents, if eye inflammation or skin rash persists.

(o) When a person is sprayed with an IPD, do not leave that person unattended. Keep the individual in an upright position until the effects of the chemical wear off. Proper aftercare procedures must be administered.

(p) Chemical agent projectiles are considered lethal when fired at a person.

(q) Chemical agents should be stored in a cool dry place.

(r) After expiration date, chemical agents should be replaced.

(s) Expired chemical agents may be used for training.

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(t) When an IPD is first issued, depress activation button for one-half second test spray to ensure device is working properly. This must be done outdoors in the absence of people.

EFFECTIVE: 05/20/94

12-14.3 Hand-Thrown Chemical Agents

(1) Deployment of chemical agent grenade

(a) Hold grenade with detonator strap in palm of the throwing hand.

(b) Do not hold detonator strap with fingers.

(c) Safety ring should always face inward so thrower does not have to reach across the grenade for removal.

(d) Remove pin and retain until grenade detonates.

(e) If deactivation becomes necessary, pin can be replaced.

(2)

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(3)

(4)

EFFECTIVE: 05/20/94

12-14.4 Chemical Agent Delivery Systems and Projectiles

(1)

Maximum  
Range

Estimated  
Effective Range

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(a)

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(5) [REDACTED]

(a) [REDACTED]

(b) [REDACTED]

(6) [REDACTED]

(7) [REDACTED]

(8) [REDACTED]

(9) Repair parts for Bureau masks are available through the Firearms Training Unit.

(10) Protective masks should be cleaned with a damp cloth after having been contaminated.

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b7E

12-14.8 Cleaning (See MIOG, Part II, 11-4.5.3.)

[REDACTED] should be cleaned with soap and boiling water to remove residue. Thoroughly dry all metal parts and lubricate with light coat of oil.

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**12-15 DEMONSTRATIONS AND TOURS**

(1) Only authorized firearms instructors will present "live fire" weapons demonstrations.

(2) Any other SA may present Bureau firearms for demonstration using "red-handle" weaponry or properly deactivated live weapons equipped with trigger guard locks or other similar device which prevents the weapon from firing.

(3) The safe condition of all weapons used for demonstration should be employed whenever possible. (The general safe condition of firearms is action open, safety on, and weapon free of any live ammunition). Demonstration weapons should never be pointed at another person.

**EFFECTIVE: 05/20/94**

**12-16 MEDICAL PROFILE SYSTEM - MEDICAL MANDATES (RESTRICTIONS)**

(1) When a physician assigns medical mandates (restrictions), advise Fitness-for-Duty Subunit (FFD), Health Care Programs Unit (HCPU), FBIHQ (UACB) such action has been taken. Ensure employee submits the requested medical statements supporting his/her current medical/physical status from his/her personal physician as requested by FFD, HCPU.

(2) The SAC or division head is instructed to contact the Performance, Recognition and Awards Unit (PRAU), for guidance regarding the employee's duties and responsibilities. This will ensure that any modifications necessary to the employee's Performance Plan will reflect the employee's assigned duties and will assist in preparing his/her Performance Appraisal Reports.

(3) Agents on medical mandates are to be permitted to participate in firearms training, exclusive of defensive tactics, provided the Agent's evaluating physician is fully familiar with the Agent's condition and is aware of the nature of the firearms training to be undertaken, and furnishes a written statement that in the physician's opinion, such participation would not be injurious to the Agent's health or dangerous to others. (See MAOP, Part I, 20-5.2.1 (2).)

(4) In those instances where the evaluating physician does not certify the Agent to attend firearms training and the

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prospects for future firearms participation are remote due to the Agent's condition, authority to carry a firearm is to be denied and any Bureau-issued weapon turned in. (See MAOP, Part I, 20-5.2.1 (3).)

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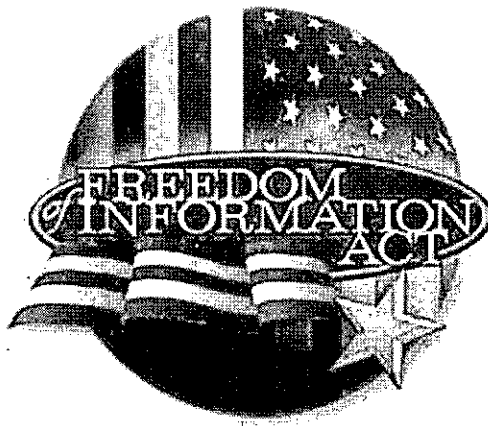
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AND  
PRIVACY ACTS**

**SUBJECT: MANUAL OF INVESTIGATIVE  
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**UPDATES  
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SECTION 13. LABORATORY DIVISION AIDS TO INVESTIGATIONS

13-1 INTRODUCTION TO FBI LABORATORY DIVISION

EFFECTIVE: 05/25/90

13-1.1 Mission

The mission of the FBI Laboratory is to:

- (1) Provide direct scientific and technical aid to law enforcement.
- (2) Conduct scientific examinations of evidence for local, state and Federal law enforcement.
- (3) Provide expert testimony, without charge, at trials and other judicial proceedings.
- (4) Provide on-the-scene direction and scientific or technical assistance in major cases.
- (5) Train crime laboratory and other law enforcement personnel in matters related to physical evidence, forensic examinations and photographic matters.
- (6) Conduct research in the forensic sciences.
- (7) Increase communication and quality of services among crime laboratories.
- (8) Assist crime laboratories in professional growth.
- (9) Produce visual material for investigative and prosecutive aids, law enforcement training, and administrative purposes.
- (10) Will make examination of unknown deceased individual's hands in order to obtain impressions.
- (11) Will, upon request of a criminal justice agency or a

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ranking state or local official, provide the services of the FBI disaster squad in order to assist in the identification of victims of a catastrophe.

EFFECTIVE: 09/24/93

13-2 AVAILABILITY AND USE OF LABORATORY FACILITIES

EFFECTIVE: 05/25/90

13-2.1 Availability of the FBI Laboratory

As a general rule, services of the FBI Laboratory are available to:

(1) U.S. Attorneys, military tribunals, and all other Federal agencies in both civil and criminal matters. (Requests from USAs for any Laboratory services (including trial charts), examinations and testimony of FBI Laboratory experts should be made through FBI field offices.)

(2) All duly constituted state, county, and municipal law enforcement agencies in the United States and territorial possessions in connection with their official investigations, but in criminal matters only.

EFFECTIVE: 05/25/90

13-2.1.1 Stipulations

All Laboratory services, including expert witnesses, are rendered free of all cost to the requesting agency, but in offering these services, experience has dictated the following limitations in the interest of economy to avoid duplication of effort and to ensure the proper administration of justice:

(1) No examination will be conducted on any evidence which has been previously subjected to the same type of technical examination. This requirement is intended to eliminate duplication of

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effort and ensure the integrity of the evidence is maintained. An exception may be granted by the Laboratory Division to this policy when there exist compelling reasons that a reexamination be conducted. These reasons should be set forth in individual letters from the director of the laboratory which conducted the original examination, the prosecuting attorney, and the investigating agency which collected and submitted the evidence for laboratory analysis. (Note: A check will be searched through the National Fraudulent Check File even though it has been technically examined by or searched through a check file maintained by another agency.)

(2) No testimony will be furnished if testimony on the same technical subject and in the same case is to be given for the prosecution by another expert.

(3) No request for examination will be accepted from a non-Federal law enforcement agency in connection with criminal cases if it is indicated that only a civil case will grow out of it and the evidence

(a) Will necessarily be destroyed during the course of the examination or

(b) Will be examined for the presence of some foreign materials.

(4) No requests for examination will be accepted from other laboratories which have the capability of conducting the requested examinations. (Exceptions to this policy may be made, in extenuating circumstances, upon approval of the Assistant Director of the Laboratory).

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13-2.2 Use of Other Laboratories|or Other Forensic Experts|

Since materials of evidentiary value located at a crime scene or otherwise obtained during FBI investigative activities offer invaluable potential for investigative information and probative results, these materials must be submitted, except in extreme circumstances detailed in subsection 13-2.2.2 below, to the FBI Laboratory in lieu of other laboratories|or other forensic experts|because

(1) The facilities of and the expertise within the FBI Laboratory provide the best in available scientific analyses and technical services

(2) The FBI is appropriated money yearly by Congress to operate its own Laboratory to provide laboratory services in matters of interest to the Bureau.

EFFECTIVE: 05/25/90

13-2.2.1 Cases Involving Joint Jurisdiction

Diplomacy and good judgment must be exercised in the instances which arise in cases of joint jurisdiction where state, local, and/or other Federal laboratories either handle or maintain custody of materials of evidentiary value obtained by their personnel either prior to or after FBI involvement so as to:

(1) Protect the integrity and "chain of custody" of these materials of evidentiary value in the event the final mutual agreement is that the matter under investigation is to be prosecuted in the Federal judicial system with the FBI having the responsibility of primary jurisdiction and

(2) Demonstrate the FBI has the proper professional respect for the technical and scientific competence of these other laboratories and the investigative efforts of their law enforcement personnel.

(3) In matters where physical evidence has been previously examined by a state or local crime laboratory and the FBI Laboratory is directed by the Department of Justice to conduct a reexamination, the head of the laboratory which conducted the original analysis will be promptly notified of this action by the Laboratory

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Division.

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13-2.2.2 Cases Involving Sole FBI Jurisdiction

When extreme circumstances dictate, FBIHQ will consider requests for the use of non-Bureau forensic experts. The following conditions must be observed:

(1) Only the FBI Laboratory should conduct forensic examinations of evidence in FBI investigations. Only under extreme extenuating circumstances should other laboratories or forensic experts in private practice be consulted or their services requested. This should only occur after prior contact, and with the approval of, the FBI Laboratory by airtel, teletype, or telephone and then confirmed by airtel or teletype. Such communications should include:

(a) A synopsis of the circumstances necessitating the use of an outside forensic expert.

(b) The name of the local expert(s) and their local laboratory affiliation, if any,

(c) The name and office telephone number of the case Agent, and

(d) The personal endorsement of the SAC that such action is needed.

(2) This procedure is necessary to ensure:

(a) That the needed services or examinations cannot be performed in a timely fashion by submitting the evidence to the FBI Laboratory due to extreme urgency of the situation, or that FBI Laboratory personnel could not travel to the requesting location and perform the services or examinations;

(b) That when circumstances so warrant, and FBI Laboratory approval is given, only competent and reputable forensic experts be utilized who are recognized as reliable within the forensic science community.

(3) If FBI Laboratory approval is obtained for the use of



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non-FBI Laboratory experts, those experts must assure that all necessary examinations are being performed since Federal violations frequently require different elements of proof than do state or local violations of the same or similar nature and,

(a) That nothing will be done which will destroy the usefulness of the evidentiary material;

(b) That the local expert be advised of the willingness of the FBI Laboratory to be consulted on the scientific and technical aspects of the examination(s) and to provide additional examinations which may not be possible locally;

(c) That a copy of the local expert's examinations report be promptly furnished to the FBI Laboratory.

(4) Under no circumstances should "curbstone" opinions be sought of local scientific or technical personnel to assess the potential value of evidentiary materials prior to submitting these items to the FBI Laboratory for examination. Preliminary local analyses could

(a) Cause alteration and/or contamination of these materials,

(b) Create a conflict of opinion due to variations in testing procedures,

(c) Unduly complicate the "chain of custody,"

(d) Severely hamper the effectiveness of the Bureau's efforts, and

(e) Create unnecessary legal issues which could arise subsequently in the prosecution process.

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13-3 REQUESTING LABORATORY ASSISTANCE

The information under this caption as well as that contained elsewhere in this section under the particular type of examination or assistance desired should be consulted to facilitate the submission of requests to the Laboratory Division.

EFFECTIVE: 05/25/90

13-3.1 Requests for Examination(s) of Evidence (See MIOG, Part II, 13-17.3.)

All requests should be made in a written communication (use Form FD-196 for fraudulent checks), in triplicate, addressed to the Director, Federal Bureau of Investigation, with an attention line in accordance with 13-3.1.1 below and contain the following information:

(1) Reference to any previous correspondence submitted to the Laboratory in the case.

(2) The nature of and the basic facts concerning the violation insofar as they pertain to the laboratory examination.

(3) The name(s) and sufficient descriptive data of any subject, suspect, or victim.

(4) A list of the evidence being submitted either "herewith" or "under separate cover." (Note: Due to evidential "chain of custody" requirements, all evidence sent through the U.S. Postal Service (USPS) system must be registered mail and not by parcel post or regular mail. If United Parcel Service, Federal Express, or air freight is used, utilize their "acknowledgment of delivery," "protective signature," "security signature," or any other such service which provides the same protection as USPS registered mail.) Only evidence for the first captioned case should be submitted with each communication. (See MIOG, Part II, 13-3.1.2 (9).)

(a) "Herewith": This method is limited to certain small items of evidence which are not endangered by transmission in an envelope. Utilize the specially designed evidence envelope (Form FD-632). Execute written portion of envelope before placing evidence inside to preclude damaging or altering evidence and to prevent

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addition of indented writing. Insert the evidence and securely seal the envelope. Fold up the flap marked "PLEASE STAPLE CORRESPONDENCE TO THIS FLAP" and securely attach the written communication which should state "Submitted herewith are the following items of evidence."

(b) "Under separate cover": This method is generally used for shipment of numerous and/or bulky items of evidence. The written communication should state "Submitted under separate cover by (list the method of shipment be it USPS, United Parcel Service, Federal Express, or air freight) are the following items of evidence." For further information concerning the preparation of packages sent under separate cover see 13-3.1.2 below as well as 13-6.6 (Packaging Chart) illustrated in the "Electronic Reference Library Searching Guide" Appendix.

(5) A request stating what types of examinations are desired. Include, if applicable, comparisons with other cases, listing captions of these cases and Bureau file numbers, if available.

(6) Information as to where the original evidence is to be returned as well as where the original Laboratory report is to be sent.

(7) A statement, if applicable, as to whether

(a) The evidence has been examined previously by another expert in the same technical field,

(b) Any local controversy is involved in the case,  
or

(c) Any non-Bureau law enforcement agencies have an interest in the case.

(8) Notification of the need and reason(s) for an expeditious examination bearing in mind this treatment should not be routinely requested.

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13-3.1.1 Attention Lines for Communications and Packages (See MIOG, Part II, 13-3.1 & 13-3.1.2(8).)

The following guidelines should be adhered to as closely as possible to avoid any unnecessary delay in the routing of mail at FBI Headquarters.

(1) Requests for a laboratory examination only should be marked "Attention: FBI Laboratory."

(2) Requests for a fingerprint examination only should be marked "Attention: Latent Fingerprint Section, Laboratory Division."

(3) Requests for both a fingerprint examination and laboratory examination of any type should be marked "Attention: FBI Laboratory." (See MIOG, Part II, 13-3.1.2(10).)

(4) Requests for photographic processing only should be submitted on the FD-523. (Note: Whenever a package containing exposed film is sent to the Laboratory the word "FILM" should be clearly marked on the outside of the package.)

(5) Requests for photographic laboratory examination of any kind should be marked "Attention: FBI Laboratory, Special Photographic Unit."

(6) Requests for both photographic processing and a fingerprint examination should be submitted on the FD-523 and, in the area for request, marked "Attention: Latent Fingerprint Section, Laboratory Division" with the word "LATENT" in all capital letters.

(7) Requests for the enhancement, processing and examination of video imagery where no comparison with known photographs or items of clothing are required or requests for the production of video tape demonstrative evidence should be marked "Attention: FBI Laboratory, Video Enhancement Unit."

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13-3.1.2 Shipment of Evidence "Under Separate Cover"

The following steps should be followed to properly prepare a package for shipment of numerous and/or bulky items of evidence apart from the original written request for the examination(s). For additional guidance and instructions see 13-3.1(4)(b) above and 13-6.6 (Packaging Chart) below. (Note: Comply with the following steps (1) through (9) if a cardboard box is used and step (10) if a wooden box is used):

(1) Take every precaution to preserve the items of evidence as outlined in the applicable sections of the Evidence Chart (13-6.7) as well as afford appropriate physical protection of the latent fingerprints thereon to include identification with the word "LATENT."

(2) Choose a cardboard box suitable in size.

(3) Wrap each item of evidence separately to avoid contamination.

(4) Do not place evidence from more than one case in the same box.

(5) Pack the evidence securely within the box to avoid damage in transit.

(6) Seal the box with gummed tape and clearly mark the outer portions of the box with the word "EVIDENCE." (Note: If any of the evidence in the box is to be subjected to a latent fingerprint examination, also clearly mark the outer portions of the box with the word "LATENT.")

(7) Place a copy of the original written request for the examination(s) in an envelope marked "INVOICE" and securely affix this envelope to the outside of the sealed box.

(8) Enclose the sealed box in wrapping paper and seal the wrapping paper with gummed tape. Prepare the address label, addressing the package to the Director, Federal Bureau of Investigation, Washington, D.C. 20535, with the proper attention line as outlined above in 13-3.1.1. Cover the label with yellow transparent tape to identify the shipment as evidence and place it securely on the package.

(9) Ship the package by U.S. Postal Service, United

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Parcel Service, Federal Express, or air freight in accordance with the note in 13-3.1(4) above and the Evidence Chart (13-6.7).

- (10) Choose a durable wooden box suitable in size and
  - (a) Comply with the above steps (1), (3), (4), and (5).
  - (b) Securely fasten the lid on the box and address it to the Director, Federal Bureau of Investigation, Washington, D.C. 20535, with the proper attention line as outlined above in 13-3.1.1.
  - (c) Place a copy of the original written request for the examination(s) in an envelope marked "INVOICE." Place the invoice envelope in a clear plastic cover, and tack it to the box.
  - (d) Comply with step (9) above.

EFFECTIVE: 11/23/87

13-3.2 Requests for Other Laboratory Assistance

Requests for artist conceptions should be submitted on Form FD-383. Requests for photographic processing, printing, enlargements, etc., where no examination is involved must be submitted on an FD-523. Requests for other Special Projects Section services should be submitted on an FD-790. Requests for translations, trial exhibits, and on-the-scene Laboratory assistance in photographic surveillances, evidence examinations, or crime scene searches (e.g., bombings) and questions concerning photographic, polygraphic, forensic training, or other Laboratory matters should be submitted in a written communication, in triplicate, directed to the FBI Laboratory. However, if time is of the essence or the exigencies of the case are such, telephonically contact the Laboratory Division, referring to the "FBI Laboratory Directory of Support Services," for the unit which provides the desired assistance. If after consulting the Directory, problems or questions still exist, call the office of the Assistant Director, extension 4410.

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13-4 RESULTS OF EXAMINATION(S) OF EVIDENCE

The results of evidential examinations conducted in the Laboratory are recorded in a written report.

EFFECTIVE: 11/23/87

13-4.1 Dissemination of Laboratory Report (See MAOP, Part II, 10-13.13.)

Normally three copies of each laboratory report are furnished to the

- (1) Office(s) contributing evidence,
- (2) Office of origin,
- (3) Offices designated by the contributor(s), and

(4) Those offices determined by the Laboratory to have an interest in the case depending on the results of the examination(s).

(a) The original and two copies of the report will usually be sent to the office of origin in those instances where there are several offices contributing evidence, as well as those instances in which a contributing office makes such a request.

(b) If evidence is submitted to the Laboratory by a non-Bureau agency in a case in which the Bureau has or may have a joint jurisdiction, a report will be furnished the contributor with three copies of the report designated for interested Bureau offices, to include the office of origin.

EFFECTIVE: 09/24/93

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13-4.2 Inclusion of Laboratory Report in Other Reports

A copy of a laboratory report may be included in other reports prepared in the field. Some laboratory reports are sent to the field under the cover of a Laboratory Transmittal Form (7-72) commonly referred to as the Administrative Page(s). These Administrative Pages are not part of the laboratory report and therefore should not be included in any reports prepared in the field.

EFFECTIVE: 01/26/83

13-4.3 Rule 16. (Discovery and Inspection)

A portion of Rule 16 of the Federal Rules of Criminal Procedure states "Reports of Examinations and Tests. Upon request of a defendant the government shall permit the defendant to inspect and copy or photograph any results or reports of physical or mental examinations, and of scientific tests or experiments, or copies thereof, which are within the possession, custody, or control of the government, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the government, and which are material to the preparation of the defense or are intended for use by the government as evidence in chief at the trial." This request must be made before the court and "Upon a sufficient showing the court may at any time order that the discovery or inspection be denied, restricted, or deferred, or make such other order as is appropriate."

EFFECTIVE: 01/26/83

13-4.4 Laboratory Reports and the Disposition of Submitted Evidence

(1) Each laboratory report will normally contain a statement concerning the original evidence being returned herewith, under separate cover, or with the results of another examination such as a latent fingerprint examination.

(2) Whenever original evidence is returned by the Laboratory to the contributing office(s) or to the office of origin, upon the request of the contributor(s), it should be checked against those items listed in the written request as well as in the laboratory



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report to ensure all the evidence has been returned.

(a) If any discrepancies exist, extreme care should be exercised in examining all of the packing material utilized in the shipment of the evidence in order that the missing items will not be inadvertently disposed of with this material. The FBI Laboratory should be advised immediately of any discrepancies.

(b) If no discrepancies exist, the evidence should be maintained in a designated safe and secure place to ensure against tampering or unauthorized handling.

EFFECTIVE: 01/26/83

13-5 TESTIMONY OF LABORATORY EXAMINERS

EFFECTIVE: 01/26/83

13-5.1 Availability of Service

Laboratory examiners are available for expert testimony concerning their examinations provided no other expert is used by the prosecution in the same scientific field. (Note: This restriction is generally used in the interest of economy and to avoid duplication of effort.)

EFFECTIVE: 01/26/83

13-5.1.1 Testimony at Trials

The absence of examiners from FBIHQ should be kept to a minimum; therefore,

(1) Every effort should be made to utilize the services of these witnesses as quickly as possible, consistent with good trial procedures.

(2) Whenever practical, arrange for their immediate release following court appearance.

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(3) In most cases the presence of an expert witness is not required by the court during the jury selection and, consequently, he/she need not be present when the case is called.

(4) Whenever it is possible to anticipate when the expert testimony will be required, arrangements should then be made to have the witness present at that time, rather than earlier in the trial.

EFFECTIVE: 01/26/83

13-5.1.2 Grand Juries and Preliminary Hearings

| (1) | Laboratory experts are available to testify at such hearings but requests for their appearance should not be made unless absolutely necessary because in most cases the laboratory report, an affidavit, or the testimony of the case Agent will suffice.

| (2) | If all attempts to obviate the appearance of a Laboratory expert have been exhausted, the FBI Laboratory should be advised in detail of the unusual circumstances which make the presence of an expert absolutely necessary.

EFFECTIVE: 01/26/83

13-6 HANDLING OF PHYSICAL EVIDENCE

EFFECTIVE: 01/26/83

13-6.1 Definitions of Evidence

(1) That which is legally submitted to a competent tribunal as a means of ascertaining the truth of any alleged matter of fact under investigation before it.

(2) Anything which a suspect leaves at a crime scene or takes from the scene or which may be otherwise connected with the crime.

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EFFECTIVE: 01/26/83

13-6.1.1 Terminology

"Physical," "real," "tangible," "laboratory," and "latent," are all adjectives to describe the types of evidence which the FBI Laboratory Division examines.

EFFECTIVE: 09/24/93

13-6.2 Purpose of Physical Evidence

(1) Aids in the solution of the case because it can

- (a) Develop M.O.'s or show similar M.O.'s.
- (b) Develop or identify suspects.
- (c) Prove or dispose an alibi.
- (d) Connect or eliminate suspects.
- (e) Identify loot or contraband.
- (f) Provide leads.

(2) Proves an element of the offense, for example.

(a) Safe insulation, glass or building materials on suspect's clothing may prove entry.

(b) Stomach contents, bullets, residue at scene of fire, semen, blood, toolmarks may all prove elements of certain offenses.

(c) Safe insulation on tools may be sufficient to prove violation of possession of burglary tools statutes.

(3) Proves theory of a case, for example,

- (a) Footprints may show how many were at scene.

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(b) Auto paint on clothing may show that a person was hit by car instead of otherwise injured.

EFFECTIVE: 01/26/83

13-6.3 Nature of Physical Evidence

For the most part, physical evidence falls into two classifications.

EFFECTIVE: 01/26/83

13-6.3.1 Evidence with Individual Identifying Characteristics

This evidence can be positively identified as having come from a specific source or person if sufficient identifying characteristics, or sufficient microscopic or accidental markings are present. (Examples are: fingerprints, handwriting, bullets, toolmarks, shoe prints, pieces of glass and plastic where the broken edges can be matched, and wood where broken/cut surfaces can be matched.)

EFFECTIVE: 09/24/93

13-6.3.2 Evidence With Class Characteristics Only

(1) This evidence, no matter how thoroughly examined, can only be placed into a class. A definite identification as to its source can never be made since there is the possibility of more than one source for the evidence found. (Examples are: soil, blood, hairs, fibers, paint from a safe or car, glass fragments too small to match broken edges, and toolmarks, shoe prints, or bullets, in those instances where the microscopic or accidental markings are insufficient for positive identification.)

(2) It is desirable to have evidence that can be positively identified, but the value of evidence with class characteristics only should not be minimized. In cases involving

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evidence with class characteristics only, the following are desirable:

(a) A preponderance of such evidence.

(b) A preponderance of class characteristics within a single item of evidence such as paint with many layers all matching or soil with foreign matter such as paint chips, odd seeds, and safe insulation.

(c) Elimination specimens such as soil from where a suspect claims he/she was or where he/she claims a car was; soil from the surrounding areas to show that a variation does exist; and paint or other materials from a source mentioned in an alibi.

EFFECTIVE: 09/24/93

13-6.4 Crime Scene Search

A crime scene search is a planned, coordinated, legal search by competent law enforcement officials to locate physical evidence or witnesses to the crime under investigation. In order to be effective a crime scene search should include the steps outlined in paragraphs 13-6.4.1 through 13-6.4.8 below. (Note: For additional information concerning a bombing crime scene search see paragraph 13-6.5 below.)

EFFECTIVE: 02/12/92

| 13-6.4.1 Protect|and Secure|the Crime Scene

Only persons who have a legitimate investigative interest should be allowed into the crime scene. This number should be kept to a minimum. Too many people in a crime scene can lead to evidence being moved or destroyed before its value as evidence is recognized. |Once the scene is established, it should be protected diligently.|

EFFECTIVE: 02/12/92

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13-6.4.2 Conduct a Preliminary Survey of the Crime Scene for the  
Purposes of Establishing Firm Organizational and Planning  
Guidelines

This is the planning stage of the search. The plans  
should include:

- (1) Form objectives of the search - what is to be found.
- (2) Take special note of evidence that may be easily  
destroyed such as shoe prints in dust, footprints, etc.
- (3) Organize the search.
  - (a) Make assignments for photographs, fingerprints,  
plaster casts, and evidence handling.
  - (b) Decide on search pattern, i.e., lane, grid,  
spiral or zone searches.
  - (c) Issue instructions to assisting personnel.
- (4) Write a narrative description of the general  
conditions of the crime scene. These are the investigator's original  
notes which will be used to refresh his/her memory at the trial. They  
should be an accurate description of the crime scene and should  
include:
  - (a) Date, time, and location of the search.
  - (b) Weather and lighting conditions.
  - (c) Identity of others participating in the search.
  - (d) Assignments given other personnel.
  - (e) Condition and position of evidence found.

EFFECTIVE: 02/12/92

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13-6.4.3 Photograph the Crime Scene

(1) Crime scenes will not remain undisturbed for very long, and therefore should be photographed as soon as possible, preferably before anyone is allowed into the scene.

(2) When possible, a medium-format (120-roll film) camera such as the Mamiya 645 should be used. If not available, then the 35mm camera should be used. Crime-scene photographs will be taken in daylight or with electronic flash; therefore, the best film choice is either Kodacolor Gold 100 or Vericolor Professional III Type S (VPS). If using VPS, set camera and flash ISO settings at 80 instead of 160 which is indicated on the film instructions. It is noted that numerous stages of a crime scene investigation will involve photography. A constant awareness must be maintained in order to ensure that the original crime scene is photographically recorded. As discoveries are made, these also should be photographed.

(a) Exterior crime scene:

1. Establish the location of the scene by taking a series of overall photographs to include a landmark. (360 degrees coverage if possible)

2. Establish the location of the building through a series of overall photographs. (Aerial photographs obtained at a later date may be useful.) Oblique and verticals.

3. Any item of importance should have two additional photographs made of it. A MEDIUM-distance photograph that depicts the item and shows its relative position to other items in the immediate area and a CLOSE-UP photograph with a scale if possible.

4. Take a series of close-up photographs of individual items of evidence to include filling the film frame, showing proper perspective and avoiding oblique angles if possible. (Black and white slow-speed film should be used as needed to record shoe prints in dust, documents, fingerprints, etc.)

5. All entrances/exits into the crime scene area should be photographed.

(b) Interior crime scene:

1. Utilizing a series of overall photographs, photograph rooms and other interior areas from all sides in an

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overlapping series. It may be useful to make some photographs with a wide-angle lens, but, as mentioned before, these should be noted on the "photo log," Form FD-674.

2. Any item of importance should have two additional photographs made of it. A MEDIUM-distance photograph that depicts the item and shows its relative position to other items in the immediate area and a CLOSE-UP photograph with a scale if possible.

3. Deleted

4. Deleted

(c) Evidence photographs are needed to:

1. Record the condition of individual items of evidence before recovery. (Photographs must show the evidence in detail and should include a scale, photographer's initials, and the date.)

2. Conduct laboratory examinations of evidence such as shoe prints, tire impressions, and that obtained from bank robberies. (Photography should be performed before any attempts to lift or cast. Photographs should show identifying data as indicated above.)

3. Support testimony given in court.  
(Photographs should be of professional quality and very detailed.)

(3) The sequence of photographs varies with each scene. Logic should dictate what order to proceed with photography based on the fragility of a given area and your ability to maintain control of the scene. If you feel that exterior areas are in danger of being contaminated, then start with those. As long as all the needed photographs are made, the order in which they are made is not critical.

(4) Crime-scene photographs should be made with the "normal" lens for the camera in use (80mm lens with the 120-roll film camera, 50mm lens with the 35mm camera) whenever possible. The "normal" lens maintains the same perspective that your eye gives you looking at the scene. A series of overlapping photographs can be made so that all areas of given space are recorded. If using a lens other than the "normal" lens, such as a "wide-angle" lens, to be able to photograph a larger area in a single photograph, it should be noted in the photo log (FD-674). (See paragraph (5).)



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(5) A record of photographs taken should be kept on a "photo log," Form FD-674. It is not necessary to record the shutter speed and f/stop used. It will be very useful to record the item description and, in some cases, the location of an item and/or the photographer may be significant. A quick drawing showing this should be done in the provided space on the form. (This drawing in no way is a substitute for the crime scene sketch.) This information can then be used later for identifying photographs and as an aid in testimony.

EFFECTIVE: 02/12/92

13-6.4.4 Sketch the Crime Scene

A crime scene sketch is a handmade pictorial representation of conditions at a crime scene. (Floor plans are sometimes available from commercial concerns to aid in sketching.) It is useful in clarifying investigative data and to make the situation easier to understand by eliminating unnecessary detail. A sketch does not replace photographs at the crime scene and should be used to show:

- (1) Dimensions of rooms, furniture, doors, windows, etc.
- (2) Distances from objects to entrances and exits
- (3) Distances between objects (including persons/bodies)
- (4) Measurements showing the exact location of items of evidence. Each object should be located by two measurements from nonmovable items, such as doors, walls, etc.
- (5) Point-of-view locations of photographs

EFFECTIVE: 02/12/92

13-6.4.5 Process for Fingerprints

See Part II, Section 15, of this manual for instructions on fingerprinting a crime scene.

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EFFECTIVE: 02/12/92

13-6.4.6 Make Shoe Print/Tire Tread Casts and/or Lifts

See paragraphs 13-19.1 through 13-19.1.3 elsewhere in this section for instructions on the making of shoe print/tire tread casts and/or lifts.

EFFECTIVE: 02/12/92

13-6.4.7 Collect, Identify and Preserve the Evidence

For additional information on the collection, identification, and preservation of items of evidence, see paragraph 13-6.7 (Evidence Chart) and/or the appropriate paragraphs elsewhere in this section concerning the type of examination desired.

(1) Collection.

(a) All evidence must be collected legally in order to be admissible in court at a later date. For further instructions on the legality of crime scene searches, refer to the Legal Handbook for Special Agents.

(b) Evidence found during a search should be displayed immediately to another Special Agent so that both Agents can testify to its source.

(c) All evidence should be fully described in the searcher's notes and photographed in place prior to being picked up.

(d) If appropriate, Form FD-597 (Receipt for Property Received/Returned/Released/Seized) should be properly executed and the copy furnished to the contributor and/or the person(s) to whom the property is being surrendered. The original of Form FD-597 is to be placed in the 1-A exhibit envelope of the case file.

(2) Identification.

All articles of an evidentiary nature should be carefully marked for identification, preferably on the article itself,

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in a manner not to injure the evidence itself and not to be obliterated. These markings, to include initials, date and case number, enable the person finding the evidence to testify, at a later date, to the finding of it.

(3) Preservation.

(a) Each item of evidence should be placed in a suitable container, such as pillboxes, plastic vials or strong cardboard boxes. The container should be suitably identified and sealed.

(b) Prepare appropriate 1-A envelopes (FD-340a and/or FD-340b) and/or Forms FD-192 and store the evidence in designated areas.

(c) For submission of evidence to the laboratory for examination see 13-3 (Requesting Laboratory Assistance), 13-6.6 (Packaging Chart), and 13-6.7 (Evidence Chart).

(d) The legal "chain of custody" must be maintained at all times.

EFFECTIVE: 02/12/92

13-6.5 Bombing Crime Scene Search

Bombing crime scenes, in spite of their massive destruction, must be conducted on the theory that everything at the scene prior to the explosion is still in existence unless it has been vaporized by the explosion. Locating and identifying items is the problem. The often-used statement that so much is destroyed by the explosion that the cause must remain unknown is rarely true. Due to various factors, the exact amount of explosives used cannot normally be determined based on an evaluation of the damage at the scene. (Note: The information contained in 13-6.4 through 13-6.4.7 concerning a crime scene search also applies to a bombing crime scene search.)

EFFECTIVE: 12/05/85

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13-6.5.1 Purpose of Bomb Scene Search

The purpose of a bomb scene search is to determine what happened, how it happened, and gather evidence to identify bomb components, reconstruct the explosive device and compare it with items of evidence identifiable to a suspect.

EFFECTIVE: 12/05/85

13-6.5.2 Special Considerations for a Bomb Scene Search

The following steps are to assist in the preparation, supervision, and evaluation activity connected with the scene of a bombing. The topics covered are not meant to be all inclusive and no attempt has been made to comment on the many aspects of the bombing investigation.

(1) Plan of action: Formulate a plan adapted to the particulars of the bomb crime scene. This plan will include consideration of the creation of an on-scene command post; establishment of lines of supervision; assignment of various tasks such as photographing, fingerprint processing, crowd control, collection of evidence, etc.; protection of the crime scene; obtainment of needed equipment; periodic evaluation of progress; providing of pertinent information to the public; safety; etc.

(2) Command post: Consider establishing an on-scene command post particularly at a large bombing which may require days or weeks to complete the crime scene search. The command post should coordinate efforts amongst Bureau personnel and between representatives of other agencies and utilities as well as handle inquiries from sightseers, persons associated with the scene, relatives of the victims, and the press.

One person should be in overall charge of the bombing investigation, another over the actual crime scene search, and another over the collection of the evidence. These three individuals must maintain close coordination and expeditiously exchange information on a continual basis. The evidence coordinator will report directly to the crime scene coordinator who in turn will report directly to the individual responsible for the overall bombing investigation.

(3) Safety: Evaluate safety conditions at the outset of the crime scene search and on a continual basis throughout the search

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consider the possibility of a second bomb, a "jammed" bomb, or live explosives being in the debris and the safety of crowds, nearby residents, and personnel at the crime scene not only from additional explosions but also from such dangers created by utilities, weakened walls, etc.

NOTE: Bureau bomb technicians, Laboratory explosive specialists, public safety bomb squad or military EOD personnel should be contacted if a bomb is located.

(4) Protection of crime scene: Take adequate safeguards to protect the crime scene from fire, law enforcement, utility, and rescue personnel as well as others such as sightseers, victims, and individuals with a personal interest in the property. Also, since most residues remaining after an initiation of an explosive are water soluble, the crime scene, as much as possible, should be protected against exposure to excessive moisture be it from rain, snow, broken water pipes, or any other source.

(5) Photographs: Take appropriate photographs to give a photographic representation of the crime scene (see 13-6.4.3 as a guide). These photographs should be made immediately before, periodically during, and at the completion of the crime scene activity. Properly identify each photograph, coordinate the photographs with diagrams and/or blueprints or maps, and consider the advisability of aerial photographs.

(6) Bomb scene specialists: Have some specialists trained in handling and processing bomb scenes or make arrangements for obtaining such individuals from the Laboratory Explosives Unit. Although the basic principles of conducting a crime scene search apply in a bomb scene search, individuals with specialized knowledge of explosives, improvised explosive devices, damage produced by explosive charges, and other facets associated with bomb scene searches, such as the search and collection of physical bombing evidence, are extremely valuable to the processing of a bomb scene effectively and efficiently. These specialists need not be qualified bomb disposal specialists. They should be the first persons, if possible, to be selected for the evidence and crime scene search coordinator positions.

(7) Equipment: Promptly make arrangements to obtain the necessary equipment to move the debris and material at the scene. Although the equipment needed at the scene varies, the following have been used:

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- (a) Hand tools: Shovels, rakes, brooms, boltcutters, wire cutters, sledgehammer, hammer, screwdrivers, wrenches, chisels, hacksaw, magnet, flashlights, knife, 50-foot measuring tape, and traffic wheel measuring device.
  - (b) Other light equipment: Screens for sifting debris, wheelbarrows, metal trash cans, power saw, cutting torch equipment, ladders, portable lighting equipment, metal detector, large plastic sheets, photographic equipment, and parachute harness with related rope and pulleys.
  - (c) Heavy equipment: Truck, front-end loader, bulldozer, crane, and shoring materials.
  - (d) Personal equipment: Hard hats, safety goggles, gloves (work and rubber types), foul weather clothing, coveralls, and work shoes.
  - (e) Crime scene kit: Usual equipment used for the collection, preservation, and identification of physical evidence.
  - (f) Vehicle: If the bombed target was a vehicle, bring an identical vehicle, if possible, to the scene to assist in identifying fragmented and mutilated items.
- (8) Search for evidence: Bear in mind the search for evidence at a bombing crime scene is important because the crime may contain principal evidence which will lead to the identification of the bomber(s) and/or assist in the successful prosecution of the matter. The following guidelines are general in nature as the exact method of searching depends on various uncontrollable factors:
- (a) Place one person in overall charge of the collection of the evidence from the various collectors as valuable evidence may not be admissible in court if a proper "chain of custody" cannot be established.
  - (b) Do not stop the search after a few items of evidence have been found. Experience has shown that a thorough, persistent search will locate remains of most of the bomb components.
  - (c) Avoid the tendency to concentrate only on physical evidence, such as safety fuse, detonating cord, blasting caps, leg (electrical) wire, dynamite wrappers, batteries, clock and timing devices, electronic and electrical components, metal end cap from a TNT block, plastic end cap from a C4 block, explosive residues,

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and unconsumed explosives, which may represent a bomb as this can result in overlooking other valuable evidence, such as fingerprints, hair, fibers, soil, blood, paint, plastic, tape, tools, toolmarks, metals, writing, paper, printing, cardboard, wood, leather, and tire tread-shoe print impressions.

(d) Conduct a well organized, thorough, and careful search to prevent the necessity of a second search. However, have a secure "dump" area for debris in the event a second search is necessary.

(e) Commence the scene normally at the site of the explosion and work outward. If the bomb crater is in earth, obtain soil samples from the perimeter of the crater as well as from the sides and bottom making sure to dig into the substrata. If the crater is in another material, obtain similar samples.

(f) Sift small debris through a 1/4-inch wire screen onto an insect-type wire screen. Usually these screens are placed on 2-foot square wooden frames constructed from 2- by 4-inch lumber.

(g) X-ray the bodies of living and deceased victims who were in close proximity of the explosion site for possible physical evidence and if possible, have the evidence removed. Their clothing should be retained as it may contain explosive residues. Also, obtain all medical reports concerning the victims' injuries/circumstances of death.

(h) Search a sufficient distance from the site of the explosion as evidence has been found several blocks from the sites of large explosions.

(i) Determine the possible flight paths of bomb components to prevent needless searching.

(j) Search trees, shrubbery, telephone poles, and the roofs, ledges, and gutters of buildings.

(k) Establish a search pattern for large areas. A line of searchers moving forward has been found to be a satisfactory method. A bomb scene specialist should follow the line of searchers to evaluate the items found, control the searchers, and furnish guidance. If a second search is desired, the positions of the searchers on the line should be rotated.

(l) Retain all items foreign to the scene and items

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which the searchers cannot identify after seeking the assistance of those familiar with the bombed target.

(m) Obtain known standards of wire and building material from the bomb scene to be submitted to the Laboratory for elimination purposes.

EFFECTIVE: 09/22/87

13-6.6 Packaging Chart (See MIOG, Part II, 13-3.1(4)(b), 13-3.1.2, 13-6.4.7(3)(c), 13-6.7(20)(d))

The following chart should be followed to properly prepare a package for shipment of numerous and/or bulky items of evidence apart from the original written request for an examination(s). For additional guidance and instructions see 13-3.1.2 (Shipment of Evidence "Under Separate Cover") above.

ILLUSTRATION NOT SHOWN - SEE "ERL SEARCHING GUIDE," APPENDIX

1. Pack bulk evidence securely in box.
2. Seal box and mark as evidence. Mark "Latent" if necessary.
3. Place copy of transmittal letter in envelope and mark "Invoice."
4. Stick envelope to outside of sealed box.
5. Wrap sealed box in outside wrapper and seal with gummed paper.
6. Address to: Director  
Federal Bureau of Investigation  
Washington, D.C. 20535  
"Attention FBI Laboratory" or "Attention Latent Fingerprint Section."  
Cover label with yellow transparent tape and attach it securely to the package.
7. If packing box is wooden--tack invoice envelope to top under a transparent yellow cover.

EFFECTIVE: 08/17/84



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13-6.7 Evidence Chart (See MIOG, Part I, 91-8(11), Part II,  
13-3.1.2 (1), (9), 13-6.4.7 (3)(c))

The following chart is provided to give assistance in the collection, identification, preservation, packaging, and sending of evidence to the Laboratory. This chart should be used in conjunction with similar evidence information contained elsewhere in this section under each type of examination desired. This evidence information and chart are not intended to be all inclusive.

(1) SPECIMEN - ABRASIVES, INCLUDING CARBORUNDUM, EMERY,  
SAND, ETC.:

- (a) STANDARD (AMOUNT DESIRED) - Not less than one ounce
- (b) EVIDENCE (AMOUNT DESIRED) - All
- (c) SEND BY - Registered mail or Express
- (d) IDENTIFICATION - On outside of container: Type of material, date obtained, name or initials
- (e) WRAPPING AND PACKING - Use sturdy containers, such as 35 mm film canister or pharmaceutical container. Seal to prevent any loss.
- (f) REMARKS - Avoid use of envelopes

(2) SPECIMEN - ACIDS:

- (a) STANDARD (AMOUNT DESIRED) - 100 milliliters (ml.)
- (b) EVIDENCE (AMOUNT DESIRED) - All to 100 ml.
- (c) SEND BY - Federal Express or United Parcel Service
- (d) IDENTIFICATION - On outside of container: Type of material, date obtained, name or initials
- (e) WRAPPING AND PACKING - Plastic or all-glass bottle. Tape stopper. Pack in vermiculite or other absorbent material.
- (f) REMARKS - Label "acids-corrosive."

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(3) SPECIMEN - ADHESIVE TAPE:

- (a) STANDARD (AMOUNT DESIRED) - Recovered roll
- (b) EVIDENCE (AMOUNT DESIRED) - All
- (c) SEND BY - Registered mail
- (d) IDENTIFICATION - On outside of container: Type of material, date obtained, name or initials
- (e) WRAPPING AND PACKING - Place on waxed paper cellophane.
- (f) REMARKS - Do not cut, wad or distort.

(4) SPECIMEN - ALKALIES - CAUSTIC SODA, POTASH, AMMONIA, ETC.:

- (a) STANDARD (AMOUNT DESIRED) - 100 ml., 100 grams (gm.)
- (b) EVIDENCE (AMOUNT DESIRED) - All to 100 ml., All to 100 gm.
- (c) SEND BY - Federal Express or United Parcel Service
- (d) IDENTIFICATION - On outside of container: Type of material, date obtained, name or initials
- (e) WRAPPING AND PACKING - Plastic or glass bottle with rubber stopper held with adhesive tape. Pack in sawdust or vermiculite. Label "Corrosive Material-Alkali" and volume.
- (f) REMARKS - Label alkali-corrosive.

(5) SPECIMEN - AMMUNITION (CARTRIDGES): (See (29).)

- (a) SEND BY - For instructions re: shipping live ammunition, see 13-12.4.2 in this section.
- (b) IDENTIFICATION - On outside of container: Type of material, date obtained, name or initials
- (c) WRAPPING AND PACKING - For instructions re:

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shipping of live ammunition, see 13-12.4.2 in this section.

(d) REMARKS - Unless specific examination of cartridge is essential, do not submit.

(6) SPECIMEN - ANONYMOUS LETTERS, EXTORTION LETTERS, BANK ROBBERY NOTES: (See (19), (20), (22), (23), (43), (52), (65))

(a) EVIDENCE (AMOUNT DESIRED) - All (Original documents, not copies, whenever possible)

(b) SEND BY - Registered mail

(c) IDENTIFICATION - Initial and date each unless legal aspects or good judgment dictates otherwise.

(d) WRAPPING AND PACKING - Place in proper enclosure envelope and seal with "Evidence" tape or transparent cellophane tape. Flap side of envelope should show (1) wording "Enclosure(s) to FBIHQ from (name of submitting office)," (2) title of case, (3) brief description of contents, and (4) file number, if known. Staple to original letter of transmittal.

(e) REMARKS - Do not handle with bare hands. Advise if evidence should be treated for latent fingerprints.

(7) SPECIMEN - BILE:

(a) STANDARD (AMOUNT DESIRED) - 10 milliliters

(b) SEND BY - Most expeditious means available

(c) IDENTIFICATION - Label container identifying sample name of subject, date taken, initials of Agent.

(d) WRAPPING AND PACKING - Container in cardboard box with paper or styrofoam packing.

(e) REMARKS - Hold in freezer until personally delivered or pack in dry ice for mailing by most expeditious means available. Attach autopsy report.

(8) SPECIMEN - BLASTING CAPS (CONTACT EXPLOSIVES UNIT FOR INSTRUCTIONS.)

(9) SPECIMEN - BLOOD - LIQUID KNOWN SAMPLES: (See

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13-8.4(4).

(a) STANDARD (AMOUNT DESIRED) - 1 red top (no preservative) vacutainer vial for serological analysis and 1 purple top (EDTA) vacutainer vial for DNA analysis

(b) EVIDENCE (AMOUNT DESIRED) - All

(c) SEND BY - Air mail special delivery - air freight or similar rapid transit method

(d) IDENTIFICATION - Use adhesive tape on outside of test tube. Name of donor, date taken, doctor's name, name or initials of Agent.

(e) WRAPPING AND PACKING - Wrap in cotton, soft paper. Place in mailing tube or suitably strong mailing carton.

(f) REMARKS - Submit immediately. Don't hold awaiting additional items for comparison. Keep under refrigeration, NOT freezing, until mailing. NO refrigerants and/or dry ice should be added to sample during transit. Fragile label.

(10) SPECIMEN - BLOOD - SMALL QUANTITIES (LIQUID QUESTIONED SAMPLES):

(a) EVIDENCE (AMOUNT DESIRED) - All

(b) SEND BY - Air mail special delivery - air freight or similar rapid transit method

(c) IDENTIFICATION - Use adhesive tape on outside of test tube. Name of donor, date taken, doctor's name, name or initials of Agent.

(d) WRAPPING AND PACKING - Wrap in cotton, soft paper. Place in mailing tube or suitably strong mailing carton.

(e) REMARKS - If unable to EXPEDITIOUSLY furnish sample, allow to dry thoroughly on the nonporous surface, and scrape off; or collect by using eyedropper or clean spoon, transfer to nonporous surface and let dry; or absorb in sterile gauze and let dry.

(11) SPECIMEN - BLOOD - SMALL QUANTITIES (DRY STAINS NOT ON FABRICS):

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- (a) EVIDENCE (AMOUNT DESIRED) - As much as possible
- (b) SEND BY - Registered mail
- (c) IDENTIFICATION - On outside of pillbox or plastic vial. Type of specimen date secured, name or initials.
- (d) WRAPPING AND PACKING - Seal to prevent leakage.
- (e) REMARKS - Keep dry. Avoid use of envelopes for scrapings.

(12) SPECIMEN - BLOOD - SMALL QUANTITIES (FOR TOXICOLOGICAL USE):

- (a) EVIDENCE (AMOUNT DESIRED) - 20 cc. (Blood and preservative mixture)
- (b) SEND BY - Air mail special delivery - air freight or similar rapid transit method
- (c) IDENTIFICATION - Use adhesive tape on outside of test tube. Name of donor, date taken, doctor's name, name or initials of Agent.
- (d) WRAPPING AND PACKING - Medical examiner should use a standard blood collection kit.
- (e) REMARKS - Preservative desired (identify preservation used). Refrigerate. CAN freeze.

(13) SPECIMEN - BLOOD - STAINED CLOTHING, FABRIC, ETC.:

- (a) EVIDENCE (AMOUNT DESIRED) - As found
- (b) SEND BY - Registered mail, Federal Express, United Parcel Service (UPS)
- (c) IDENTIFICATION - Use tag or mark directly on clothes. Type of specimens, date secured, name or initials.
- (d) WRAPPING AND PACKING - Each article wrapped separately and identified on outside of package. Place in strong box placed to prevent shifting of contents.
- (e) REMARKS - If wet when found, DRY BY HANGING.

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USE NO HEAT TO DRY. Avoid direct sunlight while drying. Use no preservatives.

(14) SPECIMEN - BODY ORGANS (BRAIN, KIDNEY, LIVER, LUNG):  
(See (33), (70))

- (a) EVIDENCE (AMOUNT DESIRED) - 75 grams of each
- (b) SEND BY - Most expeditious means available
- (c) IDENTIFICATION - Label container indicating organ, name of subject, date taken, initials of Agent
- (d) WRAPPING AND PACKING - Styrofoam container preferred to keep specimens frozen
- (e) REMARKS - Hold in freezer until personally delivered or pack in dry ice for mailing by most expeditious means available. Attach autopsy report.

(15) SPECIMEN - BULLETS (NOT CARTRIDGES):

- (a) EVIDENCE (AMOUNT DESIRED) - All found
- (b) SEND BY - Registered mail
- (c) IDENTIFICATION - Initials on base, nose or mutilated area
- (d) WRAPPING AND PACKING - Pack tightly in cotton or soft paper in pill, match or powder box. Label outside of box as to contents.
- (e) REMARKS - Unnecessary handling obliterates marks

(16) SPECIMEN - CARTRIDGES (LIVE AMMUNITION):

- (a) EVIDENCE (AMOUNT DESIRED) - All found
- (b) SEND BY - For instructions re: shipping live ammunition, see paragraph 13-12.4.2 in this section.
- (c) IDENTIFICATION - Initials on outside of case near bullet end
- (d) WRAPPING AND PACKING - Pack tightly in cotton or

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soft paper in pill, match or powder box. Label outside of box as to contents.

(17) SPECIMEN - CARTRIDGE CASES (SHELLS):

(a) EVIDENCE (AMOUNT DESIRED) - All

(b) SEND BY - Registered mail

(c) IDENTIFICATION - Initials preferably on inside near open end or on outside near open end.

(d) WRAPPING AND PACKING - Pack tightly in cotton or soft paper in pill, match or powder box. Label outside of box as to contents.

(18) SPECIMEN - CHARRED OR BURNED DOCUMENTS: (See 13-17.4(12).)

(a) EVIDENCE (AMOUNT DESIRED) - All

(b) SEND BY - Registered mail

(c) IDENTIFICATION - On outside of container indicate fragile nature of evidence, date obtained, name or initials.

(d) WRAPPING AND PACKING - Utilize polyester film encapsulation technique (contact Document Section for instructions) OR Ship charred paper in original container in which it was burned at crime scene OR Pack in rigid container between layers of cotton. Do not compress layers.

(e) REMARKS - Added moisture, with atomizer or otherwise, NOT RECOMMENDED.

(19) SPECIMEN - CHECKS (FRAUDULENT):

(a) EVIDENCE (AMOUNT DESIRED) - All (Original documents, not copies, whenever possible)

(b) SEND BY - Registered mail

(c) IDENTIFICATION - See Anonymous Letters (6) above

(d) WRAPPING AND PACKING - See Anonymous Letters (6) above

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(e) REMARKS - Advise what parts questioned or known.  
Furnish physical description of subject.

(20) SPECIMEN - CHECK PROTECTOR, RUBBER STAMP AND/OR DATER  
STAMP KNOWN STANDARDS (NOTE: SEND ACTUAL DEVICE WHEN POSSIBLE)

(a) STANDARD (AMOUNT DESIRED) - Obtain several  
copies in full word-for-word order of each questioned check-writer  
impression. If unable to forward rubber stamps, prepare numerous  
samples with different degrees of pressure.

(b) SEND BY - Registered mail

(c) IDENTIFICATION - Place name or initials, date,  
name of make and model, etc., on sample impressions.

(d) WRAPPING AND PACKING - See Anonymous Letters (6)  
above and/or Packaging Chart (paragraph 13-6.6) above

(e) REMARKS - Do not disturb inking mechanisms on  
printing devices

(21) SPECIMEN - CLOTHING:

(a) EVIDENCE (AMOUNT DESIRED) - All

(b) SEND BY - Registered mail, or Federal Express or  
United Parcel Service (UPS)

(c) IDENTIFICATION - Mark directly on garment or use  
string tag. Type of evidence, name or initials, date.

(d) WRAPPING AND PACKING - Each article individually  
wrapped with identification written on outside of package. Place in  
strong container.

(e) REMARKS - Leave clothing whole. Do not cut out  
stains. If wet, HANG IN ROOM TO DRY before packing.

(22) SPECIMEN - CODES, CIPHERS AND FOREIGN LANGUAGE  
MATERIAL:

(a) EVIDENCE (AMOUNT DESIRED) - All

(b) SEND BY - Registered mail

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above (c) IDENTIFICATION - Same as Anonymous Letters (6)

(6) above (d) WRAPPING AND PACKING - Same as Anonymous Letters

(e) REMARKS - Furnish pertinent background and technical information.

(23) SPECIMEN - COMPUTER AND COMPUTER-RELATED ITEMS: (See (46))

(a) EVIDENCE (AMOUNT DESIRED) - All

(b) SEND BY - Floppy disks - registered mail; hard disks - by overnight express.

(c) IDENTIFICATION - Label container indicating date taken and initials of Agent.

(d) WRAPPING AND PACKING - See Anonymous Letters (6) above. Package or envelope should be marked "Magnetic Media Evidence Enclosed. Do not X-ray."

(e) REMARKS - If computer diskettes are submitted, accompanying communication should, if possible, contain information regarding the make and model of computer used in their preparation.

(24) SPECIMEN - DRUGS - LIQUIDS: (See (35), (36), (49))

(a) EVIDENCE (AMOUNT DESIRED) - All

(b) SEND BY - Registered mail, UPS or air express

(c) IDENTIFICATION - Affix label to bottle in which found, including name or initials and date.

(d) WRAPPING AND PACKING - Bottle with sealable top.

(e) REMARKS - Determine alleged normal use of drug and if prescription, check with druggist for supposed ingredients.

(25) SPECIMEN - DRUGS - POWDERS, PILLS, SOLIDS: (See (35), (49))

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- (a) EVIDENCE (AMOUNT DESIRED) - All
  - (b) SEND BY - Registered mail, UPS or air express
  - (c) IDENTIFICATION - On outside of pillbox, name or initials and date
  - (d) WRAPPING AND PACKING - Seal to prevent any loss by use of tape
- (26) SPECIMEN - DYNAMITE AND OTHER EXPLOSIVES (CONTACT EXPLOSIVES UNIT FOR INSTRUCTIONS)
- (27) SPECIMEN - FIBERS:
- (a) STANDARD (AMOUNT DESIRED) - Entire garment or other cloth item
  - (b) EVIDENCE (AMOUNT DESIRED) - All
  - (c) SEND BY - Registered mail
  - (d) IDENTIFICATION - On outside of sealed container or on object to which fibers are adhering.
  - (e) WRAPPING AND PACKING - Folded paper or pillbox. Seal edges and openings with tape.
  - (f) REMARKS - Do not place loose in envelope.
- (28) SPECIMEN - FILM:
- (a) EVIDENCE (AMOUNT DESIRED) - All
  - (b) SEND BY - Registered mail
  - (c) IDENTIFICATION - If not developed mark outside "DO NOT X-RAY."
  - (d) WRAPPING AND PACKING - If not developed wrap in lightproof container.
- (29) SPECIMEN - FIREARMS:
- (a) EVIDENCE (AMOUNT DESIRED) - All

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(b) SEND BY - Registered mail, UPS or Federal

(c) IDENTIFICATION - Mark inconspicuously as if it were your own. String tag gun, noting complete description on tag. Investigative notes should reflect how and where gun marked.

(d) WRAPPING AND PACKING - Wrap in paper and identify contents of package. Place in cardboard box or wooden box.

(e) REMARKS - Unload all weapons before shipping. Keep from rusting. See Ammunition (5) above, if applicable.

(30) SPECIMEN - FLASH PAPER:

(a) SEND BY - Contact Document Section for instructions

(b) IDENTIFICATION - Initials and date.

(c) WRAPPING AND PACKING - Individual polyethylene envelopes double wrapped in manila envelopes. Inner wrapper sealed with paper tape.

(d) REMARKS - Store between moistened sheets of blotter paper, with dry ice. Refrigerate if extended storage is necessary.

(31) SPECIMEN - FUSE (SAFETY) (CONTACT EXPLOSIVES UNIT FOR COMPLETE INSTRUCTIONS)

(32) SPECIMEN - GASOLINE:

(a) STANDARD (AMOUNT DESIRED) - 100 ml.

(b) EVIDENCE (AMOUNT DESIRED) - All to 100 ml.

(c) SEND BY - UPS or Federal Express

(d) IDENTIFICATION - On outside of container, label with type of material, name or initials, and date.

(e) WRAPPING AND PACKING - Use sturdy box containing break-proof bottles and absorbent packing.

(f) REMARKS - Shipping regulation - allow 4 oz.

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maximum per bottle.

(33) SPECIMEN - GASTRIC CONTENTS:

- (a) EVIDENCE (AMOUNT DESIRED) - All available
- (b) SEND BY - Most expeditious means available
- (c) IDENTIFICATION - Label container indicating "gastric contents," name of subject, date taken, initials of Agent.
- (d) WRAPPING AND PACKING - Bottle with sealable top and pack as indicated under "Body organs," (14) above.
- (e) REMARKS - Mark package "Keep Refrigerated."

(34) SPECIMEN - GEMS:

- (a) EVIDENCE (AMOUNT DESIRED) - All
- (b) SEND BY - Registered mail
- (c) IDENTIFICATION - On outside of container
- (d) WRAPPING AND PACKING - Use 35 mm film canister or pharmaceutical container.

(35) SPECIMEN - GENERAL UNKNOWN - SOLIDS (NONHAZARDOUS):

- (a) STANDARD (AMOUNT DESIRED) - 100 gms.
- (b) EVIDENCE (AMOUNT DESIRED) - All to 100 gms.
- (c) SEND BY - Registered mail
- (d) IDENTIFICATION - Name or initials, date on outside of sealed container.
- (e) WRAPPING AND PACKING - Same as Drugs, (24) and (25) above.
- (f) REMARKS - If item is suspected of being a hazardous material, treat as such and contact Explosives Unit for shipping instructions.

(36) SPECIMEN - GENERAL UNKNOWN - LIQUIDS (NONHAZARDOUS):

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- (a) STANDARD (AMOUNT DESIRED) - 100 ml.
- (b) EVIDENCE (AMOUNT DESIRED) - All to 100 ml.
- (c) SEND BY - Registered mail
- (d) IDENTIFICATION - Same as for liquid drugs, (24)
- (e) WRAPPING AND PACKING - Same as drugs, (24)

above.

above.

(f) REMARKS - If item is suspected of being a hazardous material, treat as such and contact Explosives Unit for shipping instructions.

(37) SPECIMEN - GLASS FRAGMENTS:

- (a) EVIDENCE (AMOUNT DESIRED) - All
- (b) SEND BY - Registered mail, UPS or air express
- (c) IDENTIFICATION - Adhesive tape on each piece. Name or initials and date on tape. Separate questioned and known.
- (d) WRAPPING AND PACKING - Wrap each piece separately in cotton. Pack in strong box to prevent shifting and breakage. Identify contents.
- (e) REMARKS - Avoid chipping and mark "Fragile."

(38) SPECIMEN - GLASS PARTICLES:

- (a) STANDARD (AMOUNT DESIRED) - All of bottle or headlight. Small piece of each broken pane.
- (b) EVIDENCE (AMOUNT DESIRED) - All
- (c) SEND BY - Registered mail
- (d) IDENTIFICATION - Name or initials, date on outside of sealed container
- (e) WRAPPING AND PACKING - Use 35 mm film canister or pharmaceutical container.

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13-12.7.1 Reference Firearms Collection

This collection contains over 2,900 handguns and 1,700 shoulder weapons and is used for such things as:

- (1) Locating serial numbers
- (2) Replacing inoperable weapon parts
- (3) Identifying gun parts

EFFECTIVE: 06/26/91

13-12.7.2 Standard Ammunition File

EFFECTIVE: 06/26/91

13-12.7.3 Reference Fired Specimen File

This file contains test bullets and cartridge cases obtained from weapons which have been in the Laboratory. (Note: An "Unidentified Ammunition File," "Open Case File" or "Unsolved Crime File" consisting of bullets and cartridge cases recovered from crime scenes is no longer maintained by the Laboratory.)

EFFECTIVE: 06/26/91

13-12.8 Disposition of Weapons

The following guidelines are to be used in Bureau cases.

(1) Any weapon to be disposed of should be done so by the Laboratory.

(2) The Laboratory can dispose of weapons with a waiver of ownership or court order. If such cannot be obtained, see United States Marshal's Manual, Section 709.01 (Prisoner's Property) or Section 322.01 (Abandoned Property). When obtaining a court order, the requesting attorney should be advised to seek an order directing the weapons into the custody of the FBI "for its use or for any other

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disposition in its discretion." Court orders directing the destruction of a firearm should be avoided.

EFFECTIVE: 06/26/91

13-12.9 Gunshot Primer Residues On Shooter's Hands

(1) When a person discharges a firearm, primer residues can be deposited on that person's hands in varying amounts dependent upon the type, caliber, and condition of the firearm and the environmental conditions at the time of the shooting. Residue samples can be collected from a suspect's hands and analyzed for the presence of the chemical elements antimony, barium and lead, which are components of most primer mixtures. The analytical technique used to analyze these hand samples is dependent upon the type of hand samples collected from the suspect's hands. Washing of the hands and various other activities on the part of the shooter can remove substantial amounts of residue. Therefore, it is imperative to obtain samples as soon after the shooting as possible. Samples obtained more than six hours after a shooting are generally of little value and normally will not be analyzed.

(2) Samples obtained from the hands of victims of close range shooting (within approximately 10 feet) are generally of little value since it is not possible to differentiate between residues deposited on the hands of a shooter and a victim of a close-range shooting. Therefore, samples from the hands of victims are not normally accepted for analysis.

EFFECTIVE: 06/26/91

13-12.9.1 Sampling Materials

(1) For Bulk Analysis - Several suitable commercial sampling kits are available and are recommended. Fabricated sampling kits should be made with commercially available cotton-tipped applicator swabs with plastic shafts, plastic bags (ziploc or equivalent), and 5% nitric acid solution. (Store 5% nitric acid solution in sealed plastic bottle only.)

(2) For Bulk/Particle Combined System of Analysis - The FBI Laboratory is in the process of developing a combined

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bulk/particle analysis procedure for gunshot primer residues. When this procedure is developed, it will be made available to the field.

Contact the Elemental and Metals Analysis Unit of the FBI Laboratory for further information.

EFFECTIVE: 05/25/90

13-12.9.2 Bulk Analysis Sampling Procedure

Caution! During the sampling procedure avoid touching the person's hands.

(1) Remove the pair of swabs from the package labeled "RIGHT BACK," being careful not to touch the cotton tips. Using the dispensing bottle provided, moisten each swab with 2 or 3 drops of 5% nitric acid solution.

(2) Thoroughly swab the portion of the back of the thumb, forefinger and connecting web area of the right hand depicted by the shaded area of Figure 1. Return the swabs to their package.

Note! Thorough swabbing is accomplished by swabbing for approximately 15 seconds with each swab and rotating the swab so as to utilize all surfaces of the cotton tip. Do not swab any portion of the fingerprint pattern area during this step.

(3) Repeat step 1 using the swabs from the package labeled "RIGHT PALM."

(4) Thoroughly swab the palm area of the right hand depicted by the shaded area of Figure 2. Return swabs to their package.

(5) Perform the same procedure on the left hand.

(6) Prepare the swabs from the package labeled "CONTROL" as in step 1. Return swabs to their package without touching them to any surface.

(7) Mark all samples for identification and seal the kit.



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EFFECTIVE: 05/25/90

13-12.9.3 Gunshot|Primer Residue Examination|- Information Sheet

Case # \_\_\_\_\_ Type of Offense: \_\_\_\_\_

Victim(s): \_\_\_\_\_

Suspect(s): \_\_\_\_\_

SHOOTING INFORMATION

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Location: \_\_\_\_\_

Firearm(s): \_\_\_\_\_

Ammunition: \_\_\_\_\_

Number of shots fired: \_\_\_\_\_

SWABBING INFORMATION

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Person swabbed: \_\_\_\_\_

Occupation: \_\_\_\_\_ R L handed (circle one)

Was this person in possession of a firearm? \_\_\_\_\_

Did this person make any statements regarding the discharge or  
handling of a firearm? \_\_\_\_\_ If so, what were those  
statements: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Person who conducted the swabbing: \_\_\_\_\_

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| Person to contact for more information about this case:

| Name: \_\_\_\_\_ Telephone #: \_\_\_\_\_ |

EFFECTIVE: 11/20/90

13-13 TOOLMARK IDENTIFICATION

Toolmark examinations include, but are not limited to, microscopic studies to determine if a given toolmark was produced by a specific tool. In a broader sense, they also include the identification of objects which forcibly contacted each other; were joined together under pressure for a period of time and then removed from contact; and were originally a single item before being broken or cut apart. The inclusion of these latter areas results from the general consideration that when two objects come in contact, the harder (the "tool") will mark the softer. (Saws, files and grinding wheels are generally not identifiable with marks they produce.)

EFFECTIVE: 01/31/78

13-13.1 Conclusions

- (1) That the tool produced the toolmark
- (2) That the tool did not produce the toolmark, or
- (3) That there are not sufficient individual characteristics remaining within the toolmark to determine if the tool did or did not produce it.

EFFECTIVE: 01/31/78

13-13.2 Types of Toolmark Examinations

EFFECTIVE: 01/31/78

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13-13.2.1 Toolmark with Tool

Several comparisons can be made between a tool and a toolmark such as the:

- (1) Examination of the tool for foreign deposits such as paint or metal for comparison with a marked object.
- (2) Establishment of the presence or nonpresence of consistent class characteristics.
- (3) Microscopic comparison of a marked object with several test marks or cuts made with the tool.

EFFECTIVE: 01/31/78

13-13.2.2 Toolmark Without Tool

Examination of the toolmark can determine:

- (1) Type of tool used (class characteristics)
- (2) Size of tool used (class characteristics)
- (3) Unusual features of tool (class or individual characteristics)
- (4) Action employed by the tool in its operation, and/or
- (5) Most importantly, if the toolmark is of value for identification purposes.

EFFECTIVE: 01/31/78

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13-13.2.3 Metal Fracture

Fracture examinations are conducted to ascertain if a piece of metal from an item such as a bolt, automobile ornament, knife, screwdriver, etc., was or was not broken from a like damaged item available for comparison. This type of examination may be requested along with a metallurgy examination (see major topic 13-14 elsewhere in this section).

EFFECTIVE: 01/31/78

13-13.2.4 Marks in Wood

This examination is conducted to ascertain whether or not the marks left in a wood specimen can be associated with the tool used to cut them, such as pruning shears, auger bits, etc. This examination may be requested along with a wood examination (see secondary topic 13-9.7 elsewhere in this section).

EFFECTIVE: 01/31/78

13-13.2.5 Pressure/Contact

Pressure or Contact examinations are conducted to ascertain whether or not any two objects were or were not in contact with each other either momentarily or for a more extended time.

EFFECTIVE: 01/31/78

13-13.2.6 Surface Replica Plastic Impressions

Surface replica plastic impressions of stamped numbers in metal, such as altered vehicle identification numbers, can be examined and compared with other as well as with suspect dies.

EFFECTIVE: 01/31/78

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13-13.3 Obtaining Evidence in Toolmark Cases

(1) It is most desirable, if possible, to submit the actual toolmarked area for direct comparison. (Note: In number restoration cases, the Laboratory will routinely make a cast of the toolmark for a possible future comparison with marking stamps.)

(2) If it is impossible to submit the original, prepare and submit a cast, preferably in plastic, of the mark. For instructions on how to prepare a plastic cast/impression see paragraph 13-13.3.1 below.

(3) Photographs, although helpful in presenting an overall location of the mark, are of no value for identification purposes.

(4) Do not forget to obtain samples of paint, safe insulation, and any other material likely to appear as foreign deposits on tools.

(5) Do not place the tool against the toolmark for size evaluation.

EFFECTIVE: 01/31/78

13-13.3.1 Plastic Cast/Impression

The following instructions are for making a plastic cast/impression of stamped numbers in metal.

(1) All casts should be taken before any number restoration is attempted. (See "Items with Obliterated Identification Markings" under secondary topic 13-14.2 elsewhere in this section for further information on number restoration.)

(2) Casts should be taken using plastic surface replica kits (made by L. D. Caulk Company, Milford, Delaware 19963, trade name "Lucitone") which should be available in each office.

(3) The number one priority in taking a cast of stamped numbers is cleaning the number area of any foreign matter as the replica plastic will duplicate any foreign material left in the stamped characters. Thus, paint and dirt should be removed from the stamped area with a suitable solvent (acetone, gasoline or a

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commercial paint remover). A toothbrush could be used to help clean down to the bottom of the stamped area and in no instance should a wire brush be used to clean the area as this will scratch the numbers and make subsequent identification of the stamps impossible. If there is any rust in the stamped numbers, use of "NAVAL JELLY" is helpful in removing the rust.

(4) Having cleaned the surface, a dam should be built around it to retain the liquid surface replica while hardening and cooling. The liquid and the powder of the replica kit are mixed for one minute in the aluminum pouch that contained the powder. The dam material should be a soft pliable clay-like material such as caulking cord, "Play Dough" or modeling clay. Prior to forming the dam, nylon filament tape should be placed at each end of the characters, partly within the dam area to facilitate the cast removal. All voids around the dam should be sealed to prevent leaking. Once the liquid has been poured and hardened lift up on the ends of the tape to lift out the cast. If the cast has a lot of paint and rust, additional casts should be taken until the best possible cast has been obtained and this should be submitted to the Laboratory.

(5) At normal room temperatures (65 degrees - 75 degrees) plastic replica takes about 1/2 hour to set up. If the surface of the cast is hard but still warm, it should not be removed until the cast is cool to the touch. At low temperature (50 degrees and below) setting time can be up to 8 hours or more. In this instance, if possible, the vehicle or metal should be moved to a heated building. Further the area can be heated by several methods such as heat lamp, infrared light bulb, hair dryer directed on the number area and then upon the cast, etc. The use of a torch to heat the area is not recommended.

EFFECTIVE: 11/27/81

13-13.4 Submitting Toolmark Evidence to Laboratory

- (1) Pack to preserve the evidence and prevent contamination.
- (2) Properly identify each item to facilitate court presentation. Consider the possible need in court of the object from which the specimen was cut.
- (3) Submit the tool rather than making test cuts or

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impressions in field.

(4) Mark ends of evidence which are or are not to be examined.

EFFECTIVE: 11/27/81

13-13.5 Reference Files

(1) National Automobile Altered Numbers File: The FBI Laboratory is maintaining in the National Automobile Altered Numbers File selected specimens, including surface replica plastic impressions of altered vehicle identification numbers found on stolen cars, trucks and heavy equipment. The purpose of this file is to have a central repository for such specimens of altered numbers so that comparisons can readily be made at any time in an attempt to identify recovered stolen cars and possibly link such vehicles with commercialized theft rings nationwide or other cases investigated by the Bureau.

(2) National Vehicle Identification Number Standards File (NVSF): The FBI Laboratory maintains in the National Vehicle Identification Number (VIN) Standards File (NVSF) standards of VIN plates from each factory of the major manufacturers of American automobiles. The purpose of this file is to enable the Laboratory to determine whether or not a submitted VIN plate is authentic. Additionally it gives the Laboratory the capability, in the event that bogus VIN plates are being prepared in an automobile factory, to identify not only which factory is involved, but also which machine is being used to produce the bogus VIN plates. Any suspect VIN plate encountered in investigations should be forwarded to the Laboratory for examination.

EFFECTIVE: 05/26/83

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13-13.6 Identification Manuals

Laboratory manuals concerning the identification of automobiles, foreign and domestic, tractor trucks, trailers and construction equipment are updated on a timely basis.

provide investigative aids to the field Agent examining these kinds of equipment. Copies of these manuals can be obtained by contacting the Firearms-Toolmarks Unit of the Laboratory Division.

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EFFECTIVE: 05/26/83

13-14 METALLURGY EXAMINATIONS

Metals or metallic objects may be metallurgically examined for comparison purposes and/or information purposes.

EFFECTIVE: 05/26/83

13-14.1 Examinations for Comparison Purposes

Determinations to ascertain if two metals or two metallic objects came from the same source or from each other usually require evaluations based on surface characteristics, microstructural characteristics, mechanical properties and composition.

(1) Surface Characteristics - macroscopic and microscopic features exhibited by the metal surface including fractured areas, accidental marks or accidentally damaged areas, manufacturing defects, material defects, fabrication marks and fabrication finish. The fabrication finish reveals part of the mechanical history of how a metal was formed; e.g., if it was cast, forged, hot-rolled, cold-rolled, extruded, drawn, swaged, milled, spun, pressed, etc.

(2) Microstructural Characteristics - the internal structural features of a metal as revealed by optical and electron microscopy. Structural features include the size and shape of grains; the size, shape and distribution of secondary phases and nonmetallic inclusions; and segregation and other heterogeneous conditions. The microstructure is related to the composition of the metal and to the thermal and mechanical treatments which the metal had undergone; it



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therefore contains information concerning the history of the metal.

(3) Mechanical Properties - describes the response of a metal to an applied force or load, e.g., strength, ductility, hardness.

(4) Composition - the chemical element make-up of the metal including major alloying elements and trace element constituents. Because most commercial metals and alloys are nonhomogeneous materials and may have substantial elemental variations, small metal samples or particles may not be compositionally representative of the bulk metal.

EFFECTIVE: 05/26/83

13-14.2 Examinations for Information Purpose

Some of the kinds of information that can result from metallurgical examinations of metals in various conditions are listed below:

(1) Broken and/or mechanically damaged (deformed) metal pieces or parts

(a) Cause of the failure or damage - stress exceeding the strength or yield limit of the metal, material defect, manufacturing defect, corrosion cracking, excessive service usage (fatigue), etc.

(b) The magnitude of the force or load which caused the failure.

(c) The possible means by which the force or load was transmitted to the metal and the direction in which it was transmitted.

(2) Burned, heated or melted metal

(a) Temperature to which the metal was exposed.

(b) Nature of the heat source which damaged the metal.

(c) Whether the metal was involved in an electrical

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short-circuit situation.

(3) Rusted or corroded metal - length of time the metal had been subjected to the environment which caused the rust or corrosion. Requires that the investigator submit information concerning the environmental conditions surrounding the item when it was recovered.

(4) Cut or severed metal

(a) Method by which the metal was severed - sawing, shearing, milling, turning, electrical arcing, flame cutting (oxyacetylene torch or "burning bar"), etc.

(b) Length of time to make the cut.

(c) Relative skill of the individual who made the cut.

(5) Metal fragments

(a) Method by which the fragments were formed.

(b) If fragments had been formed by high velocity forces, may determine if an explosive had been detonated and the magnitude of the detonation velocity.

(c) Possible identification of the item which was the source of the fragments. In bombings, timing mechanisms can often be identified as to type, manufacturer and model; determinations are often possible as to the time displayed by the mechanism when the explosive detonated and as to the relative length of time the mechanism was functioning prior to the explosion.

(6) Watches, clocks and timers

(a) Condition responsible for causing the timing mechanism to stop or malfunction.

(b) Whether the time displayed by the mechanism represents AM or PM (calendar-type timing mechanisms only).

(7) |Deleted|

(8) Lamp bulbs

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(a) Whether a broken lamp bulb was incandescent at the time the glass portion broke.

(b) Whether an unbroken lamp bulb was incandescent at the time it was subjected to impact forces such as those developed in vehicular collisions.

(9) Objects with questioned internal components: X-ray radiography can reveal the interior construction and the presence or absence of cavities or foreign material.

(10) Items with obliterated identification markings - Obliterated identification markings are often restorable, including markings obliterated by melting of the metal (welding, "puddling"). Obliterated markings can also be restored on materials other than metal. Because different metals and alloys often require specific methods for restoration of obliterated markings, the Laboratory should be contacted before any field processing for number restoration is attempted.

EFFECTIVE: 01/11/85

13-15 MATERIALS ANALYSIS EXAMINATIONS

(1) These examinations entail the use of microscopic, microchemical and instrumental techniques such as Fourier transform infrared spectroscopy, X-ray diffraction, pyrolysis gas chromatography - mass spectrometry, scanning electron microscopy, differential thermal analysis, capillary electrophoresis, liquid and ion chromatography, etc., for both organic and inorganic analyses, identification and/or comparison of the compositions of paints, plastics (polymers), tapes (electrical, cellophane, masking, duct), glues, caulker/sealants, cosmetics, explosives and explosive residues.

(2) Mineralogy is also part of the Materials Analysis Unit (see Part II, Section 13-11 for mineralogy examinations).

EFFECTIVE: 09/03/93

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13-15.1 Paints, Cosmetics, Plastic Products, and Tapes

EFFECTIVE: 09/03/93

13-15.1.1 Automobile Paints

It is possible to establish the color, year and make of an automobile from a paint chip by use of the National Automotive Paint File which contains paint panels representing the original paint finish systems used on all makes of American cars, light trucks, vans, and most foreign cars. A very careful search of the accident or crime scene should be made to locate small chips because:

(1) Paint fragments are often found in the clothing of a hit-and-run victim.

(2) Paints may be transferred from one car to another, from car to object, or from object to car during an accident or the commission of a crime.

EFFECTIVE: 09/24/93

13-15.1.2 Nonautomobile Paints and Other Coatings

(1) Coatings of all types can be analyzed and compared. Paint on safes, vaults, window sills, door frames, etc., may be transferred to the tools used to open them. For example, a comparison can be made between the paint on an object and the paint on a tool to determine if there was contact with a particular painted surface. However, the manufacturer cannot be determined (other than original automotive paint finishes).

(2) Fine art authentication through complete chemical analyses of the coatings/materials utilized in the painting.

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EFFECTIVE: 09/24/93

13-15.1.3 Cosmetics and Related Items

Known and questioned samples of cosmetics, such as lipstick, face powder, and various other make-up materials can be compared with each other but they cannot be associated with a special source or manufacturer.

EFFECTIVE: 05/26/89

13-15.1.4 Plastics/Polymers

It is not possible to specifically identify the source, use, or manufacturer of plastic items from composition alone but comparisons such as the following can be made:

(1) Trim from automobiles, depending upon the uniqueness of the composition, is compared with plastic remaining on the victim or property struck in a hit-and-run.

(2) Plastics comprising insulation on wire used in bombings or other crimes are compared with known or suspected sources of insulated wire.

(3) Miscellaneous plastic material (including buttons) from crime scenes is compared with possible sources.

EFFECTIVE: 05/26/89

13-15.1.5 Tape

A positive identification may be made with the end of a piece of tape left at the scene of the crime and a roll of suspect tape (similar to fabric examination).

(1) Associations of tapes left at the scene and from suspected sources are determined from physical and compositional characteristics.

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(2) Deleted

(3) Materials Analysis Unit maintains a duct tape reference file.

EFFECTIVE: 09/24/93

13-15.1.6 Explosive Residues

See Part II, Section 13-6.7.1.

EFFECTIVE: 05/26/89

13-15.2 Fluorescent Powders and Other Marking Materials

EFFECTIVE: 09/03/93

13-15.2.1 Purpose

Marking materials are used to prepare an object, be it a decoy package cash box, money, etc., in order that a detectable trace will be left on a person or the property of a person who handled the object.

EFFECTIVE: 05/26/89

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13-15.2.2 Selection Factors

(1) The choice of material depends on factors inherent with each situation. These materials can be obtained as kits from commercial vendors.

(2) The material used can be a dry powder, liquid, or grease and be available in many visible and fluorescent colors.

(3) Fluorescent materials require a source of ultraviolet light to examine the subject's hands or clothing.

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(5) Deleted

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EFFECTIVE: 09/03/93

13-15.2.6 Fluorescent Materials

- (1) Have the advantage of not being visible to the subject.
- (2) Have the capability of being subsequently identified as the same powder used, by analysis of deposits on clothing, etc.
- (3) Have the disadvantage of requiring a source of ultraviolet light (see item (7) below).
- (4) Phosphorescent materials are different from fluorescent powders and must not be used since these may be detected by the subject even without an ultraviolet source.
- (5) Must be applied in a finely ground or powdered form.
- (6) Choice of form depends on object to be marked, for example:
  - (a) Contact areas of tools can be coated with a grease, such as vaseline, mixed with a fluorescent powder without creating suspicion. Richer deposits are transferred when grease film is used.
  - (b) Normally dry surfaces, such as gloves, money, doorknobs, steering wheels, etc., would arouse suspicion if coated with a grease. After coating an appropriate surface with grease, the remainder of object and/or container may be dusted with dry powder.
  - (c) Time, amount of light, and other factors may limit application to dusting since the dusting procedure is rapid and does not require meticulous attention.
  - (d) Liquid fluorescent materials normally used as a writing medium. Care must be taken to prevent liquid marks or discolorations on paper or surface treated.
- (7) Availability of fluorescent materials: Questions on availability and appropriateness of chemicals to particular problems can be resolved by contacting the Materials Analysis Unit of the Laboratory, extension [REDACTED] or [REDACTED]. If no fluorescent light is

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readily available in the field office, one can be put together from a lamp such as, or similar to, the RAY-O-VAC Sportsman 180 and a fluorescent bulb such as GE F65-BLB. The lamp should be available from retail department or camping stores and the bulb from lighting or magic shops.

(8) Procedures for application:

(a) In applying grease, use bare fingers and rub over the surfaces of the items to be marked so as to leave a thin film. Avoid large "globs" of grease.

(b) In applying powder form, numerous methods are commonly used, such as shaking powder over items, dusting with a powder puff or pad of cheesecloth, or brushing over the surfaces in a manner similar to that used to dust with fingerprint powder.

(c) Liquids can be applied with a clean pen, small paint brush, or spray-type dispenser.

CARE SHOULD BE TAKEN SO THAT THE FLUORESCENT SOURCE IS NOT DIRECTED AT THE EYES, SINCE THE ULTRAVIOLET RAYS FROM THE LIGHT CAN CAUSE DAMAGE TO THE EYES.

EFFECTIVE: 09/24/93

13-15.2.7 On-Site Laboratory Assistance to Field

Any requests for on-site assistance by Materials Analysis Unit personnel in a high-priority crime scene situation must be made by direct communication between the SAC and the Assistant Director, Laboratory Division. Such requests should only be made when the available services of the field crime scene search team will not fully meet the needs of the situation. This on-site support would include, but is not limited to, recovery, preservation and delivery to the Laboratory of trace evidentiary materials considered to be of probative value in the investigation.

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13-16 | SUPPORT SERVICES AND EXAMINATIONS IN BOMBING AND  
EXPLOSIVE MATTERS |

EFFECTIVE: 09/24/93

| 13-16.1 | Deleted |

EFFECTIVE: 09/24/93

13-16.2 Handling, Transportation and Storage of Explosives

(1) Explosives should only be handled by trained Laboratory Division personnel or certified Special Agent bomb technicians. The handling, transportation and storage of explosives should always be carried out in a safe, reasonable and prudent manner consistent with applicable laws and regulations.

(2) Each field division, through liaison contacts with local law enforcement agencies and U.S. military commands, should establish suitable and proper storage for explosives seized in the course of Bureau investigations or for use in training matters dealing with explosives. In the event suitable and proper explosives storage arrangements cannot be achieved to meet a field division's requirements, the purchase of a portable magazine(s) may be required.

(3) Any problems or questions regarding the handling, transportation and storage of explosives should be immediately resolved through contact with the Laboratory | Division Bomb Data Center or Explosives Unit. |

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13-16.3 Render Safe Assistance to the FBI

All offices are to have established liaison with public safety bomb squads and United States Military Explosive Ordnance Disposal (EOD) Units in order that assistance can be promptly obtained if explosives and/or bombs are encountered in connection with official investigations. The public safety bomb squad response is an integral part of the FBI Counterterrorism and narcoterrorism programs, and as such, liaison with these squads is an extremely important responsibility which should be handled by the Special Agent field bomb technician.

(1) The United States Army has EOD Units stationed throughout the continental United States plus Alaska and Hawaii. These Units have provided support to the Bureau in the past and have personnel qualified to handle explosives and bombs. Due to emergency conditions, requests for assistance from Army EOD Units will usually be oral. Such oral requests are to be confirmed by letter addressed to the Commanding Officer of the EOD Unit involved.

(2) The Army does not have an EOD Unit in Puerto Rico. Therefore, the San Juan Office should have established liaison with an appropriate United States Navy facility.

EFFECTIVE: 02/12/92

13-16.4 On-Site Laboratory Assistance to Field

Any requests for on-site assistance by Laboratory personnel in an explosives-related situation must be made by direct communication between the SAC and the Assistant Director in Charge, Laboratory Division. Such requests should only be made when the available services of the field division bomb technician will not fully meet the needs of the situation. This on-site support includes, but is not limited to, forensic investigation at major bombing crime scenes, participating in raids or searches wherein explosives may be encountered and technical support for principal bomb squad.

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13-16.5 [REDACTED] Technique

The Explosives Unit, Laboratory Division, has the capability of [REDACTED]

[REDACTED] This technique, called the [REDACTED] is closely controlled by the Laboratory and may only be initiated by explosive specialists from the Explosives Unit.

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(1) The Laboratory maintains a collection of [REDACTED] from which to draw upon when this technique is deemed appropriate. Additionally, items not in stock may be obtained from manufacturers where appropriate lead time is allowed. Items in this collection include: [REDACTED]

(2) [REDACTED]

(3) For this technique to be implemented, approval must be obtained from the applicable Criminal Investigative Division section supervising the parent case. Coordination will then be made with the Laboratory regarding the specifics of the [REDACTED] proposal. Under no circumstances should any FBI personnel attempt to conduct [REDACTED] without the appropriate approval and coordination with the Laboratory Explosives Unit.

EFFECTIVE: 02/12/92

13-16.6 Shipping Explosives, Hoax Bombs, and Bomb Components to the Laboratory for Examination

(1) Explosives are currently classified as hazardous material. Therefore, special packaging is required and the amount which can be sent in each shipment is regulated.

(2) The Explosives Unit is to be contacted for shipping and packaging instructions EACH AND EVERY TIME an explosive, hoax

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bomb, or bomb component is to be shipped to the Laboratory Division for examination. The shipping instructions furnished must be strictly adhered to because the improper packaging and shipment of an explosive is a serious matter affecting safety, and violations of shipping regulations will not be tolerated.

(3) The case Agent WILL contact or ensure that division mail room personnel contact the FBIHQ mail room EACH AND EVERY TIME a hoax bomb or hoax bomb components are shipped and provide the registered mail number or shipping document number. This will prevent any consternation at FBIHQ when incoming mail is examined under X-ray. (See MIOG, Part I, 91-8(11).)

EFFECTIVE: 04/29/93

13-16.6.1 Examination and Tests of Explosives and Explosive Devices

(1) The Laboratory Explosives Unit will conduct all forensic explosive testing and examination of explosive devices at the Quantico explosives ranges in support of FBI investigations and prosecutions.

(2) Such examinations or tests which must be conducted in the field due to exigent circumstances must have the approval of the Laboratory Division. Special Agents of the Explosives Unit will be assigned as appropriate to ensure that all forensic considerations and safety requirements are in accordance with applicable laws and regulations.

(3) This requirement extends to the handling, shipping and storage of explosive materials and verification testing of live explosives or devices to be carried out in the field where investigative matters are involved.

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13-16.7 Examinations of Bombs and Explosives

(1) Bombing evidence is examined to identify the components and fabrication techniques utilized in the bomb, to reconstruct the bomb, find clues that will assist in the identification of the bomb builder and to determine if the bomb is like previously examined bombs. The Explosives Unit is primarily responsible for the examination of all explosive devices and hoax bomb devices. All bombing evidence should be shipped to the Laboratory to the attention of the Explosives Unit. Forensic bombing examinations are subdivided into five categories: (1) the main charge explosive, (2) the fuzing system (initiation system), (3) function tests, (4) destructive capability evaluations and (5) intercomparison examinations.

(2) The Explosives Unit must approve the proposed use of explosives by [REDACTED] in conjunction with the Criminal Investigative Division. The Explosives Unit will provide guidance and instruction as necessary on the feasibility and safe handling [REDACTED]

[REDACTED] Under no circumstances should [REDACTED]

[REDACTED] without prior approval of the Explosives Unit.

(3) The Explosives Unit must approve all [REDACTED]

[REDACTED] in FBI investigations.

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EFFECTIVE: 02/12/92

13-16.7.1 Explosive Examinations

The Materials Analysis Unit conducts instrumental examinations of explosive materials from unexploded bombs and residue from exploded bombs. These examinations can yield the following information:

(1) Explosive residue examinations often identify the type of explosive(s) used in the construction of the bomb, i.e., dynamite, slurry, military, gun powder or homemade.

(2) Analysis of unexploded materials can very likely identify the manufacturer of the explosive, i.e., Dupont, Atlas,

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Hercules.

(3) Analysis of unexploded materials from bombs can also provide detailed compositional information about the explosive that can permit comparisons with explosives seized from caches and suspects.

(4) It is important to know that most residues of an explosive are water soluble, and, therefore, these residues must be protected from moisture. Also, other residues evaporate quickly necessitating the immediate sealing of collected debris in airtight metal cans. Also recognize that modern chemical analytical techniques are capable of detecting extremely minute amounts of explosives. These capabilities require that personnel handling bombing evidence be absolutely sure they are not contaminating evidence with residues on their hands or clothing that they have picked up elsewhere.

EFFECTIVE: 02/12/92

13-16.7.2 Fuzing System Examinations

The fuzing system of a bomb is the mechanism that, when activated, makes the bomb explode. A fuzing system can be something as simple as a burning fuse, or as complicated as a radio control mechanism. Examinations of a fuzing system can provide valuable investigative information as well as forensic information.

(1)

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(3)

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13-16.7.3 Function Tests of Bomb Fuzing Systems

Routine examinations of unexploded fuzing systems include evaluations to determine if the system could function the bomb if it were activated. Statements concerning these tests will be included in the Laboratory report. If requested, bomb fuzing system plans can also be evaluated to determine if they are workable.

EFFECTIVE: 02/12/92

13-16.7.4 Destructive Capability Evaluations

Routine examination of unexploded bombs includes an evaluation of the bomb's destructive capability. Statements concerning these evaluations are set forth in the Laboratory report. If important to the investigative effort, on-site evaluation of a bomb's blast effects can be made and expert testimony rendered about the size and type of explosive utilized.

EFFECTIVE: 02/12/92

13-16.7.5 Intercomparison Examinations

Intercomparison examinations of bombs, bomb debris and bombing related evidence are conducted to determine if the same person(s), plans and/or source of materials are involved in multiple incidents. The case Agent should request these types of examinations when investigation indicates a common link between bombing incidents. It should be noted that in certain situations the suspect and bombing incident can be positively linked through intercomparison examinations

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13-16.8 Explosive Reference Files

The Explosives Unit maintains extensive reference files on commercial and military explosives and improvised explosive devices or homemade bombs. These files contain technical data plus known standards of explosive items and bomb components. Information in these files is routinely compared with bombing evidence under examination and any associations will be reported.

EFFECTIVE: 02/12/92

13-16.9 Bomb Data Center (BDC) Program

The mission of the FBI Bomb Data Center is to provide state of the art training to and develop technology for public safety bomb disposal technicians, provide operational support to law enforcement agencies during special events and/or crisis management situations and to gather and disseminate information pertaining to bombing matters.

EFFECTIVE: 02/12/92

13-16.9.1 Technical Publications

The FBI Bomb Data Center is responsible for the collection, collation and dissemination of up-to-date statistical and technical information concerning improvised explosive devices, render safe procedures, explosive research and technical equipment used by public safety bomb technicians.

The principal publications of the BDC are disseminated through three distinct mailing lists:

(1) Publications containing unrestricted information - These publications provide information of a general nature. They set forth the results of tests conducted on bomb handling and detection equipment and other data of general interest. The dissemination of these publications is not restricted to law enforcement agencies.

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Public utilities such as electric power, natural gas, water or similar companies which carry out functions relating to welfare and security of a community, and corporate security offices may be placed on the mailing list to receive unrestricted information. These publications are mailed to the heads of participating organizations, or they may be addressed to the head of any subordinate unit designated by the department head, e.g., commander, bomb squad; lieutenant, burglary squad, and require no special security precautions. The publication is known as the General Information Bulletin (GIB).

(2) Publications containing restricted information - These publications, available only to public safety agencies and certain military units, provide information of sensitive nature and are labeled RESTRICTED INFORMATION. The present information about the design and functioning of specific bombs which have actually been constructed, current and vital information concerning new or potential bomb-type hazards, methods of coping with certain bombs, and other information of specific interest to the bomb incident investigator. Because the information is considered restricted, the distribution of these bulletins is limited to those participants who have a need to know. They are mailed to the heads of participating organizations or they may also be addressed to the head of any subordinate unit designated by the department head, e.g., commander, bomb squad; lieutenant, burglary squad, for dissemination only to those persons who have a need for the information contained therein. They must not be made available to unauthorized persons. All participants who receive these publications also receive those containing unrestricted information. Recipients of restricted material must agree to safeguard the information. This publication is known as the Investigators' Bulletin (IB).

(3) Special Technician's Bulletin (STB) - These publications, containing technical information intended only for the trained bomb technician, are also labeled RESTRICTED INFORMATION. They detail information regarding disarming procedures which have been employed against specific bombs, new or novel commercial items which may ultimately be encountered in improvised explosive devices, and other technical data which will be of specific interest to bomb technicians. Any attempt by an untrained person to apply the techniques or procedures contained in the STB could result in injury or death. Because of this, the STB is not mailed to the agency head but to the bomb squad commander for dissemination to qualified active members of the bomb squad. After receipt, it is the specific responsibility of the individual bomb technician to assure that these publications are not made available to unauthorized individuals. To obtain the STB, each bomb technician must be certified by his/her

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chief or supervisor in accordance with the following instructions:

(a) For Hazardous Devices School Graduates - The name and rank or title of the technician, the name and mailing address of the department or agency to which he/she belongs, and the date that he/she is presently employed as a bomb technician.

(b) Others - Active duty military EOD personnel will receive STB's through their parent commands.

(4) In addition to the established mailing list program, the BDC can supply FBI offices, public safety agencies and corporate security personnel with bomb threat cards, physical security manuals and handout material on the bomb threat challenge.

(5) The BDC compiles and publishes quarterly statistical summaries on bombing incidents throughout the United States. Data utilized in these summaries is reported to the Bureau by Form FD-436. Use of this form is not restricted to incidents bearing the 174 classification (Explosives and Incendiary Devices; Bomb Threats). The statistical integrity of the bomb incident summaries requires that all explosive incidents in the following categories be reported:

- (a) Actual use of an explosive or incendiary device
- (b) Attempted use of an explosive or incendiary device
- (c) Recovery of an actual or hoax device

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13-16.9.2 Foreign Bomb Data Center Programs

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13-16.9.3 Technical Research

The FBI Bomb Data Center manages research programs involving remote render safe technology, explosive breaching, diversionary devices and firing systems of explosive and incendiary devices. Much of this research is conducted in conjunction with other Federal agencies. Completed research reports are distributed to tactical units within the FBI as well as other interested public safety agencies.

EFFECTIVE: 02/12/92

13-16.9.4 | FBI|Hazardous Devices School|(FBI HDS)|

(1) Basic training of public safety bomb technicians in the United States is provided at the |FBI|Hazardous Devices School|(FBI HDS), |Redstone Arsenal, Huntsville, Alabama. |The FBI has funded and administered FBI HDS through the Bomb Data Center since 1981 when Congress mandated that the FBI would assume responsibility for the training of public safety bomb technicians. An annual Interagency Support Agreement with the U.S. Army provides military support at Redstone Arsenal. The U.S. Army provides a staff comprised of full time military and civilian personnel. |

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(2) The basic course is designed to train and certify local public safety officials as bomb technicians. The basic course combines classroom and range instruction in explosives technology, electronic circuitry and components of explosive devices, nonelectric components and priming, use of special equipment for the detection and handling of explosive devices, and render safe equipment and techniques. The basic course is given eight times per year with eighteen students enrolled in each course. An HDS basic course graduate receives certification as a bomb technician and is encouraged, but not required, to participate in a refresher course every eighteen to thirty-six months and to attend regional BDC seminars.

(3) HDS basic course applicants must be committed to five years of continuous service on an active bomb squad. Travel, lodging, and other expenses at the basic course are the responsibility of the trainee's agency.

(4) The one-week refresher course reviews basic principles and explores current developments in bomb disposal. The bomb technicians are placed in a variety of simulations which challenge their technical ability. HDS conducts twelve refresher courses each year with sixteen bomb technicians enrolled in each. The HDS refresher course is open to all basic course graduates. Reimbursement for travel, lodging, and subsistence is available from the FBI.

(5) Attendance Procedure:

Any employee of a bona fide local, state or Federal public safety agency may be selected for HDS attendance. Priority selection status is given to local and state personnel with full-time render safe responsibilities. Selection of candidates for bomb technician basic training will require a certification from the public safety agency that essential safety equipment (bomb suit, x-ray, disrupter, demolition kit and quality hand tools) will be available upon graduation or will be included in the agency budget. This commitment will not be necessary should the agency certify that this essential safety equipment is in their inventory.

(a) All applicants must:

1. Be volunteers;
2. Be full-time, sworn, salaried officers assigned to bona fide public safety agencies;

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3. Not be color blind;
4. Have vision in each eye which is not worse than 20/200 uncorrected and correctable to 20/20;
5. Not have a hearing loss in either ear which is greater than 60 decibels; and
6. Be in good health with no permanent or limiting disabilities.
7. Must fall within the Bureau weight chart (National Academy Standards) or have no more than 22 percent body fat.

(b) All applicants should:

1. Be committed to bomb technician work for a minimum of five years after graduation from HDS;
2. Have a minimum of five years' experience with their respective agencies prior to the date of the application;
3. Upon graduation, be assigned to duties normally associated with those of a bomb technician; and
4. Upon graduation, attend the one-week refresher course every 36 months.

(c) Requests for attendance must be directed to the local FBI field division, Attention: Police Training Coordinator. The requesting agency will receive:

Form FD-731	Information Form
Form FD-732	Waiver Form
SF-88	Medical Examination Form
Form 2-205	Attachment to Medical Form
FD-406	Authority to Release Information

(d) The FBI field division submitting the application is responsible for the following investigative steps:

1. Office indices check
2. Birth date verification

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3. Credit and arrest check for five-year period preceding date of application. Authority to Release Information (FD-406) must be obtained from the nominee at onset of the investigation. Credit checks will be conducted by contractor personnel at FBIHQ.

Any information developed which reflects unfavorably upon character or reputation of nominee must be completely resolved. SAC should make his/her recommendation based on results of investigation. Selection will be based on availability of space, number of technicians already trained in that area, and specific need of department.

EFFECTIVE: 02/12/92

13-16.9.5 Bomb Technician's Seminar

Regional seminars are conducted by BDC staff and field Special Agent bomb technicians on the construction and utilization of improvised explosive devices, techniques for remote neutralization, discussions of research and development and a review of new technical equipment. This seminar is only available to trained bomb technicians who are graduates of the FBI Hazardous Devices School.

EFFECTIVE: 02/12/92

13-16.9.6 Bombing Investigator's Seminar

Regional seminars are conducted by BDC staff on explosives recognition, investigative techniques and bomb crime scene procedures. This seminar is available to law enforcement personnel with investigative responsibilities in bombing cases.

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13-16.9.7 Special Agent Bomb Technician Program

The Special Agent bomb technician program is voluntary and requires attendance at a four-week explosives course at the Hazardous Devices School, Redstone Arsenal. The purpose of this training, initiated more than fifteen years ago, is to provide specialized explosive training to Special Agents to improve the technical proficiency in bomb investigations and to establish a liaison link with public safety bomb squads. When the FBI assumed administration of the Hazardous Devices School in 1981, the cadre of Special Agent bomb technicians became an integral part of the Bureau's program of bomb technician and bomb investigator training.

(1) Special Agents nominated for this training program should meet the following criteria:

(a) Should be mature, experienced investigator in good physical condition with a minimum of five years in the field.

(b) Should exhibit and demonstrate the ability to function well under stressful conditions.

(c) Must have five years remaining to serve (in order to fulfill service agreement)

(d) Should possess excellent communicative skills.

(e) Should possess, by vocation or avocation, familiarity with activities requiring manual dexterity.

(f) Should have some prior experience with explosives in either the military or commercial area.

(g) Should possess a strong interest/willingness to carry out forensic-related duties in bombing matters.

(h) Although not an essential requirement, technical or scientific experience would be an asset.

(2) Special Agent bomb technician, in addition to other duties as a field investigator, has the following responsibilities:

(a) Administrative

1. Provides information and advice to the SAC in all matters involving the use, possession or transportation of



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explosives.

2. Coordinates the recovery of explosive evidence in FBI investigative matters as well as its safe shipment to the FBI Laboratory.

3. Compiles and reports to the BDC information involving explosive devices encountered by public safety bomb squads and military EOD units.

4. Expeditionously reports to the Laboratory Division by telephone extraordinary bomb related events.

5. Assists the field office management in the development of emergency planning for a bombing occurrence.

6. Assists the office crime scene coordinator as necessary regarding bombing crime scene examinations and evidence collection.

7. Obtains and controls proper bunker space for the storage of explosive evidence, training devices, and tactical items.

8. Advises the BDC of upcoming special events where specialized equipment may be required.

(b) Liaison

1. Establishes and maintains communication with local military and civilian bomb disposal units.

2. Establishes and maintains communication with professional organizations (i.e., International Association of Bomb Technicians and Investigators - IABTI) in their area, to include membership in and attendance at organizational functions.

3. Establishes and maintains communication with other Federal agencies to ensure information is obtained regarding their encounters with explosives.

4. Stimulates participation in the BDC publication program by encouraging innovative research or recording of unusual incidents by local bomb squads.

(c) Tactical

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1. Acts as an information link between field office management and its tactical units in situations involving explosives.
2. Assists in assessments of potential explosive and/or booby trap devices encountered during investigative, arrest and search operations.
3. Is available to tactical units for "on scene" technical assistance and direct liaison with supporting bomb squad personnel.

(d) Training

1. Plans and conducts periodic training for FBI personnel as office needs dictate. Such training may include bomb threat assessment, search techniques, explosives recognition or other similar courses.
2. Assists BDC in its national training program conducted regionally throughout the year by participating in no less than four (4) schools.
3. Assists the field office police training coordinator with local requests for bomb-related instruction.
4. In addition to regional schools must participate in the BDC-sponsored annual recertification program to assess technical abilities and safe explosive handling practices.

EXPLOSIVE BREACHING TECHNIQUE IS NOT AUTHORIZED FOR ANY  
FBI OR POLICE TRAINING PROGRAM

The Laboratory Division has trained personnel to provide additional support to the SAC in situations in which explosives may be anticipated. Bombing technicians of the BDC are available to provide advice on safety perimeters at a bomb location, remote handling procedures for the render safe of an improvised explosive device, effect liaison with the faculty of HDS, direct access to the worldwide system of bomb data centers and provide direct liaison with public safety bomb squads. Explosives specialists of the Explosives Unit will provide assistance in the processing of bombing crime scenes, searches of bomb factories, support and necessary forensic assistance.

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EFFECTIVE: 02/12/92

13-16.9.8 Render Safe Equipment

(1) The primary goal of the bomb technician training at the Hazardous Devices School (HDS) is to save lives. Bomb technicians are taught remote render safe techniques so as to minimize the dangers inherent in bomb disposal activity. No "hands on" render safe procedure is recommended unless a life is in imminent danger and there is no alternative. In order to support this philosophy, the FBI has included a wide range of high technology equipment in its training program. This equipment is utilized to illustrate the variety of remote techniques, to stimulate the acquisition of similar equipment by bomb squads and to provide an assessment of the capabilities of the equipment.

(2) The Laboratory Division possesses two self-contained bomb disposal vehicles, [REDACTED] b2 b7E  
The vehicles contain a state-of-the-art bomb containment sphere which is designed to absorb the deadly pressure and fragmentation of an explosive device. Each truck also contains a bomb disposal robot and a bomb protection suit. When combined with other render safe equipment on the truck, the response package provides a variety of low-risk alternatives for a render safe operation. All of the equipment is designed for use during the critical time between detection of the bomb and detonation. The technology applies to initial assessment of the improvised explosive device, remote removal or on-site disruption. This equipment is available to augment public safety bomb squad or military EOD equipment at special events.

(3) All SA bomb technicians are trained in the use of general bomb disposal equipment, such as x-ray machines and disrupters. BDC and HDS personnel also train on the use of more technical bomb disposal equipment.

EFFECTIVE: 09/22/87

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13-16.9.9 Military Explosives Used by the FBI

(1) FBI bomb technician and bomb investigator seminars receive support from military EOD personnel who provide specialized lectures and furnish military explosives when necessary for live range training. This cooperation between the FBI and the U.S. Army dates back to 1976.

(2) Quantities of military explosives requested for an FBI seminar are determined by the purpose of the training. Special Agent bomb technicians and EOD personnel are responsible for the use and destruction of these explosives. Under no circumstances are FBI personnel authorized to distribute military explosives to police bomb squads.

EFFECTIVE: 09/22/87

13-16.9.10 Requests for Assistance

(1) All direct operational support performed by the BDC or Explosives Unit must be in response to requests made by the SAC and coordinated with the Criminal Investigative Division.

(2) Laboratory Division personnel and equipment as well as field SA bomb technicians can provide assistance in the following situations wherein the use of explosives might be anticipated:

(a) Major Case - When situation involves FBI or Task Force jurisdiction, raid or arrest planning should include the availability of the local public safety bomb squad or military EOD units (Note Posse Comitatus restrictions on military seizure or processing of evidence). If other agency support is not feasible, SAC may request FBIHQ assistance.

(b) Special Event/Major Case - Local or state law enforcement is usually the lead agency in physical security matters with FBI jurisdiction aligned with terrorism possibilities. Public safety bomb squad may request priority training assistance at HDS or in a regional seminar. Technical support for the principal bomb squad may be requested through the local SAC and FBIHQ.

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EFFECTIVE: 09/22/87

13-17 DOCUMENT EXAMINATION

Document examination consists for the most part of a side-by-side comparison of handwriting, typewriting, and other written and printed matter to establish an identification. Besides submitting documents for document examinations, consideration should always be given to submitting them for latent fingerprint examinations (see Part II, Section 15 of this manual). These latent fingerprint examinations will be conducted after the original document has been photographed and the requested document examinations have been conducted.

EFFECTIVE: 05/25/90

13-17.1 Conclusions

Conclusions are positive and reliable when the examinations are conducted by competent experts. (Note: Age, sex, character, etc., cannot be determined with certainty in handwriting. Pseudoexperts in this field, "graphologists" or "graphoanalysts," purport to have this ability, but have no scientific validity.)

EFFECTIVE: 05/25/90

13-17.1.1 "No Conclusion" Examinations

In some document examinations, a "no conclusion" is reached as opposed to an "identical" or "not identical" conclusion. Some of the reasons for a "no conclusion" are:

- (1) Limited questioned material
- (2) Inadequate known material
- (3) Lack of contemporaneous standards (long interval of time exists between the preparation of the questioned and known material)
- (4) Disguise (definite conclusions often impossible)

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and/or

(5) Lack of sufficiently identifying characteristics (although ample quantities of both questioned and known samples are available).

EFFECTIVE: 05/25/90

13-17.2 Documentary Evidence

All efforts must be made to maintain and preserve documentary evidence in the same condition as it was received. This evidence must not be folded, torn, tampered with, marked or touched unnecessarily, stamped, soiled, subjected to indented writing, mutilated, etc. Each item of evidence should be placed in a separate envelope/container. Photocopies should be placed in paper rather than plastic envelopes as photocopies often stick to plastic mutilating the document. The legal "chain of custody" must be maintained at all times and all evidence must be stored in the designated areas within each office.

EFFECTIVE: 05/25/90

13-17.2.1 Marking for Identification

Unless legal aspects or good judgment dictate otherwise, all articles seized as evidence should be carefully marked for identification. These markings should be of such a character as not to injure the evidence itself. They should be made in such a manner as to preclude the possibility of the marks being obliterated. Their character should be such as to make it possible for the person or persons who obtained the evidence to testify at a later date that this particular article was found at a certain place at a certain time. Each mark should be distinctive; therefore, an "X" should never be used. If the evidence is not marked, it should be placed either in a clear plastic envelope along with a slip of paper showing initials, date, and other pertinent data or in another suitable envelope/container identified on the outside with the date, initials, and other pertinent data.

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EFFECTIVE: 09/22/87

13-17.2.2 Original vs. Photocopy

The original evidence itself rather than a photocopy (photograph or copy made with a photocopier machine) should be submitted because many types of examinations, such as most types of forgeries, certain kinds of typewriting, and checkwriter or notary seal impressions, etc., can be made only on the original. Also, the original is utilized by the examiner to prepare court exhibits. Some examinations, however, can be made using good quality photographs of the original evidence. A photocopy is normally satisfactory for file searches. In no case should the inability to forward the original evidence constitute a valid reason for not requesting an examination.

EFFECTIVE: 09/22/87

13-17.2.3 Obtaining Known Handwriting Samples (See 13-6.7 (44).)

The following guidelines are to be used to obtain known handwriting and/or hand printing samples from a person (writer).

- (1) Reproduce the original conditions as nearly as possible as to text, speed, slant, size of paper, size of writing, space available for the writing, type of writing instrument, etc.
- (2) Obtain samples from dictation until it is believed normal writing has been produced (the number of samples necessary cannot be determined in advance).
- (3) Do not allow the writer to see either the original document in question or a photograph thereof prior to or during the taking of the samples.
- (4) Remove each sample from the sight of the writer as soon as it is completed.
- (5) Do not give instructions in spelling, punctuation or arrangement.

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(6) Use the same writing media, such as type and size of paper, writing instruments, printed forms such as checks or notes. (Note: Form FD-352 is useful in obtaining sample in check-type cases.)

(7) Obtain the full text of the questioned writing in word-for-word order at least once, if possible. Signatures and less extensive writing should be prepared several times, each time on a different piece of paper. In hand printing cases, both upper case (capital) and lower case (small) samples should be obtained.

(8) In forgery cases the Laboratory should also be furnished with genuine signatures of the person whose name is forged.

(9) Obtain samples with both the right and left hands.

(10) Obtain samples written rapidly, slowly, and at varied slants.

(11) Obtain samples of supplementary writings such as sketches, drawings, manner of addressing an envelope, etc.

(12) Writer should initial and date each page.

(13) Witness each sample with date and initials (or name).

(14) [Deleted]

(15) If readily available, samples of undictated writing should be obtained, such as application for employment, social or business correspondence, school papers, etc.

EFFECTIVE: 06/15/81



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13-17.2.4 Obtaining Known Typewriting Samples (See MIOG, Part II, 13-6.7(64))

The following guidelines are to be used to obtain known typewriting samples.

(1) Obtain a full word-for-word text of the message in question using as nearly as possible the same degree of touch as used in the questioned text.

(2) Obtain samples of the complete keyboard (all letters, numerals and symbols).

(3) Obtain pertinent identifying data regarding the typewriter (make, model, serial number, etc.) and type this data as well as information such as the date sample was obtained, name of person taking the sample, where the typewriter was located, etc., on the sample.

(4) Obtain data, if available, regarding when the machine was last serviced or repaired.

(5) Properly witness each sample (initial and date on reverse side).

(6) If the typewriter is equipped with a paper type ("one-time") ribbon, remove the used portion and submit it to the Laboratory whenever available.

(7) If new cloth ribbon is used in the typewriter, consider removing it and submitting it to the Laboratory.

(8) If the typewriter uses a cloth ribbon also obtain a stencil sample as follows:

(a) Physically remove the cloth ribbon from the typewriter or mechanically move it by placing the ribbon mechanism in the stencil position

(b) Place a piece of carbon paper over a piece of ordinary paper and insert them both in the typewriter

(c) Begin typing and allow the faces of the type to strike the carbon paper directly, and

(d) Submit the stencil sample, which is the typed

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text on the ordinary paper, to the Laboratory. (A stencil sample gives very clear impressions of the typefaces.)

(9) If the typewriter contains no ribbon and one is not readily available, obtain a stencil sample by following steps (b) through (d) above.

EFFECTIVE: 05/11/87

13-17.2.5 Obtaining Known Photocopy Samples

The following guidelines are to be used when obtaining known samples from photocopy machines.

(1) Obtain at least 10 samples with no document on the glass plate and the cover down.

(2) Obtain at least 10 samples with no document on the glass plate and the cover up.

(3) Obtain at least 10 samples with a document on the glass plate and the cover down.

(4) Identify each sample as to make, model, and conditions under which sample was made.

(5) On the transmitting communication to the Laboratory, if possible, list any of the following information that can be obtained from the known photocopy machine:

(a) Toner - Locate toner supplies and record toner components, manufacturer, and descriptive information

(b) Paper - Sheet or Roll fed

(c) Options

1. Color - Determine if the machine has optional color capabilities and what colors are available

2. Editor - mask and trim, or editor board

3. Reduction, enlargement, and zoom

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EFFECTIVE: 05/11/87

13-17.3 Requesting Examinations:

When a document examination is desired follow the instructions in paragraph 13-3.1 (Requests for Examination of Evidence) elsewhere in this section, and include in the requesting communication the following:

- (1) Which of the submitted items are the questioned and the known specimens
- (2) Which questioned items are to be forwarded for latent fingerprint processing, and
- (3) Personal characteristics of the writer, such as any nervousness, handicap, illness, injury, etc., or any observed efforts by the writer to distort or disguise his/her writing.

EFFECTIVE: 05/11/87

13-17.4 Types of Document Examinations

- (1) Handwriting (script)
- (2) Hand printing or hand lettering
- (3) Forgeries
  - (a) If a traced forgery, try to locate the document containing the pattern or master signature from which traced.
  - (b) If a simulated or copied forgery, include samples of genuine signatures to determine the extent of simulation.
  - (c) If a freehand forgery, the forger has no knowledge of how the genuine signature looks.
- (4) Typewriting

(a) [REDACTED]

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(b) An examination of questioned typewriting can assist in determining a possible make and model of typewriter used to prepare the material.

(c) Questioned and known typewriting specimens of the same size and style of type cannot be identified unless individual defects or wear characteristics are exhibited in the samples.

(5) Paper

(a) Definite identification is seldom possible.

(b) Consideration should be given to indented writing, watermarks, tool or knife marks along the edges, whether the paper was torn in a manner to leave stubs in a tablet, and whether torn edges are suitable for comparison with torn edges on a source item.

(c) Some paper examinations are partially destructive and will not be conducted unless specifically advised.

(6) Writing instruments (pencils, pens, crayons, ball-point pens)

(7) Checkwriters

(a) Examination of checkwriter impressions assists in determining the manufacturer of the machine used to produce the impressions.

(b) Positive identification of questioned with known samples is infrequent because the construction of checkwriting machines inhibits the development of unique identifying defects and wear characteristics.

(8) Printing, photocopying, and other duplication processes

(a) Printed documents may be associated as originating from a common source or may be identified with known printing paraphernalia.

(b) Photocopies may be associated as originating from the same source or may be identified with a particular machine.

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(9) Indented writing

- (a) Photographic, electrostatic, and lighting techniques are used to determine the context of indented notations.
- (b) The document should not be folded or creased.
- (c) Care should be taken to ensure accidental indented writings are not made in a document after its collection as evidence.

(10) Obliterated or eradicated writing

- (a) Nondestructive methods include photography, using ultraviolet and infrared techniques, and microscopic examination.
- (b) Staining methods may produce minor stains. The Laboratory should be advised whether minor staining may be applied.

(11) Used carbon paper

- (a) Carbon paper should not be folded or creased.
- (b) Examination may disclose the context of handwritten or typewritten material pertinent to an investigation.

(12) Burned or charred paper

- (a) Questioned entries on charred or burned paper may be disclosed with appropriate examination.
- (b) Charred paper should be protected by a polyester film encapsulation method or shipped to the Laboratory in the original container in which it was burned at the crime scene. Contact the Laboratory for more specific instructions.
- (c) If above options are not feasible, ship the charred paper between layers of cotton in a rigid container.

(13) True age of a document

- (a) May be based on watermarks, letterhead or other printing, and typewriting.
- (b) Determination of exact dating is infrequent.

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(14) Wet documents

(a) Material should be frozen before shipping items to the Document Section.

(b) Freeze-dry methods of preservation will permit items to dry and reduce risk of decomposition.

(15) Magnetic Media/Computer disks

(a) The Document Section will retrieve data for investigative assistance from disks obtained during investigations. Note: Computer systems are numerous and integrated; therefore, it is essential that any of the following information, if known, be made available to the Laboratory:

1. System configuration - list model, brandname, etc., of all equipment

2. Manuals - any operational manuals should be obtained and made available to the Laboratory

3. System software disks - all disks should be submitted, including those that are nondata - such as system and program disks

4. Any notes giving instructions on manipulating programs

(b) Document Section personnel are available for telephonic guidance and assistance at extension [REDACTED]

(c) In the transmitting communication, the Laboratory should be briefly advised as to what information is of interest. Printouts will be provided of each disk directory. In addition, printouts will also be provided for all portions of the submitted disks that correspond to the described areas of interest.

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13-17.5 Reference Files of Known Standards

(1) Typewriter Standards

(a) Consists of original samples of typewriting from numerous styles of type made in this country and many styles of type made in foreign countries.

(b) Permits classification of questioned typewriting on the basis of make and model.

(2) Watermark Standards

(a) An index of watermarks and brands used by paper manufacturers.

(b) Aids in tracing source or origin of paper.

(3) Safety Paper Standards

(a) Original samples of safety paper used for checks.

(b) Aids in determining manufacturer.

(4) Checkwriter Standards

(a) Collection of original checkwriter impressions.

(b) Permits classification of questioned checkwriter impressions as to make and model.

(5) Shoe Print and Tire Tread Standards

(a) Collection of sole and heel designs, tire tread designs and wheel base measurements.

(b) Permits identification of manufacturer of shoe, heel, soles and tires. Wheel-base measurements enable elimination of suspect vehicles.

(6) National Motor Vehicle Certificate of Title File

See 13-17.6(4) of this section for further information.

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(7) Office Copier Standards

(a) Collection of standards taken from photocopy and office duplicator machines.

(b) Aids in determining the possible manufacturer of office copying machine utilized to prepare questioned material.

EFFECTIVE: 05/25/90

13-17.6 Files of Questioned Material

(1) National Fraudulent Check File

(a) Contains computerized and photographic samples of checks, writings, and other documentary material used by persons involved in fraudulent check schemes.

(b) Assists in identifying individuals involved in fraudulent check schemes and associates questioned material in various cases as having originated from a common source.

(c) A search through the file will be made even though the questioned material was previously searched through a check file maintained by a state or local agency, or technically examined by another agency.

(2) Anonymous Letter File

(a) Consists of a computer-assisted reference collection, including photographic copies of kidnap notes, extortion and threatening letters, including communiques in terrorist bombing matters.

(b) Assists in identifying the source of such questioned material and associates questioned material in various cases as having originated from a common source.

(c) Letters of abusive or "crank" nature are neither searched nor added to the file, unless mitigating circumstances so warrant.

(d) Letters determined to be of no prosecutive value are not to be submitted to the Laboratory, unless mitigating



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circumstances so warrant.

(3) Bank Robbery Note File

(a) Consists of computerized and photographic copies of writings of known bank robbers, of holdup notes found in the possession of known suspects and of notes used in actual holdups, or attempted holdups, of banks and other establishments.

(b) Assists in identifying questioned notes with known writers and associates questioned notes in various robbery cases as having originated from a common source.

(c) Notes and miscellaneous questioned writings found on counters and wastebaskets in banks which are obviously the work of mischief or prank will not be searched, and will not be added unless mitigating circumstances so warrant.

(4) National Motor Vehicle Certificate of Title File

(a) Consists of a questioned section comprised of photographic copies of counterfeit and/or altered motor vehicle titles, by state, utilized in the transfer or sale of a stolen motor vehicle.

(b) Consists of a known section comprised of authentic motor vehicle titles from each state.

(c) Assists in identifying counterfeit titles as having originated from a common source.

(d) Will provide a known standard for a determination to be made as to the authenticity of a questioned title.

(5) National Stolen Art File (NSAF)

(a) The NSAF was established to assist law enforcement in the investigation of stolen and recovered art (painting, prints and sculpture). The system employs a computer interfaced with a computer-driven Optical Laser Disk viewer. The computer is designed to contain descriptive data and photographs of stolen and recovered fine art items. The information concerning the stolen and recovered items is numerically classified according to composition, subject matter and size and placed in the appropriate portion of the system with the photograph placed in the corresponding area of the visual section of the system.

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(b) The NSAF is designed as a central repository of data and photographs of fine art objects that have been reported as either missing or stolen. The file also includes information and photographs of art objects whose whereabouts are known but their legal ownership is undetermined or in question. Information is gathered from, and available to, all law enforcement agencies.

(c) An art object to be searched in the section of this system containing the listing of stolen objects, is described as a two- or three-dimensional object that was created by, or created under the direction of, an individual considered by the accepted art community to be an artist or designer. The art object should have an estimated value of at least \$2,000 at the time of submission of the data. However, if of lesser value but associated with a major crime, it will also be entered into the system.

(d) Information concerning a stolen art object is placed in the NSAF as follows: The investigative agency should record the appropriate information regarding the stolen item on an FD-531 (Stolen Art Data Sheet). One FD-531 is to be completed for each item submitted. A copy of the contributor's "stolen report" must be attached to the FD-531 with a photograph of the item when available. These forms should be forwarded to FBIHQ, Attention: National Stolen Art File, Document Section, Laboratory Division. When a contributing law enforcement agency locates an item that had been previously reported as stolen or missing, the contributor should expeditiously advise the NSAF of this information by letter in order to update the information in this program.

(e) All art objects which may come under the investigative interest or control of the law enforcement agency, and whose ownership is questioned, should be searched through the NSAF. These items should include art objects that have been seized, found abandoned or merely reported by a confidential informant as possibly being stolen.

1. To facilitate the search in the NSAF, the requesting agency should submit a completed FD-531 with a photograph of the art object attached. These inquiries can be made by letter or, if the information requires expeditious handling, the inquiry can be handled telephonically with a letter and photograph provided at a later date. Telephone inquiries should be directed to the Laboratory Division, Document Section, (202) 324-3000, extension [REDACTED] or [REDACTED]. When the inquiry is received by the NSAF, the data is classified and serialized and then searched through the file in an effort to

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associate the questioned item with an object currently on file. When an association is made, both contributing agencies will be notified of the association. The Laboratory's art file is to provide investigative assistance only (providing "lead" information). Therefore, information obtained from the art file must be verified and authenticated by the contributing agencies.

2. In the event an association is not made during the search of the file, the information classifying the recovered item will be placed in the recovered portion of the file for future reference, unless advised to the contrary by the contributor. This information on the recovered object will remain on file and will be checked against all entries on stolen objects placed therein.

3. Federal rules and regulations concerning the accuracy of information contained in FBI files necessitate periodic validation of information contained in the NSAF. Therefore, on an annual basis, each contributor will be provided a computerized listing of all items in the file attributed to that agency. These forms are to be checked for accuracy, making changes where necessary, certified and returned to the NSAF within forty-five (45) days.

(6) National Stolen Coin File (NSCF)

(a) The NSCF was established to assist law enforcement in the investigation of stolen and recovered coins. The system employs a computer interfaced with a computer-driven Optical Laser Disk viewer. The computer is designed to contain descriptive data and photographs of stolen and recovered coins and is numerically classified according to number of coins, value of collection, coin container characteristics and complete descriptions of the ten most valuable coins in the collection. Electronic images of photographs, if available, of the coins are placed in the corresponding area of the visual section of the file.

(b) The NSCF is designed as a central repository of data and photographs of stolen coins. The file also includes data and photographs of coins the whereabouts of which are known, but the legal ownership of which is undetermined or in question. Information is gathered from, and available to, all law enforcement agencies.

(c) Information concerning stolen or recovered coins is placed in the NSCF as follows: The investigative agency should record the appropriate information regarding the coins on an FD-763 (National Stolen Coin File Data Sheet). Section Three should be photocopied nine times so that the ten most valuable coins in the

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collection can be fully described. Available photographs should be attached to the FD-763. A copy of the contributor's written report should accompany the submitted data. All of the information should be forwarded to FBIHQ, Attention: National Stolen Coin File. If a contributing law enforcement agency locates coins previously reported as stolen, the agency should expeditiously advise the NSCF of this information by letter in order to update the information in this program.

(d) All coins which may come under the investigative interest or control of a law enforcement agency and whose ownership is questioned should be searched through the NSCF. These items should include coins that have been seized, found abandoned or merely reported by a confidential source as possibly being stolen.

1. To facilitate the search in the NSCF, the requesting agency should submit a completed FD-763 with photographs, if available, of coins. These inquiries can be made by letter or, if the information requires expeditious handling, the inquiry can be handled telephonically with a letter and photographs provided at a later date. Telephone inquiries should be directed to the Laboratory Division, Document Section, (202) 324-3000, extension [REDACTED] or [REDACTED]. When the inquiry is received by the NSCF, the data is classified and serialized and then searched through the file in an effort to associate the questioned coins with coins currently on file. When an association is made, both contributing agencies will be notified of the association. The Laboratory's coin file is to provide investigative assistance only (providing "lead" information). Therefore, information obtained from the coin file must be verified and authenticated by the contributing agencies.

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2. If an association is not made during the search of the file, the information classifying a recovered coin or coins will be placed in the "recovered" portion of the file for future reference, unless advised to the contrary by the contributor. This information on the recovered object will remain on file and will be checked against all entries on stolen objects placed therein.

3. Federal rules and regulations concerning the accuracy of information contained in FBI files necessitate periodic validation of information contained in the NSCF. Therefore, on an annual basis, each contributor will be provided a computerized listing of all items in the file attributed to that agency. These forms are to be checked for accuracy, making changes where necessary, certified and returned to the NSCF within forty-five (45) days.

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EFFECTIVE: 12/16/88

13-18 PHOTOGRAPHIC EXAMINATIONS

(1) Forensic examinations of photographic evidence are available from the Special Photographic Unit. Photographic evidence may include:

- (a) Film negatives
- (b) Slides
- (c) Instant prints/slides
- (d) Photographs
- (e) Cameras
- (f) Video tape
- (g) Unexposed film
- (h) Undeveloped film
- (i) Photographic accessories
- (j) Pornography
- (k) FCI Tradecraft
- (l) Motion Pictures
- (m) Image processing picture files
- (n) Digital camera image files

(2) Also, any other evidence may be submitted for studio photographic examinations using, for example, infrared, and ultraviolet techniques. This nonphotographic evidence includes, but is not limited to:

- (a) Documents
- (b) Clothing

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(c) Any obliterated writing or printing

(d) Defaced or altered surfaces

(e) Items with hollows or cavities

(3) The following are examinations of photographic evidence available from the Special Photographic Unit:

(a) Bank Robbery Film Examinations - Bank Robbery film (or video tape) is examined and compared to other submitted evidence (guns, clothing, mug shots, bags, hats, etc.). This examination may help establish a subject's presence at a crime scene by identifying clothing, weapons, or any other items linked to the subject. These examinations include surveillance video tapes that are increasingly popular for bank surveillance. Also subject height determinations may be made from these images (see Photogrammetry Examinations below at (3) (e)).

Note: It is important to remember that the negatives or the original video tape are the best evidence and should always be submitted when an examination is requested. Before submitting, any prints needed for continuing the investigation should be made from the negatives, and at least one copy of the video tape should be retained in the field division.

In conjunction with the Firearms Unit, bullet trajectories may be calculated through photogrammetric techniques.

(b) Photographic Comparisons - Photographic evidence is examined and compared to other evidence or photographs of evidence. Various photographs of a subject taken at different times and places may be compared to determine if the photographs are indeed of the same subject. The subject may be a suspect individual, vehicle, weapon, or virtually anything that may be photographed. Also, any items within a photograph may be compared, for example, a pendant around an individual's neck, rings, or tattoos.

(c) Time and Location Examinations - Photographic evidence may be examined to determine the location, time, and date that an image was taken.

(d) Authenticity Examinations - Photographic evidence may be examined to determine if the image is the result of a composite, a copy, or of some other alteration method to cause a

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misrepresentation. Evidence may also be examined to see if it is a copy of copyrighted or pornographic material.

(e) Photogrammetry - Actual dimensions may be derived from photographic images through the use of various geometric formulae. The most common is determining the height of bank robbery suspects. As an adjunct to this type of examination, plan drawings, or views may be generated. These are "overhead" representations of a scene depicted in a photographic image. These may be used for mapping a major crime scene from photographs taken of the scene. This may include onsite surveys by SPU personnel coupled with photographs taken by specially calibrated cameras.

(f) Infrared (IR), Ultraviolet (UV), and X-Ray Examinations - Obliterated writing or other marks may be made evident by examining evidence with IR, UV, and X-ray photography. These examinations are based on the principle that various substances may reflect, fluoresce, or luminesce at different rates. Examples include overwritten documents, documents with altered writing, objects with defaced serial numbers, or other identifying marks, or marks that may be invisible against a similarly colored background.

(g) FCI Tradecraft - The Special Photographic Unit examines and maintains a collection of foreign counterintelligence tradecraft. This is not necessarily limited to FCI cases. Any cases of items designed for concealed cameras, money, drugs, etc., may be examined for evidentiary purposes.

(h) Source and Age Examinations - In some cases photographic products (including film and prints) may be dated and source established by an examination of their manufactured characteristics. This may be helpful in establishing the time frame that a photograph may have been taken.

(i) Camera Examinations - Cameras may be examined to determine if they exposed a particular image. Also they may be examined to determine if they have been altered (including serial numbers), and for the purposes they may have been altered. These examinations include any photographic equipment or supplies that may have been seized as evidence.

(j) Image Processing - Photographic images that have been degraded as the result of being out-of-focus, blurred, under or overexposed, or any other problems contributing to a poor image may be corrected through the use of computer digital image processing.

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(k) Scene Reconstruction - Photography may be used to "reconstruct" what may have been visible to a subject or witness under a given set of circumstances. This may also be used to establish the veracity of photographs introduced in court purporting to depict lighting conditions at a certain time and place.

(l) Analysis of Time and Motion - The speed of objects may be calculated in motion pictures, video tapes, or other images from sequential frame cameras.

(m) Photographic Consultation - The SPU is available to provide assistance on how to best preserve and transport photographic evidence. In cases where exposed or unknown film or other photographic materials are seized as evidence, the SPU may be able to determine whether or not the items have been exposed, and if so how they should be developed.

EFFECTIVE: 02/12/92

| 13-18.2 | Deleted |

EFFECTIVE: 02/12/92

13-18.3 Deleted

EFFECTIVE: 02/12/92

| 13-18.4 | Deleted |

EFFECTIVE: 02/12/92

| 13-18.5 | Deleted |

EFFECTIVE: 02/12/92



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13-19 SHOE PRINT AND TIRE TREAD EXAMINATIONS

EFFECTIVE: 02/12/92

13-19.1 How to Collect Physical Evidence

Shoe print and tire tread evidence found at the scene of a crime provides important evidence for investigation and eventual prosecution of the case. All impressions should first be photographed. The original impression should then be transmitted to the Laboratory if possible, such as in the case when the impression is on glass, paper, or on another surface which can be removed from the crime scene. If the original impression cannot be transmitted to the Laboratory, a cast should be made of the impression if it is a three-dimensional impression in sand, soil, snow, etc., or, if the impression is on a hard surface, such as a countertop, wood floor, etc., the impression should be lifted. Casts and lifts supplement the photographs of the impression.

EFFECTIVE: 02/12/92

13-19.1.1 Photographing the Evidence

(1) Photograph the crime scene showing the positions of individual items of evidence.

(2) Take close-up photographs of each impression in the following prescribed manner so these photographs can be used by laboratory examiner to compare the impressions with the known shoes of suspect or with the known tires from suspect vehicle:

(a) The examiner is looking for the fine wear detail that may exist. The larger the image is on the film, the greater the detail will become. The best results can be obtained using a 4 X 5 format camera, if available. The Mamiya 645 will also yield excellent results. If necessary, a 35mm camera can be used. In any case, a slow film (ISO number of 100 or lower) is recommended.

(b) Place camera on a tripod so that camera is directly over the impression and so that the camera back is parallel to the impression surface. Adjust the height of the camera and focus the camera so that the impression area fills the picture.

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(c) Place a ruler beside the impression for use as a scale, so that the developed photograph can be enlarged to a natural size. An identification label can also be placed beside the impression to help identify where each impression originated from.

(d) Most impressions need to be photographed using an oblique light source. The light source should be at least four feet from the impression and several inches off the ground (the height depends on the depth of the impression) so that it causes shadows and highlights in the impression. Using a flashlight alongside of the electronic flash should demonstrate which positions will be most effective. As a general rule, it would be a good idea to hold the light from all four directions (North, South, East, West), and in each direction vary the height of the light. This will offer the examiner the greatest number of options in making a determination. To accomplish the above-described technique, it will be necessary to have a flash extension cord. Using an assistant to press the camera shutter button or using the "self-timer" feature will allow you to concentrate on getting the flash in the correct position. It is very difficult to do both at the same time.

(e) Impressions in snow or light sand can be difficult to photograph clearly. If you are using existing light to take the photograph, and depending on the meter in the camera for the correct exposure, then it is advisable to divide the ASA/ISO setting by eight and enter that number into the camera for that photograph (remember to change the setting back).

(f) Some impressions are not enhanced with oblique light and should be photographed with existing light, using a light meter. When photographing with existing light, do not use the flash, if sufficient lighting is present.

EFFECTIVE: 02/12/92

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13-19.1.2 Making Cast of Three Dimensional Impressions

Casts should always be made if possible after photographing the impression. Many different substances can be used for casting purposes. Class I dental stone is usually recommended, but Plaster of Paris is usually more readily available. A cast produces a positive impression of the object which caused the original questioned impression. Cast all available shoe impressions and tire impressions, if possible. Casts destroy the questioned impressions when they are removed and should be taken to ensure the best reproductions. Therefore, if you are inexperienced in making casts, it is suggested that you practice prior to working with the evidence impressions.

(1) Materials needed:

- (a) Class I dental stone or Plaster of Paris.
- (b) Container for mixing.
- (c) Water.
- (d) Sticks, twigs or wire for reinforcement of plaster casts. Dental stone is stronger and does not require reinforcement material.
- (e) Large spoon or paddle for stirring.
- (f) Strips of wood or metal to build the form around the impression.
- (g) Plastic spray or inexpensive hair spray may be needed for problem impressions such as those in loose dry dirt or sand.
- (h) Dental stone or Plaster of Paris can also be used for impressions in snow. After mixing the dental stone or the Plaster of Paris with water, snow or ice should be added to reduce the heat. Pour the mixture when the consistency is that of very thin pancake batter. Note: The mixture will require more time to thicken and set because of the cooler temperature.

(2) Preparation of the impression:

- (a) Hair spray may be used to fix problem impressions such as those in sand or loose dirt. Spray the impression

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with a light coating of hair spray before casting.

(b) Build forms around the impressions to confine the plaster and improve appearance of the casts.

(3) Preparation of Plaster of Paris mixture (or see (i) below)

(a) Start with approximately enough water to fill the impression.

(b) Pour the Plaster of Paris into the water until it comes out of the water. Allow to set for one minute.

(c) Now stir the mixture. The mixture will be very watery. Continue to stir.

(d) In five to ten minutes, the mixture will start to change from a very watery consistency to that of very thin pancake batter.

(e) Immediately pour the plaster next to the impression allowing it to flow into the impression area. Avoid "washing away" the impression. Do not break the flow until the entire surface is covered to a depth of approximately 1/2 inch thick.

(f) Place reinforcement material on the surface of the poured plaster.

(g) Pour remaining plaster over the reinforcement material until the cast is 1 to 1 1/2 inches thick.

(h) Scratch date, initials and other pertinent information into the back of the cast while it is still relatively soft.

(i) When using Class I dental stone, no reinforcement material is needed. Also, less water is needed and only about 2 or 3 pounds of dental stone are needed. (2 to 3 pounds of dental stone require 10 to 14 ounces of water.)

(j) Thirty minutes after the cast is poured, the cast may be lifted carefully. Do not attempt to remove soil or material from the impression area of cast. Place the cast, impression side up, in an area where it can thoroughly air dry and cure for 48 hours. This is very important.

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(k) The coast is very fragile and must be handled carefully, especially for mailing. Assure that the cast is thoroughly dry. Do not place the casts in plastic bags.

(l) If casts are sent through the mail, wrap each cast separately and in a manner to avoid breakage during shipment.

(m) Dental stone or Plaster of Paris can also be used for impressions in snow. After mixing the dental stone or the Plaster of Paris with water, snow or ice should be added to reduce the heat. Pour the mixture when the consistency is that of very thin pancake batter. Note: The mixture will require more time to thicken and set because of the cooler temperature.

EFFECTIVE: 12/16/88

13-19.1.3 | Lifting Two Dimensional Impressions From Surfaces

Floors, broken glass, desk tops, chairs, paper, etc., often bear residue or dust impressions of shoes or tires. When evidence such as this located and the impressions are two dimensional and cannot be cast, the following should be done after the impressions are photographed.

(1) Search the impression areas and adjacent areas with an oblique light source to attempt to locate all impressions. It may be necessary to darken the room first, using only the oblique light source.

(2) Retain the original evidence, if possible, to be sent to Laboratory. Protect the impressions so they will not rub off in handling.

(3) If the item on which the original impression appears cannot be sent to the Laboratory, attempt to lift the impression as follows:

(a) Use large pieces of fingerprint lifting tape or other commercial lifting material and lift the print. Do not dust or otherwise treat the impression. Start the tape at one edge and roll over the impression attempting to keep out air bubbles.

(b) Protect the lifted impressions so they will not

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| be destroyed during handling or shipping.

| (c) Label each impression. State how it was lifted  
| in an accompanying communication.

| (d) Some impressions, such as those in blood,  
| grease, etc., cannot be lifted.

(4) Lift the impression if the original evidence cannot  
be retained.

(a) Use large pieces of fingerprint lifting tape and  
lift the print. Do not dust or otherwise treat the impression. Start  
the tape at one edge and roll over the impression attempting to keep  
out air bubbles.

(b) Deleted

(c) Protect the lifted impressions so they will not  
be destroyed or "erased" during handling or shipping.

EFFECTIVE: 01/26/83

13-19.1.4 Laboratory Examinations

(1) Reference material is maintained in the Laboratory to  
assist in determining the manufacturer of a particular shoe or tire  
design.

(2) If known shoes or tires are obtained and transmitted  
to the Laboratory along with the questioned impression evidence,  
laboratory comparisons can be made and can determine:

(a) If the suspect's shoes correspond in size and  
design to the questioned shoe impressions.

(b) If the suspect's shoes contain wear  
characteristics or other identifying characteristics in common with  
the questioned impression.

(c) That the suspect's shoes made the questioned  
impressions, provided that sufficient identifying characteristics  
appear on both the suspect's shoes and in questioned impressions.

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(d) If the suspect tire corresponds in tread width and design and other identifying characteristics with the questioned impression.

(e) That the suspect tire made the questioned impression, provided that sufficient identifying characteristics appear on both the tire and the questioned impression.

(3) Barefoot and socked foot impressions, and shoes of suspects which are left at crime scene can be examined. If evidence of this type is obtained, contact the Document Section in the Laboratory. In the event friction ridge detail is present, or could be developed on objects with barefoot impressions, comparison of these impressions with inked footprints from suspects/victims will be conducted in the Latent Fingerprint Section of the Laboratory.

EFFECTIVE: 09/24/93

| 13-20 | RACKETEERING | RECORDS ANALYSIS

EFFECTIVE: 05/25/90

13-20.1 Types of Specialized Assistance and Examinations Available

EFFECTIVE: 05/25/90

13-20.1.1 Bookmaking/Numbers Operations

Analysis and interpretation are made of handwritten and printed systems of recording wagering on sports events; policy and numbers betting based on horse and dog racing, stock market data, drawn numbers, etc. Testimony is given concerning interpretation of records and/or manner of conducting such gambling operations and terminology.

EFFECTIVE: 05/25/90

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13-20.1.2 Loan Sharking (Shylocking) Records

Analysis of accounting-type notations to determine amount of outstanding loans, amounts paid in accrued interest and principal, total number of loans, and true annual rate of interest computed by the actuarial method.

EFFECTIVE: 05/25/90

13-20.1.3 Prostitution

Prostitution records are analyzed to determine the scope of the business, including the number of employees, their roles, gross and net revenues, and other financial information.

EFFECTIVE: 05/25/90

13-20.1.4 Drug Records

Analysis and interpretation of records relating to illicit drug operations. Records are examined to identify the type of drugs being distributed, their gross and/or net weights or quantities, income generated, money flow, number of persons involved and other like information. Emphasis is placed on supporting drug cases resulting in judicial proceedings such as grand juries, criminal trials, sentencing hearings and forfeiture hearings.

EFFECTIVE: 05/25/90

13-20.1.5 Lotteries, etc.

Evidence of this nature would include lottery tickets, sports parlay cards, sweepstakes, tip tickets and boards, punchboards, and machine tickets. If the printing plates or numbering dies are located, it may be possible to prove that evidence collected was printed by the particular plate or die.



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EFFECTIVE: 05/25/90

13-20.1.6 Deleted

EFFECTIVE: 05/25/90

13-20.1.7 Money Laundering

Analysis and interpretation of records relating to money laundering business. Cryptic and actual business records are examined to determine the financial flow of the operations.

EFFECTIVE: 05/25/90

13-20.2 Types of Gambling Evidence

- (1) Sports wagering slips.
- (2) Numbers wagering slips.
- (3) Summaries of wagering slips or tallies including adding machine tapes used to calculate wagering or to summarize writer's accounts. Charting of wagers, systematically done to determine volume of wagering on various events.
- (4) Accounting and financial records or "bottom sheets" showing numerous accounts (sometimes code-designated), amounts and/or commissions paid to writers.
- (5) Related paraphernalia - sports schedules or line sheets, sports records materials, dream books, cut cards, parlay manuals, conversion charts, scratch sheets, racing forms, etc.
- (6) Semidestroyed material such as charred, shredded, torn or wet water-soluble paper.
- (7) Transcripts of pertinent legally obtained telephone conversations.
- (8) Mechanical, electro-mechanical and electronic video

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gambling devices, including coin-operated slot machines as well as devices which electronically simulate or depict the playing of card games, casino games, bingo, keno, lotteries, and horse races. The FBI Laboratory only accepts Federal cases involving the electronic devices.

EFFECTIVE: 09/03/93

13-21 CRYPTANALYSIS

Because of the unique nature and wide scope of these examinations and of the material which may be available for examination, it may be appropriate to telephonically contact the Document Section of the FBI Laboratory to resolve any questions that might arise.

EFFECTIVE: 11/21/89

13-21.1 Types of Examinations

EFFECTIVE: 11/21/89

13-21.1.1 Cryptographic

- (1) Cryptograms or codes.
- (2) Notes or notebooks containing cryptic notations.
- (3) Material containing symbols or unusual literal or numerical notations.
- (4) Correspondence or documents which might contain hidden intelligence, such as
  - (a) Marked letters or numbers.
  - (b) Double meaning, wherein certain words and/or phrases are given arbitrary meanings by the writer.

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(c) Concealment ciphers, where letters or words are significant according to their positions in the document.

EFFECTIVE: 11/21/89

| 13-21.1.2 | Deleted |

EFFECTIVE: 11/21/89

13-21.2 Material to be Furnished to the Laboratory

EFFECTIVE: 11/21/89

| 13-21.2.1 Cryptographic

- (1) Any work papers available.
- (2) Identity of foreign languages that might be involved.
- (3) Information as to what the intent or subject area of the document might be.
- (4) Complete background information on the case.
- (5) Special training subject may have received.
- (6) Books, code books, cipher machines, pads, tables, etc., in the subject's possession.

EFFECTIVE: 11/21/89

13-21.2.2 Deleted

EFFECTIVE: 11/21/89

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13-21.2.3 Deleted

EFFECTIVE: 11/23/87

13-22 POLYGRAPH EXAMINATIONS

EFFECTIVE: 11/23/87

13-22.1 General Information

The following general information applies to the polygraph technique and its use in the FBI:

(1) The theory of detection of deception is predicated upon the principle that individuals usually manifest certain physiological reactions when practicing deception, particularly if the truth might produce an undesirable effect on their personal welfare. The reactions are primarily involuntary in character and normally cannot be controlled. During a polygraph examination, changes in the examinee's respiratory cycle, galvanic skin response and mean blood pressure and heart rate are recorded simultaneously and continuously on chart paper during a series of questions. The polygraph chart thus produced is evaluated to determine if the recorded reactions are of the type normally associated with truth or deception. [A polygraph test, however, only determines the examinee's perceptions of the truth, not actual truth.]

(2) Based upon the examiner's study of the degree and nature of changes and variations in the recorded parameters, one of the following opinions can be reached:

- (a) That the recorded responses were not indicative of deception;
- (b) That the recorded responses were indicative of deception;
- (c) That the recorded responses are inconclusive; or
- (d) That the examiner expresses no opinion as to the truthfulness of the examinee due to the incomplete nature of the examination.

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(3) Findings and conclusions resulting from interpretations of polygraph charts are generally not admissible in court. There appears to be a trend, however, toward admissibility of the polygraph test results.

(4) Statements, admissions and confessions obtained during a polygraph examination are admissible in court.

(5) The polygraph may be used for the following purposes:

(a) To aid in determining whether a person has pertinent knowledge of a particular matter under investigation or inquiry.

(b) To aid in determining the truthfulness of statements made or information furnished by a subject, victim, witness, informant, and/or an individual making allegations.

(c) To obtain information leading to the location of evidence, individuals or sites of offenses.

(d) To assist in verifying the accuracy and thoroughness of information furnished by applicants and employees in certain situations as specified in section 13-22.12 (Applicants) and section 13-22.13 (Employees).

(6) To enable the Bureau to realize the maximum benefit from their specialized training and skills and in order that they may retain their proficiency in the technique, polygraph examiners are to be utilized primarily as polygraph examiners/interrogation specialists. For this reason, and in order to ensure that each field office has equal access to an examiner, "territorial assignments" have been made for polygraph examiners. Examiners assigned to particular offices are responsible for a territory which includes their own office of assignment and designated neighboring field office. Requests for examinations are to be handled on a priority basis without regard to the examiner's office of assignment. In the event that the examiner responsible for covering a particular office is unavailable to conduct an examination that is needed on an expedite basis, SACs are authorized to coordinate directly with another neighboring office to obtain the services of an examiner.

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EFFECTIVE: 11/23/87

13-22.2 General Policy

The following general policies apply to the use of the polygraph by the FBI:

(1) The polygraph technique is highly reliable and valuable as an investigative tool when used by a competent and ethical examiner.

(2) The polygraph is to be used selectively as an investigative aid and results considered within the context of a complete investigation. Polygraph results are not to be relied upon to the exclusion of other evidence or knowledge obtained during the course of a complete investigation. Use of the polygraph for dragnet-type screening of large numbers of suspects or as a substitute for logical investigation by conventional means is prohibited.

(3) Polygraph examinations will be administered only to individuals who agree or volunteer to take an examination. In criminal cases, information concerning a person's refusal to take a polygraph examination shall appear only in the unproductive investigation section of the prosecutive report or in the administrative section of other reports.

(4) The following areas are not to be probed unless directly relevant to the investigation or inquiry.

- (a) Religious beliefs or affiliations
- (b) Beliefs and opinions regarding social matters
- (c) Information concerning sexual opinions or practices
- (d) Political beliefs and organizational affiliations of a nonsubversive nature.

(5) Polygraph examinations may only be conducted when the examiner, in his/her professional judgment, believes the results will be accurate. All reasonable efforts must be made to ensure accuracy of the results.

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EFFECTIVE: 11/23/87

13-22.3 Authorization/Approval for Conducting Examinations

The following guidelines govern authorization for the conduct of polygraph examinations:

(1) The SAC or person acting for that official may authorize polygraph examinations in connection with an ongoing Bureau case, except as follows:

(a) For authorization regarding polygraph examinations of Bureau employees, applicants, and persons who make allegations against Bureau employees, see 13-22.14.

(b) Examinations conducted as a cooperative service to other Federal agencies must receive prior authorization of the Assistant Director, Laboratory Division, or person acting for that official. SACs should forward such requests to Laboratory Division, Polygraph Subunit, with recommendations concerning the propriety of the polygraph examination by a Bureau examiner, consistent with the factors of 13-22.4, and other pertinent interests of the Bureau. All such requests will be considered on a case-by-case basis.

(c) No polygraph examination will be conducted by a Bureau examiner for a state, county or municipal law enforcement agency as a police cooperation matter.

(d) Regarding polygraph examinations of defendants in post-conviction and presentencing situations, the SAC may authorize examinations in those postconviction situations where the polygraph is used in furtherance of continuing investigative interests, such as determining if the defendant perjured himself/herself during trial, verifying that defendants have fully complied with plea bargaining arrangements and conditions, determining the accuracy of information provided by convicted cooperating witnesses and testing the validity of extenuating and mitigating circumstances bearing on sentencing considerations. FBIHQ authority is necessary to conduct a polygraph examination in those situations where the purpose of a proposed polygraph examination would be to determine the veracity or guilt of a defendant with respect to an issue previously determined by trial. Such situations would include a presentence request or order for a polygraph examination by a presiding judge to determine in essence whether the defendant was really guilty of the offense for which

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he/she was convicted.

(2) In cases where FBIHQ approval is required, the authorizing FBIHQ official shall be identified on the Polygraph Examination Report (FD-498) which is forwarded to FBIHQ.

(3) Only Bureau polygraph examiners are to be used in FBI cases.

(4) Prior to SAC authority for a polygraph examination in a Financial Institution Fraud case, the USA should be contacted to ensure the USA will consider prosecution should a subject be identified. The result of contact with the USA should be confirmed in writing by appropriate communication to the USA and reported in all subsequent communications relating to the polygraph examination.

(5) The decision as to whether or not to employ a polygraph examination must be made with the awareness that it might impact on other prosecutive actions. Therefore, consultation with the office of the USA should take place where deemed appropriate.

(6) Bureau polygraph examiners are trained to evaluate the suitability of the polygraph technique and they should be directly consulted, when possible, as to its applicability and limitations in particular situations. Unresolved issues will be referred to the FBIHQ Polygraph Subunit.

EFFECTIVE: 06/26/91

13-22.4 Factors to be Considered in Approving Examinations

When evaluating the advisability of utilizing the polygraph the following factors should be considered:

(1) Determine if investigation by other means has been as thorough as circumstances reasonably permit, the proposed examinee has been interviewed and, consistent with the circumstances of the case, the development of additional information by means of a polygraph examination is believed essential and timely for further conduct of the investigation or inquiry.

(2) Ensure that there is reasonable cause to believe that the person to be examined has knowledge of or was involved in the matter under inquiry or investigation or if the person is withholding



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| information relevant to the inquiry or investigation.

| (3) Determine if age is a factor. If a minor is to be  
| examined, ensure a waiver is obtained from a parent or guardian.

| (4) Are there any known physical or mental abnormalities?

| (5) If the examinee is in custody, can full security and  
| control be assured?

| (6) Will the use of the polygraph jeopardize any local or  
| Federal prosecution?

| (7) What were the results of any prior polygraph  
| examinations afforded the examinee?|

EFFECTIVE: 09/15/80

|| 13-22.5 Verification of Information

| When information is supplied to the FBI and that  
| information is not reasonably subject to verification by other  
| investigative methods, use of the polygraph could be of value.  
| Utilization of polygraph should be considered prior to making  
| significant commitments of the Bureau's manpower or financial  
| resources solely on the basis of unverified information. Use of  
| polygraph will in no way absolve Agents of their responsibility to  
| conduct all logical investigation possible by conventional means in  
| order to verify the truthfulness and accuracy of information  
| furnished.|

EFFECTIVE: 09/15/80

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13-22.6 Responsibilities of the Case Agent

The case Agent is normally the first person to realize that a polygraph examination may be helpful to the investigation. In this regard it is important for the case Agent to understand certain aspects of polygraph procedure and to be fully aware of the existing policies concerning the use of the polygraph. A case Agent has the following responsibilities in connection with polygraph examinations:

(1) Before a case Agent attempts to determine whether a proposed examinee will consent to an examination, it must first be ascertained that the SAC concurs in the need for and authorizes the use of the polygraph. Indiscriminate solicitation of individuals to submit to a polygraph examination is not an efficient or effective investigative procedure.

(2) When a polygraph examination has been authorized, the case Agent should promptly reinterview the proposed examinee and ascertain if he/she will agree to submit to the examination. If the examinee is agreeable to the test, the case Agent will notify an examiner from his/her office or, in the event no examiner is assigned, the examiner of another office assigned to provide such support. The case Agent will then schedule a time and place for the examination to be conducted which is mutually agreeable with the examiner and the proposed examinee.

(3) The case Agent should bring to the attention of the examiner any previously determined illness or psychiatric condition which would preclude the conduct of a meaningful polygraph examination.

(4) If the examinee is suffering from any current illness or physical condition, consideration should be given to rescheduling the examination.

(5) The person to be examined should not be subjected to lengthy interrogation immediately prior to the examination.

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(7) An investigator who is thoroughly familiar with the investigation, preferably the case Agent, should be available to assist the polygraph examiner as required during the test. This investigator should also be available to take any statement or confession which the examinee may elect to give after the examination is concluded.]

EFFECTIVE: 09/15/80

13-22.7 Mental and Physical Fitness of the Examinee

Due to the nature of the polygraph examination the following guidelines apply:

- (1) Persons who are not in sufficiently sound physical or mental condition will not be afforded a polygraph examination.
- (2) A person to be examined should have had adequate food and rest before the examination. Examinee should not, at the time of the examination, be under the effects of alcohol, narcotics, drugs, stimulants, or sedatives. During the pretest interview, the examiner will specifically inquire of the person to be examined whether or not he/she is presently receiving or has in the past received medical or psychiatric treatment or consultation.
- (3) Polygraph examinations will not be conducted if, in the opinion of the examiner, any of the following inhibit the individual's ability to respond or otherwise cause the individual to be an unfit candidate for examination:
  - (a) It is apparent that the examinee is mentally or physically fatigued.
  - (b) The examinee is unduly emotionally upset, intoxicated, or adversely under the influence of a sedative, stimulant, or tranquilizer.
  - (c) The examinee is known to be addicted to

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narcotics.

(d) The examinee is known to have a mental disorder which causes the examinee to lose contact with reality or which could reasonably result in the examinee becoming violent during a test.

(e) The examinee is experiencing physical discomfort of significant magnitude or appears to possess disabilities or defects which, in themselves, might cause abnormal physiological reactions.

(4) Should the examiner or examinee have any doubt concerning the above conditions, the matter should be referred to the FBIHQ Polygraph Unit for determination and appropriate action. An examiner will not attempt to make a psychiatric or physical diagnosis of an examinee.

(5) If an examiner has any doubt concerning the ability of an examinee to safely undergo an examination, a statement from the examinee's physician must be obtained before proceeding with the test.

EFFECTIVE: 01/11/85

13-22.8 Polygraph Examination Room

EFFECTIVE: 01/11/85

13-22.8.1 Considerations in Selecting Polygraph Room

The polygraph examination room is of the utmost importance to professional and successful examinations. The room should be relatively free from outside noise and distraction which could break the mood carefully created by the examiner or which could cause distortion in the chart tracings and make them difficult or impossible to interpret. The polygraph room should also have a neat, professional appearance as such will contribute to the confidence the examinee has in the examiner--an essential prerequisite for a successful examination. Each should include an observation device and sound reproducer to allow authorized witnesses to see and hear the activities of the examination.

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EFFECTIVE: 01/11/85

13-22.8.2 Specifications for Polygraph Room

Offices undergoing remodeling or occupying new space should contact the FBIHQ Polygraph Program Coordinator for detailed recommendations and construction specifications for polygraph rooms and furnishings.

EFFECTIVE: 01/11/85

13-22.9 Legal Representation of the Examinee

In criminal matters if so requested, the examiner should provide examinee's attorney a briefing on polygraph procedures. Consistent with other case interests, the attorney may monitor the examination if the facility has that capability. The attorney should not be in the same room where the examination is being conducted.

EFFECTIVE: 01/11/85

13-22.10 Pretest Interview

During the pretest interview the following items will be covered with the examinee by the examiner.

(1) The examinee will be advised:

(a) Of his/her rights, if appropriate, in accordance with the "self incrimination clause" of the Fifth Amendment to the Constitution and that an attorney may be obtained and consulted.

(b) That the examination will be conducted only with the examinee's prior consent.

(c) Of the characteristics and nature of the polygraph instrument, the procedures to be followed during the examination, and all the questions to be asked during the testing phase of the examination.

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(d) Whether the area in which the examination is to be conducted contains a two-way mirror or other observation device, and whether the conversation during the examination will be monitored in whole or in part by any means.

(2) An appropriate consent or agreement form will be executed. Should the examinee agree to be examined, but refuse to sign the consent or agreement form, this should be noted on the form by the examiner and witnessed by one other person. The following forms will be used for this purpose:

(a) FD-328, Consent to Interview With Polygraph. This form is to be executed immediately prior to each examination, except those of applicants and employees who are examined under the provisions of 13-22.13.1 of this manual.

(b) FD-328a, Employee Agreement To Interview with Polygraph In Connection With An Administrative Interview. This form is to be executed prior to each examination under the provisions of 13-22.13.1.

(c) FD-328b, Applicant Agreement To Interview With Polygraph. This form will be executed prior to each examination of an applicant.

(3) The examiner will discuss the examinee's background with the examinee and obtain information to complete the necessary forms and to properly formulate questions.

(4) The matter under investigation, inquiry, or at issue, will be discussed in detail with the examinee.

(5) The test questions will be formulated by the examiner based on the case facts and the pretest phase of the examination. Each question to be used will be thoroughly discussed with the examinee. Words and terminology in questions must be completely understood by the examinee and wording will be in the vernacular of the examinee insofar as is possible. The examinee must understand the full meaning of each question. The questions should be simple, direct, and designed to elicit a "yes" or "no" answer only. They should not imply guilt on the part of the examinee.

EFFECTIVE: 12/16/88

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13-22.11 Reporting Procedures

The following procedures shall apply in reporting the results of the polygraph examination:

(1) Normally within ten working days following the completion of each examination, the examiner will forward, by special preprinted envelope, the following items which will reflect his/her preliminary opinion of test results for quality control review by a second certified Bureau examiner.

(a) Polygraph Examination Worksheet (FD-497) - submit original and one copy to FBIHQ.

(b) Polygraph Examination Report (FD-498) - submit original and one copy to FBIHQ.

(c) Consent or Agreement form (FD-328, FD-328a, or FD-328b)

(d) Copy of Interrogation, Advice of Rights (FD-395) (if used)

(e) All polygraph charts

(2) As polygraph examination results are not considered final until completion of the quality control review, preliminary opinions of truth or deception should not appear in any other document prior to concurrence in that opinion by polygraph review personnel of FBIHQ. This includes airtels, teletypes, etc. Examiners should advise case Agents of the danger involved in transmitting unofficial or preliminary findings. The Polygraph Examination Report (FD-498) is to be considered as a draft report until approved by supervisory personnel at FBIHQ.

(3) In criminal cases, upon completion of review at FBIHQ all polygraph documents will be returned to the field with an appropriate letter reflecting the results of this review at FBIHQ. In inquiry type examinations and those otherwise involving Bureau employees or applicants, the polygraph documents will be retained at FBIHQ.

(4) In the event it is determined that further testing or reevaluation is necessary, all documents and charts will again be forwarded to the Laboratory for additional quality control review following such reevaluation or retesting.

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(5) Upon completion of the polygraph examination, an FD-302 should be prepared to reflect all relevant admissions made by the examinee. However, the opinion of the polygraph examiner regarding indications of truth or deception will be recorded only on the Polygraph Examination Report (FD-498), which will be submitted to the case file in the same manner as other laboratory reports after review by FBIHQ quality control personnel. If no admissions are made, an FD-302 is not necessary as all relevant information will be on the FD-498.

(6) A copy of all correspondence pertaining to polygraph matters should be designated for Bufile 80-5, the Polygraph Matters control file.

(7) Data regarding polygraph examinations and results (FD-498) is to be reported in the body of investigative reports in the same manner as other investigative matters.

EFFECTIVE: 12/16/88

13-22.12 Polygraph Examinations of FBI Applicants (See MIOG, Part I, 67-7.10, Part II, 13-22.14(2)(c), 13-22.15(5)(d).)

(1) FBI applicants may be requested to submit to a polygraph examination if such examination would materially assist in the resolution of questions on the following matters, provided that the provisions of 13-22.14 are satisfied:

(a) The applicant's relationship with or allegiance to any foreign power.

(b) The applicant's freedom from any coercive forces which may be inducing the applicant to seek Bureau employment, or which could be brought to bear upon the applicant after employment and which could operate to the serious detriment of the FBI.

(c) The applicant's intent to abide by all laws and lawful regulations, and his/her intent to use his/her employment only for those purposes within the authorized and lawful scope of FBI activities.

(2) The Bureau Applicant Investigations Unit, Criminal



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| Investigative Division, | will ensure that all FBI applicants are advised that they may be requested to submit to a polygraph examination during the processing of their application and subsequent to their employment to assist in the resolution of issues directly related to their employment or suitability for employment. This advisement will be in written form and will become a part of the applicant's personnel file.

(3) Failure to submit to a polygraph examination, or failure to satisfactorily cooperate during the examination may be considered with other factors in determining whether the applicant shall be hired. | (See MIOG, Part II, 13-22.14 (1)(c).) |

(4) Polygraph examinations will be administered only to applicants being seriously considered for employment.

(5) Prior to the examination, the examiner will obtain the applicant's agreement to take the polygraph examination (FD-328b).

(6) Requests for authority to administer polygraph examinations to applicants should be forwarded to the | Personnel Security Unit (PSU), Intelligence Division, with a copy of the communication forwarded to the Bureau Applicant Investigations Unit, FBIHQ. |

EFFECTIVE: 07/22/93

13-22.13 Polygraph Examinations of FBI Employees

In addition to other pertinent requirements, the following policy applies to all polygraph examinations of Bureau employees.

EFFECTIVE: 01/11/85

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13-22.13.1 Polygraph Examinations of FBI Employees Who Are Required  
to Submit to an Employee Interview

(1) When approved in accordance with 13-22.14, an employee who is required to submit to an employee interview may be requested to submit to a polygraph examination. The Bureau may draw an adverse inference from an employee's refusal to submit to such a polygraph examination, provided that such refusal alone shall not be the sole basis for disciplinary action against the employee.

(2) The following requirements must be satisfied if an employee is requested to submit to a polygraph examination pursuant to (1) above:

(a) The polygraph examination must be conducted in accordance with Bureau regulations for employee interviews;

(b) The employee must be advised of the consequences of a refusal to submit to a polygraph examination, and that failure to satisfactorily cooperate during a requested polygraph examination will be considered a refusal to submit to an examination;

(c) Prior to the examination, the examiner will obtain the examinee's agreement to be examined or polygraph (FD-328a, Employee Agreement To Interview With Polygraph In Connection With An Administrative Interview); and

(d) The investigation must concern a serious violation of law or policy involving one or more of the following situations:

1. The intentional and unauthorized release of sensitive protected information (including, for example, classified information, investigatory material and information, the disclosure of which is prohibited by law or regulation) with the reasonable expectation that it would ultimately be disclosed to those from whom the information is protected and would seriously and adversely affect an FBI function;

2. Serious questions concerning an employee's relationship with or allegiance to a foreign power;

3. The illegal or improper exercise of influence, coercive or otherwise, by an individual or group on an employee which could reasonably be expected to seriously affect or inhibit the employee in the impartial and effective performance of the

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employee's duties; or

4. The intentional and unauthorized destruction, mutilation, alteration, misplacement, taking, falsification, or other impairment of previously existing Bureau documents or evidence in the Bureau's possession or control.

5. Use of or unauthorized dealing in controlled substances, as defined under the Comprehensive Drug Abuse and Controlled Substances Act of 1970, Title 21, United States Code, by Bureau employees during the course of their employment.

6. The furnishing of false statements or the failure to candidly disclose information concerning prior criminal activities requested during the course of his/her employment processing.

EFFECTIVE: 08/17/84

13-22.13.2 Polygraph Examinations of Bureau Employees Who Are  
Subjects of Criminal Investigations

A polygraph examination may be given to an employee who is the subject of a criminal investigation if the following requirements are satisfied:

(1) If the employee is required to submit to the interview then the polygraph examination given in conjunction with the interview shall be governed by the policies set forth in 13-22.13.1 above.

(2) If the allegations involve violations of Federal statutes within the Bureau's investigative jurisdiction, and the employee is not being required to submit to the interview but is doing so voluntarily, a polygraph examination may also be given if each of the following conditions are satisfied:

(a) Current Bureau regulations and procedures for employee interviews are observed;

(b) Current Bureau regulations and procedures applicable to polygraph examinations in criminal investigations are observed;

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(c) The employee is requested to submit to a polygraph examination only in circumstances in which a nonemployee would be requested to submit to a polygraph examination; and

(d) The employee agrees to take the examination (FD-328, Consent to Interview With Polygraph).

(3) If the allegations involve violations not within the Bureau's investigative jurisdiction, polygraph examinations may only be given pursuant to 13-22.13.1 or 13-22.13.3.

EFFECTIVE: 08/17/84

13-22.13.3 Voluntary Polygraph Examination of Employees

An employee may be asked or an employee may ask to undergo a polygraph examination in the following circumstances:

(1) If the employee is the subject of an FBI criminal investigation, the use of the polygraph shall be governed by the policies set forth in 13-22.13.2.

(2) If the employee is not the subject of an FBI criminal investigation, and the employee is not being required to submit to an employee interview, but is doing so voluntarily, then the employee may also be asked to submit to the interview in the form of a polygraph examination, or the employee may ask for the examination if the following requirements are satisfied:

(a) The employee must be advised that the examination is totally voluntary; that the employee may change the decision at any time without any disciplinary action being taken or adverse inference being drawn;

(b) The employee must signify in writing that he or she is voluntarily submitting to the polygraph examination by executing FD-328, (Consent To Interview With Polygraph); and

(c) FBI regulations and procedures for employee interviews must be observed.

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EFFECTIVE: 08/17/84

13-22.13.4 Routine and Periodic Use of Polygraph Examinations for  
Bureau Employees

(1) Except as provided in 13-22.13.4, routine polygraph examinations of employees not suspected of being involved in any of the situations listed in 13-22.13.1 (2)(d) are prohibited.

(2) Employees who are subjected, or whose circumstances suggest that they could be subjected, to extremely coercive influences by an individual or group may be requested to submit to a polygraph examination on a periodic basis to determine if the coercive influences are significantly affecting the performances of their duties. Coercive influences include, but are not limited to, relative-hostage situations, extortion, blackmail, and similar circumstances where it is reasonable to believe that the individual or group could significantly influence the employee's work performance.

(3) Polygraph examinations authorized by 13-22.13.4 shall be conducted consistent with the procedures and policies set forth in 13-22.13.1.

EFFECTIVE: 08/17/84

13-22.14 Approval and Conduct of Applicant and Employee Polygraph  
Examinations

(1) All polygraph examinations of FBI applicants, employees and those who have made allegations against FBI employees must be approved by the Assistant Director, Inspection Division, or another person designated by the Director. In applicant cases requiring expeditious processing of individuals who are not U.S. citizens and are applying for contract work as part of a custodial force, approval may be obtained from the Assistant Director, Inspection Division, by telephone. It is incumbent upon the receiving office in these instances to confirm this approval by written communication within ten work days.

(2) The following standards apply for approval of polygraph examinations:

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(a) No applicant or employee may be requested or asked to submit to a polygraph examination without an adequate demonstration of facts or circumstances indicating the need for a polygraph examination of that individual.

(b) All reasonable efforts must be made to resolve allegations or questions before requesting an applicant or employee to submit to a polygraph examination.

(c) Before any applicant or employee is requested to submit to a polygraph examination, the refusal of which may be used as a factor in determining whether the applicant will be hired (13-22.12(3)) or the employee subjected to disciplinary action (13-22.13.1), there must be a substantial objective basis to suspect that the individual may be involved in one of the situations listed in 13-22.12 or 13-22.13.1. An exception to the "substantial objective basis" requirement is that polygraph examinations of contract linguist applicants may be conducted on an emergency basis where there is not time to conduct a normal background investigation.

(d) Applicants and employees who are requested or asked to submit to polygraph examinations will be fully advised of their options and the potential consequences of the exercise of those options.

(3) Use of the results of polygraph examinations.

(a) Disciplinary action will not be predicated solely upon the results of a polygraph examination, or upon the refusal to submit to a polygraph examination.

(b) The results of a polygraph examination may be considered with other evidence.

(c) Employees will be furnished the results of a polygraph examination prior to being subjected to any disciplinary action based in part on the results of the examination.

(d) The results of a polygraph examination may be maintained with the records resulting from the investigations. Dissemination of such information shall be strictly limited to persons who have a legitimate right or requirement for access to the information.

(e) Deliberate or negligent misuse of the results of

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polygraph examinations shall be grounds for administrative action.

(4) Polygraph examination of employees will be administered away from their own office of assignment. This procedure will help protect the confidentiality of the inquiry/investigation and lessen the outside pressure on the employee which could be associated with employee's friends' and associates' knowledge of employee's participation in examination.

(5) Polygraph examinations of Bureau employees are to be administered by an FBIHQ examiner. In the event an FBIHQ examiner is not available, the examination will be conducted by an examiner selected by FBIHQ.

EFFECTIVE: 06/26/91

13-22.15 Selection, Training, and Certification of Polygraph Examiners

Requirements have been established to ensure that Bureau examiners meet the highest standards of integrity, competence, and professional excellence.

EFFECTIVE: 11/23/87

13-22.15.1 Selection and Training of FBI Polygraph Examiners

(1) To meet future needs for polygraph examiner trainees, a pool of candidates will be maintained by FBIHQ from which trainees will be selected. Any Agent interested in being trained in this investigative specialty should submit a memorandum to the SAC who will forward the requesting memorandum, with personal recommendations, to FBIHQ, Attention: Laboratory Division. Interested Agents should indicate if they are willing to accept transfer or if they desire consideration only for their current division.

(2) When vacancies occur, trainees will be selected by an FBIHQ selection board, in coordination with affected SACs.

(3) No Agent will be transferred to fill a polygraph examiner vacancy without his/her prior concurrence.

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(4) Prior to selection, Agents will be interviewed by the selection board at FBIHQ and undergo a nonspecific polygraph examination.

(5) The following factors will be evaluated in selection of Agents to receive polygraph examiner training.

(a) At least five years' investigative experience

(b) Experience and demonstrated success as interviewer/interrogator and as case Agent in complex investigations

(c) Ability to perform well under stress and in confrontational situations

(d) Availability for travel to conduct examinations in other divisions and throughout own field office territory as required (should NOT be in a hardship assignment or have medical mandates (restrictions) that would prohibit the employee from required travel.)

(e) Good judgment, maturity, dependability, self-motivation, and ability to work well alone should be clear attributes of Agent

(f) Willingness to be assigned to a headquarters city office, devote full time to polygraph examiner duties, and forego involvement in other collateral/coordinator-type activities.

(6) Agents selected for the program will complete the Polygraph Examiners Training Course at the Department of Defense Polygraph Institute, Fort McClellan, Alabama. The course, which is approximately 14 weeks in length, includes instruction in polygraph theory and procedures, psychology, physiology, semantics, question formulation, instrumentation, and legal matters related to polygraph. During the course students also conduct 50 polygraph examinations of persons who participate in mock crime situations.

EFFECTIVE: 12/27/93



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13-22.15.2 Certification of Examiners

To be certified as an FBI polygraph examiner the following must be satisfied:

- (1) The examiner must be a graduate of a Bureau-approved polygraph school.
- (2) The examiner must successfully complete an internship consisting of conducting a minimum of 12 examinations with supervision of a certified Bureau examiner.
- (3) The continued demonstration of proficiency in the polygraph techniques.
- (4) The examiner should, if possible, conduct a minimum of 48 examinations per year. Examiners assigned duties in direct support of the FBI's quality control program at FBIHQ are exempt.
- (5) The examiner should attend at least one FBI polygraph in-service training course or Bureau-approved polygraph refresher course or seminar at least every two years.
- (6) Any examiner who has lost the requirements for certification can be recertified by successful completion of a Bureau-approved refresher course. In addition, the examiner being recertified will be required to conduct a minimum of 12 examinations under the supervision of an FBI certified examiner. Upon the completion of the above, the FBI certified examiner supervising the examiner for recertification will, in writing, forward his/her recommendations as to recertification to FBIHQ.

EFFECTIVE: 11/23/87

13-22.15.3 Refresher Training and Polygraph Seminars

Requests to attend refresher training courses, polygraph seminars, and/or meetings of professional polygraph associations should be handled in the following manner:

- (1) Submit requests (Optional Form 170) along with appropriate details to FBIHQ, Attention: Polygraph Unit.
- (2) Expenses incurred in conjunction with approved

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attendance at such functions are to be claimed on an expense voucher.

(3) Pertinent information gleaned at meetings, especially results of polygraph research, should be furnished to FBIHQ for possible distribution to all Bureau examiners.

EFFECTIVE: 12/19/86

13-22.15.4 Performance Appraisal

(1) Field polygraphers have been assigned two critical elements by which their performance as polygraph examiners is evaluated. Because of the uniqueness of their responsibilities, i.e., frequently serving more than one field division and the review of each examination both technically and procedurally through a mandated quality-control process, these particular elements are rated and reviewed by Supervisory Special Agent Polygraph Examiners assigned to FBIHQ. This procedure does not preclude, at the SAC's discretion, the addition of critical elements generated by field offices reflecting other duties and responsibilities handled by their assigned polygraphers.

(2) Only the critical elements relating to polygraph performance will be rated and reviewed by FBIHQ. If additional elements are established by the field office, they are to be rated and reviewed by appropriate field supervisors. All critical elements (the two prepared for the Polygraph Program and any prepared by the field) will be combined to determine the overall rating of the employee prior to forwarding the performance appraisal to the Performance, Recognition and Awards Unit, Personnel Division.

EFFECTIVE: 04/21/94

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||13-22.15.5| Voice-Stress Devices Prohibited

Use of voice-stress devices to determine the truthful or deceptive nature of a person's oral statements is prohibited. Only Bureau-approved polygraph examiners using true polygraph instruments designed to record at least three physiological parameters including respiration, heart rate/blood pressure, and galvanic skin response (GSR), are authorized to conduct detection of deception examinations.

EFFECTIVE: 12/19/86

| 13-23 |TRANSLATION POLICY (See MAOP, Part I, 22-6.)|

EFFECTIVE: 09/08/93

| 13-23.1 |Deleted|

EFFECTIVE: 09/08/93

| 13-23.2 |Deleted|

EFFECTIVE: 09/08/93

| 13-23.3 |Deleted|

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EFFECTIVE: 09/08/93

| 13-23.4 | Deleted |

EFFECTIVE: 09/08/93

13-24 ARTIST CONCEPTIONS

Consideration should be given to the preparation of artist conception portrait drawings of unknown subjects in selected Bureau cases. These sketches are prepared by Visual Information Specialists (VIS) at Headquarters from "look-alike" reference photos selected from the FBI Facial Identification Catalog and other descriptive data furnished by witnesses or victims.

EFFECTIVE: 12/10/91

13-24.1 Policy

EFFECTIVE: 12/10/91

13-24.1.1 General

(1) Because of a limited staff of VIS, requests for artist conceptions other than those where the FBI has investigative jurisdiction must be approved on the merits of each individual request by Assistant Director of the Laboratory Division.

(2) In most instances, VIS prepare drawings from descriptive data transmitted to Special Projects Section via facsimile machine. If special handling is requested a composite drawing can be completed in 2-4 hours. On cases of national import consideration will be given to sending the VIS to the field location. A composite drawing prepared during a hypnosis session would be one such instance. VIS will participate in accordance with Bureau policy governing use of

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hypnosis as an investigative aid.

(3) Offices utilizing Identi-Kits can have these composites modified or redrawn according to specifications submitted by field office. Although the Identi-Kit cannot duplicate the skill and versatility provided by the VIS in the illustration of a facial likeness, it can serve a useful purpose as one of the methods Bureau Offices can employ to prepare composites if the VIS cannot respond within time limits the field investigation in progress requires.

(4) As the investigation progresses, the Laboratory, Attention: Special Projects Section, should be advised of the use and effectiveness of the drawing as an investigative aid.

EFFECTIVE: 12/10/91

13-24.1.2 Dissemination

(1) The SAC may approve releasing Bureau prepared artist conceptions for publication by the news media in unknown subject cases in which the witnesses have stated the drawing is an excellent likeness to the unknown subject. After approval is received, file numbers and issue date information must be removed from the prints prior to releasing them. This is done by cutting off the bottom portion of each print.

(2) FBIHQ approval is required before an artist conception can be used in a circular letter.

EFFECTIVE: 08/16/82

13-24.1.3 Administrative Identification

All artist conceptions should, whenever possible, carry a Bureau file number, field office file number, and the date that the drawing was issued. This data will appear at the very bottom of the photographic prints of these drawings and may, if desired, remain on these prints while they are used for investigative purposes. The data must remain on the prints when they are produced as evidence at trial.

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EFFECTIVE: 08/16/82

13-24.2 Requesting an Artist Conception

(1) The "look-alike" references from the FBI Facial Identification Catalog are recorded on an FD-383 (Facial Identification Fact Sheet) which, along with other detailed descriptive or illustrative material, is forwarded to the Laboratory, Attention: Special Projects Section. Requests should be limited to those cases in which the witnesses can provide detailed descriptions, have selected a sufficient number of characteristics from the Facial Identification Catalog, and be reasonably confident they can recognize a likeness of the unknown subject if a sketch is produced.

(2) All offices and resident agencies having a facsimile device should consider using this device for transmitting the FD-383 and related reference material directly to the Laboratory, Attention: Special Projects Section, between 8:00 a.m. and 5:30 p.m., Washington, D.C., time. The telephone number of this facsimile in the Special Projects Section is [REDACTED] Contact FBIHQ during other hours. b2

(a) Use of the facsimile device will ensure expeditious handling of the request.

(b) Also, use of FTS line can provide a direct communication between the artist and the interviewing Agent or witness when necessary.

EFFECTIVE: 08/16/82

13-24.3 Results of Request

(1) The drawing will be prepared in the Special Projects Section in the shortest possible time existing priorities permit, and transmitted to the requesting office by facsimile device for evaluation by the witnesses. Revisions may be requested by the field as needed until a good likeness is developed.

(2) Three polaroid copies of the drawing will be sent to the requesting office by routing slip on the same date as the facsimile transmission. If more than three Polaroid copies are deemed necessary, they may be made using field office facilities or from

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suitable local sources after approval of the likeness by the witnesses. If the extra copies cannot be obtained in the field, they may be ordered from the Laboratory, Attention: Special Projects Section.

EFFECTIVE: 03/23/92

13-25 FACIAL AGING

Consideration should be given to the preparation of facially aged photographs of children and adults, using a computerized aging system located at FBI Headquarters. These aged photographs are prepared by Visual Information Specialists (VIS) of the Laboratory Division.

EFFECTIVE: 03/23/92

13-25.1 Policy

EFFECTIVE: 03/23/92

13-25.1.1 General

(1) As set forth in the policy statement for Artist Conceptions, (13-24.1.1) requests for facial aging must be restricted to those cases where the Bureau has jurisdiction. Any exceptions must be approved by the Assistant Director of the Laboratory Division.

(2) In situations requiring a child's photograph to be aged/updated, photographs of a parent, brother, or sister are scanned into the system and incorporated with the victim's photograph to produce the aged or projected image of how the child is likely to appear.

(3) A similar methodology is used in aging adult subjects; however, family photographs are not incorporated with the subject to achieve the aged image. The addition of facial lines, increase or decrease in body weight, and a change of hairstyle are the most common factors used in this process, and these are borrowed from other facial images available to the artist.

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(4) The value of this technique lies in the fact that when the computer system is used by an experienced artist, the rendering is more technically accurate than those produced entirely by hand, and it can be produced much faster.

(5) In some instances, it may be advisable or necessary for the Bureau artist to accompany the case Agent in interviews with the victim's family.

EFFECTIVE: 03/23/92

13-25.2 Administrative Identification

All aged photographs should, whenever possible, carry a Bureau file number, and the date that the photograph was issued. This data will appear at the very bottom of the photographic prints and may, if desired, remain on these prints while they are used for investigative purposes. The data must remain on the prints when they are produced for, or used as, evidence at trial.

EFFECTIVE: 03/23/92

13-25.3 Requesting a Facially Aged Photograph

In order to ensure the accuracy with which a photograph may be aged, the requesting office should submit several of the highest quality photographs available of the victim/subject, as well as all pertinent descriptive data regarding the victim/subject, i.e., date of birth, facial characteristics, etc. This information should be forwarded to the Laboratory Division, Attention: Special Projects Section by an FD-790 (Special Projects Section Work Order).

EFFECTIVE: 03/23/92



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13-25.3.1 Results of Request

(1) The aged photograph will be prepared in the Special Projects Section in the shortest possible time existing priorities will permit. Revisions may be requested by the field as needed until a projected likeness is developed.

(2) One black and white, 4" x 5" photographic print of the aged rendering will be shipped to the requesting office. If more than one print is deemed necessary, they may be made using field office facilities or from a suitable local source. If the extra copies cannot be obtained in the field, they may be ordered from the Laboratory Division, Attention: Special Projects Section.

EFFECTIVE: 03/23/92

13-26 VISUAL AIDS

The Special Projects Section, Laboratory, has the ability to design and prepare visual aids for investigative and prosecutive assistance, law enforcement training, as well as for administrative and informational purposes. (For information concerning artist conception portrait sketches, see paragraph 13-24 above.)

EFFECTIVE: 03/23/92

13-26.1 Requests

EFFECTIVE: 03/23/92

13-26.1.1 From FBIHQ

All requests from FBIHQ must be directed to the Special Projects Section by [an FD-790] (Special Projects Section Work Order).

EFFECTIVE: 03/23/92

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13-26.1.2 From the Field

All requests from the field must be directed to the FBIHQ Laboratory Division by an FD-790 to the attention of the Special Projects Section and must contain the the following:

- (1) A general description of the work requested
- (2) The purpose and its use
- (3) All available reference and explanatory data, and

(4) A sketch, if applicable, which does not have to be drawn to scale but must contain detailed measurements.

(a) If the request is for an investigative or prosecutive aid, it is to be submitted to the appropriate substantive investigative desk at FBIHQ for approval.

(b) Deleted

| (5) The case caption and file number if applicable. |

EFFECTIVE: 09/03/93

13-26.2 Drawings

(1) Two-dimensional visual aids include prosecutive and investigative aids such as:

(a) Street map for locating evidence, buildings, witnesses or routes.

(b) Plat map for locating evidence, buildings, subjects or witnesses.

(c) Terrain map showing wooded areas or other physical features.

(d) Combination map and photographic display to illustrate appearance of specific areas.

(e) Floor plan for locating evidence or movement of

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subjects.

(f) Diagram to explain check-kiting, telephone contacts or organizational structures.

(g) Statistical charts, graphs and bar charts.

(h) Enlargement of accounting papers or bank forms.

(2) Drawings will be prepared from information furnished or if the situation warrants, from on-the-scene data collected by FBIHQ personnel. Source material that can be used by the Special Projects Section as reference for preparing the drawings can often be found at municipal and other government offices.

(a) Floor plans at building inspector.

(b) Plat plans at tax assessor.

(c) Street and curb plans at highway department.

(d) Maps at U.S. Geological Survey.

(3) All source material must be verified for accuracy before submission.

EFFECTIVE: 03/23/92

||13-26.3| Models (Three-Dimensional)

(1) When deemed essential and approved by FBIHQ, a three-dimensional model can be prepared in major cases. The model will be constructed from measurements, photographs, and on-the-spot observations made by FBIHQ personnel to ensure authentication for the admittance of the model as evidence.

(2) The construction of three-dimensional models for use in aiding the United States Attorney to present his/her case are limited to instances when a clear illustration of the facts cannot be achieved with a two-dimensional chart. In most instances they are prepared to scale and are necessarily constructed from data collected on the scene by the VIS from Special Projects Section.

(3) The cost of preparing the three-dimensional trial

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model limits its use to major cases or those where alternate means of illustration cannot be used to supply a vital point to the prosecution of the case. Circumstances often falling within these guidelines include:

(a) Sections covering two or more physical levels such as between floors of a building or decks of a ship.

(b) A replica of a mechanical device which cannot be transported to the courtroom.

(c) A reproduction of terrain showing altitudes and distances.

(4) Requests for models should be made reasonably soon after occurrence of the crime to enable the VIS to construct the model to represent the scene accurately at time crime was committed.

EFFECTIVE: 05/26/89

||13-26.4| Special Investigative Equipment

Special equipment or enclosures can be constructed with approval of FBIHQ.

EFFECTIVE: 05/26/89

||13-26.5| Special Surveillance Graphics

With approval of appropriate FBIHQ substantive desk, a variety of graphic items can be designed and prepared as a comprehensive package to assist in the staging and operation of special surveillance activities.

EFFECTIVE: 05/26/89

||13-27| RADIATION HAZARDS

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EFFECTIVE: 05/26/89

||13-27.1| Introduction

Radioactive materials are in use in the nuclear power industry, nuclear weapons industry, academic and industrial research environments and in medicine. Accidents, death and injuries resulting from the handling and transportation of radioactive materials have been few; however, the role of radioactive materials in a terrorist incident, an extortion or a theft presents a special hazard to the investigator. Radiation is invisible and insensible; therefore, special knowledge about it will enable the investigator to intelligently evaluate its hazard.

EFFECTIVE: 05/26/89

||13-27.2| Terminology

EFFECTIVE: 05/26/89

||13-27.2.1| Atoms

Atoms are small particles of matter which have the characteristics of an element. For example, gold and silver are both elements and the smallest particle of gold or silver which can be identified as gold or silver is an atom of gold or an atom of silver.

EFFECTIVE: 05/26/89

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||13-27.2.2| Isotopes

Isotopes are varieties of the same element which have the same chemical properties but have a different nuclear structure and therefore different physical properties. For example, we have three isotopes of hydrogen; namely, Hydrogen One, Hydrogen Two and Hydrogen Three.

(1) Stable isotopes are ones which are incapable of spontaneous change and thus are not radioactive.

(2) Unstable isotopes undergo spontaneous changes and emit nuclear radiations.

EFFECTIVE: 05/26/89

||13-27.3| Nuclear Radiations

Nuclear radiations involve the emission of energy or particles from a nucleus.

EFFECTIVE: 05/26/89

||13-27.3.1| Alpha Particle

Alpha particle is a positively charged particle emitted from a nucleus and similar to a helium nucleus. It has a relatively large mass with low penetrating power and a short range. Alpha particles will usually not penetrate the skin but danger occurs when alpha emitters are introduced into the lungs or intestines.

EFFECTIVE: 05/26/89

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||13-27.3.2| Beta Particle

Beta particle is a high speed negatively charged electron emitted from a nucleus. It has little mass, low penetrating power and a short range. The more energetic particles will penetrate the skin. Danger is due to skin burns and internal damage if the emitter enters the body and lodges in a body organ.

EFFECTIVE: 05/26/89

||13-27.3.3| Gamma Ray

Gamma ray is a unit of radiation energy similar to X-rays. Gamma rays can do body damage even when the source is located outside of the body due to their penetrating power.

EFFECTIVE: 05/26/89

||13-27.3.4| Neutron

Neutron is a subatomic particle which has no electrical charge and it is one of the main particles in the nucleus.

EFFECTIVE: 05/26/89

||13-27.4| Radiation Effects

Nuclear radiations avoid detection by all our senses. Excessive dosage are normally hazardous. Police activity in or around radiation areas requires special vigilance. Radiation hazards are usually considered as either external or internal hazards.

EFFECTIVE: 05/26/89

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||13-27.4.1| External Hazards

Bodily damage can result from overexposure to gamma rays even though the radioactive material is outside the body. Gamma rays are external hazards.

EFFECTIVE: 05/26/89

||13-27.4.2| Internal Hazards

Bodily damage can result if radioactive material emitting alpha and beta particles contaminates our food or the air we breathe and in this manner is taken into our bodies in excessive amounts. Alpha and beta particles are considered internal hazards.

EFFECTIVE: 05/26/89

||13-27.5| Detection Equipment

EFFECTIVE: 05/26/89

||13-27.5.1| Survey Meters

Survey meters are portable instruments designed to enable one to evaluate a particular radiation. They may be designed to detect and measure alpha, beta and gamma radiation and are used for the evaluation of contaminated foods and water. Survey meters read either in roentgens/hour or milliroentgens/hour (1,000 milliroentgens = 1 roentgen).

EFFECTIVE: 05/26/89



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||13-27.5.2| Dosimeters

Dosimeters are pocket-size instruments used to measure the total beta-gamma dosage accumulated by the person wearing the dosimeter. Some dosimeters can be read at any time by the wearer (self-reading dosimeters). Other dosimeters, such as film badges are not self-reading. These latter-type dosimeters are processed in a laboratory. Dosimeter readings are normally in roentgens or milliroentgens.

EFFECTIVE: 05/26/89

||13-27.6| Significance of Detection Equipment Readings

EFFECTIVE: 05/26/89

||13-27.6.1| Roentgen

Roentgen is a standard unit of measure of the energy of X-ray or gamma radiation which is absorbed. Often the term milliroentgen, which is one thousandth part of a roentgen, is used. The following table is a listing of radiation doses and their effects.

Acute Dose (roentgens)	Probable Effect of Total Body Dose
0 to 50	No obvious effect, except possibly minor blood changes.
80 to 120	Vomiting and nausea for about 1 day in 5 to 10 percent of exposed personnel. Fatigue but no serious disability.
130 to 170	Vomiting and nausea of about 1 day, followed by other symptoms of radiation sickness in about 25 percent of personnel. No deaths anticipated.
180 to 220	Vomiting and nausea for about 1 day, followed by other symptoms of radiation sickness in about 50 percent of personnel. No deaths anticipated.

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270 to 330	Vomiting and nausea in nearly all personnel on first day, followed by other symptoms of radiation sickness. About 20 percent deaths within 2 to 6 weeks after exposure; survivors convalescent about 6 months.
400 to 500	Vomiting and nausea in all personnel on first day, followed by other symptoms of radiation sickness. About 50 percent deaths within 1 month; survivors convalescent for about 6 months.
550 to 750	Vomiting and nausea in all personnel within 4 hours from exposure, followed by other symptoms of radiation sickness. Up to 100 percent deaths; survivors convalescent for about 6 months.
750 to 1000	Vomiting and nausea in all personnel within 1 to 2 hours. Probably no survivors from radiation sickness.
1000 to 5000	Incapacitation almost immediately. All personnel will be fatalities within 1 week.

EFFECTIVE: 05/26/89

||13-27.7| Radiation Protection

The following factors should be considered when evaluating available protection.

(1) If all containers of radioactive material are sealed or closed and are intact it is unlikely that radioactive hazards are associated with the incident. Efforts should be made to protect the integrity of the containers during essential rescue, salvage and clean-up operations.

(2) If radioactive isotopes become loose from the container or are liberated by a handling accident the following

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factors should be understood.

(a) Distance. The distance between individuals and the isotope source appreciably decreases radiation intensity. In most cases, for example, the distance of 2 feet from the source will decrease the radiation to one-quarter its value at 1 foot; a distance of 10 feet from the source will decrease the radiation to one-hundredth its value at 1 foot.

(b) Time. The time one spends in the radiation field should be kept to an absolute minimum. A 2-hour exposure in a radiation field will be twice as large as a 1-hour exposure.

(c) Shielding. Dense materials such as steel, concrete and dirt between the individual and the source can cut down the intensity of gamma radiation. Most gamma-emitting radioisotopes emit radiation of less than one million electron volts. Generally, the radiation may be cut in half by 1 1/2 inches of steel, 4 1/2 inches of concrete, 7 1/2 inches of earth, or 10 inches of water.

(d) Containment. Restriction of the radioisotopes to a limited area will help to establish boundaries for the hazard. Efforts should be made to keep the radioisotopes from scattering. If there is a fire associated with an incident, high pressure hoses might break open containers and widely distribute the radioisotopes. Vehicles and individuals repeatedly entering the area could track away any radioisotopes from incidents involving spills of radioactive materials. Such travel should be limited to that which is absolutely necessary.

(3) External and/or internal hazards can be present whenever radioactive materials are found. If it is not known what the hazards are, assume both to be present. To protect against internal hazards, personnel should wear breathing masks or some type of filter system over the nose or mouth. If possible, all personnel should be kept upwind from the scene of the incident and all smoking and eating should be prohibited in the restricted area. Personnel entering the area where there is radioactive dust should be wearing disposable or washable outer clothing.

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||13-27.8| Emergency Procedures for Accident or Incident

- (1) Keep all but essential rescue and investigative personnel away from the immediate accident scene.
- (2) Report the accident or incident immediately to the nearest Department of Energy facility or military base, whichever is appropriate.
- (3) Keep sightseers away - 500 yards or more, if possible.
- (4) Stay out of smoke or vapors if there is fire.
- (5) Hold people who may have been exposed to the contamination in an area for appropriate examination by emergency personnel.
- (6) Do not fight fires involving explosives except under the direction of an expert.
- (7) Do not permit the taking of souvenirs.
- (8) Keep unauthorized personnel from entering the scene.

EFFECTIVE: 05/26/89

||13-28| LINGUISTIC EXAMINATIONS

These examinations involve the application of analytic linguistic and psycholinguistic methods to written and/or aural evidence and are normally conducted to provide information of lead value and to assist in the evaluation of threats posed by kidnapers, extortionists, terrorists, and others who communicate their intent to commit violent acts. Results are not intended for use in court. In order for the Laboratory to conduct these examinations, the following items are necessary and should be furnished to the Laboratory:

- (1) Background of suspects/subjects
- (2) Background details concerning case
- (3) Original or good copies of written and/or aural evidence. (If possible, material of the same genre should be

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submitted, such as a threatening phone call and a threatening letter - both threats).

EFFECTIVE: 05/26/89

||13-28.1| Forensic Linguistic Analysis - (Authorship/Speaker Determination)

(1) Demographic Profiling - Determination of age, sex, educational level, geographic/ethnic background, and occupation from vocabulary, syntax, accent, etc.

(2) Common Authorship/Speaker Determination

(a) Through comparison of evidence of similar nature (for example, two or more handwritten documents, or two or more tape recordings)

(b) Through comparison of evidence of dissimilar nature (for example, comparison of a typed with a handwritten document, or a printed document with a tape).

EFFECTIVE: 05/26/89

||13-28.2| Psycholinguistic Analysis

(1) Psychological and demographic profiling of author/speaker

(2) Threat validity assessment

66 | NOTE: Requests for psycholinguistic examinations should be sent to the Laboratory, Attention: Document Section. The Document Section will then forward them to the Bureau's outside consultant. In an emergency situation requiring expedite handling, at the discretion of the SAC or person acting for that official, requests can be sent directly to [REDACTED] can be reached telephonically at [REDACTED] and copies of documentary evidence can be transmitted via facsimile to him at this number. In the event he cannot be reached immediately at this number, especially during nonoffice hours, contact should be made with the FBIHQ Duty Agent who has instructions as to how to reach him. In these emergency

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situations, it is important that the Laboratory, Document Section, be furnished details of the request, including case information and copies of evidence.

EFFECTIVE: 05/26/89

13-29 VIDEO TAPE ENHANCEMENT/EXAMINATION AND SUPPORT

The Video Enhancement Unit (VEU) of the Laboratory (Room [REDACTED] Extension [REDACTED]) is responsible for the processing of video imagery where the image requires enhancement and the preparation of a photographic print. This video imagery may originate from time-lapse or full-motion video tapes of any format or from still video disks. VEU can provide photographic prints and/or video tapes of these enhanced images. However, requests for comparisons of video imagery to known photographic prints or to other submitted evidence (guns, articles of clothing, bags, hats, etc.) should be forwarded directly to the Special Photographic Unit.

VEU can also provide the following forensic video support services:

(1) Reconstruction of physically damaged video tapes. This includes tapes that have been damaged due to a mechanical malfunction of a video tape machine or video tapes that have been deliberately damaged.

(2) Slow-motioned or frame-by-frame playback of video tapes. This is often beneficial when actions of activities occur quickly and are not readily apparent to the viewer. This process is also valuable for recovering partially recorded video frames that also are not readily apparent to the viewer.

(3) Conversion of foreign video standards. There are three primary worldwide video standards (NTSC, PAL, and SECAM). These standards are not directly compatible. Tapes received from or destined to foreign countries may require standards conversion. In addition to providing this conversion process, the VEU can provide consultation and technical assistance in determining proper video standards.

(4) Production of demonstrative evidence video tapes for court room presentation. This is to include video tapes produced for

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crime scene documentation or reenactment and the preparation of video tapes containing English-translated subtitles of surveillance video tapes where the recorded conversation is in a foreign language.

(5) Where appropriate, VEU can edit and/or compile video segments for briefings or as investigative or demonstrative aids.

EFFECTIVE: 12/17/93

13-29.1 Requests from Field Offices

Submission to the Video Enhancement Unit (VEU) should be by airtel under the case caption. Video frames or sequences that require enhancement or processing should be identified by using the time/date recorded on the video tapes when available. Should there be no time/date or an incorrect time/date recorded on the video tape, a complete description of the subject or activities in question should be provided and the tape stopped at the beginning of the pertinent segment. Also, if available, the manufacturer and model of the recording video tape machine should be included.

EFFECTIVE: 12/17/93

13-29.2 Special Considerations

It should be noted that video-based imagery does not contain the resolution of film and should not be used as a replacement for film, where image detail for identification purposes is required.

EFFECTIVE: 09/03/93

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13-29.3 Handling Video Evidence

Attempts should be made to minimize the number of times a video tape is played or reviewed. Continued or repeated use of video tapes, especially time-lapse video tapes, can cause physical degradation of the tape and can severely limit enhancement efforts. Original video tape should always be submitted.

EFFECTIVE: 09/03/93

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## PART II

### SECTION 14. FINGERPRINT IDENTIFICATION

#### 14-3.2 Uses of Records Maintained in the Identification Division

The FBI operates the Identification Division Records System to perform identification and criminal history record information functions for Federal, state, and local criminal justice agencies, and for noncriminal justice agencies, and other entities, where authorized by Federal statute, state statute pursuant to Public Law 92-544, Presidential Executive Order, or regulation of Attorney General of the United States. In addition, identification assistance is provided in disasters and for other humanitarian purposes. Record requests are also processed in accordance with Public Law 94-29, known as the Securities Acts Amendments of 1975; Public Law 95-405, known as the Futures Trading Act of 1978; and Public Law 99-399, known as the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986.

#### 14-4 DISSEMINATION GUIDELINES FOR FBI IDENTIFICATION DIVISION RECORDS

##### 14-4.1 Authorized Dissemination

##### 14-4.1.1 FBI Criminal History Records Made Available:

(1) To criminal justice agencies for criminal justice purposes free of charge.

(2) To Federal agencies authorized to receive them pursuant to Federal statute or Executive order. Effective [10/1/90,] a [ \$17 ] user fee may be charged for processing fingerprint cards submitted by Federal Government agencies for nonlaw enforcement, noncriminal justice licensing and employment purposes. Effective 1/1/90, a user fee ranging from \$1.50 to \$8.00 may be charged for name-check requests submitted by Federal agencies for national security purposes. The fee will vary for the name-check requests depending upon whether a paper or magnetic tape format is used.

(3) To officials of federally chartered or insured banking institutions to promote or maintain the security of those institutions and, if authorized by state statute and approved by the Attorney General, to officials of state and local governments for purposes of employment and licensing (Public Law 92-544); to certain segments of the securities industry for record checks on persons involved with the transfer of securities (Section 14(f)(2) of Public Law 94-29); to the Commodity Futures Trading Commission for record checks on persons applying for licenses as commodities brokers (Public Law 95-405); and to nuclear power plants for record checks on persons with unescorted access to nuclear power plants or individuals granted access to Safeguards Information by power reactor licensees (Public Law 99-399). Effective [10/1/90,] a user fee of [ \$23.00 ] per inquiry (non-Federal applicant fingerprint card submissions) is being charged for this service.

##### [ 14-4.1.2 [Deleted]

##### 14-4.2 Unauthorized Disseminations

The exchange of FBI criminal history records authorized by 14-4.1 is subject to cancellation if dissemination is made outside the receiving departments or related agencies. Such misuse may also be a violation of the Privacy Act of 1974 (see Part I, Section 187 of this manual). FBIHQ should be advised of such unauthorized or illegal uses without undue delay.

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SECTION 17. APPLICANT AND EMPLOYEE INVESTIGATIONS CONDUCTED  
FOR OTHER GOVERNMENT AGENCIES - GENERAL INSTRUCTIONS

17-1 AUTHORITY

(1) Executive Order 10450, which was promulgated in 1953, makes appointment to positions in the Executive Branch subject to a background investigation. The Office of Personnel Management has the primary responsibility to investigate persons being employed in the competitive service and has permitted other Federal agencies with investigative resources to conduct background inquiries.

(2) Even prior to this Executive Order, however, the FBI had been conducting background investigations for other agencies as well as for itself. At present, various statutes, Executive Orders, Departmental Orders, and agreements between the Attorney General and other Federal entities provide a basis for the FBI's role in this area. If specific information is desired concerning the authority for the FBI to conduct any investigation, contact FBIHQ for detailed information.

EFFECTIVE: 12/10/91

17-2 CLASSIFICATIONS OF INVESTIGATIONS (See MIOG, Introduction, 2-2.2; Part I, 77-1.1 through 77-1.13, 77-4.3, 77-4.11, 140-3, 161-4, 161-5; MAOP, Part II, 3-1.1, 3-1.2, 10-23; & Correspondence Guide-Field, 1-17.)

Requests for an FBI investigation are made in writing by another Federal entity. These requests are assigned to a classification which, in general, corresponds to the source of the request. The following classifications are currently in use:

- Office
- (1) 73 - Background Investigation - Pardon Attorney's
  - (2) 77
    - (a) 77A - Background Investigation -  
Presidential Appointment with Senate  
Confirmation - Nonreimbursable

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- (b) 77B - Background Investigation -  
U.S. Courts - 15 Year - Reimbursable
- (c) 77C - Background Investigation -  
U.S. Courts - 10-15 Year - Reimbursable
- (d) 77D - Background Investigation  
- U.S. Courts - 3-10 Year -  
Reimbursable
- (e) 77E - Background Investigation -  
Department of Justice - Nonreimbursable
- (f) 77F - Background Investigation -  
U.S. Attorney's Office (Staff) -  
Reimbursable
- (g) 77G - Background Investigation -  
Congressional Staff - Nonreimbursable
- (h) 77H - Background Investigation -  
U.S. Attorney's Office (Attorney) -  
Reimbursable
- (i) 77I - Background Investigation -  
Department of Justice - Reimbursable
- (j) 77J - Background Reinvestigation -  
Department of Justice - 10 Year -  
Reimbursable
- (k) 77K - Background Reinvestigation - Department of  
Justice - 7 Year - Reimbursable
- (l) 77L - Background Reinvestigation - Department of  
Justice - 5 Year - Reimbursable
- (m) 77M - Background Reinvestigation - Department of  
Justice - 3 Year - Reimbursable
- (3) 116A - Department of Energy - Applicant  
116B - Department of Energy - Five-Year  
Reinvestigation  
116C - Nuclear Regulatory Commission - Applicant  
116D - Nuclear Regulatory Commission - Five-Year

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Reinvestigation

- (4) 140A - Office of Personnel Management - Referral  
140B - Office of Personnel Management - Employees  
140C - Office of Personnel Management - Other
- (5) 161A - Special Inquiry - Level I, Presidential Appointment  
161B - Special Inquiry - Level II, Presidential Appointment  
161C - Special Inquiry - Level III, Presidential Appointment  
161D - Special Inquiry - Level I, White House or National Security Council Staff Position  
161E - Special Inquiry - Level II, White House or National Security Council Staff Position  
161F - Special Inquiry - Level II, White House or National Security Council Staff or Access Position - Five-Year Reinvestigation  
161G - Special Inquiry - Level III, White House or National Security Council Staff or Access Position  
161H - Special Inquiry - Level III, White House or National Security Council Staff or Access Position - Five-Year Reinvestigation  
161I - Special Inquiry - Congressional Committee Staff Positions  
161J - Special Inquiry - Congressional Committee Staff Position - Five-Year Reinvestigation  
161K - Special Inquiry - Expanded Name Check
- (6) 259A - Security Clearance Investigations - Classified Information Procedures Act (CIPA)  
259B - Security Clearance Investigations - Foreign Intelligence Surveillance Act (FISA)  
259C - Security Clearance Investigations - Joint Task Forces (JTF)  
259D - Security Clearance Investigations - Others (See MIOG, Part I, 259-2, 259-3, 259-4, 259-6 & 259-7.)
- (7) 260A - Industrial Security Program - Personnel Clearance (See MIOG, Part I, 260-1 (2).)

Any questions involving 259 and 260 classifications should be directed to the Security Programs Manager (SPM), National Security

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Division.

EFFECTIVE: 05/27/94

17-2.1 TURK Classifications (See MIOG, Part I, 77-1.2, 77-1.3, 77-1.4, 77-1.6, 77-1.8, 77-1.9, 77-1.10, 77-1.11, 77-1.12, 77-1.13, 77-4.3, 77-4.11; MAOP, Part II, 10-23.)

For TURK purposes, these classifications are separated into reimbursable and nonreimbursable investigations. Reimbursable matters are billed to other agencies at a predetermined rate per investigative request, and these funds provide the FBI with the resources with which to address these inquiries. Nonreimbursable matters are funded in the FBI's budget. Where it is possible to have both reimbursable and nonreimbursable requests in one classification, alpha designators have been applied. As a general rule, cases received from the Administrative Office of the U.S. Courts (77B, 77C, and 77D) the Department of Energy (116A and 116B), Nuclear Regulatory Commission (116C and 116D), Department of Justice (77F, 77H, 77I, 77J, 77K, 77L and 77M), and Office of Personnel Management (140B) are reimbursable.

EFFECTIVE: 05/27/94

17-2.2 Applicability of this Section's Instructions

This Section provides instructions and guidance which are applicable to all of the above classifications. Specific requirements which are unique to individual classifications are set forth in Part I of this manual under the appropriate classification.

EFFECTIVE: 12/10/91

17-3 ADMINISTRATIVE PROCEDURES

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EFFECTIVE: 12/10/91

17-3.1 Initiation of Investigation

Investigative requests are received from client agencies at FBIHQ and are initiated by teletype, airtel, letter or facsimile transmission depending upon the urgency associated with the request. Personal history data and release forms as received at FBIHQ are forwarded to the field if necessary. Files at FBIHQ will be reviewed, including records of the Identification Division, and pertinent information will be forwarded to the field for investigative purposes or for inclusion in the report.

EFFECTIVE: 12/10/91

17-3.2 Initial Interview of Applicant

An interview of applicant should be conducted at the inception of the investigation (see Part II, Section 17-5.6, of this manual, for additional instructions concerning this interview). The office covering current residence and/or employment will normally conduct the interview and should promptly set out leads for any additional investigation needed as a result of the interview. Where residence and employment are split between field divisions, FBIHQ will designate office to conduct interview in the opening communication. If a substantial delay is encountered in contacting the applicant or arranging for the interview, immediately notify FBIHQ so that an appropriate course of action can be considered.

EFFECTIVE: 02/12/92

17-3.3 Assignment of Cases

These matters must be searched, opened, and assigned immediately. Investigation is to commence immediately.

EFFECTIVE: 02/12/92

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17-3.4 Indices Searches

(1) FBIHQ general and ELSUR indices are searched only against the candidate's name and the names of all close relatives. The name of the candidate and, in presidential appointment cases, the names of all close relatives (except deceased relatives) are also searched through the Organized Crime Information System (OCIS), Intelligence Information System (IIS), and National Crime Information Center (NCIC) records at FBIHQ. [Circumstances may indicate necessity to also search general indices against the names of other persons, businesses or organizations with which the candidate has had contact or association (i.e., cohabitants, foreign nationals, etc.).]

(2) Each field office must make a careful search, and advise FBIHQ of the results, of its general and any other specialized indices (except confidential and ELSUR), concerning the below-listed individuals/entities. (Confidential and ELSUR indices need not be searched):

(a) Candidate - offices covering places of residence, employment, or education;

(b) Close relatives (see 17-6.9 for identification of persons who are considered close relatives) - residing in field office territory;

(c) Cohabitants - office covering current place of residence;

(d) Businesses or associations located in field office territory when candidate or appointee holds controlling interest or is an officer;

(e) Others - circumstances may indicate necessity to search names of other persons, businesses or organizations with which candidate has been identified.

(3) Any variations or additional names developed during the investigation should be checked. The search should include all names used by relatives, such as maiden name of a spouse. Advise FBIHQ and interested offices of additional names developed including the identity of any close relatives whose names were not available at the inception of the investigation. It is not necessary to search names of relatives under 15 years of age.

(4) FBIHQ should be advised of any information located

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which is identifiable with the candidate, listed relatives, cohabitants and business establishments. If the information is not available in files at FBIHQ, forward a copy of pertinent serials to FBIHQ.

(5) Deleted

EFFECTIVE: 07/19/93

17-3.5 Deadlines

(1) Deadline date is date report is to be received at FBIHQ. All deadlines are figured from the date of the communication ordering the investigation and cannot be changed without FBIHQ authority.

(2) Deadlines are established principally in response to the needs of client agencies to receive investigative results in a timely manner in order to make final employment or appointment decisions or to reach a final security determination regarding access to sensitive information even though in some instances the individual may have been brought on board pending completion of the FBI's investigation. Every effort is made to ensure sufficient time is available for an efficient utilization of FBI resources, but exigent circumstances may require short deadlines be met without fail.

(3) Deadlines are to be met unless the delay is beyond an office's control. An explanation for the delay should be included in the administrative pages of the report.

(a) If deadline will not be met and no administrative action is deemed warranted, Form FD-205 or other communication must reach FBIHQ by deadline and advise:

1. Reason for delay
2. When report will reach FBIHQ
3. That no administrative action is warranted

The latter determination must be made by SAC or ASAC.

(b) If deadline will not be met and administrative



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action is deemed warranted, advise FBIHQ by deadline of reason for delay and date report will reach FBIHQ. Thereafter, submit letter to FBIHQ identifying personnel involved and setting forth administrative action recommended. Include memoranda of explanations from such personnel.

EFFECTIVE: 02/12/92

17-3.6 Prior Applicant Investigation

Since investigations are frequently forwarded to field offices prior to a completion of a check of FBIHQ records, field office records may disclose a previous applicant-type investigation. If so, the following steps should be taken:

(1) | If previous investigation was not conducted within the last six months, notify FBIHQ and other appropriate offices of investigation, and | bring previous investigation thoroughly up to date and supplement it as necessary so that total scope will conform in all respects to current standards. Recontact persons previously interviewed who furnished derogatory information if such persons are in a position to furnish current pertinent information and if such inquiry is practicable.

| (2) | If previous investigation was made within six months preceding receipt of new request, and if it was then complete, | send an immediate teletype to FBIHQ and other appropriate offices advising of prior case. Then hold investigation in abeyance until further instructions are received from FBIHQ. |

EFFECTIVE: 01/25/88

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**17-3.7 Leads for Other Offices**

(1) Set out leads for other offices immediately as they become known during investigation. Use most expeditious means of communication commensurate with economy to meet deadline.

(2) Furnish FBIHQ with a copy of all communications setting out leads.

(3) If lead is being sent to office which has not received prior communications in case, the following information at least should be included:

(a) Name, aka, and any other title information, such as zone designations in title in 116 cases

(b) Character

(c) Bureau deadline

(d) Data necessary to identify applicant such as name, date of birth, Social Security number

(e) Specific lead

(f) Brief description of any derogatory information developed

(4) When a lead is set out for another office, the originating office should include pertinent data in its report so that the investigative record will clearly establish the source from which the additional information emanated.

**EFFECTIVE: 01/25/88**

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||17-3.8| Receipt of Additional Information in Closed Cases

Individuals investigated under this program will probably be serving as Government employees for some time after the investigation is complete. In some instances involving presidential appointments, delays may occur between the time an investigation is conducted and the time in which the nomination and confirmation processes are complete. In either event, it is essential that FBIHQ be informed of any information which is developed by an office after that office has closed its investigation. When such information is received, the following steps should be taken:

(1) Recheck office indices concerning applicant for any additional information not previously reported.

(2) Furnish information to FBIHQ without delay in letterhead memorandum or supplemental report. If case warrants, such as a presidential appointment, use teletype.

(3) If it appears additional investigation will be involved in order to resolve allegation, advise FBIHQ by appropriate means (telephone or teletype) prior to initiating additional investigation and be guided by instructions from FBIHQ.

(4) If there is an indication the individual is no longer employed by the Government, take steps, including setting lead to another office, to verify this fact immediately at the inception of the investigation.

EFFECTIVE: 08/12/86

||17-3.9| Discontinuance of Investigation

(1) If information is received indicating applicant is no longer interested in Government employment, promptly notify FBIHQ and interested offices to hold investigation in abeyance. FBIHQ will contact the requesting agency to confirm this information and will advise the field regarding discontinuance. If instructed to discontinue, submit an RUC report to FBIHQ containing the results of investigation conducted to date.

(2) If significant derogatory information is received, promptly notify FBIHQ. Do not hold investigation in abeyance unless advised to do so by FBIHQ. In most instances, a client agency needs

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to have all results of investigation, both favorable and unfavorable, before it reaches an employment determination.

EFFECTIVE: 08/12/86

17-4 OBJECTIVES OF INVESTIGATION

The objective of these investigations is to conduct a thorough penetrating inquiry which will be useful in an assessment of an individual's suitability for Federal employment and/or for access to sensitive information. The principal areas which are addressed in accomplishing this objective are the following:

(1) Character - actions and statement which reveal a person's general attitude and possession of characteristics such as trustworthiness, reliability, and discretion or lack thereof.

(2) Associates - type of persons, businesses, groups, organizations or movements with which a person has been associated, with particular concern as to whether any of these associations have been of a disreputable or disloyal nature.

(3) Reputation - comments concerning the individual's general standing in the community.

(4) Loyalty - actions and statements revealing the person's attitude and allegiance toward the United States and its constituted form of government or indicating sympathies with any foreign government or ideology.

(5) Qualifications and ability - comments concerning an individual's capacity or competence (native or acquired) to perform well in an occupation or field of employment. Inquiry in this area is not necessary in all cases (see instructions under specific classifications) but may be requested by FBIHQ in specific instances. When necessary, inquiries should encompass performance in all employment experiences and relate the positions held and the duties and responsibilities associated with those positions.

(6) Among concerns which are encompassed by the above objectives are the principal suitability and security standards for Federal employment, as contained in the Federal Personnel Manual, which are set out below:

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(a) Suitability

1. delinquency or misconduct in prior employment
2. criminal, dishonest, infamous, or notoriously disgraceful conduct
3. intentional false statement or deception or fraud in examination or appointment
4. habitual use of intoxicating beverages to excess
5. abuse of narcotics, drugs or other controlled substances
6. reasonable doubt of loyalty to the United States
7. refusal to furnish testimony required by civil service rules
8. statutory disqualification (e.g. conviction of certain offenses).

(b) Security

1. any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy
2. any deliberate misrepresentations, falsifications, or omission of material facts
3. any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion
4. any illness, including any mental condition, of a nature which in the opinion of competent medical authority may cause significant defect in the judgment or reliability of the employee, with due regard to the transient or continuing effect of the illness and the medical findings in such case
5. any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or

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pressure which may cause the person to act contrary to the best interests of the national security

6. commission of any act of sabotage, espionage, treason, terrorism or sedition, or attempts, threat, or preparation therefor, or conspiring with, or aiding or abetting, another to commit or attempt to commit any act of sabotage, espionage, treason, terrorism or sedition

7. establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, terrorist or revolutionist, or with an espionage or other secret agent or representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the Government of the United States or the alteration of the form of government of the United States by unconstitutional means

8. advocacy of use of force or violence to overthrow the Government of the United States, or of the alteration of the form of government of the United States by unconstitutional means

9. knowing membership, with specific intent of furthering the aims of, or adherence to and active participation in, any foreign or domestic organization, association, movement, group, or combination of persons (hereinafter referred to as organizations) which unlawfully advocates or practices the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States or any State or subdivision thereof by unlawful means

10. intentional, unauthorized disclosure to any person of security information, or of other information, disclosure of which is prohibited by law, or willful violation or disregard of security regulations

11. performing or attempting to perform duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States

12. refusal by the individual, upon the ground of constitutional privilege against self-incrimination, to testify before a congressional committee regarding charges of alleged disloyalty or other misconduct

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EFFECTIVE: 08/12/86

17-5 GENERAL INSTRUCTIONS (See MIOG, Part I, 73-7, 77-1 and 77-2.)

Results are provided to other Government agencies for examination and adjudication. Depending on the client being served, reports prepared in the field or memoranda summarizing investigative results prepared at FBIHQ are forwarded. If derogatory information is developed, that information is provided in its entirety along with summary memoranda sent to the White House. In situations where a presidential appointment requires Senate confirmation, reports or summary memoranda are made available for review by appropriate Senators and, in connection with matters handled for the Department of Justice, a limited number of staff personnel of the Senate Committee on the Judiciary.

(1) Investigation must be painstakingly exact, fair and unbiased.

(2) Interviews must be well planned, thorough and exhaustive and should include logical persons who are in a position to comment professionally about the applicant, such as business competitors, clients, and professional associates, and those who are in a position to furnish information as to their conduct during social and leisure activities, such as roommates and others with whom the applicant socializes on a regular basis.

(3) Purpose of interviews is to obtain information, not to dispense information. Care should be exercised to avoid any possibility of accusations of character assassination or rumor spreading.

(4) Do not convey impression person being investigated is under suspicion or that the investigation is of a criminal or subversive nature.

(5) Advise persons interviewed that investigation is of a personnel-type background inquiry and is being conducted because the individual is under consideration for Government employment, for employment by a public international organization, or for access to classified or otherwise sensitive information in which the Government has an interest.

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(6) The general concerns (for example, trustworthiness, reliability, discretion, good conduct, and loyalty) addressed by the suitability and security standards cited in Section 17-4(6) should be covered during all interviews. If unfavorable comments are provided, obtain specific details including whether the information is based on direct knowledge or hearsay (see also Section 17-5.1). When indications of misconduct are received, the person being interviewed should be requested to provide sufficient details to permit an evaluation of the applicant's suitability for employment or access to sensitive information. Among factors which should be addressed are the nature and seriousness of the conduct, whether the conduct has been of a recurring nature, whether there has been any attempt at rehabilitation, and what the time frame of the conduct was (i.e., recent or in the past). Where unfavorable information is developed concerning a relative or associate, the degree of actual or potential influence such persons may exercise on the applicant should be determined. This would include some indications of the frequency and nature of contacts the applicant has with that individual.

(7) Each person interviewed who is knowledgeable of the applicant will be asked if the applicant has ever been known to abuse alcohol or prescription medications or to use illegal drugs or narcotics. Obtain specific details regarding any such activity. Record results of all responses to questions concerning alcohol abuse, prescription drug abuse and illegal drug use in the details of the report.

(8) Each person interviewed who is knowledgeable of the applicant will be asked questions which will elicit information as to whether or not the applicant or candidate has a lifestyle or spending habits consistent with his or her means. The purpose of these questions is to determine if the candidate is financially responsible. The general nature of the questions asked and the responses provided by the interviewee must be recorded in report of interview. Inconsistencies in spending versus means should be fully explored during the investigation and may require interview of the candidate and review of his or her financial records, if appropriate and with FBIHQ approval (see also Part II, Section 17-5.8 of this manual).

(9) Each person interviewed who is knowledgeable of the applicant will be asked if they are aware of anything in the applicant's background that could be used to influence, pressure, coerce, or compromise him/her in any way, or that could have an adverse impact on his/her character, judgment, stability, discretion, trustworthiness, or responsibility. The resulting FD-302/insert of all persons interviewed must also be sufficiently detailed to indicate



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this question was asked, clearly answered, and any identified activity or conduct was thoroughly addressed.

(10) Investigative personnel should be alert for any information disclosed during interviews of persons knowledgeable of the applicant or candidate which would indicate the candidate had applied for and was denied employment not indicated by the candidate during his or her initial interview or when required in response to questions on personnel security questionnaires.

(11) In connection with many Federal positions, particularly those which can have an influence on policy and personnel decisions, the existence of bias or prejudice against any class of citizens or any religious, racial, or ethnic group, particularly the extent to which it manifests itself (for example, the degree to which judgment would be affected), is of interest and concern to employing agencies. FBIHQ will identify in opening communications those investigations wherein comments concerning possible bias or prejudice are needed. When this is done, ensure the results of interviews clearly indicate such inquiries were made. If an allegation of bias or prejudice is received concerning an individual not identified by FBIHQ as requiring this type of inquiry, conduct appropriate investigation to obtain comments to resolve the issue.

(12) Do not disclose identity of requesting agency or position involved when so instructed by FBIHQ.

(13) These investigations should not be regarded as routine. Each inquiry must receive careful analysis and diligent attention so that all pertinent and relevant information, either favorable or unfavorable, can be obtained.

(14) Details of reports should contain results of all investigative activity including, where necessary, an indication of why certain investigative steps could not be accomplished or what steps with negative results were undertaken. Reports setting forth investigative results should be well organized and carefully prepared and proofread since the results are intended for dissemination to other agencies. Information in the report should generally follow the order of items as they are presented under 17-6. Where an intensive investigation has been conducted and a lengthy report is prepared, provide a table of contents. The synopsis of the report should succinctly present a summary of the detailed investigation and significant facts, particularly of a derogatory nature, should be clearly presented. Do not include comments such as "one individual would not recommend" or "arrest record set forth" without including

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some indication of the facts associated with those comments.

(15) Interviews should be conducted in person. Telephonic interviews are not permissible unless absolutely reasonable and necessary. The determination that a telephonic interview is appropriate under the circumstances should only be made by the SAC (see also Part II, Section 7-2.2 of this manual).

(16) Professional titles of persons interviewed must be accurate and complete; e.g., Major General John J. Jones, United States Army, Retired, should be set out rather than merely, General John J. Jones, United States Army.

EFFECTIVE: 05/27/94

17-5.1 Derogatory Information

(1) Offices developing derogatory information must ensure that sufficient investigation is conducted in an attempt to verify or disprove the allegation. Expeditiously advise FBIHQ by telephone or teletype, as well as other offices which should be cognizant of the derogatory information in order that they may adequately conduct their part of the investigation. In 73, 77, 116, 140 and 161 matters, derogatory information is to be immediately telephonically conveyed to FBIHQ, to be followed within one work day by the facsimiling of interview(s) or insert(s) containing unfavorable information to FBIHQ. Teletypes are only to be sent in 73, 77, 116, 140 and 161 matters if other offices should be cognizant of the derogatory information in order to conduct adequately their part of the investigation.

(2) Whenever a person furnishes derogatory information, comments or conclusions, that person should be requested to provide specific facts, details or examples to support the statements being made. The report should clearly indicate whether or not the information is based on firsthand knowledge.

(3) Original sources of derogatory information should be identified and interviewed. It is not sufficient merely to receive such information indirectly or secondhand without an effort being made to determine its source and to resolve the matter fully. If for some reason it is not possible to interview original source, report should clearly show reason.

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(4) If a question of identity is involved, report fully the information developed; initiate necessary investigation to resolve question of identity; and set out leads to interview original sources.

(5) In view of the possibility that information gathered as a result of FBI investigation could become testimony at an administrative or judicial proceeding, set forth results on FD-302 as follows:

"JOHN Z. QUICK, Date of Birth (DOB) 1/1/44, 112 March Street, Seattle, Washington 90020, telephone (home) (206) 555-1234, (office) (206) 555-6789, was advised of the identity of the interviewing Agent as well as the fact that he was being contacted in connection with the background investigation of Ms. MARY DOE. Mr. QUICK provided the following information:"

(6) In the event that additional investigative information is to be submitted as an Insert to a report, the following format is to be used:

SE (file number)  
ABC:def (Dictator's/typist's initials)

Seattle Division  
At Seattle, Washington

Special Agent TOM PLAYFAIR conducted the following investigation on Monday, January 2, 1989:

JOHN Z. QUICK, Date of Birth (DOB) 1/1/44, 112 March Street, Seattle, Washington 90020, telephone (home) (206) 555-1234, (office) (206) 555-6789, was advised of the identity of the interviewing Agent as well as the fact that he was being contacted in connection with the background investigation of Ms. MARY DOE. Mr. QUICK provided the following information:

EFFECTIVE: 07/23/90

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17-5.2 Data Obtained From File Searches

Information obtained from reviews of files on applicant, close relatives, references and associates should be used as lead material during the investigation. Pertinent information should also be organized for inclusion in the details of the report. Pertinent admissions, denials or explanation of associations with individuals or groups should be reported. Keep in mind this material will be disseminated to other Government agencies and, in some instances, to committees of the United States Senate. Any considerations affecting dissemination, such as material subject to Rule 6(e), opinion of the United States Attorney regarding release of information in pending investigations, protection of sensitive sources, and any restrictions on use of information regarding third parties, should be carefully examined. If necessary, consult with FBIHQ concerning the manner in which the information can be presented.

(1) Information on applicant - Office discovering derogatory information in its files on applicant should organize and report it unless data is contained in case in which another office is origin and that division has received copy of FBIHQ communication initiating investigation. In latter event, only office of origin in previous case should report data.

(2) Information on reference or other person to be interviewed - Office conducting interview has primary responsibility to report derogatory information. If this office has incomplete information but another office, such as office of origin, has complete information, office conducting interview must ensure that office having complete data reports it fully.

(3) If the only investigation required by an office is a file review, FBIHQ should be advised even if no record is located in office indices.

EFFECTIVE: 03/23/89

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17-5.3 Association With Individuals or Groups

(1) While the First Amendment protects an individual's right of association, there are areas which are of legitimate interest to the Government in connection with employment consideration. In this category would be associations with individuals or groups which would deny other persons their rights under the Constitution, which advocate overthrow of legally constituted authority through violent means, or which engage in crimes against persons or property.

(2) Check names of such individuals or groups through office indices.

(3) Conduct inquiries to verify or disprove the alleged affiliation and provide characterizations of individual or group involved. Ascertain knowledge of or agreement with policies of group as well as dates of affiliation and extent of participation as member or officer. Contact logical informants familiar with group or allegations involved.

(4) If an individual is involved, ascertain the degree of association which exists and the extent to which applicant is aware of that individual's activities. The extent of influence which this person can exercise over the applicant should also be determined.

EFFECTIVE: 08/12/86

17-5.4 Freedom of Information Act/Privacy Act of 1974 (See Part I, 190-5(3), 190-7.3.)

(1) Pursuant to provisions of the Privacy Act of 1974 (Privacy Act), all persons interviewed during background investigations (BIs) must be advised by the interviewing employee of the purpose for which the information is sought (a background investigation), the uses to be made of the information (to determine a person's suitability for Federal employment or access to national security information), the provisions which allow a BI candidate access to our records (i.e., the BI results, including an interviewee's comments), and the interviewee's right to request confidentiality.

(2) The Privacy Act permits a United States citizen or permanent resident alien to access records pertaining to him or her

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maintained in a system of records by an agency of the Executive Branch of the Federal Government. Such an access request is processed under the provisions of the Freedom of Information Act and the Privacy Act (FOIPA).

The Privacy Act also permits the FBI to protect the identities of individuals interviewed during BIs who expressly request that their identity be held in confidence.

(3) When an individual has requested and been granted an express promise of confidentiality, it is absolutely imperative that this fact be clearly recorded along with the results of the interview.

Information collected by the FBI in these BIs will be disseminated to other Government agencies and can also be made available to Senate committees when confirmation is involved. Therefore, when an individual interviewed during the course of a BI requests confidentiality under the Privacy Act, the level of confidentiality must be clearly set forth in the document recording the results of the interview (i.e., insert, FD-302). The three levels of confidentiality, an explanation of each, and the proper method to record them when reporting the results of interviews are set forth below:

(a) When interviewees request that their identities be protected from the candidate only, the following language is to be used:

"(Name, address, etc., of interviewee), who requested that (his/her) identity be protected only from the candidate, (name of candidate),...."

Under this level of confidentiality, the interviewee's identity could be included in documents provided to those agencies and/or certain members of congressional committees which have a need to access the candidate's BI. However, pursuant to a FOIPA request, the interviewee's identity and any information provided which could tend to identify the interviewee would be withheld from the requesting party.

(b) When interviewees request that their identities be protected outside the FBI (total anonymity is desired), the following language is to be used:

"(T-symbol, i.e., WMFO T-1), who requested that (T-symbol's, i.e., WMFO T-1's) identity be protected from anyone outside

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the FBI,...."

1. Under this level of confidentiality, the interviewee's identity would not be included in documents provided to those agencies and/or certain members of congressional committees having a need to access the candidate's BI. Here also, pursuant to an FOIPA request, the interviewee's identity and any information provided which could tend to identify the interviewee would be withheld from the requesting party.

2. In order to address the needs of certain client agencies, in those BIs conducted under classifications 73, 77, and 140 only, when the interviewee requesting this level of confidentiality is an individual whose name appears on the candidate's SF-86 or who has been identified during the BI as someone who can provide information about the candidate, both an FD-302 and an insert must be prepared and submitted to FBIHQ. The FD-302 is to identify the interviewee as a T-symbol and contain all information provided by the interviewee. The insert is to identify the interviewee by true name and state only that the interviewee was contacted and had no information to provide for the record. Under no circumstances are the results of such contact with the interviewee to be reported in the following manner: a T-symbol FD-302 containing only unfavorable information provided and an insert containing only favorable information.

(c) When interviewees request that their identities be protected until such time as required in a judicial proceeding or administrative hearing, the following language is to be used:

"(Name, address, etc., of interviewee), who requested that (his/her) identity be protected from the candidate until such time as it is required in a judicial proceeding or administrative hearing,...."

1. If interviewees request this level of confidentiality, it is recommended that they be asked if they would like to be advised prior to their identity being disclosed in such proceedings or hearings. If so, this is also to be set forth in the document recording the interview results.

2. Under this level of confidentiality, the interviewee's identity could be included in documents provided to those agencies and/or certain members of congressional committees having a need to access the candidate's background investigation. It would not be unnecessarily revealed in a judicial proceeding or

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administrative hearing to the candidate, until such time as it is required. Pursuant to an FOIPA request, the interviewee's identity and any information which could tend to identify the interviewee would be withheld from the requesting party unless it had been previously released to the requesting party in a judicial proceeding, administrative hearing, or was otherwise officially acknowledged.

(4) In addition to reporting the level of confidentiality requested by a BI interviewee, one of the following statements must appear in all background investigation communications reporting the results of interviews under the heading "Administrative":

(a) Use the following paragraph when one or more interviewees have been granted confidentiality: "All persons interviewed were furnished the appropriate provisions of the Privacy Act. Express promises of confidentiality, both limited and unlimited, have been granted to the following individuals:...."

(b) Use the following paragraph when no interviewees have been granted confidentiality: "All persons interviewed were furnished the appropriate provisions of the Privacy Act. Express promises of confidentiality have not been granted."

(5) Promises of confidentiality are not to be encouraged, but granted when it is the only means to secure information from the individual being interviewed. At what point in the interview process the person interviewed should be told of the Privacy Act and given the opportunity to request confidentiality is left to the best judgment of the interviewing employee. However, the logical time is at the beginning of the interview to avoid the appearance of intentionally misleading or misinforming the person being interviewed.

EFFECTIVE: 07/15/93



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17-5.5 Terminology

Stereotypical language should be avoided (e.g., "100 percent American," "liberal," "conservative"). When a general attribute is being attached to an individual (e.g., "abrasive"), provide specifics or details as to how the person relates that term to the applicant. Refrain from giving a negative cast to interviews by using statements, such as "unable to furnish any derogatory information," but instead report what information the interviewee is able to provide.

EFFECTIVE: 04/18/88

17-5.6 Interview of Applicant (See MIOG, Part I, 77-5 and Part II, 17-3.2.)

(1) Applicant must be interviewed at the inception of the investigation. The applicant must be advised that the purpose of the interview is to ensure that complete (current and accurate) information is available concerning the applicant. The interview is not to be confined to biographical data, but also is to be directed at developing any information known to the applicant that could have a bearing on the person's suitability for federal employment and/or eligibility for a security clearance or access to sensitive information. The results of the interview must be reported on an FD-302. Results must be incorporated into details of report and any necessary leads set forth for FBIHQ and appropriate offices. The narrative of the FD-302 must be sufficiently detailed to reflect that the applicant was advised of the interview's purpose and that each of the following points was completely and thoroughly addressed in the interview:

(a) Completeness and accuracy of the SF-86. The majority of the interview should not be spent reviewing the SF-86. In most cases, it has been reviewed by FBIHQ personnel for completeness.

(b) Personal and business credit issues, including, but not limited to, repossessions, delinquent student loans, debts placed for collection and bankruptcy. (See Part II, 17-5.8.)

(c) Unpaid tax obligations. To the best of his/her knowledge, is the applicant current on all federal, state and local tax obligations. Has he/she ever made back payment of any such tax? This includes, but is not limited to, income taxes, medicare taxes,

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social security taxes, and unemployment taxes. If tax delinquencies or back payments are identified, determine type and amount (original and current) of tax owed/paid, tax year(s) covered, efforts and/or problems in paying the tax. Do not conduct any further investigation concerning federal tax delinquencies or back payments--FBIHQ will provide the information directly to the client agency which will consult directly with the IRS if necessary. For state and local tax delinquencies or back payments, immediately notify FBIHQ. If instructed to do so by FBIHQ, set forth appropriate leads to field offices to verify the information provided by the applicant.

(d) Civil suits as plaintiff or defendant, including divorces. Identify issues litigated.

(e) Any involvement in criminal matters as suspect or subject or any criminal charge, arrest and/or conviction.

(f) Any denials of employment and/or dismissals, particularly in the Federal sector. Include reasons.

(g) Any contact with representatives of foreign countries.

(h) Details of professional complaints or any nonjudicial disciplinary action, e.g., bar association grievances, better business complaints, student or military disciplinary proceedings, Equal Employment Opportunity complaints, etc.

(i) Business/investment circumstances that could or have involved conflict of interest allegations.

(j) Details of any psychological counseling with psychiatrists, psychologists, other qualified counselors or others.

(k) Any prescription drug or alcohol abuse, illegal drug use, to include marijuana and participation in drug/alcohol counseling/rehabilitation programs, during applicant's entire adult life (since age 18). Identify all drugs used, when used, duration of usage, amount of drug used, place where drug was used (public or private setting), how the drug was obtained, whether or not applicant has provided drugs to anyone, if applicant has purchased or sold drugs, others having knowledge of applicant's drug use.

(l) Memberships in organizations whose policies restrict membership on the basis of sex, race, color, religion or national origin. Determine if, in fact, the membership of the

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organization includes minorities (Presidential appointees, U.S. Bankruptcy, Special Tribunal and U.S. Magistrate Judges only). If it is determined that a candidate has been a member of such an organization within the most recent five-year period, determine the candidate's role, for example, as a policy-making officer, in such an organization; determine if any steps have been taken by the candidate to alter official or covert restrictive admissions policies; and ascertain the candidate's personal viewpoint toward such policies. Any organizations that are determined to have potentially restrictive/discriminatory admissions policies shall be checked in field offices' indices for pertinent references.

(m) Any involvement in any organization which advocates the use of force to overthrow the U.S. Government, or any involvement in the commission of sabotage, espionage or assistance of others in terrorism.

(n) Concealment of any activity or conduct that could be used to influence, pressure, coerce, or compromise the applicant in any way, or that could have an adverse impact on his/her character, judgment, stability, discretion, trustworthiness, or responsibility.

(2) The report of interview need not reflect the specific questions asked of the applicant. A question and answer format is not desired as it tends to result in a "checklist" style of interview and failure to fully develop all information the applicant may possess regarding a specific area of inquiry.

(3) The FBI accepts investigative requests from other agencies with the understanding the referral agency has notified the applicant of the Privacy Act requirements described in Part I, 190-5(2) and (3) of this manual. This notification would cover an interview of the applicant by the FBI if confirmation is received from the applicant that the advice was furnished. The applicant can also be informed that the interview is being conducted as a result of a request from the referral agency for the FBI to conduct a background investigation; that the purpose is to ensure the FBI has all the necessary information to conduct its investigation, the results of which will be disseminated by the FBI to the requesting agency as well as for other purposes consistent with the FBI's responsibilities; and that failure to provide the requested information could hinder the FBI's investigative efforts and cause delay in forwarding the completed results to the requesting agency for its use in making an employment or appointment determination.

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(4) This interview is intended to obtain information to facilitate our investigative efforts. If an applicant provides information which could become a suitability or access issue, this should be fully explored with the applicant at the time of the interview. However, an applicant should not be contacted to resolve suitability or access issues which are developed during the investigation since resolution of such matters is primarily an adjudicative responsibility of the agency which requested the investigation. The FBI will conduct an interview to address such matters only when specifically requested or authorized by the employing agency.

EFFECTIVE: 05/27/94

17-5.7 Possible Testimony at Hearings

The possibility exists that an individual who furnishes derogatory information could be sought for testimony at a hearing if employment is being denied based on that information. Therefore, attempt to obtain a signed statement whenever such information is developed and obtain a statement concerning that person's availability to testify at a hearing.

EFFECTIVE: 01/18/91

17-5.8 Review of Financial Records

FBIHQ will accept an applicant's or candidate's financial data when provided by the agency requesting the investigation. When such data is provided, it will be reviewed at FBIHQ for any obvious leads and then forwarded to the field. Investigative personnel should compare the provided data with the results of credit checks and responses of financial questions asked of interviewees knowledgeable of the applicant or candidate. The candidate will not be specifically asked by the FBI to provide financial data unless it is necessary to resolve an issue. FBIHQ approval must be obtained before requesting such data from a candidate.

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EFFECTIVE: 08/28/91

17-5.9 Status Inquiries

Occasionally, representatives of the FBI receive inquiries from Executive Branch agencies, Congressional committees or the applicants themselves requesting the status of a particular background investigation or to request that the matter be expedited. Some client agencies have requested that these inquiries be referred to them. The FBI must ensure that the desires of the client agency are followed in investigations being conducted at their request. Therefore, any requests received regarding the status of a background investigation should be referred to FBIHQ prior to a response to ensure that FBIHQ is in a position to promptly notify the client.

EFFECTIVE: 08/28/91

17-6 SCOPE OF FULL FIELD INVESTIGATIONS  
(See MIOG, Part I, 73-8.4(1)(a), 77-3, 77-4.5, 77-4.7,  
77-4.8, 77-4.9, 77-4.11, 77-6, 116-7, 260-2.5(2),  
260-4.1(1)(b) and 260-4.2 (3)(a), Part II, 17-5(14).)

The scope of investigation may vary depending upon the position involved and whether or not there has been a previous background investigation concerning the individual. Some investigations are limited to the past 10 years of the applicant's life, exclusive of records checks. While the general scope of investigation is set forth hereinafter, the investigation should not be limited solely to the steps described herein. A thorough examination of the applicant's personal history should be made along with consideration of the position involved. Investigative ingenuity should be exercised in an attempt to identify other leads which could reasonably be expected to produce relevant information concerning the applicant. The office should determine what resources available to it in the form of liaison contacts, informants, or assets which would be in a position to have knowledge of or provide comments concerning the applicant. For example, if the applicant is a bank official, contact should be made with the squad handling banking violations to identify any logical contacts which could be made to obtain comments about the applicant. In some instances, depending on the position involved and/or the applicant's background, specific guidance concerning contacts with informants or assets may be issued by FBIHQ. Variances

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in the scope of the investigation will be noted in the instructions set forth in the opening communication. It should be further noted that when issues of a pertinent or derogatory nature develop, investigation should be conducted to bring these issues to a logical conclusion, irrespective of the scope of the investigation.

EFFECTIVE: 05/27/94

17-6.1 Birth

| Verify applicant's date and place of birth at a bureau of vital statistics in all background investigations conducted for other Government agencies. |

EFFECTIVE: 08/28/91

17-6.2 Naturalization

(1) If applicant and/or spouse obtained citizenship through naturalization or derived citizenship through naturalization of parents, verify this through records of the Immigration and Naturalization Service (INS) or from court records. In view of time constraints, court records may prove to be more accessible for prompt review. In 116 matters in which Sensitive Compartmented Information access is required (which information will be provided to the field by FBIHQ) and in all 77 and 161 matters, the naturalization of close family members (parents, siblings, children and spouse) and current cohabitant(s) (residents of same household, living in spousal-type, or roommate-type, relationships, but not domestic/other employees) also must be verified.

(2) If applicant and/or spouse are foreign nationals, verify immigration status through INS, usually at the INS District Office covering the current residence. In 116 matters in which Sensitive Compartmented Information access is required (which information will be provided by the field to FBIHQ) and in all 77 and 161 matters, the alien status of close family members (parents, siblings, children and spouse) and current cohabitant(s) (residents of same household, living in spousal-type, or roommate-type, relationships, but not domestic/other employees) also must be verified.

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EFFECTIVE: 08/28/91

17-6.3 Education

(1) All college attendance and degrees obtained falling within the scope of the investigation should be verified. If applicant has not obtained a college degree during the period of time covered by the investigation, the highest college degree obtained must be verified, regardless of the time frame involved. Although detailed records of study need not be reported, dates of attendance and available class standing or grade point average (include scale used) are to be set forth. Also report information concerning academic honors or probation. Make inquiry as to the location of disciplinary records and review those records for any information concerning appointee. If school does not maintain any of the above information or has a policy against releasing such data, include an appropriate statement in the report.

(2) If education has occurred during recent years (last 3 years), professors, teachers, advisers or fellow students should be interviewed.

(3) If records or professors, etc., are not available, a clear statement should be set forth from a responsible official at the institution explaining the situation.

(4) When no college degree is indicated, high school graduation must be verified. Even if graduation from high school occurred prior to the period of time covered by the investigation, that information still must be confirmed. It will not be sufficient to merely check attendance at business, commercial, or college institutions wherein no college degree has been obtained without also verifying high school graduation, unless it is clearly documented in those academic records that the applicant graduated from high school.

EFFECTIVE: 01/18/91

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17-6.4 Marital Status

(1) If any question about marital status develops, verify through appropriate records.

(2) Divorce should be verified through records. Review should indicate identity of plaintiff and defendant as well as grounds for the action. Report any other pertinent information (e.g., whether or not grounds are contested).

(3) Interview divorced spouse if divorce occurred during the scope of the investigation. If the divorce occurred prior to the period of time covered by the investigation, the former spouse does not have to be interviewed.

(4) Current or separated spouse may be interviewed if considered necessary to resolve issues developed during investigation.

EFFECTIVE: 01/18/91

17-6.5 Employment

(1) All employments falling within the scope of the investigation should be verified. If not possible to verify appropriate employments, the reason for this should be included in the report. Any available files should be reviewed, specific dates of employment recorded, and the reason for termination determined.

(2) Supervisors, co-workers or other appropriate personnel should be interviewed. These should be in addition to any who may be listed as references or associates. Supervisors listed on the background data form should be interviewed. If not available, include a statement to that effect from a responsible individual.

(3) If applicant is or has been self-employed, interview clients, partners, employees and/or neighboring or competing business persons/professionals to verify self-employment and to ascertain applicant's reputation in the business/professional community. These interviews should address the security and suitability standards of Section 17-4. If business is incorporated, check the state Secretary of State's records, where doing business, for any grievances and review the articles of incorporation. If the business is a partnership (excluding those professions regulated by licensing agencies), check the records of the County Clerk's Office (or the



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equivalent) for any grievances.

(4) If the employment record has been destroyed, or only limited data is available, report comment from appropriate person that this is the situation. Also determine whether applicant is known personally to that person or whether that person is able to provide the identity and/or location of others who might have known applicant.

(5) Periods of unemployment should be accounted for, and interviews of references, associates, neighbors, etc., may be useful in providing this knowledge.

EFFECTIVE: 01/18/91

17-6.6 Military Records

(1) These should be reviewed if applicant indicates any military service. National Guard records should be checked at the state National Guard headquarters. Review should include dates of service (active and reserve), awards received, rank attained, performance evaluations, disciplinary actions, clearances granted, and type of discharge received.

(2) If military records have been destroyed, verify service through other means such as Department of Veterans Affairs claims or physical observation of any military records in possession of applicant.

(3) If applicant is on active duty, or has been recently discharged, conduct interviews of supervisor and co-workers at current and/or recent assignments in the United States. Interview commanding officer and review records at place of assignment.

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17-6.7 Neighborhoods

(1) Neighbors at places of residence during the past five years should be interviewed. If applicant is unknown personally at the location, attempt to identify the owner of the property or the rental agency and verify from records.

(2) If derogatory information is developed, inquiries should be conducted in logical neighborhoods without regard to the five-year limitation.

(3) Do not waste efforts in endeavoring to conduct inquiries in neighborhoods, other than verification of residences, where applicant resided for very brief periods, such as one month in a trailer camp, unless investigative circumstances indicate a necessity for such inquiries.

(4) Favorable neighborhood inquiries may be summarized. The summary paragraph should indicate that favorable comments were made concerning applicant's character, associates, reputation, and loyalty, should include the length of time applicant resided there, and should advise if favorable recommendations for Government employment were made. Any derogatory information should be set forth in complete detail. For each person contacted set forth identity, address and number of years applicant has been known. If applicant is unknown at the location, report identity of persons contacted who provided that information.

(5) If unable to verify residence through above investigation, attempts should be made through references, associates and other individuals in a position to have this knowledge or through education or employment records to corroborate residence at that location.

EFFECTIVE: 12/10/91

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17-6.8 References and Associates

(1) Generally, all listed references and associates should be interviewed. However, if an individual cannot be contacted without an expenditure of unreasonable time and travel or an individual will be unavailable for a period of time which would unduly delay the investigation, interviews need not be conducted provided an adequate inquiry can be completed without that interview. The details of the report should advise that the individual is unavailable and should recount what efforts were made to contact that person.

(2) If information is available which would preclude an interview, the individual should not be contacted. Explain on the cover pages of the report the reason why an interview is not appropriate.

(3) Whenever derogatory information exists concerning a reference or associate, an appropriate characterization of that individual should be reported and the nature and extent of applicant's association with that person should be developed.

(4) In recording results of interviews with references and associates, include information as to the nature of the relationship (e.g., social or professional basis) and the length of time of the association.

(5) During interviews with persons knowledgeable about applicant (such as neighbors, co-workers, supervisors, listed references and listed associates), obtain identity of associates of applicant and ensure that persons other than those identified by applicant are interviewed.

(6) Furnish name and identifying data concerning other individuals closely associated with applicant such as roommates and fiancé(s) to FBIHQ for a check of Criminal Justice Information Services Division records.

EFFECTIVE: 05/27/94

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17-6.9 Relatives

(1) Close relatives normally include spouse, children, parents, brothers and sisters. Other relatives who occupy the same residence as applicant or who were closely associated with the applicant's upbringing may also be included.

(2) Local law enforcement agency checks will not normally be necessary concerning close relatives since FBIHQ will check names of close relatives through Identification Division records. However, if, through other investigation, an office develops information concerning criminal activity on the part of a relative, notify FBIHQ and include information in details of report.

(3) The identity of close relatives is ordinarily included in background data provided by the applicant, but offices should be alert for the identity of any close relatives not listed. If an additional relative is discovered, promptly notify FBIHQ and interested offices, along with necessary identifying data. Similarly, if it is determined data provided by applicant is in error, promptly advise FBIHQ and interested offices.

(4) If derogatory information exists or is developed concerning a close relative, the nature and extent of association with the applicant should be ascertained.

EFFECTIVE: 04/24/90

17-6.10 Credit Agency Checks

(1) Credit checks will be processed by contractor credit bureau personnel at FBIHQ, and will cover all places of an applicant's residence, education, and employment during the most recent seven-year period. If the credit check discloses any repossessions or court judgment, or if an account is listed as an uncollectible debt, skip, has been placed for collection, or significantly delinquent, a separate communication will be sent to the field from FBIHQ to ascertain from the firm listing the delinquency and/or through court records if the obligation remains outstanding or if it has been resolved.

(2) Where it is necessary to access records which are covered by the Right to Financial Privacy Act of 1978 (RFPA) (generally, banks, savings and loan associations, credit unions and

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credit card issuers), the applicant is to be furnished with a copy of Department of Justice (DOJ) letterhead memorandum captioned, "Statement of Customer Rights under the Right to Financial Privacy Act of 1978," which must be executed by the interviewing Agent. The applicant must execute Form DOJ-462 captioned, "Customer Consent and Authorization for Access to Financial Records." Copy of executed DOJ-462 should be furnished to each office where financial records are to be reviewed. For effective use of this customer consent and authorization form, ensure applicant identifies all financial institutions anticipated to require access. The purpose should also be stated broadly on the form. In addition, Form DOJ-461 captioned, "Certificate of Compliance with the Right to Financial Privacy Act of 1978," must be executed by a "supervisory official" and transmitted along with DOJ-462 to the financial institution before financial records may be obtained. The certification of compliance requirement is an absolute prerequisite to Government access to financial records under RFPA. See Part II, 23-6, of this manual, particularly concerning method of identifying material which is incorporated in reports.

EFFECTIVE: 08/28/91

17-6.11 Law Enforcement Agency Checks

(1) In all localities of residence, education, and employment, check the applicant's name against files of local law enforcement agencies. These checks are not to be limited to police departments but are to include records of sheriffs' office, or other duly constituted authorities which cover an area (i.e., Military Police if applicant resided on a military installation), and motor vehicle administrations or equivalent agencies. Where centralization of records on an areawide or statewide basis is in effect, those records are also to be reviewed. Some law enforcement agencies departmentalize their operations, making it necessary to check records of various squads and bureaus within the agency. Check of these records must be made.

(2) If a record is located, obtain in detail all necessary data which identifies applicant with the person to whom the record pertains. Avoid drawing conclusions by identifying the record as that of "the applicant." Instead, set forth the data from the record which will identify the record with a particular individual. Ascertain not only disposition but check existing court docket, blotter, or case file for any additional data that might be available.

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Should it be necessary, interview arresting officer if available.

(3) Frequently arrests are made on charges which are generic and indefinite in nature. Examples of such vague charges are disorderly conduct, loitering, etc. In such instances, it is not sufficient merely to report that applicant was arrested on such a charge, but the exact nature of applicant's activities resulting in arrest must be ascertained. A charge of disorderly conduct might encompass activities ranging from sexual deviation to loitering. The exact nature of such a charge must be ascertained for inclusion in report.

(4) During the course of the background investigation, if it is disclosed through law enforcement entities that the applicant is the subject of a current criminal investigation, the field should hold the background investigation in abeyance and immediately notify FBIHQ.

EFFECTIVE: 08/28/91

17-6.12 Tax Matters

Check for tax liens (state and local) when there is questionable financial status concerning presidential appointments, Federal Judgeships, USAs, U.S. Marshals, Deputy Attorney General, Associate Attorney General, Assistant Attorneys General, Department heads, members of U.S. Parole Commission and U.S. Courts applicants, and others as directed by FBIHQ. Furnish questionable financial standing to auxiliary offices for appropriate checks. Where a check of IRS records is required, the interested agency will make necessary requests.

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(4) In addition to these checks, the applicant's background and information developed during the investigation should be examined for any other logical agencies where records could be compiled concerning an individual. If a person is engaged in a profession, state associations or licensing agencies should be checked to verify issuance of a license or certificate and to determine if any record of complaints or investigation exists concerning the applicant. Similarly, careful analysis should be undertaken to ensure logical checks of Federal, state and local governmental agencies, as well as private sources (e.g., Better Business Bureau), for information bearing on an individual's character and fitness for employment are thoroughly exhausted. When a licensing agency is checked, the following statement must appear: "The above-named agency is the licensing agency for (type of profession) in the state (state name)."

(5) If a check with an agency cannot be completed within the deadline, advise FBIHQ of this fact and complete other aspects of the investigation. The case can then be followed on tickler or placed in a pending inactive status and the results of the check can be forwarded to FBIHQ when received. FBIHQ, when all other investigative results are received, will forward the results to the client agency with a statement that the FBI's inquiry is complete and information from the other agency will be provided when it becomes available.

(6) If pertinent information is developed from a review of records of another agency, determine the identity of the original source and interview. If agency unwilling to or unable to identify the source, indicate reason and agency's evaluation in report. If person interviewed furnishes same information, it is not necessary to report this information was previously provided to the other agency. If interviewee contradicts information attributed to that person by another agency, quote information from other agency, discuss discrepancies with interviewee, and report interviewee's explanation for discrepancies. Do not reveal to interviewee that current interview is based on the other agency's information unless absolutely necessary, such as when contradictions need to be resolved. Identity of other agency should not be made known.

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||17-6.14| Civil Suits

(1) Whenever information is developed indicating applicant is or has been a party to a civil suit, ensure that all appropriate court records are examined in order to identify any civil suit involving applicant. Report succinct summary of suit.

(2) It is recognized that in some instances a person who has occupied public office may be named in a number of suits by reason of the position held. When such a circumstance is encountered, point out in summary fashion that these suits were filed against applicant in connection with his/her role as a public official. Unless indications are received such suits pertain to improprieties personally committed by applicant, no further review would be necessary.

EFFECTIVE: 01/18/91

||17-6.15| Medical Records

If background furnished or investigation indicates person under investigation has been treated for serious physical or mental problem, verify through physician or institution records, obtaining medical release when needed, except in Special Inquiry matters where no investigation should be undertaken unless so instructed by FBIHQ.

EFFECTIVE: 01/18/91

17-7 FRAUD VIOLATIONS

Possible fraud against the Government (FAG) violations are sometimes detected during applicant-type investigations. They result from falsification or concealment in questionnaire or application executed and submitted to Government by applicant in apparent belief that true recitation of facts would prejudice opportunity for employment. For additional instructions, see section of this manual concerning Fraud Against the Government.

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17-7.1 Applicable Statutes

- (1) Title 5, USC, Sections 3333 and 7311
- (2) Title 18, USC, Sections 1001 and 1918

EFFECTIVE: 01/18/91

17-7.2 Investigative Procedures

(1) Cases involving serious falsifications or misrepresentations of material facts are to be presented to the USA; however, in order that employing agency can first be apprised of fact case is to be presented, advise FBIHQ by teletype of pertinent facts, including intent to present to USA. As soon as employing agency is notified by FBIHQ, field will be advised so case can be presented to USA as early as feasible to avoid unnecessary investigation in event he/she would not authorize prosecution.

(2) Cases involving petty or immaterial offenses, such as an arrest for drunkenness or other minor misrepresentations, are brought to FBIHQ's attention by cover page(s) accompanying investigative report and are not presented to USA.

(3) Investigate such possible fraud violations as part of the applicant-type investigation. Do not open separate case. When fraud matter is presented to USA, add "Fraud Against the Government" to character. Set forth in report opinion of USA, and ensure venue discussed.

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EFFECTIVE: 03/23/92

23-5 DELETED

EFFECTIVE: 03/23/92

|| 23-6 TITLE XI, RIGHT TO FINANCIAL PRIVACY ACT OF 1978 (RFPA)

EFFECTIVE: 03/08/79

| 23-6.1 Statute

The RFPA was passed as Public Law 95-630, effective  
3/10/79 (T 12, USC, Section 3401, et seq).

EFFECTIVE: 03/08/79

| 23-6.2 Access to Financial Records

EFFECTIVE: 03/08/79

| 23-6.2.1 Intent

An individual customer has the right to be notified in advance when the Federal Government is seeking his or her financial records from a financial institution in connection with a law enforcement inquiry and has the right to challenge that intended access. Exceptions to both customer notice and challenge provisions are available in special situations. For exceptions see 23-6.7.2, 23-6.9, and 23-6.10.

EFFECTIVE: 03/08/79

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23-6.2.2 Methods Available to FBI (For further information see 23-6.6)

(1) RFPA of 1978

(a) Customer authorization or waiver

(b) Search warrant

(c) Judicial subpoena

(d) Formal written request to financial institution

(2) Federal Grand Jury Subpoena - access exempt from RFPA  
(but new use restrictions)

EFFECTIVE: 03/08/79

23-6.2.3 Methods Not Available to FBI

(1) Administrative subpoena and summons under RFPA

(2) Informal access - not authorized by RFPA

EFFECTIVE: 03/08/79

23-6.3 Definitions

EFFECTIVE: 03/08/79

23-6.3.1 Financial Institution

This includes all banking and banking-type institutions as well as companies issuing credit cards, even though not a bank-type institution, and consumer finance companies located in the United States, District of Columbia, Puerto Rico, Guam, American Samoa, and the Virgin Islands.

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EFFECTIVE: 03/08/79

| 23-6.3.2 Financial Record

| Any original, copy of or information "knowingly derived from" a record pertaining to present or past customer's relationship with a financial institution. Excluded are records or information not identifiable with an individual customer or those which reside in the account of a third party such as check endorsements or items deposited by third party and obtained from that person or corporation. There should be no conscious circumvention of RFPA.

EFFECTIVE: 03/08/79

| 23-6.3.3 Government Authority

| RFPA applies to all Federal agencies including FBI or any officer, employee or agent thereof.

EFFECTIVE: 03/08/79

| 23-6.3.4 Customers Covered

| Any natural person or partnership of five or fewer individuals are covered. Not covered by RFPA are corporations, associations, larger partnerships or other legal entities.

EFFECTIVE: 03/08/79

| 23-6.3.5 Law Enforcement Inquiry

| Any lawful investigation or official proceeding inquiring into a violation of or failure to comply with any criminal or civil statute or a regulation, rule or order issued thereunder is considered as a law enforcement inquiry.

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EFFECTIVE: 03/08/79

23-6.4 Responsibility of Financial Institutions.

RFOA prohibits financial institutions from providing financial records to the Government, unless access is authorized by one of the exceptions such as grand jury subpoenas or unless access is accomplished by one of four methods under procedures mandated. Notwithstanding these restrictions, financial institutions are permitted to notify Government authorities of possible violations of law reflected in their records. Financial institutions do not have to comply with formal written request or a customer authorization. In addition, there are no criminal penalties under RFOA to prevent an institution from notifying its customer in the absence of a court order. Other recourse such as Obstruction of Justice is available. Judicial subpoenas require the financial institution to commence compiling the records upon service.

EFFECTIVE: 03/08/79

23-6.5 Certification of Compliance

Before records may be obtained under any provision of the RFOA, a supervisory official of the FBI must submit to the financial institution a certificate stating that all applicable provisions of the Act have been complied with. Good faith reliance by the employees and agents of the financial institution upon the Government certification of compliance absolves the institution of civil liability for any improper disclosure of records. This certification is not required when customer records are sought pursuant to a Federal Grand Jury subpoena. For the purpose of RFOA, "supervisory official" is defined and limited to (other than FCI activities) any Headquarters or field division supervisor (including Supervisory Senior Resident Agent) or officially designated relief supervisor acting for the supervisor or any official of higher rank.

EFFECTIVE: 03/08/79

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23-6.6 Methods of Access

For access in cases of emergency see 23-6.9. If account identification information is being sought the notice and challenge provisions and restrictions on interagency transfers do not apply when only identification information about a customer is needed, i.e., name, address, type of account and account number. This data must be obtained through a written request. In addition to account information only, more specific inquiries such as the account number associated with a particular transaction or class of transactions may be obtained. Once the existence and identification of a customer account is established, then one of the access methods listed below must be used to obtain any additional information. For dissemination of information see MAOP, Part II, 9-10, and MIOG, Part II, 23-6.11.

EFFECTIVE: 03/08/79

23-6.6.1 Customer Authorization

Customers may authorize access to identified records up to 90 days by signing a revocable statement specifying the recipient, purpose for disclosure and that the customer is aware of his or her rights under RFP. Certification of Compliance is required when the records are obtained. This would apply in applicant-type investigations or where financial records of a cooperative witness are being sought.

EFFECTIVE: 03/08/79

23-6.6.2 Search Warrants

A search warrant may be used under RFP with notice to the customer of the search occurring within 90 days after execution. There is no change in the procedures to obtain a search warrant. Additional delays of up to 90 days may be granted by a court when it is shown that notice would seriously jeopardize a continuing investigation (see 23-6.7.2). The institution may be prohibited from notifying the customer by court order issued when the delay is authorized.

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EFFECTIVE: 03/08/79

23-6.6.3 Formal Written Request

The FBI is authorized by T 28, CFR, Section 47.1, to use the written request provided for in RFFA. This is a new method of access and requires the cooperation of the financial institution. Required notice advises the customer his or her records are being sought and the nature of the inquiry which may include a statement to the effect that the customer is not the subject of the investigation. The customer has 10 days if notice is served and 14 days if notice is mailed to complete and file an affidavit detailing why the records are not relevant to a legitimate law enforcement inquiry. The customer must then serve a copy of the affidavit on the Government authority and be prepared to present in court additional facts. If the customer does not comply with the above within prescribed time limits, the records may be made available. As a practical matter, a reasonable period (possibly four days) should be allowed prior to access where the customer files challenge by mail on the last day of the 10- or 14-day period. In effect, the 10- or 14-day period becomes a 14- to 18-day period to be cautious. A written request may be executed by any supervisory official, previously defined (see 23-6.5), of the FBI. Notice to the customer may be delayed for period of up to 90 days.

EFFECTIVE: 03/08/79

23-6.6.4 Judicial Subpoena

Judicial subpoenas are any court order to produce records, other than a grand jury subpoena, the most common of which is the trial subpoena directed at a party not involved in litigation. When used, a copy of the subpoena, together with mandatory customer notice, is served or mailed to the customer. The notice provisions for the judicial subpoena are the same as for the written request, above.

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| 23-6.6.5 Grand Jury Subpoena

Such subpoenas are not covered by RFPA within respect to access and notification. There are restrictions on the handling and use of customer financial records obtained by a grand jury. This record or information abstracted for reporting or lead purposes may reside, appropriately marked (see MAOP, Part II, 9-10) in field office and Headquarters files for the purpose permitted by Rule 6(e) of the Federal Rules of Criminal Procedure. There is no change in the obtaining and execution of a grand jury subpoena.

EFFECTIVE: 03/08/79

| 23-6.7 Customer Notice

EFFECTIVE: 03/08/79

| 23-6.7.1 Contents of Notice

The purpose of the investigation must be stated but without reference to specific title and section of the U. S. Code. Generic terms may be used to describe the offense such as: fraud, bribery, extortion, etc., similar to the character of cases we now use. Notice must state the name and business address of the supervisory official to be served with copies of customer challenge papers. The supervisory official is he or she who initiated the access process.

EFFECTIVE: 03/08/79



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23-6.7.2 Delay of Notice

(1) Delays of customer notice may be obtained for access sought through judicial subpoenas, formal written request, search warrants and subsequent interagency transfer. Delays of up to 90 days (or 30 days in case of a search warrant) may be applied for to a court where there is a reason to believe (lesser standard than probable cause) that notice would cause danger to life or physical safety, flight from prosecution, destruction of evidence, intimidation of a witness, or other serious jeopardy to an investigation or a trial.

(2) To obtain a delay of notice, a sworn written statement must be presented to a judge or magistrate that one or more of above situations exist. Extensions of the delay of notice may be similarly obtained based on necessity.

(3) In addition to delaying the timing of the Government notification to the customer, the court order issued will prohibit the financial institution from disclosing to the customer that records pertaining to that customer are being sought. There is no such provision in the RFPFA with respect to access through grand jury subpoenas to prohibit the financial institution from notifying the customer.

EFFECTIVE: 03/08/79

23-6.8 Customer Challenges

(1) A customer may challenge a judicial subpoena or a formal written request in instances where notice was not delayed. Grand jury subpoenas, being generally excepted by RFPFA and having no notice provisions, are not challengeable at the time of access. Within 10 or 14 days (more practically, 14 or 18 days, see 23-6.6.3), depending on the method of notice (served or mailed), the customer may file in U.S. District Court a motion to quash a judicial subpoena or an application to enjoin the Government from pursuing a formal written request. In support of the motion or application, the customer must file a sworn statement that he or she:

(a) is the person whose records are being sought  
and,

(b) has reason to believe the records sought are not

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relevant to the inquiry, or

(c) That the RFPA has not been substantially complied with, or

(d) any other legal reason for denying access.

(2) The challenge does not shift the burden of proof to the customer, but does require more than only an allegation. The Government must then convince the judge or magistrate the records sought are relevant to a legitimate law enforcement inquiry. Relevance covers anything that might be Used as evidence or that might logically lead to evidence. The Government may have to file a response, in camera if appropriate, and the court may require additional proceedings but all within seven days from the filing of the Government's response. Denial of customer challenge motions or applications are not appealable until after the trial or other proceeding.

(3) If the Government fails to justify its attempted access, the subpoena is quashed or the formal written request enjoined. If the Government does support its burden, the subpoena will be enforced and the formal written request may be pursued with the financial institution. The financial institution is not compelled to comply with the formal written request.

(4) If, after access following an unsuccessful challenge, no prosecution or other proceeding is to be brought against the customer (always the case when customer is witness and not subject), customer must be so notified by the requesting Government agency. Close coordination between the field office and the U.S. Attorney's Office will be required.

(5) Any applicable statute of limitations is suspended during the time the customer's motion or application is pending in court.

(6) In the case of judicial subpoenas, venue for the customer challenge is restricted to the court issuing the subpoena. When a formal written request is used, the customer may challenge in any one of three districts:

(a) the District of Columbia,

(b) the site of the financial institution

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(c) the site of the residence of the customer.

**EFFECTIVE: 03/08/79**

**23-6.9 Emergency Access**

(1) In instances where notice and challenge delays could create imminent danger of physical injury, serious property damage or flight from prosecution, access may be had immediately by merely presenting the financial institution with the certificate of compliance. However, post notice to customer is required as soon as possible.

(2) Within five days after access, a supervisory official must file in court a signed sworn statement setting forth the grounds for the emergency access.

**EFFECTIVE: 03/08/79**

**23-6.10 Exceptions to RFPA**

**EFFECTIVE: 03/08/79**

**23-6.10.1 Financial Institutions**

The RFPA does not require customer notice when the institution in possession of such records is the subject of the investigation. However, the certificate of compliance is necessary. Customer records obtained under this exception may only be used or transferred in furtherance of that specific investigation. If evidence of another violation is developed, enough information (not records) may be given the appropriate agency, including FBI, to identify the record and violation. Thereafter, the receiving agency may proceed as if independent of the initial inquiry.

**EFFECTIVE: 03/08/79**

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| 23-6.10.2 Corporations or Other Legal Entities

| Investigations directed at corporations or other legal entities not protected by RFPA may be conducted in same fashion as 23-6.10.1 above.

EFFECTIVE: 03/08/79

| 23-6.10.3 Not Identifiable with Customer

| Records can be disclosed by a financial institution if they or the information contained therein are not identified with or identifiable as being derived from the records of a particular customer.

EFFECTIVE: 03/08/79

| 23-6.10.4 Parties in Interest

| The RFPA does not apply when the Government and the customer are litigants in a judicial or an administrative adjudicatory proceeding.

EFFECTIVE: 03/08/79

| 23-6.10.5 Federal Grand Jury

| The RFPA does not affect the obtaining of customer financial records (see 23-6.6.5). No compliance certificate is required.

EFFECTIVE: 03/08/79

| 23-6.10.6 Foreign Counterintelligence

| See "Foreign Counterintelligence Manual" for instructions.

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EFFECTIVE: 03/08/79

| 23-6.10.7 Telephone Company Toll Records

| These records are not covered by the provisions of RFPA.

EFFECTIVE: 03/08/79

| 23-6.10.8 Other

| Other exemptions specifically excluded are:

| (1) Certain designated supervisory agencies of financial  
| institutions.

| (2) Internal Revenue Service.

| (3) General Accounting Office.

| (4) Certain reports required of financial institutions.

| (5) Identifying account information only (see 23-6.6).

| (6) The administration of guaranty or loan insurance  
| programs. Notification of potential violation indicated in the  
| customer financial record may be given the appropriate investigative  
| agency on the same basis as 23-6.10.1.

EFFECTIVE: 03/08/79

| 23-6.11 Dissemination of Information (Refer to MAOP, Part II,  
| 9-10.)

EFFECTIVE: 03/08/79

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23-6.11.1 To Department of Justice

Transfers between and among the components of the Department are not restricted by RFPA except that customer record obtained in an investigation targeted at the financial institution where there is no notice or challenge opportunity may not be used for a separate inquiry. Enough information about the separate inquiry may be given to another component in order that access may be sought independently.

EFFECTIVE: 03/08/79

23-6.11.2 To Other Departments

Financial records obtained on or after 3/10/79 under RFPA may be transferred to another agency only if the transferring agency certifies in writing to the file that there is reason to believe the records are relevant to a legitimate law enforcement inquiry of the receiving agency. This may require a statement from the receiving agency. Post notice to the customer within 14 days of the transfer is required unless a delay of notice is obtained as discussed above (23-6.7.2).

EFFECTIVE: 03/08/79

23-6.12 Penalties

EFFECTIVE: 08/28/91

23-6.12.1 Civil

Any Federal agency or financial institution is liable to the customer for violation of RFPA as follows:

- (1) \$100.00 without regard to the volume of records involved,
- (2) actual damage,
- (3) punitive damages, and

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(4) court costs and reasonable attorney's fees.

EFFECTIVE: 08/28/91

23-6.12.2 Disciplinary Action

If a court determines that a violation may have been willful or intentional, Office of Personnel Management (formerly Civil Service Commission) must determine if the Government employee is primarily responsible and subject to disciplinary action.

EFFECTIVE: 08/28/91

23-6.12.3 Other

Even though RFPA has no criminal sanctions, customer records covered by RFPA would also be covered by the Privacy Act of 1974 which does provide for criminal penalties.

EFFECTIVE: 08/28/91

23-6.13 Cost Reimbursement

(1) Generally, for all customer records obtained by the RFPA access methods, the financial institution must be reimbursed starting 10/1/79 for such records at a rate established by the Governors of the Federal Reserve System.

(2) Reimbursement should be accomplished through the routine commercial vouchering procedures (MAOP, Part II, 6-9). Financial institutions should be encouraged to submit an invoice to the field office covering the cost of obtaining the customer records. ||The field office draft system|should not be routinely used to reimburse financial institutions.

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**EFFECTIVE: 12/07/93**

**23-6.14 Reporting Requirements**

**EFFECTIVE: 08/28/91**

**23-6.14.1 Dissemination of Information Obtained (See MAOP, Part II,  
9-10 and MIOG, Part II, 23-6.11)**

**EFFECTIVE: 08/28/91**

**23-6.14.2 Statistical Reporting**

**RFPA requires on a calendar year basis the following  
statistics only with respect to customer records sought from financial  
institutions:**

- (1) number of customer authorizations,**
- (2) number of search warrants,**
- (3) number of judicial subpoenas,**
- (4) number of formal written requests,**
- (5) number of delayed notices, and**
- (6) number of special procedures.**

**(a) number of Foreign Counterintelligence access  
requests, and**

- (b) number of emergency access requests.**

**EFFECTIVE: 08/28/91**



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SECTION 30. [CRISIS MANAGEMENT PROGRAM]

| 30-1 | [CRISIS MANAGEMENT PROGRAM

| (1) Crisis management is the process of identifying, acquiring, and planning the use of resources needed to anticipate, prevent, and/or resolve a crisis. The program, as it currently exists in the Bureau, encompasses two other major programs: crisis (hostage) negotiation and special weapons and tactics (SWAT). However, these are not the only resources involved in crisis management.

| (2) The components (resources) that may be included on any crisis management team are:

- | (a) Managerial
- | (b) Negotiators
- | (c) Tactical (SWAT/Hostage Rescue Team (HRT))
- | (d) Technical
- | (e) Investigative
- | (f) Support
- | (g) Special Operations Groups (SOG)
- | (h) Legal
- | (i) Media Representative

| (3) Crisis management involves planning the use of these components and coordinating their actions at the crisis scene.

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30-1.1 Objectives

- (1) To preserve life.
- (2) To enforce the laws over which the FBI has jurisdiction.

In keeping with these objectives, the guiding principle in negotiation/SWAT employment, as in all actions in a given crisis, should be to minimize the risks to all persons involved: hostages, bystanders, subjects, and law enforcement officers.

EFFECTIVE: 01/18/91

30-1.2 Control of a Crisis Management Team (CMT)

(1) Operational and administrative control of crisis management components lies with the SAC within the respective field office, except in certain unusual or major cases such as those involving dignitaries, diplomats, a large hostage population, or cases involving national or international impact, in which direct operational control may be assumed by the Assistant Director (AD), Criminal Investigative Division (CID), or AD, Intelligence Division (INTD), FBIHQ, or their designated representative. The SAC of the office employing crisis management components must personally assume direct management responsibility and control of those components.

(2) The SAC or his/her designated representative must assume the responsibility of on-scene commander (OSC) during a crisis incident. It is the duty of the SAC/OSC to determine the overall strategy for responding to and/or resolving a crisis incident. The crisis management component leaders will then devise specific tactics/procedures to support the SAC/OSC's strategy. These tactics/procedures are all subject to the approval of the SAC/OSC.

(3) The Crisis Management, Negotiation, and SWAT Programs are coordinated at the FBIHQ level by a program manager working in the Special Operations and Research Unit (SOARU) in the Training Division. Training Division, through the SOARU, is responsible for crisis management, negotiation, and SWAT training; doctrinal development; research and evaluation; advisory services; certain logistic support to the field; and operational support to FBIHQ and the field.

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EFFECTIVE: 01/18/91

30-1.3 Crisis Management Plans

(1) The preparation of plans to anticipate and respond to specific crisis situations is imperative.

(2) The following procedures should be used when preparing such plans:

(a) Identify potential crisis situations.

(b) Prioritize potential crisis situations.

(c) Determine what is expected of the Bureau during the crisis (objectives).

(d) Make provisions to acquire the resources needed to accomplish your objectives.

(e) Identify sources of intelligence:

1. Human--collect background/descriptive information on subjects, employees, occupants, and others having access to crisis site.

2. Physical--conduct a thorough site survey of the crisis site.

(f) Develop strategies and tactics--developing the overall strategy for a particular crisis situation is a command function. Once the strategy is determined, the other components of the CMT develop specific tactics to support the overall strategy of the OSC.

(g) Determine command/control/communications requirements.

1. If it is a joint operation, determine who will be the lead agency. Once this is decided, designate a chain of command.

2. Select location for a command post.

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3. Design a communications format.

(h) Determine logistics required to support the overall response to the crisis.

(i) Establish liaison and coordination with contributing agencies and services.

(j) Commit plan to paper.

(k) Test the plan and modify accordingly.

(l) Disseminate the plan to appropriate personnel.

EFFECTIVE: 01/18/91

30-1.4 Decision Making

Decisions must be made while working within the context of the crisis management plan to assure an acceptable solution. When in a decision-making mode, it is helpful to include others in the decision-making process and weigh decisions against preestablished criteria.

(1) Action criteria should consider:

(a) Necessity--is the contemplated action necessary at this time within the context of the crisis event?

(b) Risk effectiveness--is the contemplated action warranted because it will reduce risk? Or will it increase risk?

(c) Acceptability--is the contemplated action legally and ethically acceptable?

(2) Having clearly defined objectives when planning for a particular crisis (and being able to prioritize them) will facilitate good decision making.

EFFECTIVE: 01/18/91

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**30-1.5 Command Post (CP) Procedures**

(1) Some type of CP is necessary to coordinate the actions of multiple units, especially when they are engaged in multiple activities, or when the number of individuals involved in a crisis situation exceeds the span of control of the OSC.

(2) Prior to setting up the CP, the following steps should be taken:

(a) Establish a command structure to include all crisis management components being used. This chain of command must be communicated and formally posted.

(b) Assign responsibilities to the components of the command structure (mission).

(c) The leader of each component must be delegated the authority to successfully accomplish that component's mission.

(d) Design an organizational format for the CP.

(e) Develop a standing operating procedure (SOP) for the CP. This SOP should outline a procedure for the gathering and processing of intelligence. All components represented in the CP must have a system that enables them to receive, analyze, file, and retrieve intelligence. The SOP should also outline procedures for communicating this intelligence to the on-scene commander and other components in the CP.

(f) When possible, use an advisory staff in the CP. The SAC will designate an individual to act as a representative of each component of the CMT. This individual should preferably be a supervisor who is familiar with the capabilities and limitations of that particular component. This group of supervisors/Special Agents will be called advisors (e.g., SWAT advisor, negotiation advisor) and will form the SAC's advisory staff. In crisis situations where the SAC and his/her CP are in close proximity to the actual component leaders, the use of an advisory staff would not be absolutely necessary. However, in crisis situations where the SAC and his/her CP are not in close proximity to the component leaders, there are certain advantages to using the advisory staff:

1. It enables the component leader to be with, and function with, his/her team, which is the best place for the team leader to be.

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2. It provides the SAC with a knowledgeable staff that is always in the CP and prepared to answer any questions regarding a particular component.

3. It provides the SAC with an individual in the CP that will receive, analyze, file, and retrieve intelligence from a particular component.

(g) In addition to an advisor for each component of the CMT, the SAC will also designate a crisis management advisor in the CP. This individual will ensure the CP is operating in accordance with the SAC's CP procedures. The crisis management advisor can identify problem areas and correct them before any serious problems occur. This advisor will also ensure all components are communicating and coordinating all their actions at the crisis site.

EFFECTIVE: 01/18/91

30-1.6 Field Office Response to Crisis Situations (See MIOG, Part I, 252-1.7.)

(1) The crisis management assets of most field offices may not be capable of adequately handling a major or protracted crisis situation without additional assets. When it becomes apparent a crisis situation will continue for more than 24 hours, the SAC may contact surrounding field offices for additional resources.

(2) The SOARU has divided the 56 field offices into eight districts and 16 regions. Each district contains one to three regions, and each region contains from two to five field offices. Any field office that is faced with a crisis situation demanding a response exceeding its capability can call upon its region for additional resources. The districts and regions are structured as follows: (See 30-2.2(2) and 30-3.2(3).)

FIELD SWAT DISTRICT/REGION ASSIGNMENTS

DISTRICT 1

Region 1



Region 2



Region 3



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b2  
b7E

DISTRICT 2

Region 4

Region 5

Region 6

DISTRICT 3

Region 7

DISTRICT 4

Region 9

Region 10

Region 11

DISTRICT 5

DISTRICT 6

Region 8

Region 12

Region 13

DISTRICT 7

DISTRICT 8

Region 14

Region 15

Region 16

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- \* Denotes the [9] Enhanced District Teams  
( ) Denotes SWAT Complement w/56 Field Offices

TOTAL [REDACTED]

(3) In confrontations necessitating employment of force involving an extraordinary degree of risk and which, in the judgment of the SAC, exceed FBI SWAT capability, the AD, CID, or AD, National Security Division, or their representative, should be advised in the event specialized tactical intervention may be requested. The FBI entity charged with responding to these incidents is the HRT. The HRT may be requested through CID, Violent Crimes and Major Offenders Section, FBIHQ.

EFFECTIVE: 08/29/94

30-1.7 Training

(1) At Quantico:

(a) Four days of crisis management training is conducted during Executive Development Institute (EDI) training sessions.

(b) One day of crisis management training is conducted during FBI Supervisors' Management Seminars.

(2) In the field:

(a) Each field office must conduct at least one training session per year that enables the components of the crisis management team to interact in a realistic crisis scenario. This training session should include a command post exercise (CPX) and field training exercise (FTX).

(b) The SAC and his/her management staff must be directly involved in this training session.

(c) The negotiation and SWAT components are mandated to participate in one regional training session each year. The host field office of the regional training session should conduct their



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crisis management training during this regional training session (see (a) above).

(d) Training Division recommends that all crisis management components interact and train together whenever possible.

EFFECTIVE: 01/18/91

30-1.8 Reporting Procedures

(1) Each field office will submit semiannual reports on the utilization of their crisis management components, furnishing the following data:

(a) Date of use.

(b) Bureau and field office file number, title, and character of case.

(c) A brief account of the activity, specifically outlining the role played by each component of the CMT.

(d) The negotiation and SWAT components will also include enclosures to this report, detailing specific information regarding these components. Specifics are enumerated in the Crisis Negotiation and SWAT Program sections that follow.

(2) Reports are due by the 15th day of April and October, for the previous six months. They must be transmitted by cover airtel to the Director, FBI, Attention: Training Division, Special Operations and Research Unit.

EFFECTIVE: 01/18/91

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30-2 CRISIS (HOSTAGE) NEGOTIATION PROGRAM

(1) Crisis negotiation is the process of using specific techniques (relying heavily on verbal communications) to bring about a desired behavioral change on the part of an individual who may pose a threat to himself/herself or others, and to offer an alternative to (or support of) tactical intervention in raids, arrests, and rescues.

(2) Specially trained and equipped Agent volunteers will function as part of a field office crisis management team. This crisis negotiation team can greatly reduce the risks associated with handling hostage, kidnap, barricade, and/or suicide situations and increase the options available to the SAC in dealing with such events.

EFFECTIVE: 01/18/91

30-2.1 Control of Negotiators

(1) Operational and administrative control of negotiators is the same as mentioned in 30-1.2(1).

(2) The SOARU also manages the FBI's Critical Incident Negotiation Team (CINT). The CINT is comprised of the FBI's most experienced negotiators who have a specialized investigative and/or foreign language capability. CINT members are afforded advanced training in negotiation and terrorism to include nuclear, chemical, and biological negotiation considerations. This team is considered a national resource for the FBI and is deployed at the direction of FBIHQ through contact with the SOARU.

EFFECTIVE: 01/18/91

30-2.2 Organization

(1) Each field office will have a crisis negotiation team with a minimum of three trained negotiators. The eight field offices that have the enhanced SWAT district teams will have a minimum of six trained negotiators. Larger field offices or offices with distant resident agencies should have additional Agents trained as negotiators. The total number of negotiators in a field office should be based on the geographical area covered, the population density, and the potential for utilization.

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(2) Any field office facing an event demanding a response exceeding its capability can call upon its region for negotiator support. The districts and regions are structured as indicated in the district chart at 30-1.6(2).

(3) The configuration of the negotiation team within each field office is left to the discretion of the SAC, but it must always have two negotiators per shift--a primary and a secondary negotiator. This team may be supported by additional negotiators as needed.

(4) SACs will appoint a negotiation coordinator charged with the responsibility of being familiar with team capability. The negotiation coordinator should be an individual who has served satisfactorily as a team member and has a good working knowledge of basic negotiation and tactical concepts.

(5) The negotiation coordinator should act as negotiation advisor and representative in the CP during operations.

EFFECTIVE: 01/18/91

30-2.3 Utilization

Negotiators will deploy with the field office SWAT team in any situation posing a higher-than-normal risk factor in which the SWAT team could anticipate encountering a potential barricade, suicide, or hostage situation. Such deployments should be based on available intelligence concerning the subject, weapons, and location.

EFFECTIVE: 01/18/91

30-2.4 Qualifications for Negotiation Team Members

(1) Agents assigned to negotiation teams in the field must have satisfactorily completed the two-week basic negotiation training course at the FBI Academy.

(2) Negotiation candidates should be:

(a) Volunteers.

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(b) In excellent physical condition.

(c) Emotionally capable of functioning in a prolonged high-stress situation.

(d) An FBI Agent for at least three years.

Experience as a police officer, military service, or having a behavioral science background is also desirable and could be considered an exception to item (2)(d) above.

EFFECTIVE: 01/18/91

30-2.5 Reporting

As set forth in 30-1.8(1)(a)-(c), each field office is required to submit semiannual crisis management reports. The following additional negotiation data is to be furnished as an enclosure in this designated format:

I. New tactics, techniques, concepts of operations or equipment successfully employed in negotiation operations during the reporting period.

II. Problems encountered relative to negotiation operation during the reporting period.

III. Team status:

A. Specialized training needed by your office.

B. Official Bureau name of each team member.

C. The identity of the negotiation coordinator.

D. Number of days devoted to team training this reporting period.

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30-2.6 Training

(1) At Quantico:

(a) Basic negotiation training will consist of a two week course at the FBI Academy.

(b) Specialized regional training courses will be held every year as required.

(2) In the field:

(a) Training will consist of a minimum of six days per year. The maximum is to be determined by the SAC and his/her special needs.

(b) Each field office negotiation team will participate in one regional training session per year where the host office conducts a CPX/FTX. The negotiation team will also participate in the one mandatory crisis management training session per year in their respective field office.

(c) The SAC must personally participate when his/her office is hosting a regional training session. This responsibility is not to be delegated.

EFFECTIVE: 01/18/91

30-2.7 Management of Negotiation Teams

(1) To fully utilize the capabilities of the negotiation team, the command of the team must be delegated to the negotiation coordinator by virtue of his/her training with the team and familiarity with the capabilities of the team.

(2) The SAC or his/her designated representative must assume the responsibility of OSC during a crisis incident. It is the duty of the SAC/OSC to determine the overall strategy for responding to and/or resolving a crisis incident. The negotiation coordinator will then devise specific negotiation tactics/procedures to support the SAC/OSC's strategy. These negotiation tactics/procedures are all subject to the approval of the SAC/OSC.

(3) Negotiation team deployment on a regional or district

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basis, or when the HRT is operationally deployed, will be supported by the SAC from the host office, or his/her ASAC in the event he/she is not available. The SAC/OSC will promptly designate a senior negotiation coordinator as the overall negotiation commander and ensure that the chain of command is understood by all personnel present.

EFFECTIVE: 01/18/91

30-2.8 Joint Operations

(1) Many FBI operations involve close work with other law enforcement agencies, and this relationship may necessarily extend to hostage or barricade situations involving FBI and police negotiation teams.

(2) Due to the wide divergence of training, procedures, and professional competency of police negotiation teams, the integration of police and FBI negotiation teams in a given operation should be approached with caution from standpoints of effectiveness, safety, and legal liability.

(3) In joint operations, it is imperative that unified negotiation teams be established at the outset with one person clearly in charge of all negotiations, preferably the most experienced FBI negotiation team leader present. The arbitrary assumption of command by the FBI, particularly if police units are first on the scene, as they frequently are, could be a sensitive and provocative maneuver requiring tact and diplomacy on the parts of the SAC and negotiation coordinator.

(4) The decision to engage in a joint operation must be made by the SAC and should be based on the recommendations of the negotiation coordinator, his/her team, and all other factors bearing on mission safety and effectiveness.

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30-2.9 Use of FBI Negotiators in Non-FBI Matters

(1) |Office of the General Counsel (OGC)| has reviewed the use of FBI Special Agent negotiators in non-Federal matters. |OGC| opined that FBI negotiators could actively participate in situations lacking clear Federal jurisdiction where the Special Agent negotiator is either the first person on the scene or where there is no state or local negotiator available.

(2) |OGC| further advised hostage situations, by their very nature, involve emergency circumstances that would justify an FBI response even where a Federal violation is not readily apparent. Even if an FBI negotiator was not actually doing the negotiating, the FBI negotiator could still furnish advice or consultation on the scene as part of our training responsibilities under Title 28, Code of Federal Regulations, Section 0.85(e).

(3) Title 42, USC, Section 3774(a) authorizes the Director of the FBI to assist in conducting training of state or local law enforcement entities and conveys some Federal authority on which FBI negotiators can operate in non-Federal situations.

(4) Two guidelines concerning the role of an FBI negotiator providing assistance to local authorities in a non-Federal offense must be adhered to:

(a) The FBI negotiator must remain under the control of his/her SAC as opposed to the local authorities.

(b) FBI negotiators should be extricated from the actual negotiations, using their best professional judgment, once trained local officers arrive and are in a position to safely assume responsibility for the situation.

EFFECTIVE: 09/09/94

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||30-3 SPECIAL WEAPONS AND TACTICS (SWAT) PROGRAM|

| The SWAT Program is a concept based on the premise that a select group of highly motivated and well-conditioned Agent volunteers, specially equipped and trained to function as a team, can greatly reduce the risks associated with handling unusually dangerous raids, arrests, and rescues, and increase the options available to the SAC in dealing with such events.

EFFECTIVE: 01/18/91

||30-3.1| Control of SWAT

| Operational and administrative control of SWAT|is the same as mentioned in 30-1.2(1).|

EFFECTIVE: 01/18/91

||30-3.2| Organization

| (1) Each FBI field|office|has a primary SWAT unit, the size of which varies from|office to office,|depending upon geographical area covered, population density, and the potential for violent crime within FBI jurisdiction. |Additionally, the eight technically enhanced district teams are configured to provide technical and operational support to field offices within their geographic districts.|

| (2) The size of|office|primary units may be increased only by FBIHQ, based upon recommendations of the SAC, supported by well documented rationale. |Additional requests for manpower increases will not be approved by FBIHQ without identifying corresponding reductions elsewhere.|

| (3) Realizing that the relatively small teams in most|offices|will not be sufficient to handle major or protracted problems, the field has been divided into|eight districts and 16 regions. Each district contains one to three regions and each region contains from two to five offices.| Any|office|facing an event demanding a response exceeding its capability can call upon its region



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for reinforcement, not only for SWAT personnel, but other crisis management assets. Should an event exceed the capability of any specific region or require specialized equipment not in the possession of that field office, an SAC may request assistance from his/her district team. Requests for regional or district support, however, should be kept to a minimum. When requested, this support may be for equipment only, equipment and a minimum number of operators, or more extensive reinforcement. The districts and regions are structured as indicated in the district chart in 30-1.6(2), with the primary SWAT complement designated in parentheses.

(4) Primary team members will be supported with training and equipment by the Training Division. Each SAC is authorized to develop and maintain reserve teams as needed, but they must be supported by utilizing field resources. Reserve teams will participate in monthly field SWAT training at the discretion of the SAC.

(5) The configuration of teams within each office is left to the discretion of the SAC, except that all primary team members should be assigned to headquarters city.

(6) Each primary team within an office must be directed by a team leader selected by the SAC from the primary members. If an office has more than one team, a senior team leader must be appointed among the primary team leaders to manage all SWAT teams within the office.

(7) SACs will appoint a separate SWAT advisor, preferably a Supervisory Special Agent charged with the responsibility of being familiar with team capability and acting in the capacity of tactical advisor and SWAT representative in the command post during operations.

(8) The SWAT advisor should be an individual who has previously served satisfactorily as a team member and has a good working knowledge of basic tactical concepts but is no longer a participant on a team.

EFFECTIVE: 01/18/91

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||30-3.3| Utilization

(1) A raid, arrest or other situation posing a higher-than-normal risk factor will necessitate the use of a SWAT unit for planning and execution whenever practicable to reduce the risk to Agents, innocent persons, and subjects.

(2) The determination as to whether a given situation meets "higher-than-normal risk" criteria will be made by the SAC or ASAC based upon assessment of the following factors:

(a) Subjects--number, motivation, training, propensity to violence, and other indicators.

(b) Hostages (if any)--number, location, medical histories, etc.

(c) Objective (crisis point)--location, defensibility, size configuration, avenues of approach, etc.

(d) Weapons--types, numbers, lethality.

(3) It is not the intent of this policy to place all raids and arrests in the hands of SWAT teams, but rather to reduce the risks to all personnel involved in those relatively few situations which would pose unwarranted danger if handled by traditional means.

EFFECTIVE: 01/18/91

||30-3.4| Qualifications for SWAT Team Members

(1) Agents assigned to primary SWAT teams in the field must have satisfactorily completed basic SWAT training at the FBI Academy; however, an Agent who has not met this requirement may be assigned to a primary team provided (a) he/she receives as much basic training in the field as possible and (b) that he/she satisfactorily completes basic SWAT training at the FBI Academy, or the FBIHQ-authorized field equivalent using the SWAT lesson plans at monthly training sessions, as soon as possible following his/her placement on a primary team.

(2) Candidates for SWAT duty should be:

(a) Volunteers.

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- (b) In excellent physical condition.
- (c) Emotionally stable.
- (d) Proficient and confident in the use of small firearms.

Experience as a police officer, military combatant, firearms, and/or defensive tactics instructor is also desirable.

- (3) It is desirable, but not mandatory, that reserve SWAT teams consist of Agents who have completed basic SWAT training.

- (4) It is also desirable, but not mandatory, that candidates have at least three years of experience in the field.

EFFECTIVE: 01/18/91

30-3.5 Reporting

As set forth in 30-1.8(1)(a)-(c), each field office is required to submit semiannual crisis management reports. The following additional SWAT data is to be furnished as an enclosure in this designated format:

I. New tactics, techniques, concepts of operation or equipment successfully employed in SWAT operations during the reporting period should be set forth.

II. Problems encountered relative to SWAT operation during the reporting period should be included in the report.

III. Team status to include authorized SWAT complement.

- A. Specialized training needed by your office.
- B. Official name of each primary team member.
- C. Identity of senior team leader (and subordinate team leaders if more than one team).
- D. The identity of SWAT advisor.

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E. The identities of primary team members who have not completed basic SWAT training.

F. Number of days and hours devoted to team training this reporting period, broken down by tactical subject.

Semiannual reports should include an FD-39, reporting firearms qualification scores.

EFFECTIVE: 01/18/91

30-3.6 Training

(1) At Quantico:

(a) Basic SWAT training will consist of a two-week course at the FBI Academy.

(b) Specialized in-service courses will be held every two to three years or as required.

(c) Only primary team members will be eligible for SWAT training at the FBI Academy.

(2) In the field:

(a) Training will consist of a minimum of the equivalent of one day per month, except district teams which are mandated to conduct a minimum of two days of training each month. The maximum is to be determined by the SAC and his/her special needs, but this training is not to exceed five days per month. Any request in addition to the five days per month must be fully justified and approved by SOARU, Training Division, FBIHQ.

(b) Each field office SWAT team will participate in one regional training session per year where the host office conducts a CPX/FTX. The SWAT team will also participate in the one mandatory crisis management training session per year in their respective field office.

(c) The SAC must personally participate when his/her office is hosting a regional training session. This responsibility is not to be delegated.

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EFFECTIVE: 01/18/91

||30-3.7| Management of SWAT Teams

(1) To fully utilize the effectiveness and capability of SWAT teams, the direct tactical command of the units must be delegated to the team leader by virtue of his/her training with the team and his/her familiarity with its capabilities. This in no way alters the overall command responsibility and authority of the SAC within his/her field|office.|

(2) |The SAC or his/her designated representative must assume the responsibility of OSC during a crisis incident. It is the duty of the SAC/OSC to determine the overall strategy for responding to and/or resolving a crisis incident. The SWAT team leader will then devise specific tactics/procedures to support the SAC/OSC's strategy. These tactics/procedures are all subject to the approval of the SAC/OSC, with the exception of emergency self-defense measures and immediate-response deployment. It is the responsibility of the SWAT team leader to personally direct the team in the execution of an approved plan.|

| (3) | Time and circumstances permitting, an inspection of personnel and a rehearsal of the tactical plan should be conducted before the plan is executed.

| (4) | SWAT team deployment on a regional|or district basis, or when the HRT is operationally deployed, will|be supported by the SAC from the host|office,|or his/her ASAC in the event he/she is not available. This individual|will|promptly designate a senior SWAT leader as the overall tactical commander and ensure that the chain of command is understood by all personnel present.

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**30-3.8 Fire Discipline**

(1) Any confrontation should be managed with minimal use of weapons fire.

(2) Much emphasis is placed on fire discipline during initial SWAT training and must continue in field training. Personnel on the scene of a confrontation who have not had SWAT training must be thoroughly briefed by the senior SWAT team leader concerning use of firearms in the context of problem solution.

(3) Use of lethal force by SWAT personnel is governed by the same policy applicable to all Special Agents. (See MIOG, Part II, ||12-2.1.1.)

(4) Meeting the above criteria, however, does not justify indiscriminate "area" type firing. All use of firepower must be preceded by acquisition of a known hostile target. This does not preclude the directing of selective suppressive fire at a low visibility target (such as a window from which gunfire is emanating) to cover movement of personnel, rescue of wounded individuals or evacuation of innocents.

(5) The use of shotgun breaching as a forced entry technique is limited to the enhanced SWAT teams, and only after appropriate training is received. It can be deployed concurrent with SAC approval, consistent with FBI deadly force guidelines, using only Bureau-approved frangible shotgun rounds. Using frangible rounds does not create unreasonable risks; those risks that may exist can be mitigated by ensuring that in each case where the use of this technique is contemplated, the following factors are carefully weighed:

(a) The presence and number of individuals inside the building to be breached;

(b) Proximity of those individuals to the area to be breached;

(c) Whether innocent persons are at risk; and

(d) The risk of primary or secondary fragmentation.  
See MAOP, Part II, 8-9.3(4).

(6) Likewise, the use of chemical agents must be extremely judicious, with a minimum number of grenades injected to

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dislodge subject(s). Use of chemical agents also necessitates standby fire-fighting equipment. Explosive ordnance disposal technicians may be required to remove dud 40 mm munitions.

EFFECTIVE: 05/20/94

||30-3.9| Joint Operations

(1) Many FBI operations involve close work with other law enforcement agencies; and from a realistic viewpoint, it is realized that this relationship may necessarily extend to raid and arrest situations involving FBI and police tactical units.

(2) Due to the wide divergence of training, procedures, and professional competency of police SWAT units, the integration of police and FBI teams in a given operation should be approached with caution from standpoints of effectiveness, safety, and legal liability. If necessary to combine units, teams should remain intact and be separated by function. For instance, in a raid requiring joint operations, police SWAT units might be assigned the cover function and FBI teams the apprehension function. But under no circumstances should personnel from police SWAT units be integrated into FBI teams or vice versa.

(3) In joint operations, it is imperative that unified tactical command be established at the outset with one person clearly in charge of all operations within the inner perimeter, preferably the most experienced FBI SWAT leader present. Briefing in preparation for joint operations should follow the "operations order" format as set out in Training Division handouts.

(4) It is realized that arbitrary assumption of command by the FBI, particularly if police units are first on the scene as they frequently are, could be a sensitive and provocative maneuver requiring tact and diplomacy on the parts of the SAC and senior SWAT team leader.

|(5)| The decision to engage in a joint operation must be made by the SAC and should be based on recommendations of the senior team leader, his/her unit, and all other factors bearing on mission safety and effectiveness.

|(6)| In confrontations necessitating employment of force

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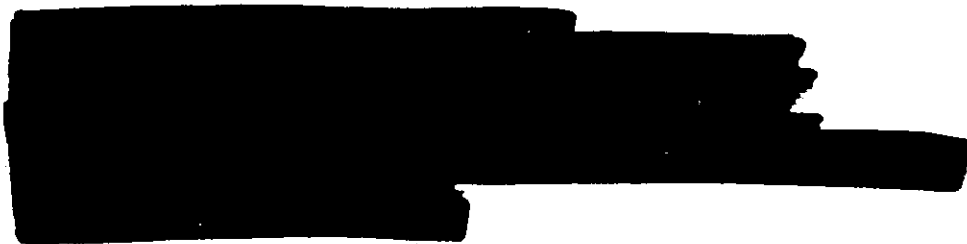
involving an extraordinary degree of risk and which, in the judgment of the SAC, exceed FBI|SWAT|capability, the AD, CID, or AD, INTD, FBIHQ, or their representative should be advised in the event specialized|HRT|intervention may be requested.

EFFECTIVE: 01/18/91

||30-3.10| Weapons

Certain weapons in the FBI arsenal were acquired specifically for SWAT applications and should be assigned to team members for their exclusive use. They are:

b2  
b7E



FBI firearms instructors may utilize these weapons when instructing SWAT personnel.

EFFECTIVE: 01/18/91



## PART II

### [ SECTION 31. DEPUTATION PROGRAM

[ 31-1

#### BACKGROUND

(1) Historically, the Attorney General has had the authority to supervise and direct the United States Marshals Service (USMS) in the performance of public duties. Specifically, the Attorney General is empowered to authorize the appointment of Special Deputy U.S. Marshals. In June 1984, this authority was delegated to the Associate Attorney General. The Associate Attorney General exercised his authority to direct the USMS to deputize state and local law enforcement officers to enable those officers to handle Federal law enforcement functions while under the supervision of the FBI. Neither the FBI nor the Drug Enforcement Administration had independent deputation authority.

(2) Effective 10/27/86, Title 21, United States Code, Section 878 was amended by the enactment of the Anti-Drug Abuse Act of 1986. This legislation added state and local law enforcement officers to those who may be deputized by the Attorney General to carry firearms, execute warrants, serve subpoenas, make arrests and seizures, and carry out other Federal drug law enforcement duties as determined by the Attorney General. The Attorney General no longer had to rely on the USMS to deputize officers assisting in the FBI drug investigations. In fact, the USMS has taken the position that it does not have the authority to make drug-related deputations. The Attorney General has delegated this deputation authority to the Director and on 8/4/87, the FBI assumed responsibility for deputizing officers assisting in FBI drug investigations. Each deputation must be approved by a Deputy Assistant Director in the Criminal Investigative Division. An FBI-deputized officer is referred to as a Special Federal Officer. The Deputation Program is managed by the Investigative Support Section, Criminal Investigative Division (CID).

[ 31-2

#### SCOPE OF DEPUTATION AUTHORITY

(1) Special Federal Officers are authorized to investigate, under FBI supervision, violations of Title 21 and those drug-related violations falling within the FBI's jurisdiction that arise out of an investigation predicated on drug violations.

(2) The scope of this authority is limited to those violations that are so inextricably linked to the Title 21 predicate that it could be fairly said that they would not have been engaged in separate and apart from the drug violations.

(a) For example, if during a drug investigation it was established that the subjects were engaged in money laundering, it would be reasonable to conclude that the subjects would not have engaged in this activity absent their primary involvement in drug trafficking. On the other hand, if during a drug investigation it was determined that the subjects were engaged in criminal activity totally unrelated to their drug trafficking, it would not be reasonable to conclude that there was a connection between the two violations.

(b) The fact that a nondrug violation is developed during a drug investigation is insufficient to empower a Special Federal Officer to investigate the violation if it did not arise out of the Title 21 predicate offense.

(c) Special Federal Officers do not possess general authority to act as FBI Special Agents.

(3) The USMS remains responsible for deputizing officers participating in FBI investigations which do not fall within the scope of the FBI's drug deputation authority. The USMS will not deputize officers to participate in Federal drug investigations.

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31-3 CIVIL LIABILITY

(1) Special Federal Officers are considered Federal employees for purposes of civil suits brought under the Federal Tort Claims Act (FTCA). The FTCA provides that the exclusive remedy for common-law torts committed within the scope of a Federal employee's employment (e.g., a Special Federal Officer) is an action against the United States under the FTCA. Therefore, Special Federal Officers who allegedly commit common-law torts while acting within the scope of their authority as Special Federal Officers cannot be sued in their individual capacities. The suit must be brought against the United States and a resulting judgment for monetary damages, if any, will be satisfied by the United States rather than the individual Special Federal Officer. Specifically, judgments in excess of \$2,500 will be paid out of the United States Treasury rather than from FBI appropriations.

(2) Suits brought against a Special Federal Officer for alleged violations of a person's constitutional rights (i.e., Bivens actions) are not brought against the United States but rather against the Special Federal Officer in his/her individual capacity. An adverse judgment for monetary damages, entered against a Special Federal Officer, must be personally satisfied by the Special Federal Officer. However, the Department of Justice (DOJ) may provide legal representation to a Special Federal Officer and may indemnify the officer if it determines that the officer acted within the scope of his/her authority and that representation and indemnification would be in the interest of the United States.

(3) The possibility of civil liability and its potential for adversely impacting on FBI investigations requires that there be tight control and direction over Special Federal Officers. Close supervision of these officers is of critical importance and must be recognized by field office management.

31-4 GENERAL OR CASE-SPECIFIC AUTHORITY

(1) Generally, the deputation authority granted to a Special Federal Officer is restricted to specifically designated cases. The cases on which a Special Federal Officer is authorized to work are listed by file number on the FD-739 (Oath of Office and Credential - Special Deputation) and FD-739a (Credential Card). The officer is prohibited from assisting on any FBI investigation not reflected on these forms unless doing so under his/her normal police powers. All deputations in Organized Crime Drug Enforcement Task Force (OCDETF) cases are handled on a case-specific basis only.

(2) There may, however, be situations where general Title 21 investigative authority is justified in non-OCDETF drug investigations. Some officers are detailed to FBI drug squads on a full-time semipermanent basis. These officers occupy FBI space and function much the same as a Special Agent. The squads may have a large number of drug cases open and cases are constantly being opened and closed. Under these or similar circumstances a request for general deputation authority may be appropriate. Such justification should be included in the initial deputation request submitted to FBIHQ.

31-5 GENERAL ADMINISTRATIVE MATTERS

(1) A deputation request will be approved in only two circumstances:

- (a) The officer will be monitoring a Title III;
- (b) The officer will be conducting investigation outside his/her own jurisdiction.

(2) When initially deputized, all officers must be sworn in by an SAC, or in his/her absence, an ASAC.

(3) Unless otherwise specified, all FBI deputations expire on the last day of the month in which the deputation was approved at FBIHQ. This expiration date appears on the FD-739 and FD-739a. FBI deputations do not all expire at the same time or at the end of the fiscal year. The sponsoring field division is responsible for monitoring deputation expiration dates and for submitting timely renewal requests. FBIHQ will not notify the field of impending expirations.

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SECTION 31. DEPUTATION PROGRAM

(4) Special Federal Officers need not appear before and be sworn in by an FBI official as long as the deputation is renewed prior to its expiration date. A deputation renewal may be accomplished by submitting a timely request and having a Deputy Assistant Director, CID, execute the Deputation Statement on a new FD-739. The officer and SAC or, in his/her absence, the ASAC then subscribe to the Acknowledgment/Oath of Office on the FD-739. The SAC or ASAC must also sign the FD-739a. This must be accomplished prior to the expiration of the current deputation.

(5) Close supervision of Special Federal Officers is of critical importance. The potential for civil liability and adverse impact on investigations is such that it is vital that there be tight control and direction over Special Federal Officers and their efforts on the FBI's behalf.

(6) The following requirements apply to all FBI deputations:

(a) The officer's immediate FBI supervisor must be identified on the FD-739 prior to the return of copy 2 to FBIHQ;

(b) The officer must review the Memorandum to All Employees Officers and Employees, dated 9/27/89, captioned "Principles of Ethical Conduct for Government Officers and Employees." The Manual of Administrative Operations and Procedures (MAOP), Part I, Section 1-1(5), may also be used in the absence of this memorandum. The officer should also be advised that he/she will be expected to abide by these standards of conduct for the duration of their deputation and failure to do so may result in the termination of their deputation.

(c) The officer's deputation authority shall be terminated immediately by the sponsoring field division when it determines that the deputation is no longer necessary, e.g., the officer retires or resigns, is reassigned to other duties, the investigation is closed, etc. The officer must be specifically advised that his/her authority as a Special Federal Officer is being terminated. The officer's credential card (FD-739a) must be recovered and sent to FBIHQ as an enclosure to an airtel notifying FBIHQ of the termination of the deputation. The airtel should be submitted to the attention of the Investigative Support Section, CID.

(7) The officer will also be required to acknowledge in writing on the FD-739 that he/she has been given the instructions set forth below, understands them, and will adhere to them. These instructions are located on the reverse side of copy 3 of the FD-739.

(a) The officer is not to travel out of state on FBI business without being accompanied by a Federal Agent unless specifically authorized by an SAC or, in his/her absence, an ASAC.

(b) The officer is not to check Federal prisoners out of a Federal institution or holding facility unless accompanied by a Federal Agent.

(c) The officer is not to monitor a federally authorized Title III unless there is a Federal Agent present at all times.

(d) The officer is deputized only for the specific case(s) authorized in the request for deputation. The officer is not authorized to work on any other Federal investigation without specific approval. This deputation is not a general authority to act as a Federal Agent.

(e) While this deputation may result in the officer not being liable under Section 1983 actions, the officer is reminded that he/she may nevertheless be liable for Bivens-type actions.

(f) While engaged in the investigation of cases being directed by the FBI, the officer will remain at all times during the period of this deputation subject to the direction and control of the FBI.

(8) The FD-739a is not intended to be used as a means of primary identification. Any alteration of the FD-739a is specifically prohibited. This includes use of stand-alone credential cases, photographs, official seals, reproductions, or unauthorized signatures.

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31-6 DEPUTATION REQUEST PROCEDURE

(1) OCDETF Investigations - (245 Classification)

(a) All deputation requests must be closely coordinated with the FBI Regional OCDETF and Assistant U.S. Attorney (AUSA) OCDETF Coordinators to ensure compliance and timely completion. All requests should be submitted at least 30 days prior to the time the deputations are required.

(b) The requesting field office must submit a "Request for Deputation of State or Local Law Enforcement Personnel" (OCDE Form S/L-4), an accompanying "Request for Deputation" (OCDE Form S/L-5) and a "Guidelines for State and Local Officers Deputized" (OCDE Form S/L-6). The request must be on FBI letterhead with the original signatures of the SAC of the requesting office, the FBI Regional OCDETF Coordinator, the AUSA OCDETF Coordinator, and the authorized state or local law enforcement official.

(c) The requesting office must conduct DEA (NADDIS) and FBI (NCIC and field office indices) name checks on all officers to be deputized. The signatures of the FBI Regional OCDETF Coordinator and the SAC certify that these name checks have been completed and are negative. In addition, the signature of the authorized state or local law enforcement official certifies that the officer to be deputized is not the subject of any internal investigations. Finally, the signatures of the FBI Regional OCDETF Coordinator and SAC certify that the officers to be deputized have been advised of and agree to comply with the instructions set forth in the OCDE Form S/L-6.

(d) The requesting office is responsible for preparing the OCDE Forms S/L-4 and S/L-5, securing the appropriate signatures and submitting them to the FBI Regional OCDETF Coordinator for review. After approving and signing the request the FBI Regional Coordinator will forward the request to the AUSA OCDETF Coordinator. The AUSA OCDETF Coordinator will also review and sign the request, and submit it to the Executive Office for United States Attorneys, OCDETF, Administrative Staff, DOJ, Washington, D.C. After DOJ approval the request is then forwarded to FBIHQ for processing.

(e) The FBI Regional OCDETF Coordinator is responsible for tracking the OCDETF Forms S/L-4 and S/L-5 from the AUSA OCDETF Coordinator through the processing by the OCDETF Administrative Staff and FBIHQ. The FBI Regional OCDETF Coordinator is the primary point of contact for field office inquiries regarding the status of deputation requests and ensuring timely submission and completion.

(f) Upon receipt of the approved request FBIHQ will prepare Forms FD-739 and FD-739a. After review and approval by a Deputy Assistant Director, CID, the form will be sent by airtel to the personal attention of the SAC of the requesting office. A copy will also be sent to the appropriate FBI Regional OCDETF Coordinator.

(g) The receiving office must review the deputation forms for accuracy, particularly file numbers. Any needed corrections should be made and missing descriptive information on the officer added. The officer must review the Memorandum to All Employees 6-89, dated 9/27/89, captioned "Principles of Ethical Conduct for Government Officers and Employees." In the absence of this memorandum the MAOP, Part I, Section 1-1(5), may be substituted. The officer should be advised that he/she will be expected to abide by these standards of conduct for the duration of his/her deputation and failure to do so may result in termination of their deputation. The name of the officer's FBI supervisor should be entered in the space provided on the FD-739.

(h) The instructions located on the reverse side of copy 3 of the FD-739 regarding the officer's responsibilities as a Special Federal Officer must be given to the officer and acknowledged by signing and dating in the space provided.

(i) When initially deputized, an officer must take the oath of office as presented on the FD-739. Only an SAC or, in his/her absence, an ASAC may administer the oath. Both the officer and the SAC or ASAC must sign and date the FD-739 in the spaces provided.

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(j) Copy 1 of the FD-739 is given to the Special Federal Officer. After it has been signed by the SAC or ASAC, the FD-739a should be detached from copy 3 of the FD-739 and given to the Special Federal Officer. Copy 2 of the FD-739 must be returned to FBIHQ by airtel captioned "FBI Deputation Authority; Drug Matters," and sent to the attention of the Investigative Support Section, CID. It is critical that copy 2 be returned to FBIHQ in order to track those officers actually deputized. Copy 3 of the FD-739 should be maintained in the requesting office's deputation control file.

(k) Officers deputized for a non-OCDETF drug investigation do not need to be redeputized in the event the investigation is converted to the 245 classification.

(2) Non-OCDETF Drug Investigations (12 Classification)

(a) Non-OCDETF deputations are accomplished without having to secure DOJ approval. A request for deputation is initiated by submitting an appropriate communication captioned "FBI Deputation Authority; Drug Matters," to the attention of the Investigative Support Section, CID. A copy of this request must be directed to the Regional OCDETF Coordinator as it is possible that the investigation may be reclassified as a 245 matter. The request must include the following information.

1. Complete description of each officer, including full name, employing agency, date of birth, height, weight, sex, race, eye and hair color.

2. Results of a field office indices name check, NCIC check, NADDIS check, and a check of the officer's internal affairs office.

3. All case titles and field office file numbers on which the officer will be working. If general deputation authority is sought furnish appropriate justification.

4. U.S. Code violation(s) being investigated.

5. Last firearms qualification date. It must be within the past year.

6. Number of years of law enforcement experience.

(b) The request will then be processed as set forth in Section 31-6(1)(f) through Section 31-6(1)(j).

(3) Cases Not Predicated on Drug Violations; Drug Violations Anticipated

(a) Occasionally, deputations may be required for cases not predicated on Title 21 violations; however, Title 21 violations are anticipated. This very narrow category requires deputation by both the FBI and the USMS.

(b) A deputation request should be submitted under the caption "FBI Deputation Authority; Other," to the attention of the Investigative Support Section, CID. The request must include the following information.

1. Identify by title and file number all investigations on which the officer will be working. If general deputation authority is requested, no titles and file numbers are required; however, full justification must be set forth. Note that while an FBI deputation is routinely case specific, USMS deputation authority extends to all Federal violations except Title 21.

2. Complete description of the officer, including full name, employing agency, date of birth, height, weight, sex, race, eye and hair color.

3. Results of field office indices name check, NCIC check, NADDIS check, and a check of the officer's employing agency internal affairs office.

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- [ the past year.
4. U.S. Code violations being investigated.
  5. Last firearms qualification date. It must be within
  6. Number of years of law enforcement experience.
  7. Contact Special Agent in requesting office.

[ (c) FBIHQ will prepare a deputation request and forward it to USMS Headquarters. The requesting office (contact Special Agent) will be contacted by the local USMS office in order to arrange for the deputations.

[ (d) FBIHQ will process the request as set forth in Section 31-6(1)(f) through Section 31-6(1)(j).

[ (4) Non-Title 21 Investigations

[ (a) Officers assisting in investigations which do not involve drug violations are only deputized by the USMS.

[ (b) The deputation request should be submitted under the caption "FBI Deputation Authority; Non-Title 21," to the attention of the Investigative Support Section, CID. The request must include the information set forth in Section 31-6(3)(b).

[ (c) FBIHQ will prepare a deputation request and forward it to USMS Headquarters. The requesting office (contact Special Agent) will be contacted by the local USMS office in order to arrange for the deputation.]