FOIPA COVER SHEET

FREEDOM OF INFORMATION AND PRIVACY ACTS

SUBJECT: MANUAL OF INVESTIGATIVE OPERATIONS AND GUIDELINES (MIOG)

UPDATES

PART 2 VOL.2

FEDERAL BUREAU OF INVESTIGATION

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MANUAL OF INVESTIGATIVE OPERATIONS AND GUIDELINES

PART II

VOLUME II

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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

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

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).

EFFECTIVE: 05/25/90

13-2.1.2 Deleted

EFFECTIVE: 09/09/93

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

Division.

EFFECTIVE: 05/25/90

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

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.

EFFECTIVE: 05/25/90

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

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.

EFFECTIVE: 09/24/93

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."

EFFECTIVE: 03/24/94

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

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.

EFFECTIVE: 09/03/93

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

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

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.

(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.

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.

(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 sufficent 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

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

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

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

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).)

(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.

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 cases 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,

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

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; etablishment 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 sighseers, 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

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:

(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,

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

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

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."

(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:

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

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):

(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.

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

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

(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

(c) IDENTIFICATION - Same as Anonymous Letters (6) above

(d) WRAPPING AND PACKING - Same as Anonymous Letters (6) above

(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))

(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

(b) SEND BY - Registered mail, UPS or Federal Express

(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.

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):

(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) above.

(e) WRAPPING AND PACKING - Same as drugs, (24) 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.

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

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

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.

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: _____

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

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

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

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

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. onsider the possible need in court of the object from which the spe en was cut.

(3) Submit the tool rather than making test cuts or

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. [redacted] 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.

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

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

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

(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

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.

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.|

(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

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.

(4) Deleted

(5) Deleted

EFFECTIVE: 09/24/93

| 13-15.2.3 |Deleted|

EFFECTIVE: 09/03/93

| 13-15.2.4 |Deleted|

EFFECTIVE: 09/03/93

| 13-15.2.5 |Deleted|

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.

EFFECTIVE: 02/12/92

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.|

EFFECTIVE: 02/12/92

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.

EFFECTIVE: 02/12/92

13-16.5 [redacted] Technique

The Explosives Unit, Laboratory Division, has the capability of [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

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 regualtions.

(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.

EFFECTIVE: 02/12/92

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] Under no circumstances should [redacted] without prior approval of the Explosives Unit.

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(3) The Explosives Unit must approve all [redacted] in FBI investigations.|

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,

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) [redacted] b2 7E

(2) [redacted]

(3) [redacted]

[redacted]

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EFFECTIVE: 02/12/92

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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EFFECTIVE: 02/12/92

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.

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

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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EFFECTIVE: 02/12/92

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Classified by SP12 [redacted]
Declassify on: OADR
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13-16.9.2 Foreign Bomb Data Center Programs

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[redacted]

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EFFECTIVE: 02/12/92

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.

(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;

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

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.

EFFECTIVE: 02/12/92

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

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. Expeditiously 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

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 [redacted] 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

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.

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)

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.

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.

(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

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

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

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.

(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.

(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]

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(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.

EFFECTIVE: 05/25/90

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.

(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

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.

(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

b2

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 form 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 respository 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

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.

b2

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.

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

(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

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.

(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

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.

(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

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

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.

(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

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.

(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

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.

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

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.

(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

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.

(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.

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.

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

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

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

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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[redacted]

(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

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.

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.

(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

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.

(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

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

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

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;

(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.

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:

(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

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.

(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

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

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

||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|

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

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.

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

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.

(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

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

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

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

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

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

||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

||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 dosages 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

||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 breath 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

||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.

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

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.

EFFECTIVE: 05/26/89

||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 pyscholinguistic 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

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/ethic 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

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

b2

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

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

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

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.

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:

(1) 73 - Background Investigation - Pardon Attorney's Office

(2) 77

(a) 77A - Background Investigation - Presidential Appointment with Senate Confirmation - Nonreimbursable

(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

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

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

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

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

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

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

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

||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

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:

(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

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 by 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

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.

(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

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

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.

(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

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

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

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

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

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

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,

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

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.

(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.

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

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.

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

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 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

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.

EFFECTIVE: 12/10/91

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

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 fiance(e)s to FBIHQ for a check of Criminal Justice Information Services Division records.

EFFECTIVE: 05/27/94

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

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.

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.

EFFECTIVE: 12/10/91

(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.

EFFECTIVE: 07/19/93

||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.

EFFECTIVE: 01/18/91

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.

EFFECTIVE: 01/18/91

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

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.

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.

EFFECTIVE: 03/08/79

23-6.4 Responsibility of Financial Institutions

RFPA 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 RFPA 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 RFPA, 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 RFPA, "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

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 RFPA. 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 RFPA 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.

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 RFPA. 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.

EFFECTIVE: 03/08/79

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

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 RFPA 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 RFPA 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

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

(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

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.

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

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

(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.

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

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.

EFFECTIVE: 01/18/91

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.

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.

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

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.

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
[redacted]	[redacted]	[redacted]

b2 b7E

[redacted] [redacted] [redacted]

b2
b7E

DISTRICT 2

Region 4

[redacted]

Region 5

[redacted]

Region 6

[redacted]

DISTRICT 3

Region 7

[redacted]

DISTRICT 4

Region 9

[redacted]

Region 10

[redacted]

Region 11

[redacted]

DISTRICT 5

DISTRICT 6

Region 8

[redacted]

Region 12

[redacted]

Region 13

[redacted]

DISTRICT 7

DISTRICT 8

Region 14

[redacted]

Region 15

[redacted]

Region 16

[redacted]

[redacted] [redacted] b2 b7E

* 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

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

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.

(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.

(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.

EFFECTIVE: 01/18/91

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

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.

EFFECTIVE: 01/18/91

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

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

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

||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.

(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.

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.

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.

EFFECTIVE: 01/18/91

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

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

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

[redacted]

FBI firearms instructors may utilize these weapons when instructing SWAT personnel.

EFFECTIVE: 01/18/91

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.

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.

(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 6-89, 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.

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.

(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.

4. U.S. Code violations being investigated.

5. Last firearms qualification date. It must be within the past year.

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.]