

<b>SUBJECT:</b>	<b>SPECIALIZED INVESTIGATIONS</b>
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## **JUDICIAL STANDARDS COMMISSION INVESTIGATIONS**

Investigations for the North Carolina Judicial Standards Commission will be conducted by the Special Agent in Charge of Professional Standards and/or selected Agents who will work under his/her direct supervision. Because of confidentiality rules, Special Agents in Charge and other personnel will not be advised of these cases. The Bureau will not comment on Judicial Standards Commission investigations. Any inquiry concerning a Judicial Standards Commission matter should be referred to the Chairman or Executive Secretary, North Carolina Judicial Standards Commission, P.O. Box 1122, Raleigh, North Carolina 27602.

## **FINANCIAL CRIME INVESTIGATIONS**

### **A. Financial Crime Investigations Defined:**

Financial crime investigations shall include, but will not be limited to, the following:

1. Investigations involving the embezzlement of property received by virtue of office or employment;
2. Investigations involving obtaining property by false pretenses and other fraudulent schemes;
3. Investigations involving the forgery of notes, checks, and other instruments;
4. Investigations involving malfeasance by corporation officers and agents;
5. Investigations involving the misuse or manipulation of computers for financial gain;
6. Investigations of crimes included in terminology of "white collar crimes;"
7. Investigations involving the analysis and interpretation of accounting and financial records in identifying assets and money laundering schemes of drug traffickers for investigative grand juries and asset seizure/forfeiture proceedings; or
8. Investigations establishing financial motives for homicide, arson, and other crimes.

<b>SUBJECT:</b>	<b>SPECIALIZED INVESTIGATIONS</b>
-----------------	-----------------------------------

- B. The assignment, supervision, direction, and case reviews of all investigations assigned to the Financial Crime Investigations Unit will be the responsibility of the Special Agent in Charge of the Financial Crime Investigations Unit.
- C. Responsibilities of the Special Agent in Charge of the Financial Crime Investigations Unit:
  - 1. Assign, supervise, and direct all investigations assigned to the Agents of the Financial Crime Investigations Unit.
  - 2. Request information from Special Agents in Charge on financial crime cases within their districts.
  - 3. Provide assistance to any Agent investigating financial crimes or other cases requiring the examination of business and financial records upon the request of the District Special Agent in Charge.
  - 4. Refer investigative requests to the Special Agent in Charge for assignment to an Agent in a District or to the appropriate Assistant Director, who will contact the Special Agent in Charge for assignment to an Agent in the District.
  - 5. Provide the Special Agent in Charge with a copy of the initial report, and the final report of investigations conducted by Financial Crime Agents within their Districts.
- D. District Special Agents in Charge Responsibility

In investigations involving financial crimes, the Special Agent in Charge will:

  - 1. When appropriate, assign Financial Crime requests within the District to District Agents;
  - 2. Refer to the Special Agent in Charge of the Financial Crime Investigations Unit, through the appropriate Assistant Director, those investigative requests or matters involving detailed accounting procedures beyond the expertise available in the District; and

<b>SUBJECT:</b>	<b>SPECIALIZED INVESTIGATIONS</b>
-----------------	-----------------------------------

3. Provide the Special Agent in Charge of the Financial Crime Investigations Unit with status or progress reports on cases as requested.

### COMPUTER CRIME SCENE INVESTIGATIONS

- A. Computer crime scenes should include the computer's central processing unit, monitor, keyboard, mouse, external disk drives, printer(s), cables, external and internal storage devices, tape drives, all software and data diskettes, manuals, documentation for software programs, modems and any other item relating to the operation of the computer.
- B. The purpose of properly securing computer crime scenes is to seize computers and their related peripheral devices for the purpose of preserving evidence of a crime for which the computer was used as well as for later retrieval and examination of data. Once the computer and peripherals are seized, they should be stored in a climate controlled room. When transporting computers and related items, care should be given not to expose the computer to intense heat, cold, magnetic devices or radio transmissions as this could damage information stored in the computer.
- C. Initial assessment of the computer crime scene shall be made by the Case Agent in consultation with the Special Agent in Charge or a Assistant Special Agent in Charge.
- D. If District level expertise is unavailable or if the computer system encountered is complex, technical assistance is available from the Information Technology Division (IT) of the Department of Justice. Requests for IT assistance should be made by the Special Agent in Charge or the Assistant Special Agent in Charge and routed through the Special Agent in Charge of the Financial Crime Investigations Unit. An Agent from the Financial Crime Investigations Unit will respond with a representative from IT only when Agents are uncomfortable with seizing the computer and/or peripherals.
- E. The Case Agent or Agent responsible for downloading the computer data will document the procedures utilized in processing the seized computer in an 11-A The computer and other seized media will be maintained as original items of evidence. The information which has been downloaded for analysis, whether created by forensic software or printed material, will be treated as working copies as opposed to additional items of evidence.

<b>SUBJECT:</b>	<b>SPECIALIZED INVESTIGATIONS</b>
-----------------	-----------------------------------

- F. Investigations involving child pornography deal with unique and sensitive information. Diskettes containing copies of pornographic images, printed copies of image files and related media found on seized computers will be maintained in the case file by the Case Agent as opposed to including these images in the investigative report. Pornographic images will be made available to the district attorney upon request.

### **FINANCIAL BACKGROUND INVESTIGATIONS**

- A. Special Agents in Charge will be responsible for financial background investigations conducted in their respective Districts of suspects engaged in crimes related to white collar, organized, vice or drug activities as well as financial motives for murder and arson. The Special Agent in Charge may contact the Special Agent in Charge of the Financial Crime Investigations Unit for assistance if they believe the financial background analysis of the suspect will be protracted, complex or will require additional expertise.
- B. Financial background investigations will focus on white collar, organized, vice and drug trafficking suspects for the purpose of identifying assets, tracking the flow of illicit cash and identifying and exposing money laundering schemes.
- C. Sources of information relative to these investigations will include: municipal and county records (i.e., real estate transactions, deeds of trust, criminal and civil proceedings, county tax information), and other records maintained by third parties, banks, and other financial institutions, state and federal agencies. FINCEN reports should be requested on suspects when appropriate.
- D. Information compiled in these investigations will be used for the criminal prosecution of white collar, organized, vice, drug, murder and arson suspects as well as for asset seizure and forfeiture proceedings.
- E. All records and other documents gathered during the course of a financial background investigation shall be considered confidential Bureau records and shall not be disseminated without the approval of the Assistant Director of Field Operations, Assistant Director of Support Services, or the Special Agent in Charge of Professional Standards. These records shall be stored, maintained or purged in accordance with the Bureau Records Retention and Disposition Schedule.

### **ARSON INVESTIGATIONS**

<b>SUBJECT:</b>	<b>SPECIALIZED INVESTIGATIONS</b>
-----------------	-----------------------------------

- A. Requests for Bureau assistance in fire-related investigations are classified as either Immediate, or Delayed, with regard to the response by Bureau Agents.

1. Immediate Response

A District Special Agent assigned to Arson Investigations will respond immediately to requests for assistance under the following circumstances:

- a. Evidence of arson is clear;
- b. A death is associated with the fire;
- c. A fire fighter or police officer is seriously injured in the fire;
- d. A fire results in the loss of property of substantial value;
- e. Another crime is discovered in conjunction with a fire or during a preliminary fire investigation;
- f. A Special Agent in Charge determines that an immediate response is appropriate.

2. Delayed Response

The response to a request for assistance in a fire-related investigation may be delayed under the following circumstances:

- a. A request for Bureau assistance in determining the cause and origin of a fire in which there are no suspicious circumstances (unless the value of the property lost meets the criteria for immediate response);
- b. The request is for a second opinion as to cause and origin of the fire;
- c. The request is for an arson crime scene response with no investigation required;
- d. The fire scene has been left unsecured for any length of time;
- e. The Special Agent in Charge determines that a delayed response is appropriate.

<b>SUBJECT:</b>	<b>SPECIALIZED INVESTIGATIONS</b>
-----------------	-----------------------------------

B. The assignment of fire-related investigations will utilize the following case assignment criteria:

1. Investigations assigned to District Special Agents assigned to Arson Investigations:
  - a. Fires with a clearly defined insurance fraud motive but with the insured clearly eliminated from direct involvement;
  - b. Instances in which the property owner has had numerous prior fires;
  - c. Fires involving businesses known to be in poor financial condition;
  - d. Fire-related fatalities;
  - e. Cases meeting the criteria for and having potential for successful prosecution in Federal Court;
  - f. Other investigations as determined by the Special Agent in Charge.
2. Investigations assigned to other District Special Agents:
  - a. Cases with a clearly defined spite/revenge motive and a clearly identified suspect;
  - b. Cases in which an arrest is imminent at the earliest stage of the investigation;
  - c. Cases in which no District Special Agent assigned to Arson Investigations has performed crime scene service and the investigation does not meet the criteria for assignment to a District Arson Agent;
  - d. Other investigations as determined by the Special Agent in Charge.

C. Arson Response Teams

There are two Arson Response Teams formed for the purpose of reacting with manpower and equipment needs in the event of major fires. The Eastern Team

<b>SUBJECT:</b>	<b>SPECIALIZED INVESTIGATIONS</b>
-----------------	-----------------------------------

will be comprised of Arson Agents from the Northeastern, Coastal, Southeastern, and Capital Districts. The Western Team will be comprised of Arson Agents from the Northern Piedmont, Southern Piedmont, Northwestern, and Western Districts. An accelerant detector dog team and Special Response Vehicle will be available to each team.

1. The criteria for activation of the team and the level of response will be determined by the District Arson Agent or the Case Agent on the scene of a major fire.
2. The request for activation of the team should be made by the District Arson Agent or Case Agent through the Special Agent in Charge or his designee to the Assistant Director of Field Operations.
3. The District Arson Agent or Case Agent will be responsible for assignment of duties to the team members.
4. Team members will be responsible for origin and cause determination and associated duties, not interviews, which are the responsibility of the Case Agent.

D. Training

Special Agents assigned to Arson Investigations will receive specialized training to include:

1. Six months on-the-job-training with an experienced Special Agent assigned to Arson Investigations;
2. Basic Firefighter Training;
3. Arson Investigation Training at the National Fire Academy, Emmitsburg, Maryland;
4. Arson for Profit Training taught by the Bureau of Alcohol, Tobacco and Firearms at Glynco, Georgia;
5. Advanced Explosive Investigative Techniques taught by the Bureau of Alcohol, Tobacco and Firearms at Glynco, Georgia;

<b>SUBJECT:</b>	<b>SPECIALIZED INVESTIGATIONS</b>
-----------------	-----------------------------------

6. Yearly training at the Advanced Investigation School for Fire and Arson sponsored by the International Association of Arson Investigators;
7. Training in hazardous material at the operational level;
8. District Special Agents assigned to Crime Scene Investigations should receive training equivalent to that of the Special Agents assigned to Arson Investigations.

E. Protective Clothing and Equipment

No Agent shall enter into a fire scene without proper protective clothing and equipment. Arson Agents responding to fire scenes will, upon arrival, attempt to evaluate the level of risk or hazard to which investigating personnel will be exposed, and don protective clothing and equipment commensurate with that risk. Agents are encouraged to consult with incident site safety officers, if available, for assistance in evaluating the level of risk. The following guidelines are established for determining the level of risk at a fire scene. Equipment required to be worn is listed at each level.

1. Respiratory protection equipment is not addressed in this section. For respiratory protection requirements, see the Policy and Procedure Manual, Procedure 25, Employee Health and Safety.
2. The risk of exposure to hazardous materials as defined in 29 CFR 1910.120 is to be considered in the evaluation of the overall risk at a fire scene. This section does not address equipment requirements in the event of the existence of such a risk.
3. Required equipment items listed are considered to be minimum requirements. Additional or heavier-duty equipment may be worn at the Agent's discretion.
4. As the fire scene investigation progresses and the level of risk changes, changes in equipment utilization may be altered in the discretion of the Agent.

a. Level A: Severe Risk

- (1) Flames present; fire suppression operations ongoing



**SUBJECT:**

**SPECIALIZED INVESTIGATIONS**

- (2) Danger of structural collapse restricts investigative efforts
- (3) Considerable effort required to negotiate remains because of collapse and obstacles
- (4) Heavy excavation of rubble anticipated
- b. Required equipment:
  - (1) Issued work uniform
  - (2) Full bunker gear including bunker coat and pants, firefighter's gloves, leather firefighter's boots and fire helmet
  - (3) Issued back support belt
- c. Level B: Moderate Risk
  - (1) Glowing embers, occasional flame outbreaks and heat from fire present
  - (2) Visible risks from overhead hazards
  - (3) Floor stability uncertain
  - (4) Jagged edges and pointed objects visible
  - (5) Excavation of rubble is anticipated
- d. Required equipment:
  - (1) Issued work uniform
  - (2) Roll-up boots or leather firefighter's boots
  - (3) Issued firefighter's gloves
  - (4) OSHA-approved light-weight work helmet or issued fire helmet

<b>SUBJECT:</b>	<b>SPECIALIZED INVESTIGATIONS</b>
-----------------	-----------------------------------

- (5) Issued back support belt
- (6) Flame-retardant coveralls or bunker coat with roll-up boots
- e. Level C: Minimal Risk
  - (1) Fire and heat from fire totally absent
  - (2) No risk of injury from overhead obstacles or falling debris
  - (3) No visible risk of falling through openings in floors
  - (4) No visible risks from jagged or sharp edges, surfaces or pointed objects
  - (5) Excavation of rubble is not anticipated
- f. Required equipment:
  - (1) Issued work uniform
  - (2) Core equipment issue boots or rubber roll-up firefighter's boots
  - (3) Issued firefighter's gloves
  - (4) Issued soft cap or OSHA-approved light weight work helmet

**ENVIRONMENTAL CRIMES INVESTIGATIONS**

- A. The Special Agent in Charge of the Diversion and Environmental Crimes Unit is responsible for investigations involving violations of Environmental Statutes.
- B. Environmental Crime includes criminal activity involving:
  - 1. Medical Waste;
  - 2. Hazardous Material/Solid Waste;

<b>SUBJECT:</b>	<b>SPECIALIZED INVESTIGATIONS</b>
-----------------	-----------------------------------

3. Violations of the Clean Air Act; or
  4. Violations of the Clean Water Act.
- C. All complaints, allegations, and requests should be referred to the Diversion and Environmental Crimes Unit office.

**HAZARDOUS MATERIAL INCIDENTS**

- A. The State Bureau of Investigation is not a first responder and it is not the responsibility of the Bureau to contain or remove hazardous materials. Agents encountering hazardous materials will follow the guidelines of the U.S. Department of Transportation Emergency Response Guidebook.
- B. No Agent will respond to or remain at a scene involving hazardous materials unless the Agent has completed at least eight (8) hours of awareness training.
- C. Agents encountering any incident or investigation involving Hazardous Materials or unknown chemical substances must comply with the requirements of the "Respiratory Protection Program" contained in the Policy and Procedure Manual, Procedure 25, Employee Health and Safety.

**BACKGROUND INVESTIGATIONS**

- A. Pre-Employment
1. The Bureau shall conduct background investigations of all prospective employees of the State Bureau of Investigation.
  2. Background investigations for the prospective employees of the Department of Justice will be conducted at the discretion of the Attorney General.
  3. Background investigations for prospective employees of any other department or agency will not be conducted unless approved by the Attorney General.
- B. Assignment and Reporting of Background Investigations

<b>SUBJECT:</b>	<b>SPECIALIZED INVESTIGATIONS</b>
-----------------	-----------------------------------

1. Requests for background investigations and necessary information will be forwarded to the appropriate District Special Agent in Charge.
2. The Case Agent may request assistance from another District/Section/Unit Agent and/or the Intelligence and Technical Services Section during the investigation if necessary.
3. The report synopsis shall contain a summary of the background investigation and refer to any pertinent interview(s) or records which should be noted. The report will be forwarded to the Assistant Director of Support Services. No copies of the report shall be made. The background investigation report will become a part of the individual's personnel records.

C. Conducting the Background Investigation

The procedure for conducting background investigations is found in the North Carolina State Bureau of Investigation's "Background Investigation Criteria" manual

**CHILD SEXUAL ABUSE INVESTIGATIONS**

- A. Assignment to an investigation concerning the alleged sexual abuse of a child/children must be made by the appropriate Special Agent in Charge. An Agent receiving such an assignment must be trained in child sexual abuse investigation and be knowledgeable in the statutes, criminal procedure and Department of Social Service policies affecting such investigations.
- B. The Protocol For Interagency Task Force For Investigating Child Sexual Abuse Allegations In Child Day Care provides guidelines for Bureau participation in an interagency task force investigations concerning child day care sexual abuse allegations. A copy of the protocol will be maintained in each District Office.

**MURDERS UNSOLVED TEAM (MUST)**

- A. The Murders Unsolved Team (MUST) of the State Bureau of Investigation will be comprised of one assigned Agent

<b>SUBJECT:</b>	<b>SPECIALIZED INVESTIGATIONS</b>
-----------------	-----------------------------------

from each District. Assignment to the MUST will be made by the Special Agent in Charge.

- B. Agents assigned to MUST will be supervised by the District Special Agent in Charge.
- C. The primary responsibility of an Agent assigned to MUST will be the investigation of unsolved homicides. The assignment to these investigations will be made by the Special Agent in Charge. Agents assigned to MUST may also be a member of the Special Response Team, a Hostage Negotiator or a member of the Police Shooting Team.
- D. An Agent assigned to MUST may be given assignments involving the investigation of new homicides at the discretion of the Special Agent in Charge. This assignment should be to assist the Case Agent in the initial phase of the investigation.

**PUBLIC OFFICIAL OR EMPLOYEE MISCONDUCT INVESTIGATIONS**

- A. Requests for investigations of misconduct by a public official or employee, including police shootings, excessive force, or deaths in custody, will be evaluated by the respective District Special Agent in Charge and the Assistant Director of Field Operations for a determination on the assignment of personnel and supervisory responsibilities for the investigation.
- B. All requests for investigations of misconduct by a public official or employee must originate from the District Attorney or have the concurrence of the District Attorney unless there is some overriding consideration related to the investigation which would justify not informing the District Attorney. Prior to assignment of the case, the Assistant Director of Field Operations will notify the Director of the investigative request.
- C. If an investigation is of such nature and/or involves a subject which does not appear to create a conflict of interest or relationship with District personnel, the investigation will normally be conducted by experienced District personnel outside the geographical area of the investigation. These investigations will be directly supervised by the District Special Agent in Charge or a Assistant Special Agent in Charge and shall include a review of all reports.

<b>SUBJECT:</b>	<b>SPECIALIZED INVESTIGATIONS</b>
-----------------	-----------------------------------

- D. If it appears that an investigation would create a conflict of interest or there is some relationship with District personnel or if the subject(s) of the investigation is the head of a law enforcement agency, District Attorney, Judge, legislator, or member of the Council of State, the investigation will normally be handled by personnel assigned by the Special Agent in Charge of Professional Standards. The investigation will be directly supervised by the Special Agent in Charge of Professional Standards or his designee and shall include a review of all reports.
- E. At any time it becomes evident in any other on-going Bureau investigation that a public official or employee is a subject of the investigation to the extent investigative action is required, the respective Special Agent in Charge and the Assistant Director of Field Operations will evaluate and determine the assignment of personnel and supervisory responsibility for this specific aspect of the on-going investigation. This should not be construed as to impede any aspect of the on-going original investigation.

**POLICE SHOOTINGS/EXCESSIVE FORCE/DEATHS IN CUSTODY**

- A. The investigation of the shooting of or at an individual by a law enforcement officer, allegations of excessive force by a law enforcement officer, and the death of an individual while in custody of a law enforcement officer, or in jail or prison, will normally be investigated by Agents from outside the geographical area in which one of the aforementioned incidents occurs with the exception of the initial response and the crime scene search or other exceptions approved by the District Special Agent in Charge
- B. When a request for a Police Shooting/Excessive Force/Death in Custody Case investigation is made, the on call supervisor for the district will notify the Assistant Director for Field Operations or the designated on call Assistant Director. The District Supervisor will assign an adequate number of agents from within the district to conduct the investigation. Consideration should be given as to the case agents geographic assignment as it relates to the area where the incident occurred. If the District Supervisor determines that out of district agents are needed to conduct the

<b>SUBJECT:</b>	<b>SPECIALIZED INVESTIGATIONS</b>
-----------------	-----------------------------------

investigation, then the supervisor will make that request through the on-call Assistant Director. Supervision of these cases will also remain the responsibility of the district where the incident occurred.

- C. In order to protect the integrity of the administrative and criminal processes, the Bureau will conduct these types of criminal investigations independent of the department involved.
- D. Critical interviews and leads such as interviews with the victim(s) and officer(s) involved should be handled by Agents from outside the geographical area unless circumstances warrant immediate action. Unless there is a compelling reason otherwise, the crime scene search will be conducted by the Crime Scene Search Specialist from within the respective District.
- E. The District Supervisor will be responsible in keeping the Assistant Director of Field Operations and the Department of Justice Public Information Officer apprized of significant developments in each of these cases. The district where the incident occurred should insure that the Public Information Officer gets an e-mail report of the details of each of these police shootings so that he can field inquiries from the news media regarding these cases. The District Supervisor should also provide information for the SBI web page.
- F. **THE SBI POLICE SHOOTING AND/OR EXCESSIVE FORCE CASE CRITERIA** will be the standard by which these types of cases are investigated and reviewed.
- G. Police shootings cases where SBI personnel are involved in the shooting incident will be handled through the Office of Professional Standards. The Special Agent in Charge of Professional Standards will request an adequate number of agents from outside of the district where the incident occurred to assist that office in conducting the investigation.

**ORGANIZED CRIME**

- A. For the purposes of this section, organized crime would involve any group having some manner of formalized structure and whose primary objective is to obtain money

<b>SUBJECT:</b>	<b>SPECIALIZED INVESTIGATIONS</b>
-----------------	-----------------------------------

through illegal activities. Such groups maintain their position through the use of violence or threats of violence, corrupt public officials, graft or extortion and generally have a significant impact on the people in their locales or region or the country as a whole. This definition may encompass a wide variety of criminal activity and does not imply only traditional organized crime, e.g., La Cosa Nostra. This definition does not assume only traditional illegal activities often associated with organized crime such as gambling, prostitution, pornography, loan sharking, controlled substances, and labor racketeering are the Bureau's focal areas. From the Bureau viewpoint, organized criminal activity may involve toxic waste disposal, arson, white collar fraud, robbery/burglary rings, fencing operations, gang related crimes, and domestic terrorism/violence. All of these activities may be considered organized crime within this definition. The focus of this directive is on the organization of the illegal activity and less on the predicate criminal offense.

- B. When information indicating the presence of organized criminal activity is received from a source, developed during the course of an investigation or when Bureau assistance is requested by a local department to investigate such activity, the involved Agent will advise the Special Agent in Charge. The Special Agent in Charge will confer with the Assistant Director of Field Operations who will approve a course of action, personnel to be assigned, and other Bureau resources to be used to effectively investigate the matter. Courses of action include, but are not limited to:
1. Seeking a request to investigate the activity from the District Attorney;
  2. Continuing as part of the ongoing investigation;
  3. Initiating an independent investigation;
  4. Forming a Task Force of Bureau Agents;
  5. Reviewing available information with appropriate local, State or Federal agencies with regard to formation of a multi-agency task force;



<b>SUBJECT:</b>	<b>SPECIALIZED INVESTIGATIONS</b>
-----------------	-----------------------------------

- 6. Referring the information to the appropriate local, State or Federal agency.
- C. Due to statutory limitations, the Bureau's primary role, as it relates to this section, is that of enforcement of the drug laws. Enforcement of other vice laws are generally handled at the local level, unless there is public corruption or some evidence of the presence of organized crime activity, e.g., gang related extortion, threats of violence, ect.
- D. The Assistant Director of Field Operations will keep the Director advised on an ongoing basis of the status of organized crime investigations, recent intelligence information of illegal activities meeting the above criteria, and of the arrest of targeted individuals.
- E. Special Agents in Charge are required to submit quarterly status reports to the Assistant Director of Field Operations on OCDETF cases, Federal grand jury cases, State grand jury cases, and other requested major investigations.
- F. Insofar as Bureau jurisdiction allows, it is the responsibility of each Agent to collect information and/or conduct investigations of any criminal activity by organized crime groups and individuals within the State of North Carolina.

**INVESTIGATIVE TASK FORCES/SPECIALIZED ASSIGNMENTS**

- A. Specialized Assignments are described as those assignments which are temporary in nature and require a special expertise. An investigative Task Force or other specialized assignment may be created as a result of an ongoing criminal investigation or a specific criminal activity occurring within the District or State. This concept may be used for a variety of criminal activities, but typically is utilized in multi-agency drug task force operations, State grand jury investigations, fencing operations, violent crimes, serial crimes, and other similar operations.
- B. No Agent shall be assigned to a specialized assignment until he/she has completed the SBI Academy and a minimum of one year field experience after completion of the Field Training Program without the approval of the Assistant Director of Field Operations. The assignments

<b>SUBJECT:</b>	<b>SPECIALIZED INVESTIGATIONS</b>
-----------------	-----------------------------------

will be recommended to the Assistant Director of Field Operations by the appropriate Special Agent in Charge after consideration of the Agent's training, special skills and abilities, availability, job performance, and career development guidelines.

- C. In order to create an investigative Task Force or other specialized assignment, a Special Agent in Charge must submit a proposal to the Assistant Director of Field Operations justifying the creation of the Task Force or special assignment. The proposal should include the following explanations governing the activities of the proposed Task Force or specialized assignment:
  - 1. purpose;
  - 2. the Bureau's authority;
  - 3. the Bureau's role and responsibilities;
  - 4. the position accountable for operation of the Task Force;
  - 5. existing resources available (including work space);
  - 6. resources needed to implement the Task Force;
  - 7. any proposed interagency agreement(s).
- D. The creation of a task force will require the approval of the Director.
- E. The Special Agent in Charge of the District in which a Task Force or specialized assignment has been established should provide a written report, at least annually, to the Assistant Director of Field Operations stating the purpose for each listed assignment, evaluating the results of the Task Force or assignment, an evaluation of the conditions which led to the Task Force or specialized assignment, and any justification for continued operation.

## CANINE TEAMS

<b>SUBJECT:</b>	<b>SPECIALIZED INVESTIGATIONS</b>
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A. Selection of Canine Handlers

1. Special Agents requesting assignment as a canine handler shall submit a written request through their Special Agent in Charge to the Assistant Director of Field Operations.
2. A canine handler must be a Special Agent with a strong desire to work with canines and be willing to work with an assigned canine for a minimum of five years providing that the canine's health is good for this time period.

B. Canine Handler Assignments

1. Assignment as a canine handler is a special assignment in addition to the regular duties required of an Agent.
2. A canine handler may be requested to travel outside of their assigned District in order to assist in investigations as a canine handler.
3. A canine handler is on call 365 days per year, 24 hours per day except for vacation, sick leave, and other prearranged days off. Arrangement of days off, such as holidays, will be coordinated among canine handlers.
4. Canine handlers will coordinate their on-call schedules with other handlers and advise the Assistant Director of Field Operations of any scheduling changes.
5. Hours of training and maintenance of the canines will be assigned to a file number opened by the handler for their assigned canine at the beginning of each calendar year and will be closed at the end of each year.
6. Arson canine handlers will indicate 1.5 hours of administration time per day, per canine on Activity Summaries (SBI-1) for the maintenance and training of canines.

B. Canine Team Training

1. Canine handlers are required to attend certification and re-certification training seminars as required for each canine's specialty. Example: ATF certified accelerant detection canine teams will attend ATF re-certification seminars.

<b>SUBJECT:</b>	<b>SPECIALIZED INVESTIGATIONS</b>
-----------------	-----------------------------------

2. Canine certifications and re-certifications conducted with the SBI Laboratory will be coordinated between the canine handlers and appropriate laboratory personnel. Scheduling of these re-certifications will be coordinated between laboratory personnel and canine handlers.
  3. Documentation of canine certification and re-certification by SBI Laboratory personnel will be forwarded to each canine handler for court testimony purposes.
  4. Arson canine handlers are required to maintain training records and fire scene records regarding their assigned canine for courtroom testimony and evaluation purposes. These records will be made available to persons conducting re-certification upon request.
- C. Request for SBI Canine Assistance
1. Canines will be utilized on a first-come, first-serve basis with priority consideration given to category one cases. Arson canines should not be routinely used on fire scenes but reserved for use on the more difficult situations.
  2. Canine requests will be made directly to the canine handler by the Special Agent who determines a need for the canine. This direct contact will provide the handler the opportunity to evaluate the request and to advise on the availability of the canine.
  3. In Districts where no canine is assigned, Agents requesting canine assistance will inform their Special Agent in Charge or Assistant Special Agent in Charge of the request.
  4. Requests for canine assistance from non-Bureau sources must be approved by the Special Agent in Charge or designee.
- D. Transportation of Canines
1. Canines will be transported in a safe manner to not endanger the health and safety of the canine.
  2. Vehicles issued to canine handlers shall accommodate all equipment associated with the training and maintenance of the canine as well as other issued Bureau equipment.

<b>SUBJECT:</b>	<b>SPECIALIZED INVESTIGATIONS</b>
-----------------	-----------------------------------

E. Medical Care of Canines

1. All canine medical expenses will be paid by the SBI for the life of the canine.
2. All canine food expenses will be paid by the SBI for the life of the canine.

F. Retirement of Canine

1. Upon completion of service of the canine, the canine will become the property of the handler.
2. Retired canines will not be used to work crime scenes.

**SURVEILLANCE**

A. Surveillance is the covert observation of persons, vehicles, places, and/or objects to obtain information concerning the criminal activities and/or identities of individuals.

1. Agents will follow procedures specified in UNDERCOVER ACTIVITIES in this Section of this Manual concerning surveillance procedures associated with undercover activities and will disregard this section.
2. Surveillance activities can encompass stationary or moving techniques or a combination of both techniques.

B. Surveillance activities will be conducted in an organized and legal manner with the safety of all law enforcement officers and the public as a primary concern.

C. Investigative Requirements Prior to Surveillance Activity

1. In planning for a surveillance the Bureau case Agent should consider the following factors:
2. Any similarities in the method of operation of the suspect(s) from one crime to the next crime.
  - a. Any common characteristics shared by the victim(s).

**SUBJECT:**

**SPECIALIZED INVESTIGATIONS**

- b. All known information on the suspect(s) to include:
  - (1) habits;
  - (2) associates;
  - (3) vehicles owned, used, and/or available;
  - (4) method of operation (MO);
  - (5) propensity for violence and weapons carried, used or available; and
  - (6) any other pertinent information that might benefit surveillance activities or officer safety.
- c. The stated objective of the surveillance activities.
- d. Plans for making Agents involved in the surveillance familiar with the neighborhood or target area.
- e. Plans for observation, arrests, and "tails" during surveillance activities:
  - (1) Designate moving and/or stationary observation positions;
    - (a) Designate areas of responsibility for each stationary surveillance position.
    - (b) Designate areas of responsibility for each moving surveillance position.
  - (2) Designate conditions which will require an arrest of the suspect(s).
  - (3) Designate Agents who will conduct "tails" or close surveillance of the suspect(s).

**SUBJECT:**

**SPECIALIZED INVESTIGATIONS**

- f. Plans for ensuring Agents have sufficient Special Funds for special investigative expenses which might occur during surveillance activities.
- g. Plans for establishing communication between all Agents involved in surveillance activities.
- h. Plans for selecting vehicles and procuring any specialized or technical equipment needed for the surveillance activities.
- i. A roster of required Agents and their specific duties during surveillance activities:
  - (1) One Agent assigned to surveillance activities will be designated as the Agent in charge of the surveillance and will direct all surveillance activities.
  - (2) Agents and officers assigned to surveillance activities will be responsible for submitting a SBI-11A or a memorandum where a case file number is not assigned of all observations made by all Agents or officers assigned to surveillance activities. The written record will include:
    - (a) the time of the observation;
    - (b) a description of the observation;
    - (c) the name(s) of the Agent(s) making the observation.
- j. Plans for providing relief to Agents when surveillance activities are projected to continue for an extended period of time which exceeds twelve hours of continuous surveillance activities.
- k. Plans for obtaining legal advice from the Bureau legal advisor concerning any legal ramifications from the surveillance activities.

**D. Surveillance Activities Briefing**

<b>SUBJECT:</b>	<b>SPECIALIZED INVESTIGATIONS</b>
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1. The case Agent assigned or his/her designated representative will conduct a briefing of all Agents involved in the surveillance activity prior to any surveillance activity.
2. All information required under Investigative Requirements Prior to Surveillance Activity will be communicated to all Agents involved in surveillance activities.

### UNDERCOVER ACTIVITIES

- A. Undercover activities involve an Agent concealing his/her true identity and purpose while gaining the confidence of suspect(s) involved in criminal activity in order to gather evidence of this criminal conduct.
- B. Undercover activities will be conducted in an organized and legal manner with the safety of all Agents acting in undercover capacities as the primary concern.
- C. Investigative Requirements Prior to Undercover Activity
  1. In planning for undercover activities, the Bureau case Agent should consider the following factors:
    - a. Any similarities in the method of operation of the suspect(s) from one crime to the next crime.
    - b. Any common characteristics shared by the victim(s).
    - c. All known information on the suspect(s) to include:
      - (1) habits;
      - (2) associates;
      - (3) vehicles owned, used, and/or available;
      - (4) method of operation (MO);
      - (5) propensity for violence and weapons carried, used or available;



**SUBJECT:**

**SPECIALIZED INVESTIGATIONS**

(6) any other pertinent information that might benefit Agent safety, undercover, and surveillance activities; and

(7) every attempt will be made to identify the suspect(s) prior to any contact between the suspect(s) and the undercover Agent.

d. The stated objective of the undercover activities:

(1) The Agent acting in an undercover capacity will operate within the stated objectives.

(2) The Agent acting in an undercover capacity will not conduct any undercover activities not previously approved by the Agent in charge of the undercover and surveillance activities.

e. Plans for making Agents involved in the undercover and related surveillance activities familiar with the neighborhood or target area.

f. Plans for observation, arrests, and "tails" during surveillance activities associated with the undercover activities:

(1) Designate moving and/or stationary observation positions;

(a) Designate areas of responsibility for each stationary surveillance position.

(b) Designate areas of responsibility for each moving surveillance position.

(2) Designate conditions which will require an arrest of the suspect(s).

(3) Designate Agents who will conduct "tails" or close surveillance of the suspect(s).

<b>SUBJECT:</b>	<b>SPECIALIZED INVESTIGATIONS</b>
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g. Plans for ensuring Agents have sufficient Special Funds for purchase of contraband and/or special investigative expenses which might occur during undercover and related surveillance activities.

h. Plans for establishing communication between all Agents involved in undercover activities and the surveillance team.

(1) An emergency visual signal must be established for the Agent acting in an undercover capacity to use when emergency assistance is needed.

(2) A separate visual signal must be established for the Agent acting in an undercover capacity to use in a reverse undercover drug operation, buy-bust arrest(s), and/or decoy undercover activities when the Agent wants the suspect(s) arrested.

(a) Procedures described in the Policy and Procedure Manual, Procedure 16, Drug Investigations, Reverse Undercover Drug Operations, of will also be followed in all reverse undercover drug operations.

(b) Procedures described in the Policy and Procedure Manual, Drug Investigations, Procedure 16, Buy- Bust Arrests, of will also be followed in all buy-bust arrests.

i. Plans for selecting vehicles, procuring any specialized or technical equipment, and obtaining fictitious identification needed for undercover and associated surveillance activities.

(1) Agents will obtain fictitious identification as necessary in compliance with the Policy and Procedure Manual, Procedure 2, Identification.

**SUBJECT:**

**SPECIALIZED INVESTIGATIONS**

(2) Any time an Agent acting in an undercover capacity does not have Bureau credentials in his/her possession, procedures described in the Policy and Procedure Manual, Procedure 2, Identification, Paragraph I, will be followed.

j. A roster of Agents and their specific duties during undercover and surveillance activities.

(1) One Agent assigned to surveillance activities will be designated as the Agent in charge of the undercover and surveillance activities and will direct these activities.

(2) The Agent acting in an undercover capacity will concur with all decisions and circumstances concerning their undercover activities.

(a) The undercover Agent can terminate the undercover assignment at their discretion.

(b) The undercover Agent will not participate in an arrest of a suspect(s) unless the life of the undercover Agent or a third party is, threatened or it has been approved in advance by the Special Agent in Charge.

(3) The Agent in charge of the associated surveillance team can terminate the undercover assignment at his/her discretion. This decision must be communicated to all undercover Agents prior to termination.

(4) The Agent acting in an undercover capacity will not conduct any undercover activities not previously approved by the Agent in charge of the undercover and surveillance activities.

<b>SUBJECT:</b>	<b>SPECIALIZED INVESTIGATIONS</b>
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k. Plans for providing relief to Agents assigned to associated surveillance activities when surveillance activities are projected to continue for an extended period of time that exceeds twelve hours of continuous surveillance.

l. Plans for obtaining legal advice from the Bureau legal advisor concerning any legal ramifications from the undercover and/or associated surveillance activities.

m. Plans for recording the serial numbers of all currency to be used for the purchase of contraband during undercover activities.

D. Undercover and Surveillance Activities Briefing

1. The case Agent assigned or his/her designated representative will conduct a briefing of all agents involved in the undercover and associated surveillance activity prior to any undercover activity.

a. All undercover and surveillance personnel will be present for the briefing.

b. All personnel acting in an undercover capacity will be introduced to all other undercover personnel and to all associated surveillance team members.

2. All information required under Investigative Requirements Prior to Undercover Activity will be communicated to all personnel involved in undercover and associated surveillance activities.

E. Requirements During Undercover Activity

1. No Agent acting in an undercover capacity will have personal contact with the suspect(s) until all procedures in Investigative Requirements Prior to Undercover Activity have been followed.

2. No Agent will act in an undercover capacity unless security is provided by a surveillance team.

**SUBJECT:**

**SPECIALIZED INVESTIGATIONS**

a. At least two officers will provide security surveillance for each Agent acting in an undercover capacity.

b. A meeting location for Agents acting in an undercover capacity and security surveillance officers will be established prior to any undercover activities.

c. A physical meeting or radio contact will occur between Agents acting in an undercover capacity and security surveillance officers at regular intervals not to exceed one hour.

3. Every attempt will be made by Agents acting in an undercover capacity to travel in Bureau undercover vehicles and not in the suspect's vehicle.

4. Every attempt will be made by an Agent acting in an undercover capacity and all Agents assigned to associated surveillance activities to protect the confidentiality of the Agent's fictitious identity.

F. Decoy Undercover Activities

1. Decoy undercover activities involve an Agent assuming the identity of a potential victim in order to gather evidence of criminal intent and learn the suspect(s) identity.

2. The Special Agent in Charge will be notified by the case agent assigned and will approve all decoy undercover activities.

3. The case Agent assigned will make plans for the analysis of victims, crimes, and crime locations and how each are related to the other.

4. The case Agent assigned will notify the local law enforcement agency with patrol jurisdiction in the area(s) where decoy undercover activities have been approved that such an operation will be conducted.

a. The date(s) and time(s) of the decoy undercover activities will be furnished.

**SUBJECT:**

**SPECIALIZED INVESTIGATIONS**

b. Plans for communication between the Bureau and the local law enforcement agency will be established.

(1) Communication will be established between the Agent in charge of surveillance activities and the law enforcement commander responsible for the target area(s).

(2) Communication will be established prior to any decoy undercover activities and will continue throughout the decoy undercover activities.

5. Requirements of Agents acting in an undercover capacity in decoy undercover activities.

a. Decoy undercover activities require the Agent acting in an undercover capacity to assume the identity of the victim(s) as close as possible.

(1) Every attempt will be made to learn all pertinent information concerning the victim(s).

(2) Information concerning the victim(s) will be used in establishing the appearance and fictitious identity of the Agent acting in an undercover capacity.

b. All Agents conducting decoy undercover activities must have a minimum of two surveillance Agents responsible for security of the decoy undercover Agent.

(1) The surveillance Agents assigned to the decoy undercover agent will have no other surveillance responsibility.

(2) Agents conducting decoy undercover activities will be in continuous view of at least one surveillance security Agent immediately prior to entering the target area and at all times while in the target area.

<b>SUBJECT:</b>	<b>SPECIALIZED INVESTIGATIONS</b>
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6. The Special Agent in Charge or a Assistant Special Agent in Charge will be present during all decoy undercover activities.
7. All procedures in Investigative Requirements Prior to Undercover Activity and Undercover and Surveillance Activities Briefing will be followed when conducting decoy undercover activities.

**STATE COMPUTER NETWORK INFORMATION ASSETS SECURITY THREAT INVESTIGATIONS**

- A. In the event of a security threat to the state's information assets on a state computer, Information Technology Services (ITS) will advise the SBI's Information Technology Division (IT) of the Department of Justice of an intrusion or attempted intrusion. These two offices will then make an initial assessment of the intrusion. The security of the state's computer systems and implementation of an emergency response plan, if warranted, will take priority in this assessment.
- B. After the initial assessment, ITS, IT and the SBI's Financial Crime Investigations Unit (FCI) will collectively evaluate the merits of conducting a criminal investigation into the intrusion. Due to limited resources, attempts at hacking or unsuccessful intrusions will not normally be considered as warranting a criminal investigation. If it is determined that a criminal investigation is warranted and a concurring request is received from the appropriate District Attorney, a criminal investigation will be initiated by FCI.
- C. The Information Technology Division will offer technical support to ITS and FCI.