

the authority, following coordination with the OIC and OGC, to modify or remove any provision of existing or proposed investigative or administrative policies or PGs determined to violate, contradict, or otherwise modify the intent or purpose of any provision or standard established in the *AGG-Dom* or *DIOG*; and

- D) (U//~~FOUO~~) If the IPO makes any changes to the *DIOG* or other policy pursuant to *DIOG* subsections 3.2.2.B and/or 3.2.2.C above, the IPO will immediately advise by email all FBIHQ division policy officers (DPO) and field policy officers (FPO) of such changes and all DPOs and FPOs must further advise their respective FBI employees of such changes. The electronic version of the *DIOG* maintained in the IPO's policy library is the official current policy of the FBI.

3.3 (U) SPECIAL AGENT, TASK FORCE OFFICER, TASK FORCE MEMBER, TASK FORCE PARTICIPANT, FBI CONTRACTOR, AND OTHERS - ROLES AND RESPONSIBILITIES

3.3.1 (U) RESPONSIBILITIES

(U//~~FOUO~~) SAs, TFOs, TFM, TFPs, FBI contractors and others bound by the *AGG-Dom* and *DIOG* must:

3.3.1.1 (U) TRAINING

(U//~~FOUO~~) Obtain training on the *DIOG* standards relevant to his/her position and perform activities consistent with those standards;

3.3.1.2 (U) INVESTIGATIVE ACTIVITY

(U//~~FOUO~~) Ensure all investigative activity complies with the Constitution, federal law, EOs, presidential directives, the *AGG-Dom*, other AGG, treaties, memoranda of agreement/understanding, the *DIOG*, and any other applicable legal and policy requirements (if an agent, TFO, or other individual is unsure of the legality of any action, he/she must consult with his/her supervisor, the chief division counsel (CDC) or OGC);

3.3.1.3 (U) PRIVACY AND CIVIL LIBERTIES

(U//~~FOUO~~) Ensure that civil liberties and privacy are protected throughout the Assessment or investigative process;

3.3.1.4 (U) PROTECT RIGHTS

(U//~~FOUO~~) Conduct no investigative activity based solely on the exercise of First Amendment rights (i.e., the free exercise of speech, religion, assembly, press or petition) or on the race, ethnicity, gender, national origin, religion, disabilities, sexual orientation, or gender identity of the subject (See *DIOG* Section 4). Must carry out their operations consistent with their legal obligations to members of the public with disabilities under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794 and the implementing regulations for federally conducted activities. Must not unlawfully discriminate against anyone with a disability and must treat persons with disabilities with professionalism and respect.

3.3.1.5 (U) COMPLIANCE

(U//~~FOUO~~) Ensure compliance with the *DIOG*, including standards for opening, conducting, and closing an investigative activity; collection activity; or use of an investigative method, as provided in *DIOG* Section 18;

3.3.1.6 (U) REPORT NONCOMPLIANCE

(U//~~FOUO~~) Comply with the law, rules, or regulations, and report any noncompliance concern to the proper authority. For specific requirements and procedures for reporting departures and noncompliance with the *AGG-Dom* and the *DIOG*, see *DIOG* subsections 2.6 - 2.8;

3.3.1.7 (U) ASSIST VICTIMS

(U//~~FOUO~~) Identify victims who have suffered direct physical, emotional, or financial harm as result of the commission of federal crimes, offer the FBI's assistance to victims of these crimes, and provide victims' contact information to the responsible FBI victim specialist (VS). The VS is thereafter responsible for keeping victims updated on the status of the investigation to the extent permitted by law, regulation, or policy, unless the victim has opted not to receive assistance. The FBI's responsibility for assisting victims is continuous as long as there is an open investigation. Comprehensive requirements pertaining to the mandatory provision of services to victims are located in the *Victim Services Policy Guide* (1010PG);

3.3.1.8 (U) OBTAIN APPROVAL

(U//~~FOUO~~) Ensure appropriate supervisory approval is obtained for investigative activity as required in the *DIOG*. Obtain and document oral approval as specified in subsection 3.5.2.2 below. Self-approval of *DIOG* activities is not permitted. See “No Self-Approval Rule” set forth in subsection 3.5.2.3 below;

3.3.1.9 (U) ATTRIBUTE INFORMATION TO ORIGINATOR IN REPORTS

(U//~~FOUO~~) Ensure that if the originator of information reported to the FBI characterizes an individual, group, or activity in a certain way, FBI records (i.e., 302s, ECs, LHMs, etc.) reflect that another party, and not the FBI, is the originator of the characterization. Example: An FBI document should state: “The complainant advised that the subject was prejudiced and motivated by ethnic bias” rather than “The subject was prejudiced and motivated by ethnic bias;”

3.3.1.10 (U) SERVE AS INVESTIGATION (“CASE”) MANAGER

(U//~~FOUO~~) If assigned responsibility for an investigation, manage all aspects of that investigation, until it is assigned to another person (aka, case agent [CA]). It is the case manager's responsibility to ensure compliance with all applicable laws, rules, regulations, and guidelines, both investigative and administrative, from the opening of the investigation through disposition of the evidence, until the investigation is assigned to another person. If assigned as a co-case agent, co-case manager, or if assigned case-related activities or duties, it is that employee's responsibility to ensure compliance with all applicable laws, rules, regulations, and guidelines, both investigative and administrative, from the opening of the

investigation through disposition of the evidence, until the investigation is assigned to another person or the case related activity requirement(s) ends.

3.3.1.11 (U) CREATE AND MAINTAIN RECORDS/FILES

(U//~~FOUO~~) Create and maintain authentic, reliable, and trustworthy records, establish files, set leads, supervise investigations, index documents, and retain and share information, as specified in *DIOG* Section 14 and Appendix J;

3.3.1.12 (U) INDEX DOCUMENTS

(U//~~FOUO~~) If assigned responsibility for an investigation, index information in documents. Current guidance for indexing documents may be found in *DIOG* Appendix J, the Sentinel homepage and on the [IMD BuNET](#) page.

3.3.1.13 (U) SEEK FEDERAL PROSECUTION

(U//~~FOUO~~) Prefer federal prosecution rather than state/local prosecution. Protect the FBI's resources and interests when discussing investigations with the US Attorney's Office (USAO) by accurately representing the time and effort spent on an investigation. The USAO should be aware of this information prior to deciding whether he/she will decline prosecution in favor of handling by local authorities. Criminal investigations conducted by the FBI are designed to obtain evidence for prosecution in federal court and not in state or local courts; and

3.3.1.14 (U) RETAIN ORIGINAL NOTES MADE DURING AN INVESTIGATION

(U//~~FOUO~~) Retain in the investigative file (1A envelope) the following types of material developed when interviewing witnesses:

- A) (U) Statements signed by the witness.
- B) (U) Written statements, unsigned by the witness, but approved or adopted in any manner by the witness.
- C) (U) Original notes of interview with prospective witnesses and/or suspects and subjects. In any interview in which preparation of an FD-302 is required (i.e., an interview in which it is anticipated the results will become the subject of court testimony), the handwritten notes must be retained. If interview notes are typed into a mobile electronic device (e.g., a laptop or an electronic tablet), the electronic notes must either be printed or saved to a removable electronic storage media in accordance with the [Mobile Devices and Mobile Applications Policy Guide \(1119PG\)](#) and the [Removable Electronic Storage \(RES\) Media Protection \(0247D\)](#) policy directive (PD), and retained in the same manner as original handwritten notes.
- D) (U) Dictating the results of an interview onto an audio tape/media in lieu of taking handwritten interview notes may be viewed by a court as "original notes" and, therefore, the audio tape/media must be retained. In such circumstances, the audio tape/media becomes the "original note" material. Conversely, an audio tape/media used for dictation from handwritten interview notes for transcription to a final FD-302 is not "original note" material and the audio tape need not be retained.

- E) (U) An FBI employee's notes made to record his/her own finding, must always be retained. Such notes include, but are not limited to, accountant's work papers and notes covering matters such as crime scene searches, laboratory examinations, and fingerprint examinations. If there is a question whether notes must be retained, resolve the question in favor of retaining the notes.

(U) See also *DIOG* subsection 18.5.6.4.15 (Interview Documentation).

(U) *Note*: For the purpose of this note retention policy, an interview and an interrogation are analogous.

(U//~~FOUO~~) All original handwritten interview notes must be retained as "original note material" in the 1A section of a file. The original handwritten notes may be scanned, but the physical original handwritten notes must be retained regardless of whether or not the notes are scanned. Also see the *Importing Nontransitory Records into Sentinel and Preserving Certain Investigative Nontransitory Records in Original Formats (1001D)* PD.

3.3.2 (U) DEFINITIONS OF TASK FORCE OFFICER, TASK FORCE MEMBER, AND TASK FORCE PARTICIPANT

(U//~~FOUO~~) In some situations, the sponsoring agency of a TFO, a TFM, or TFP⁴ is required to enter into an MOU with the FBI that governs the activities of the task force. For purposes of the *DIOG*, "TFO", "TFM", and "TFP" are defined as follows:

3.3.2.1 (U) TASK FORCE OFFICER

(U//~~FOUO~~) An individual is a TFO when all of the following apply:

- A) (U//~~FOUO~~) The individual is a certified federal, state, local, territorial, or tribal law enforcement officer (LEO).
- B) (U//~~FOUO~~) The individual is authorized to carry a firearm.
- C) (U//~~FOUO~~) The individual has appropriate federal authority to investigate and enforce violations of federal law within the scope of the individual's task force assignment. State and local TFOs must be deputized to have federal investigative and enforcement authority. Federal TFOs must also have federal investigative authority sufficient to meet their task force assignments or be appropriately deputized consistent with guidance from OGC and the FBIHQ division. See the *Joint Task Force Policy Guide (1178PG)* for additional information on deputations.
- D) (U//~~FOUO~~) The individual is eligible and has initiated the FBI's process for obtaining federal law enforcement credentials.
- E) (U//~~FOUO~~) The individual is assigned under the supervision of an FBI-led task force.

⁴ (U) A TFO, a TFM, or a TFP must follow their own agency's deadly force policy; however, a TFO, a TFM, or a TFP is bound by the FBI's *Less-Than-Lethal Devices Policy Guide (1111PG)*.

F) (U//~~FOUO~~) The individual has initiated a request for a security clearance issued by the FBI. **Note:** If the TFO fails to complete the security clearance process, he or she must be removed as a TFO.

G) (U//~~FOUO~~) The individual is authorized to have access to FBI facilities.

(U//~~FOUO~~) An FBI TFO is mandated to attend all *DIOG* related training, and is bound by all rules, regulations, and policies set forth in the *DIOG* when acting in the capacity as an FBI TFO.

3.3.2.2 (U) TASK FORCE MEMBER

(U//~~FOUO~~) An individual is a TFM when all of the following apply:

A) (U//~~FOUO~~) The individual is an employee of a federal, state, local, territorial, or tribal agency.

B) (U//~~FOUO~~) The individual is assigned under the supervision of an FBI-led task force.

C) (U//~~FOUO~~) The individual has a security clearance recognized by the FBI that is currently active.

D) (U//~~FOUO~~) The individual is authorized to have access to FBI facilities.

(U//~~FOUO~~) An FBI TFM is mandated to attend all *DIOG*-related training and is bound by all rules, regulations, and policies set forth in the *DIOG* when acting in the capacity as an FBI TFM.

3.3.2.3 (U) TASK FORCE PARTICIPANT

(U//~~FOUO~~) An individual is a TFP when all of the following apply:

A) (U//~~FOUO~~) The individual is an employee of a federal, state, local, territorial, or tribal agency⁵.

B) (U//~~FOUO~~) The individual does not otherwise qualify as a TFO or a TFM.

C) (U//~~FOUO~~) The individual has been approved as a TFP by the supervisor responsible for the task force, and the approval has been documented in the appropriate task force file.

(U//~~FOUO~~) **Example:** A civilian employee of another federal agency may have a particular expertise that is needed by the task force, but the employee does not satisfy the requirements to be a TFO (e.g., not a sworn LEO) or a TFM (e.g., does not have a security clearance).

(U//~~FOUO~~) When participating as an FBI TFP, the TFP is bound by the rules, regulations, and policies set forth in the *DIOG*. *DIOG*-related training for a TFP may be required by the head of the field office/FBIHQ division that governs the activities of the task force.

⁵ (U//~~FOUO~~) While persons or entities in the private sector may be asked or may volunteer to assist in FBI investigations, they cannot be TFPs on FBI-led task forces.