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SECRETARY OF THE AIR FORCE**

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**374TH AIRLIFT WING COMMAND**

**Supplement 1**

**10 MAY 2004**

**Special Investigations**

**CRIMINAL INVESTIGATIONS**

**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

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This volume implements AFD 71-1, Criminal Investigations and Counterintelligence; DoD Directive 5210.48, DoD Polygraph Program, 24 December 1984; DoD Instruction 5505.10, Investigation of Non-combat Deaths of Active Duty Members of the Armed Forces, 31 January 1996; DoD Directive 5505.9, Interception of Wire, Electronic, and Oral Communications for Law Enforcement, 20 April 1995; and DoD Directive 5200.27, Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense, 7 January, 1980. This instruction requires the collection and maintenance of information protected by the Privacy Act of 1974. The authority to collect and maintain this information exists in Title 10, United States Code (U.S.C.), Section 8013. HMaintain and dispose of all records created by processes prescribed in this publication IAW AFMAN 37-139, Records Disposition Schedule. Systems of Records Notice F071 AFOSI, Criminal Records, applies. This instruction does not confer upon an individual any rights or privileges that applicable law does not create. See **Attachment 1** for the Glossary of References and Supporting Information.

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**(374AW)** This supplement applies to all 374th Airlift Wing (374 AW) units assigned, attached and tenant organizations. This supplement requires the collection and maintenance of information protected by the Privacy Act of 1974. The authorities to collect and maintain the records prescribed in this supplement are 10 U.S.C. 47 and 8012. System of records notice F071 AF OSI D applies.

**SUMMARY OF REVISIONS**

This revision updates the existing policy regarding the conduct and administration of forensic psychophysiological detection of deception examinations (FPDDE) (formerly called polygraph examinations) within the Air Force; it provides more comprehensive guidance for submitting requests for FPDDE support and clarifies procedures for submitting waivers, deviations, and exceptions to existing Air Force and DoD policy; it grants installation Security Forces units' permission to submit requests for consensual on-base traps and traces directly to the installation commander under certain circumstances; adds details

regarding crimes that involve Air Force computer systems; adds information about forensic hypnosis; adds the rationale pertaining to AFOSI agents wear of civilian clothing, and updates names of organizations, office symbols, definitions, titles, etc. Changes or revisions from previous edition are indicated by a bar (|).

**(374AW)** Updates organization names and office symbols throughout text. Renumbered as new numbering system throughout publication. A bar (|) indicates new or revised material from the previous edition.

**(374AW) AFI 71-101, Volume 1, 1 December 1999, is supplemented as follows:**

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## Chapter 1

### CRIMINAL INVESTIGATIONS

**1.1. Investigating Criminal Allegations.** The Air Force Office of Special Investigations (AFOSI) initiates and conducts independent criminal investigations pursuant to the authority in Public Law 99-145. This investigative authority is delegated to the AFOSI Commander in Air Force Mission Directive (AFMD) 39. AFOSI provides a timely report of each investigation to an action authority having the responsibility to take judicial, nonjudicial, and administrative actions.

1.1.1. AFOSI commanders promptly notify action authorities in writing each time an investigation is initiated, unless there is a need to maintain strict security controls over an investigative operation. In such cases, action authorities are briefed and provided written notification when there is no longer a need to maintain strict security.

1.1.2. Action authorities, or designees, will not order or permit any type of commander directed investigation or inquiry when there is an ongoing AFOSI investigation without coordinating with AFOSI and the Staff Judge Advocate (SJA).

1.1.3. AFOSI military special agents assigned to AFOSI will always wear civilian clothing when performing investigative duties. Protecting the grades of agents and their wear of civilian clothing are part of an overall effort to achieve efficiency in the investigative process. AFOSI agents interact daily, often in an adversarial role, with individuals who are junior and senior in grade to them.

1.1.3.1. AFOSI military special agents interact daily with high-ranking representatives of federal, state, local, and foreign nation law enforcement, counterintelligence, and security agencies. Agents are often required to work in unfriendly and hostile environments both in the United States and in foreign countries. Not disclosing the grade of agents and their wear of civilian clothing are two major factors that help insure their safety. In addition, these factors contribute to the success of agents working in foreign countries where senior foreign representatives place importance on working with counterparts of equal or higher grade.

1.1.3.2. Civilian clothing allowances are authorized according to AFI 36-3014, Clothing Allowances for Air Force Personnel.

**1.2. Using AFOSI Reports of Investigation (ROI).** Action authorities or designees must:

1.2.1. Reproduce sufficient copies of ROIs to fulfill their local notification requirements.

1.2.2. Ensure notifications of information in espionage investigations or other sensitive matters, such as significant, long-term undercover operations, are made to the Inspector General (SAF/IG) and OSD C3I, as appropriate, IAW DoDI 5240.4, paragraphs 6 and 7.

1.2.3. Provide ROIs only to authorized persons whose official duties require access.

1.2.4. Mark ROIs "For Official Use Only," and safeguard in locked file cabinets in accordance with AFI 37-131, Freedom of Information Act (will convert to an AF Supplement to DoD 5400.7R), and AFI 37-132, Air Force Privacy Act Program.

1.2.5. Use ROIs for only those purposes shown in the Privacy Act system notice F071 AFOSI C. The Air Force system notices are located at <http://www.defenselink.mil/privacy/>.

1.2.5.1. Do not release an ROI to non-Air Force officials. Refer all such requests to the servicing AFOSI detachment. See paragraph 1.2.12. regarding releases to defense attorneys.

1.2.5.2. Send all Freedom of Information Act (AFI 37-131) and Privacy Act (AFI 37-132) requests for AFOSI ROIs to the AFOSI Office of Information Release at HQ AFOSI/SCR, P.O. Box 2218, Waldorf, MD 20604-2218.

1.2.6. Maintain classified ROIs according to AFI 31-401, Information Security Program Management, and destroy them IAW AFMAN 37-139.

1.2.7. Destroy "For Official Use Only" ROIs IAW AFMAN 37-139.

1.2.8. Notify the local accounting and finance office for recoupment actions, if appropriate.

1.2.9. Promptly report to AFOSI all actions that you have taken as a result of an investigation.

1.2.10. Promptly report to AFOSI all disposition instructions for seized evidence.

1.2.11. Ensure that Public Affairs officials coordinate with AFOSI prior to releasing any information to the public about an investigation.

1.2.12. Release ROIs to military and civilian defense attorneys through the SJA. ROIs should only be released to the defense counsel or the respondent's counsel through the SJA. The SJA should consider redacting an ROI when Privacy Act or other concerns are warranted. Coordinate with the SJA and consider using extracts and summaries of ROIs for administrative proceedings.

### **1.3. Determining AFOSI and Security Forces Spheres of Influence:**

1.3.1. AFOSI investigates those crimes specified in AFMD 39.

1.3.2. Security Forces may investigate crimes that are specified in the investigative matrix in **Attachment 2**. In addition, Security Forces may investigate other crimes, consistent with laws and regulations, when the installation's AFOSI commander and chief of Security Forces agree.

### **1.4. Setting Up Joint Drug Enforcement Teams (JDET).** AFOSI and Security Forces form JDETs when necessary to combat drug abuse.

1.4.1. AFOSI and Security Forces define operational and administrative tasks in internal instructions. Memoranda of agreement may be developed to cover local operational matters.

### **1.5. Investigation of Illegal Drug Use and Distribution.** Consistent with provisions defining persons subject to the Uniform Code of Military Justice (UCMJ) contained in the Manual for Courts-Martial (MCM), and the UCMJ, Title 10, United States Code, Chapter 47, AFOSI and Security Forces investigate drug offenses committed by members of the Armed Forces as shown in **Attachment 2**.

1.5.1. According to DoD Inspector General Criminal Investigations Policy Memorandum Number 5, Criminal Drug Investigative Activities, 10 October 1987, as changed by a DoD Inspector General memorandum, 26 January 1993, AFOSI may investigate drug offenses committed by specified persons not subject to the UCMJ. Security Forces may assist AFOSI in such investigations.

### **1.6. Death Investigations of Active Duty Military Members.** AFOSI and Security Forces conduct death investigations according to the matrix in **Attachment 2** when the Air Force has investigative jurisdiction. According to DoD Instruction 5505.10, Investigation of Noncombat Deaths of Active Duty

Members of the Armed Forces, apparently self-inflicted deaths and homicides of military members are investigated by AFOSI to determine the cause and manner of death. Normally, AFOSI does not investigate accidental deaths when a preliminary inquiry discloses the death was an accident with no evidence of a criminal act or the death is medically determined to be from natural causes. Where an authority other than the Office of the Armed Forces Medical Examiner (AFME), Armed Forces Institute of Pathology (AFIP), determines the manner of death, AFOSI submits the ROI to AFME, AFIP, for a consultation opinion on the comprehensiveness and medical sufficiency of the investigation as it pertains to the cause and manner of death. AFOSI will attempt to accomplish the following in those instances when the Air Force does not have investigative jurisdiction:

- 1.6.1. Maintain liaison with the law enforcement organization conducting the investigation.
- 1.6.2. Assist the family of the deceased in obtaining cooperation from the responsible law enforcement organization.
- 1.6.3. Obtain and provide to the appropriate military authorities a copy of the report of investigation, including any forensic or autopsy results.

**1.7. Family Liaison Program.** This program enhances communication between AFOSI and the immediate family members of a deceased active duty member whose death was investigated by AFOSI. It is designed to promote an open dialogue between AFOSI and family members, ensure issues and questions raised by the family are thoroughly addressed in a timely manner, and prevent misunderstandings. The procedures for this program are published in internal AFOSI Instructions according to the requirements established in DoD Instruction 5505.10.

**1.8. Sexual Misconduct.** The following policies and procedures apply to handling allegations of sexual misconduct as defined in DoD Instruction 5505.8, Investigations of Sexual Misconduct by the Defense Criminal Investigative Organizations and Other DoD Law Enforcement Organizations, 28 February 1994.

1.8.1. Policy.

1.8.1.1. Neither AFOSI nor any other Air Force law enforcement organization shall conduct an investigation solely to determine whether a service member is a heterosexual, homosexual, or a bisexual.

1.8.1.2. Except pursuant to paragraphs **1.8.2.2.** and **1.8.2.3.** below, neither AFOSI nor any other Air Force law enforcement organization shall initiate a criminal investigation into adult private consensual sexual misconduct where such misconduct is the only offense involved.

1.8.1.3. When investigations are necessary, they will be conducted in an even-handed manner without regard to whether the alleged sexual misconduct involves homosexual or heterosexual conduct.

1.8.1.4. The provisions of this instruction do not provide a basis for challenging the validity of any administrative or criminal proceeding, or for excluding the use of any evidence in such proceeding.

1.8.2. Procedures.

1.8.2.1. Allegations of adult private consensual sexual misconduct received by AFOSI or any other Air Force law enforcement organization shall normally be referred to the commander

responsible for the service member concerned, unless the Commander or Vice Commander, AFOSI, approves initiating an investigation under paragraph [1.8.2.3](#). below.

1.8.2.2. When a service member's commander receives an allegation of adult private consensual sexual misconduct, the service member's commander shall review the allegation. If the service member's commander determines that there is credible information of adult private consensual sexual misconduct, the service member's commander may request a criminal investigation by AFOSI or other Air Force law enforcement organization.

1.8.2.2.1. If a service member's commander requests that AFOSI initiate a criminal investigation into adult private consensual sexual misconduct, the installation AFOSI detachment commander shall independently evaluate and make a determination whether the request is based on credible information, as defined in [Attachment 1](#), of adult private consensual sexual misconduct prior to initiating a criminal investigation.

1.8.2.2.2. If the installation AFOSI detachment commander determines that a request from a commander lacks credible information of adult private consensual sexual misconduct, or is not in keeping with established policy in paragraph [1.8.1](#). above, the matter will be returned to the service member's commander without action, for appropriate disposition.

1.8.2.3. Absent a request from a service member's commander to investigate an allegation of adult private consensual sexual misconduct, an installation AFOSI detachment commander cannot initiate such an investigation unless the Commander or Vice Commander, AFOSI, has determined there is credible information of adult private consensual sexual misconduct and that such an investigation is an appropriate use of investigative resources.

1.8.2.4. All investigations shall be limited to the factual circumstances directly relevant to the specific allegations.

**1.9. Offenses Which May Be Charged Under Article 134, UCMJ.** AFOSI does not normally investigate a service member for the following offenses unless they are combined with another more serious criminal offense or involve a senior person in, or selected for, the grade of Colonel or above:

1.9.1. Fraternization. Action authorities should be able to handle many of these allegations through command investigative resources.

1.9.2. Adultery. This offense normally falls under the definition of sexual misconduct in [Attachment 1](#) and can be handled according to paragraph [1.8](#). above.

**1.10. Sexual Harassment.** AFOSI does not investigate a complaint of sexual harassment unless the allegation involves a specific criminal offense, such as rape or indecent assault, or involves a senior person in, or selected for, the grade of Colonel or above. A non-criminal complaint of sexual harassment falls under the investigative purview of the service member's commander, Social Actions, or the installation Inspector General.

**1.11. Investigating Fraud Offenses.** AFOSI complies with the direction contained within DoD Instruction 5505.2, Criminal Investigations of Fraud Offenses, July 16, 1990 (currently under revision), to investigate major fraud offenses involving DoD programs and personnel and to present them for prosecution.

**1.12. Environmental Crime.** Air Force officials report all suspected violations of environmental laws to AFOSI.

1.12.1. AFOSI conducts criminal investigations when warranted, and complies with the training and medical requirements of the Occupational Safety and Health Administration. AFOSI also coordinates with installation public health officials, installation and major air command staff judge advocates, the Environmental Protection Agency (EPA), and state enforcement agencies in those states where the EPA has delegated enforcement authority.

**1.13. Crimes that Involve Air Force Computer Systems.** AFOSI provides computer crime investigative expertise for all investigations in which computers are used as a tool in the commission of a crime, may contain evidence of a crime, or are the target of a crime. AFOSI agents who specialize as Computer Crime Investigators (CCI) assist other AFOSI agents by providing computer forensics analysis of suspected computer evidence, assist in interviews of people where technical computer terminology is used, and assist with developing various legal documents (e.g., an affidavit used in applying for a search warrant). In addition, AFOSI CCIs are the primary investigators for intrusions into USAF and selected DoD computer systems. Upon discovery, Air Force officials report all suspected intrusions to AFOSI.

1.13.1. AFOSI is the only agency in the Air Force with the legal authority to investigate computer intrusions. AFOSI's CCIs produce intelligence reports that detail intrusion methods and techniques and attempt to identify known Foreign Intelligence Services (FIS), subversive, or terrorist groups attacking DoD computer systems. Computer intrusion investigations convey information system vulnerabilities found during the course of these investigations.

**1.14. Providing Investigative Support to the Army and Air Force Exchange Service (AAFES).** AFOSI is the executive agency for the coordination of criminal investigative support to AAFES.

1.14.1. AFOSI exchanges information with the US Army Criminal Investigations Command (USACIDC) in cases involving concurrent or conflicting responsibilities.

1.14.2. AFOSI conducts criminal investigations at HQ AAFES, AAFES facilities on Air Force installations, and off-base facilities that primarily serve Air Force personnel or installations. AFOSI may refer some criminal allegations to the Security Forces according to [Attachment 2](#).

1.14.3. AFOSI must not investigate an individual or activity under Army control without the concurrence of the local USACIDC commander.

**1.15. Investigating Criminal Matters With the Department of Justice.** AFOSI complies with DoD Directive 5525.7, Implementation of the Memorandum of Understanding Between the Department of Justice and the Department of Defense Relating to the Investigation and Prosecution of Certain Crimes, January 22, 1985, in investigating crimes over which the Air Force does not have jurisdiction.

**1.16. Using the Defense Clearance and Investigations Index (DCII).** AFOSI indexes subjects of criminal investigations in the DCII according to DoD Instruction 5505.7, Titling and Indexing of Subjects of Criminal Investigations in the Department of Defense, 14 May 1992, when:

1.16.1. An investigation is initiated based on credible information that a crime was committed.

1.16.2. The Security Forces provide investigative reports for crimes they have investigated (as shown in [Attachment 2](#)).

1.16.3. Do not remove from the DCII the names of subjects titled in a criminal investigation except in cases of mistaken identity (i.e., the wrong person's name was entered into the DCII, as opposed to the fact that the person is found not to have committed the offense under investigation or that the offense did not occur). Removal of names may also be appropriate in rare cases when a determination is made that the credible information standard, defined in [Attachment 1](#), had not been met when the indexing occurred.

**1.17. Obtaining Information From Financial Institutions.** AFOSI obtains personal financial data on subjects of criminal investigations according to DoD Directive 5400.12, Obtaining Information from Financial Institutions, 6 February, 1980, with Changes 1 and 2.

1.17.1. AFOSI submits the RCS DD-COMP[A]1538, Right to Financial Privacy Act of 1978 Annual Report, to the Secretary of the Air Force, Inspector General, Special Investigations Directorate (SAF/IGX), by 1 February, annually.

**1.18. Using Counterintelligence and Investigative Contingency Funds (C-Funds).** AFOSI uses C-Funds for any requirement that contributes to counterintelligence and investigative missions or aids in acquiring counterintelligence or criminal investigative information. Title 10, United States Code, Chapter 3, Section 127(a), provides the authority to spend these funds.

1.18.1. Within the Air Force, the:

1.18.1.1. Secretary of the Air Force (SECAF) sets the annual expenditure limitation.

1.18.1.2. Air Force Administrative Assistant to the SECAF (SAF/AA) reports C-Funds expenditures to the Office of the Secretary of Defense.

1.18.1.3. Air Force Inspector General (SAF/IG) oversees the Air Force C-Funds program and delegates to the Commander, AFOSI, the authority to approve expenditures.

1.18.1.4. Commander, AFOSI, manages and implements the C-Funds program and ensures that expenditures are proper. The Commander, AFOSI, or a designee, must approve the use of C-Funds for liaison functions attended by representatives of foreign law enforcement and intelligence agencies and key representatives of US Federal, state, county, or local law enforcement and intelligence agencies.

1.18.1.5. Air Force Audit Agency (AFAA) audits the C-Funds program annually to ensure compliance with this instruction and internal AFOSI instructions.

1.18.2. The C-Funds Custodian at each field unit is responsible for the working fund. Cash on hand must be stored in a General Services Administration (GSA)-approved container with a three-position combination lock.

**1.19. Operating the Source Program.** AFOSI operates a source program consisting of people who confidentially provide vital information for initiating or resolving criminal investigations and counterintelligence matters.

1.19.1. AFOSI detachment commanders brief installation commanders on this program each time a new installation commander is assigned.

**1.20. Training Special Agents.** The Commander, AFOSI, oversees the operation of the US Air Force Special Investigations Academy (USAFSIA) where all special agents receive training.

1.20.1. The USAFSIA investigative curriculum will include training in the basic and advanced special investigator courses for conducting death investigations and for the execution of the Family Liaison Program described in paragraph 1.7.

**1.21. Forms Used by AFOSI.** Special agents and Security Forces investigators use the following forms:

1.21.1. AF Form 3985, Interview Record, each time a person is interviewed and a rights advisement is required under Article 31, UCMJ, or the Fifth Amendment to the Constitution.

1.21.2. AF Form 3986, Case File Documents Outer Envelope, to maintain original and copies of documents in case files which are necessary to protect the legal and financial rights of the government.

1.21.3. AF Form 3987, Case File Documents Inner Envelope, to file individual documents within the outer envelope.

## Chapter 2

### ACQUIRING INFORMATION ABOUT NON-DOD PERSONS

**2.1. Collecting Criminal Information.** Information will not be collected on the activities of non-DoD persons and organizations within the United States and non-DoD US citizens anywhere else in the world unless they pose a threat to Air Force installations, resources, or personnel. Follow the guidance in DoD Directive 5200.27, Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense, 7 January, 1980, and this chapter when it is necessary to collect, process, store, and distribute criminal information about non-DoD persons and organizations.

2.1.1. The restrictions in this chapter do not apply to the collection of information by Air Force organizations when performing intelligence and counterintelligence functions according to Executive Order 12333. Such organizations are defined in AFI 14-104, Conduct of Intelligence Activities. Air Force organizations performing intelligence and counterintelligence functions comply with DoD 5240.1-R, Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons.

**2.2. Authorized Activities.** Gather information that is essential to accomplishing assigned missions, including information about activities threatening DoD personnel and installations, including vessels, aircraft, communications equipment, and supplies. These types of activities warrant gathering information:

2.2.1. Subverting the loyalty, discipline, or morale of Air Force or DoD personnel by actively encouraging violation of law, disobedience to lawful order or directive, or disruption of DoD activities.

2.2.2. Stealing arms, ammunition, or equipment, or destroying or sabotaging facilities, equipment, or records belonging to US Air Force or DoD units or installations.

2.2.3. Jeopardizing the security of US Air Force and other DoD elements or operations or compromising classified defense information by unauthorized disclosure or by espionage.

2.2.4. Illegally demonstrating on active or reserve Air Force installations.

2.2.5. Directly threatening Air Force or DoD personnel in connection with their official duties or other persons whom the Air Force has authority to protect.

2.2.6. Endangering facilities that have classified defense contracts or that have received official designation as key defense facilities.

2.2.7. Engaging in crimes for which an Air Force agency has responsibility to investigate or prosecute.

**2.3. Prohibited Activities.** Restrict the collection of information on individuals or organizations not affiliated with DoD to that information essential to accomplish assigned Air Force missions. The Air Force prohibits the following activities:

2.3.1. Collecting information about a person or organization solely because that person lawfully disagrees with US Government policy.

2.3.2. Using physical or electronic surveillance on federal, state, or local officials, or on candidates for such offices except as otherwise authorized by law (see DoD Directive 5505.9).

2.3.3. Using electronic surveillance on any person except as the law or regulation authorizes.

2.3.4. Assigning, without specific prior approval by the SECAF, Air Force personnel to attend public or private meetings, demonstrations, or other similar activities to acquire information on activities on which this instruction authorizes gathering information.

2.3.4.1. Commanders must send each request for such investigative activity to SAF/IG. SAF/IG reviews each request and processes it for SECAF approval when a threat to Air Force resources exists. EXCEPTION: A local commander or higher authority may forgo obtaining SECAF approval when the threat is direct and immediate and insufficient time exists to seek prior approval. The commander must send SAF/IG a report explaining the details and circumstances of each incident. SAF/IG will provide a report to SECAF, or to the Under Secretary, if the SECAF has delegated this authority.

2.3.5. Maintaining computerized databanks on persons or organizations who are not affiliated with DoD. The Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (ASD C3I) approves exceptions.

2.3.5.1. Commanders must send each request for an exception to SAF/IG. SAF/IG processes such requests and sends them, through SECAF, to ASD C3I for approval, if appropriate.

**2.4. Factors To Consider When Acquiring Information Overseas.** Due consideration shall be given to the need to protect Air Force functions and property in the different circumstances existing overseas. Relevant factors to consider when applying the criteria for acquisition and retention of information to protect Air Force and DoD personnel and property include the:

2.4.1. Level of disruptive activity against US forces.

2.4.2. Competence of host country investigative agencies.

2.4.3. Absence of other US investigative capabilities.

2.4.4. Unique and vulnerable position of US forces abroad.

**2.5. Operational Guidance.** Commanders consider these factors when collecting and maintaining information in accordance with this instruction.

2.5.1. Only government agencies that require the information to execute their duties may have access to it.

2.5.2. DoD Directive 5200.27 requires commanders to destroy all information that they have obtained under this instruction within 90 days unless the criteria that the ASD C3I has set up specifically authorizes retaining it longer.

2.5.3. This instruction does not void or alter any provision in the April, 1979, agreement between DoD and the US Attorney General concerning the conduct of counterintelligence activities with the Federal Bureau of Investigation (FBI). It does not prevent the collection of information required by federal statute or Executive Order.

2.5.4. This instruction does not void or alter any mission responsibilities of Air Force units.

2.5.5. This instruction encourages promptly reporting to law enforcement agencies any information suggesting a threat to life or property or a violation of law and encourages keeping a record of such a report.

2.5.6. This instruction encourages commanders to actively acquire the following information:

2.5.6.1. A listing of federal, state, or local officials who are responsible for controlling civil disturbances.

2.5.6.2. Physical data on vital public or private installations, facilities, highways, and utilities.

**2.6. Operations Related to Civil Disturbances.** The Secretary of Defense has designated the Secretary of the Army as the approval authority to collect essential information to aid civil authorities during civil disturbances. The Secretary of the Army may approve collecting information when a distinct threat of a civil disturbance exceeding the law enforcement capabilities of state and local jurisdictions exists. See DoD 3025.12, Military Assistance for Civil Disturbances, 4 February, 1994.

2.6.1. Commanders must send each request for approval to SAF/IG.

2.6.2. If appropriate, SAF/IG forwards the request through SECAF to the Secretary of the Army for approval.

**2.7. Reporting Violations.** Report all suspected violations of this chapter to the Inspector General, identifying the area in which the violation occurred.

## Chapter 3

### SPECIALIZED INVESTIGATIVE SERVICES

#### **3.1. Forensic Hypnosis:**

3.1.1. Forensic hypnosis is authorized for investigative purposes. The Commander, Air Force Office of Special Investigations, or designee, must approve all requests for the use of this technique in criminal investigations. Hypnotic interviews should be reserved for investigations of severe crimes and only after all logical leads have been completed.

3.1.2. This technique is normally used to interview victims, witnesses, and other individuals involved in investigative operations. Since hypnosis cannot ensure truthfulness, there must be independently corroborated information to confirm the accuracy of the information obtained through hypnosis.

3.1.3. Only licensed psychologists and psychiatrists who possess credentials in clinical hypnosis may conduct hypnotic interviews.

3.1.3.1. Interviews will be conducted in accordance with the Federal Model of Forensic Hypnosis and guidance published in internal AFOSI manuals.

3.1.4. Submit all requests for hypnotic interviews to the AFOSI Violent Crimes Branch (HQ AFOSI/XOGV), 1535 Command Drive, Andrews AFB, MD, 20762-7002. All requests must contain a summary of the investigation and the results of coordination with the servicing SJA regarding the person's ability to testify in court.

#### **3.2. Forensic Psychophysiological Detection of Deception Examinations (FPDDE):**

3.2.1. SECAF authorizes use of the FPDDE Technique in the Air Force according to DoD Directive 5210.48, DoD Polygraph Program.

3.2.1.1. The Commander, AFOSI, or designee, manages the Air Force FPDDE Program.

3.2.1.2. AFOSI is the only Air Force organization authorized to conduct FPDDEs, acquire or possess FPDDE equipment, or to have examiners trained in FPDDE to support criminal investigations.

3.2.2. Criteria for Conducting Criminal Scope FPDDEs: The Air Force FPDDE Program Office (HQ AFOSI/FPDDE Program Management Office) may authorize use of the FPDDE technique in a criminal investigation when the following apply:

3.2.2.1. The crime involves an offense punishable under federal law, including the Uniform Code of Military Justice, by death or confinement for 1 year or more.

3.2.2.2. Investigation by other means has been as thorough as circumstances permit.

3.2.2.3. The development of information by means of an FPDDE is essential to the conduct of the investigation.

3.2.2.4. The person being considered for the examination was interviewed and there is reasonable cause to believe the person has knowledge of or was involved in the matter under investigation.

3.2.2.4.1. The person being considered is at least 15 years old and voluntarily agreed to undergo FPDDE testing. Testing of minors normally will not be done without the prior con-

sent of his/her parent or legal guardian. Requests to test minors without such consent will be coordinated with the servicing SJA.

3.2.2.5. The Air Force FPDDE Program Office may approve use of the FPDDE technique in any matter deemed to be in the best interest of the Air Force, DoD, or national security.

3.2.3. FPDDEs Conducted by Non-Federal Agencies. For official Air Force proceedings, the Air Force will only use FPDDEs that conform to DoD FPDDE standards, because the DoD cannot attest to the conditions under which a non-federal examiner administered an examination.

3.2.3.1. Generally, the Air Force will not accept the results of a commercial FPDDE instead of one conducted by a federal agency. This does not restrict the consideration of any evidence as required by the U.S. Constitution or law.

3.2.4. FPDDEs of Pregnant Examinees. Pregnant examinees must present a written opinion from their attending physician before being administered a FPDDE. The opinion must state the FPDDE will have no adverse effects on the examinee's pregnancy.

3.2.4.1. Administer FPDDEs in the third trimester of pregnancy only for incidents involving the most serious offenses.

3.2.5. FPDDEs of Sexual Assault Victims. The Air Force FPDDE Program Office will only consider approving a request for a FPDDE of a sexual assault victim after the subject of the allegation, if known, declines the offer to take a FPDDE.

3.2.5.1. To avoid unnecessarily causing hardship for sexual assault victims, FPDDEs of such victims will not ordinarily be approved unless circumstances clearly warrant it.

3.2.6. Requesting an FPDDE. Air Force Commanders and Air Force organizations with responsibility for security, law enforcement, or the administration of criminal justice, and DoD Components that receive investigative support from the Department of the Air Force, may request an Air Force FPDDE.

3.2.6.1. Submit routine requests for FPDDE support to the nearest AFOSI detachment, squadron, or region office by any means available including in person, letter, message, electronic mail, or facsimile.

3.2.6.1.1. The local AFOSI office will, in turn, forward all requests through the servicing regional FPDDE office to the Air Force FPDDE Program Office for approval.

3.2.6.2. Only the AFOSI Commander, Vice Commander, FPDDE Program Manager, and supervisory personnel within the program office can approve an FPDDE.

3.2.7. Preparing the FPDDE Request. A FPDDE request should, to the extent possible, contain the following information so that the program office has sufficient information to evaluate the request. Information in paragraphs 3.2.7.1. and 3.2.7.6. are usually reserved for law enforcement personnel but may, in isolated instances, apply to others. Contact the nearest AFOSI office if you require assistance in preparing the request.

3.2.7.1. Reference or Investigation Number. Although this is usually reserved for investigative personnel, if an internal organizational investigative file number or other reference number has been assigned, identify it here.

3.2.7.2. Title of Case. Identify, in a concise statement, the matter being investigated.

3.2.7.3. Case Summary. Include a brief summary of pertinent facts. You should address the who, what, where, when, and why surrounding the review, inquiry, or investigation.

3.2.7.4. Biographical Data for Each Examinee. Provide the full name, sex, date of birth, place of birth, grade, social security number (if applicable), organization, command, and place of duty assignment.

3.2.7.5. Reason for the Examination. Explain why you believe a FPDDE is essential. Address investigative efforts already undertaken and how a FPDDE would help the investigation.

3.2.7.6. Medical Records Check. This is usually reserved for investigative personnel because of restrictions placed on who may access another person's medical records. This information should address a proposed examinee's physical, mental, and emotional suitability for testing. Identify the name of the medical representative who conducted the records check.

3.2.7.7. Case Adjudication. Indicate whether or not the examinee has been tried by a court or has accepted punishment under Article 15, Uniform Code of Military Justice, for the offense concerned.

3.2.7.8. Pending Charges. Indicate whether or not charges of any kind have been preferred against the examinee. If no charges have been preferred, include other action being considered.

3.2.7.9. FPDDE Coordination. Coordinate all FPDDE requests with the respective servicing regional FPDDE office. Identify the name of the FPDDE examiner with whom you coordinated the request.

3.2.7.9.1. For post-investigative requests, state whether the SJA concurs or nonconcur with conducting the examination. Identify the name of the SJA with whom you coordinated the request.

3.2.7.10. Other Factors. Include any additional information you believe is pertinent in adjudicating the FPDDE request such as command interest, pending separation of proposed examinee, or the possibility of media coverage.

3.2.8. Post-Investigative Requests. Post-investigative requests for FPDDE support will only be considered for approval after coordination with, and the concurrence of, the servicing SJA.

3.2.8.1. The Air Force FPDDE Program Office will consider the merits of each post-investigative request for FPDDE support as well as the SJA's opinion.

3.2.9. Post-Judicial Requests. The Air Force FPDDE Program office will not routinely approve the conduct of post-judicial FPDDE examinations. The program office will coordinate all post-judicial FPDDE requests with HQ AFOSI/JA.

3.2.10. Waiver, Deviations, or Exceptions to Air Force and DoD FPDDE Program Policy. Any person or entity requesting a waiver to the Air Force FPDDE Program policy must submit a letter, message or other document through the Air Force FPDDE Program Manager to the Commander, AFOSI.

3.2.10.1. AFOSI shall send all waiver requests to DoD FPDDE Program policy to OASD C3I for resolution.

### **3.3. Processing Requests to Intercept Wire, Oral, or Electronic Communications for Law Enforcement Purposes:**

3.3.1. Requesting Nonconsensual Interceptions of Wire, Oral, or Electronic Communications. To request a nonconsensual interception of wire, oral, or electronic communication in the United States, AFOSI prepares a Request for Authorization in accordance with DoD Directive 5505.9 and sends it to the General Counsel of the Air Force (SAF/GC), for approval to seek a court order.

3.3.1.1. Processing Requests for Nonconsensual Surveillance in the U.S. If SAF/GC approves the request, AFOSI coordinates with an attorney from the Department of Justice or the United States Attorney's Office to prepare the documents necessary to obtain a court order under 18 U.S.C. 2518. The Department of Justice attorney sends these documents to the Attorney General or to the designated Assistant Attorney General for approval, as provided in 18 U.S.C. 2516.

3.3.1.1.1. The attorney from the Department of Justice, with a military lawyer from the SJA's office, formally applies for a court order if the Attorney General or appropriate designee approves the request.

3.3.1.1.2. If the interception will occur on a military installation, the installation commander may be required to decide whether or not to sign an AF Form 1176, Authority To Search and Seize, after seeking the advice of the installation SJA to ensure that all legal requirements are met.

3.3.2. Processing Nonconsensual Interceptions of Wire, Oral, or Electronic Communications Abroad. To request approval for nonconsensual interceptions of wire, oral, or electronic communications abroad, AFOSI initiates and processes the request following procedures outlined in paragraphs [3.3.1](#). Then:

3.3.2.1. If the target of the interception is subject to the UCMJ, and if SAF/GC approves the request, AFOSI formally applies to a qualifying military judge for a court order using the rules in 18 U.S.C. 2518(1). The military judge processes the request in accordance with DoD Directive 5505.9.

3.3.2.2. If the target of the interception is a person who is not subject to the UCMJ, SAF/GC decides whether to approve the request and what further approval the request needs.

3.3.2.3. SAF/GC determines if a situation warrants an emergency approval for the nonconsensual interception and if it does, SAF/GC follows the procedures established in DoD Manual 5505.9-M.

3.3.3. Requesting Consensual Interceptions of Wire, Oral, or Electronic Communications. Written requests are submitted for the consensual interception of wire, oral, and electronic communications. The format and information required in the written request is contained in AFOSI internal instructions.

3.3.3.1. The Commander of AFOSI is authorized to approve or disapprove requests for consensual interceptions of wire, electronic and oral communications for all law enforcement purposes under DoD Directive 5505.9. Limitations of this approval authority are specified in [Attachment 3](#).

3.3.3.2. In the Commander's absence, the Vice Commander shall act on surveillance requests. In the absence of both of these officers, AFOSI's Executive Director may act provided that the Executive Director has been designated in writing to serve as AFOSI's executive head.

3.3.3.3. For situations that require SAF/GC approval (see [Attachment 3](#)), if an emergency exists which does not allow sufficient time to obtain SAF/GC approval, the Commander of AFOSI

approves emergency requests for consensual interceptions in accordance with DoD Directive 5505.9.

3.3.3.4. In the Commander's absence, the Vice Commander approves emergency requests for consensual interceptions. In the absence of both of these officers, AFOSI's Executive Director may act provided that the Executive Director has been designated in writing to serve as AFOSI's executive head.

3.3.3.5. AFOSI makes a written record of all emergency requests, including justification for the emergency action, and forwards it to SAF/GC within 72 hours of the emergency approval.

3.3.4. Requesting Pen Registers and Trap-and-Trace Devices. To request approval for the use of non-consensual pen registers and trap-and-trace devices, AFOSI prepares a request in accordance with DoD Directive 5505.9 and sends it to SAF/GC for approval to seek a court order.

3.3.4.1. In emergency situations, the Commander, AFOSI, approves seeking the court order.

3.3.4.1.1. AFOSI makes a written record of each emergency request, including a justification for the emergency action, and sends it to SAF/GC within 72 hours of the emergency approval.

3.3.4.2. Within the United States, and after the approval to seek the court order, AFOSI agents request the local Assistant US Attorney to apply to the appropriate court, in accordance with 18 U.S.C. 3122, for an order authorizing the nonconsensual pen register or trap-and-trace operation.

3.3.4.3. Abroad, in cases in which the target of the operation is a person subject to the UCMJ or the trace is to involve a military installation, a judge advocate may apply for a court order to an officer designated as a military judge by The Judge Advocate General of the Air Force.

3.3.4.3.1. The judge advocate makes a written application under oath for the court order or extension of a court order in accordance with DoD Directive 5505.9.

3.3.4.3.2. If applicable legal requirements are met, the military judge enters an ex parte order authorizing the installation and use of a pen register, or a trap and trace device, according to 5505.9.

3.3.4.4. To conduct consensual trap-and-trace operations on a military installation of a US Government owned or leased line, the requesting AFOSI office submits a request to the installation commander, who decides whether or not to approve the operation, after coordinating with the servicing staff judge advocate.

3.3.4.4.1. To conduct consensual trap-and-trace operations of a residential line on a military installation, the requesting AFOSI office obtains the written consent of the user(s). Upon receipt of the written consent, coordinate with the servicing staff judge advocate to determine if further approval is necessary. In the CONUS, written consent from the user to the servicing telephone company is normally all that is required. Overseas, the written consent may require concurrence of the installation commander.

3.3.4.5. For consensual trap-and-trace operations on military installations abroad, the operation must respect applicable SOFA and foreign law.

3.3.4.6. Installation Security Forces units can submit consensual on-base trap and trace requests directly to the installation commander after coordination with the installation AFOSI detachment, and if the conditions in paragraphs [3.3.4.6.1.](#) and [3.3.4.6.2.](#) below apply.

3.3.4.6. (374AW) Routine telephone tracing actions will be initiated by the 374th Security Forces Squadron (374 SFS) or Air Force Office of Special Investigations Detachment 621 (AFOSI Det 621). A memorandum will be sent to the 374th Communications Squadron Commander (374 CS/CC), the 374 CS Telephone Systems Workcenter (374 CS/SCMDT) through the 374th Airlift Wing Commander (374 AW/CC) for first endorsements approving the trace actions. The memorandum will contain as a minimum; date and time the trace action is to be initiated, telephone number or numbers to be traced, a statement whether the individual receiving the calls consents to the trace, nature of the occurrence (obscene calls, bomb threat, official investigation, etc.), points of contact, Privacy Act consent statement, coordination with the 374 AW Staff Judge Advocate (374 AW/JA) and approval of the 374 AW/CC. AFOSI personnel will prepare their request in two original copies; one original will be returned to them after all required endorsements have been added. This copy will be retained in their investigative case file. The other original will be retained by the 374 CS/SCMDT as stated in paragraph **3.3.4.8. (Added)** of this supplement. Upon receipt, 374 CS/SCMDT personnel will start trace action on the listed telephone number and continue to do so until told by the 374 SFS or AFOSI to cancel the trace action. Data obtained from the trace action will be retrieved from the 374 CS/SCMDT by 374 SFS or AFOSI personnel only.

3.3.4.6.1. No equipment installation is necessary.

3.3.4.6.2. All other requirements of paragraphs **3.3.4.4.** and **3.3.4.5.** are met.

3.3.4.7. (Added-374AW) Typically, requests for emergency telephone trace action will be received by a telephone operator (the 374 CS Telephone Switchboard [374 CS/SCMDO]) or at the 374 SFS Law Enforcement Desk (374 SFS/SFOL).

3.3.4.8. (Added-374AW) The 374 CS/SCMDT is responsible for tracking and controlling trace actions. This office will ensure the telephone trace memorandum is maintained in order to reliably track and justify actions taken. The memorandum will be maintained under AFMAN 37-139, *Disposition of Air Force Records--Records Disposition Schedules*, Table 71-3, Rules 13, 14 and 15, and destroyed 1 year after completed trace action. All documentation resulting from telephone trace actions will be treated as sensitive information and will be released only to law enforcement agencies or base-level authorities requiring the information for official purposes.

3.3.4.9. (Added-374AW) If the call is received by a telephone operator, he or she will immediately take the person's name, telephone number the victim is receiving the calls on, address of the victim and the nature of the call (obscenity, bodily harm, etc.). The telephone operator will immediately relay this information to 374 SFS/SFOL at 225-7227, who will determine if emergency trace action is necessary. If the 374 SFS determine that emergency trace is necessary, they will inform 374 CS/SCMDT at 225-2418 and direct them to initiate trace action on the telephone number concerned.

3.3.4.9.1. (Added-374AW) If the call is received directly by the 374 SFS, they will determine if the caller requires emergency trace action. If emergency trace action is appropriate, 374 SFS will notify 374 CS/SCMDT at 225-2418, and direct them to initiate trace action on the telephone number concerned.

3.3.4.9.2. (Added-374AW) In all cases, the 374 SFS will be required to submit a telephone trace memorandum as stated in paragraph **3.3.4.6.** of this supplement the next duty day after the emergency trace action. Additionally, the 374 SFS is responsible for retrieving the telephone trace data from 374 CS/SCMDT.

3.3.5. Waiving Interception Policies. The Secretary of Defense approves all waivers to policy regarding interception of oral, wire, or electronic communication. HQ USAF/JA or a designee coordinates all waiver requests and sends them through SAF/AA and SAF/GC to the Secretary of Defense.

3.3.6. Forms Prescribed.

3.3.6.1. AF Form 3985, Interview Record.

3.3.6.2. AF Form 3986, Case File Documents Outer Envelope.

3.3.6.3. AF Form 3987, Case File Documents Inner Envelope.

NICHOLAS B. KEHOE, Lieutenant General, USAF  
The Inspector General

**Attachment 1****GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

AFMD 39, Air Force Office of Special Investigations

AFI 36-3014, Clothing Allowances for Air Force Personnel

DoDI 5240.4, Reporting of Counterintelligence and Criminal Violations

AFI 37-131, Freedom of Information Act

AFI 37-132, Air Force Privacy Act Program

AFI 31-401, Information Security Program Management

AFMAN 37-139, Records Disposition Schedule

DoDI 5505.10, Investigation of Noncombat Deaths of Active Duty Members of the Armed Forces

DoDI 5505.8, Investigations of Sexual Misconduct by the Defense Criminal Investigative Organizations and Other DoD Law Enforcement Organizations

DoDI 5505.2, Criminal Investigations of Fraud Offenses

DoDD 5525.7, Implementation of the Memorandum of Understanding Between the Department of Justice and Department of Defense Relating to the Investigation and Prosecution of Certain Crimes

DoDI 5505.7, Titling and Indexing of Subjects of Criminal Investigations in the Department of Defense

DoDD 5400.12, Obtaining Information from Financial Institutions

DoDD 5200.27, Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense

AFI 14-104, Conduct of Intelligence Activities of DoD Intelligence Components that Affect United States Persons

DoDD 5505.9, Interception of Wire, Electronic, and Oral Communications for Law Enforcement

DoD 3025.12, Military Assistance for Civil Disturbances

DoDD 5210.48, DoD Polygraph Program

***Terms***

**Abroad**—Outside of the United States, its territories, and possessions. An interception abroad takes place when an individual locates and operates an interception device outside the United States and insufficient evidence exists to conclude that the target of the interception is in the United States.

**Accidental Death**—A death from inadvertent action, or action where no harm was intended.

**Action Authority**—The authority primarily responsible for taking judicial or administrative action in an AFOSI investigation, usually an installation commander or higher authority (most often military, but can be a civilian official).

**Active Duty**—Full-time duty in the active military service of the United States. This includes members

of the Reserve Components serving on active duty or full-time training duty, but does not include full-time National Guard duty.

**C-Funds**—Emergency and Extraordinary (E&E) Expense Funds used to further the counterintelligence and investigative missions of the Air Force. This subdivision of operation and maintenance (O&M) funds is allocated to AFOSI, through SAF/IG, by the SECAF under certain legal restrictions to reimburse investigators for authorized expenses incurred in the performance of their assigned duties.

**Counterintelligence**—Information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage, or assassinations conducted by or on behalf of foreign governments or elements thereof, foreign organizations or foreign persons, or international terrorist activities.

**Credible Information**—Criminal Cases - Information disclosed to or obtained by an investigator that, considering the source and nature of the information and the surrounding circumstances, is sufficiently believable to indicate criminal activity has occurred and reasonably warrants further investigation to determine whether a criminal act did or may have occurred.

**Credible Information**—Sexual Misconduct Cases - Information, considered in light of its source and the circumstances, that supports a reasonable belief that a service member has engaged in adult private consensual sexual misconduct. Credible information consists of articulable facts, not just a belief or suspicion.

**Criminal Investigation**—An investigation of possible criminal violations of the United States Code, the Uniform Code of Military Justice, or, when appropriate, state or local statutes or ordinances or foreign law.

**Defense Clearance and Investigations Index**—A computerized, central index of investigations for all DoD investigative activities managed by the Defense Security Services.

**Electronic Communication**—Any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature, transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photooptical system that affects interstate or foreign commerce, but does not include the following: any wire or oral communication; any communication made through a tone-only paging device; any communication from a tracking device as defined by 18 U.S.C. 3117; electronic funds transfer information stored by a financial institution in a communications system used for the electronic storage and transfer of funds (18 U.S.C. 2510 [12]).

**Extract**—A verbatim portion or combination of portions of a report of investigation selected for use in a judicial or administrative proceeding.

**Indexing**—The recording of information so that an orderly retrieval process can identify and access a particular file or investigation.

**Interception**—According to 18 U.S.C. 2510(4), the aural or other acquisition of the contents of any wire, electronic, or oral communication through use of any electronic, mechanical, or other device. The term "contents," when used with respect to any wire, oral, or electronic communication, includes any information concerning the substance, purport, or meaning of that communication.

**Liaison Function**—An official gathering with foreign or US citizens that gives AFOSI personnel access to counterintelligence or investigative sources, counterparts, information, or cooperation.

**Oral Communication**—Any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation, but such

term does not include any electronic communication. (18 U.S.C. 2510[2]).

**Pen Register**—A device that records or decodes electronic or other impulses which identify the numbers dialed or otherwise transmitted on the telephone line to which such device is attached, but does not include any device used by a provider or customer of a wire or electronic communication service for billing, or recording as an incident to billing, for communications services provided by such a provider, or any device used by a provider or customer of a wire communication service for cost accounting or other like purposes in the ordinary course of its business (18 U.S.C. 3127 [3]).

**Report of Investigation**—The official written record of an AFOSI investigation. The record copy of all investigations is maintained at HQ AFOSI/SCR and destroyed according to AFMAN 37-139, Records Disposition Schedule.

**Self-Inflicted Death**—A death resulting from the actions of the deceased, and includes suicide and accidental death.

**Subject**—A person, corporation, legal entity, or organization about which credible information exists which would cause a reasonable person to suspect that party had committed a criminal offense, or would make the party the object of a criminal investigation.

**Subscriber**—There is a distinction between “user” and “subscriber.” Although the Government may be the subscriber to the telephone service, it may not be the user. In cases where the installation is the “victim,” such as bomb threats or electronic attacks against the base switch to target Government computer systems, the installation commander can be considered the “user.”

**Suicide**—A death resulting from purposeful action intended to result in one’s own death.

**Summary**—A condensed version of a report of investigation that succinctly discusses the allegation and results of the investigation. It may include copies of statements. A judicial or administrative proceeding may use a summary.

**Technical Surveillance**—All activities associated with installing and operating equipment for the audio, optical, or electronic recording or monitoring of people, places, things, data, or any wire, oral, or electronic communication. Technical surveillance does not include use of viewing equipment (such as binoculars, night vision devices, or telephoto lens-photographic camera combinations used for viewing only) while conducting a physical surveillance.

**Titling**—Placing the name of a person, corporation, legal entity, organization, or occurrence in the subject block of an investigative report. Titling is an operational, rather than a legal decision. Final responsibility for the decision to title an individual or entity rests with AFOSI. Titling and indexing do not, in and of themselves, imply any degree of guilt or innocence.

**Trap-and-Trace Device**—A device that identifies the originating number of an instrument or device that transmitted a wire or electronic communication. (18 U.S.C. 3127[4]).

**United States**—For this instruction, the 50 states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

**US Person**—For this instruction, US citizens, aliens admitted to the United States for permanent residence, corporations incorporated in the United States, and unincorporated associations organized in the United States and substantially composed of US citizens or aliens admitted for permanent residence.

**User**—Any person or entity who uses an electronic communication service and whom the provider of the

service has authorized.

**Wire Communication**—Any aural transfer made in whole or in part through the use of wire, cable, or other like connection between the point of origin and the point of reception (including the use of such connection in a switching station). The term includes any electronic storage of such communication.

**Attachment 2**  
**AFOSI AND SECURITY FORCES INVESTIGATIVE MATRIX**

**Table A2.1. AFOSI and Security Forces Investigative Matrix.**

<b>R</b>	<b>A</b>	<b>B</b>	<b>C</b>
<b>U</b>			
<b>L</b>			<b>Contact Air Force Security Forces</b>
<b>E</b>	<b>If case category is</b>	<b>Then contact AFOSI about:</b>	<b>about:</b>
1	Assault	Aggravated assault involving serious bodily harm or requiring extensive investigation; serious child abuse or neglect involving infliction of serious bodily harm.	Simple assaults including less serious child abuse or neglect.
2	Bad Checks	Generally, none.	All localized non-sufficient funds check cases as necessary to support command.
3	Black Market	Large black-market transfers, ring-type activity, and those activities involving coordination with host-country investigative agencies.	Localized cases involving low-value items.
4	Bribery	All.	None.
5	Counterfeiting	All.	None.
6	Customs Violations	Major violations which require coordination with Federal agencies outside the local area; ring-type activities.	Localized investigations resulting from Security Forces customs inspections.
7	Death Investigations--Murder, voluntary and involuntary manslaughter, suicide, and death by unknown causes	All, except vehicle accidents (unless hit-and-run), natural deaths, and deaths without a criminal act.	All vehicle accidents (unless hit-and-run); all deaths not involving a criminal act or intent to commit suicide.
8	Drug Abuse	All cases of sale, transfer, trafficking, or smuggling.  Selected use or possession cases intended to identify dealers and traffickers.  All investigations of persons not subject to the UCMJ under DoD Memo 5.	Localized investigations involving use or possession of cannabis or other drugs on a case-by-case basis. May conduct field tests on Security Forces cases and participate with AFOSI in joint operations involving dealers.
9	Forgery	Major forgery cases involving the US Treasury or other Federal agency.	Localized forgery matters not involving US Federal agencies.
10	Fraudulent Enlistment, Appointment, or Discharge	All.	None.
11	House Breaking	Cases involving ring-type activity or aggravated assault.	Localized cases.
12	Impersonation--Assuming a false identity	All except minor localized incidents.	Localized incidents where the intent was to impress others and which did not involve pecuniary gain or the US mail as a transmittal vehicle.
13	Intimidation--Extortion, kidnapping, attempted bombings, hijackings, and terrorist acts	All, unless deferred.	Bomb threats and localized threats to injure or extort money or favors from others in which no overt act actually occurred.
14	Improper Use or Diversion of Government Property	Major cases and those involving manipulation or falsification of records.	Minor localized incidents.
15	Larceny By Fraud--Manipulation or falsification of records, receipts, inventories, and so on to cover thefts	All.	None.

R	A	B	C
U			
L			<b>Contact Air Force Security Forces about:</b>
E	<b>If case category is</b>	<b>Then contact AFOSI about:</b>	<b>about:</b>
16	Larceny of Government Property	Thefts of property valued at \$1,000 or more and controlled drugs.  Ring-type activity. Thefts of all government weapons; significant thefts and losses of Arms, Ammunition and Explosive Materials as defined in DoD 5100.76M, paragraph 9-2.	Localized investigations involving thefts of property valued at less than \$1,000, unless fraud or terrorist activity is suspected, and the loss or thefts of Arms, Ammunition and Explosive Materials not deemed significant as defined in DoD 5100.76M, paragraph 9-2.
17	Larceny of Private Property	Thefts of property valued at \$1,000 or more and ring-type activity.	Localized investigations involving thefts of property valued at less than \$1,000.
18	Misconduct -- Attempted suicides, bigamy, and so forth	Allegations requiring specialized investigative techniques.	Localized investigations of suicide attempts and gestures or misconduct.
19	Perjury--False official statements.	Cases involving leads to other locations or requiring the submission of evidence to the FBI or other Federal crime laboratory.	Other localized incidents.
20	Postal Violations	All.	None.
21	Procurement, Disposal, and Pay-and-Allowance Matters	All procurement and disposal matters.  Major pay-and-allowance matters, including ring-type activities.	Pay-and-allowance matters involving low-dollar value loss, as necessary to support command.
22	Property Destruction--Arson, bombing, intentional damage to US Air Force aircraft or aircraft equipment, and intentional damage to Government or private property	Aggravated arson, intentional damage to US Air Force aircraft or Priority A, B, or C resources; intentional damage to high-value Government or private property.	Other localized incidents.
23	Robbery—Armed and unarmed	Robberies involving serious bodily harm, ring-type activity, appropriated and nonappropriated fund activities, and on-base private financial institutions.	Localized cases of unarmed robbery involving low-dollar amounts.
24	Security Violations	Cases specifically requested by command.	Cases to support command responsibilities according to AFI 31-401.
25	Sex Offenses—Rape, carnal knowledge, sodomy, indecent exposure, sexual misconduct, voyeurism, and child molestation (see paragraph 1.8.)	Rape, sodomy, carnal knowledge, child molestation, or cases involving serious bodily harm.	Localized investigations (excluding child molestation and rape), including carnal knowledge, indecent exposure, sexual misconduct, and voyeurism on a case-by-case basis.
26	Terrorist Acts--Bombings, hijackings, kidnapping, and thefts of weapons, explosives, and so on	All.	None.
27	Environmental Crimes	All.	None.

**NOTE:** In all cases, notify AFOSI if the suspect has a TOP SECRET clearance or access to sensitive information. Ring-type activity is defined as continuing activity involving more than a simple conspiracy to commit a crime.

### Attachment 3

#### APPROVAL OF AUTHORITY FOR ALL CONSENSUAL INTERCEPTIONS FOR LAW ENFORCEMENT PURPOSES

**A3.1.** The Commander, AFOSI, is authorized to approve or disapprove requests for consensual interceptions of wire, electronic and oral communications for law enforcement purposes under DoD Directive 5505.9, Interception of Wire, Electronic, and Oral Communications for Law Enforcement, 20 April, 1995, except for the limitations specified in paragraph **A3.4.**, below. This authorization extends to all Air Force law enforcement interceptions, regardless of the investigating entity.

**A3.2.** In the Commander's absence, the Vice-Commander shall act on surveillance requests. In the absence of both of these officers, AFOSI's Executive Director may act provided that the Executive Director has been designated in writing to serve as AFOSI's executive head.

**A3.3.** The Office of the Staff Judge Advocate, AFOSI, shall review each surveillance request for legal sufficiency before it is approved.

**A3.4.** Limitations: In discharging this authority, except as provided in paragraph **3.3.3.3.** (emergency provision), the Commander, AFOSI, shall obtain prior approval of the Air Force General Counsel before authorizing any surveillance involving:

A3.4.1. A general officer, member of the Senior Executive Service, or other equivalent civilian grades or family members sponsored by such officials;

A3.4.2. Allegations of national security law violations under Articles 106 or 106a, Uniform Code of Military Justice, or chapter 37 of Title 18, U.S. Code;

A3.4.3. Procurement fraud involving amounts in excess of \$1,000,000.

A3.4.4. Air Force Academy cadets, staff, or faculty;

A3.4.5. Sexual conduct of consenting adults.

A3.4.6. Any significant matter that the Commander, AFOSI determines is likely to be of specific interest to the Secretary of Defense or the Secretary of the Air Force or is likely to receive extensive media coverage.

**A3.5.** Application and approval procedures for nonconsensual interceptions, pen register devices and telephone tracing remain unchanged. They will be processed as specified in DoD O-5505.9-M, Procedures for Wire, Electronic, and Oral Interception for Law Enforcement, May 1995, with Change 1, and **Chapter 3** of this instruction.