

(U//~~FOUO~~) When searching DE pursuant to a criminal warrant, the warrant permits only a search for evidence of a specific, enumerated crime or crimes. Therefore, agents may only seize items that are within the bounds of the warrant, commonly known as the “scope” of the warrant.

(U//~~FOUO~~) When searching DE, [redacted]

[redacted]

government must not exceed the scope authorized in the order. Questions regarding the authorized scope of a search should be directed to the servicing legal counsel (CDC/ADC or OGC).

**3.3.4.2. (U//~~FOUO~~) Scope Issues in Consent Cases**

(U//~~FOUO~~) Where consent is the legal authority for a search of DE, the ability of FBI personnel to review the digital evidence is bound by the terms of the consent provided. Consenting individuals may impose binding limitations on the areas or items that may be searched (e.g., specific rooms of a house, specific files or folders on a computer), either orally or on the written consent form.

**3.3.4.3. (U//~~FOUO~~) Search Protocols for DE**

(U//~~FOUO~~) All FBI personnel should observe all restrictions written into warrants, including local protocols attached to any warrants, when examining or reviewing DE. Questions regarding such provisions should be directed to the servicing legal counsel (CDC/ADC or OGC).

**3.3.4.4. (U) Self-service Kiosks**

(U//~~FOUO~~) Self-service kiosks are provided in most field offices. In addition, portable kiosk kits are available in many FBI resident agencies (RAs). When reasonably available, investigative personnel must use the kiosks to automatically process supported DE types.

(U//~~FOUO~~) [redacted]

[redacted]

[redacted] self-paced or hands on training is required.

(U//~~FOUO~~) [redacted]

[redacted]

[redacted] self-paced or hands on training is required.

**3.3.4.5. (U) When Content Review Is Authorized**

(U//~~FOUO~~) Content review is authorized only after DE is processed by authorized personnel (i.e., CART FEs, CART techs, DExTs, FAVP FAs), with the following exceptions:

- (U//~~FOUO~~) [redacted]

[redacted] approved by OTD/DFAS are utilized.

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(U) Digital Evidence Policy Implementation Guide

- (U//~~FOUO~~) Preview [redacted] OTD/DFAS policy.
- (U//~~FOUO~~) Preview by RCFLs or CART field office facilities in accordance with OTD/DFAS policy.
- (U//~~FOUO~~) The use of self-service kiosks for [redacted]

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(U//~~FOUO~~) Content review of original DE is prohibited by those not trained and authorized by OTD.

**3.3.4.6. (U//~~FOUO~~)** [redacted]

(U//~~FOUO~~) [redacted]

[redacted] within the scope of the legal authority. The information obtained through [redacted]

[redacted]

**3.3.4.7. (U)** [redacted]

(U//~~FOUO~~) [redacted]

[redacted]

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**3.3.4.8. (U) Content Review Tools**

(U//~~FOUO~~) All DE content review tools used by personnel working for or with the FBI or RCFL in their investigations must be legally obtained and used in accordance with the limitations in the licensing agreement, unless a legal exception applies (e.g., fair use or specific guidance in the legal authority) and the reviewer has coordinated with his or her CDC or OGC. If proprietary software is seized with the data, it may be used to view the data from the investigation.

**3.3.5. (U) Documenting Review of DE**

(U//~~FOUO~~) FBI personnel must document in a report all reviews and searches of DE from the point of the receipt of DE through completion of the search, including any identification of evidence that falls within the scope of the warrant [redacted]

[redacted] The documentation must be serialized to the investigative case file. Such documentation should identify, at a minimum, the general nature and manner in which the search of the media was conducted, major steps taken during the search, and forensic tools employed during the search.

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(U//~~FOUO~~) Undocumented, "off-the-record" searches or reviews of DE are not permitted. The above documentation requirement does not apply to searches of results copies (see Section 3.2.6 for definition of [redacted])