

- (U) Other relevant factors presented by particular situations.

(U//~~FOUO~~) These limitations do not preclude providing DE support for FBI internal investigation matters, or for RCFLs to provide DE support [redacted]

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[redacted]

(U//~~FOUO~~) If the FBI receives civil or administrative legal process (e.g., a subpoena) in connection with DE services performed for a criminal [redacted], the individual served must coordinate with his or her CDC/ADC or OGC counsel for guidance, as applicable.

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3.3.11. (U) Re-examinations

3.3.11.1. (U) Definition of Examination

(U//~~FOUO~~) An examination is defined as a forensic process whereby a forensic examiner reviews digital evidence [redacted]

[redacted]

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(U//~~FOUO~~) Examination of data previously reviewed by a DEX T is not considered a re-examination.

3.3.11.2. (U) Overview of Re-examinations

(U//~~FOUO~~) Unless approved by the AD, OTD as outlined below, examinations are not conducted on any evidence that has been previously subjected to the same type of technical examination (hereafter referred to as a “re-examination.”)

(U//~~FOUO~~) A re-examination occurs when evidence, already subjected to a technical examination [redacted]

[redacted]

(U//~~FOUO~~) This requirement is intended to:

- (U//~~FOUO~~) Eliminate duplication of effort.
- (U//~~FOUO~~) Ensure that the integrity of the evidence is maintained.
- (U//~~FOUO~~) [redacted]

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[redacted]

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

[redacted]

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

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3.3.11.3. Requesting a Re-examination

(U//~~FOUO~~) Within the FBI, re-examinations may only be requested by an EC approved by the requesting field office's division head. ECs should be addressed to the AD, OTD, and be routed through the chief, CART-FOU and the appropriate CART Field Operations Program manager [Redacted]

[Redacted]

(U//~~FOUO~~) The request should include a letter from the United States Attorney (or District Attorney if a state or local case), containing:

- (U//~~FOUO~~) The extraordinary circumstances compelling the requested re-examination.
- (U//~~FOUO~~) A detailed explanation of the facts and circumstances surrounding the request.
- (U//~~FOUO~~) All existing service requests.
- (U//~~FOUO~~) All existing legal authorities.
- (U//~~FOUO~~) All prior examination results, notes, and reports pertaining to the previous examinations or reviews, or an explanation as to why this material is not available.

(U//~~FOUO~~) In the event of exigent circumstances [Redacted]

[Redacted]

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3.3.11.4. Approval of Re-examination Requests

(U//~~FOUO~~) Upon receipt of a request for re-examination, the chief, CART-FOU will review the request and supporting materials to determine if a particular examination request is a re-examination for the purpose of seeking the AD, OTD's approval.

(U//~~FOUO~~) After the chief, CART-FOU determines that the requested examination is a re-examination, he or she prepares a recommendation of approval or denial for the AD, OTD that considers the following factors:

- (U//~~FOUO~~) Scope of the requested re-examination.
- (U//~~FOUO~~) Responsiveness of the prior examination to previous and current service requests or legal authorities.
- (U//~~FOUO~~) Type of tools used in the prior examination or review (e.g., generally accepted forensic tools).