



Department of Energy

Washington, DC 20585

APR 26 2013

Re: Freedom of Information Act Request HQ-2013-00432-F

This is the Office of Inspector General (OIG) response to the request for information that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. You asked for a copy of documents describing or regarding the policy on the administration and use of polygraph examinations by the OIG.

The OIG has completed the search of its files and located the enclosed responsive document to your request. A review of the responsive document and a determination concerning its release has been made pursuant to the FOIA, 5 U.S.C. § 552. The document is released in its entirety.

Sincerely,

A handwritten signature in blue ink that reads "Michael S. Milner".

Michael S. Milner
Assistant Inspector General
for Investigations
Office of Inspector General

Enclosure



Document Number 1



as approved or disapproved and relay the decision to the requesting Special Agent.

3. Confidential Informant Registration

If the ASAC and SAC approve the use of an individual as a Confidential Informant, the individual will be registered as an OIG Confidential Informant. Confidential Informants are not to be indexed in EIGPT unless they are the complainant. In such instances, an assigned code will be used, for example "CI-11-001." Care must be taken that any information included in EIGPT does not identify the Confidential Informant. In registering the Confidential Informant, the controlling agent must complete a DOE OIG Confidential Informant Registration Form and document the following in the form (See Confidential Informant Registration Form, Chapter 8, Exhibit J):

- a. Name
- b. Alias(s)
- c. Social Security Number(s)
- d. Driver's license number and State of issue
- e. Date and place of birth
- f. Ethnicity
- g. Gender
- h. Height
- i. Weight
- j. Eye and hair color
- k. Identifying marks (i.e. scars/tattoos etc., if applicable or pertinent)
- l. Address
- m. Telephone number(s)
- n. Emergency contact information
- o. Employment
- p. Motivation(s) to the extent known by the OIG
- q. Type of information the Confidential Informant can provide
- r. Citizenship and alien status
- s. Photograph of the Confidential Informant
- t. Full Set of fingerprints.

4. Confidential Informant Statement of Understanding

In registering a Confidential Informant, the controlling agent, along with one additional Special Agent or law enforcement official, shall witness and review the Confidential Informant's written instructions via a Statement of Understanding form (See Statement of Understanding Form – Chapter 8, Exhibit K). The Statement of Understanding form must indicate that the Confidential Informant:

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- a. Understands that the OIG will strive to protect the informant's identity but cannot guarantee that it will not be divulged;
- b. Understands that the OIG may, at its discretion and without prior approval, disclose the informant's identity to other law enforcement personnel and prosecutors;
- c. Will provide truthful, complete and accurate information to the DOE OIG;
- d. Agrees that any false oral or written statements provided to the DOE OIG can be used against the informant;
- e. Understands the DOE OIG on its own cannot promise or agree to any immunity from prosecution in exchange for cooperation;
- f. Is not an employee of the DOE OIG and may not represent themselves as such;
- g. Will abide by the instructions of the DOE OIG and will not take any independent action;
- h. Cannot enter into any contract or incur any obligation on behalf of the DOE OIG, except as specifically instructed by the DOE OIG;
- i. Has been advised that the act of inducing a person to commit a crime not otherwise contemplated by him or her, for the purpose of instituting a criminal prosecution against the person, is entrapment and is not allowed;
- j. Will not initiate any plans to commit criminal acts;
- k. Will not violate any law while working for the OIG (i.e. speeding, theft, illegal drug use, etc.).
- l. Will immediately report any violations of Federal, state, local laws or any DOE regulation to the DOE OIG;
- m. Cannot reveal this special relationship with the DOE OIG to anyone without the specific authorization of the DOE OIG;
- n. Will immediately report any threats or any adverse circumstances that occur as a result of the special relationship with the DOE OIG;
- o. Has not received any threats or promises by representatives of the DOE OIG to obtain the informant's cooperation;
- p. Understands that the DOE OIG cannot guarantee any rewards, payments or other compensation;
- q. Understands that in the event the informant receives a reward, payment, or other compensation from the DOE OIG, the informant is liable for any taxes that may be owed;
- r. Is fully accountable for any monetary instruments, property, etc., provided for the use in DOE OIG operations and will promptly return all unused and obtained monetary instruments, property, etc., to the DOE OIG; and
- s. May be requested to submit to a polygraph examination for verifying the informant's adherence to the above conditions.

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subsequent renewal requests to the AIGI for signature, along with a memorandum explaining the need to continue the mail cover.

3. Reproducing and Returning Mail Cover Information

Mail cover documents are the property of the U.S. Postal Service and are loaned with the understanding that they will be treated confidentially. Reproduction of mail cover documents is prohibited.

All Postal Inspection Service Forms 2009, Reporting Mail Cover Information, must be returned within 60 days to the CISC Manager from whom they were received. This will be documented with a Memorandum of Investigative Activity.

4. Use of Mail Cover Information

Mail covers are designed as investigative tools only and should not be used as evidence in court, nor should references be made to the use of mail covers in criminal or administrative actions.

IX. POLYGRAPH EXAMINATIONS

It is the policy of the Office of Investigations that polygraphs are generally not used. However, polygraphs will be considered on a case-by-case basis and must be approved beforehand by the SAC and coordinated with the appropriate Operations Officer. All polygraph activities will be documented in the case file.

X. QUESTIONED DOCUMENTS

A questioned document is one that has been questioned in whole or in part with respect to its authenticity, identity or origin. It may involve handwriting or typewriting comparisons, determination of the age of documents and inks, and examination of erasures, obliterations, and over-writings. The identification and analysis of handwritings and typewritings are important for identifying who was responsible for generating questioned documents and signatures.

A. Standards for Comparison of Questioned Documents

Writing, typewriting, or any object, material or substance related to a document, which may be used as a basis for determination of authorship, identity, or relationship, or for discovery of any information whatever by close comparison with a questioned object, is a standard for comparison. The most important feature of a standard is that it be susceptible to independent proof.