



Office of the Inspector General  
U.S. Department of Justice



# **Audit of the Federal Bureau of Investigation's Philadelphia Regional Computer Forensic Laboratory Radnor, Pennsylvania**

# **AUDIT OF THE FEDERAL BUREAU OF INVESTIGATION'S PHILADELPHIA REGIONAL COMPUTER FORENSIC LABORATORY RADNOR, PENNSYLVANIA**

## **EXECUTIVE SUMMARY**

The Federal Bureau of Investigation (FBI) Regional Computer Forensic Laboratory (RCFL) Program is a partnership between the FBI and other federal, state, and local law enforcement agencies operating within a geographic area. In 2001, Congress directed the Attorney General to establish RCFLs, and provide support for existing RCFLs, to ensure that they have the capability to perform forensic examinations of intercepted computer evidence related to criminal activity and cyberterrorism, as well as to train and educate federal, state, and local law enforcement personnel and prosecutors in computer crime. The Patriot Act of 2001 authorized \$50 million in annual appropriations to develop this capacity. In 2002, the FBI established the RCFL National Program Office to oversee the establishment and operations of the RCFLs.

This report focuses on the operations at the Philadelphia RCFL (PHRCFL).<sup>1</sup> The objectives of the audit were to assess the: (1) efficiency and effectiveness of the PHRCFL's performance, (2) effectiveness of the PHRCFL's outreach and partnership with the law enforcement community, and (3) PHRCFL's case management system and its efforts to address any service request backlog. To accomplish these objectives, we interviewed officials from the PHRCFL, FBI Operations Technology Division, and the RCFL National Program Office. We also reviewed documents related to the organizational structure, RCFL accomplishments, users' satisfaction, and operational standards. We verified the Computer Analysis Response Team (CART) Database information by tracing it to source documentation maintained in official case files at the PHRCFL.<sup>2</sup> Using the CART Database, we reviewed performance and backlog information. In addition, we distributed a questionnaire to the six PHRCFL participating agencies to determine the effectiveness of the work conducted at the PHRCFL.

Our review found that the PHRCFL experienced mixed results in achieving its various performance goals in fiscal years 2011 through 2013. We found that, although the FBI reported backlogs at some other RCFLs, a material backlog did not exist at the PHRCFL, and that participating agencies were satisfied with the work performed there. According to agencies that use the PHRCFL, participation at the

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<sup>1</sup> We selected the PHRCFL to audit because, based on the data available prior to the start of our audit, it appeared to be generally representative of the RCFLs and, as the audit was conducted during a budget sequestration when the Office of the Inspector General (OIG) had limited travel funds, it was readily accessible to one of our Regional Audit Offices.

<sup>2</sup> The CART Database is used to track FBI forensic examination work from inception to completion. The data from the CART Database is used to provide statistics and metrics to Congress, FBI management, and the public regarding the productivity of the FBI's digital forensic professionals.

PHRCFL has provided them with enhanced computer forensic capabilities and the opportunity to leverage the resources of the FBI, including current training and technology, priority service, and additional manpower assistance on search warrants. The PHRCFL was timely in completing forensic examination requests and the exam results met the expectations of the PHRCFL's partners. These participating agencies said that they would recommend the PHRCFL service to other law enforcement agencies.

However, we identified weaknesses in the PHRCFL's Cell Phone Investigative Kiosk (Kiosk) and training program. Specifically, we found that the PHRCFL did not have adequate controls over the access and use of its Kiosks. FBI policy requires Kiosk users to confirm they possess the proper legal authority for the search of data on cell phones or loose media. Beginning in May 2012, to comply with this requirement, the PHRCFL required Kiosk users to sign a *Letter of Acknowledgment for Use of PHRCFL Cell Phone/Loose Media* form (Acknowledgment Form), acknowledging that the user had the appropriate legal authority to use the Kiosk for an official purpose. However, we reviewed a judgmental sample of PHRCFL Kiosk activity and we found that approximately 24 percent of the entries in the visitor's log did not have a corresponding Acknowledgment Form and approximately 13 percent of the Acknowledgment Forms did not correspond with an entry in the PHRCFL visitor's log.<sup>3</sup> In addition, we found that there were not sufficient controls in place at the PHRCFL to ensure that users who did complete the acknowledgment forms did not use the Kiosk for non-law enforcement matters. For example, it was possible that a Kiosk user could use this tool to view private cell phone information for non-law enforcement purposes. It was also possible for a user to use a Kiosk without proper legal authority, thereby engaging in a Fourth Amendment violation. While we did not find any evidence that the PHRCFL Kiosks had been misused, if these weaknesses are not addressed, the PHRCFL Kiosks will continue to be vulnerable to serious abuse. We did not audit other RCFLs as part of this review, but we believe it is important that the FBI evaluate RCFL implementation of FBI policy for Kiosk usage at RCFLs nation-wide and, if necessary, promptly revise controls to ensure compliance with that policy and minimize the risk of inappropriate use of Kiosks.

In addition, we found that the current process used to support the information found in the RCFL Program Annual Report is not adequate to ensure the accuracy of the information reported to Congress, FBI management, and the public. For example, the PHRCFL Kiosk usage statistics in the annual report include usage data captured when training participants practiced downloading data from their own cell phones. As a result, PHRCFL Kiosk annual usage statistics do not accurately reflect the number of times the Kiosks were used for investigative purposes. With respect to the training program, we were unable to verify the accuracy of reported

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<sup>3</sup> According to the PHRCFL Director, missing Acknowledgment Forms could have occurred for one of the following reasons: (1) Kiosk users may have arrived in groups and only one user signed the form, but all of the users signed the visitors log; (2) an FBI agent did not sign the form because there was no requirement to do so when using a Kiosk at the FBI field office; or (3) a Kiosk user forgot to complete or drop off the Acknowledgment Form.

training accomplishments because the PHRCFL did not maintain adequate source documentation for training that occurred outside of the PHRCFL. Consequently, there is an increased risk that the accuracy of the training data will continue to be inadequately supported.

Our report contains six recommendations to help minimize potential abuse to the Kiosk and maintain adequate supporting documentation to support training and RCFL Program Annual Report statistics.

**AUDIT OF THE FEDERAL BUREAU OF INVESTIGATION'S  
PHILADELPHIA REGIONAL COMPUTER FORENSIC LABORATORY  
RADNOR, PENNSYLVANIA**

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# **AUDIT OF THE FEDERAL BUREAU OF INVESTIGATION'S PHILADELPHIA REGIONAL COMPUTER FORENSIC LABORATORY RADNOR, PENNSYLVANIA**

## **INTRODUCTION**

According to the Federal Bureau of Investigation (FBI), the Regional Computer Forensic Laboratory (RCFL) Program was created in response to law enforcement's urgent demand for expert digital forensics services and training. It is a partnership between the FBI and other federal, state, and local law enforcement agencies operating within a geographic area. In 1999, the FBI piloted the first RCFL in San Diego, California, as a full service forensics laboratory and training center devoted to examining digital evidence in support of criminal investigations and the detection and prevention of terrorist acts. In 2001, Congress directed the Attorney General to establish more RCFLs and provide support for existing RCFLs to ensure that all RCFLs have the capability to: (1) perform forensic examinations of intercepted computer evidence related to criminal activity and cyberterrorism; (2) train and educate federal, state, and local law enforcement personnel and prosecutors in computer crime; (3) assist federal, state, and local law enforcement in enforcing federal, state, and local laws related to computer-related crime; and (4) facilitate and promote the sharing of federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer-related crime, including the use of multijurisdictional task forces with state and local law enforcement personnel and prosecutors. The Patriot Act of 2001 authorized \$50 million in annual appropriations to develop these capabilities. In 2002, the FBI established the RCFL National Program Office (NPO) to oversee the establishment and operations of the RCFLs.

In July 2014, the FBI's RCFL Program consisted of 16 RCFLs. The following map shows the geographical distribution of the RCFLs.

## FBI RCFL PROGRAM GEOGRAPHICAL MAP As of July 2014



Source: RCFL National Program Office

### FBI Regional Computer Forensics Laboratories

RCFLs were established to strengthen law enforcement computer forensic capabilities throughout the United States. They provide forensic expertise and training to thousands of law enforcement personnel. The primary forensic responsibilities of an RCFL are to:

1. Conduct a comprehensive examination of digital evidence;
2. Provide a complete and timely report to the contributor;
3. Provide testimony as needed; and
4. Act as a regional focal point for digital evidence issues.

According to the FBI, the key goals of the RCFL Program are to:

1. Provide timely, professional, and technically advanced digital forensic services to law enforcement agencies in an RCFL's service area;
2. Fully utilize applied science and engineering capabilities to support digital forensic examinations;

3. Increase the confidence of investigators, prosecutors, and judges in the digital forensics examination discipline through standardized training and forensic protocols;
4. Provide responsive and flexible services in support of diverse investigative programs; and
5. Meet legal and administrative requirements of diverse judicial systems.

#### *RCFL Program Governance Structure*

The FBI has established national and local governing boards and committees to oversee the operations of the RCFL Program. The FBI established the National Program Office, Local Executive Board, and National Advisory Committee, which are described below.

National Program Office (NPO) – The NPO was established in 2002 and is the primary governing body for the RCFL Program. Its mission is to provide innovative solutions and strategic leadership to new and existing RCFLs. The RCFL NPO is physically located in the FBI's offices in Quantico, Virginia, and is headed by the RCFL Unit Chief. The RCFL NPO supports the RCFLs by:

1. Providing technical assistance to ensure consistent quality management of each laboratory;
2. Institutionalizing the policies, practices, and legal processes regarding the establishment and governance of RCFLs;
3. Cultivating working relationships between law enforcement, the private sector, academia, and other government agencies by serving as a national clearinghouse for the exchange and dissemination of information among these entities;
4. Serving as an advocate for the RCFL program before key constituent groups;
5. Working with the FBI and other government agencies to develop new digital evidence forensics tools;
6. Developing training curricula for digital evidence examiners and law enforcement officers; and
7. Coordinating and communicating training initiatives and tool development efforts for use by the law enforcement community.

In addition to the above mentioned responsibilities, the RCFL NPO is also responsible for distributing funding to the RCFLs, coordinating the use of asset forfeiture funds for vehicles and overtime, and managing the equipment purchases for the RCFL Examiners. According to the RCFL NPO Unit Chief, during the 2013

federal budget sequestration, the NPO's ability to carry out its responsibilities was negatively affected by major cuts to its staffing level. During sequestration, the NPO lost approximately 64 percent of its staff.

The RCFL NPO Unit Chief told us that she is trying to maintain services by utilizing capabilities that exist elsewhere in the FBI. For example, instead of the NPO writing its own press releases, the FBI National Press Office now holds this responsibility.

Local Executive Board (LEB) – Overall organizational control of the local RCFL is vested in the LEB. The LEB is comprised of a senior law enforcement executive from the agencies participating in each RCFL. The LEB meets biannually to review policies, procedures, practices, and rules affecting the local RCFL. The LEB also votes to determine if a state or local law enforcement agency will be allowed to participate in the local RCFL Program.

National Advisory Committee (NAC) – The RCFL NPO created the NAC, which is a national board comprised of LEB members who, given their position, knowledge, and background, can provide unique insights and guidance regarding common operational and fiscal challenges facing the RCFLs and the larger law enforcement community regarding present and future needs.

#### *RCFL Personnel*

An RCFL typically consists of a Director, 10 to 12 Examiners, an evidence technician, a system administrator, and an administrative support person. RCFL Examiners extract information from a computer system and/or digital media and recover deleted, encrypted, or damaged files. Any or all of this information may be useful during discovery, depositions, or litigation. RCFL Examiners are required to complete a 1-year FBI Computer Analysis and Response Team (CART) Certification Curriculum before conducting a comprehensive digital media examination. The 1-year basic certification includes 7 weeks of live training classes, on-the-job coaching, self-paced training, a research paper, two commercial certification tests, and two FBI competency tests.<sup>4</sup> After receiving their basic certification, Examiners are required to complete annual training and at least one elective in computer forensics. In addition, Examiners may request self-study materials to prepare for commercial certifications such as CompTIA Net+, Security+, Linux+, and Certified Information Systems Security Professional.

#### *RCFL Program Membership*

According to the FBI, partnering with other law enforcement agencies is the mission of the RCFL Program and the key to its success. Personnel from 132 federal, state, and local law enforcement agencies were assigned to the RCFLs at the close of fiscal year (FY) 2012. Each RCFL is responsible for recruiting

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<sup>4</sup> The two commercial certification tests are CompTIA A+ and AccessData Certified Examiner.

federal, state, and local law enforcement agencies to participate in the program. The RCFL program offers its members: (1) access to a team of Forensic Examiners capable of conducting any type of computer forensics, (2) access to a national network of personnel who can answer computer forensics questions, and (3) free training offered to personnel detailed to an RCFL. There are only two requirements for a law enforcement agency to become a member of an RCFL: (1) sign the RCFL Memorandum of Understanding, which outlines the responsibilities of the RCFL participants and formalizes the relationship between participating agencies and their employees regarding forensic operations, policies, planning, training, and public and media relations of the RCFL; and (2) assign at least one employee to the local RCFL.

*American Society of Crime Laboratory Directors/Laboratory Accreditation Board Accreditation*

The Crime Laboratory Accreditation Program of the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) is a nonprofit corporation that offers accreditation programs in which any crime laboratory providing covered services may participate to demonstrate that its management, operations, personnel, procedures and instruments, physical plant and security, and personnel safety procedures meet certain International Organization for Standardization and International Electrotechnical Commission requirements and applicable ASCLD/LAB-International supplemental requirements.<sup>5</sup> The ASCLD/LAB has adopted the following four accreditation objectives to define the purpose and nature of the program:

1. Improve the quality of laboratory services provided to the criminal justice system;
2. Offer the general public and users of laboratory services a means to identify those laboratories which satisfy accreditation criteria;
3. Develop and maintain criteria which can be used by a laboratory to assess its level of performance and to strengthen its operations; and
4. Provide an independent, impartial, and objective system by which laboratories can benefit from a total organizational review.

ASCLD/LAB accreditation is intended to demonstrate that all forensic services are provided in accordance with accepted standards; provides an essential, external, independent review of the laboratory work; and increases the level of confidence for customers and all interested parties in the work product of the laboratory. In the Memorandum of Understanding between the FBI and the RCFLs, the FBI requires the RCFL to seek appropriate scientific and educational

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<sup>5</sup> The American Society of Crime Laboratory Directors is a nonprofit professional society of crime laboratory directors and forensic science managers dedicated to providing excellence in forensic science.

accreditations and certifications for the RCFL and its assigned employee(s). According to the FBI, ASCLD/LAB accreditation satisfies this requirement. As of June 2014, 13 of the 16 RCFLs in the FBI's RCFL Program had successfully acquired ASCLD/LAB accreditation.<sup>6</sup>

## **RCFL Program Services and Accomplishments**

### *CART Database*

The CART Database, maintained by the FBI Operational Technology Division (OTD), is the FBI's system of record for digital evidence and digital forensics that tracks forensic examination work from inception to completion. The data from the CART Database is used to provide statistics and metrics to Congress and FBI management regarding the performance of the FBI CART Program and the productivity of the FBI's digital forensic professionals.<sup>7</sup> The CART Database is primarily used by Forensic Examiners, CART Technicians, Digital Evidence Extraction Technicians, and supervisors who are geographically dispersed across FBI field offices and RCFLs.

### *Digital Services*

At the RCFLs, Examiners use digital forensics to determine potential legal evidence on a variety of software programs, different operating systems, and varying hard drives sizes. RCFL Examiners are capable of locating deleted, encrypted, or damaged file information that may serve as evidence in a criminal or terrorism investigation. It is not the Examiner's responsibility to analyze the data recovered to determine the meaning of the data or its significance to the investigation.

### *Cell Phone Investigative Kiosk Program*

Cell Phone Investigative Kiosks (Kiosks) are available at select FBI field offices and RCFLs. A Kiosk is a preview tool that allows users to quickly and easily view data stored on a cell phone, extract the data to use as evidence, put it into a report, and copy the report to an electronic storage device such as a compact disk. Kiosks are not designed to take the place of full-scale cell phone examinations performed by certified Forensic Examiners; however, the evidence produced by a Kiosk is admissible in a court of law. Kiosk users are required to take a one-time hour-long training course and be familiar with computers. In addition, FBI policy

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<sup>6</sup> As of July 2014, the New Mexico RCFL's accreditation was pending a vote by the ASCLD/LAB Board, and the Miami Valley (Dayton, Ohio) and Western New York (Buffalo, New York) RCFLs were not yet ASCLD/LAB accredited.

<sup>7</sup> The FBI CART Program consists of highly trained and certified computer specialists working at FBI Headquarters, throughout the 56 FBI field offices, and within each RCFL across the nation. It provides digital forensic services to FBI investigators and, in some instances, to local, state, and federal partners.

requires Kiosk users to confirm they possess the proper legal authority for the search of data on cell phones or loose media. A Kiosk has two components:

1. A cell phone examination system containing software and the necessary cables to connect to and download data from various cell phones, and
2. A photographic system that enables a user to take pictures of a cell phone's screen.

### *RCFL Program Annual Report*

The NPO reports its accomplishments to Congress and FBI management in an Annual Report. According to the FBI, a Booz Allen Hamilton contractor assigned to the RCFL NPO and responsible for preparing the Annual Report was released during the 2013 budget sequestration and never replaced. Most of the information reported in the Annual Report is generated from the CART Database with the exception of training and Kiosk usage information.<sup>8</sup> We discuss the accuracy of the information reported in the Annual Report in the Findings and Recommendations section of this report.

### *RCFL Training*

The local RCFLs offer training to law enforcement personnel regarding the proper techniques for seizing, storing, and analyzing digital evidence. Several other specialized computer training classes, including Internet intrusion and the use of current computer forensics software, are also offered.

### *RCFL Program Backlog Statistics*

In January 2014, the FBI defined a 'backlog' request as a service request that has not been assigned to an Examiner within 30 days of the request. Prior to January 2014, a 'backlog' request was any request not completed within 60 days. According to the FBI, the change was necessary because the original definition did not take into account the complexity of each case. In its Digital Evidence Corporate Policy Directive and Policy Implementation Guide (Implementation Guide), the FBI discouraged supervisors from assigning service requests to Examiners to avoid identifying service requests as backlog, and instead encouraged supervisors to assign service requests as Examiners became available to actively address the request.<sup>9</sup>

According to the FBI, the goal of the new definition is to more accurately track digital forensic backlog by identifying requests that the RCFL does not have

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<sup>8</sup> The training information is maintained in an online training system; according to the FBI, there is no centralized database for tracking Kiosk usage.

<sup>9</sup> FBI Operational Technology Division, *Digital Evidence Corporate Policy Directive and Policy Implementation Guide*, January 03, 2014.

the resources to address. To further facilitate an accurate accounting of backlogged requests, service requests should be limited to no more than 10 unique items.<sup>10</sup> The case agent or requesting agency should list out the items in the service request and rank them in order of priority to the investigation.

The following tables provide a summary of backlog cases as of the end of the fiscal year and the age of open service requests for the 16 RCFLs.

**Table 1**  
**Summary of Backlog Service Requests for the FBI's Regional Computer Forensic Laboratories**  
**Fiscal Years 2011-2013**

RCFL	Total Service Requests Received	Total No. of Backlog Cases			ASCLD/LAB Certified	RCFL Management
		2011	2012	2013		
Chicago	1,894	103	133	124	Yes	Cook County Sheriff's Office
Greater Houston	1,215	5	11	9	Yes	FBI
Heart of America	1,585	44	37	28	Yes	FBI
Intermountain West	1,502	19	40	55	Yes	FBI
Kentucky	860	18	17	13	Yes	Louisville Metro Police Department
Miami Valley	1,185	6	5	10	No	FBI
New Jersey	1,451	90	88	52	Yes	FBI
New Mexico	672	21	45	41	No	FBI
North Texas	1,957	38	51	35	Yes	FBI
Northwest	711	32	59	39	Yes	FBI
Orange County	2,703	6	4	13	Yes	FBI
Philadelphia	1,372	3	2	0	Yes	FBI
Rocky Mountain	759	81	58	13	Yes	FBI
San Diego	2,525	1	3	1	Yes	FBI
Silicon Valley	1,307	56	77	85	Yes	FBI
Western New York	537	19	29	7	No	FBI

Source: FBI Data

<sup>10</sup> A unique item is considered a laptop, cell phone, desktop, and tablet. An exception is made for numerous items of the same type of disposable media, for example flash drives and SD cards, which can be counted as one item in a service request.

**Table 2**  
**Age of Open Service Requests by RCFL**  
**As of August 2014**

RCFL	Less than 90 days	91-180 days	6 months – 1 year	1 year – 2 years	Over 2 years	RCFL Total
Chicago	140	60	62	50	26	338
Greater Houston	29	27	6	13	1	76
Heart of America	48	6	3	0	0	57
Intermountain West	35	16	20	6	0	77
Kentucky	18	17	14	9	0	58
Miami Valley	3	1	1	0	0	5
New Jersey	69	60	34	25	2	190
New Mexico	29	41	12	0	3	85
North Texas	45	33	44	6	0	128
Northwest	34	30	16	11	6	97
Orange County	122	33	37	10	1	203
Philadelphia	32	2	0	0	0	34
Rocky Mountain	20	16	12	1	0	49
San Diego	1	0	0	0	0	1
Silicon Valley	36	34	26	26	22	144
Western New York	12	5	3	4	0	24
<b>All RCFLs</b>	<b>673</b>	<b>381</b>	<b>290</b>	<b>161</b>	<b>61</b>	<b>1,566</b>

Source: FBI Data

### Philadelphia Regional Forensic Laboratory

The Philadelphia Regional Forensic Laboratory (PHRCFL), located in Radnor, Pennsylvania, was established in 2006 and obtained its ASCLD/LAB accreditation in 2008. From FYs 2011 through 2013, the PHRCFL had a combined budget of \$278,600. Its mission is to provide its customers with high quality digital forensics

services and training. The PHRCFL has 16 staff members and 7 task force officers from 6 participating agencies.<sup>11</sup> The PHRCFL provides law enforcement agencies with jurisdiction in Eastern Pennsylvania with pre-seizure consultation, on-site seizure and collection, duplication and storage of electronic equipment and other digital evidence, examination of digitally stored media, and courtroom testimony.

### **Office of the Inspector General Audit Approach**

The objectives of our audit were to assess the: (1) efficiency and effectiveness of the PHRCFL's performance, (2) effectiveness of the PHRCFL's outreach and partnership with the law enforcement community, and (3) PHRCFL's case management system and its efforts to address any service request backlog.<sup>12</sup>

To accomplish these objectives, we interviewed officials from the PHRCFL, FBI OTD, and the RCFL NPO. We also reviewed documents related to the organizational structures, RCFL accomplishments, users' satisfaction, and operational standards. To assess the reliability of the CART Database used to track the PHRCFL's performance, we examined user controls in the system. We also verified the database information by tracing it to source documentation maintained in official case files at the PHRCFL. We distributed a questionnaire to the six PHRCFL participating agencies to determine the effectiveness of the work conducted at the PHRCFL. After determining that a material backlog did not exist at the PHRCFL during the period covered by our audit, no further work was performed for the third objective.

The results of our review are detailed in the Findings and Recommendations section of this report.

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<sup>11</sup> The six participating agencies at the PHRCFL are the Bucks County District Attorney's Office, Delaware County District Attorney's Office, FBI Philadelphia Field Office, Montgomery County District Attorney's Office, Chester County District Attorney's Office, and Philadelphia Police Department.

<sup>12</sup> We selected the PHRCFL to audit because, based on the data available prior to the start of our audit, it appeared to be generally representative of the RCFLs and, as the audit was conducted during a budget sequestration when the OIG had limited travel funds, it was readily accessible to one of our Regional Audit Offices.

## **FINDINGS AND RECOMMENDATIONS**

### **PHILADELPHIA RCFL PERFORMANCE, PARTNERSHIPS, AND CASE BACKLOG**

RCFLs are responsible for providing timely and high quality digital forensics services and training to the FBI and their RCFL partners. The PHRCFL had mixed success in meeting its various performance goals in fiscal years 2011 through 2013. We identified weaknesses in the Kiosk program that, if not addressed, can increase the risk of abuse in the PHRCFL's Kiosk and possibly elsewhere. Further, the current process used to obtain the data reported in the RCFL Program Annual Reports is not adequate to ensure Congress and FBI management receive complete and reliable information when making budgetary decisions. We also identified weaknesses in the training program that could result in the misreporting of the number of personnel trained. Finally, we found that, while the FBI reported a backlog at some RCFLs, the PHRCFL did not have a backlog as of September 30, 2013, and that participating agencies were satisfied with the work completed at the PHRCFL.

#### **RCFL CART Database**

The PHRCFL uses the information in the FBI's CART Database to measure progress towards achieving its annual goals, which are displayed in Table 3. As mentioned previously, the FBI's OTD maintains the CART Database, which tracks forensic examination work from inception to completion. The Examiner or the requesting Special Agent enters the service request and examination information into the CART Database.

We assessed the reliability of the information in the CART Database to determine whether we could rely on the information to ascertain whether the PHRCFL is achieving its performance goals. We reviewed a random sample of 50 PHRCFL service requests for FYs 2011 through 2013.<sup>13</sup> We also compared the data reported to Congress, FBI management, and the public in the RCFL Program's Annual Report to the information in the CART database and the information contained in the corresponding case files maintained by the PHRCFL. While our testing revealed some minor discrepancies, we believe the discrepancies were not significant enough for us to question the reliability of the information contained in the CART Database for the purpose of evaluating whether the PHRCFL had met its annual goals during the period covered by our audit.

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<sup>13</sup> We selected a random sample of 54 service requests, 18 per fiscal year. However, because 4 requests were either classified or referenced a covert operation, we limited our detailed review to only 50 of the 54 sampled requests selected.

The RCFL Director is responsible for setting the annual goals for the local RCFL. According to the PHRCFL Director, he sets his goals using input from the Philadelphia RCFL Executive Management, Local Executive Board, PHRCFL personnel, and his personal knowledge of what the PHRCFL can accomplish in that year. The annual goals are set by the beginning of the fiscal year and evaluated periodically to determine the progress made towards achieving those goals.

As shown in the following table, we assessed the PHRCFL’s performance by comparing the PHRCFL’s annual goals for FYs 2011 through 2013 to actual work completed and maintained in the CART Database. The PHRCFL’s goals varied by fiscal year, and we found that it had mixed success in meeting them. Specifically, the PHRCFL met two of its three established goals in FY 2011 and FY 2013, and one of its three established goals in FY 2012. It met the only consistent goal throughout the 3-year period that we reviewed – increasing the number of completed examinations by at least 5 percent – only once, in FY 2012. We were unable to determine if the PHRCFL met its goals for Kiosk usage because, according to the FBI, it does not have a centralized system to track Kiosk usage. We discuss Kiosk usage in greater detail in the next section.

**Table 3**  
**PHRCFL Annual Performance Goals**

Annual Goals	Goals Accomplished		
	FY 2011	FY 2012	FY 2013
Increase the number of completed examinations by at least 5 percent.	No (decreased 16 percent)	Yes	No (increased 4 percent)
Add at least one new Examiner.	Yes	N/A <sup>14</sup>	N/A
Increase the number of CART-certified Examiners by a minimum of 5 percent.	Yes	N/A	N/A
Increase the number of law enforcement officers trained in various digital forensics tools and techniques by a minimum of 5 percent.	N/A	No (decreased 42 percent)	N/A
Add at least one participating agency.	N/A	No	N/A
Increase Kiosk use by minimum of 5 percent.	Unable to Determine		
Increase the number of personnel trained by 10 percent.	N/A	N/A	Yes
Increase the number of courses conducted by 10 percent.	N/A	N/A	Yes

Source: Office of the Inspector General (OIG) Analysis of FBI Data

<sup>14</sup> N/A (Not Applicable) indicates a goal was not established.

## Cell Phone Kiosk Program

As discussed previously, a Cell Phone Investigative Kiosk (Kiosk) is a preview tool that allows users to quickly and easily view data stored on a cell phone, extract the data to use as evidence, put the data into a report, and copy the report to an electronic storage device such as a compact disk. Kiosks may be located at either an FBI field office, FBI resident agency, or at an RCFL.<sup>15</sup> The PHRCFL Kiosk is located in the PHRCFL space, but outside the laboratory. The PHRCFL Director told us that Kiosk users' interaction with PHRCFL personnel is limited to PHRCFL personnel providing assistance with the Kiosk.

We found that the PHRCFL did not have adequate controls over the access and use of its Kiosks. FBI policy requires Kiosk users to confirm they possess the proper legal authority for the search of data on cell phones or loose media. During our fieldwork, the FBI did not provide any information to show that PHRCFL Kiosk users were required to sign-in, identify the case related to the evidence being examined, or, as required by FBI policy, confirm that they possessed the proper legal authority to search for evidence on the cell phone. In addition, the FBI did not provide us with any information regarding controls in place at the PHRCFL to ensure that users do not use the Kiosks for non-law enforcement matters.

In response to a preliminary draft of our audit report, the FBI provided the following information about the PHRCFL's efforts to comply with FBI policy that requires RCFLs to confirm that users possess the proper legal authority for the search of data on cell phones or loose media. According to the PHRCFL Director, prior to granting access to the Kiosks, the PHRCFL requires users to sign and date a visitors log and complete a Letter of Acknowledgment for Use of PHRCFL Cell Phone/Loose Media form (Acknowledgment Form). By signing the Acknowledgment Form, Kiosk users acknowledge: (1) they are using the PHRCFL Kiosk for "official investigative or case-related purposes only"; and (2) they have the "appropriate legal authority to use the self-service kiosks for this official purpose." Kiosk users must sign and date the form; identify the department they are with; list their badge and phone numbers; and indicate the total number of phones or loose media that will be reviewed. The PHRCFL began using the Acknowledgment Form in May 2012. Prior to this date, there were no controls in place to minimize the risk of the Kiosks being used for non-law enforcement purposes.

Following the receipt of this new information, we conducted limited testing of 25 visits during FYs 2012 through 2014 to verify compliance with the procedures in place. When the PHRCFL began using the Acknowledgment Form in May 2012, its visitor's log contained a field for the purpose of each visitor's visit. We selected names from the visitor's log whose stated purpose for the visit was Kiosk usage and compared those names and dates to the corresponding Acknowledgment Forms.

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<sup>15</sup> According to the FBI, non-FBI personnel are allowed to use the Kiosks located in FBI field offices and resident agencies, but they must be escorted by FBI personnel at all times. According to the PHRCFL Director, anyone visiting the laboratory must be escorted to remain in compliance with ASCLD/LAB accreditation requirements.

For the 17 visits we selected between May 2012 and January 2013, we found that approximately 24 percent of the PHRCFL Kiosk-related visitor log entries did not have corresponding Acknowledgment Forms. In January 2013, the PHRCFL removed the purpose field from its visitor's log, so we revised our testing and for January 2013 through September 2014, we selected a judgmental sample of eight Acknowledgment Forms and compared the names on the forms to entries on the PHRCFL's visitor's log. We found that approximately 13 percent of the forms did not have corresponding entries on the visitor's log. According to the PHRCFL Director, missing Acknowledgment Forms could have occurred for one of the following reasons: (1) Kiosk users may have arrived in groups and only one user signed the form, but all of the users signed the visitors log; (2) an FBI agent did not sign the form because there was no requirement to do so when using a Kiosk at the FBI field office; or (3) a Kiosk user forgot to complete or drop off the Acknowledgment Form.

We believe that although the Kiosks are an efficient tool for law enforcement officers to use to examine digital evidence that may not require the extensive examination of a certified Forensic Examiner, Kiosks are vulnerable to potentially serious abuse. For example, without proper controls, it is possible that a Kiosk user could use this tool to view private cell phone information for non-law enforcement purposes. It also is possible for a user to use a Kiosk without proper legal authority, thereby engaging in a Fourth Amendment violation.<sup>16</sup> During our audit, the PHRCFL revised the Acknowledgment Form to require law enforcement officers to identify the case number associated with the investigation. While we did not find any evidence that the PHRCFL Kiosks had been misused, the FBI should strengthen controls to minimize the potential risk of serious abuse by ensuring that Acknowledgment Forms are completed by a law enforcement officer for each Kiosk use and requiring the law enforcement officer to, at minimum, record the type of legal authority allowing the officer to search the phone. By revising the Acknowledgment Form to include more detailed information about the legal authority to perform a search, the PHRCFL may deter misuse of the Kiosk. The purpose of the Acknowledgment Form is to prevent the misuse of the Kiosks; therefore, the controls over their use should include detailed information. We did not audit other RCFLs as part of this review, but we believe that it is important that the FBI evaluate RCFL implementation of FBI policy for Kiosk usage at RCFLs nation-wide and, if necessary, promptly revise controls to ensure compliance with that policy.

As discussed previously, the PHRCFL's performance statistics are reported to Congress and FBI management in an Annual Report. We reviewed Kiosk usage information reported in the FY 2011 - 2013 Annual Reports, but we were unable to verify the PHRCFL Kiosk usage information contained in the reports. When we

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<sup>16</sup> We note here that in 2014 the U.S. Supreme Court explored whether the contents of a cell phone could be searched by police under the Fourth Amendment exception of a search incident to an arrest. The Supreme Court held that the police generally may not, without a warrant, search digital information on a cell phone seized from an individual who has been arrested. *Riley v. California*, 134 S. Ct. 2473 (2014).

asked the FBI to provide us with PHRCFL Kiosk performance data for fiscal years 2011 through 2013, the FBI initially provided us with the requested statistics but then withdrew the information, stating that it did not have a centralized database to track Kiosk usage, so it could not provide data on the usage of the PHRCFL Kiosks.

The PHRCFL Director told us that he downloads Kiosk usage information from the PHRCFL Kiosks onto a media device and uploads it into the CART Database for inclusion in the Annual Report to support its progress towards achieving its goal of increasing Kiosk usage. However, the Kiosk usage information uploaded to the CART Database did not accurately reflect the number of times the Kiosk was used for investigative purposes because, according to the PHRCFL Director, training participants at the PHRCFL were allowed to practice using the Kiosk by searching the data on their own cell phones. The training-related Kiosk usage data was not removed from the annual Kiosk usage information prior to uploading the data into the CART Database, and therefore the uploaded annual usage statistics did not accurately reflect investigative Kiosk usage. Because of this inaccuracy the FBI withdrew the data provided by the PHRCFL and as a result, we could not evaluate whether the PHRCFL had met its goal for increased Kiosk usage. We believe performance goals and accurate data used to track progress towards achieving those goals are vital to adequately manage a national level program such as the RCFL Program, and recommend that the FBI provide guidance to the PHRCFL on how to track Kiosk usage in a way that the RCFL NPO will be able to confirm the reliability of the PHRCFL's statistics.

### **RCFL Program Annual Report**

The RCFL NPO reports its accomplishments to Congress and FBI management in an Annual Report. To determine whether the RCFL Program Annual Report (Annual Report) accurately represented the accomplishments of the PHRCFL, we obtained statistical data from the CART Database and compared it to the data reported in the FY 2011 – 2013 Annual Reports. We found discrepancies between the data in the Annual Reports and the CART Database information provided by the FBI. The table below shows the comparison between the two sets of data.

**Table 4**

**Comparison of the Annual Report and CART Database Data  
For the PHRCFL FYs 2011 through 2013**

Performance Area	FY 2011		FY 2012		FY 2013	
	Annual Report	CART Database	Annual Report	CART Database	Annual Report	CART Database
Service Requests Received	425	396	193	467	191	509
Exams Completed	477	321	448	423	494	438
Terabytes Processed	266	261	269	270	328	368
Field Services	86	64	33	37	3	3
Cell Phone Kiosk Use <sup>17</sup>	370		785		840	

Source: OIG Comparison of the Annual Report and CART Database Data

According to an official from the FBI OTD, the division responsible for maintaining the CART Database, the disparity existed between the two sets of data because, while both sets of data were taken from the CART Database, the information was taken from the database at different points in time. After the Annual Reports were finalized and released to Congress and the public, investigative events occurred in some of the cases that, in turn, required Forensic Examiners to update the CART Database. However, the RCFL NPO Unit Chief told us that the information used in the Annual Reports is not extracted from the CART Database until OTD locks down the system, thereby allowing no additional information to be entered into the system for the fiscal year. Because Congress and FBI management use the RCFL Annual Report to make budget decisions and assess the RCFL Program's performance, we believe that it is essential that the FBI ensure the accuracy of the information reported.

### **PHRCFL Training**

According to the FBI, training is one of the cornerstone services offered by the PHRCFL and the RCFL Program. The PHRCFL included increasing the number of personnel trained and the number of courses offered as annual goals for FYs 2012 and 2013. According to information provided by the FBI, the PHRCFL trained 638 personnel in FY 2011, 371 in FY 2012, and 723 in FY 2013. However, as described below, we were unable to verify the accuracy of these reported accomplishments because the PHRCFL did not maintain adequate source documentation for training that occurred outside of PHRCFL.

Until early 2014, personnel attending training offered by the PHRCFL registered on the PHRCFL website using the RCFL NPO's Training Registration System (TRS). All training data, including the attendance roster, was maintained on the registration website. According to PHRCFL officials, the class instructor was

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<sup>17</sup> According to the FBI, neither the CART database nor any other centralized database tracks cell phone and loose media Kiosk usage. As a result, the FBI did not provide statistics to support the information in the Annual Report.

responsible for printing the class roster, ensuring that all registered participants are present, and updating the class roster on the registration website by removing anyone who did not attend. A separate paper log was also used to record who attended classes. When trainees enter the PHRCFL, they sign their name, agency, and time of arrival. The PHRCFL populates the purpose of their visit with the name of the training course; for non-FBI employees, the number of their visitor's badge; and when the training is completed, the departure time.

According to the FBI, in early 2014, TRS was compromised after an intruder gained unauthorized access and it was taken out of service until a more secure website could be deployed. The NPO requested that RCFLs maintain class rosters locally; as a result, the PHRCFL continues to maintain a paper log. The FBI told us that the NPO is in the process of building and deploying a new training website. FBI officials also told us that security is a top priority in developing the new system because it will contain the names of law enforcement officers.

During our audit, we compared the number of participants listed on the training logs to both the information reported in the Annual Report and the accomplishment data the FBI provided to the Office of the Inspector General (OIG). As the comparison in Table 5 shows, the training records did not support the information reported to the OIG and in the Annual Report. According to the PHRCFL Director, the numbers did not match because he does not maintain a sign-in sheet for training conducted outside of the PHRCFL. He told us that he reports estimated statistics for outside training sessions. Therefore, because no supporting documentation was available for training conducted outside the PHRCFL, we could not reconcile the numbers provided in the Annual Report or by the FBI.

**Table 5**  
**Comparison of the Annual Report, FBI Accomplishment Data,**  
**and Training Records**  
**For the PHRCFL FYs 2011 through 2013**

<b>Fiscal Year</b>	<b>Annual Report</b>	<b>FBI Accomplishment Data</b>	<b>Training Records</b>
<b>2011</b>	352	638	308
<b>2012</b>	643	371	533
<b>2013</b>	914	723	414

Source: OIG Comparison of the Annual Report, FBI Accomplishment Data, and Training Records

Accordingly, we recommend that the FBI create a secure automated system to register for training held at local RCFLs, record personnel attendance at RCFL training, and report training data to the NPO.

## Law Enforcement Agency Participation

According to the FBI, partnering is a central part of the RCFL Program and the key to its success. As of August 2014, there were six participating agencies at the PHRCFL. The PHRCFL Director told us that over the past 2 years, three participating agencies left the PHRCFL because of staffing and funding issues at these local agencies.<sup>18</sup>

According to the PHRCFL Director, the benefits to law enforcement agencies participation at the PHRCFL are:

1. Access to a team of Forensic Examiners capable of conducting any type of computer forensic work,
2. Access to a national network of answers to any computer forensic question, and
3. The FBI pays for 1 year of training for each person detailed to the local RCFL.

To become a participating agency, a law enforcement agency must sign a Memorandum of Understanding and detail sworn or non-sworn personnel to the local RCFL. According to the Memorandum of Understanding, law enforcement personnel assigned to the PHRCFL are not considered employees of the PHRCFL or the FBI. Therefore, the responsibility for the conduct of the PHRCFL assignee, both personally and professionally, remains with their respective agency head.

Since partnering is critical to the RCFL Program's success, the PHRCFL included adding at least one new participating agency in its 2012 annual goals. The PHRCFL did not accomplish that goal. There were seven participating agencies in 2011 and seven in 2012.<sup>19</sup> According to the PHRCFL Director, he is not recruiting other agencies to join the PHRCFL because space for addition personnel at the PHRCFL location is limited, travel time to the PHRCFL has been problematic for other agencies, and the major agencies in southeast Pennsylvania already participate in the PHRCFL.

We contacted the six participating agencies to obtain their opinions on the effectiveness of the PHRCFL operations and received responses from four.<sup>20</sup> According to the respondents, their participation in the PHRCFL has provided them

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<sup>18</sup> The three participating agencies that left the PHRCFL during 2011-2013 were the Lower Providence Township Police Department, Lancaster City Bureau of Police, and Township of Lower Merion Police Department.

<sup>19</sup> Lower Providence Police Department left the PHRCFL at the end of FY 2012.

<sup>20</sup> We did not receive responses from Delaware County District Attorney's Office and Chester County District Attorney.

with enhanced computer forensics capabilities and the opportunity to leverage the resources of the FBI, including up-to-date training and technology, priority service, and additional manpower assistance on search warrants. All four respondents said that the PHRCFL was timely in completing examinations, the exam results met their expectations, and they would recommend the PHRCFL service to other law enforcement agencies.

### **PHRCFL Case Backlog**

Prior to January 2014, the criterion for a case backlog was case work not completed within 60 days. Using this criterion we reviewed backlog and aging reports from the CART Database and interviewed the PHRCFL Director and RCFL NPO Unit Chief. While we did not audit other RCFLs as part of this review, the FBI reported a case backlog at a number of RCFLs, as reflected earlier in Tables 1 and 2. We found that the PHRCFL did not have a material backlog during FYs 2011 and 2012 and that, as of September 30, 2013, it did not have a case backlog at all. According to the PHRCFL Director, the PHRCFL is able to avoid having a case backlog because he assigns cases to Examiners based on the type of examination required, each Examiner's current caseload, and the skill level and certification required.

### **Conclusion**

In FYs 2011 through 2013, the PHRCFL experienced mixed results in achieving its various performance goals. We found that, although the FBI reported backlogs at some other RCFLs, a material backlog did not exist at the PHRCFL, and that participating agencies were satisfied with the work performed there. In addition, we identified material weaknesses in the Kiosk program that, if not addressed, could leave the Kiosk vulnerable to abuse at the PHRCFL and, possibly, at other RCFLs if they do not have appropriate protections in place. We also found that the current process used to support the information found in the RCFL Annual Report is not adequate to ensure the accuracy of the information reported to Congress, FBI management, and the public. Finally, we found that the PHRCFL's data concerning the number of law enforcement personnel that were trained was inadequately supported, leaving the FBI unable to accurately determine the degree to which the RCFL program is accomplishing one of its core missions. As a result, we make the following recommendations.

### **Recommendations**

We recommend that the FBI:

1. Require the RCFL NPO to monitor each RCFL's progress toward meeting their annual goals.
2. Strengthen the PHRCFL's process for confirming that Kiosk users possess the proper legal authority for the search of the data on cell phones by ensuring that Acknowledgement Forms are completed by a law enforcement officer for

each Kiosk use and requiring the user to record the type of legal authority allowing the officer to search the phone; and examine the procedures at other RCFLs nationally to ensure that such protections are in place.

3. Provide guidance to the PHRCFL on tracking Kiosk usage in a way that the RCFL NPO will be able to confirm the reliability of the PHRCFL's statistics.
4. Examine those RCFLs that have material backlogs to determine the reasons for the backlogs and develop and implement measures to address them.
5. Maintain the data used to support the statistics reported in the RCFL Annual Report, and ensure that they accurately reflect the RCFLs' work.
6. Create a secure automated system to register for training held at local RCFLs, record personnel attendance at RCFL training, and report training data to the NPO.

## STATEMENT ON INTERNAL CONTROLS

As required by the *Government Auditing Standards*, we tested, as appropriate, internal controls significant within the context of our audit objectives. A deficiency in an internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to timely prevent or detect: (1) impairments to the effectiveness and efficiency of operations, (2) misstatements in performance information, or (3) violations of laws and regulations. Our evaluation of the Federal Bureau of Investigation's internal controls was *not* made for the purpose of providing assurance on its internal control structure as a whole. FBI management is responsible for the establishment and maintenance of internal controls.

Through our audit testing, we did not identify any deficiencies in the FBI's internal controls that are significant within the context of the audit objectives and based upon the audit work performed that we believe would affect the FBI's ability to effectively and efficiently operate, to correctly state performance information, and to ensure compliance with laws and regulations.<sup>21</sup>

Because we are not expressing an opinion on the FBI's internal control structure as a whole, this statement is intended solely for the information and use of the FBI. This restriction is not intended to limit the distribution of this report, which is a matter of public record.

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<sup>21</sup> While we found that performance data in the CART database could be modified after being used for annual reporting purposes, we do not consider this to be an internal control deficiency as case information should be able to be modified and can still be stated appropriately. However, as recommendation number five notes, we believe the FBI should maintain those statistics that are used to support its Annual Report, and make sure that those statistics accurately reflect the RCFLs' work.

## STATEMENT ON COMPLIANCE WITH LAWS AND REGULATIONS

As required by the *Government Auditing Standards* we tested, as appropriate given our audit scope and objectives, selected transactions, records, procedures, and practices, to obtain reasonable assurance that FBI management complied with federal laws and regulations, for which noncompliance, in our judgment, could have a material effect on the results of our audit. FBI's management is responsible for ensuring compliance with applicable federal laws and regulations. In planning our audit, we identified the following law that concerned the operations of the auditee and that was significant within the context of the audit objectives:

- Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (Patriot Act of 2001).

Our audit included examining, on a test basis, the FBI's compliance with the aforementioned law that could have a material effect on the FBI's operations, through interviewing FBI personnel, surveying PHRCFL participants, and reviewing program performance documentation. Nothing came to our attention that caused us to believe that the FBI was not in compliance with the aforementioned law.

## OBJECTIVES, SCOPE, AND METHODOLOGY

### Objectives

The objectives were to assess the: (1) efficiency and effectiveness of the PHRCFL's laboratory performance; (2) effectiveness of the Philadelphia Regional Computer Forensic Laboratory (PHRCFL)'s outreach and partnership with the law enforcement community; and (3) PHRCFL's case management system and any efforts to address its service request backlog.

### Scope and Methodology

We conducted the audit in accordance with generally accepted government auditing standards. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We conducted work at the PHRCFL in Radnor, Pennsylvania.

In conducting our audit, we interviewed officials from the PHRCFL, FBI Operational Technology Division, and the RCFL National Program Office. We also reviewed documents related to the organizational structures, RCFL accomplishments, users' satisfaction, budget documentation, and operational standards. We also assessed the reliability of the CART Database used to track the PHRCFL performance. To assess the reliability of the CART Database, we examined the user controls in the system. We also verified the database information by tracing it to source documentation maintained in the official case files.

To assess the efficiency and effectiveness of the PHRCFL's laboratory performance, we examined the PHRCFL's progress towards achieving its annual goals. We reviewed and compared the annual goals to the statistics maintained in the CART Database. We compared the number of participants listed on the training logs to both the information reported in the Annual Report and the accomplishment data the FBI provided to the OIG. To assess the controls surrounding the PHRCFL Kiosk usage, we selected a judgmental sample of Letter of Acknowledgment for Use of PHRCFL Cell Phone/Loose Media forms and compared the names on the forms to entries on the PHRCFL's visitor's log.<sup>22</sup> In addition, we distributed a survey to the six PHRCFL participants to determine the effectiveness of the work conducted at the PHRCFL.

To assess the PHRCFL's efforts to address its service request backlog, we examined CART Database information to determine if a backlog existed. Based on the information obtain, the PHRCFL does not have a backlog. We interviewed the PHRCFL Director to determine his strategy to maintain no backlog. Because it was

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<sup>22</sup> Prior to granting access to the Kiosk, the PHRCFL requires users to sign and date a visitors log and complete a Letter of Acknowledgment for Use of PHRCFL Cell Phone/Loose Media form.

determined that a backlog did not exist for the PHRCFL, we did not complete any further work on the backlog objective.

FEDERAL BUREAU OF INVESTIGATION'S RESPONSE TO THE  
DRAFT AUDIT REPORT



U.S. Department of Justice

Federal Bureau of Investigation

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Washington, D. C. 20535-0001

March 17, 2015

The Honorable Michael E. Horowitz  
Inspector General  
Office of the Inspector General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

Dear Mr. Horowitz:

The Federal Bureau of Investigation (FBI) appreciates the opportunity to review and respond to your office's report entitled, "*Audit of the Federal Bureau of Investigation's Regional Computer Forensic Laboratory Philadelphia, Pennsylvania.*"

We are pleased you found that participating agencies of the FBI's Philadelphia Regional Computer Forensic Laboratory (PHRCFL) were satisfied with the work performed there; forensic examinations were timely completed and exam results met their expectations. Most notably, our partner agencies confirmed their participation at the PHRCFL has provided them with "enhanced computer forensic capabilities and the opportunity to leverage the resources of the FBI, including current training and technology, priority service, and additional manpower assistance on search warrants." The FBI remains fully committed to continued cultivation of these positive working relationships.

We appreciate your insights into improving the PHRCFL and the RCFL National Program Office. In that regard, we concur with each of your recommendations. Should you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Stephen Richardson".

Stephen Richardson  
Assistant Director  
Operational Technology Division

**The Federal Bureau of Investigation's Response to the  
Office of the Inspector General's Audit of the FBI's Regional Computer Forensic  
Laboratory Philadelphia, Pennsylvania**

**Report Recommendation #1: Require the RCFL NPO to monitor each RCFL's progress toward meeting their annual goals.**

**FBI Response to Recommendation #1:** Concur. The RCFL NPO will monitor each RCFL's progress toward meeting their annual goals.

**Report Recommendation #2: Strengthen the PHRCFL's process for confirming that Kiosk users possess the proper legal authority for the search of the data on cell phones by ensuring that Acknowledgement Forms are completed by a law enforcement officer for each Kiosk use and requiring the user to record the type of legal authority allowing the officer to search the phone; and examine the procedures at other RCFLs nationally to ensure that such protections are in place.**

**FBI Response to Recommendation #2:** Concur. The PHRCFL will strengthen the process for confirming that Kiosk users possess the proper legal authority for the search of the data on cell phones by ensuring that Acknowledgement Forms are completed by a law enforcement officer for each Kiosk use and requiring the user to record the type of legal authority allowing the officer to search the phone; and will make sure the procedures at other RCFLs have the same protections in place.

**Report Recommendation #3: Provide guidance to the PHRCFL on tracking Kiosk usage in a way that the RCFL NPO will be able to confirm the reliability of the PHRCFL's statistics.**

**FBI Response to Recommendation #3:** Concur. The RCFL NPO will provide guidance to the PHRCFL on tracking Kiosk usage in a way that the NPO will be able to confirm the reliability of the PHRCFL's statistics.

**Report Recommendation #4: Examine those RCFLs that have material backlogs to determine the reasons for the backlogs and develop and implement measures to address them.**

**FBI Response Recommendation #4:** Concur. The RCFLs that have material backlogs will be examined to determine the reasons for the backlogs and develop and implement measures to address them.

**Report Recommendation #5: Maintain the data used to support the statistics reported in the RCFL Annual Report, and ensure that they accurately reflect the RCFLs' work.**

**FBI Response to Recommendation #5:** Concur. The RCFL NPO will maintain the data used to support the statistics reported in the RCFL Annual Report, and ensure that they accurately reflect the RCFLs' work.

**Report Recommendation #6: Create a secure automated system to register for training held at local RCFLs, record personnel attendance at RCFL training, and report training data to the NPO.**

**FBI Response to Recommendation #6:** Concur. A secure automated system will be created to register for training held at local RCFLs, record personnel attendance at RCFL training, and report training data to the NPO.

## OFFICE OF THE INSPECTOR GENERAL ANALYSIS AND SUMMARY OF ACTIONS NECESSARY TO CLOSE THE REPORT

The Office of the Inspector General (OIG) provided a draft of this audit report to the Federal Bureau of Investigation (FBI). The FBI's response is incorporated in Appendix 2 of this final report. The following provides the OIG analysis of the response and summary of actions necessary to close the report.

### Recommendation:

1. **Require the RCFL NPO to monitor each RCFL's progress toward meeting their annual goals.**

Resolved. The FBI concurred with our recommendation. In its response, the FBI stated that the RCFL NPO will monitor each RCFL's progress toward meeting annual goals.

This recommendation can be closed when we receive evidence that the RCFL NPO has monitored each RCFL's progress toward meeting annual goals.

2. **Strengthen the PHRCFL's process for confirming that Kiosk users possess the proper legal authority for the search of the data on cell phones by ensuring that Acknowledgement Forms are completed by a law enforcement officer for each Kiosk use and requiring the user to record the type of legal authority allowing the officer to search the phone; and examine the procedures at other RCFLs nationally to ensure that such protections are in place.**

Resolved. The FBI concurred with our recommendation. In its response, the FBI stated that the PHRCFL will strengthen the process for confirming that Kiosk users possess the proper legal authority for the search of the data on cell phones by ensuring that Acknowledgement Forms are completed by a law enforcement officer for each Kiosk use and requiring the user to record the type of legal authority allowing the officer to search the phone. In addition, the FBI stated that it will make sure the procedures at other RCFLs have the same protections in place.

This recommendation can be closed when we receive evidence that the PHRCFL has strengthened its process for confirming that Kiosk users possess the proper legal authority for the search of the data on cell phones by ensuring that Acknowledgement Forms are completed by a law enforcement officer for each Kiosk use and requiring the user to record the type of legal authority allowing the officer to search the phone. The FBI should also provide evidence that it has examined the procedures at other RCFLs nationally and ensured that such protections are in place.

- 3. Provide guidance to the PHRCFL on tracking Kiosk usage in a way that the RCFL NPO will be able to confirm the reliability of the PHRCFL's statistics.**

Resolved. The FBI concurred with our recommendation. In its response, the FBI stated that the RCFL NPO will provide guidance to the PHRCFL on tracking Kiosk usage in a way that the NPO will be able to confirm the reliability of the PHRCFL's statistics.

This recommendation can be closed when we receive evidence that the RCFL NPO provided guidance to the PHRCFL on tracking Kiosk usage in a way that ensures the reliability of the PHRCFL's statistics.

- 4. Examine those RCFLs that have material backlogs to determine the reasons for the backlogs and develop and implement measures to address them.**

Resolved. The FBI concurred with our recommendation. In its response, the FBI stated that the RCFLs that have material backlogs will be examined to determine the reasons for the backlogs and develop and implement measures to address them.

This recommendation can be closed when we receive evidence that the RCFL NPO has examined RCFLs that have material backlogs to determine the reasons for the backlogs and that adequate measures to address the backlogs have been developed and implemented.

- 5. Maintain the data used to support the statistics reported in the RCFL Annual Report, and ensure that they accurately reflect the RCFLs' work.**

Resolved. The FBI concurred with our recommendation. In its response, the FBI stated that RCFL NPO will maintain the data used to support the statistics reported in the RCFL Annual Report, and ensure that they accurately reflect the RCFLs' work.

This recommendation can be closed when we receive evidence that the RCFL NPO maintains the data used to support the statistics reported in the RCFL Annual Report in a way that ensures future Annual Reports accurately reflect the RCFL's work.

- 6. Create a secure automated system to register for training held at local RCFLs, record personnel attendance at RCFL training, and report training data to the NPO.**

Resolved. The FBI concurred with our recommendation. In its response, the FBI stated that a secure automated system will be created to register for

training held at local RCFLs, record personnel attendance at RCFL training, and report training data to the NPO.

This recommendation can be closed when we receive evidence that the FBI created a secure automated system that allows trainees to register for training held at local RCFLs, records personnel attendance, and reports training data to the NPO.

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