

**Joint Expert Declaration by Four Former FBI CART Forensic Examiners
Regarding the Alleged FBI “Photograph Technician”**

Re: United States of America v. Keith Raniere et. al.
Case No. 1:18-cr-00204-NGG-VMS

We, the undersigned, each declare under penalty of perjury, pursuant to 28 U.S.C. 1746, that the following is true and correct:

I. Introduction

1. We are former FBI Computer Analysis Response Team (CART) examiners.
2. We have a combined 55 years of experience in the FBI.
3. We are trained in FBI procedures and have trained other FBI personnel in them.

II. FBI Digital Evidence-Handling Procedures

4. An FBI photograph technician is not a CART member. Therefore, they are not authorized to review original digital evidence, let alone unpreserved original digital evidence, as this is the sole purview of CART. (See Digital Evidence Policy Guide (DEPG), Section 3.3.4.5.)
5. All FBI personnel are trained to sign the chain of custody when taking custody of, and relinquishing, evidence, which is required by FBI protocol. (See DEPG, Section 3.3.9.1.1.2. “Chain of Custody.”)
6. Any FBI employee authorized to conduct forensic examinations is trained to use a write-blocker when reviewing original digital evidence, to avoid making alterations. (See CART SOPs Section 4.3.)
7. A forensic copy of the device must first be created before the contents can be reviewed, except in certain circumstances, such as exigent circumstances and approved previews. (CART SOPs, Section 4.5.) No such circumstances were established here.
8. Any FBI employee authorized to conduct forensic examinations is trained to stop their work if they come across files that are not in scope and notify the Case Agent, who would then apply for an additional search warrant for these files.
9. An FBI employee who deliberately accesses original evidence without authorization, deliberately violates the chain of custody, or knowingly allows another FBI employee to

do so, could receive disciplinary consequences such as a written reprimand, an Office of Professional Responsibility (OPR) investigation, or termination.

III. Violations of FBI Procedure by the Alleged FBI Photograph Technician

10. The alleged FBI photograph technician violated the aforementioned protocols:
 - a. They reviewed original, unpreserved digital evidence: the camera card.
 - b. They did not sign the chain of custody. (DX 945.)
 - c. They did not create a forensic copy of the camera card.
 - d. They did not use a write-blocker, thereby **permanently altering the original, unpreserved evidence.**
 - e. They completed their work, even though the files on the camera card were all dated to 2007 or before. (GX 521A - Replacement.) At the time of the review, on September 19, 2018, these dates were outside of the search warrant's scope, which was for the timeframe of 2015 onwards. They should have stopped their work when they saw the file dates and notified their Case Agent, who should have applied for an additional search warrant for these files.
11. Signing the chain of custody and preserving original evidence are fundamental pillars of FBI evidence handling procedures. Therefore, based on the above, we conclude that the alleged FBI photograph technician, SA Lever, and any other FBI personnel involved in the September 19, 2018 mishandling of 1B15, the Canon camera and camera card, **knowingly violated FBI protocols. Such willful actions could result in an agent's termination.**

IV. Non-Existent Role of FBI "Photograph Technician"

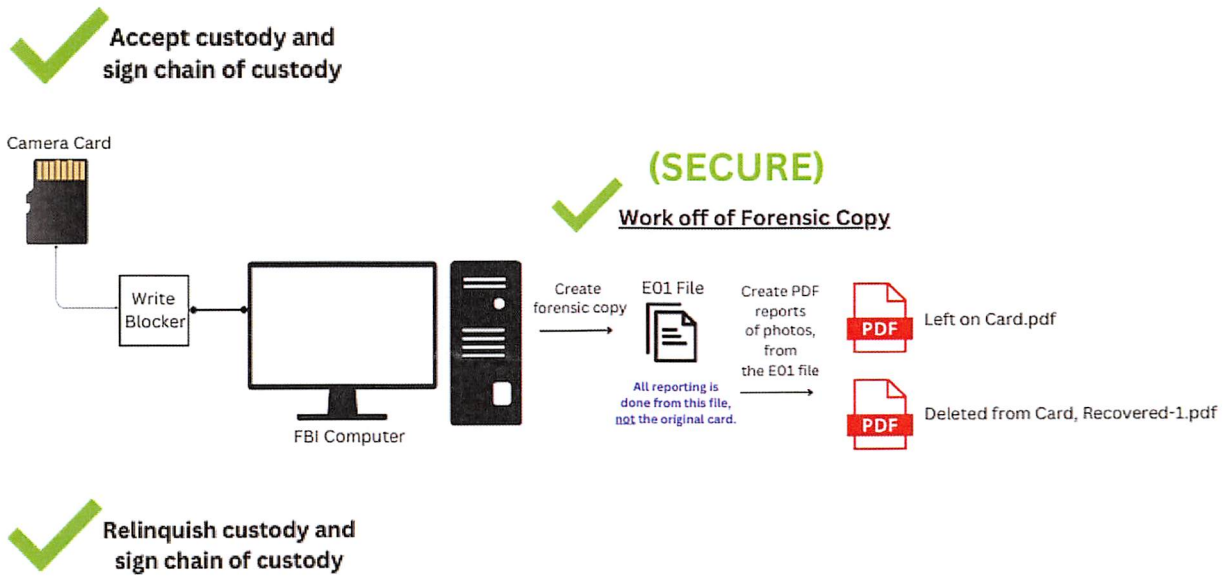
12. We are unaware of the job title "FBI Photograph Technician." There is a Job Series code, 1386, Photographic Technology. However in our 55 years of combined experience, it has never been used in FBI Field Offices. There are either "FBI Division Photographers," who are **prohibited** from handling original evidence, or there are examiners in CART or in the Forensic Audio, Video and Image Analysis Unit (FAVIAU). FAVIAU only exists at Quantico in Virginia.

13. FBI Division Photographers are typically tasked with downloading photos from FBI-owned media (e.g., search photos), never original evidence, like the camera card. They are generally from the Federal Job Series Code 1060, Photographer. They are trained to document investigative activity through the FD-302, the form for reporting information that may become testimony. If this FBI personnel conducted a review of the camera card, an FD-302 should exist. However, **no FD-302 for the supposed examination of the camera card by the alleged FBI “photograph technician” has been disclosed.**
14. We can think of no legitimate reason to give the unpreserved camera card to an alleged FBI “photograph technician,” in violation of FBI protocol, rather than directly to CART.
15. Expediting discovery production is not a valid exception to the FBI protocol. Moreover, circumventing CART with the alleged photograph technician was much slower and more personnel-intensive than simply having a CART examiner create a forensic copy of a small electronic device such as this 2 GB camera card.
16. This mishandling of the Canon camera and camera card was exceptional, considering all other 60+ devices produced in discovery were properly processed by CART, as required by FBI protocol.

V. Improper Technical Actions of the Alleged FBI Photograph Technician

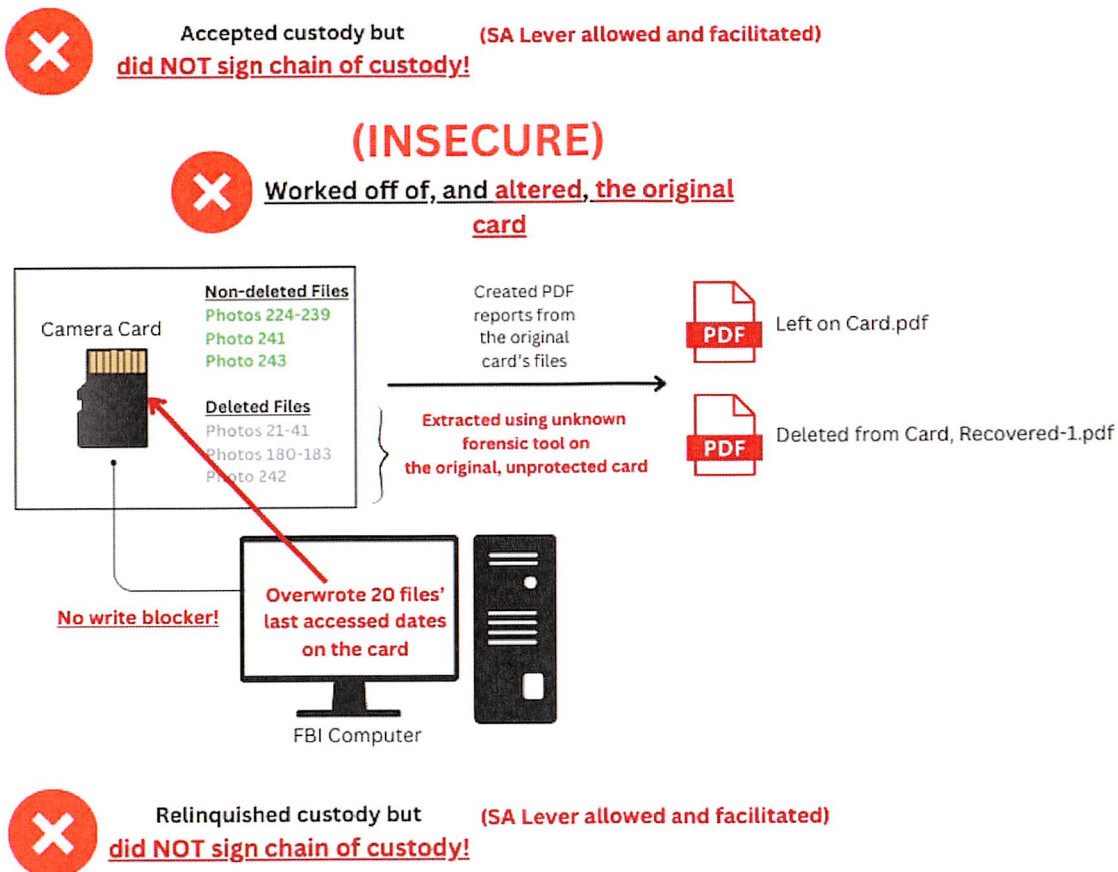
17. The alleged FBI photograph technician did not simply copy files from the camera card. They also used an unknown forensic tool on the camera card to recover deleted files. This is clear from the fact that the visual depictions of Photos 21-41, Photos 180-183, and Photo 242, identified as deleted files in the FBI forensic reports, also appear in the September 25, 2018 PDF reports. (VDM_NXIVM00005028 - VDM_NXIVM00005130.) Deleted files are not, by default, available for copying. Additional steps must first be taken to forensically recover the deleted files. These steps constituted an unauthorized forensic examination.
18. The diagram below shows the proper way to extract photos, without altering evidence.

Diagram 1: Proper Protocol



19. The diagram below shows what the FBI photograph technician did instead.

Diagram 2: The Actions of the Alleged FBI Photograph Technician



20. Since CART had not yet preserved the card prior to the alleged FBI photograph technician's alterations, there is no way to determine its original contents.

21. We have never in our careers at the FBI observed that a non-CART personnel, such as the unidentified alleged FBI photograph technician in this case, had (1) accessed original evidence, (2) **altered** the original evidence prior to preservation, and (3) failed to sign the chain of custody.

Signature:  Date: 2/13/2024

Name: **Dr. James Richard Kiper, Ph.D.**

Background: Retired FBI Special Agent, Computer Forensic Examiner, and Unit Chief at the FBI Academy, 20 years' service to the FBI

Signature:  Date: 2/13/2024

Name: **Stacy Eldridge**

Background: Former FBI Senior Forensic Examiner, 10 years' service to the FBI

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Name: **Mark Daniel Bowling**

Background: Former FBI Forensic Examiner, Cyber Program Manager, FBI Inspector in Place, and FBI Assistant Special Agent in Charge, 20 years' service to the FBI

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Name: **William Odom**

Background: Former FBI Special Agent and Forensic Examiner, Manager of FBI Forensics Lab in Houston, 5 years' service to the FBI, 25+ years' experience in the field.