



407-Investigations DEPT. OF PUBLIC SAFETY

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Warning: This directive is for AAMU DPS use only and therefore should not be construed as a creation of a higher legal standard of safety, or care, in an evidentiary sense with respect to third party claims. Violations of this directive will form the basis for departmental administrative sanctions. Violations of the law will form the basis for civil and criminal sanction/s in a recognized judicial setting.

407.1 PURPOSE

The purpose of this directive is to establish guidelines for sworn police employees of the Alabama A&M Department of Public Safety (AAMU DPS) regarding criminal investigations.

407.2 POLICY

The policy of The AAMU DPS is to investigate all criminal incidents that occur on grounds owned or leased by the University. It is the philosophy of the Department that first responders conduct preliminary investigations of criminal offenses. First responders, with the approval of unit commanders, are authorized to conduct follow-up investigations up to and including presenting evidence to the warrant judge/magistrate and arresting suspects. If the first responders are unable to complete an investigation, then the investigative unit will conduct the follow-up investigation.

407.3 DEFINITIONS

407.3.1 Administrative Investigation: Seek all facts associated with a possible violation of policy; university or departmental. The violation may develop into a criminal investigation.

407.3.2 Cold Case: A felony case that remains unsolved for at least one year after being reported to law enforcement, has no viable and unexplored investigatory leads and for which the statute of limitations has not expired.

407.3.3 Crime: Act or omission forbidden by law and punishable by a fine, imprisonment, or even death.

407.3.4 Criminal Investigation: Seek all facts associated with a crime to determine the truth; what happened, and who is responsible.

407.3.5 Felony: Major crime such as homicide or robbery that carries a penalty of one year or more in a state penitentiary or even death.

407.3.6 Identity Theft: The use of an individual's name or other identifying information without his/her authorization, consent or permission with the intent to defraud for his/her own benefit or the benefit of a third party.

407.3.7 Investigation: Step by step patient inquiry or observation; to trace or track mentally; to search into; to examine and inquire into with care and accuracy; to find out by careful inquisition; examination; the taking of evidence; a legal inquiry.

407.3.8 Lineup: A group of persons or photographs, including suspects in a crime, lined up to allow inspection and possible identification by the victim or victims of a crime.

407.3.9 Misdemeanor: Minor crime such as theft that carries a fine or a short sentence in a county or municipal jail. A misdemeanor is punishable by less than a year in custody.

407.3.10 Modus Operandi (MO): Characteristic way a criminal commits a specific type of crime.

407.3.11 Show-up: A live presentation of a criminal suspect to a victim or witness of a crime.

407.4 PROCEDURES

407.4.1 Types of Investigations:

407.4.1.1 Preliminary: Composed of the actions of the initial responding officers that secure information or evidence for a prompt solution to a criminal case and, if necessary, securing the investigative scene. Preliminary investigations are conducted by initial responding officers. (22.2.1 a)

407.4.1.2 Follow-up: A follow-up investigation: The continuation of a preliminary investigation through written documentation. When the responding officers cannot provide a solution to the offense within their normal watch, the report is turned in and an Investigator will be assigned to continue the investigation.

407.4.2 Preliminary Investigations

Preliminary Response Actions:

407.4.2.1 Proceed promptly and safely;

407.4.2.2 Senior officer on the scene will assume command until properly relieved;

407.4.2.3 Provide first aid (if needed);

407.4.2.4 Take offenders into custody (separate if necessary);

407.4.2.5 Locate and identify witnesses; (22.2.1 d)

407.4.2.6 Interview the victim, complainant and witnesses; (22.2.1 f)

407.4.2.7 Maintain the crime scene and protect the evidence; (22.2.1 e)

407.4.2.8 Interview and/or interrogate the suspect;

407.4.2.9 Note all conditions, events, and remarks; (22.2.1 c)

407.4.2.10 Arrange for all collection of evidence;

407.4.2.11 Report the incident fully and accurately;

407.4.2.12 If the investigation cannot be closed by the end of the watch, yield the responsibility to the follow-up investigator.

407.4.3 Call Out of Investigators

407.4.3.1 The Alabama A&M Department of Public Safety maintains an investigator on call twenty-four hours each day. The Assistant Chief of Police or his designee is responsible for publishing an on-call list and distributing the list to the units within the AAMU DPS.

407.4.3.2 Call-out of Investigators: After the shift Lieutenant or Sergeant collects all pertinent information, they will contact the Lead Investigator and a determination will be made if an investigator needs to be called out.

- In the event the Lead Investigator cannot be contacted, the watch supervisor will contact the Operations Captain. In the event the Operations Captain cannot be contacted, the Assistant Chief should be contacted.

407.4.3.2.1 Factors used to determine if an Investigator is called out are:

407.4.3.2.1.1 Serious Violent Crime: An Investigator will be called out anytime one of the following offenses is reported:

- Felony Crimes Against Persons;
- Homicide or Suicide;
- Rape or other sexual offenses involving violence;
- Kidnapping;
- Robbery involving injury to the victim;
- Serious assaults involving hospitalization of victim.

407.4.3.3 The Huntsville Police Department (HPD) Violent Crimes Task Force (Homicide) will be called out for serious violent crimes against persons. HPD Homicide will assume the lead with AAMU DPS officers assisting. Any major felony narcotics cases will be turned over to the Madison County Drug Enforcement Task Force with AAMU DPS officers supplying any required assistance.

407.4.3.4 AAMU DPS will investigate misdemeanor narcotics cases. It will not be necessary to call a Madison County Drug Enforcement Task Force Investigator out for misdemeanor narcotics cases or minor felony related narcotics cases. If an AAMU DPS officer responds to a misdemeanor narcotics case and subsequently initiates a report or makes an on-view arrest, the evidence will be tested, packaged in narcotics evidence envelopes and turned in following departmental evidence logging procedures. If a decision is made to delay an arrest, the responding officer will ensure all reports are completed for assignment to an AAMU DPS investigator. Investigators will conduct follow-up investigations on misdemeanor narcotics cases. The narcotic test kits and envelopes will be made available to patrol officers. (22.2.1 b)

407.4.3.5 Multiple Offenses: If the watch supervisor does not have the personnel to respond to multiple calls, an investigator may be called out.

407.4.3.6 Miscellaneous Offenses: An Investigator can be called out on any offense after the watch supervisor consults with the Lead Investigator.

407.4.3.7 Once an Investigator is called out, he/she will meet with the watch supervisor to receive a briefing on the case. The Investigator will assume command of the investigation utilizing patrol personnel as needed. Offenders, crime scenes, and evidence will become the responsibility of the investigator when possible.

407.4.3.8 When an Investigator is called out to supplement the patrol watch and the initial investigation can be brought to closure by the preliminary responding officer then the investigator will assume a support role.

407.4.4 Follow-Up Investigations

407.4.4.1 When a resolution for a reported offense cannot be achieved within the period of a normal watch, the report is typically forwarded to the Lead Investigator for follow-up investigation. Officers conducting a follow-up investigation will properly document actions in a case file. The Assistant Chief of Police will assign cases to an Investigator. The Investigator will pursue assigned cases until a disposition can be obtained, or after consulting with the Assistant Chief of Police, the case is suspended. The Investigator will keep the Assistant Chief of Police updated on current investigations and the Assistant Chief of Police will assist the Investigator as necessary. (22.1.1 b)

407.4.4.2 The Assistant Chief of Police may assign an Investigator a cold case under the following conditions:

- New evidence has come to light,
- A witness has decided to come forward,
- The victim's remains have been discovered,
- Advances in forensic analysis, such as DNA, may yield new clues or establish links to suspects that were not possible in the past.

407.4.4.3 All activity regarding the investigation of a cold case will be properly documented and placed in the original case file.

407.4.5 Assistant Chief of Police Responsibilities

407.4.5.1 The Assistant Chief of Police reviews all reports and makes assignments to individual Officers assigned to the Investigation Division. The Assistant Chief of Police screens cases based on the following criteria:

- Caseload of individual Officers;
- Solvability factors with each assigned case;
- Physical evidence recovered;
- Witnesses;
- Information supplied within the report;
- Comparison to similar cases;
- Seriousness of case. (22.1.2)

407.4.5.1.1 The ECrimes police records management system maintains a database of case numbers, victim's names, assigned Investigator, offense, status dates and case status. (22.1.3 c)

407.4.5.1.2 The Assistant Chief of Police also:

407.4.5.1.2.1 Maintains a filing system for report copies to monitor actions and progress by individual officers. (22.1.1 a)

407.4.5.1.2.2 Participates in daily briefings with members assigned to the Investigation Division.

407.4.5.1.2.3 Conducts weekly briefings with members to review the status of pending cases.

407.4.5.1.2.4 Conducts weekly informal briefings with the police command staff to whom he reports.

407.4.6 Responsibilities of Police Officers assigned to the Investigation Unit

407.4.6.1 Review and analyze all previous reports, records and other information from the preliminary investigation or other sources.

407.4.6.2 Initiate follow-up contact with the victim/complainant and notify the victim/complainant the status of the case. (An investigator will contact the victim in each case reported to AAMU DPS.)

407.4.6.3 Schedule and conduct interviews or interrogations.

407.4.6.4 Identify and locate witnesses. Some of these witnesses may range from completely reliable and impartial, readily relating what they observed, to unreliable, being influenced by physical or emotional factors affecting perception and distorting what actually happened. The officer must be aware of biases, motives, and prejudices that may cause a witness to lie or forget events. Physical factors should be considered, i.e., lighting, distance, or weather conditions, that could cause an inaccurate interpretation of observed events. The officer must be able to determine the specific reliability of a particular witness.

407.4.6.5 Seek out information utilizing;

- Victim(s), witness(es), suspect(s).
- The officer making the initial report.
- Other agencies.
- Records checks.
- Private agencies.
- Businesses.
- Other entities directly or not directly affiliated with Alabama A&M University.
- Execution of background investigations.

407.4.6.5.1 Background investigations may include criminal records checks, interviews of friends, family, coworkers, etc.

407.4.6.6 Ensure that no information is solicited, collected, maintained, disseminated, or acted upon without a legitimate law enforcement purpose. Legitimacy is established in part by the timely and accurate submission of information through the Department's established reporting system. This enables determinations to be made on the relevancy and importance of data.

407.4.6.7 Plan, organize and carry out functions associated with investigations (if necessary);

- Conduct searches
- Process crime scenes
- Place cases on the appropriate status when the case reaches a conclusion
- Collect, preserve, and present physical evidence to the appropriate source (i.e. lab) to aid in identification of a suspect or eliminate a person from suspicion.
- Preparation for testifying in a court of law.
- Determine if suspect is involved in another crime through records checks, contact with other investigators, officers or agencies.
- Identify and apprehend suspect(s).
- Checking suspect's criminal history
- Record all pertinent information pertaining to all assigned cases.

407.4.6.8 Conduct surveillance. Prolonged surveillance or "stakeouts" will not be conducted without the approval of the Chief of Police or his designee. If special equipment, resources, training, and experience are necessary in a major case the Department shall request assistance from outside agencies.

407.4.6.9 Follow a case through to a conclusion and record a disposition:

Pending: Ongoing cases where pertinent information is still available.

Inactive: All information that is available has been investigated and no suspect can be named. The case is subject to be reactivated if any information is made available at a future time.

Unfounded: The crime being investigated by law enforcement authorities and found to be false, baseless, or was never attempted.

Closed: The case has reached a conclusion by means of an arrest, unfounded, other prosecution, lack of prosecution, suspect is deceased or cleared administratively.

407.4.7 Interviews and Interrogations

407.4.7.1 Interviews and interrogations are necessary practices and must be used effectively. Sworn personnel should remain alert to gather information from all sources, including witnesses, suspects, or arrestees. It is necessary that interviews and interrogations conform to legal standards and departmental policies.

407.4.7.2 Witnesses and victims should be interviewed or re-interviewed with the following in mind:

- Obtaining additional information;
- Clarifying certain statements;
- Determining if a report was false;
- Identifying suspects.

407.4.7.3 Suspects should be interrogated with the following criteria in mind:

- Obtaining as much information as possible about the suspect, prior to questioning;
- Identifying inconsistencies;
- Confirming alibis;
- Obtaining written statements;
- Identifying co-defendants;
- Identifying additional offenses of which the suspect may have knowledge.

407.4.7.3.1 A Miranda warning should be provided in custodial interrogations.

407.4.7.4 Officers may utilize technical aids for the detection of deception (with the approval of the Chief of Police). Examiners must be graduates of institutions providing training on such devices. Approved examiners are Huntsville Police Department Polygraph Examiners, and Madison County Sheriff's Department.

407.4.7.5 Interview / Interrogation Rooms: Officers/Investigators may utilize the Interview/ Interrogation Rooms located in police headquarters when conducting interviews and interrogations.

407.4.7.5.1 Prior to conducting an interrogation, Officers/Investigators should secure all weapons in a safe location.

407.4.7.5.2 When conducting interrogations all personal items should be confiscated from the individual being interrogated and placed in a secure location prior to entering the Interview / Interrogation room. Interview / Interrogation rooms are equipped with locks that can only be opened from the inside utilizing a key. When subjects are left alone in the rooms, the door should be completely closed and secured. When practical, an uninvolved Officer/Investigator should monitor the interview utilizing the closed-circuit cameras located within the rooms.

407.4.7.5.3 Under normal circumstances there should be no more than two Officers/Investigators in the room during an interrogation.

407.4.7.5.4 Should circumstances arise where assistance is needed during an interrogation, Officers/Investigators may signal personnel monitoring the interrogation via the closed-circuit cameras in the room, audibly or otherwise. Personnel may also summon assistance via standard radio transmission or by utilizing the emergency signal option on the radio.

407.4.7.5.5 Interview / Interrogation rooms are equipped with closed circuit cameras. The Interview / Interrogation Rooms contain chairs for the Officers/investigators and the individual being interviewed or interrogated and a table for writing.

407.4.7.5.6 Access to restrooms, water, etc. should be in accordance with AAMU Directives.

407.4.8 Show-ups and Lineups

407.4.8.1 Show-ups and lineups are valuable and practical tools in securing witness identification of potential perpetrators in criminal offenses or in eliminating innocent persons from suspicion. It is essential that proper procedures be followed to ensure that the results of show-ups or lineups comply with legal requirements and can be presented in court.

407.4.8.2 Show-ups

407.4.8.2.1 Show-ups are a valuable and practical tool in apprehending criminals. If a witness affirmatively identifies a suspect as the perpetrator of a crime, police can detain the suspect without delay to serve the interest of public safety. If the witness fails to identify the subject of a show-up as the perpetrator, the show-up will result in the quick release of the innocent subject and allow police to redirect their efforts.

407.4.8.2.2 A show-up may be utilized in the immediate aftermath of a crime where a description is available and a suspect is located. Police may consider conducting a show-up during which the victim or witness, with a fresh memory of the event, is able to view a person who matches the description of the suspect.

407.4.8.2.3 Prior to the victim or witness being transported to the location of the suspect the transporting Officer/Investigator should obtain and document a complete description of the suspect from the victim or witness; separately from other victims or witnesses. Don't just note what the victim or witness states; ask questions such as:

- Height, weight, hair and eye color
- Clothing
- Posture
- Gait
- Hairline
- Skin texture
- Alertness
- Facial expressions
- Eye movement
- Degree of agitation
- Any other physical characteristics that may be noticed but not mentioned.

407.4.8.2.4 An Officer/Investigator assisting with the show-up may transport the victim or witness to the location of the suspect in a marked or unmarked police vehicle.

407.4.8.2.5 If there is more than one victim or witness, each should be transported separately to prevent collaboration between the victims or witnesses and to prevent each from knowing whether another witness identified the suspect.

407.4.8.2.6 The victim or witness should receive the following instructions prior to viewing the suspect:

- In a moment, I am going to ask you to view a person.
- It is just as important to clear an innocent person from suspicion as to identify a guilty person.
- This may or may not be the person who committed the crime.
- You do not have to identify anyone.
- Regardless of whether you make an identification, we will continue to investigate the incident.
- Do you understand the instructions?

407.4.8.2.7 Once the victim or witness has viewed the suspect it is important that the Officer/Investigator not confirm a witness' positive identification. (Example – After identification is made, the Officer/Investigator should not tell the witness that he/she made the correct choice, or

provide information to the witness that corroborates the identification, such as “He had the twenty dollars you reported stolen in his pocket.”)

407.4.8.2.8 The Officer/Investigator should document the identification and the witness’ degree of certainty. The Officer/Investigator should ask if there was anything in particular about the person identified that helped form their identification of that person as the perpetrator. The victim or witness’ statements should be noted as close as possible by the officer/investigator.

407.4.8.2.9 Each show-up should be documented on the standard Alabama Uniform Incident/Offense Report form or the standard Alabama Uniform Incident/Offense Supplement form.

407.4.8.2.9.1 A court evaluating the reliability of a show-up may consider a variety of factors, including:

- The opportunity for the victim or witness to view the suspect at the time of the crime;
- The victim or witness's degree of attention;
- The accuracy of the victim or witness’ prior description of the suspect;
- The level of certainty demonstrated at the show-up; and
- The time elapsed between the crime and the show-up.

407.4.8.2.9.2 It is important that the Officer/Investigator’s report address these issues.

407.4.8.2.10 Related Issues: The following issues pertaining to a show-up needs noting:

- Show-ups generally should not be used when independent probable cause exist to arrest a suspect
- Show-up suspects should not be required to put on clothing worn by the perpetrator, speak words uttered by the perpetrator, or perform other actions mimicking those of the perpetrator
- The victim or witness should be transported to the suspect, not the suspect to the victim or witness
- A suspect should never be transported to a police facility for a show-up
- The right to counsel does not apply to show-ups.

407.4.8.3 Lineups

407.4.8.3.1 Composition: A lineup should consist of at least six (6) photographs of different individuals; one (1) suspect and five (5) comparison photographs.

407.4.8.3.1.1 The photographs do not have to be in any particular order, but identifying information must be kept for each individual represented and be documented in such a manner as to specify which photograph the information pertains to.

407.4.8.3.1.2 The individuals in the comparison photographs should resemble the suspect in as many of the following areas as possible:

- Race
- Hair color and composition
- Facial structure
- Facial makeup
- Build
- Eyeglasses

407.4.8.3.1.3 The photographs should represent the individuals against a similar background, be of the same size, and be taken from a similar angle/aspect.

407.4.8.3.2 Multiple Eye Witnesses – A separate Photo Lineup Identification Sheet must be utilized for each witness.

407.4.8.3.2.1 All witnesses should be shown the lineup separately from any other witnesses.

407.4.8.3.2.2 A record, including the signed Photo Lineup Identification Sheet and identification information on all pictured subjects, must be maintained for each witness that is shown the lineup and placed into the case file.

407.4.8.3.3 Witness Instruction: The information labeled “Read Before Viewing” on the Photo Lineup Identification Sheet should be read to each eyewitness prior to him/her viewing the lineup. The Photo Lineup Identification Sheet states, *“You will be asked to look at a group of photographs. The fact that the photographs are shown to you should not influence your judgment. You should not conclude or guess that the photographs contain the picture of the person who committed the crime. You are not obliged to identify anyone. It is just as important to free innocent persons from suspicion as to identify guilty parties. Please do not discuss the case with other witnesses nor indicate in any way that you have identified someone.”*

407.4.8.3.3.1 After the witness has reviewed the lineup, the Officer/Investigator should read the information labeled “Read After Viewing” on the Photo Lineup Identification Sheet which states, *“I_____ have viewed a photo lineup provided by investigators of the Alabama A&M Department of Public Safety. The photo lineup consisted of six photos of subjects matching the general description I gave officers concerning the following incident _____. Of the photographs I viewed, I selected photograph _____ as the individual who: _____.”*

407.4.8.3.3.2 The Officer/Investigator should complete the form, then both the witness and Officer/Investigator should sign and date the form.

407.4.8.3.4 Identifying the Witness’ Level of Confidence: An attempt should be made to ascertain the level of confidence the witness has in his/her choice of a subject from the lineup; if a choice is made.

407.4.8.3.4.1 The Officer/Investigator may ask the witness to assign a percentage number to indicate his/her confidence in the choice. This may assist the Officer/Investigator in deciding the true level of confidence the witness has.

407.4.8.3.5 Prohibiting Administrator Feedback: The Officer/Investigator conducting the lineup should refrain from giving feedback to the witness pertaining to the lineup (either positive or negative).

407.4.8.3.5.1 The Officer/Investigator should not offer any information that might sway or influence the witness' choice or give information regarding whether the choice made was the suspect or not.

407.4.8.3.5.2 No identifying or personal information regarding any subject pictured in the lineup should be shared with the witness at any time during the lineup process.

407.4.8.3.6 Documentation: A record of all lineups shown by AAMU DPS personnel, including those where no identification is made, must be created and maintained for the case file. This record should include the following:

- The photo lineup,
- The identifying information (LETS printouts, Driver License information, etc.) for each subject in the lineup,
- The Photo Lineup Identification Sheet.

407.4.8.3.7 AAMU DPS will not utilize physical line-ups for eyewitness identifications in criminal prosecutions.

407.4.9 Special Investigations:

407.4.9.1 Administrative Investigations

407.4.9.1.1 An administrative investigation may commence upon authorization of a command staff member. The command staff member will provide direction regarding the investigation's goal to the assigned Officer/Investigator. (22.3.1 a)

407.4.9.1.2 The assigned Officer/Investigator should seek to develop and obtain all pertinent information relating to the matter being investigated and should seek to identify and interview persons who may possess relevant information. (22.3.1. b, c, d)

407.4.9.1.3 The Officer/Investigator should plan, organize and prepare necessary investigative reports, showing his/her findings, for review by the appropriate administrative authorities. Command staff may provide guidance as to how to organize and present the information. (22.3.1 e)

407.4.9.1.4 Should the administrative investigation reveal criminal activity, the Officer/Investigator should notify the command staff member who assigned or authorized the investigation and consult with the District Attorney's Office for guidance on pursuing criminal prosecution. (22.3.1.f, g)

407.4.10 Assignments to the Investigation Unit

407.4.10.1 Assignment to the Investigation Unit is an assignment;

407.4.10.2 Sworn positions in the Investigation Unit are of higher rank and title than those in a patrol watch. An Investigator is of higher rank than a Patrol Officer. A Lead Investigator is of higher rank than a Lieutenant in Patrol.

407.4.11 Case Report Management

407.4.11.1 Sworn personnel conducting preliminary investigations will document findings and actions on an Alabama Incident/Offense Report. These documents are submitted to the Operations Lieutenant/ Patrol Sergeant for review.

407.4.11.2 Reports are reviewed by each Sergeant at the conclusion of the assigned shift.

407.4.11.3 The next date the Dispatch Supervisor collects the Incident/Offense Reports and processes and scans report copies. Report copy scans are uploaded to a departmental file management server and are available to all personnel. Additional copies are distributed as follows:

- Risk Management (one): If the report involves AAMU property, damage on AAMU property or injury by AAMU personnel;
- Fleet Operations (one): If AAMU vehicle is involved;
- Parking Services (one): If parking permits are involved.

407.4.11.4 The Chief of Police or Assistant Chief of Police can make exceptions.

407.4.11.5 The Assistant Chief of Police: Enters reports in the database and distributes a copy (either electronically or paper) to each investigator to begin an active investigation. (22.1.1 b)

407.4.11.6 The assigned investigator will maintain a working case file in his/her work area and ensure that case information is properly secured. The working case file should contain copies of reports, statements, documents, photos, and other records with information pertinent to the investigation. All original documents will be forwarded to central records for processing and filing. (22.1.1 c)

407.4.11.7 Once the case is given a disposition, the assigned investigator will complete a supplement report to update the case status. The report will be forwarded to central records for processing and filing. The Lead Investigator will update the assignments database.

407.4.11.8 An officer in Investigations receiving another assignment will transfer all case notes to the original file (central records) or transfer the file to a newly assigned investigator on all cases which the status is pending.

407.4.11.9 Habitual Offenders: If it is determined that an individual is a habitual offender as defined in §13A-5-9 (Code of Alabama), a notation is made in the case file and the District Attorney's office is notified.

407.4.11.10 Accessibility to files: The original files located in the central records office are available to all sworn members of the AAMU DPS for investigative purposes at all times. Working case files are accessible through a supervisory officer or program assistant, the assigned investigator or Assistant Chief of Police. (22.1.1 d)

407.4.11.11 Purging original files: The Chief of Police or his designee will purge files in accordance with state law. (22.1.1 e)



Executive Director of Public Safety
Chief of Police

Accreditation Standards: 22.2.1 a, 22.2.1 d, 22.2.1 f, 22.2.1 e, 22.2.1 c, 22.2.1 b, 22.1.1 b, 22.1.2, 22.1.3 c, 22.1.1 a, 22.3.1 a, 22.3.1 b c d, 22.3.1 e, 22.3.1 f g, 22.1.1 b, 22.1.1 c, 22.1.1 d, 22.1.1 e