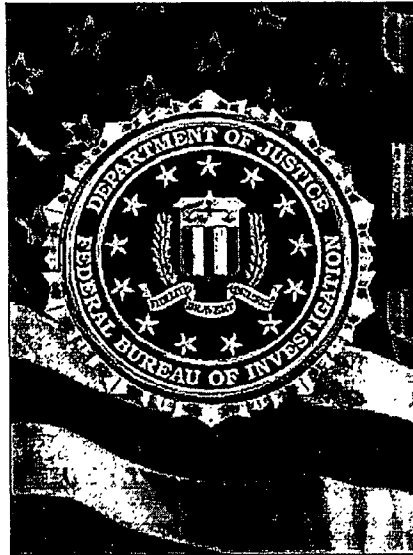


**Field Evidence Management and Operations
Policy Implementation Guide (PG)**



Federal Bureau of Investigation (FBI)

0120PG

October 27, 2009

This is a privileged document that cannot be released in whole or in part to persons or agencies outside the Federal Bureau of Investigation, nor can it be republished in whole or in part in any written form not containing this statement, including general use pamphlets, without the approval of the Director of the Federal Bureau of Investigation.

**UNCLASSIFIED
FOR OFFICIAL USE ONLY**

UNCLASSIFIED//FOUO
Field Evidence Policy Implementation Guide

GENERAL INFORMATION:

Questions or comments pertaining to this handbook can be directed to:

**FBIHQ/Laboratory Division
Forensic Analysis Branch
Evidence Control Unit**

Division Point of Contact:

Field Evidence Program Manager

b6
b7C

**(NOTE: This document supersedes all existing policy
contained in MAOP Sections 2-4.4.1 through 2-4.4.15, 2-4.4.17, and 2-4.4.18)**

PRIVILEGED INFORMATION:

**Any use of this report, including direct quotes or identifiable paraphrasing, will be marked
with the following statement:**

This is a privileged document that cannot be released in whole or in part to persons or agencies outside the Federal Bureau of Investigation, nor can it be republished in whole or in part in any written form not containing this statement, including general use pamphlets, without the approval of the Director of the Federal Bureau of Investigation.

UNCLASSIFIED//FOUO
Field Evidence Policy Implementation Guide

Table of Contents

| | |
|--|----|
| 1. (U//FOUO) Scope | 1 |
| 2. (U//FOUO) Roles and Functional Responsibilities | 2 |
| 2.1. (U//FOUO) Assistant Directors in Charge (ADIC) and Special Agents in Charge (SAC)..... | 2 |
| 2.2. (U//FOUO) Field Evidence Program Manager (PM) | 2 |
| 2.3. (U//FOUO) Evidence Control Technicians and Alternate Evidence Control Technicians | 3 |
| 3. (U//FOUO) Policies | 4 |
| 4. (U//FOUO) Procedures and Processes | 5 |
| 4.1. (U//FOUO) Evidence | 5 |
| 4.1.1. (U//FOUO) Form FD-597 (Receipt for Property Received/Returned/Released/Seized) | 5 |
| 4.1.2. (U//FOUO) Chain-of-Custody (FD-1004)..... | 5 |
| 4.2. (U//FOUO) Evidence Control Room (ECR)..... | 5 |
| 4.2.1. (U//FOUO) Designated ECR..... | 5 |
| 4.2.2. (U//FOUO) Personal Protective Supplies | 5 |
| 4.2.3. (U//FOUO) Large Volume of Evidence | 5 |
| 4.2.4. (U//FOUO) Form FD-455 (Access Log - Evidence Storage Facility)..... | 6 |
| 4.2.5. (U//FOUO) Access to the ECR..... | 6 |
| 4.2.6. (U//FOUO) Large Seizures After Hours..... | 6 |
| 4.2.7. (U//FOUO) Access to the Drug/Valuable Vault..... | 6 |
| 4.2.8. (U//FOUO) Emergency Access to the Drug/Valuable Vault..... | 7 |
| 4.2.9. (U//FOUO) Refrigerator/Freezer | 7 |
| 4.2.10. (U//FOUO) Biohazard Warning Label | 7 |
| 4.3. (U//FOUO) ECR Construction | 7 |
| 4.3.1. (U//FOUO) General Evidence ECR..... | 7 |
| 4.3.2. (U//FOUO) Drug Evidence Room | 8 |
| 4.3.3. (U//FOUO) Valuable Evidence Room..... | 9 |
| 4.3.4. (U//FOUO) Federal Grand Jury Room | 9 |
| 4.3.5. (U//FOUO) Computer Analysis Response Team (CART) Room | 9 |
| 4.3.6. (U//FOUO) Off-Site Evidence Control Rooms | 10 |
| 4.4. (U//FOUO) ECR Security..... | 10 |
| 4.4.1. (U//FOUO) Drug and Valuable Evidence Rooms | 10 |
| 4.4.2. (U//FOUO) Personal Identification Numbers..... | 11 |
| 4.4.3. (U//FOUO) Combinations | 11 |
| 4.4.4. (U//FOUO) Access Removal | 11 |
| 4.4.5. (U//FOUO) Access Log Printed and Retained..... | 11 |
| 4.4.6. (U//FOUO) Changing Combinations..... | 11 |
| 4.4.7. (U//FOUO) Off-Site Alarms..... | 11 |
| 4.5. (U//FOUO) Responsibilities of the Evidence Control Technician | 11 |
| 4.5.1. (U//FOUO) General Familiarity | 11 |

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

| | | |
|---------|---|----|
| 4.5.2. | (U//FOUO) Access to the ECR..... | 12 |
| 4.5.3. | (U//FOUO) Protective Clothing/Equipment..... | 12 |
| 4.5.4. | (U//FOUO) Hazardous Materials (HAZMAT) Transportation Training..... | 12 |
| 4.5.5. | (U//FOUO) Collected Item Database..... | 12 |
| 4.5.6. | (U//FOUO) Recordkeeping, Storage, and Maintenance of Evidence..... | 12 |
| 4.5.7. | (U//FOUO) Ten Calendar-Day Rule for Submission..... | 12 |
| 4.5.8. | (U//FOUO) Ten Calendar-Day Rule for Capture in the Collected Item Database..... | 13 |
| 4.5.9. | (U//FOUO) Location of Property..... | 13 |
| 4.5.10. | (U//FOUO) Chain-of-Custody Documentation..... | 14 |
| 4.5.11. | (U//FOUO) Forwarding Evidence..... | 14 |
| 4.5.12. | (U//FOUO) Retrieving Evidence from the ECR..... | 14 |
| 4.5.13. | (U//FOUO) Non-Evidentiary Property..... | 14 |
| 4.5.14. | (U//FOUO) Closed Cases with Pending Evidence..... | 14 |
| 4.5.15. | (U//FOUO) Disposing of Property..... | 14 |
| 4.5.16. | (U//FOUO) Testify in Court..... | 14 |
| 4.5.17. | (U//FOUO) Evidence Response Team..... | 15 |
| 4.5.18. | (U//FOUO) Inspects Field Office Evidence Programs..... | 15 |
| 4.5.19. | (U//FOUO) Conducts Training and Assessments..... | 15 |
| 4.5.20. | (U//FOUO) Top Secret Evidence..... | 15 |
| 4.6. | (U//FOUO) Administrative Handling and Storage of Evidentiary Property..... | 15 |
| 4.6.1. | (U//FOUO) For Pre-automated Evidence Only:..... | 19 |
| 4.6.2. | (U//FOUO) Assessment Evidentiary Property..... | 20 |
| 4.7. | (U//FOUO) General Evidence..... | 21 |
| 4.7.1. | (U//FOUO) Items of Evidence..... | 21 |
| 4.7.2. | (U//FOUO) Documentary Items..... | 21 |
| 4.7.3. | (U//FOUO) Electronic Surveillance (ELSUR) Evidence..... | 22 |
| 4.7.4. | (U//FOUO) Blood/Liquid Stained Clothing Evidence..... | 22 |
| 4.7.5. | (U//FOUO) Storing and/or Shipping Blood-Stained Garments..... | 22 |
| 4.8. | (U//FOUO) Firearms Evidence..... | 22 |
| 4.8.1. | (U//FOUO) By Statutes..... | 23 |
| 4.8.2. | (U//FOUO) By Other Means..... | 23 |
| 4.8.3. | (U//FOUO) Abandoned..... | 23 |
| 4.8.4. | (U//FOUO) Seized/Recovered..... | 24 |
| 4.8.5. | (U//FOUO) Rendered Safe..... | 24 |
| 4.8.6. | (U//FOUO) Stored..... | 24 |
| 4.8.7. | (U//FOUO) Contraband Items..... | 24 |
| 4.8.8. | (U//FOUO) Destruction..... | 25 |
| 4.8.9. | (U//FOUO) Accepted Legal Documentation for Destruction..... | 25 |
| 4.8.10. | (U//FOUO) Package for Shipping..... | 25 |
| 4.9. | (U//FOUO) Drug Evidence..... | 25 |
| 4.9.1. | (U//FOUO) Maximum Security..... | 25 |
| 4.9.2. | (U//FOUO) Storage Facility..... | 25 |
| 4.9.3. | (U//FOUO) High Quantity..... | 25 |
| 4.9.4. | (U//FOUO) Form FD-455 (Access Log - Evidence Storage Facility)..... | 26 |
| 4.9.5. | (U//FOUO) Vault Witness Official (VWO)..... | 26 |

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

| | | |
|---------|--|----|
| 4.9.6. | (U//FOUO) Submitting Drug Evidence..... | 26 |
| 4.9.7. | (U//FOUO) Emergency Access | 26 |
| 4.9.8. | (U//FOUO) Controlled Environment..... | 26 |
| 4.9.9. | (U//FOUO) Weighed/Counted and Verified..... | 26 |
| 4.9.10. | (U//FOUO) Laboratory Analyses by DEA | 28 |
| 4.9.11. | (U//FOUO) Federal-Wide Drug Seizure System (FDSS)..... | 30 |
| 4.9.12. | (U//FOUO) Avoid Package Transfers | 32 |
| 4.9.13. | (U//FOUO) Avoid Opening Drug Evidence..... | 32 |
| 4.9.14. | (U//FOUO) Approximate Modifications in Automated Case Support..... | 32 |
| 4.10. | (U//FOUO) Valuable Evidence..... | 33 |
| 4.10.1. | (U//FOUO) Currency with an Unspecified Amount/Value | 33 |
| 4.10.2. | (U//FOUO) Seized Currency Subject to Criminal or Civil Forfeiture..... | 33 |
| 4.10.3. | (U//FOUO) Evidence Independently Counted/Verified | 34 |
| 4.10.4. | (U//FOUO) Evidence Afforded Maximum Security | 35 |
| 4.10.5. | (U//FOUO) Handling Transactional Documents..... | 36 |
| 4.10.6. | (U//FOUO) Describing Valuable Evidence..... | 36 |
| 4.10.7. | (U//FOUO) Handling Foreign Currency..... | 37 |
| 4.10.8. | (U//FOUO) Evidence Purchase Money | 37 |
| 4.11. | (U//FOUO) CART | 38 |
| 4.11.1. | (U//FOUO) Transferring Evidence to a Regional Computer Forensic Laboratory (RCFL)..... | 38 |
| 4.11.2. | (U//FOUO) Procedures for Transferring Evidence Between an FO and an RCFL..... | 39 |
| 4.11.3. | (U//FOUO) Handling Derivative Evidence (DE) | 39 |
| 4.12. | (U//FOUO) Temporary Storage/Night Deposit - Drug and Valuable Evidence..... | 40 |
| 4.12.1. | (U//FOUO) Security-Type Safe..... | 40 |
| 4.12.2. | (U//FOUO) Off-Duty Hour Evidence Seizure..... | 40 |
| 4.12.3. | (U//FOUO) Paperwork and Packaging | 40 |
| 4.12.4. | (U//FOUO) Drop Slot | 40 |
| 4.12.5. | (U//FOUO) FD-455 | 40 |
| 4.12.6. | (U//FOUO) Daily Removal..... | 40 |
| 4.12.7. | (U//FOUO) Prohibited Safes..... | 40 |
| 4.13. | (U//FOUO) Storage of Evidence in Resident Agencies (RA) | 41 |
| 4.13.1. | (U//FOUO) Evidence not Relinquished to the ECT | 41 |
| 4.13.2. | (U//FOUO) Establishing an ECR in an RA | 41 |
| 4.14. | (U//FOUO) Requesting Evidence Examinations from the Laboratory Division..... | 41 |
| 4.14.1. | (U//FOUO) Requests for Examinations..... | 41 |
| 4.14.2. | (U//FOUO) Request Forwarded with Evidence..... | 42 |
| 4.14.3. | (U//FOUO) Each Case Separately | 42 |
| 4.14.4. | (U//FOUO) International Law Enforcement Requests | 42 |
| 4.14.5. | (U//FOUO) Operational Technology Division (OTD) Requests..... | 42 |
| 4.15. | (U//FOUO) Packaging and Shipping Evidence to the Laboratory | 43 |
| 4.15.1. | (U//FOUO) Packaging and Shipping Procedures | 43 |
| 4.15.2. | (U//FOUO) Hazardous Materials..... | 43 |
| 4.15.3. | (U//FOUO) Shipping | 44 |

v

UNCLASSIFIED//FOUO

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

| | | |
|----------|---|----|
| 4.16. | (U//FOUO) Special Instructions Regarding the Following Evidence: | 44 |
| 4.16.1. | (U//FOUO) Abrasives..... | 44 |
| 4.16.2. | (U//FOUO) Biological Evidence (Blood, Buccal/Oral Swabs, Body Fluid Stains) | 44 |
| 4.16.3. | (U//FOUO) Bank Security Dye | 45 |
| 4.16.4. | (U//FOUO) Building Materials/Glass/Safe-Insulation/Soil..... | 45 |
| 4.16.5. | (U//FOUO) Cigarettes/Cigars/Chewing Gum..... | 45 |
| 4.16.6. | (U//FOUO) Drugs/Controlled Substances | 45 |
| 4.16.7. | (U//FOUO) Explosives/Explosive Residue | 45 |
| 4.16.8. | (U//FOUO) Firearms..... | 46 |
| 4.16.9. | (U//FOUO) Hazardous Material | 46 |
| 4.16.10. | (U//FOUO) Knives..... | 46 |
| 4.16.11. | (U//FOUO) Latent Print Evidence..... | 46 |
| 4.16.12. | (U//FOUO) Lubricants..... | 47 |
| 4.16.13. | (U//FOUO) National Missing Person DNA Database Program Requests..... | 47 |
| 4.16.14. | (U//FOUO) Paint/Polymers | 47 |
| 4.16.15. | (U//FOUO) Pepper-Spray or Foam..... | 47 |
| 4.16.16. | (U//FOUO) Product-Tampering..... | 47 |
| 4.16.17. | (U//FOUO) Questioned Documents | 47 |
| 4.16.18. | (U//FOUO) Serial-Numbers..... | 48 |
| 4.16.19. | (U//FOUO) Shoe Print and Tire Tread | 48 |
| 4.16.20. | (U//FOUO) Tape..... | 48 |
| 4.16.21. | (U//FOUO) Toolmarks/Tools | 48 |
| 4.16.22. | (U//FOUO) Unknown Substance..... | 48 |
| 4.16.23. | (U//FOUO) Weapons of Mass Destruction..... | 49 |
| 4.16.24. | (U//FOUO) Volatile Memory Devices (VMD) | 49 |
| 4.17. | (U//FOUO) Transmittal of Evidence to Field Offices and FBIHQ/DEA Laboratories | 49 |
| 4.17.1. | (U//FOUO) Mailing/Shipping to the Field Office or RA ECR..... | 49 |
| 4.17.2. | (U//FOUO) U.S. Postal Service Registered Mail or Federal Express | 49 |
| 4.17.3. | (U//FOUO) Collected Item Database..... | 50 |
| 4.17.4. | (U//FOUO) From a Field Office to FBIHQ or DEA | 50 |
| 4.17.5. | (U//FOUO) Evidence Seized/Recovered by RA Personnel..... | 51 |
| 4.17.6. | (U//FOUO) Marking Obscene and Indecent Material | 51 |
| 4.18. | (U//FOUO) Charge-Out Procedures - Evidentiary Property | 51 |
| 4.18.1. | (U//FOUO) Evidence Stored in the ECR..... | 51 |
| 4.18.2. | (U//FOUO) Collected Item Database Charge-Out Reminders | 51 |
| 4.18.3. | (U//FOUO) Recharged Evidence..... | 52 |
| 4.18.4. | (U//FOUO) Charge-Out Report..... | 52 |
| 4.18.5. | (U//FOUO) Return of Evidence..... | 52 |
| 4.18.6. | (U//FOUO) Agent Access for Review..... | 52 |
| 4.19. | (U//FOUO) Evidence Released to Custody of Outside Agencies | 52 |
| 4.19.1. | (U//FOUO) Evidence Permanently Released to an Outside Agency..... | 52 |
| 4.19.2. | (U//FOUO) ECT Responsibility | 52 |
| 4.19.3. | (U//FOUO) Evidence Temporarily Released..... | 53 |

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

| | | |
|----------|---|----|
| 4.20. | (U//FOUO) Physical Audit/Inventory - Evidentiary Property..... | 53 |
| 4.20.1. | (U//FOUO) Conducting an Audit/Inventory..... | 53 |
| 4.20.2. | (U//FOUO) Designating an Agent(s) and/or Support Supervisor..... | 54 |
| 4.20.3. | (U//FOUO) Designating an RA Agent and/or RA Support Supervisor..... | 54 |
| 4.20.4. | (U//FOUO) ECT/AECT Does Not Conduct an Audit/Inventory | 54 |
| 4.20.5. | (U//FOUO) VWO Presence During an Audit/Inventory | 54 |
| 4.20.6. | (U//FOUO) FD-455 Sign In/Out..... | 54 |
| 4.20.7. | (U//FOUO) Sealed Drug and Valuable Evidence | 54 |
| 4.20.8. | (U//FOUO) Inventory | 54 |
| 4.20.9. | (U//FOUO) Audit..... | 55 |
| 4.20.10. | (U//FOUO) EC to the SAC/AO..... | 55 |
| 4.21. | (U//FOUO) Annual Evidence Program Audit Checklist | 55 |
| 4.22. | (U//FOUO) Non-evidentiary Property..... | 55 |
| 4.22.1. | (U//FOUO) 1As | 55 |
| 4.22.2. | (U//FOUO) Bulky Non-Evidentiary Material..... | 56 |
| 4.22.3. | (U//FOUO) Non-Evidentiary Property | 57 |
| 4.22.4. | (U//FOUO) Federal Grand Jury (FGJ) Material | 57 |
| 4.23. | (U//FOUO) Disposition of Property | 57 |
| 4.23.1. | (U//FOUO) When an Investigative Case is Closed | 57 |
| 4.23.2. | (U//FOUO) Permanent Retention | 58 |
| 4.23.3. | (U//FOUO) Disposition of Drug Evidence..... | 58 |
| 4.23.4. | (U//FOUO) Disposition of Firearms..... | 58 |
| 4.23.5. | (U//FOUO) Disposition of Forfeited and Abandoned Property | 58 |
| 4.23.6. | (U//FOUO) Disposition of Valuable Evidence..... | 58 |
| 4.23.7. | (U//FOUO) Disposition of General Evidence..... | 59 |
| 4.23.8. | (U//FOUO) Recordkeeping Procedures..... | 59 |
| 4.23.9. | (U//FOUO) Closing Communication..... | 60 |
| 4.23.10. | (U//FOUO) Retention in Closed Cases..... | 60 |
| 4.24. | (U//FOUO) Authorization for Evidence Handling Deviations - FD-990 | 60 |
| 4.24.1. | (U//FOUO) Purpose..... | 61 |
| 4.24.2. | (U//FOUO) Scope | 61 |
| 4.24.3. | (U//FOUO) Procedures | 61 |
| 4.24.4. | (U//FOUO) Initiating a Deviation Request..... | 61 |
| 4.24.5. | (U//FOUO) Authorization..... | 61 |
| 4.24.6. | (U//FOUO) Duration..... | 61 |
| 4.24.7. | (U//FOUO) Documentation | 61 |
| 4.25. | (U//FOUO) Forms Used in the Evidence Program..... | 62 |
| 5. | (U//FOUO) Recordkeeping Requirements | 63 |
| 5.1. | (U//FOUO) Form FD-455 (Access Log - Evidence Storage Facility)..... | 63 |
| 5.2. | (U//FOUO) Form FD-597 (Receipt for Property Received/Returned/Released/ Seized)..... | 63 |
| 5.3. | (U//FOUO) Evidence Submitted to ECT | 64 |
| 5.4. | (U//FOUO) Evidence Entered Into the Collected Item Database | 64 |
| 5.5. | (U//FOUO) FD-192 | 64 |

UNCLASSIFIED//FOUO
Field Evidence Policy Implementation Guide

| | | |
|-------|---|----|
| 5.6. | (U//FOUO) FD-1004 | 64 |
| 5.7. | (U//FOUO) Non-evidentiary Property | 65 |
| 5.8. | (U//FOUO) Original Interview Notes | 65 |
| 5.9. | (U//FOUO) Evidence Permanently Released to Outside Agency | 65 |
| 5.10. | (U//FOUO) Audit/Inventory EC | 66 |
| 5.11. | (U//FOUO) Annual Evidence Program Audit | 66 |
| 6. | (U//FOUO) Summary of Legal Authorities | 67 |
| 6.1. | (U//FOUO) Subpart H of Title 49, Code of Federal Regulations, Part 172 | 67 |
| 6.2. | (U//FOUO) Title 18 U.S.C. Section 3665 | 67 |
| 6.3. | (U//FOUO) Title 18 U.S.C. Section 3600A and Department of Justice (DOJ) | 67 |
| 7. | (U//FOUO) Security Requirements | 68 |
| 7.1. | (U//FOUO) General Evidence ECR | 69 |
| 7.2. | (U//FOUO) Drug Evidence Room | 70 |
| 7.3. | (U//FOUO) Valuable Evidence Room | 70 |
| 7.4. | (U//FOUO) Federal Grand Jury Room | 71 |
| 7.5. | (U//FOUO) CART Room | 71 |
| 7.6. | (U//FOUO) Off-Site ECRs | 72 |
| 7.7. | (U//FOUO) After-Hours/Temporary Storage of Drugs and/or Valuables | 72 |
| 8. | (U//FOUO) Justice For All Act of 2004 | 73 |
| 8.1. | (U//FOUO) For information and guidance regarding the Justice for All Act of 2004, refer to 319X-HQ-A1487720 serial 445 and Office of the General Counsel Website. [http://ogc.fbinet.fbi] | 73 |

List of Appendices

| | |
|---|-----|
| Appendix A: Legal Authorities | A-1 |
| Appendix B: Sources of Additional Information | B-1 |
| Appendix C: Contact Information | C-1 |
| Appendix D: Key Words | D-1 |
| Appendix E: Acronyms | E-1 |

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

1. (U//FOUO) Scope

(U//FOUO) Purpose: This Field Evidence Policy Implementation Guide establishes consolidated, Bureau-wide streamlined administrative and operational processes for the seizure, storage, processing, analysis, presentation, and disposition of evidence.

(U//FOUO) Background: This policy implementation guide is a living document. It will be amended as new legal authorities are issued and as evidence policies change. It will undergo a total review every five years. All consumers are invited to provide the Field Evidence Program with recommendations on improving this product. This PG addresses both old and new evidence policies and takes precedence over other policies in electronic communication (EC) form or otherwise.

(U//FOUO) Intended Audience: This policy implementation guide applies to FBI employees, contractors working in FBI facilities, detailees, and any other person(s) assigned or detailed to the FBI. It also applies, where appropriate, to members of state and local law enforcement personnel assigned to FBI Joint Task Forces and Joint Terrorism Task Forces, and any other persons assigned to work in an FBI-controlled facility.

Field Evidence Policy Implementation Guide

2. (U//FOUO) Roles and Functional Responsibilities

2.1. (U//FOUO) Assistant Directors in Charge (ADIC) and Special Agents in Charge (SAC)

(U//FOUO) All field office ADICs and SACs, or individuals designated by the division, are responsible for ensuring compliance with all matters identified by this policy.

2.2. (U//FOUO) Field Evidence Program Manager (PM)

(U//FOUO) The Field Evidence Program Manager (PM) is a full-time assignment responsible for the National Field Evidence Program. The Field Evidence Program Manager, or individuals designated by the Field Evidence Program Manager, is responsible for the following functions:

1. (U//FOUO) Serving as the technical expert and PM for the FBI's Evidence Program. Overseeing all evidence handling procedures, automated programs, facilities, personnel policies, and all legal and administrative requirements pertinent to evidence acquired and maintained by the field.
2. (U//FOUO) Developing, administering, operating, managing, and maintaining all aspects of the FBI Evidence Program. Establishing standards and operating procedures to ensure the highest degree of consistency and compliance to federal rules and regulations governing the handling of evidence.
3. (U//FOUO) Formulating evidence policy for the new Field Evidence Management and Operations Policy Implementation Guide, which has replaced sections of the MAOP that referred to evidence policy. Establishing written evidence policy for all FBI personnel concerning collecting, analysis, storing, wrapping, packaging, and shipping, destroying, and disposing of evidentiary property in FBI custody.
4. (U//FOUO) Identifying problems and specific issues regarding the FBI's evidence database including electronic and automated records, based on input from the evidence control technician (ECT) in the field and Federal Bureau of Investigation Headquarters (FBIHQ). Conducting extensive analysis of reported issues and systematic surveys to determine the nature of requirements, logical work, and resource management. Effectively resolving significant concerns by formulating policy and procedures to address the same.
5. (U//FOUO) Promulgating written FBI Evidence Policy throughout the FBI and ensuring that all evidence manuals/training guides are factual and current.
6. (U//FOUO) Issuing directives, determining manpower utilization and work measurement techniques to maintain current evidence operations. Making recommendations for enhancements to existing systems when necessary and setting forth alternate approaches based upon available resources.
7. (U//FOUO) Preparing and conducting training schools for certification of FBI ECTs and alternate evidence control technicians (AECTs). Conducting on-site and regional training of FBI personnel, to include field office upper management. Planning training curriculum and directly instructing law enforcement evidence personnel on the appropriate methods for establishing an evidence policy for their respective police departments. Assessing the

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

evidence programs of other federal, state, and local law enforcement. Representing the FBI and lecturing throughout the law enforcement community in specialized schools and seminars on evidence procedures.

8. (U//FOUO) Maintaining contact with federal, state, local, and international law enforcement agencies and participating in inter-agency meetings and working groups concerned with rules and regulations for the administrative handling of evidence and establishment of Evidence Control Centers. Providing expert advice and guidance to colleagues throughout the national and international law enforcement community.
 9. (U//FOUO) Conducting on-site assessments and quality assurance audits of individual field offices, examining administrative procedures, policies, physical space and storage facilities, and transportation processes in order to ensure compliance with applicable evidence policy.
 10. (U//FOUO) Performing evaluations of unsolicited proposals submitted by vendors and manufacturers for custom or stock equipment.
- 2.3. (U//FOUO) Evidence Control Technicians and Alternate Evidence Control Technicians

(U//FOUO) The field ECTs and AECTs are responsible for the following functions:

- (U//FOUO) Becoming familiar with policies and procedures.
- (U//FOUO) Training in hazardous materials (HAZMAT) transportation..
- (U//FOUO) Keeping records, storage, and maintenance of all evidence.
- (U//FOUO) Transmitting evidence to FBIHQ, other field offices, the Drug Enforcement Administration (DEA), or a contributor.
- (U//FOUO) Retrieving evidence from the evidence control room (ECR).
- (U//FOUO) Running closed cases with pending evidence.
- (U//FOUO) Disposing of property.
- (U//FOUO) Testifying in a court of law regarding evidentiary property.
- (U//FOUO) Participating on the Evidence Response Team (ERT) as approved.
- (U//FOUO) Inspecting field office evidence programs.
- (U//FOUO) Assisting the evidence program manager with conducting training and ECR assessments.

UNCLASSIFIED//FOUO
Field Evidence Policy Implementation Guide

3. (U//FOUO) Policies

(U//FOUO) It is the policy of the FBI that all FBI Divisions strictly adhere to all procedures listed in Section 4.

(U//FOUO) See Corporate Policy Directive 0120D.

UNCLASSIFIED//FOUO
Field Evidence Policy Implementation Guide

4. (U//FOUO) Procedures and Processes

4.1. (U//FOUO) Evidence

4.1.1. (U//FOUO) Form FD-597 (Receipt for Property Received/Returned/Released/Seized)

(U//FOUO) Property may be acquired during investigations according to the law concerning searches and seizures, and by warrant, subpoena, or consent including voluntary delivery. Form FD-597 (Receipt for Property Received/Returned/Released/Seized) is to be used to document the receipt or return of property acquired during investigations. The FD-597 consists of an original and two copies with carbon inserts. The original is to be filed in the 1A section (FD-340a) of the investigative case file. One copy of the FD-597 is to be furnished to the contributor and one copy is to be returned with the search warrant.

4.1.2. (U//FOUO) Chain-of-Custody (FD-1004)

(U//FOUO) It is essential that seized/recovered/contributed property is properly identified and described by investigative personnel at the time possession is transferred to the investigator. The items are to be carefully packaged and the containers properly identified. If appropriate, chain-of-custody is to be established and a record maintained from the time possession transfers to the investigator to the time of trial/disposition. To minimize the number of FBI personnel required to establish chain-of-custody, it is recommended that one or two investigators be designated to identify and describe all evidence at any particular search or arrest site.

4.2. (U//FOUO) Evidence Control Room (ECR)

4.2.1. (U//FOUO) Designated ECR

(U//FOUO) The designated ECR should be a separate area, usually within the confines of field office space, used solely for the storage of seized/recovered/contributed property that can reasonably be expected to be introduced in court and/or subject to chain-of-custody, regardless of size. Access to the ECR is restricted to ensure evidentiary property is accounted for, retrievable, and can withstand defense challenges concerning chain-of-custody.

4.2.2. (U//FOUO) Personal Protective Supplies

(U//FOUO) Appropriate personal protective supplies (e.g., first aid and safety equipment) must be stored in the ECR for easy accessibility. This includes, but is not limited to: disposable gloves and gowns, disposable plastic aprons, eye and mouth protection, pails with disinfectant, biohazard bags for the disposal of biohazardous material (bag to be placed in a hard cardboard box), containers to hold needles, sink with hot and cold running water (with elbow or foot connection), flammable cabinets, acid cabinets, poison cabinets, and biohazard labels and containers. The ECR must be equipped with a fire extinguisher.

4.2.3. (U//FOUO) Large Volume of Evidence

(U//FOUO) In the event evidentiary property is of such volume that it is not practical to store it in the ECR or a similar facility within field office space, it may be stored in a secure off-site facility at the discretion of the SAC. The off-site facility should be established and afforded the same security measures as an ECR. Every effort should be made to store evidence in the ECR.

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

However, if a similar facility within field office space or an off-site facility is used, this facility is considered a satellite of the ECR and is subject to the same administrative controls afforded the ECR

4.2.4. (U//FOUO) Form FD-455 (Access Log - Evidence Storage Facility)

(U//FOUO) Form FD-455 is to be maintained for each ECR or satellite ECR, whether located within field office space or at an off-site. In addition, a separate FD-455 is to be maintained for each valuable, drug, and electronic surveillance (ELSUR) evidence repository, regardless of size or location. The FD-455 establishes a reliable record of persons gaining entry. The visitor signs his/her own name (one name per line), reason for entry, the case file number and 1B/1D number, if appropriate, and the date and time of entry/exit. This information is extremely useful in defense against attacks regarding chain-of-custody. In field offices where an "enclosed reception area" has been established at the entrance to the ECR, it is not required that the FD-455 be signed, as long as the visitor does not enter beyond the "enclosed reception area." Investigative personnel reviewing evidence in the reception area are not required to sign the FD-455; however, the chain-of-custody must be signed as a record of their review of the evidence.

(U//FOUO) The FD-455 log must be maintained indefinitely.

(U//FOUO) The ECT and AECT (when substituting for the ECT for one day or longer) are required to sign in and out on the FD-455 log maintained for the ECR only upon initial entry and final departure on a given day. Any other employee, including the AECT when the ECT is on duty, must sign in/out on the FD-455 log for each entry/exit on a given day. Only one signature per line is permitted.

(U//FOUO) In those field offices where more than one full-time ECT and/or more than one evidence storage facility is operated on a daily basis, access to the storage facility(s) is to be recorded on the FD-455 log as follows:

- (U//FOUO) The ECT must sign in/out on the FD-455 log for the primary ECR, when first entry/last exit of the day is made. Access to any satellite ECR must be recorded on the FD-455 log maintained for that satellite ECR for each entry/exit on a given day.

4.2.5. (U//FOUO) Access to the ECR

(U//FOUO) Access to the ECR and/or other evidence storage facilities that store general evidence, located within or outside field office space, is strictly limited to the ECT and AECT. Access by other employees is prohibited unless accompanied by the ECT/AECT, or as outlined in (4.2.7) below, and documented on the FD-455 log maintained for the facility accessed.

4.2.6. (U//FOUO) Large Seizures After Hours

(U//FOUO) In instances involving large seizures of evidentiary property that occur during off-duty hours (nights/weekends/holidays), the services of the ECT/AECT should be used to assist with analyzing, cataloging, inventory, and storage of the seized/recovered property.

4.2.7. (U//FOUO) Access to the Drug/Valuable Vault

(U//FOUO) The ECT/AECT is not authorized to access the drug/valuable vault unless accompanied by the administrative officer (AO) or the person(s) designated to act on behalf of

UNCLASSIFIED//FOUO
Field Evidence Policy Implementation Guide

the AO as the vault witness official (VWO). The vault witness responsibility remains with the AO, but the actual duty may be delegated to meet the requirements of the field office and resident agencies. However, the VWO cannot be an AECT. Each office should limit the number of designated VWOs, and must document the list of authorized vault witnessing personnel in the evidence control file. The VWO must also sign the FD-455 for each entry/exit.

4.2.8. (U//FOUO) Emergency Access to the Drug/Valuable Vault

(U//FOUO) The only people having emergency access to the drug/valuable vault [redacted] and the ECR are the SAC, the ASAC, and the (SSRA). The [redacted]

[redacted]

b7E

4.2.9. (U//FOUO) Refrigerator/Freezer

(U//FOUO) A refrigerator/freezer must be in the ECR for the storage of body fluids and any perishable-type evidence. Food items for personal consumption are not to be stored in this refrigerator.

4.2.10. (U//FOUO) Biohazard Warning Label

(U//FOUO) A Biohazard Warning label must be placed on the entrance to the ECR (preferably the door) and on the refrigerator in the ECR.

4.3. (U//FOUO) ECR Construction

(U//FOUO) ECRs within a stand-alone FBI-controlled building or within contiguous FBI space, occupied 24 hours a day, 7 days a week, with a perimeter secured to specifications established by the Security Division, must be constructed according to the requirements set forth herein.

(U//FOUO) The externally accessible door to the ECR, as well as drug evidence room and valuable evidence room doors, must be secured with [redacted]

b7E

4.3.1. (U//FOUO) General Evidence ECR

(U//FOUO) General evidence control rooms must be constructed and controlled as indicated below:

- (U//FOUO) [redacted]
- (U//FOUO) Only one externally accessible door to the ECR is permitted. Entrance to the ECR should be secured by [redacted]
[redacted] II
additional access doors are constructed [redacted]

b7E

b7E

UNCLASSIFIED//FOUO
Field Evidence Policy Implementation Guide

- (U//FOUO) The externally accessible door must be equipped with [REDACTED]
[REDACTED]
 - (U//FOUO) [REDACTED]
[REDACTED]
 - (U//FOUO) [REDACTED]
[REDACTED]
- (U//FOUO) [REDACTED] room designated for housing weapons and ammunition must be constructed of [REDACTED] Access must be controlled by [REDACTED]
[REDACTED]
- (U//FOUO) [REDACTED] in the general evidence ECR. This
[REDACTED]
- (U//FOUO) The ECR should be equipped with a fire extinguisher. Appropriate personal protective supplies and first aid safety equipment must be stored in the ECR for easy accessibility. This includes, but is not limited to: disposable gloves and gowns, disposable plastic aprons, eye and mouth protection, pails with disinfectant, biohazard bags for the disposal of biohazardous material (bag to be placed in a hard cardboard box), containers to hold needles, sink with hot and cold running water (with elbow or foot connection), flammable cabinets, acid cabinets, poison cabinets, and biohazard labels and containers.

b7E

b7E

b7E

4.3.2. (U//FOUO) Drug Evidence Room

(U//FOUO) The drug evidence room must be a separate room constructed and controlled as indicated below:

- (U//FOUO) [REDACTED]
[REDACTED] of the drug evidence room.
- (U//FOUO) There may be only one externally accessible door to the drug evidence room.
- (U//FOUO) The externally accessible door to the drug evidence room must be equipped with [REDACTED]
 - (U//FOUO) [REDACTED]
[REDACTED]
 - (U//FOUO) [REDACTED]
[REDACTED]
- (U//FOUO) [REDACTED] is required for the valuable evidence room. This
[REDACTED]
- (U//FOUO) An exterior 24-hour ventilation system is required. The drug evidence room should be afforded outside ventilation for the storage of odoriferous substances. The floor should be made of a non-porous material so that it can be disinfected.

b7E

b7E

b7E

UNCLASSIFIED//FOUO
Field Evidence Policy Implementation Guide

4.3.3. (U//FOUO) Valuable Evidence Room

(U//FOUO) The valuable evidence room must be a separate room constructed and controlled as indicated below:

- (U//FOUO) The entire perimeter of the valuable evidence room must be constructed of [REDACTED] of the valuable evidence room. b7E
- (U//FOUO) There may be only one externally accessible door to the valuable evidence room.
- (U//FOUO) The door to the valuable evidence room must be equipped with [REDACTED]
 - (U//FOUO) [REDACTED] b7E
 - (U//FOUO) [REDACTED] b7E
- (U//FOUO) [REDACTED] for the valuable evidence room. This [REDACTED] b7E

4.3.4. (U//FOUO) Federal Grand Jury Room

(U//FOUO) The Federal Grand Jury Room (FGJR), designated for housing Federal Grand Jury (FGJ) material, must be constructed and controlled as indicated below:

- (U//FOUO) [REDACTED] of the Federal Grand Jury Room. b7E
- (U//FOUO) Only one externally accessible door to the Federal Grand Jury Room is permitted. Entrance to the room should be secured by [REDACTED] b7E
- (U//FOUO) The externally accessible door must be equipped with [REDACTED]
 - (U//FOUO) [REDACTED] b7E
 - (U//FOUO) [REDACTED]
- (U//FOUO) [REDACTED] is required for the Federal Grand Jury Room. This [REDACTED] b7E

4.3.5. (U//FOUO) Computer Analysis Response Team (CART) Room

(U//FOUO) The Computer Analysis Response Team (CART) Room, designated for housing computer evidence, to include various types of magnetic media excluding ELSUR evidence, must be constructed and controlled as indicated below:

UNCLASSIFIED//FOUO
Field Evidence Policy Implementation Guide

- (U//FOUO) The entire perimeter of the CART Room must be constructed of [REDACTED] of the CART Room. b7E
- (U//FOUO) Only one externally accessible door to the CART Room is permitted. Entrance to the room should be secured by [REDACTED] b7E
- (U//FOUO) The externally accessible door must be equipped with [REDACTED]
 - (U//FOUO) [REDACTED] b7E
 - (U//FOUO) [REDACTED]
- (U//FOUO) [REDACTED] is required for the CART Room. This [REDACTED] b7E

4.3.6. (U//FOUO) Off-Site Evidence Control Rooms

(U//FOUO) Off-site evidence control rooms must be constructed and controlled as indicated below:

- (U//FOUO) The entire perimeter of an off-site ECR must be constructed of [REDACTED] b7E
- (U//FOUO) Only one externally accessible door is permitted to the ECR. If additional access doors are constructed [REDACTED] b7E
- (U//FOUO) The externally accessible door must be equipped with [REDACTED]
 - (U//FOUO) [REDACTED] b7E
 - (U//FOUO) [REDACTED]
- (U//FOUO) [REDACTED] for the off-site ECR. This [REDACTED] b7E

4.4. (U//FOUO) ECR Security

4.4.1. (U//FOUO) Drug and Valuable Evidence Rooms

(U//FOUO) Drug and valuable evidence rooms require that [REDACTED] to gain authorized access. In order to ensure that the [REDACTED]

b7E

UNCLASSIFIED//FOUO
Field Evidence Policy Implementation Guide

4.4.2. (U//FOUO) Personal Identification Numbers

(U//FOUO)

It is acceptable and encouraged that

b7E

4.4.3. (U//FOUO) Combinations

(U//FOUO)

b7E

4.4.4. (U//FOUO) Access Removal

(U//FOUO) In the event an ECT, AECT, or VWO no longer has authorized access to a drug and/or valuable room

b7E

4.4.5. (U//FOUO) Access Log Printed and Retained

(U//FOUO) At the end of each month, the evidence program supervisor must ensure that the electronic access logs for each ECR and drug and valuable room are printed and retained. (The printed logs must be retained from inspection period to inspection period.)

4.4.6. (U//FOUO) Changing Combinations

(U//FOUO)

b7E

4.4.7. (U//FOUO) Off-Site Alarms

(U//FOUO) For field offices having off-site ECRs, the field office must create a documented response plan detailing how an activated alarm must be handled. The response plan must be permanently retained and readily accessible for review.

4.5. (U//FOUO) Responsibilities of the Evidence Control Technician

(U//FOUO) The ECT is the designated custodian of seized/recovered evidentiary property, which encompasses the following responsibilities:

4.5.1. (U//FOUO) General Familiarity

(U//FOUO) The ECT is familiar with the procedures set forth herein; the Forfeiture Manual concerning the disposition of property subject to forfeiture, and the Forfeiture and Abandoned Property Manual, Section 10, concerning Dangerous Goods Regulations, International Air Transport Association (IATA).

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

4.5.2. (U//FOUO) Access to the ECR

(U//FOUO) The ECT ensures that access to the ECR and other evidence storage facilities is limited to persons having an official need, that all individuals entering the facilities are escorted, and that access is recorded on Form FD-455, maintained for each storage facility.

4.5.3. (U//FOUO) Protective Clothing/Equipment

(U//FOUO) The ECT ensures that the proper protective clothing/equipment is stored and is readily available in the ECR, and that it is used when handling hazardous or potentially hazardous evidentiary property.

4.5.4. (U//FOUO) Hazardous Materials (HAZMAT) Transportation Training

(U//FOUO) In conjunction with Subpart H of Title 49, Code of Federal Regulations, Part 172, it is required that training be provided to those individuals who, in the course of their employment, directly affect HAZMAT transportation safety, and that those individuals avail themselves of such training. ECTs are to receive specialized HAZMAT training for air transport shipments every two years by a certified Department of Transportation or IATA-approved school. Strict fines are imposed on individual employees by the Federal Aviation Administration for noncompliance.

4.5.5. (U//FOUO) Collected Item Database

(U//FOUO) The ECT ensures, by physical examination of property, that the descriptive data entered into the automated evidence system (aka, collected item database [CI]), as furnished by case agent/acquiring agent, adequately and properly reflects the property being retained. (When evidence is heat-sealed, the sealing/witnessing officials are responsible for the accurate description of the evidentiary items.)

4.5.6. (U//FOUO) Recordkeeping, Storage, and Maintenance of Evidence

(U//FOUO) The ECT is responsible for the recordkeeping, storage, and maintenance of all evidence. Responsibility for non-evidentiary property acquired during investigations may, at the discretion of the SAC, be assigned to the ECT if his/her workload permits. Otherwise, the SAC should assign responsibility for non-evidentiary property to an employee other than the ECT.

4.5.7. (U//FOUO) Ten Calendar-Day Rule for Submission

(U//FOUO) The case agent, acquiring agent, and/or agent supervisor, depending upon the circumstances, as individuals or collectively, share the responsibility for ensuring that seized/recovered/contributed evidence is properly documented on the FD-192. The evidence and/or documentation must be submitted to the ECT within ten calendar days from the date that the evidence was seized/recovered. The ten calendar days for the acquiring agent begin with the seizure of the property and end when the ECT receives the evidence and signs the chain-of-custody.

(U//FOUO) Should extenuating circumstances prevent submission of the evidence to the ECT within ten calendar days, the ECT advises the agent that a late submission EC (aka, late day memo) is to be submitted to the squad supervisor and thereafter placed in the investigative case file. (A copy of the EC is to be directed to the ECT, placed in a binder in the ECR, and maintained from inspection to inspection.)

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

(U//FOUO) The ECT is authorized to reject evidence that is submitted late without an accompanying EC.

(U//FOUO) If the acquiring agent submits the FD-192 within ten days, but maintains the evidence, the ECT can issue the FD-192 reflecting that the evidence continues in the custody of the acquiring agent, has not been taken into custody by the ECT, and proper charge-out procedures are being followed.

- (U//FOUO) When a lead office (LO) forwards evidence to the office of origin (OO), the following documents (when necessary) should accompany the evidence:
 - (U//FOUO) FD-192 (package copy and file copy).
 - (U//FOUO) EC for late submission – special agent and/or ECT.
 - (U//FOUO) FD-597.

4.5.8. (U//FOUO) Ten Calendar-Day Rule for Capture in the Collected Item Database

(U//FOUO) The ECT is responsible for ensuring that the seized/recovered/contributed evidence is properly captured in the collected item database (CI) within ten calendar days from the date the evidence and/or documentation was presented to him/her by the seizing agent. Should extenuating circumstances prevent the ECT from entering the information into the automated evidence system within ten calendar days, the AO is to be advised by EC, which is to be placed in the investigative case file. (A copy of the ECT's EC is placed in a binder in the ECR and maintained from inspection to inspection.) The ten calendar days for the ECT begin when:

- (U//FOUO) The ECT signs the chain-of-custody at the time he/she acquires the evidence, or
- (U//FOUO) The ECT acquires only the documentation, and ends when he/she enters the information into the collected item database.

(U//FOUO) Secondary evidence from the lab is to be entered as a new 1B. If the ECT receives the secondary evidence from the lab by FedEx, the ECT is responsible for getting the evidence entered into the collected item database within ten days. If the ECT is late, then the ECT is responsible for the late EC. If an agent picks up the evidence from the lab and waits more than ten days to submit it to the ECT, then the agent is responsible for writing the late EC.

4.5.9. (U//FOUO) Location of Property

(U//FOUO) The ECT must make certain that the exact location of property is noted in the collected item database; that the 1B, 1C, or 1D number is recorded on the automated FD-192/FD-192a for file; that bar code labels are placed directly on the general evidence packaging and on the plastic pouches containing valuable or drug evidence; that an automated FD-192/FD-192a is filed in the case file; and that a second copy is attached to the property or placed in the binder/folder maintained in the valuable/drug evidence repository.

(U//FOUO) The ECT ensures that every container of evidence has its own, FD-192, FD-1004, and barcode. A barcode must be affixed to each container.

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

4.5.10. (U//FOUO) Chain-of-Custody Documentation

(U//FOUO) The ECT ensures that chain-of-custody documentation for evidence is recorded in the collected item database and on the automated FD-192 maintained with the evidence. (See Chain-of-Custody User Guide.)

4.5.11. (U//FOUO) Forwarding Evidence

(U//FOUO) The ECT ensures that evidence is properly packaged and labeled for forwarding to FBIHQ, other field offices, the Drug Enforcement Agency (DEA), or a contributor, and that transmittal/disposition information is recorded in the collected item database. The ECT properly prepares evidence for mailing/shipping to the appropriate field office ECR or RA ECR. The ECT must refer to the ECR Directory for shipping information prior to sending shipment.

4.5.12. (U//FOUO) Retrieving Evidence from the ECR

(U//FOUO) The ECT retrieves evidence from the ECR and any other evidence storage facility as requested by agent personnel. The evidence control technician then accurately records chain-of-custody on the form maintained with the package copy of the automated FD-192 and in the collected item database. The ECT produces a charge-out reminder report to ensure property held over 60 days is either recharged or returned to the ECR.

4.5.13. (U//FOUO) Non-Evidentiary Property

(U//FOUO) Upon request, the ECT retrieves non-evidentiary property from the facility and charges out the property by using an FD-5 (Serial Charge-Out Form) according to established charge-out procedures. The ECT maintains and monitors a record of property charged out to ensure property held over 60 days is either recharged or returned to the facility.

4.5.14. (U//FOUO) Closed Cases with Pending Evidence

(U//FOUO) The evidence control technician closely follows the automated property disposition tracking system to ensure every effort is being made to return property to the contributor and that property declared abandoned is processed on a timely basis. A Closed Cases with Pending Evidence Report is to be run and distributed to squad supervisor(s) for evidence disposition decisions every 60 days.

4.5.15. (U//FOUO) Disposing of Property

(U//FOUO) The ECT assists case agents in disposing of property (on instructions of FBIHQ, other field offices, or agent personnel) through actual destruction (drug evidence excluded), return to contributor, or other methods, as appropriate. Should property that has been declared abandoned become the property of the FBI, the ECT ensures action is taken by supply personnel to have the property placed on the field office inventory. (See Forfeiture and Abandonment Manual.)

4.5.16. (U//FOUO) Testify in Court

(U//FOUO) As necessary, ECTs may be required to testify in a court of law regarding evidentiary property (chain-of-custody) for which they are responsible.

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

4.5.17. (U//FOUO) Evidence Response Team

(U//FOUO) At the discretion of the SAC, an ECT may serve as a fully trained member of the Evidence Response Team.

4.5.18. (U//FOUO) Inspects Field Office Evidence Programs

(U//FOUO) Upon the advice of the Evidence Program Manager, FBIHQ, and at the request of the Inspection Division, FBIHQ, the ECT conducts inspections of field office evidence programs with SAC approval.

4.5.19. (U//FOUO) Conducts Training and Assessments

(U//FOUO) At the request of the Evidence Program Manager, FBIHQ, and with the consent of the SAC, ECTs may assist the Evidence Program Manager to conduct training and ECR assessments in various field offices.

4.5.20. (U//FOUO) Top Secret Evidence

(U//FOUO) The ECT is not authorized to accept, store, or enter Top Secret evidence into the ECR. The ECT should have the agent contact the field office security officer for guidance.

4.6. (U//FOUO) Administrative Handling and Storage of Evidentiary Property

(U//FOUO) To facilitate recordkeeping and storage procedures, evidentiary property is divided into five categories: general evidence, valuable evidence, drug evidence, firearms evidence, and CART evidence. All newly acquired evidence must be entered into the collected item database. Procedures for the administrative handling and storage of evidence are described below.

(U//FOUO) In field offices where special agent personnel do not directly enter their own evidence into the collected item database, the traditional green FD-192 is to be used as a "data loading form" (draft) to communicate to the ECT the information that is to be entered in the collected item database. The evidence, together with the "draft" FD-192, and a signed FD-1004 are then furnished to the ECT. Upon entering the information into the collected item database, the "draft" FD-192 is destroyed. It is not to be used as the file or package copy.

(U//FOUO) Evidence and/or documentation is to be submitted to the ECT within ten calendar days from the date the evidence was seized/recovered/contributed. Should extenuating circumstances prevent handling of the evidence within ten calendar days, the ECT must advise the SA that an EC is to be submitted to the squad supervisor and thereafter placed in the investigative case file. (A copy of the EC is to be directed to the ECT, placed in a binder in the ECR, and maintained from inspection to inspection.)

(U//FOUO) The ECT is authorized to reject evidence that is submitted late without the accompaniment of an EC. The ten calendar days for the acquiring agent begin with the seizure of the property and end when the ECT receives the evidence and signs the chain-of-custody. (If the acquiring agent submits only the FD-192, thereby maintaining the evidence, the ECT is to be cognizant of the ten-day time frame and should not accept the late FD-192 without an EC. In the event the evidence is retained by the acquiring agent, proper charge-out procedures are to be followed.)

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

(U//FOUO) When LOs forward evidence to the OO, the following documents (when necessary) should accompany the evidence:

- (U//FOUO) FD-192 (package copy and file copy).
- (U//FOUO) EC for late submission (SA and/or ECT).
- (U//FOUO) FD-597.

(U//FOUO) In field offices where agent personnel directly enter their own evidence into the collected item database, the agent sends the automated FD-192 to the ECT's printer and thereafter provides the evidence, together with a signed chain-of-custody (automated sheet), to the ECT. The ten calendar days for the acquiring agent begin with the seizure of the property and end when the ECT receives the entered information through the collected item database.

(U//FOUO) The ECT is responsible for ensuring that the seized/recovered/contributed evidence is properly captured in the collected item database within ten calendar days from the date the evidence and/or documentation was presented to him/her by the seizing agent. Should extenuating circumstances prevent the ECT from entering the information into the collected item database within ten calendar days, the AO is to be advised by an EC that is to be placed in the investigative case file. (A copy of the ECT's EC is placed in a binder in the ECR, and maintained from inspection to inspection.) The ten calendar days for the ECT begin when:

- (U//FOUO) The ECT signs the chain-of-custody at the time the ECT acquires the evidence.
- (U//FOUO) The ECT acquires only the documentation, and ends when he/she enters the information into the collected item database.

(U//FOUO) The ECT accepts the evidence and signs the chain-of-custody. The ECT then enters the required information (if not already done so by the agent), and affixes a bar code number and a 1B/1D number to each evidence container. (For detailed procedures on entering evidence into the collected item database, see the Advanced Automated Case Support [ACS] Users' Guide.) The chain-of-custody and a record thereof must be maintained on evidentiary items from the time of acquisition to the time of disposition.

(U//FOUO) Upon assigning the bar code to the evidence, the ECT is required to print three new copies of the FD-192 which show the bar code. One copy of the automated FD-192 (file copy) is submitted to the supervisory special agent (SSA), primary relief supervisor, ASAC, or SAC for initialing, and is then filed in the first section of the investigative case file immediately above the 1A section (FD-340a). If there is no 1A section, the file copy becomes the first item in the first section of the investigative case file. The file copy may be maintained in a subfile, in which case a blank automated FD-192 should be placed in the main file as a substitute for the original, indicating its location (e.g., "1B numbers maintained in Subfile E").

(U//FOUO) For general evidence, the second copy (package copy) of the automated FD-192 and the written chain-of-custody is affixed to and remains with the evidence until final disposition. For valuable and drug evidence, the package copy and the written chain-of-custody are filed in sequence by file number in a binder that is maintained in the ECR. The first chain-of-custody is established as a result of entering the group data on the first page of the automated FD-192 and indicates the identity of the person who collected the evidence. Subsequent chain-of-custody

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

signatures must be made by the ECT or other individuals who receive the property. Chain-of-custody entries should not disclose that the evidence is received by the ECR; instead, the entry should show the signature of the person to whom the custody of the evidence has been given. (The only exception to this policy is when evidence is forwarded to the DEA or FBI Laboratories.)

(U//FOUO) In task force investigations, it is permissible for a federal criminal investigative agent from a participating federal agency or a deputized officer from a participating police department, to record chain-of-custody on Form FD-192 (Control Form for General/Valuable/Drug Evidence) when that investigator/officer is involved in the acquisition of the property documented on the FD-192. This individual may also participate as the sealing/witnessing agent in the verification and sealing of drug/valuable evidence. Support employees may be witnessing officials for valuable evidence only.

(U//FOUO) In emergency situations where circumstances dictate the immediate transmittal of evidence to FBIHQ and/or the DEA Laboratory by agent personnel in an RA, prior to being furnished to the ECT for handling, the property must be documented within the ten-calendar-day time frame in the collected item database, and handled according to the procedures described below.

(U//FOUO) The case/seizing agent is to note transmittal information on the chain-of-custody page of the automated FD-192 (e.g., forwarded to FBI/DEA Lab, registered mail number or Federal Express [FedEx] number, date of transmittal letter) and furnish the chain-of-custody and an automated FD-192 (or a drafted green data-loading FD-192) to the ECT. The ECT does not sign the chain-of-custody page unless he/she is physically taking custody of the evidence. The appropriate information must, however, be recorded in the collected item database.

(U//FOUO) The ECT assigns a bar code number and a 1B number to the evidence documentation. The bar code label is held by the ECT until the evidence is returned by the DEA or FBI Laboratory.

(U//FOUO) The file copy of the automated FD-192 is initialed by an SSA and filed in the case file.

(U//FOUO) The package copies of the automated FD-192 and FD-1004 are retained in the ECR and filed in a binder labeled "Evidence sent to FBIHQ" or "Evidence sent to DEA Lab," according to the transmittal date.

(U//FOUO) When the evidence is returned to the field office, the ECT attaches the assigned bar code to the property and properly executes the chain-of-custody on the package copy of the automated FD-192. The package copy of the automated FD-192 is affixed to the general evidence or filed in the binder maintained in the valuable/drug vault. The chain-of-custody information is then entered into the collected item database.

(U//FOUO) If the evidence is to be returned to the RA, and not to the ECT in headquarters city (HQC), the RA is to request that copies of the FD-192 and chain-of-custody be furnished to the ECT when the evidence is returned to the RA.

(U//FOUO) The collected item database produces 60-day charge-out reminders.

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

(U//FOUO) Property or items seized or recovered incidental to a search and seizure should generally be treated as evidence and maintained in the ECR. The below-listed material/items are currently considered hazardous materials:

- (U//FOUO) Flash paper.
- (U//FOUO) Live ammunition.
- (U//FOUO) Explosives.
- (U//FOUO) Radioactive materials.
- (U//FOUO) Flammable liquids and solids.
- (U//FOUO) Flammable and nonflammable gases.
- (U//FOUO) Spontaneously combustible substances.
- (U//FOUO) Oxidizing and corrosive materials.

(U//FOUO) All hazardous materials require special packaging, and the amount of each item that can be shipped is regulated. (See the Handbook of Forensic Science, IATA, and Code of Federal Regulations [CFR] for specific requirements and instructions for the handling/storing/shipping of hazardous materials.)

(U//FOUO) Property seized for forfeiture, which is also evidence, should be treated as evidence and maintained in the ECR during the forfeiture process. (See the Forfeiture Manual.)

(U//FOUO) Non-evidentiary property, if size permits, may be filed in the 1A section of the case file. Large non-evidentiary property (serialized as a 1C), seized, subpoenaed or contributed pursuant to investigative activity, is to be stored in a separate area within the field office. At the discretion of the SAC, space outside the field office, specifically designated for the storage of non-evidentiary items may be used.

(U//FOUO) Chain-of-custody on Federal Grand Jury Material (Rule 6e Material) is not required unless specified by the case agent. The case agent must consult with the Assistant United States Attorney (AUSA) to determine whether an FD-1004 should be maintained on specific grand jury material. If so required, an FD-192 is completed and the material is stored in the ECR. When an FD-1004 is not required, grand jury material is documented on Form FD-192a (Control Form for Non-Evidentiary Items), entered into the collected item database as a 1C, and segregated from the other non-evidentiary property. Access is given only to those individuals named on the grand jury list. When grand jury material is entered into the collected item database as a 1C, it is charged out by using Form FD-5.

(U//FOUO) Special agents' original interview notes are not intended to be used as evidence at a trial. Questions raised by the defense with respect to them generally attempt to focus on inconsistencies between the original notes and the resulting FD-302. Just as it is not necessary to maintain chain-of-custody on the FD-302, it is not necessary to maintain chain-of-custody on original interview notes. They should be filed in the 1A section (FD-340a) of the case file.

- (U//FOUO) Classified national security information should be handled in the same manner as other evidence, with the exception that it must be retained in a storage receptacle, appropriate to

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

its level of classification. Full consideration must be given to the necessary chain-of-custody accountability. Money, weapons, and other items of intrinsic value must not be stored in the same security container unless they are also classified. Material believed to be classified, but not so identified, must be protected as though it is classified. Within 30 days, a determination as to its classification must be made either by presentation of the material to an Original Classification Authority or comparison with an approved classification guide in accordance with MIOG, Part II, 26-2.3. Under no circumstances may classified material be released to any person unless it has been determined that the individual has the necessary clearance and/or access commensurate with the classification level of the material and a demonstrated need to know.

(U//FOUO) ELSUR evidence (serialized as a 1D) should be handled in the same manner as general evidence, with the exception of Title III material, which must be sealed within five (5) days by the court. However, ELSUR evidence is not to be stored in the ECR, but rather in a room specifically designated for such material. The physical requirements for this room are the same as for an ECR. (See Foreign Counterintelligence [FCI] Manual, Introduction, 1-2.6.3.)

(U//FOUO) Obscene material that must be retained as evidence must be clearly marked "Obscene" and stored as general evidence in the ECR.

4.6.1. (U//FOUO) For Pre-automated Evidence Only:

(U//FOUO) Every effort should be made to enter all evidence into the collected item database. However, if extenuating circumstances prevent the entry of pre-automated evidence into the collected item database, the following guidelines are to be followed:

1. (U//FOUO) Three copies of the non-automated green Form FD-192 should exist for pre-automated evidence.
 - a) (U//FOUO) The original copy must be signed by an SSA and filed in the first section of the case file immediately above the 1A section (FD-340a). If there is no 1A section, the file copy becomes the first item in the first section of the case file. The file copy may be maintained in a subfile, in which case a blank non-automated green FD-192 should be placed in the main file as a substitute for the original indicating their location (e.g., "1B numbers maintained in Subfile E").
 - b) (U//FOUO) The package copy of the non-automated green FD-192 records the chain-of-custody and must remain with general evidence. (If valuable/drug evidence, the package copy is not affixed to the property, but is filed in numerical sequence by file number in a binder that is maintained in the valuable/drug evidence repository. The package copy may be reproduced if more than one copy is required.) The signatures of persons, including the ECT, accepting custody must be recorded thereon as follows:
 - i) (U//FOUO) The first chain-of-custody entry is the employee who first acquired the property as identified on the front page of the non-automated green FD-192.
 - ii) (U//FOUO) The second chain-of-custody entry is the individual to whom the property was first released. The date, time, and reason for release are also required.

UNCLASSIFIED//FOUO

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

- iii) (U//FOUO) The third chain-of-custody entry is the signature of the ECT or other individual who accepts possession from the individual releasing it (second chain-of-custody entry) along with the date, time, and reason for acceptance.
- iv) (U//FOUO) Chain-of-custody information continues in this fashion as the property changes hands. Chain-of-custody entries should not disclose that the evidence is released to or accepted by the ECR; the entry must show the signature of the person accepting/releasing custody.
- c) (U//FOUO) It is the responsibility of the ECT to ensure that the chain-of-custody is accurately recorded on the package copy of the non-automated green FD-192.
- d) (U//FOUO) The index copy of the non-automated green FD-192 serves as the index of property acquired as evidence. A consolidated record of all index copies is to be maintained in the ECR in a binder labeled "(Name of Field Office) – Index of Evidence." The index copies are to be filed by evidence category (general, valuable, drug) in numerical sequence by file number. If a satellite ECR is established in a resident agency, the index copies of the non-automated green FD-192s for evidence maintained in that RA are to be maintained in the field office headquarters city ECR in a separate binder labeled "(Name of Resident Agency) – Index of Evidence" and filed therein as noted above. To maintain an effective recordkeeping system and to facilitate the conduct of physical inventories, the HQC's and RA's indices must be kept up to date by noting any type of charge-out/transmittal/disposition of property on the appropriate index copy.
- 2. (U//FOUO) A 1B number should be assigned to the non-automated green FD-192 by the ECT. A notation should be made on the non-automated green FD-192 noting the exact location of the property stored in the ECR. When applicable, the 1B number should also be listed on the evidence label attached to the plastic pouch containing drug or valuable evidence. The ECT should ensure that the location of the property and the 1B number are legible on each copy of the non-automated green FD-192.
- 3. (U//FOUO) When physical inventories are conducted, the inventories of pre-automated evidence must be reconciled with the index copies of the non-automated green FD-192s maintained by the ECT in the headquarters city ECR, and not those maintained in satellite ECRs in the RA. Therefore, the headquarters city ECT should be advised of any type chargeout/transmittal/disposition of property located in the RA to prevent discrepancies.
- 4. (U//FOUO) If pre-automated evidence is required to be transmitted to FBIHQ and/or the DEA Laboratory, it is suggested that the evidence be immediately entered into the collected item database.

4.6.2. (U//FOUO) Assessment Evidentiary Property

(U//FOUO) Upon submitting evidence to the ECT, the FBI employee must ensure that the evidence is being submitted to an investigative file, including zero sub-assessment files for Type 1 and 2 Assessments, substantive classification assessment files for Type 3-6 Assessments, or predicated investigation files. Evidence is not authorized for entry into control files or other non-assessment zero files. Items collected as potential evidence during assessments must be

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

entered into the appropriate zero sub-assessment file, substantive classification assessment file, or predicated investigation file in the appropriate classification.

4.6.2.1. (U//FOUO) Administrative Handling and Storage of Evidentiary Property

(U//FOUO) Administrative handling and storage of assessment evidence is conducted in the same manner as all evidence in the FBI's possession.

4.6.2.2. (U//FOUO) Collected Items Report on Closed Assessments

(U//FOUO) Retention of evidence/non-evidence in pending and closed zero sub-assessment and substantive classification assessment files must be monitored through ACS to:

- (U//FOUO) Provide supervisory personnel the tools to enforce prompt property disposition through the case review process.
- (U//FOUO) Provide field office management with statistical reports to identify individuals/squads which are not in compliance with property disposition procedures.
- (U//FOUO) Highlight noncompliance trends to the Inspection Staff for evaluation.
- (U//FOUO) Print and distribute a Zero Sub-Assessment Collected Items Report and a Substantive Classification Assessment File Collected Items Report to the appropriate FBI employee assigned the case at 60-day intervals in closed assessments. This is done by the ECT to ensure that those items eligible for disposition in closed assessments are handled. This report should encompass all items closed from 12/16/2008, to present. (The top and bottom copies of this report must be maintained by the ECT from inspection to inspection.)
- (U//FOUO) Indicate on the report if evidence/non-evidence in closed assessments is to be retained for an extended period of time. The FBI employee should do so by recording an anticipated disposition date and his/her initials on the report. (An EC to the zero sub-assessment file or substantive classification assessment file is then required explaining the reason for retaining the evidence. A copy of the EC is maintained in the ECR until final disposition of the evidence.) The report is then initialed by the supervisor and returned to the ECT. (The returned reports showing retention are to be maintained in a binder in the ECR from inspection to inspection.)

4.7. (U//FOUO) General Evidence

4.7.1. (U//FOUO) Items of Evidence

(U//FOUO) Items of evidence to include, but not limited to; clothing, typewriters, computer equipment, latent fingerprints lifted from a crime scene, and documentary items (exclusive of ELSUR evidence) such as books of account, printed materials, video tapes, motion picture films, magnetically or electronically recorded cards, tapes, and discs are treated as general evidence and stored within the ECR.

4.7.2. (U//FOUO) Documentary Items

(U//FOUO) If documentary items have been admitted into evidence during court proceedings or serve a continuing law enforcement purpose, the items may be retained by the FBI with the

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

concurrence of the United States Attorney (USA). (See the Legal Handbook for Special Agents, 5-12.4.)

4.7.3. (U//FOUO) Electronic Surveillance (ELSUR) Evidence

(U//FOUO) ELSUR evidence is treated as general evidence in the collected item database, and handled according to procedures set forth herein.

4.7.4. (U//FOUO) Blood/Liquid Stained Clothing Evidence

(U//FOUO) Clothing that may contain blood and/or other liquids of known or unknown origin, should be completely dried before being stored or shipped. In field offices that are moving to newly acquired space, or are being renovated, a separate room (not inhabited by employees) should be used to air-dry these garments. This room is to be either in the ECR or adjacent to the ECR and have outside ventilation. If the drying room is outside of the ECR, it must be as secure as the ECR.

4.7.5. (U//FOUO) Storing and/or Shipping Blood-Stained Garments

(U//FOUO) Prior to storing and/or shipping blood-stained garments, consult the Handbook of Forensic Science and the Dangerous Goods Regulations.

4.8. (U//FOUO) Firearms Evidence

(U//FOUO) A firearm/weapon is defined as an assembly of a barrel and action from which a projectile(s) is propelled by the products of combustion, real or inoperable.

(U//FOUO) W - Weapon

- (U//FOUO) All firearms/weapons as defined above are to be classified and stored as firearms and categorized and entered into ACS/collected items as "Firearms/Weapons."
- (U//FOUO) Silencers must be treated as weapons and are required to receive their own IB numbers, regardless of whether or not they are attached to guns. Silencers are to be classified and stored as firearms and categorized and entered into ACS/collected items as "Firearms/Weapons."
- (U//FOUO) Any evidence item attached to, or packaged in, a primary container with a firearm, should be left in its original condition, stored with the firearm, categorized, and entered into ACS/collected items as "Firearms/Weapons."

(U//FOUO) O - Other

- (U//FOUO) A firearm/other is to include all accessories, parts, ammunition and associated items, including but not limited to: sites, holsters, bayonets, cases, scopes, flash suppressors, magazines, muzzle attachments, and flashlights/laser sighting devices that are designed or meant to be used in conjunction with a firearm, and are to be classified and stored as a firearm and categorized and entered into ACS/collected items as a "Firearms/Other."
- (U//FOUO) All BB guns, toy guns, water guns, pellet guns, starter pistols, items used as guns (that do not have an action from which a projectile(s) is propelled by the products of

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

combustion), and other firearm-like weapons, are classified and stored and as firearms and categorized and entered into ACS/collected items as "Firearms/Other."

- (U//FOUO) All items categorized as a firearms/other, to include ammunition, and accessories, parts and associated items, must also be stored as such, and entered into ACS/collected items as "Firearms/Other."
- (U//FOUO) All firearms/weapons and firearms/other, must be stored in the firearms section of the ECR, albeit separately, and entered into the ACS/collected item database under its own 1B number and barcode number.

4.8.1. (U//FOUO) By Statutes

- A. (U//FOUO) Title 18, U.S.C., Section 3665, provides as follows: Firearms possessed by convicted felons-

(U//FOUO) "A judgment of conviction for transporting a stolen motor vehicle in interstate or foreign commerce or for committing or attempting to commit a felony in violation of any law of the United States involving the use of threats, force, or violence or perpetrated in whole or in part by the use of firearms, may, in addition to the penalty provided by law for such offense, order the confiscation and disposal of firearms and ammunition found in the possession or under the immediate control of the defendant at the time of his arrest. The court may direct the delivery of such firearms or ammunition to the law enforcement agency which apprehended such person, for its use or for any other disposition in its discretion."

- B. (U//FOUO) In all cases in which firearms and ammunition are seized pursuant to the above statute, the USA must be notified of the seizure so that USA may bring it to the attention of the court at the time of sentencing.
- C. (U//FOUO) There is no objection to a court order directing disposal by the FBI Laboratory.
- D. (U//FOUO) Other federal statutes, indexed under "Firearms" in the U.S. Code Annotated, provide for forfeiture of firearms used in violation of various statutes including those involving liquor laws and those used in named national parks, and declares contraband any firearm with respect to which there has been committed a violation of any provision of the National Firearms Act (or any regulation issued pursuant thereto). The responsibility for selecting the applicable statutes, if any, is that of the USA.

4.8.2. (U//FOUO) By Other Means

(U//FOUO) If a firearm (or ammunition) is held for evidence and any person demands its immediate return, or if a firearm is otherwise held and two or more claimants dispute ownership, the weapon should be held and the legal problem referred to the USA.

4.8.3. (U//FOUO) Abandoned

(U//FOUO) For all firearms obtained by the FBI through a court order or the abandonment process, a waiver of ownership must be handled according to the following criteria:

1. (U//FOUO) All firearms must be submitted to the Firearms-Toolmarks Unit, FBI Laboratory, along with any requests for their return to the field offices and justification for such action.

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

2. (U//FOUO) The Laboratory must have the option of retaining any such firearms for its Reference Firearms Collection (RFC) unless specifically instructed by court order to destroy a firearm.
3. (U//FOUO) The FBI Academy, Quantico, must be advised by the Laboratory of any firearms received that are not being included in the RFC and must decide whether they are needed for training purposes or for reissue.
4. (U//FOUO) If there is a request for the return of the firearm to the field office for issue or display and if it is not needed by the Laboratory or Training Division, the Training Division must evaluate the request and, if approved, perform the necessary refurbishing or deactivation of these firearms. It is to be noted that approval of such requests must not be routine and must be supported by ample justification.
5. (U//FOUO) If not needed by the Training Division or Laboratory Division, and there is no request to return the firearm to the field (or if the request is denied), the Laboratory must destroy the firearm. The field office is not authorized to destroy any confiscated firearms.

4.8.4. (U//FOUO) Seized/Recovered

(U//FOUO) Seized/recovered firearms that are to be retained by FBI field offices pending resolution of an investigative matter are to be stored in the evidence control room.

4.8.5. (U//FOUO) Rendered Safe

(U//FOUO) Firearms are not to be accepted by the ECT for storage until they have been examined by a field office firearms instructor (if a field office does not have a firearms instructor, a Special Weapons and Tactics [SWAT] member may be used) and rendered safe.

(U//FOUO) The firearms instructor is to certify the examination by:

- (U//FOUO) Signing his/her name.
- (U//FOUO) Placing the date that the weapon was examined and rendered safe in the lower portion of the chain-of-custody page of the package copy of the automated FD-192.
- (U//FOUO) Chain-of-custody information is not to be recorded if possession of the firearm does not change during the safety examination. Once rendered safe, firearms may be stored in a secured cabinet or on open shelving within the ECR.

4.8.6. (U//FOUO) Stored

(U//FOUO) Firearms and ammunition must be stored separately and entered into the collected item database under their own 1B numbers and barcode numbers.

4.8.7. (U//FOUO) Contraband Items

(U//FOUO) Muzzle attachments/silencers, fully-automatic firearms, firearms with no visible serial numbers, rifles with barrels under 16 inches (26 inches total length), and shotguns with barrels under 18 inches (26 inches total length) should be put through the abandonment process, as they may have been legally purchased and owned at one time.

UNCLASSIFIED//FOUO
Field Evidence Policy Implementation Guide

4.8.8. (U//FOUO) Destruction

- (U//FOUO) The laboratory is responsible for the destruction of abandoned weapons. All firearms, including real guns, inoperable guns, replica guns, BB guns, toy guns and water guns, as well as all items used as guns, must be sent to the laboratory for destruction.
- (U//FOUO) Firearms and firearm-like weapons, ammunition, knives, holsters, gun cases, brass knuckles, and ammunition must be sent to the laboratory for destruction.
- (U//FOUO) The U.S. Marshal Service is responsible for the destruction of forfeiture weapons.
- (U//FOUO) The Defensive Systems Unit of the Training Division is responsible for the destruction of Bureau weapons and "Special Case Weapons."

4.8.9. (U//FOUO) Accepted Legal Documentation for Destruction

1. (U//FOUO) Court order for the destruction of the weapons.
2. (U//FOUO) Court order for the destruction of the weapons with a plea agreement.
3. (U//FOUO) Waiver of ownership with an indemnity agreement.
4. (U//FOUO) Abandonment paperwork.
5. (U//FOUO) Donation of weapon to the FBI (SF-597).
6. (U//FOUO) Transfer of property for Bureau purchased case weapons.

4.8.10. (U//FOUO) Package for Shipping

- (U//FOUO) Firearms and ammunition must be packaged separately.
- (U//FOUO) Firearms must be unloaded and must be strapped open or tied down to the box or wrapped in paper or bubble wrap.
- (U//FOUO) Ammunition must be packaged tightly to keep from moving about in the box. The box should be labeled "ORM-D AIR SMALL ARMS CARTRIDGES."
- (U//FOUO) Weapons from multiple cases must be shipped separately.

4.9. (U//FOUO) Drug Evidence

4.9.1. (U//FOUO) Maximum Security

(U//FOUO) Drug evidence, to include over-the-counter drugs, must be afforded maximum security while in the FBI's possession, and not co-mingled with any other drug or any other type of evidence.

4.9.2. (U//FOUO) Storage Facility

(U//FOUO) Storage should be in a [redacted] or within the ECR

b7E

4.9.3. (U//FOUO) High Quantity

(U//FOUO) If the quantity of drug evidence is of such volume that it cannot be stored in the ECR or another secure facility within the field office space as noted above, it may be stored in a

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

bonded warehouse provided that appropriate security and administrative controls are adhered to and chain-of-custody is preserved.

4.9.4. (U//FOUO) Form FD-455 (Access Log - Evidence Storage Facility)

(U//FOUO) A separate Form FD-455 (Access Log - Evidence Storage Facility) is to be maintained for each drug repository. If open shelving is used, then one FD-455 log for the room/vault is sufficient.

4.9.5. (U//FOUO) Vault Witness Official (VWO)

(U//FOUO) The ECT/AECT is not authorized to access the drug/valuable storage facility unless accompanied by the AO, or the person(s) designated to act on behalf of the AO as the VWO. The vault witness responsibility remains with the AO, but the actual duty may be delegated to meet the requirements of the field office and resident agencies. However, the VWO can not be an AECT. Each office should limit the number of designated VWOs and must document the list of authorized vault witnessing personnel in the evidence control file.

4.9.6. (U//FOUO) Submitting Drug Evidence

(U//FOUO) The agent submitting the drug evidence to the ECT must remain with the ECT while he/she processes the evidentiary property and until the VWO arrives to access the vault and witness the storage of the drugs.

4.9.7. (U//FOUO) Emergency Access

(U//FOUO) The only persons having emergency access to the drug/valuable storage facility and the ECR are the SAC, the ASAC, and the SSRA. The

[REDACTED]

b7E

4.9.8. (U//FOUO) Controlled Environment

(U//FOUO) Drug evidence should be stored in a reasonably controlled environment, as elevated temperatures or humidity may result in some drug decomposition. Marijuana and crude preparations of some other drugs, such as cocaine, PCP (phencyclidine), and methamphetamine, are highly odoriferous and require more than normal ventilation for odor control. Wet or freshly harvested marijuana mildews if not thoroughly dried before being sealed and stored. It is also advisable to fumigate marijuana to curb insect growth within the bundles. For health and safety reasons, proper outside ventilation of the drug vault/room is required.

4.9.9. (U//FOUO) Weighed/Counted and Verified

(U//FOUO) Two federal criminal investigative agents and/or deputized officers, one designated the sealing agent/officer and one the witnessing agent/officer (who are not support employees), are responsible for ensuring that drug evidence is weighed/counted and verified before the evidence is sealed. The evidence is then transmitted to the DEA Laboratory or placed in storage according to the following procedures:

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

1. (U//FOUO) Place the drug evidence, along with the original container, in a plastic evidence pouch (9 ½" x 16" or larger) and then weigh and/or count it. The weighing should be performed on a scale capable of weighing in gram increments, and the weight recorded on the FD-723 (Evidence Label). If the drug seizure involves tablets or capsules, determine the number of tablets or capsules by actual count if the quantity is small or, if too voluminous to count, by computation based on relative weights (e.g., count and weigh 100 units to determine a unit weight, and then divide this weight into the net weight of the entire exhibit to determine the total number of units). If liquids are involved, report the gross quantity by volume. Base estimates on the known or apparent size of the container.
2. (U//FOUO) Complete the FD-723 with the following information:
 - (U//FOUO) Name of field office.
 - (U//FOUO) File number.
 - (U//FOUO) Date of seizure or purchase.
 - (U//FOUO) Sealing official's printed name.
 - (U//FOUO) Sealing official's signature.
 - (U//FOUO) Witnessing official's printed name.
 - (U//FOUO) Witnessing official's signature.
 - (U//FOUO) Laboratory examiner's signature (if applicable).
 - (U//FOUO) Total package weight (for drugs).
 - (U//FOUO) DEA Exhibit Number (for drugs).
3. (U//FOUO) Ensure that the completed FD-723 is placed on the outside of the plastic evidence pouch (9½" x 16" or larger), at the top, and folded at the perforation over both sides of the pouch. Insert the evidence pouch into the heat sealer, ensuring that the heat seal is made across the FD-723 and within two inches from the top of the evidence pouch.
4. (U//FOUO) The use of plastic evidence envelopes is not always practical for bulk drug evidence seizures. Therefore, package the entire bulk shipment in boxes or cartons of uniform size. Each box should contain no more than 15-20 kilograms of substance and should be packed as full as possible. Packing material should be added, if required, to ensure that boxes are not crushed when stacked and transported.
5. (U//FOUO) Close each box or carton with fiber-reinforced plastic tape ensuring that the tape encircles the carton and that the tape ends meet or overlap on the top.
6. (U//FOUO) Complete an FD-723 to include the date of sealing and the printed names and signatures of the sealing agent/officer and witnessing agent/officer.
7. (U//FOUO) Affix the FD-723 to each box at the top to ensure that it covers both ends of the plastic fiber-reinforced tape.
8. (U//FOUO) Number each box consecutively (e.g., 1 of 10; 2 of 10; 3 of 10) in large print with a permanent marker.

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

9. (U//FOUO) Mark each box with the number of packages it contains (for additional specifics on bulk drug seizures.)
10. (U//FOUO) Open and reseal drug evidence in the presence of at least two federal criminal investigative agents/deputized officers. The reasons and procedures must be fully documented in an FD-302. Two copies of the FD-302 are to be generated; one is designated for the investigative case file, and a second copy is to be presented to the ECT with the resealed evidence. (The ECT is to maintain the ECR copy of the FD-302 in a binder from inspection to inspection.)
11. (U//FOUO) Open a sealed plastic evidence pouch by cutting off the sealed upper edge with scissors or a paper cutter, ensuring that the FD-723 remains intact. If the evidence is to be resealed, both portions of the used pouch are to be retained, placed in a new evidence pouch with the evidence and sealed following the above-listed instructions. Opening and resealing drug evidence is to be continued in this fashion.
12. (U//FOUO) The "repackage" function in the collected item database must be used and the new packaging must be given a new barcode for the resealing process.
13. (U//FOUO) When bulk drug evidence must be opened, it is done so by first cutting the FD-723 from the top of the box. If the evidence is to be resealed, the previously used FD-723 is placed in a plastic envelope affixed to the outside, then the box is sealed following the above-listed instructions. (For detailed procedures on entering drug evidence into the collected item database, see the Advanced Automated Case Support [ACS] User's Guide.)
14. (U//FOUO) The "repackage" function in the collected item database must be used, and the new packaging must be given a new barcode for the resealing process.

(U//FOUO) Investigative or operational requirements may necessitate the temporary storage of bulk drug evidence for later use by investigators. The original containers cannot be marked or otherwise altered without adversely affecting the investigation or operation. Storage of the drugs in the ECR is temporary, although the drugs may be permanently stored in the ECR at a later date. Under these circumstances, the drugs must remain in the original packaging (boxes, suitcases, individual kilograms, etc.) and then be placed in additional boxes, cartons, or other containers and sealed as described. The original packaging containing the drugs may not be marked or otherwise altered. In this manner, the original packaging containing the drugs remains unaltered, while the external packaging is sealed with appropriate documentation.

4.9.10. (U//FOUO) Laboratory Analyses by DEA

(U//FOUO) Laboratory analyses of seized drugs must be conducted by the DEA Laboratories. The transmittal to and return of drug evidence from the DEA Laboratories are to be recorded in the collected item database.

(U//FOUO) Usually, FBI requests DEA to forward the original packaging that contained the drugs to the FBI Laboratory for latent fingerprint analysis. When this occurs, the packaging must be returned, separate from the drugs, at a later date. To account for the evidentiary property that has now become two pieces, the "split" function is performed in the collected item database when the drugs are returned. This gives both pieces of evidence their own chain-of-custody and barcode. If the DEA chemist properly seals the drugs, the evidence pouch is not to be resealed by

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

the FBI. The DEA chemist will testify to the contents and to his/her sealing procedures. (The DEA Laboratory may complete the lower portion of the FD-723 that states "For Lab Use Only." However, it is not required to do so, and DEA reseals the evidence pouch with its own seal.)

(U//FOUO) When drug packaging has been examined for latent fingerprints by the FBI Laboratory (therefore having been separated from its original contents), it is also treated as a drug, and therefore should be sealed by the FBI Laboratory in the same manner as any drug. The FBI Laboratory must heat seal the evidence pouch. The field office ECT is to properly package and heat seal the evidence, completing a new FD-723. The field office must process the sealed drug packaging in the collected item database (continuing the entry that was begun by using the "split" function), and place the evidence in storage in the drug vault with a new barcode. DEA Form 7 (Report of Drug Property Collected, Purchased or Seized) is a six-part form (original and five copies) and is to be used when transmitting drug evidence to the DEA Laboratory. DEA Form 7 is transmitted to the appropriate DEA Regional Laboratory by cover communication. Procedures for filling out the form are as follows:

- (U//FOUO) Type DEA Form 7. Each form is limited to three (3) exhibits inasmuch as there is not sufficient space for the results of analyses of more than three (3) exhibits. Place the submitting office case file number and exhibit number (see Item 9 below) on all drug evidence pouches so they can be matched with the accompanying correspondence. Complete the form as follows:
- (U//FOUO) Item 1: Self-explanatory. Check money flashed only where drugs were seized as a result of using a flash roll.
- (U//FOUO) Item 2: Enter field office file number (e.g., 245A-HN-1234). This number is essential for future case identification and retrieval.
- (U//FOUO) Item 3: Disregard.
- (U//FOUO) Item 4: Enter "FBI."
- (U//FOUO) Item 5: Self-explanatory.
- (U//FOUO) Item 6: Disregard.
- (U//FOUO) Item 7: Self-explanatory.
- (U//FOUO) Item 8: Disregard.
- (U//FOUO) Item 9: The submitting office or the DEA chemist must assign the exhibit number or sequence number. An exhibit is defined as any substance differing in form, color, or shape from any other submitted materials or acquired at a different time and place. When there are several submissions from one field office or separate submissions from several field offices, it is the responsibility of the office of origin to assign the sequential exhibit numbers. The DEA Laboratory may also be contacted to determine the next sequential exhibit number for that particular case.
- (U//FOUO) Item 10: The "alleged" drug is that drug which the evidence is purported to be, or is sold as, by the defendant.

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

- (U//FOUO) Item 11: Describe fully the labels on the original containers and specify whether seals on these containers were intact. This entry may be continued under Item 15 ("Remarks"), as necessary.
- (U//FOUO) Item 12: Approximate the amount of substance in each exhibit by size or weight. The exact count and precise weight of submitted exhibits are determined by the DEA chemist.
- (U//FOUO) Item 13: Indicate whether all the materials seized are being submitted or only a portion thereof.
- (U//FOUO) Item 14: Complete only if the evidence was acquired through an undercover purchase.
- (U//FOUO) Item 15: Identify the OO and the OO file number under "Remarks." The OO file number becomes the DEA Laboratory case control number for all future submissions in that case. When drug evidence is submitted by lead offices the lead office must determine the OO file number and enter it under Item 15. It should be indicated under "Remarks," whether latent fingerprint examinations or other forensic laboratory examinations are to be performed by the FBI's Laboratory Division. The cover communication should also set forth these requests and include appropriate case background data.
- (U//FOUO) Item 16: Self-explanatory.
- (U//FOUO) Item 17: Supervisory special agent.

(U//FOUO) The copy distribution for DEA Form 7 is as follows:

- (U//FOUO) Forward copies one through five by cover communication, with the evidence, to the appropriate DEA Laboratory.
- (U//FOUO) Copy six is to be detached by the submitting office, attached to the field office file copy of the cover communication, and filed in the case file.

(U//FOUO) When the laboratory analyses are complete, copy three must be sent to the OO and copies one and two must be returned to the submitting field office. These copies contain results of the DEA analyses and are to be filed in the 1A section (FD-340a) of the case file of the respective field office. All evidence must be returned to the submitting field office for retention and eventual destruction. The DEA Laboratory may not accept responsibility for the storage of drug evidence.

4.9.11. (U//FOUO) Federal-Wide Drug Seizure System (FDSS)

(U//FOUO) The Federal-Wide Drug Seizure System is a computerized system that produces records of federal drug removals, without regard for individual agency involvement. Participating agencies are DEA, FBI, the Immigration and Naturalization Service (INS), the U.S. Coast Guard (USCG), and the U.S. Customs Service (USCS). The FBI's participation in the FDSS is required whenever the weight of drugs recovered by the FBI exceeds established weight thresholds. At that time, a Federal Drug Identification Number (FDIN) must be telephonically obtained from the El Paso Intelligence Center (EPIC) and recorded on the DEA Form 7. The FDIN must be used by DEA's Statistical Services Section to capture records from the participating federal agencies. DEA's System to Retrieve Information from Drug Evidence

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

(STRIDE) continues to capture statistical information on FBI drug removals and uses that information for quality control of the FDSS. The following procedures have been established for implementation of the FDSS:

- (U//FOUO) An FDIN is required for drugs recovered if the weight entered in Item #12 of DEA Form 7, "Approx. Gross Quantity Seized," or Item #13 of DEA Form 7, "Approx. Gross Quantity Submitted," exceeds the following thresholds:
 - (U//FOUO) Heroin, 100 grams or ¼ pound
 - (U//FOUO) Morphine, 100 grams or ¼ pound
 - (U//FOUO) Opium, 500 grams or 1 pound
 - (U//FOUO) Cocaine, 500 grams or 1 pound
 - (U//FOUO) Marijuana, 25 kilograms or 50 pounds or 50 plants
 - (U//FOUO) Khat, 5 kilograms or 10 pounds
 - (U//FOUO) Hashish, 1 kilogram or 2 pounds
 - (U//FOUO) LSD, 100 units
 - (U//FOUO) Other drugs, 5,000 units
- (U//FOUO) Separate FDINs are required for each drug that exceeds the above weight thresholds, regardless of whether they came from the same incident. Samples extracted from a bulk seizure do not require separate FDINs. Some examples of when an FDIN is needed are:
 - (U//FOUO) Exhibits 1, 2, and 3 of cocaine are seized during the execution of a warrant. Collectively, the evidence weighs 900 grams; individually, none weighs more than 500 grams. No FDIN is needed for any exhibit.
 - (U//FOUO) Exhibits 1, 2, and 3 of cocaine are seized during the execution of a warrant. Exhibit 1 weighs 600 grams and needs an FDIN. Exhibits 2 and 3 weigh less than 500 grams; neither requires an FDIN.
 - (U//FOUO) Exhibit 1 is 600 grams of cocaine. Exhibit 2 is 250 grams of heroin, and both were seized during the execution of a warrant. Each exhibit requires a separate FDIN.
 - (U//FOUO) Exhibit 1 is a bulk marijuana seizure and is reported on DEA Form 7 along with sub-exhibits 1A through 1K, which are samples extracted from the seizure. The total collected exceeds 25 kilograms. An FDIN is needed for exhibit 1, but not for sub-exhibits 1A through 1K. The FDIN must be obtained by the first federal agency to take custody of the drug evidence. On the rare occasions when the FBI assumes custody of drug evidence from another federal agency, the FDIN must be provided to the FBI as part of the custody transfer.
- (U//FOUO) The FDIN must be obtained by contacting EPIC at FTS (Federal Telecommunication System) [REDACTED] Be prepared to provide the following information that must be recorded in a log maintained by EPIC:
 1. (U//FOUO) Name and title of official requesting the FDIN.

b7E

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

2. (U//FOUO) Agency and telephone number of the official requesting the FDIN.
 3. (U//FOUO) Date and local time collected.
 4. (U//FOUO) Place collected (city and state).
 5. (U//FOUO) Conveyance type (e.g., vehicle, vessel, aircraft, or person).
 6. (U//FOUO) Conveyance identifier (e.g., name or number).
 7. (U//FOUO) Quantity of drug collected (including unit of measure).
 8. (U//FOUO) Type of drug collected (e.g., heroin, cocaine, or marijuana).
- (U//FOUO) EPIC must issue an FDIN, which is a ten-digit number beginning with the four digits of the fiscal year in which the drug evidence was collected (e.g., 1999000325). There are no dashes or periods in the number.
 - (U//FOUO) The FDIN is listed in the "Remarks" section of DEA Form 7.
 - (U//FOUO) The method of drug removal (seized, recovered, collected, or purchased) does not affect the need for an FDIN. The determining factor is the weight estimate which includes the minimum wrapping necessary for evidentiary or packaging purposes.

4.9.12. (U//FOUO) Avoid Package Transfers

(U//FOUO) To maintain the integrity of the drug evidence and to avoid unnecessary handling and possible exposure to toxic materials, agent personnel should not attempt to transfer drug contents from the original package, wrapper, or container into a substitute container. Those items that require both chemical analyses for drug contents and subsequent latent fingerprint, laboratory examinations of the packaging material itself for handwriting, or other type of forensic laboratory analyses, should be submitted to the DEA Laboratory with the appropriate information noted in the "Remarks" section of DEA Form 7. The DEA chemist must conduct the chemical analysis and then forward the items directly to FBIHQ, Attention: Laboratory Division, as appropriate.

4.9.13. (U//FOUO) Avoid Opening Drug Evidence

(U//FOUO) Drug evidence returned from the DEA Laboratory is not to be opened if properly sealed by the DEA chemist, but placed in storage as received. The DEA chemist occasionally removes the evidence from the original container(s) and returns the examined evidence to the submitting office in a substitute container(s), causing uncertainty as to whether the returned evidence is identical to the submitted evidence. In such instances, the ECT should note the change in containers on the package copy of the FD-192, stating the number of sealed containers returned from the DEA Laboratory and the DEA Laboratory numbers that appear on the containers. Appropriate modifications must be made in the collected item database to accurately describe the evidence in storage.

4.9.14. (U//FOUO) Approximate Modifications in Automated Case Support

(U//FOUO) When an agent recovers a piece of drug evidence, that evidence must be weighed with all wrappings and sealed in an evidence pouch. This must be recorded in the accompanying FD-302 as the "approximate gross weight" of the "total package." The drugs must then be tested

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

by the DEA, whereupon the DEA chemists must provide the actual "confirmed" weights used for statistical and trial purposes (net weight of drugs without packaging) and a new total package weight after they have resealed the evidence. The DEA has recorded the last "gross weight" or "total package weight" upon their resealing of the evidence; it is that weight that is used for comparison when weighing the drugs prior to destruction. If the drugs have not been tested, the original weight taken at time of seizure is used for comparison. If there has been any documented change (e.g., resealing event), then the last time the drugs were weighed and re-sealed is used for comparison purposes.

(U//FOUO) When drugs are returned from the DEA Laboratory, the ECT is responsible for making appropriate modifications in the collected item database. When drugs come back confirmed, "Drug Type" and "Drug Confirmed" fields must be modified as such in the collected item database. The "approximate gross weight" of the "total package" drug weight in the "Drug Weight" field must be changed to show the official DEA laboratory-determined "total package weight."

To document all weights, the "Description" field of the collected item database must then be modified as follows:

"Original approximate gross weight of the total package before analysis was ____."

"DEA confirmed weight after analysis is ____."

4.10. (U//FOUO) Valuable Evidence

(U//FOUO) Valuable evidence is defined as money, regardless of amount and country of origin; jewelry, regardless of value or composition; rare coins; works of art; antiques; furs; and other items of intrinsic value. Additionally, items having transactional value, including but not limited to the following list (excluding drug evidence) are considered valuable evidence:

- (U//FOUO) ATM card, bond, calling card, bearer bond, credit card, stock certificate, debit card, transportation token, game token, money order, gambling chip, WIC (Special Supplemental Nutrition Program for Women, Infants, and Children) coupon, gambling card, coupon bond, airline ticket, certificate of deposit, cashier's check, food stamp, check, postal stamp (individual or book).

4.10.1. (U//FOUO) Currency with an Unspecified Amount/Value

(U//FOUO) The ECTs are not to accept currency with an unspecified amount/value.

4.10.2. (U//FOUO) Seized Currency Subject to Criminal or Civil Forfeiture

(U//FOUO) Seized currency subject to criminal or civil forfeiture is to be delivered to the U.S. Marshal Service for deposit in the Seized Asset Deposit Fund, and such transfer is to be recorded by the ECT in the collected item database. However, if the seized currency serves a significant independent, tangible, evidentiary purpose (e.g., presence of fingerprints, packaging in an incriminating fashion, or the existence of a traceable amount of drug residue on the bills), the currency is retained pending final disposition of the investigative matter. When seized currency subject to forfeiture is retained for evidence and not deposited into the Seized Asset Deposit Fund, the United States Attorney's Office must approve. If the cash retained is \$5,000.00 or

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

more, the Department of Justice's (DOJ) Asset Forfeiture and Money Laundering Section Chief must approve.

(U//FOUO) If the currency is subject to forfeiture, the case agent is responsible for ensuring that the forfeiture paralegal specialist, who may want to be present at the verifying count, has been advised of the seizure. After the count, the currency should be converted to a cashier's check made payable to the United States Marshal Service. In some field offices, the determined value of the currency must be transferred electronically to the Seized Asset Deposit Fund, eliminating the need for a cashier's check. The chain-of-custody documentation reflects that the currency was charged out and released for forfeiture.

4.10.3. (U//FOUO) Evidence Independently Counted/Verified

(U//FOUO) Valuable evidence is to be independently counted/verified by two officials. The sealing official is to be a federal criminal investigative agent or deputized officer or support employee; the witnessing official may include the ECT, the paralegal specialist, or other support employee directly involved in the processes of seizing, packaging, and initial documentation of the evidence. They are to verify the accuracy of the count and/or detect any errors before the evidence is sealed and placed in storage.

(U//FOUO) The valuable evidence is placed in a 9½" x 16" (or larger) plastic evidence pouch. The FBI evidence label, FD-723, is to be completed with the following information:

1. (U//FOUO) Field office name.
2. (U//FOUO) File number.
3. (U//FOUO) Date of seizure or purchase.
4. (U//FOUO) Sealing official's printed name.
5. (U//FOUO) Sealing official's signature.
6. (U//FOUO) Witnessing official's printed name.
7. (U//FOUO) Witnessing official's signature.
8. (U//FOUO) Laboratory examiner's signature (where applicable).
9. (U//FOUO) Total estimated value.
10. (U//FOUO) Not applicable.

(U//FOUO) The completed FD-723 is placed on the outside of the plastic evidence pouch (9 ½" x 16" or larger) at the top, and folded at the perforation over both sides of the pouch. Insert the evidence pouch into the heat sealer ensuring that the heat seal is made across the FD-723 and within two inches from the top of the evidence pouch.

(U//FOUO) The agent submitting the valuable evidence to the ECT must remain with the ECT while he/she processes the evidentiary property and until the VWO arrives to access the vault and witness the storage of the valuable evidence.

(U//FOUO) Opening and resealing of valuable evidence must be conducted in the presence of:

1. (U//FOUO) Two federal criminal investigative agents/deputized officers; or

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

2. (U//FOUO) One federal criminal investigative agent/deputized officer and one witnessing official; or
3. (U//FOUO) Two paralegal specialists (one of whom serves as a sealing official and one as a witnessing official).

(U//FOUO) The sealing and witnessing officials must fully document the reasons and procedures in an FD-302. Two copies of the FD-302 are to be generated. One is designated for the investigative case file, and a second copy is to be presented to the ECT with the resealed evidence. (The ECT is to maintain the ECR copy of the FD-302 in a binder from inspection to inspection.)

(U//FOUO) A plastic evidence pouch is opened by cutting off the sealed upper edge with scissors or a paper cutter, ensuring that the FD-723 remains intact. If the evidence is to be resealed, both portions of the used pouch are to be retained, placed in a new evidence pouch with the evidence, and sealed following the above-mentioned instructions. Opening and resealing evidence is to be continued by this method.

(U//FOUO) The "repackage" function in the collected item database must be used, and the new packaging must be given a new barcode for the resealing process.

(U//FOUO) If valuable evidentiary items are of such size as to preclude the use of a plastic evidence pouch (e.g., paintings), the property should be boxed or wrapped in brown paper and secured with plastic fiber-reinforced tape ensuring that the tape encircles the package and that the tape ends meet or overlap. The FD-723 label is to be completed with all pertinent information and affixed to each box top or package front to ensure that it covers both ends of the plastic fiber-reinforced tape.

(U//FOUO) The "repackage" function in the collected item database must be used and the new packaging must be given a new barcode for the resealing process.

(U//FOUO) When it becomes necessary to open large valuable evidentiary items, the FD-723 is cut first from the front of the package or top of the box. If the evidence is to be resealed, the previously used FD-723 is placed in a plastic envelope and affixed to the outside of the new package or box, and the new package or box is then sealed following the above-detailed instructions.

4.10.4. (U//FOUO) Evidence Afforded Maximum Security

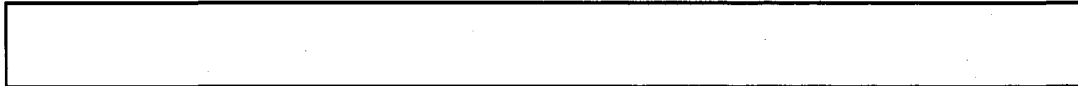
(U//FOUO) Valuable evidence must be afforded maximum security while in the FBI's possession, and not co-mingled with any other type of evidence. Storage should be:

- (U//FOUO) Within the ECR [REDACTED]
- (U//FOUO) [REDACTED]

b7E

(U//FOUO) If the quantity of valuable evidence is of such volume that it cannot be stored in the ECR or another secure facility within the field office space as noted above, it may be stored in a

UNCLASSIFIED//FOUO
Field Evidence Policy Implementation Guide

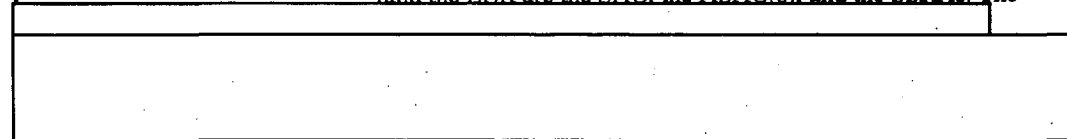


b7E

(U//FOUO) A separate Form FD-455 is to be maintained for each valuable repository.

(U//FOUO) The ECT/AECT is not authorized to access the drug/valuable storage facility unless accompanied by the AO, or the person(s) designated to act on behalf of the AO as the VWO. The vault witness responsibility remains with the AO, but the actual duty may be delegated to meet the requirements of the field office and resident agencies. However, the VWO should not be an AECT. Each office should limit the number of designated VWOs and must document the list of authorized vault witnessing personnel in the evidence control file.

(U//FOUO) The only persons having emergency access to the drug/valuable storage facility and the ECR are the SAC, the ASAC(s), and the SSRAs. The



b7E

4.10.5. (U//FOUO) Handling Transactional Documents

(U//FOUO) If the account of a transactional document has been closed or the document itself indicates it has been negotiated, the item is no longer considered to be valuable evidence and must be housed in general evidence storage.

(U//FOUO) Fraudulent checks, counterfeit money, checks, or credit cards on closed accounts can be stored as general evidence if submitted as evidence with an FD-302, certifying that the item has no value.

(U//FOUO) The case agent is responsible for marking the container housing the item to indicate that the associated account is closed prior to submitting the item(s) for storage as general evidence.

(U//FOUO) If valuable items are housed in another container (e.g., a wallet or bank bag) upon seizure, the container and the valuable(s) may be stored in one container as valuable evidence.

(U//FOUO) Without a clear indication on the container, as well as an FD-302 certifying the account is closed, the ECT requires the item(s) to be deemed valuable evidence.

4.10.6. (U//FOUO) Describing Valuable Evidence

(U//FOUO) The agent completing the FBI Evidence Data-Loading Form (draft FD-192) must completely describe the evidence being submitted for storage. If the draft FD-192 contains the term "miscellaneous" to describe any of the items, the ECT is not authorized to accept custody of the evidence until such time as the evidence is completely described.

(U//FOUO) If valuable items are housed in another container, the container and its contents must be completely described on the draft FD-192.

4.10.6.1. (U//FOUO) Cash and Non-cash Valuable Evidence

(U//FOUO) Cash and non-cash evidence must be separate evidence records. They may have the same 1B number, but must have different barcodes.

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

(U//FOUO) Cash seized with no value items, either through appraisal or with general evidence items, do not need a separate barcode.

(U//FOUO) Non-cash valuables are not assigned a "Cash Value" in collected item until appraised or the case agent provides a fair market value (FMV).

4.10.7. (U//FOUO) Handling Foreign Currency

(U//FOUO) Foreign currency is to be handled the same way as United States (U.S.) currency. The case agent is responsible for ensuring that foreign currency is assigned a U.S. dollar value prior to submitting the currency to the evidence control technician for storage. The person who obtained the U.S. dollar value of the foreign currency generates an FD-302 including, at a minimum, the date and the source from which the value was obtained. A copy of the FD-302 must be presented to the evidence control technician with the sealed evidence container. The "Est. Dollar Value" entry on the FD-723 must contain the U.S. dollar amount, not the foreign currency value.

(U//FOUO) The evidence control technician is not authorized to accept custody of foreign currency without an accompanying FD-302 containing the U.S. dollar value.

(U//FOUO) Upon custody transfer to the evidence control technician, the following information must be entered into the collected item database:

- (U//FOUO) The "Description" field must contain the denomination of what is received, followed parenthetically by the U.S. dollar value and the date that value was obtained.
- (U//FOUO) The "Dollar Value" field must contain the U.S. dollar value of the foreign currency.
- (U//FOUO) The copy of the FD-302 must be attached to the package copy of the FD-192 and retained with the currency.

(U//FOUO) **Note:** U.S. dollar values may be found on the internet at www.reuters.com. Click onto the "currencies" link and enter the amount and type of foreign currency at the "Currency Calculator." The U.S. dollar value is calculated for you. It is suggested that a copy be printed to supplement the FD-302. A bank will also have currency index information available.

4.10.8. (U//FOUO) Evidence Purchase Money

(U//FOUO) Evidence purchase money is defined as any FBI money that leaves FBI possession and goes into the custody of a subject. Any of this money that is then seized as evidence from said subject, subsequent to the evidence purchase, is entered into evidence as evidence purchase money. At the conclusion of the case, this money is returned to the FBI Finance Division or to the general treasury fund.

- (U//FOUO) All evidence purchase money that is being classified as evidence must be stored and maintained as a valuable.
- (U//FOUO) All evidence purchase money will be marked on the FD-192 as such by the case agent.

Field Evidence Policy Implementation Guide

- (U//FOUO) All evidence purchase money will be classified and stored as a valuable and categorized and entered into ACS/collected items as a valuable, sub-category "E."

4.11. (U//FOUO) CART

(U//FOUO) (Refer to the Digital Evidence Laboratory [DEL] Quality Assurance Manual)

(U//FOUO) CART evidence includes a CPU (central processing unit), laptop, hard drive, thumb drive, PDA (personal digital assistant), memory stick/card, computer disk, portable game station, memory capable printer/scanner, and other types of data storing equipment. Monitors, keyboards, or non-memory storing printers can be stored as general evidence.

4.11.1. (U//FOUO) Transferring Evidence to a Regional Computer Forensic Laboratory (RCFL)

(U//FOUO) FBI-controlled evidence is sent to a Regional Computer Forensic Laboratory (RCFL). An RCFL is a joint venture between the FBI, other federal agencies, and state and local law enforcement established to meet the growing needs of investigators as the volume of computer-related crimes increases. While the FBI has assumed the lead role in establishing and managing these laboratories, they are to be viewed as non-FBI entities when evidence transfers occur between an FBI field office and an RCFL.

(U//FOUO) Computer-related evidence is to be sent directly from a field office to the RCFL of choice. When computer-related evidence is transferred to an RCFL, the following procedures must be followed by FBI personnel:

- (U//FOUO) Update the FD-192 chain-of-custody to reflect that evidence has been transferred to an RCFL. The transfer date and, if applicable, the tracking number under which it was sent are to be recorded on the FD-192.
- (U//FOUO) Update the "Add Chain-of-Custody" field in the collected item database by typing in "(location) RCFL" (e.g., CGRCFL) in the organization field and enter "analysis" in the "reason" field.
- (U//FOUO) Retain the FD-192 and place it into a binder for RCFL transfers until the evidence is returned to your office.
- (U//FOUO) Update both the FD-192 and the collected item database with the relevant information upon receipt of evidence from an RCFL, and return the evidence to its appropriate storage.

(U//FOUO) When a division Charge-out Report is generated, the RCFL location must be segregated.

(U//FOUO) According to the EC dated 11/22/2002, 66F-HQ-A1155003-QAQC, serial 17, evidence derived from the seized item(s) must be handled in the following manner:

- (U//FOUO) Digital media produced from a seized computer during the archive process and media containing data extracted from the original evidence in response to a request is defined as Derivative Evidence (DE). DE must be labeled as such and entered as a (new) 1B collected item. As needed, the case agent may charge out the DE from the collected item database for review and/or analysis.

Field Evidence Policy Implementation Guide

- (U//FOUO) It should be noted that copies of DE are to be handled and tracked by the CART examiner. Custody of the DE must be tracked using the FD-192. In the event a copy of the DE is made, it is not to be handled as evidence; it must be marked "1A Material." It is the responsibility of the case agent to ensure that the copy of DE is placed into the 1A section of the investigative file.

4.11.2. (U//FOUO) Procedures for Transferring Evidence Between an FO and an RCFL

(U//FOUO) Computer-related evidence charged out of an FO evidence control room must be released to the person taking custody of the evidence after that person signs the FD-192. The FD-192 remains with the ECT. The FD-192 must be placed into a binder for RCFL transfers until the evidence is returned.

(U//FOUO) The ECT must update the chain-of-custody record in the collected item database to reflect the name of the person who charged out the evidence.

(U//FOUO) Upon transfer of the computer-related evidence to the appropriate RCFL, a receipt must be given to the person relinquishing custody.

(U//FOUO) The person who relinquished custody of the computer-related evidence must return the receipt to the field office ECT. If the receipt is not returned to the ECT, the person who charged out the evidence is responsible for verifying every 60 days (when Charge-Out Reports are generated) that the evidence has remained in the custody of the RCFL. If the receipt is returned and the collected item database is updated, the Charge-Out Report must reflect that the RCFL has custody of the evidence.

(U//FOUO) The ECT must then update the chain-of-custody record in the collected item database to reflect that the evidence was transferred to an RCFL by entering the "(location of the RCFL) RCFL." For example, the Greater Houston RCFL would be entered as GHRCFL.

(U//FOUO) Upon return of the evidence from the RCFL, the ECT must execute the FD-192 and appropriately update the chain-of-custody record in the collected item database. The computer-related evidence must be placed into storage.

4.11.3. (U//FOUO) Handling Derivative Evidence (DE)

(U//FOUO) When evidence is returned from a forensic examiner, there must be DE returned as well. There must be copy of the evidence (typically on a hard drive or DVD [digital versatile disk]), which is referred to as DE and marked "Archived."

(U//FOUO) The "Archived" and "Results" copies must each be assigned new 1B numbers and new barcodes. In the "Description" field, include the 1B number from which it was derived. (See Chain-of-Custody User Guide.)

(U//FOUO) The "Archived" copy may only be charged out by a CART examiner or an RCFL examiner. The "Results" copy may be charged out to the case agent or any other party authorized by the case agent.

UNCLASSIFIED//FOUO
Field Evidence Policy Implementation Guide

4.12. (U//FOUO) Temporary Storage/Night Deposit - Drug and Valuable Evidence

4.12.1. (U//FOUO) [REDACTED]

(U//FOUO) In the event drug and/or valuable evidence needs to be secured after hours, it may be secured in [REDACTED] until the next business day.

b7E

(U//FOUO) [REDACTED]

4.12.2. (U//FOUO) Off-Duty Hour Evidence Seizure

(U//FOUO) In the event the seizure occurs after normal business hours, the drug/valuable evidence is to immediately be brought to the field office and placed in overnight drug/valuable night depository/temporary storage. If the package is too large for the night depository, an ECT and a VWO are to be called into the office to store the item(s).

4.12.3. (U//FOUO) Paperwork and Packaging

(U//FOUO) When drugs and/or valuables are placed in the night depository/temporary storage, and the paperwork or the packaging is not executed properly, the ECT must not remove the container from the night depository. The ECT must then contact the agent who stored the item(s) and advise him/her what was incorrectly executed. The agent is responsible for immediately making the appropriate corrections and transferring the item(s) to the ECT for storage.

4.12.4. (U//FOUO) Drop Slot

(U//FOUO) The drug and/or valuable room may be outfitted with a "drop slot" for after-hours storage of drug and/or valuable evidence. The "drop slot" is to be installed into an external ECR wall that is accessible from an external hallway outside of the ECR and allows for the evidence to be dropped into the drug or valuable room. The "drop slot" is to be constructed in such a manner as to prevent a person from reaching inside to retrieve the drug and/or valuable evidence.

4.12.5. (U//FOUO) FD-455

(U//FOUO) An FD-455 must be completed when evidence is placed in and removed from the temporary storage/night deposit.

4.12.6. (U//FOUO) Daily Removal

(U//FOUO) The contents of the temporary storage/night depository safe must be removed at the beginning of each work day by the ECT (accompanied by the VWO), properly stored in the ECR pursuant to established policy, and entered into the collected item database. Evidence that is being temporarily stored within the container is to be properly heat-sealed and appropriate documentation is to be attached prior to its temporary storing.

4.12.7. (U//FOUO) Prohibited Safes

(U//FOUO) Neither the SAC's safe nor a squad supervisor's safe are to be used for the temporary storage of drug/valuable evidence. In those instances when seizures of drug/valuable evidence are anticipated during off-duty hours (i.e., nights, weekends, or holidays) the services of the ECT/AECT should be used to assist with the analyzing, cataloging, and labeling of the evidence.

UNCLASSIFIED//FOUO
Field Evidence Policy Implementation Guide

4.13. (U//FOUO) Storage of Evidence in Resident Agencies (RA)

4.13.1. (U//FOUO) Evidence not Relinquished to the ECT

(U//FOUO) Evidence that is needed at the RA for agent review, court proceedings, etc., must be charged out by the ECT to the appropriate agent, who is then responsible for storing it securely.

(U//FOUO) Evidence that is seized, subpoenaed, or voluntarily contributed, and is not relinquished to the ECT for processing into the collected item database, must be stored temporarily within RA space [REDACTED]

b7E

(U//FOUO) Access to the temporary storage facility is limited to the appropriate agent, and the SSRA or Senior Resident Agent (SRA).

(U//FOUO) An FD-455 is to be maintained for the facility and each instance of access must be recorded thereon to include the signature of the person(s) gaining entry, reason for entry, case file number and 1B number, and the date and time of entry/exit, in order to successfully defend any chain-of-custody challenges.

4.13.2. (U//FOUO) Establishing an ECR in an RA

(U//FOUO) At the discretion of the SAC, an ECR may be established in an RA according to the ECR guidelines, and all rules and regulations applicable to evidence storage and handling must apply. Drug and valuable evidence may be stored within the ECR [REDACTED]

b7E

[REDACTED] An employee in the RA is to be designated an ECT, and is directly responsible for the recordkeeping, storage, and maintenance of evidence in the RA. In the event [REDACTED] the ECT must be [REDACTED]

b7E

(U//FOUO) An FD-455 is to be maintained for the ECR and the drug and/or valuable repository, whether located within the ECR or [REDACTED]. Each instance of access must be recorded on the FD-455 to include the signature of the person(s) gaining entry, reason for entry, case file number and 1B, and the date and time of entry/exit, in order to successfully defend any chain-of-custody challenges.

b7E

(U//FOUO) Access to the RA evidence control room and/or [REDACTED] is strictly limited to the RA evidence control technician and the SSRA/SRA. Access by other employees is prohibited unless accompanied by the RA evidence control technician and SSRA/SRA. Access is to be documented on Form FD-455. For access to the drug/valuable evidence storage facility, whether located within the field office or in [REDACTED] the RA ECT is accompanied by the SSRA/SRA, who is the vwo. If the drug/valuable evidence is stored in a [REDACTED] the names of the RA's ECT and SSRA/SRA are to [REDACTED] and documented in the field office evidence control file by EC. These should be updated as necessary.

b7E

4.14. (U//FOUO) Requesting Evidence Examinations from the Laboratory Division

4.14.1. (U//FOUO) Requests for Examinations

(U//FOUO) All requests for evidence examinations should be addressed in an EC, attention to the FBI Laboratory Evidence Control Unit.

Field Evidence Policy Implementation Guide

4.14.2. (U//FOUO) Request Forwarded with Evidence

(U//FOUO) A request for an examination should be forwarded with the evidence and contain the following:

- (U//FOUO) The nature of and the basic facts concerning the violation insofar as they pertain to the laboratory examination.
- (U//FOUO) The name(s) and sufficient descriptive data (FBI number, date of birth, and Social Security Number) of any subject, suspect, or victim.
- (U//FOUO) A request stating what types of examinations are desired should include, if applicable, comparisons with other cases, listing captions of these cases and Bureau file numbers, if available.
- (U//FOUO) Reference to any previous correspondence submitted to the Laboratory in the case.
- (U//FOUO) Information where the original evidence is to be returned as well as where the original Laboratory report is to be sent
- (U//FOUO) A statement, if applicable, as to whether:
- (U//FOUO) The evidence has been examined previously by another expert.
- (U//FOUO) Any local controversy is involved in the case.
- (U//FOUO) If non-Bureau law enforcement agencies have an interest in the case.
- (U//FOUO) Notification of the need and reason(s) for an expeditious examination.

(U//FOUO) It is only necessary to set one lead to the Laboratory to conduct appropriate examinations.

4.14.3. (U//FOUO) Each Case Separately

(U//FOUO) Do not submit multiple cases under a single EC. Each case should be submitted with a separate communication and shipped separately.

4.14.4. (U//FOUO) International Law Enforcement Requests

(U//FOUO) All international law enforcement agency/police requests should be coordinated through the appropriate FBI Legal Attaché (Legat). Legats should fax the request to the Evidence Control Unit, 703-632-8334, prior to submitting any evidence to the Laboratory. Questions concerning international submissions should be directed to 703-632-8360.

4.14.5. (U//FOUO) Operational Technology Division (OTD) Requests

(U//FOUO) Evidence for audio, computer, electronic device, image analysis, and video examinations should be submitted to the Operational Technology Division (OTD). Do not submit the evidence to the Laboratory Division unless examinations such as latent print, trace evidence, DNA (deoxyribonucleic acid), ballistics, or other Laboratory Division examinations are also needed.

Field Evidence Policy Implementation Guide

4.15. (U//FOUO) Packaging and Shipping Evidence to the Laboratory

(U//FOUO) For any questions regarding packaging and shipping evidence, call the Evidence Control Unit, 703-632-8360.

4.15.1. (U//FOUO) Packaging and Shipping Procedures

- (U//FOUO) Take precautions to preserve the evidence. Package each item of evidence separately to avoid contamination.
- (U//FOUO) Ensure that primary evidence packaging is clearly labeled with the date, time, person's name, location, collector's name, case number, and evidence number whenever possible.
- (U//FOUO) Seal the inner container(s) with tamper-evident or filament tape.
- (U//FOUO) Affix Biohazard Warning labels, if appropriate, on the inner container(s).
- (U//FOUO) Place the sealed inner container(s) in a clean, dry, and previously unused shipping container with clean packing materials. Do not use loose styrofoam.
- (U//FOUO) Include the requesting EC between the inner and outer containers in a readily accessible location. If unable to include the EC between the inner and outer containers, contact the Evidence Control Unit, 703-632-8360, for alternate arrangements. Do not send a working copy of an EC.
- (U//FOUO) Seal the shipping container so that tampering with the container would be evident and to
- (U//FOUO) Affix a "Refrigerate Upon Arrival" label on the shipping container if the contents require refrigeration. Do not use ice or dry ice for shipment. Ice can cause damage to the shipping container and evidence as it melts. If necessary, include cold packs in shipment. If cold packs are used, protect invoice or other paperwork to prevent damage from any moisture released by the cold packs.

4.15.2. (U//FOUO) Hazardous Materials

(U//FOUO) All shipments of suspected or confirmed hazardous materials, including live ammunition, must comply with U.S. Department of Transportation and International Air Transport Association regulations. Title 49 of the Code of Federal Regulations (CFR) lists specific requirements that must be observed when preparing hazardous materials for shipment by air, land, or sea. In addition, the International Air Transport Association annually publishes Dangerous Goods Regulations detailing how to prepare and package shipments for air transportation. Title 49 CFR 172.101 provides a Hazardous Materials Table that identifies items considered hazardous for the purpose of transportation. Title 49 CFR 172.101 also addresses special provisions for certain materials, hazardous materials communications, emergency response information, and training requirements for shippers. A trained and qualified evidence technician must assist with the typing, labeling, packaging, and shipping of all hazardous materials.

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

4.15.3. (U//FOUO) Shipping

(U//FOUO) If the request has a deadline or other special circumstances requiring the Laboratory Division's immediate attention, please notify the Evidence Control Unit, 703-632-8360, prior to or upon shipment.

(U//FOUO) Address the outer container as follows:

Evidence Control Unit
Laboratory Division
Federal Bureau of Investigation
2501 Investigation Parkway
Quantico, VA 22135

(U//FOUO) Ship the evidence by FedEx, U.S. Postal Service Registered Mail, or other trackable method of shipment.

4.16. (U//FOUO) Special Instructions Regarding the Following Evidence:

4.16.1. (U//FOUO) Abrasives

- (U//FOUO) Submit abrasives in heat-sealed or resealable plastic bags or paint cans. Do not use paper or glass containers.

4.16.2. (U//FOUO) Biological Evidence (Blood; Buccal/Oral Swabs, Body Fluid Stains)

- (U//FOUO) Refrigerate, do not freeze, liquid blood samples (tubes may break if frozen). Use cold packs, not dry ice, during shipping.
- (U//FOUO) Pack liquid blood tubes individually in styrofoam or cylindrical tubes with absorbent material surrounding the tubes. Multiple tubes can be included in a single shipment.
- (U//FOUO) Air-dry swabs and place in clean paper or an envelope with sealed corners.
- (U//FOUO) Do not use plastic containers for any samples other than tissue samples.
- (U//FOUO) Place tissue samples in a clean, airtight plastic container (without formalin or formaldehyde) and store in a freezer. If a freezer is not available, refrigerate the sample. (Buccal samples do not need to be refrigerated.) Submit to the Laboratory as soon as possible.
- (U//FOUO) Protect skeletal remains stored in paper bags with protective material such as bubble wrap or paper to prevent damage to the bones during shipment.
- (U//FOUO) Pack evidence with potential stains very carefully in order to prevent stain removal by abrasive action during shipping.
- (U//FOUO) Handle immovable objects by cutting a suspected stain with a clean, sharp instrument and pack in clean paper or an envelope with sealed corners. If unable to cut stain from object, absorb suspected stain onto a clean cotton cloth or swab. Air-dry the cloth or swab and pack in clean paper or an envelope with sealed corners.

UNCLASSIFIED//FOUO
Field Evidence Policy Implementation Guide

4.16.3. (U//FOUO) Bank Security Dye

- (U//FOUO) Do not submit large stained evidence (e.g., car seats). Cut a small sample of the stained area and submit in a heat-sealed or resealable plastic bag
- (U//FOUO) Submit an unstained control sample, packaged separately.
- (U//FOUO) Transfer questioned stains (if unable to collect cutting) by rubbing with a clean (dry or wet with alcohol) cotton swab. Air-dry the swab and pack in a heat-sealed or resealable plastic bag.
- (U//FOUO) Submit an unstained control swab, packaged separately.

4.16.4. (U//FOUO) Building Materials/Glass/Seal-Insulation/Soil

- (U//FOUO) Ship known and questioned debris separately to avoid contamination.
- (U//FOUO) Package debris in leakproof containers such as film canisters or plastic pill bottles. Keep lumps intact.
- (U//FOUO) Do not use paper or glass containers.
- (U//FOUO) Package all glass separately and securely to avoid shifting and breaking during shipping.
- (U//FOUO) Secure large pieces of glass between plywood or sturdy cardboard.
- (U//FOUO) Include a map identifying soil-sample locations.

4.16.5. (U//FOUO) Cigarettes/Cigars/Chewing Gum

- (U//FOUO) Do not submit ashes.
- (U//FOUO) Do not use plastic containers.

4.16.6. (U//FOUO) Drugs/Controlled Substances

- (U//FOUO) Do not submit quantities exceeding 100 grams of marijuana or 10 grams of all other drugs, including cocaine, methamphetamine, and heroin.
- (U//FOUO) Package drug evidence properly. Drug residue requests can be accepted only if evidence is properly packaged to avoid contamination.
- (U//FOUO) Submit evidence in separate heat-sealed bags.
- (U//FOUO) Do not submit used drug field-test kits with the evidence.

4.16.7. (U//FOUO) Explosives/Explosive Residue

(U//FOUO) Explosives are hazardous materials and must be handled only by qualified public safety personnel, military explosive ordnance disposal personnel, or certified bomb technicians.

- (U//FOUO) Notify the Evidence Control Unit, 703-632-8360, when shipping bomb components.
- (U//FOUO) Do not use Ziplock bags for shipping or storing explosive residue evidence.

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

- (U//FOUO) Do not store or ship explosive residue evidence with bulk explosive material.
- (U//FOUO) Do not store or ship explosive residue evidence from a crime scene with evidence from a search site.

4.16.8. (U//FOUO) Firearms

- (U//FOUO) Unload all firearms.
- (U//FOUO) Package and ship to avoid shifting during shipment. For example, secure the firearm in gun box with zipties.
- (U//FOUO) Package and ship firearms separately from ammunition.

4.16.9. (U//FOUO) Hazardous Material

(U//FOUO) Over 3,000 items, including flash paper, live ammunition, explosives, radioactive materials, flammable liquids and solids, flammable and nonflammable gases, spontaneously combustible substances, and oxidizing and corrosive materials are currently considered hazardous materials. All items require special packaging, and the amount of each item which can be shipped is regulated. Therefore, the applicable action listed below is to be taken:

- (U//FOUO) Flash paper: Contact the Scientific Analysis Section for shipping instructions **each and every time** this item is to be submitted to the Laboratory.
- (U//FOUO) Other hazardous materials: Contact the Explosives Unit for shipping instructions **each and every time** any hazardous material, except flash paper or live ammunition, is to be submitted to the Laboratory.

4.16.10. (U//FOUO) Knives

- (U//FOUO) Package knives securely in a rigid container.
- (U//FOUO) Do not package knives in paper or plastic bags.

4.16.11. (U//FOUO) Latent Print Evidence

- (U//FOUO) Known prints must be shipped with other evidence. Do not submit known prints by Bureau mail. If known prints must be submitted separately from the evidence, submit with requesting EC by trackable method.
- (U//FOUO) Hands or fingers of an unknown, deceased individual should be shipped in the condition in which they were found (e.g., in water, frozen, dried) by overnight trackable method of shipment. Each hand or finger should be in a separate unbreakable, watertight, and airtight container.
- (U//FOUO) Legible, complete ten-print fingerprint cards that are not related to an ongoing Laboratory investigation should be sent to the Criminal Justice Information Services Division. Address the outer container as follows:

Criminal Justice Information Services Division
Federal Bureau of Investigation
1000 Custer Hollow Road
Clarksburg, WV 26306

Field Evidence Policy Implementation Guide

4.16.12. (U//FOUO) Lubricants

- (U//FOUO) Package lubricants separately in leakproof containers.

4.16.13. (U//FOUO) National Missing Person DNA Database Program Requests

- (U//FOUO) Include a copy of the anthropology, odontology (dental), medical examiner and/or coroner, and law enforcement reports.
- (U//FOUO) Include a Consent and Information Form for the National Missing Person DNA Database (FD-935) with samples from biological relatives of missing persons.

4.16.14. (U//FOUO) Paint/Polymers

- (U//FOUO) Do not use plastic bags, cotton, or envelopes as primary packaging for paint specimens.
- (U//FOUO) Do not attach paint particles to adhesive tape.
- (U//FOUO) Package paint specimens in leakproof containers such as vials or pillboxes.
- (U//FOUO) Remove damaged suspect motor vehicle parts and package separately in resealable plastic bags or boxes.
- (U//FOUO) Submit entire item. If it is not possible to submit an entire item, cut section where the transfer is suspected with a clean, sharp instrument. Collect an unstained control sample. Pack to prevent stain removal by abrasive action during shipping. Pack in clean paper. Do not use plastic containers.

4.16.15. (U//FOUO) Pepper-Spray or Foam

- (U//FOUO) Submit spray canisters when possible.
- (U//FOUO) Refer to Hazardous Material Transportation Manual when submitting pepper-spray canisters.

4.16.16. (U//FOUO) Product-Tampering

- (U//FOUO) Package and ship control and suspect samples separately to avoid contamination.
- (U//FOUO) Submit samples in leakproof containers such as film canisters or plastic pill bottles.
- (U//FOUO) Do not use paper or glass containers.
- (U//FOUO) Use caution to prevent destroying latent prints.

4.16.17. (U//FOUO) Questioned Documents

- (U//FOUO) Do not fold, tear, mark, soil, stamp, write on, or excessively handle document evidence.
- (U//FOUO) Protect documents from inadvertent indented writing by packaging in a hard container such as a box or other rigid container.
- (U//FOUO) Package typewriters securely to prevent damage during shipment.

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

- (U//FOUO) Do not store or ship photocopies in plastic envelopes.
- (U//FOUO) Do not add indentations by writing on top of the evidence.
- (U//FOUO) Ship burned or charred paper in the container in which it was burned, in polyester film encapsulation, or between layers of cotton in a rigid container.
- (U//FOUO) Submit rubber stamps uncleaned.

4.16.18. (U//FOUO) Serial-Numbers

- (U//FOUO) If possible, remove the section containing the serial number on large objects, and submit it to the Laboratory.
- (U//FOUO) If unable to remove the section containing the serial number, make a cast to submit to the Laboratory. Contact the Firearms-Toolmarks Unit at 703-632-8442 for casting instructions. Pack the cast to prevent breakage during shipment.

4.16.19. (U//FOUO) Shoe Print and Tire Tread

- (U//FOUO) Submit original evidence whenever possible (shoes, tires, photographic negatives, casts, lifts).
- (U//FOUO) Package casts carefully to prevent breakage.
- (U//FOUO) Do not clean casts.
- (U//FOUO) Do not package casts or lifts in plastic.
- (U//FOUO) Dry casts for at least 48 hours before shipment.

4.16.20. (U//FOUO) Tape

- (U//FOUO) Tape should not be removed from substrate if possible. If unable to submit entire object, tape should be placed adhesive side down on a clean, colorless piece of plastic sheeting (e.g., transparency film or Kapak tubular rollstock), not on cardboard, paper, or vinyl document protectors. Do not distort or tear the tape during removal.
- (U//FOUO) If tape was cut during removal/collection, document and initial each cut prior to submitting to the Laboratory. If possible, use a method that produces a unique cutting pattern (e.g., pinking shears).

4.16.21. (U//FOUO) Toolmarks/Tools

- (U//FOUO) Submit samples of any material deposited on tools in leakproof containers such as film canisters or plastic pill bottles.
- (U//FOUO) Do not place the tool against the toolmarked evidence for shipment unless tool and toolmarked evidence are packaged in rigid containers.
- (U//FOUO) Mark ends of evidence to specify which end was cut during evidence collection.

4.16.22. (U//FOUO) Unknown Substance

- (U//FOUO) Submit powder and liquid samples in leakproof containers.

Field Evidence Policy Implementation Guide

4.16.23. (U//FOUO) Weapons of Mass Destruction

(U//FOUO) Suspected or confirmed Weapon of Mass Destruction (WMD) crime scenes should be handled only by qualified personnel. Upon notification or suspicion of a possible WMD incident, contact the FBI's Strategic Information and Operations Center at 202-323-3300 and ask for the Weapons of Mass Destruction Operations Unit Duty Officer.

(U//FOUO) Suspected or confirmed WMD evidence must be properly field-screened by qualified personnel to determine the absence or presence of hazardous materials before it can be analyzed by the Laboratory or partner laboratories. Questions concerning WMD evidence examinations should be directed to the Chemical and Biological Sciences Unit at 703-632-7766.

4.16.24. (U//FOUO) Volatile Memory Devices (VMD)

(U//FOUO) Special requirements have been established for the handling, storing, and protecting of VMDs. VMDs need to be maintained in a charged state to prevent data loss, as well as wireless communications digital evidence, such as PDAs, cell phones, and computers that can be altered by wireless communication while in storage.

(U//FOUO) To obtain more information on these requirements, contact the CART Unit Chief or Forensic Electronic Device Analysis (FEDA) personnel.

4.17. (U//FOUO) Transmittal of Evidence to Field Offices and FBIHQ/DEA Laboratories

4.17.1. (U//FOUO) Mailing/Shipping to the Field Office or RA ECR

(U//FOUO) The ECT is responsible for properly preparing evidence for mailing/shipping to the appropriate field office ECR or RA ECR. The ECT must refer to the ECR Directory for shipping information prior to completing shipment.

(U//FOUO) The inner packaging must be appropriately wrapped to protect the integrity of the evidence. The shipping invoice and/or FD-192 must be placed between the inner and outer packing for easy retrieval.

(U//FOUO) The outer packaging must be appropriately marked to indicate the contents of shipment, (i.e., D-drugs, V-valuables, F-firearms, C-CART, and G-general). The shipping label must have clear transparent yellow tape affixed over the address portion of the label (not over the barcode).

(U//FOUO) For shipping of drug and valuable evidence, the case agent is to ensure that the evidence is properly heat-sealed prior to being packaged for shipment. Because drug/valuable evidence is not to be left solely in the custody of the ECT, the case agent/acquiring agent and/or the VWO is to witness the wrapping/packaging of such evidence by the ECT for shipment.

(U//FOUO) The transmitting office ECT should notify the receiving office ECT of the shipment.

4.17.2. (U//FOUO) U.S. Postal Service Registered Mail or Federal Express

(U//FOUO) Because of chain-of-custody requirements, all evidence transmitted between FBI offices in the U.S. and Puerto Rico, is to be sent by either U.S. Postal Service, using only registered mail, or by Federal Express.

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

(U//FOUO) Bureau policy for the general instruction for mailing / shipping must be followed as stated in MAOP, Part 2, 2-2.2.

(U//FOUO) Regardless of the mode of shipping, clear yellow evidence tape must always be placed over the shipping address label.

(U//FOUO) Evidence that is shipped to other agencies is to be shipped by U.S. Registered Mail, return receipt requested (Postal Service Form [PS] 3811.) The receipt is then placed in the 1A section of the investigative case file.

(U//FOUO) Evidence that is being returned to the contributor/owner is to be shipped U.S. Registered Mail, return receipt requested. The receipt is then placed in the 1A section of the investigative case file. An FD-597 should be completed and enclosed with a self-addressed envelope with instructions to return it to the ECR.

4.17.3. (U//FOUO) Collected Item Database

(U//FOUO) If evidence is being transmitted from one field office to another, the evidence must first be entered the collected item database.

(U//FOUO) The ECT in the transmitting office must print out two copies of the automated FD-192. The file copy is initialed by the squad supervisor and filed in the investigative case file. If the case file is in the office of origin and it is the lead office that is shipping the evidence to the OO, then the file copy of the FD-192 and all other appropriate documents required by the investigative case file are to be shipped to the OO with the evidence. (Drug and valuable evidence must be appropriately sealed before being transmitted.) The package copy of the automated FD-192 must accompany the evidence that is being shipped. When transmitting to the FBI or DEA Laboratories, the package copy of the automated FD-192 remains filed in a binder marked "(Name of Office) - Evidence Sent to FBI Lab" or "(Name of Office) - Evidence Sent to DEA Lab." The binder is maintained in the ECR.

(U//FOUO) The ECT in the transmitting office must record the manual chain-of-custody on the automated FD-192 maintained with the evidence. Refer to Chain-of-Custody User Guide [http://lab.fbinet.fbi/ecu/field_evidence_program.htm].

(U//FOUO) The ECT in the receiving office performs the "check in" function in the collected item database. The original FD-1004 that accompanied the evidence is appropriately signed and remains with the evidence in the receiving office.

4.17.4. (U//FOUO) From a Field Office to FBIHQ or DEA

(U//FOUO) If evidence is being transmitted from a field office to FBIHQ or a DEA Laboratory, it must first be charged out manually and documented in the collected item database. Drug and/or valuable evidence must be sealed prior to being shipped.

(U//FOUO) The ECT in the transmitting office must record the manual chain-of-custody on the automated FD-192 maintained with the evidence. (Refer to Chain-of-Custody User Guide.) [http://lab.fbinet.fbi/ecu/field_evidence_program.htm]. The package copy of the automated FD-192 is retained in the ECR and filed in a binder/folder labeled "Evidence Sent to FBI (or DEA) Laboratory" according to the date of transmittal.

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

(U//FOUO) When the evidence is returned, the ECT is to record chain-of-custody on the automated FD-192 maintained with the evidence and in the collected item database. If it is general evidence, affix the package copy of the automated FD-192 to the evidence. If it is drug or valuable evidence, place the package copy of the automated FD-192 in the binder maintained in the drug/valuable vault.

4.17.5. (U//FOUO) Evidence Seized/Recovered by RA Personnel

(U//FOUO) As a general rule, evidence seized/recovered by RA personnel is stored in HQC and transmittal of such evidence to another field office/FBIHQ/DEA Laboratory is handled by the headquarters city ECT. However, if an ECR has been established in an RA, evidence must be administratively handled and entered into the collected item database prior to being wrapped/packaged/shipped by the RA ECT, according to the aforementioned guidelines. Otherwise, RAs may only transmit evidence directly to another field office/FBIHQ/DEA Laboratory in instances where 1) the urgency of a particular situation demands expedient handling, or 2) in instances when the bulk of the evidence is such that to ship through HQC for subsequent shipping elsewhere would be impractical. In such instances where FBIHQ/DEA Laboratory returns evidence directly to an RA, and the RA does not have an established ECR, a copy of the communication transmitting/returning the evidence and copy of the updated chain-of-custody must be furnished to the headquarters city ECT for appropriate administrative handling.

4.17.6. (U//FOUO) Marking Obscene and Indecent Material

(U//FOUO) Before filing or forwarding obscene and indecent material which has come into the possession of an employee during the course of an investigation, the employee must place the material in a sealed container. The container must be marked for identification and the label must be marked "Obscene." Such evidence is considered general evidence and stored in the ECR.

4.18. (U//FOUO) Charge-Out Procedures - Evidentiary Property

4.18.1. (U//FOUO) Evidence Stored in the ECR

(U//FOUO) Evidence stored in the ECR, or other evidence storage facilities, may be charged out to any employee having an official need. Evidence may be charged out for up to 60 calendar days and recharged at the end of those 60 days. If necessary, the evidence may be charged out every 60 days thereafter as follows:

- (U//FOUO) The ECT is to record chain-of-custody on the automated FD-192 and in the collected item database.
- (U//FOUO) The package copy of the automated FD-192 must remain with the evidence. Care should be exercised by the employee accepting custody of the evidence to ensure that chain-of-custody information is recorded on the package copy of the automated FD-192.

4.18.2. (U//FOUO) Collected Item Database Charge-Out Reminders

(U//FOUO) The ECT must run the collected item database charge-out reminders, and recharge evidence every week or every two weeks, depending on the size of the field office. This report should encompass all items charged-out from 01/01/1970, to present.

Field Evidence Policy Implementation Guide

4.18.3. (U//FOUO) Recharged Evidence

(U//FOUO) If the evidence is to be recharged, the person to whom the evidence is currently charged out must initial next to that item on the Evidence Charge-Out Report and return the report to the ECT. If the evidence is no longer required to be charged out, the person to whom the evidence is currently charged out must immediately return the evidence to the ECR for storage.

4.18.4. (U//FOUO) Charge-Out Report

(U//FOUO) Two copies of the Charge-Out Report should be printed by the ECT. One copy is forwarded to the appropriate squad supervisor for initialing by appropriate squad personnel. The second copy is maintained by the ECT to reconcile responses from each squad/RA. Charged-out evidence must appear on the Charge-Out Report at 60-day intervals until the evidence is returned to the ECR for storage.

(U//FOUO) The top and bottom copies of the Charge-Out Report must be maintained by the ECT from inspection to inspection.

4.18.5. (U//FOUO) Return of Evidence

(U//FOUO) Upon return of the evidence, the ECT records chain-of-custody on the automated FD-192 and in the collected item database. Once all charged-out evidence has been accounted for, both copies of the Charge-Out Report are to be discarded.

4.18.6. (U//FOUO) Agent Access for Review

(U//FOUO) When evidence is accessed by agent personnel for review/examination outside the ECR, or in the "reception area" of the ECR, chain-of-custody must be executed on the automated FD-192 maintained with the evidence and in the collected item database. If the review/examination takes place in the "reception area" of the ECR, the FD-455 need not be completed, as the visitor did not enter the actual ECR where the evidence is stored.

4.19. (U//FOUO) Evidence Released to Custody of Outside Agencies

4.19.1. (U//FOUO) Evidence Permanently Released to an Outside Agency

(U//FOUO) When evidence is permanently released to the custody of an outside agency, disposition and chain-of-custody documentation is to be recorded on the package copy of the automated FD-192 and in the collected item database. A receipt for the property (Form FD-597) must be signed by the person representing the receiving agency and then filed in the 1A section of the investigative case file. When money is involved, the receipt should clearly indicate that the receiving agency counted the money and that the amount corresponds to the amount listed on the original documentation.

4.19.2. (U//FOUO) ECT Responsibility

(U//FOUO) The ECT is to:

- (U//FOUO) Place the package copy of the automated FD-192 and the chain-of-custody in the 1A section of the investigative case file. The chain-of-custody must show the disposition of evidence prior to being placed in the 1A. (See Chain-of-Custody User Guide.)

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

- (U//FOUO) Modify the collected item database to reflect chain-of-custody and disposition. (See Chain-of-Custody User Guide.)
- (U//FOUO) Perform the "split" function in the collected item database if one or more items (as opposed to all items listed on the FD-192) are released. A new package copy of the automated FD-192 is generated and attached to the original chain-of-custody page for the remaining item(s), and is maintained with the remaining item(s) of property pending final disposition of all items. (See the Chain-of-Custody User's Guide for detailed instructions on the splitting of evidentiary items.)

4.19.3. (U//FOUO) Evidence Temporarily Released

(U//FOUO) When property is temporarily released to an AUSA or non-task force officer, the agent charging out the evidence signs the chain-of-custody and retains the package copy of the FD-192 (with chain-of-custody attached) until the evidence is returned. The non-task force officer signs a receipt (FD-597) for the property. The receipt is attached to the FD-192 until the evidence is returned to storage, at which time the receipt is placed in the 1A section of the investigative case file. (AUSAs do not sign chains-of-custody, but may sign FD-597s as needed.)

4.20. (U//FOUO) Physical Audit/Inventory - Evidentiary Property

4.20.1. (U//FOUO) Conducting an Audit/Inventory

(U//FOUO) An audit (physical/telephonic/written verification of evidence charged out) coupled with an inventory (automated scanning of bar codes attached to evidence or primary evidence container housed in an evidence control center [ECC]), is to be conducted as follows:

- (U//FOUO) A 100 percent unannounced audit/inventory of general evidence (to include firearms, Federal Grand Jury and CART) and charged out evidence, at least once in a calendar year as determined by the SAC/AO.
- (U//FOUO) A 100 percent unannounced audit/inventory of drug and valuable evidence and charged out evidence at least once in a calendar year, as determined by the SAC/AO (not to coincide with the inventory of general evidence).
- (U//FOUO) A 100 percent audit/inventory of general (to include firearms, Federal Grand Jury and CART), drug and valuable evidence, and charged out evidence, prior to the departure of the AO.
- (U//FOUO) A 100 percent audit/inventory of general (to include firearms, Federal Grand Jury and CART), drug and valuable evidence, and charged out evidence, prior to the departure of an ECT/AECT in HQC (or in an RA that has a departing ECT/AECT).
- (U//FOUO) A 100 percent audit/inventory of all evidence before and after the relocation of a field office or RA ECR (within 30 days of the move).
- (U//FOUO) A 100 percent audit/inventory of all evidence at any time an SAC/AO deems an audit/inventory to be necessary.

Field Evidence Policy Implementation Guide

4.20.2. (U//FOUO) Designating an Agent(s) and/or Support Supervisor

(U//FOUO) The SAC/AO is to designate a support supervisor who does not have a direct role in the Evidence Program and/or an FBI auditor to conduct the inventory/audit and write the accompanying EC. If a support supervisor or FBI auditor is not available, or if the SAC/AO chooses, an FBI agent may be used to conduct the inventory/audit. Additional personnel may be used to assist and conduct inventory/audit-related tasks with the designated support supervisor, FBI auditor, or agent.

4.20.3. (U//FOUO) Designating an RA Agent and/or RA Support Supervisor

(U//FOUO) The SAC/AO is to designate an RA support supervisor who does not have a direct role in the Evidence Program and/or an FBI auditor to conduct the inventory/audit of approved ECRs/ECCs in RAs and write the accompanying EC. If an RA support supervisor or FBI auditor is not available, or if the SAC/AO chooses, an FBI agent may be used to conduct the inventory/audit. Additional personnel may be used to assist and conduct inventory/audit-related tasks with the designated RA support supervisor, FBI auditor, or agent.

4.20.4. (U//FOUO) ECT/AECT Does Not Conduct an Audit/Inventory

(U//FOUO) The ECT/AECT is not to conduct an audit/inventory, nor write the accompanying EC. However, the ECT/AECT must be present in the designated ECR throughout the entire audit/inventory process to ensure the integrity of the evidence and to resolve any discrepancies that may develop.

4.20.5. (U//FOUO) VWO Presence During an Audit/Inventory

(U//FOUO) During an audit/inventory of the drug and valuable ECRs, the VWO must remain inside the designated ECRs throughout the entire audit/inventory process.

(U//FOUO) Note: VWOs have a role in the evidence program by their witnessing duties and, therefore, are exempt from conducting audit/inventories.

4.20.6. (U//FOUO) FD-455 Sign In/Out

(U//FOUO) The agent/support supervisor/auditor who is designated to conduct an audit/inventory must sign in/out on the FD-455 maintained for each ECR that they access in order to conduct the audit/inventory. The chain-of-custody is not to be signed by the employee(s) conducting the audit/inventory unless they take physical custody of the evidence.

4.20.7. (U//FOUO) Sealed Drug and Valuable Evidence

(U//FOUO) Sealed drug and valuable evidence pouches/boxes are not to be opened for an audit/inventory nor inspected. If a seal is found to be improperly applied, or has dried and has subsequently opened, the person conducting the audit/inventory is to immediately notify the case agent/sealing agent so that the evidence may be immediately resealed/repackaged and updated in the evidence database.

4.20.8. (U//FOUO) Inventory

(U//FOUO) An inventory is to include the automated scanning of all bar codes that are affixed to evidence (or the primary container) housed in the ECR that is being checked. Once scanned, the bar codes are uploaded, and an Exception Report is produced.

Field Evidence Policy Implementation Guide

4.20.9. (U//FOUO) Audit

(U//FOUO) An audit is to be a physical, telephonic and/or written verification by the person conducting the audit/inventory to ensure that the evidence, said to be charged to a specific employee is, in fact, in the custody of that employee.

4.20.10. (U//FOUO) EC to the SAC/AO

(U//FOUO) An EC to the SAC/AO documenting that an audit/inventory of evidentiary property (name the type of evidence, general [including firearms, FGJ and CART], drugs, or valuables) was conducted must be prepared by the agent/support supervisor/auditor who conducted the audit/inventory. The approved/uploaded/serialized EC is then placed in the field office evidence control subfile designated for the audit/inventory of evidence. The EC should reveal the name(s) of the individual(s) who conducted the audit/inventory, the date(s) conducted, any deficiencies detected, and any steps taken to resolve those deficiencies. (The EC is to be maintained from field office inspection to inspection.) The final copy of the Exception Report is to be included as an enclosure to the EC. Separate ECs are to be done for each type of audit/inventory conducted.

(U//FOUO) The EC should contain a lead for the Laboratory Division, Attention: Evidence Program Manager, for information purposes. Copies of the Exception Report are NOT to be sent. If there are any unresolvable errors, the EC is to state this, as well as the steps being taken to resolve the problem. If the SAC recommends administrative action, this is to be so noted in the documentation to the FBI Evidence Program Manager.

4.21. (U//FOUO) Annual Evidence Program Audit Checklist

(U//FOUO) In conjunction with the Inspection Management Unit, Inspection Division, the Laboratory Division's Evidence Program (EVP), has issued a revised EVP audit documentation package, which includes interrogatories, guidelines, and checklists. A major component of the EVP audit is the Evidence Program Audit Checklist.

(U//FOUO) Assessments must be completed by August 31st. At the conclusion of the assessment, the signed original checklist is to be sent to the Field Evidence Program Manager no later than September 15th. It is suggested that the assessment be conducted by an evidence control technician and reviewed by the appropriate level of management.

(U//FOUO) The Evidence Program Audit Checklist can be located in electronic format on the Field Evidence Program Website, located on the home page of the Laboratory Division's Website,

http://lab.fbinet.fbi/ecu/field_evidence_program.html.

4.22. (U//FOUO) Non-evidentiary Property

4.22.1. (U//FOUO) 1As

(U//FOUO) 1As are documents or items of property that are pertinent to an investigation. Generally the size, nomenclature, and/or value of the non-evidentiary items determine the place where they are to be filed; however, all physical evidence seized or contributed incidental to a search by search warrant, arrest, or crime-scene search that requires a chain-of-custody must be maintained in the ECR as 1B evidentiary property.

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

(U//FOUO) If the evidence is not likely to come under attack regarding chain-of-custody, and is of such size that it can be filed in the investigative case file, it is to be placed in a 1A envelope (Form FD-340, FD-340b and/or FD-340c). The 1A must show the universal case file number and serial number of the item, the date received (by investigating employee), name and address of contributor, whether it may be returned, whether a receipt was given, and a description of the evidence. The serial number of the document in the investigative case file that originated and identifies the 1A may be recorded on the FD-340, FD-340b, and/or FD-340c at the discretion of the case agent. The FD-340, FD-340b and/or FD-340c is to be placed inside the 1A envelope, FD-340a, which is a letter-sized envelope known as the 1A serial in the investigative file. Because of the size of the FD-340c, it can be placed in front of the FD-340a inside an accordion-type folder. The FD-340a envelope is placed at the bottom of the file under serial number one. The FD-340a must be clearly marked as to contents and must bear the file number, serial number and date the FD-340, FD-340b and/or FD-340c was placed in the FD-340a. If the number of FD-340's, FD-340b's, and/or FD-340c's in the FD-340a envelope increases to the point where the file is unwieldy, a subfile must be opened and filed adjacent to the investigative case file.

(U//FOUO) In zero and control files, the FD-340a evidence envelope is to be filed adjacent to the EC, letter, or other communication to which it pertains.

(U//FOUO) When transmitting 1A evidence to another field office, leave the evidence in the white evidence envelope (FD-340, FD-340b, and/or FD-340c) and place a notation on the (FD-340a) 1A evidence envelope to show disposition and describe the method of transmittal. Transfer collected item to show the field office the 1A was sent to and the date it was transferred. Do not send FD-340s, FD-340b's, and/or FD-340c's to FBIHQ. If a portion of the evidence is being transmitted, prepare an FD-340, FD-340b, and/or FD-340c for the receiving office in the same fashion as above and place appropriate notations on the FD-340a. No outer enclosure envelope is required.

4.22.2. (U//FOUO) Bulky Non-Evidentiary Material

(U//FOUO) If other non-evidentiary bulk property which may be pertinent to an investigation and must be retained is of such size that it cannot be filed in the 1A section (FD-340a) of the investigative case file, it is to be made a 1C, documented on Form FD-192a, and recorded in the investigative case file. The material is to be stored segregated from evidentiary property and access must be restricted to those persons with an official need.

(U//FOUO) The drafted FD-192a and the property are to be furnished to the ECT. (Form FD-340/

FD-340b/FD-340c is to be furnished to the support services technician (SST).

(U//FOUO) The collected item database must computer-generate the 1A/1C number. The ECT must enter the exact storage location.

(U//FOUO) One copy of the automated FD-192a is to be filed in the 1C section of the investigative case file. (The FD-340/FD-340b/FD-340c is filed in the 1A section (FD-340a) of the investigative case file.)

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

(U//FOUO) A second copy of the automated FD-192a is to be affixed to and remain with the property until final disposition.

(U//FOUO) When non-evidentiary property is required to be charged out, Form FD-5 must be completed. Personnel having an official need may charge out non-evidentiary property for up to 60 calendar days, and if necessary, recharge every 60 days thereafter.

4.22.3. (U//FOUO) Non-Evidentiary Property

(U//FOUO) Non-evidentiary property entered into the collected item database is handled the same way as evidentiary property. However, a chain-of-custody is not required, and an inventory is not conducted.

4.22.4. (U//FOUO) Federal Grand Jury (FGJ) Material

(U//FOUO) Access to Federal Grand Jury Material must be limited to authorized persons appearing on the FGJ list. When not in use, FGJ materials must be placed in a secure location. The FGJ list may be the Rule 6(e) letter of the AUSA or (with the concurrence of the USA's office) an FBI internal certification list.

(U//FOUO) Absent chain-of-custody requirements, the material is to be placed in a subfile that is locked in a container (or room) with a combination lock. The combination should be known only by authorized persons appearing on the FGJ list. The material must be documented on Form FD-192a in a timely fashion. When the material is required to be charged out, Form FD-5 is used. Please note that when a secured room is used rather than separate secured containers, individuals with access to that room must be listed on the FGJ lists of all cases that are in that room.

(U//FOUO) When a chain-of-custody is required, the material is treated according to the rules and regulations pertaining to general evidentiary property (i.e., documented in the investigative case file within ten calendar days on Form FD-192). However, the material is stored segregated from all other types of general evidence in either a separate room with a combination lock (used exclusively for the storage of evidentiary FGJ material), or in a separate container or shelving within the ECR. When a separate room is used, a separate Form FD-455 (Access Log-Evidence Storage Facility) is to be maintained. The ECT, and in his/her absence, the AECT, accesses the material, as is the rule with all evidentiary property. When the need arises, appropriate charge-out procedures are used.

(U//FOUO) Evidentiary and non-evidentiary FGJ material must never be co-mingled during storage.

4.23. (U//FOUO) Disposition of Property

4.23.1. (U//FOUO) When an Investigative Case is Closed

(U//FOUO) When an investigative case is closed, it is the responsibility of the case agent to dispose of seized/recovered/contributed property when there is no further need for retention. Whenever there is any doubt regarding the need for retention, the AUSA should be consulted and the contact recorded in the investigative case file.

Field Evidence Policy Implementation Guide**4.23.2. (U//FOUO) Permanent Retention**

(U//FOUO) Certain case files must be marked for "Permanent Retention" and eventually be transferred to the National Archives and Records Administration (NARA). In such instances, only those evidentiary and non-evidentiary exhibits, regardless of size, that are documentary in nature, generated by and considered FBI records (e.g., agents' interview notes, photographs, work papers, ledgers, and journals), are to be preserved as part of the case file. Documentary materials (e.g., records of private enterprises, original or copies, contributed, seized or subpoenaed) should be returned to the rightful owner when the investigative or administrative purpose for which they were obtained has been satisfied. (See also Legal Handbook for Special Agents, 5-13.4.) Likewise, physical property (e.g., typewriters, radios, televisions, and firearms) is to be returned to its rightful owner.

4.23.3. (U//FOUO) Disposition of Drug Evidence

(U//FOUO) Guidelines for the disposition of drug evidence are contained in the Manual of Investigative Operations and Guidelines (MIOG), Part I, Section 281-8.

4.23.4. (U//FOUO) Disposition of Firearms

(U//FOUO) Guidelines for the disposition of firearms are contained Section 4.8 of this policy implementation guide.

4.23.5. (U//FOUO) Disposition of Forfeited and Abandoned Property

(U//FOUO) Detailed procedures for disposition of forfeited and abandoned property are contained in the Forfeiture Manual.

4.23.6. (U//FOUO) Disposition of Valuable Evidence

(U//FOUO) The following procedures must be followed for disposing/returning valuable evidence in a closed investigative case:

- (U//FOUO) The VWO must be present when the valuable evidence is removed from the valuable vault. The VWO or case agent must witness the relinquishment of the valuable evidence whether it is relinquished to the case agent; delivered or mailed to the owner/contributor, or someone accepting on his/her behalf; or turned over for forfeiture/abandonment. The relinquishment must be documented by an EC to the file, and both the ECT and VWO or case agent must sign the FD-597 as appropriate.
- (U//FOUO) The case agent and/or ECT (when advised in writing by an EC by the case agent) should make every effort to notify the owner/contributor of the property, telephonically or in writing, advising that the property may be reclaimed within 30 calendar days and will be released to him/her or his/her authorized agent. Record in the case file the fact that the contact was made.
- (U//FOUO) If property is personally returned to the owner/contributor, Form FD-597 is to be properly executed, with both the ECT and VWO or case agent signing the "Received From" section of the FD-597. The original of the FD-597 is to be placed in the 1A section of the investigative case file.

Field Evidence Policy Implementation Guide

- (U//FOUO) If the owner/contributor requests that the property be returned by mail, it is to be sent by U.S. Registered Mail, return receipt requested. When the return receipt (PS 3811) is returned to the field office, it is to be placed in the 1A section of the investigative case file. A transmittal letter is to accompany the property when the property is returned to the owner by mail. The letter should request that the owner sign the enclosed FD-597 and return it in the attached postage-paid, self-addressed envelope. The FD-597 should detail the exact property being returned, and must be signed by both the ECT and VWO or case agent in the "Received From" section. When the FD-597 is received by the field office (after being signed by the owner of the property), the original is to be placed in the 1A section of the investigative case file. The FD-192 (package copy) is to be placed in the 1A section of the investigative case file.

4.23.7. (U//FOUO) Disposition of General Evidence

(U//FOUO) The following procedures should be followed for disposing/returning of general and valuable evidence in a closed investigative case:

- (U//FOUO) The case agent and/or ECT (when advised in writing by an EC by the case agent) should make every effort to notify the owner/contributor of the property, telephonically or in writing, advising that the property may be reclaimed within 30 calendar days and will be released to him/her or his/her authorized agent. Record in the case file the fact that the contact was made.
- (U//FOUO) If property is personally returned to the owner/contributor, Form FD-597 is to be properly executed. The original of the FD-597 is to be placed in the 1A section of the investigative case file.
- (U//FOUO) If the owner/contributor requests that the property be returned by mail, it is to be sent by U.S. Registered Mail, return receipt requested. When the return receipt (PS 3811) is returned to the field office, it is to be placed in the 1A section of the investigative case file. A transmittal letter is to accompany the property when the property is returned to the owner by mail. The letter should request that the owner sign the enclosed FD-597 and return it in the attached postage-paid, self-addressed envelope. The FD-597 should detail the exact property being returned. When the FD-597 is received by the field office (after being signed by the owner of the property), the original is to be placed in the 1A section of the investigative case file. The FD-192 (package copy) is to be placed in the 1A section of the investigative case file.

4.23.8. (U//FOUO) Recordkeeping Procedures

(U//FOUO) The ECT is responsible for ensuring that the following recordkeeping procedures are followed when evidentiary and non-evidentiary property is disposed of:

- (U//FOUO) The package copy of Form FD-192 should have a completed chain-of-custody reflecting the disposition of the property. FD-192s are then placed in the 1A section of the investigative case file. The collected item database must be modified to reflect the date and method of disposition. Ensure that the disposition is reflected in the disposition field and on the automated chain-of-custody.

Field Evidence Policy Implementation Guide

- (U//FOUO) If one or more items, as opposed to all items listed on the FD-192 are disposed of, perform the "split" function in the collected item database. A new package copy of the automated FD-192 is generated and attached to the original chain-of-custody page for the remaining item(s), and is maintained with the remaining item(s) of property pending final disposition of all items.

4.23.9. (U//FOUO) Closing Communication

(U//FOUO) A notation is to be placed on the closing communication indicating that property acquired during the investigation has been disposed of, disposal is being initiated through the forfeiture or abandonment process, or stating a valid reason for retention. Supervisors may not approve the closing of cases in which property has been seized/recovered/contributed without the appropriate notation.

4.23.10. (U//FOUO) Retention in Closed Cases

(U//FOUO) Retention of evidence/nonevidence in closed cases can be monitored through the ACS to:

- (U//FOUO) Provide supervisory personnel the tools to enforce prompt property disposition through the case review process.
- (U//FOUO) Provide field office management statistical reports to identify individuals/squads which are not in compliance with property disposition procedures.
- (U//FOUO) Highlight noncompliance trends to the Inspection Staff for evaluation.
- (U//FOUO) Print and distribute a Closed Cases with Pending Collected Items Report to the appropriate case agent(s) at 60-day intervals. This is done by the ECT to ensure that those items eligible for disposition are handled. This report should encompass all items closed from 01/01/1970, to present. (The top and bottom copies of this report must be maintained by the ECT from inspection to inspection.)
- (U//FOUO) Indicate on the report if evidence is to be retained for an extended period of time. The case agent should do so by recording an anticipated disposition date and his/her initials on the report. (An EC to the investigative case file is then required explaining the reason for retaining the evidence. A copy of the EC is maintained in the ECR until final disposition of the evidence.) The report is then initialed by the supervisor and returned to the ECT. (The returned reports showing retention are to be maintained in a binder in the ECR from inspection to inspection.)

4.24. (U//FOUO) Authorization for Evidence Handling Deviations - FD-990

(U//FOUO) The Federal Bureau of Investigation Authorizing Evidence Handling Deviations sets forth procedures for deviating from established evidence handling procedures.

(U//FOUO) The Federal Bureau of Investigation Authorizing Evidence Handling Deviations offers the means by which interim change is proposed and authorized. Deviation requests are proposed using an FD-990, Evidence Handling Deviation Request, and are limited in scope to citations in the Field Evidence Management and Operations Policy Directive.

Field Evidence Policy Implementation Guide

4.24.1. (U//FOUO) Purpose

(U//FOUO) This document specifies the actions required for authorizing FBI personnel to deviate from established documented evidence handling requirements.

4.24.2. (U//FOUO) Scope

(U//FOUO) This procedure is applicable when a deviation from an established evidence handling requirement is necessary.

4.24.3. (U//FOUO) Procedures

(U//FOUO) There are times when deviating from documented policies and procedures is necessary. Deviating from documented requirements is prohibited prior to receiving authorization from the appropriate parties.

4.24.4. (U//FOUO) Initiating a Deviation Request

(U//FOUO) When there is a need to deviate from a documented and authorized policy or procedure, the requestor initiates an FD-990, Evidence Handling Deviation Request, specifying the following:

- (U//FOUO) The citation from the Field Evidence Management and Operations Policy Directive for which deviation is sought.
- (U//FOUO) Description of the requested deviation.
- (U//FOUO) Duration of the deviation.
- (U//FOUO) Reason for the deviation.

4.24.5. (U//FOUO) Authorization

(U//FOUO) Two authorizations are required.

- (U//FOUO) If deviating from FBI evidence handling requirements is of importance to the United States Attorney's Office, the person requesting the deviation must contact the appropriate party within that office for concurrence with the deviation. The request and response must be documented in the investigative file.
- (U//FOUO) The person requesting the deviation must submit the request to the appropriate ASAC for the first authorization.
- (U//FOUO) The person requesting the deviation must submit the signed request to the Field Evidence Program Manager, who must then review and submit to the Evidence Control Unit Chief, Laboratory Division, for the second and final approval.

4.24.6. (U//FOUO) Duration

(U//FOUO) Authorized deviations must be valid only for a specified time period or circumstance.

4.24.7. (U//FOUO) Documentation

(U//FOUO) The deviation form provides documentation of the approved deviation. It is to be permanently retained in the field office evidence program control file.

UNCLASSIFIED//FOUO
Field Evidence Policy Implementation Guide

4.25. (U//FOUO) Forms Used in the Evidence Program

- (U//FOUO) DEA-7 - Report of Drug Property Collected, Purchased or Seized
- (U//FOUO) FD-5 - Serial Charge-Out
- (U//FOUO) FD-192 - Control of General/Drug/Valuable/CART/Firearms Evidence
- (U//FOUO) FD-192A - Inventory of Non-Evidentiary Property
- (U//FOUO) FD-302 - Form for Reporting Information That May Become Testimony
- (U//FOUO) FD-340 - 1A Envelope (6 x 10 inches)
- (U//FOUO) FD-340a - 1A Envelope (9 x 11 ½ inches)
- (U//FOUO) FD-340b - 1A Envelope (4 ¼ x 10 ¼ inches)
- (U//FOUO) FD-340c - 1A Envelope (8 ½ x 11 inches)
- (U//FOUO) FD-455 - Access Log-Evidence Storage Facility
- (U//FOUO) FD-597 - Receipt for Property Received, Returned, Released, Seized
- (U//FOUO) FD-632 - Evidence Transmittal Envelope
- (U//FOUO) FD-723 - Evidence Label
- (U//FOUO) FD-737 - Indemnity Agreement
- (U//FOUO) FD-990 - Deviation Request
- (U//FOUO) FD-1004 - Chain-of-Custody
- (U//FOUO) PS-3811 - Domestic Return Receipt

UNCLASSIFIED//FOUO
Field Evidence Policy Implementation Guide

5. (U//FOUO) Recordkeeping Requirements

(U//FOUO) Forms Used in the Evidence Program:

- (U//FOUO) DEA-7 - Report of Drug Property Collected, Purchased or Seized
- (U//FOUO) FD-5 - Serial Charge-Out
- (U//FOUO) FD-192 - Control of General/Drug/Valuable/CART/Firearms Evidence
- (U//FOUO) FD-192A - Inventory of Non-Evidentiary Property
- (U//FOUO) FD-302 - Form for Reporting Information That May Become Testimony
- (U//FOUO) FD-340 - 1A Envelope (6 x 10 inches)
- (U//FOUO) FD-340A - 1A Envelope (9 x 11 ½ inches)
- (U//FOUO) FD-340B - 1A Envelope (4 ¼ x 10 ¼ inches)
- (U//FOUO) FD-340C - 1A Envelope (8 ½ x 11 inches)
- (U//FOUO) FD-455 - Access Log-Evidence Storage Facility
- (U//FOUO) FD-597 - Receipt for Property Received, Returned, Released, Seized
- (U//FOUO) FD-632 - Evidence Transmittal Envelope
- (U//FOUO) FD-723 - Evidence Label
- (U//FOUO) FD-737 - Indemnity Agreement
- (U//FOUO) FD-990 - Deviation Request
- (U//FOUO) FD-1004 - Chain-of-Custody
- (U//FOUO) PS-3811 - Domestic Return Receipt

5.1. (U//FOUO) Form FD-455 (Access Log - Evidence Storage Facility)

(U//FOUO) Form FD-455 is to be maintained for each ECR or satellite ECR, whether located within field office space or at an off-site. A separate FD-455 is to be maintained for each valuable, drug, and ELSUR evidence repository regardless of size or location. The FD-455 establishes a reliable record of persons gaining entry. The visitor signs his/her own name (one name per line), reason for entry, the case file number and 1B/1D numbers, if appropriate, and the date and time of entry/exit. The evidence control technician and alternate evidence control technician, (when substituting for the ECT for one day or longer) are required to sign in and out on the FD-455 log maintained for the ECR only upon initial entry and final departure on a given day. Any other employee, including the AECT, when the ECT is on duty, must sign in/out on the FD-455 log for each entry/exit on a given day. Only one signature per line is permitted. The Form FD-455 must be maintained indefinitely.

5.2. (U//FOUO) Form FD-597 (Receipt for Property Received/Returned/Released/Seized)

(U//FOUO) Form FD-597 is to be used to document the receipt/return of property acquired during investigations. The FD-597 consists of an original and two copies with carbon inserts.

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

The original is to be filed in the 1A section (FD-340a) of the investigative case file. One copy of the FD-597 is to be furnished to the contributor, and one copy, when appropriate, returned with the search warrant.

5.3. (U//FOUO) Evidence Submitted to ECT

(U//FOUO) Evidence and/or documentation are to be submitted to the ECT within ten calendar days from the date the evidence was seized/recovered/contributed. Should extenuating circumstances prevent handling of the evidence within ten calendar days, the ECT advises the FBI employee that an EC is to be submitted to the squad supervisor and thereafter placed in the investigative case file. (A copy of the EC is to be directed to the ECT, placed in a binder in the ECR, and maintained from inspection to inspection.) Upon submitting evidence to the ECT, the FBI employee must ensure that the evidence is being submitted to an investigative case file. Evidence is not authorized for entry into control files or zero files, except in zero sub-assessment or substantive classification assessment files.

5.4. (U//FOUO) Evidence Entered Into the Collected Item Database

(U//FOUO) Seized/recovered/contributed evidence is properly captured in the collected item database within ten calendar days from the date the evidence and/or documentation was presented to him/her by the seizing agent.

5.5. (U//FOUO) FD-192

(U//FOUO) Upon assigning the bar code to the evidence, the ECT is required to print three new copies of the FD-192 which show the bar code. One copy of the automated FD-192 (file copy) is submitted to the supervisory special agent, primary relief supervisor, ASAC, or SAC for initialing, and is then filed in the first section of the investigative case file immediately above the 1A section (FD-340a). If there is no 1A section, the file copy becomes the first item in the first section of the investigative case file. The file copy may be maintained in a subfile, in which case a blank automated FD-192 should be placed in the main file as a substitute for the original, indicating its location (e.g., "1B numbers maintained in Subfile E").

(U//FOUO) For general evidence, the second copy (package copy) of the automated FD-192 and the written chain-of-custody is affixed to, and remains with, the evidence until final disposition. For valuable and drug evidence, the package copy and the written chain-of-custody is filed in numerical sequence, by file number, in a binder which is maintained in the ECR.

(U//FOUO) A copy of the FD-192 or a report of all evidence entered must be furnished to the Forfeiture Unit. If not, ensure that the Forfeiture Unit generates a copy of this report for review.

5.6. (U//FOUO) FD-1004

(U//FOUO) The written chain-of-custody documents the signatures of persons, including the ECT, who receive custody of the evidence while it is the property of the FBI. The first chain-of-custody is established as a result of entering the group data on the first page of the automated FD-192 and indicates the identity of the person who collected the evidence. Subsequent chain-of-custody signatures must be made by the ECT or other individuals who receive the property. Chain-of-custody entries should not disclose that the evidence is received by the ECR; instead the entry should show the signature of the person to whom the custody of the evidence has been

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

given. The only exception to this policy is when evidence is forwarded to the DEA or FBI Laboratories.

(U//FOUO) In task force investigations, it is permissible for a federal criminal investigative agent from a participating federal agency or a deputized officer from a participating police department, to record chain-of-custody on Form FD-192 when that investigator/officer is involved in the acquisition of the property documented on the FD-192. This individual may also participate as the sealing/witnessing agent in the verification and sealing of drug/valuable evidence. Support employees may be witnessing officials for valuable evidence only.

(U//FOUO) Chain-of-custody on Federal Grand Jury Material (Rule 6e Material) is not required unless specified by the case agent. The case agent must consult with the AUSA to determine whether a chain-of-custody should be maintained on specific grand jury material and document the consultation (date/name of AUSA and determination). If so required, an FD-192 must be completed and the material stored in the ECR. When a chain-of-custody is not required, grand jury material is documented on Form FD-192a (Control Form for Non-Evidentiary Items), entered into the collected item database as a 1C, and segregated from the other non-evidentiary property, with access given only to those individuals named on the grand jury list. When grand jury material is entered into the collected item database as a 1C, it is charged out by using Form FD-5.

5.7. (U//FOUO) Non-evidentiary Property

(U//FOUO) Non-evidentiary property, if size permits, may be filed in the 1A section of the case file. Otherwise, large non-evidentiary property (serialized as a 1C), seized, subpoenaed, or contributed pursuant to investigative activity, is to be stored in a separate area within, or at the discretion of the SAC, outside the field office in space specifically designated for the storage of non-evidentiary items.

5.8. (U//FOUO) Original Interview Notes

(U//FOUO) Special agents' original interview notes are not intended to be used as evidence at a trial, and questions raised by the defense with respect to them generally attempt to focus on inconsistencies between the original notes and the resulting FD-302s. Just as it is not necessary to maintain chain-of-custody on the FD-302, it is not necessary to maintain chain-of-custody on original interview notes. These should be filed in the 1A section (FD-340a) of the case file.

5.9. (U//FOUO) Evidence Permanently Released to Outside Agency

(U//FOUO) When evidence is permanently released to the custody of an outside agency, disposition and chain-of-custody documentation is to be recorded on the package copy of the automated FD-192 and in the collected item database. A receipt for the property (Form FD-597) must be signed by the person representing the receiving agency and then filed in the 1A section of the investigative case file. When money is involved, the receipt should clearly indicate that the receiving agency counted the money and that the amount corresponds to the amount listed on the original documentation.

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

5.10. (U//FOUO) Audit/Inventory EC

(U//FOUO) An EC to the SAC/AO, documenting that an audit/inventory of evidentiary property (identify the type of evidence as general [to include firearms, FGJ, and CART], drugs, or valuables) was conducted is to be prepared by the agent/support supervisor/auditor who conducted the audit/inventory. The approved/uploaded/serialized EC is then placed in the field office evidence control subfile designated for the audit/inventory of evidence. The EC should reveal the name(s) of individual(s) who conducted the audit/inventory, the date(s) conducted, any deficiencies detected, and any steps taken to resolve those deficiencies. (The EC is to be maintained from field office inspection to inspection.) The final copy of the Exception Report is to be included as an enclosure to the EC. Separate ECs are to be prepared for each type of audit/inventory conducted.

(U//FOUO) The EC should contain a lead for the Laboratory Division, Attention: Evidence Program Manager, for information purposes. (Copies of the Exception Report are not to be sent.) If there are any unresolvable errors, the EC is to state these errors, as well as the steps being taken to resolve the problem(s). If the SAC recommends administrative action, this is to be noted in the documentation to the FBI Evidence Program Manager.

5.11. (U//FOUO) Annual Evidence Program Audit

(U//FOUO) The Evidence Program has issued a revised EVP audit documentation package, which includes interrogatories, guidelines, and checklists. A major component of the EVP audit is the Evidence Program Audit Checklist. Assessments must be completed by August 31st. At the conclusion of the assessment, the signed original checklist is to be sent to the Evidence Program Coordinators no later than September 15th. It is suggested that the assessment be conducted by an evidence control technician and reviewed by the appropriate level of management.

Field Evidence Policy Implementation Guide

6. (U//FOUO) Summary of Legal Authorities

6.1. (U//FOUO) Subpart H of Title 49, Code of Federal Regulations, Part 172

(U//FOUO) Subpart H of Title 49, Code of Federal Regulations, Part 172, requires that training be provided to those individuals who, in the course of their employment, directly affect hazardous materials transportation safety. The ECT is to avail himself/herself of such training. ECTs are to receive specialized HAZMAT training for air transport shipments every two years by a certified Department of Transportation or IATA-approved school. Strict fines are imposed on individual employees by the Federal Aviation Administration for noncompliance.

6.2. (U//FOUO) Title 18 U.S.C. Section 3665

(U//FOUO) Firearms possessed by convicted felons:

(U//FOUO) "A judgment of conviction for transporting a stolen motor vehicle in interstate or foreign commerce or for committing or attempting to commit a felony in violation of any law of the United States involving the use of threats, force, or violence or perpetrated in whole or in part by the use of firearms, may, in addition to the penalty provided by law for such offense, order the confiscation and disposal of firearms and ammunition found in the possession or under the immediate control of the defendant at the time of his arrest. The court may direct the delivery of such firearms or ammunition to the law-enforcement agency which apprehended such person, for its use or for any other disposition in its discretion."

6.3. (U//FOUO) Title 18 U.S.C. Section 3600A and Department of Justice (DOJ)

(U//FOUO) Justice For All Act (JFAA) Regulations regarding the preservation of biological evidence. The Act mandated the preservation of biological evidence secured in an investigation or prosecution of a federal offense, where a defendant was placed under a sentence of imprisonment for such offense.

UNCLASSIFIED//FOUO
Field Evidence Policy Implementation Guide

7. (U//FOUO) Security Requirements

(U//FOUO) The drug and valuable evidence rooms require that an ECT or AECT be accompanied by a VWO to gain authorized access. In order to ensure that the appropriate two parties are gaining authorized access [REDACTED]

b7E

(U//FOUO) [REDACTED]
[REDACTED] it is acceptable, and encouraged, for [REDACTED]

b7E

(U//FOUO) [REDACTED]

b7E

(U//FOUO) In the event an ECT, AECT, or VWO no longer has authorized access to a drug and/or valuable room [REDACTED]

b7E

[REDACTED] The written request and documented confirmation of removal must be retained from inspection period to inspection period.)

(U//FOUO) At the end of each month, the evidence program supervisor must ensure that the electronic access logs for each ECR, drug, and valuable rooms are printed and retained. (The printed logs must be retained from inspection period to inspection period.)

(U//FOUO) [REDACTED]

b7E

[REDACTED] is required and must be retained in the evidence program control file.

(U//FOUO) For field offices having off-site ECRs, the field office must create a documented response plan detailing how an activated alarm must be handled. The response plan must be permanently retained and readily accessible for review.

(U//FOUO) In the event evidentiary property is of such volume that it is not practical to store it in the ECR or a similar facility within field office space, it may be stored in a secure off-site facility at the discretion of the SAC. The off-site facility should be established and afforded the same security measures as an ECR. Every effort should be made to store evidence in the ECR; however, if a similar facility within field office space or an off-site facility is used, these facilities are considered satellites of the ECR and are subject to the same administrative controls afforded the ECR.

(U//FOUO) The ECT/AECT is not authorized to access the drug/valuable vault unless accompanied by the AO or the person(s) designated to act on behalf of the AO as the VWO. The vault witness responsibility remains with the AO, but the actual duty may be delegated to meet the requirements of the field office and resident agencies. However, the VWO cannot be an AECT. Each office should limit the number of designated VWOs, and must document the list of

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

authorized vault witnessing personnel in the evidence control file. The VWO must also sign the FD-455 for each entry/exit.

(U//FOUO) The only persons having emergency access [redacted] to the drug/valuable vault and the ECR are the SAC, the ASACs, and the SSRA. The [redacted]

b7E

[redacted] SACs/ASACs/SSRAs who make an emergency entry/exit into the ECR must sign the FD-455, and document their access with an EC to the evidence control file. Access to the ECR [redacted]

(U//FOUO) A refrigerator/freezer is to be placed in the ECR for the storage of body fluids and any perishable-type evidence. Food items, for personal consumption, are not to be stored in this refrigerator.

(U//FOUO) A "Biohazard Warning" label is to be placed on the entrance to the ECR (preferably the door) and on the refrigerator in the ECR.

(U//FOUO) ECRs within a stand-alone FBI-controlled building or within contiguous FBI space, occupied 24 hours a day, 7 days a week, with a perimeter secured to specifications established by the Security Division, must be constructed in accordance with the requirements set forth below.

(U//FOUO) [redacted]

b7E

7.1. (U//FOUO) General Evidence ECR

(U//FOUO) The entire perimeter of the ECR must be constructed of [redacted]

b7E

[redacted] of the ECR.

(U//FOUO) There is to be only one externally accessible door to the ECR. Entrance to the ECR should be [redacted]

[redacted] If additional access

b7E

doors are constructed [redacted]

(U//FOUO) The externally accessible door must be [redacted]

b7E

(U//FOUO) [redacted] designated for housing weapons and ammunition must be [redacted]

b7E

Access must be controlled by [redacted]

UNCLASSIFIED//FOUO
Field Evidence Policy Implementation Guide

(U//FOUO) [REDACTED]

b7E

(U//FOUO) The ECR should be equipped with a fire extinguisher. Appropriate personal protective supplies and first aid safety equipment should be stored in the ECR for easy accessibility. This includes, but is not limited to: disposable gloves and gowns, disposable plastic aprons, eye and mouth protection, pails with disinfectant, biohazard bags for the disposing of biohazardous material (bag to be placed in a hard cardboard box), containers to hold needles, sink with hot and cold running water (with elbow or foot connection), flammable cabinets, acid cabinets, poison cabinets, and biohazard labels and containers.

7.2. (U//FOUO) Drug Evidence Room

(U//FOUO) The drug evidence room must be a separate room constructed and controlled as indicated below:

- (U//FOUO) The entire perimeter of the drug evidence room must be [REDACTED]
[REDACTED]
- (U//FOUO) There may be only one externally accessible door to the drug evidence room.
- (U//FOUO) The externally accessible door to the drug room must be [REDACTED]
[REDACTED] as indicated below:
- (U//FOUO) [REDACTED]
[REDACTED]
- (U//FOUO) [REDACTED]
[REDACTED]
- (U//FOUO) [REDACTED]
[REDACTED]
- (U//FOUO) An exterior 24-hour ventilation system is required. The drug evidence room should be afforded outside ventilation for the storage of odoriferous substances. The floor should be made of a nonporous material so that it can be disinfected.

b7E

7.3. (U//FOUO) Valuable Evidence Room

(U//FOUO) The valuable evidence room must be a separate room constructed and controlled as indicated below:

- (U//FOUO) The entire perimeter of the valuable evidence room must be [REDACTED]
[REDACTED] of the valuable evidence room.
- (U//FOUO) The door to the valuable evidence room must be [REDACTED]
[REDACTED]
- (U//FOUO) [REDACTED]
[REDACTED]

b7E

UNCLASSIFIED//FOUO
Field Evidence Policy Implementation Guide

- (U//FOUO) [REDACTED]
[REDACTED]
- (U//FOUO) [REDACTED]
[REDACTED]

b7E

7.4. (U//FOUO) Federal Grand Jury Room

(U//FOUO) The Federal Grand Jury Room, designated for housing Federal Grand Jury Material must be constructed and controlled as indicated below:

- (U//FOUO) The entire perimeter of the Federal Grand Jury Room must be [REDACTED]
[REDACTED] of the Federal Grand Jury Room.
- (U//FOUO) There may be only one externally accessible door to the Federal Grand Jury Room. Entrance to the room should be [REDACTED]
[REDACTED]
- (U//FOUO) The externally accessible door must be [REDACTED]
[REDACTED] as indicated below:
- (U//FOUO) [REDACTED]
[REDACTED]
- (U//FOUO) [REDACTED]
[REDACTED]
- (U//FOUO) [REDACTED] the Federal Grand Jury Room.
[REDACTED]

b7E

7.5. (U//FOUO) CART Room

(U//FOUO) The CART Room, designated for housing computer evidence, to include various types of magnetic media (excluding ELSUR evidence), must be constructed and controlled as indicated below:

- (U//FOUO) The entire perimeter of the CART Room must be [REDACTED]
[REDACTED] of the
CART Room.
- (U//FOUO) There may be only one externally accessible door to the CART Room. Entrance to the room should be [REDACTED]
[REDACTED]
- (U//FOUO) The externally accessible door must be equipped with two security access control devices for single-person entry as indicated below:
 - (U//FOUO) [REDACTED]
[REDACTED]

b7E

b7E

b7E

UNCLASSIFIED//FOUO
Field Evidence Policy Implementation Guide

- (U//FOUO) [REDACTED]
- (U//FOUO) [REDACTED] the CART Room. This [REDACTED]

b7E

7.6. (U//FOUO) Off-Site ECRs

(U//FOUO) The off-site evidence control room must be a separate room constructed and controlled as indicated below:

(U//FOUO) The entire perimeter of an off-site ECR must be [REDACTED]

[REDACTED] of the ECR.

(U//FOUO) There may be only one externally accessible door to the ECR. If additional access doors are constructed, [REDACTED]

b7E

(U//FOUO) The externally accessible door must be [REDACTED]
[REDACTED] as indicated below:

- (U//FOUO) [REDACTED]
- (U//FOUO) [REDACTED]

(U//FOUO) [REDACTED]
[REDACTED] is required in the off-site ECR.

7.7. (U//FOUO) After-Hours/Temporary Storage of Drugs and/or Valuables

(U//FOUO) In the event drug and/or valuable evidence needs to be secured after hours, it may be secured in a [REDACTED] until the next business day.

b7E

(U//FOUO) [REDACTED]

(U//FOUO) The drug and/or valuable room(s) may be outfitted with a "drop slot" for after-hours storage of drug and/or valuable evidence. The "drop slot" is to be installed into an external ECR wall, which is accessible from an external hallway outside of the ECR and allows for the evidence to be dropped into the drug or valuable room. The "drop slot" is to be constructed in such a manner as to prevent a person from reaching inside to retrieve the drug and/or valuable evidence.

(U//FOUO) An FD-455 must be completed when evidence is placed in, and removed from, the temporary storage.

UNCLASSIFIED//FOUO
Field Evidence Policy Implementation Guide

8. (U//FOUO) Justice For All Act of 2004

- 8.1. (U//FOUO) For information and guidance regarding the Justice for All Act of 2004, refer to 319X-HQ-A1487720 serial 445 and Office of the General Counsel Website.
[\[http://ogc.fbinet.fbi\]](http://ogc.fbinet.fbi)

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

(U//FOUO) Appendix A: Legal Authorities

(U//FOUO) Subpart H of Title 49, Code of Federal Regulations, Part 172

(U//FOUO) Title 18, U.S.C., Section 3665

(U//FOUO) 18 U.S.C. Section, 3600A and DOJ

A-1

UNCLASSIFIED//FOUO

UNCLASSIFIED//FOUO
Field Evidence Policy Implementation Guide

(U//FOUO) Appendix B: Sources of Additional Information

(U//FOUO) Please view the Laboratory Division, Forensic Analysis Branch, Evidence Control Unit, Field Evidence Program web site for additional information:
[\[http://lab.fbinet.fbi/ecu/field_evidence_program.htm\]](http://lab.fbinet.fbi/ecu/field_evidence_program.htm)

(U//FOUO) Additional Sources of Information:

(U//FOUO) Evidence Chain-of-Custody (FD-1004) User Guide

(U//FOUO) Handbook of Forensic Sciences

(U//FOUO) Dangerous Goods Regulations

(U//FOUO) Digital Evidence Laboratory (DEL) Quality Assurance Manual

(U//FOUO) Office of the General Counsel Website

(U//FOUO) CID Drug Unit Website

UNCLASSIFIED//FOUO
Field Evidence Policy Implementation Guide

(U//FOUO) Appendix C: Contact Information

| | |
|--|--|
| Laboratory Division | |
| Assistant Director D. Christian Hassell | |
| Forensic Analysis Branch | |
| Deputy Assistant Director Melissa Anne Smrz | |
| Evidence Control Unit | |
| Unit Chief | |
| | |
| Field Evidence Program | |
| Program Manager | |
| | Office |
| | Cell |
| Management and Program Analyst | |
| | Office |
| Management and Program Analyst | |
| | Office |
| Address | FBI Laboratory 2501 Investigation Parkway Quantico, Virginia 22135 |

b6
b7C

UNCLASSIFIED//FOUO
Field Evidence Policy Implementation Guide

(U//FOUO) Appendix D: Key Words

(U//FOUO) 1A - A Document or Item of Property That is Pertinent to an Investigation

(U//FOUO) 1B - Evidentiary Property

(U//FOUO) 1C - Large Non-Evidentiary Property

(U//FOUO) 1D - Serialized ELSUR Evidence

(U//FOUO) DEA Form 7 - Report of Drug Property Collected, Purchased, or Seized

(U//FOUO) FD-5 - Serial Charge-Out

(U//FOUO) FD-192 - Control Form for General/Valuable/Drug Evidence

(U//FOUO) FD-192a - Control Form for Nonevidentiary Items

(U//FOUO) FD-302 - Form for Reporting Information That May Become Testimony

(U//FOUO) FD-340 - 1A Envelope (6 x 10 inches)

(U//FOUO) FD-340a - 1A Section of the Investigative Case File

(U//FOUO) FD-340b - 1A Envelope (4 ¼ x 10 ¼ inches)

(U//FOUO) FD-340c - 1A Envelope (8 ½ x 11 inches)

(U//FOUO) FD-455 - Access Log - Evidence Storage Facility

(U//FOUO) FD-597 - Receipt for Property Received/Returned/Released/Seized

(U//FOUO) FD-632 - Evidence Transmittal Envelope

(U//FOUO) FD-723 - Evidence Label

(U//FOUO) FD-737 - Indemnity Agreement

(U//FOUO) FD-990 - Deviation Request

(U//FOUO) FD-1004 - Chain-of-Custody

(U//FOUO) [REDACTED]

b7E

(U//FOUO) PS-3811 - U.S. Postal Service Domestic Return Receipt

(U//FOUO) Rule 6e Material - Grand Jury Material

UNCLASSIFIED//FOUO
Field Evidence Policy Implementation Guide

(U//FOUO) Appendix E: Acronyms

| | |
|--------|---------------------------------------|
| ACDC | Assistant Chief Division Counsel |
| ACS | Advanced Automated Case Support |
| ADIC | Assistant Director in Charge |
| AECT | Alternate Evidence Control Technician |
| AO | Administrative Officer |
| ASAC | Assistant Special Agent in Charge |
| AUSA | Assistant United States Attorney |
| CART | Computer Analysis Response Team |
| CFR | Code of Federal Regulations |
| CI | Collected Item Database |
| COMSEC | Communication Security |
| CPU | Central Processing Unit |
| DE | Derivative Evidence |
| DEA | Drug Enforcement Administration |
| DEL | Digital Evidence Laboratory |
| DNA | Deoxyribonucleic Acid |
| DOJ | Department of Justice |
| DVD | Digital Versatile Disc |
| EC | Electronic Communication |
| ECC | Evidence Control Center |
| ECR | Evidence Control Room |
| ECT | Evidence Control Technician |
| ELSUR | Electronic Surveillance |
| EPIC | El Paso Intelligence Center |
| EVP | Evidence Program |
| FBI | Federal Bureau of Investigation |

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

| | |
|--------|--|
| FBIHQ | Federal Bureau of Investigation Headquarters |
| FDIN | Federal Drug Identification Number |
| FDSS | Federal-Wide Drug Seizure System |
| FEDA | Forensic Electronic Device Analysis |
| FEP | Field Evidence Program |
| FGJ | Federal Grand Jury |
| FGJR | Federal Grand Jury Room |
| GHRCFL | Greater Houston R |
| GSA | General Services Administration |
| HAZMAT | Hazardous Material |
| HQC | Headquarters City |
| IATA | International Air Transport Association |
| INS | Immigration and Naturalization Service |
| JFAA | Justice For All Act |
| LO | Lead Office |
| MAOP | Manual of Administrative Operations and Procedures |
| MIOG | Manual of Investigative Operations and Guidelines |
| NARA | National Archives and Records Administration |
| OO | Office of Origin |
| OTD | Operational Technology Division |
| PCP | Phencyclidine |
| PDA | Personal Digital Assistant |
| PIN | Personal Identification Number |
| PM | Program Manager |
| PS | Postal Service |
| RA | Resident Agency |
| RCFL | Regional Computer Forensic Laboratory |
| RFC | Reference Firearms Collection |

E-2

UNCLASSIFIED//FOUO

UNCLASSIFIED//FOUO

Field Evidence Policy Implementation Guide

| | |
|--------|---|
| SA | Special Agent |
| SAC | Special Agent in Charge |
| SRA | Senior Resident Agent |
| SSRA | Supervisory Special Resident Agent |
| SST | Support Services Technician |
| STRIDE | System to Retrieve Information from Drug Evidence |
| SWAT | Special Weapons and Tactics |
| U.S. | United States |
| USA | United States Attorney |
| USCG | U.S. Coast Guard |
| USCS | U.S. Customs Service |
| VMD | Volatile Memory Devices |
| VWO | Vault Witness Official |
| WMD | Weapon of Mass Destruction |

E-3

UNCLASSIFIED//FOUO