



**Forging a New Legacy**

# **Homeland Security Investigations**

**Evidence Processing**

**HSI Special Agent Training**

**ICE Academy**

# Homeland Security Investigations (HSI)

## Terminal Performance Objective

Given a search warrant execution scenario, a set of case-related facts, and the presence of potential evidence, collect and process evidence in accordance with the Homeland Security Investigations Evidence Handbook HSI HB 15-05 / November 9, 2015, and in manner which qualifies that evidence to be admitted in future criminal justice proceedings under the Federal Rules of Evidence.

# Homeland Security Investigations (HSI)

## Enabling Performance Objectives

- Discuss the main objective in processing evidence  
Provide an overview of terminology, seizure authority, forms used, and roles and responsibilities involved in the seizure process  
Explain the process for evidence recovery and seizure from the pre-search planning phase to the post-search activities  
Discuss procedures for storing evidence  
Discuss procedures for the disposition of evidence

# Homeland Security Investigations (HSI)

## Review of the Past

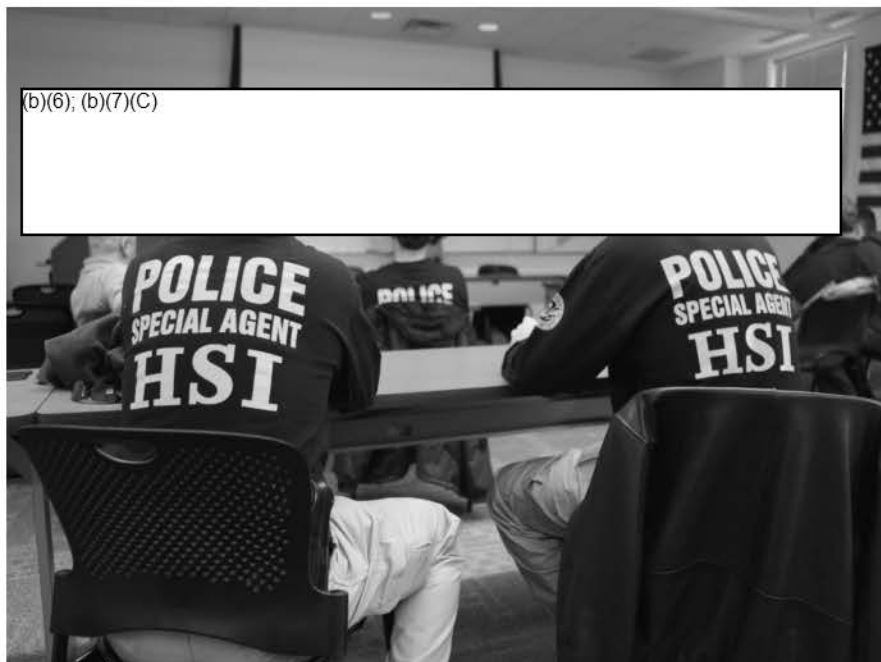
**CITP:**  
Conducting  
Searches and  
Documenting  
Evidence  
Recovery

**LEGAL:** Rea  
sons for  
Evidence  
Recovery  
and  
Handling  
Procedures

**AUTHORITY:**  
FRCP Rule  
41 and HSI  
Related  
Seizure  
Authorities

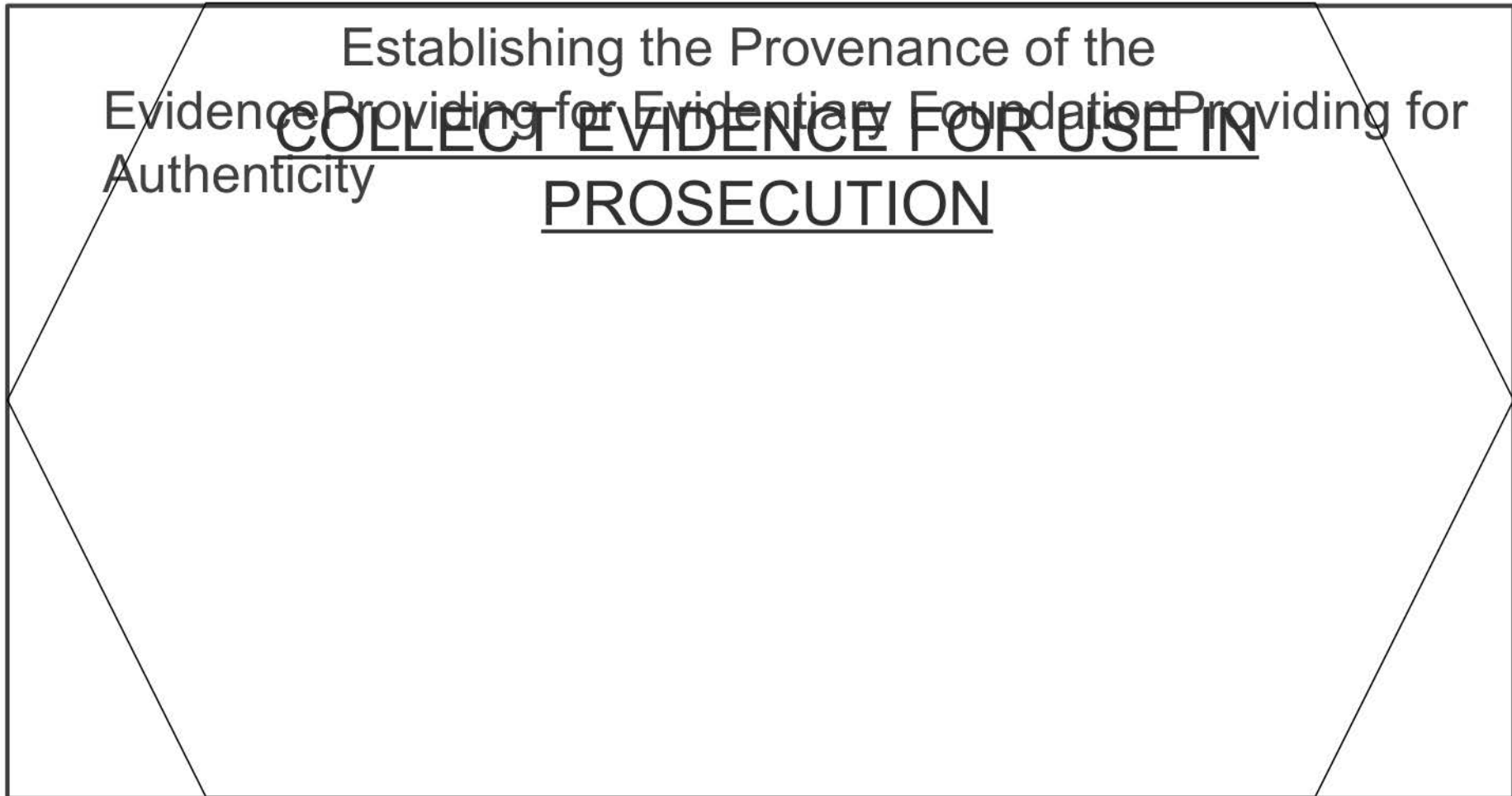
# Homeland Security Investigations (HSI)

## Agenda



# Homeland Security Investigations (HSI)

## Main Objective of Processing Evidence



# Homeland Security Investigations (HSI)

## Evidence: Need to Establish Admissibility

- Foundation – Provenance of Evidence, Authenticity, and Relevance  
SA must be able to testify to foundational/authenticity questions  
Can only be done by the Finder – first discovered evidence item  
Must be able to “recognize” item of evidence  
Must be able to testify as to how they recognize the item  
Must be able to testify in detail as to where the item was located and in what condition  
Must be able to testify that item as it is presented during the prosecution is “in substantially the same condition” it was when it was first discovered

# Homeland Security Investigations (HSI)

## Terminology

**Abandonment** – Abandoned property for which owner has voluntarily relinquished rights and ownership

**Detention** – Delaying the release of property pending a review of admissibility or importation/exportation

**FP&F** –  number generated by SEACATS for tracking seized and forfeited property

**Forfeitable Evidence** – Seized property, subject to forfeiture and needed as evidence

**Forfeiture** – Legal transfer of property ownership from owner to the U.S. government



# Homeland Security Investigations (HSI)

## Terminology (cont'd)

**Government-Generated Evidence** – Evidence obtained via investigative means

**High-Risk Evidence** – Controlled substances, weapons, and monetary instruments

**Incident Number** –  number generated by SEACATS for tracking and enforcement action type

**Non-Forfeitable Evidence** – Seized property that is not subject to forfeiture

**Purchase of Evidence (POE)** – Tangible items purchased with government funds during an investigation

# Homeland Security Investigations (HSI)

## Terminology (cont'd)

**Real Property** – Land and anything growing on, attached to, or erected on it

**SEACATS SAS** – Records statistical and enforcement information related to searches, arrests, and seizures

**SEACATS** – System of records for tracking seized and forfeited property

**Seizure** – Taking possession of property by legal right

**TECS** – System through which Case Management can be accessed

*TECS has been replaced with ICM*

# Homeland Security Investigations (HSI)

## DHS Evidence Forms – Evidence Custody Docs

- **6051S, Custody Receipt for Seized Property/Evidence – Documents property seized**
- **6051A, Custody Receipt for Detained or Seized Property/Evidence – Continuation sheet and attachment for additional seized items**
- **6051R, Receipt for Property – Documents and tracks return of property not identified on SEACATS SAS report**
- **6051WT – Identifies weapons**
- **6051D, Detention Notice and Custody Receipt for Detained Property – Documents property pending review for admissibility or importation/exportation**

# Homeland Security Investigations (HSI)

## Roles and Responsibilities

### **Seized Property Manager (SPM)**

Accountable for the security, handling, and inventory of seized and forfeited property

### **HSI Seized Property Specialist (SPS)**

Ensure the preservation, safeguarding, and disposition of all seized property/evidence released to their custody

**Evidence Custodians Responsible for the management of seized property/evidence rooms**

# Homeland Security Investigations (HSI)

## Roles and Responsibilities (cont'd)

**Seizing Special Agents Ensure the timely and accurate completion of the SEACATS SAS report and case initiator forms**

**Case Agents Ensure accurate inventory, storage, and disposition of seized property; input data into SEACATS and complete Form 6051**

# Homeland Security Investigations (HSI)

## Search Warrant Planning Considerations

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# Homeland Security Investigations (HSI)

## Search Warrant Planning Considerations

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# Homeland Security Investigations (HSI)

## Pre-Search Planning

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# Homeland Security Investigations (HSI)

## Search Warrant Procedure

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# Homeland Security Investigations (HSI)

## Search Warrant Execution

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# Homeland Security Investigations (HSI)

## Search Warrant Execution & Evidence Processing

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# Homeland Security Investigations (HSI)

## Search Warrant Execution & Evidence Collection

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# Homeland Security Investigations (HSI)

## Evidence Collection/Preservation

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# Homeland Security Investigations (HSI)

## Laboratory Resources

- HSI Forensic Laboratory Que  
Section Latent Print Section Dig  
Program Polygraph Program CE  
Supports CBP and HSI person  
various field laboratory tests a  
seized property/evidence DEA  
seized controlled substances  
Multi-Faceted; Great Secondary Option

A detailed view of the ICE Form 73-003, 'REQUEST FOR LABORATORY EXAMINATION'. The form includes sections for 'I. IDENTIFY INFORMATION', 'II. LABORATORY REQUEST', and 'III. COMMENTS'. It contains various fields for case details, laboratory type, and examination requests, along with checkboxes for 'FOR LATENT PRINTS' and 'FOR POLYGRAPH'. The form is a standard government document with a header, body text, and a footer.

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ICE Form  
73-003  
laboratories –  
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# Homeland Security Investigations (HSI)

## Evidence Identification

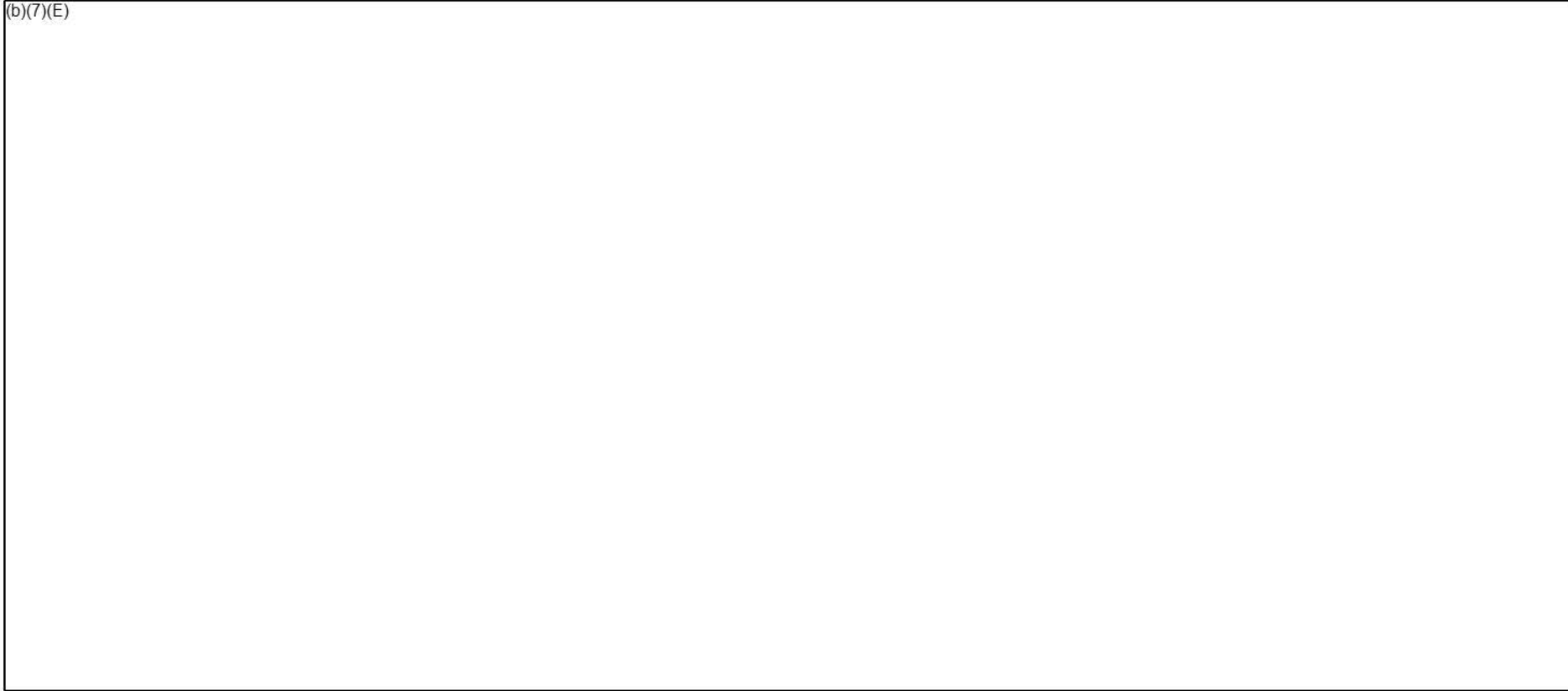
- Evidence includes Instrumentalities and Fruits Covered in Attachment B of Warrant Foundation/Authenticity Preserved (use of “Finder’s Note” – Index Cards) No Commingling Packaging/Labeling Evidence: containers must have evidence labels, DHS Form 366A.



# Homeland Security Investigations (HSI)

## Demonstration

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# Homeland Security Investigations (HSI)

## Classroom Exercise

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Page 2280

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Page 2281

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Page 2282

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Page 2283

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# Homeland Security Investigations (HSI)

## Demonstration 1 – Part 1

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# Homeland Security Investigations (HSI)

## Types of Evidence

- Documentary Contraband/Counterfeit Weapons and Ammunition Currency and Negotiable Instruments Controlled Substances Latent Trace Biological Tool Markings Impression Electronic/Digital

# Homeland Security Investigations (HSI)

## Documentary Evidence

Documentary Evidence Includes indicia, notes, journals, commercial paperwork, and financial records  
Travel and Identification Documents  
Genuine Documents used in Fraud or by Impostor  
Review ASAP: Return seized documents not required as evidence to Owner





# Homeland Security Investigations (HSI)

## Contraband/Counterfeit

- Fraudulent Travel/ID Documents “Fraud Docs”  
Counterfeit Documents Fictitious Documents Altered Documents  
CBP Document Lab Other Types IPR  
Infringement Items Child Pornography

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# Homeland Security Investigations (HSI)

## High Risk Evidence – 3 Types

- Controlled Substances  
Money  
Firearms\*\*  
HSI Prohibited by Policy from holding High Risk Evidence for more than 72 hours\*\*

# Homeland Security Investigations (HSI)

## Controlled Substances

- Seized Asset Management and Enforcement Procedures Handbook (SAMEPH) Chapter 11 – ICE Related Seizures 11.9.6 – Controlled Substances

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with 6051 28 CFR

50.21 Procedure Policy vs. Reality



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Page 2299

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# Homeland Security Investigations (HSI)

## Bulk Marijuana



Bulk Marijuana 1KG – Threshold Amount  
Representative Sample/Exemplar for  
testing Threshold and Aggregates = Suff  
Current Criminal Evidentiary Practice SAMEPH –  
11.9.6 (References SAMEPH 4.1.18)

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Page 2306

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# Homeland Security Investigations (HSI)

## Monetary and Negotiable Instruments

- Money is the ONLY Fundible evidence. (b)(7)(E)

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# Homeland Security Investigations (HSI)

## Currency Seizures - Considerations

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# Homeland Security Investigations (HSI)

## Weapons and Ammunition

- Forfeit if: USED in violation of federal law  
USE in commission of a crime  
PURCHASED with criminal  
derived funds/proceeds  
Notify FP&F of Intent to  
Administrative Forfeit – 30 Days  
Return to legal owner  
if not forfeited or needed as evidence  
Encountered at Scene – Conduct



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# Homeland Security Investigations (HSI)

## Weapons and Ammunition - Considerations

- ATF – E-Trace 18 USC §922(g)(5) Disposal via Abandonment = Method of Last Resort If not legally owned, must be stored as non-forfeitable until federal or state prosecution determined



# Homeland Security Investigations (HSI)

## Electronic Devices and Digital Media

- Rule 41(e)(2)(B) of the Federal Rules of Criminal Procedure authorizes seizure of electronic storage media  
General Rule: (b)(7)(E)

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# Homeland Security Investigations (HSI)

## Special Categories: Purchased Evidence (POE)

- Forfeiture UNNECESSARY Title of Purchased Evidence Transferred with Payment Schedule I and II Controlled Substances ONLY POE items that MUST be entered into SEACAT Turned over to CBP

SPS

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# Homeland Security Investigations (HSI)

## Special Categories: Government Generated Evidence

- Should not be entered on a SEACATS SAS report Includes Evidence Obtained Pursuant to ECPA Search Warrants and Orders  
Accountability: Record on DHS Form 6051S  
Segregate from seized property  
Document and label electronic evidence and surveillance.  
Consider “Best Evidence” Rules: Do not erase original electronic media  
Preserve original notes, media, or transcripts.  
Store original recordings with the DTA or Evidence Custodian (per SAC Intra-office Policy).

# Homeland Security Investigations (HSI)

## Packaging and Sealing Considerations

- Evidence Preservation Biological/L  
possible Seal bag with Evidence in  
bag. Identify flammable, volatile, or  
evidence. Minimize number of LECs with custody of  
evidence. Maintain original bags
- Protect if  
ger, outer



# Homeland Security Investigations (HSI)

## Chain of Custody

- In offering “Real Evidence” at trial the Government is required to account for the custody of the evidence from the moment it reaches its custody until the moment it is offered in EvidenceCOC goes to weight; not admissibilityOriginal 6051S stays with evidence. Notate 6051S Number in all reports



# Homeland Security Investigations (HSI)

## Chain of Custody (cont'd)

- Separate 6051S for forfeitable and non-forfeitable evidence  
Separate 6051S for all evidence with different routes or locations  
Use separate 6051S for property line items that have different category and property type codes. Line item numbers and property descriptions on 6051S must match those in the SEACATS SAS report  
Seizing SAs may use a separate original DHS Form 6051S for each line item

# Homeland Security Investigations (HSI)

## Wrapping Up Search Warrant

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# Homeland Security Investigations (HSI)

## Search Warrant Report of Investigation (ROI)

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# Homeland Security Investigations (HSI)

## Search Warrant ROI

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# Homeland Security Investigations (HSI)

## Search Warrant ROI (Cont).

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# Homeland Security Investigations (HSI)

## Search Warrant ROI (Cont'd)

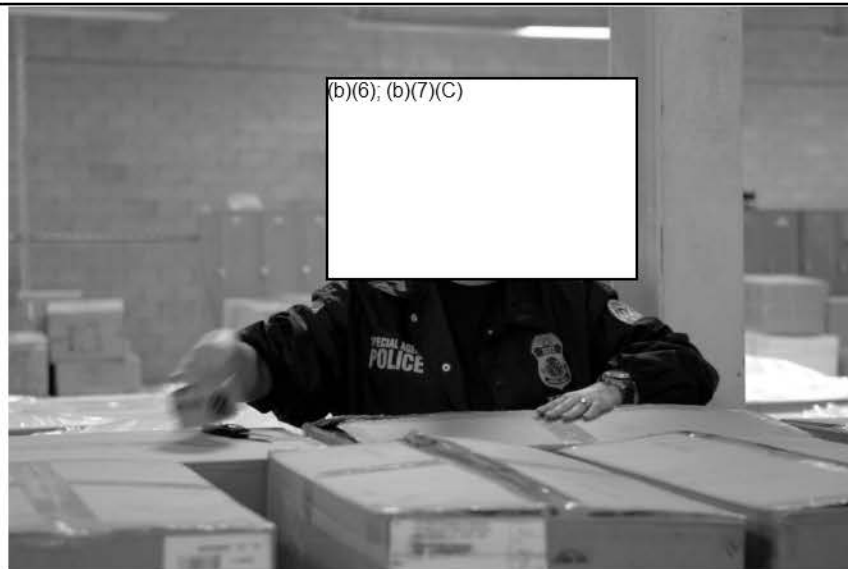
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# Homeland Security Investigations (HSI)

## Storing Evidence

- Includes “EV” Items (Non-Forfeitable) Turned Over to HSI SPS/Evidence Custodian Immediately Stored

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# Homeland Security Investigations (HSI)

## Storing – High Risk Evidence

- Do not store beyond 72 Hours Turn over to the CBP SPS



# Homeland Security Investigations (HSI)

## Storing Evidence – Forfeitable

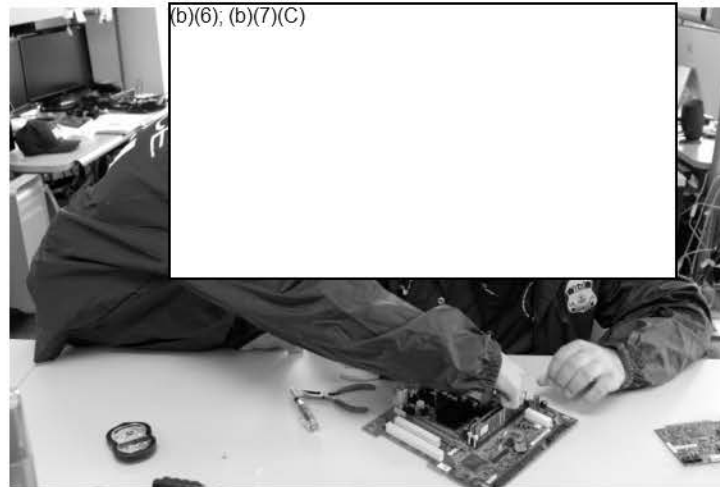
- “EN” Items Transferred to the CBP SPS by close of business within five business days of the date of seizure  
Exceptions are allowed with a written waiver from the AFU



# Homeland Security Investigations (HSI)

## Storing Evidence – Government-Generated

- Store IAW Field Office Policy: TEOs or HSI Evidence Room Segregate from any SEACATS Evidence Document using DHS Form 6051S (Tracking) Annotate: “Not in SEACATS” in Remarks Section





# Homeland Security Investigations (HSI)

## Disposing of Evidence

- Dependent on Prosecution and Appellate Concerns Should be returned as soon as possible when no longer required as evidence 10 working days guideline All Evidence needs to be disposed of prior to case closure SEACATS must be updated immediately All property records must be updated within three business days.



# Homeland Security Investigations (HSI)

## Disposing of Evidence – Non-Forfeitable

- Return to Party from Whom Seized Use 6051R (Receipt for Property) Destruction Order Signed by Group Supervisor Destruction Order provided to Evidence Custodian/SPS Executed by Case Agent with 2 Witnesses

# Homeland Security Investigations (HSI)

## Disposing of Evidence – Abandoned Property

- Abandonment – Relinquishment of Ownership Interest Disposed of via Destruction  
4613 Can be Retained IAW Management Regulations (148/102-41)

DEPARTMENT OF HOMELAND SECURITY  
ORDER TO DESTROY AND RECORD OF DESTRUCTION OF FORFEITED,  
ABANDONED, OR UNCLAIMED MERCHANDISE

ORDER TO DESTROY	
Seizure or General Order No., Etc.	Quantity and Description of Merchandise
Method of Destruction	
Authorizing DHD Officer	
_____ Name	_____ Signature
Date	
RECORD OF DESTRUCTION	
DHD Officer	
_____ Name	_____ Signature
Date	
Witnesses to Destruction	
_____ Name	_____ Signature
Witnesses to Destruction	
_____ Name	_____ Signature
Location	Method of Destruction

DHD Form 4613 (10/09)

# Homeland Security Investigations (HSI)

## Disposition of POE Items

- Firearms/Ammunition acquired through POE –  
Dispose according to OTTP AOBPOE Items for  
Government Use IAW 41 C.F.R. §102-36

# Homeland Security Investigations (HSI)

## Disposing of Evidence – Government-Generated

- Per SAMEPH: Recordings must be maintained for minimum of 5 years  
Recording entered into Evidence at Trial/Hearing  
Destruction requires court order  
Destruction Order for Media  
Media must be Unusable  
Data must be Unrecoverable

# Homeland Security Investigations (HSI)

## Demonstration 1 – Part 2

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# Homeland Security Investigations (HSI)

## Demonstration #1 – Part 3

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# Homeland Security Investigations (HSI)

## Demonstration 2 – Part 1

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# Homeland Security Investigations (HSI)

## Demonstration 2 – Part 2

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# Homeland Security Investigations (HSI)

## Summary

- Main Goal of Evidence Processing/Collection Search Activities – Support Evidence Collection Process Different Types of Evidence 3 High Risk Evidentiary Types Post Search – Reports Chain of Custody Evidence Disposition





Protecting the Borders Against Illicit Trade, Travel, and Finance