

US Immigration and Customs Enforcement Homeland Security Investigations Training

HSI Academy



HSI Evidence Processing 211311

Student Guide

HSI Academy Courses

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Evidence Processing

Motivation

Evidence consists of drugs, currency, packaging, documents, fingerprints, recorded statements, etc., which may support or establish violations of law. Evidence is gathered during investigations through search warrants, consent searches, Grand Jury subpoenas, administrative summonses, Purchases of Evidence (POE), undercover meetings, surveillances, wiretaps, trash runs, and numerous other means that are limited only by federal and state laws, statutes, and codes, as well as individual resourcefulness.

Searches and seizures consistent with Fourth Amendment protections are complex subjects for SAs. HSI search and seizure methods conform to constitutional and statutory limitations involving border operations and operations conducted in the interior of the United States. Statutes, regulations, and case law, including Supreme Court decisions, do not address every factual scenario. SAs also know the prosecutorial policies in their particular districts.

SAs make many decisions concerning searches and seizures in the field and, frequently, cannot consult reference materials, policy documents, or seek legal advice from their local Office of the Chief Counsel (OCC) or the appropriate U.S. Attorney's Office (USAO). It is important to understand and apply the principles of search and seizure laws, policies, and procedures. SAs must also recognize that search and seizure law is intricate and continually evolving.

When executing warrants, (b)(7)(E)

(b)(7)(E)

Objectives

Terminal Performance Objective (TPO)

Conditions: Given a search warrant execution scenario, a set of case-related facts, and the presence of potential evidence,

Behavior: collect and process evidence

Criterion: in accordance with the Homeland Security Investigations Evidence Handbook HSI HB 15-05 / November 9, 2015, and in a manner which qualifies that evidence to be admitted in future criminal justice proceedings under the Federal Rules of Evidence.

Enabling Performance Objectives (EPOs)

EPO 1: Discuss the main objective in processing evidence.

EPO 2: Provide an overview of terminology, seizure authority, forms used, and roles and responsibilities involved in the seizure process.

EPO 3: Explain the process for evidence recovery and seizure from the pre-search planning phase to the post-search activities.



- | | |
|---------------|---|
| EPO 4: | Discuss procedures for storing evidence. |
| EPO 5: | Discuss procedures for disposing of evidence. |

Review of the Past

In CITP you learned how to conduct and document searches. In this course so far, you have received an overview of the types of cases for which HSI is responsible:

You learned that evidence consists of drugs, currency, packaging, documents, fingerprints, recorded statements, etc. You learned that items or property are seized, collected and processed in support of, or to establish, violations of the law. You learned that evidence is gathered during investigations through authorized legal means, which is limited only by federal and state laws, statutes, and codes as well as individual resourcefulness. You also received basic legal knowledge about dealing with evidence, including the consequences of deviating from established policies and procedures.

You learned that evidence should be carefully identified, packaged, and labeled; the goal of chain-of-custody is to demonstrate to the court that the evidence presented is in the same condition as when it was first seized.

During the legal instruction blocks of HSISAT you are exposed to the vast array of HSI legal authorities including those related to seizure and forfeiture. You have also been exposed, at this point in your training regimen, to Rule 41 of the Federal Rules of Criminal Procedure governing the execution of search warrants and the seizure of evidence.

Advance Organizer of Main Ideas

In this lesson you will learn how HSI collects and processes evidence. Each of the items covered will be reinforced in an Evidence Processing Lab. This lesson begins with an overview of terminology, authority, forms, and responsibilities; followed by preparing for and conducting a pre-search briefing, a walk-through and labeling of the search area, and other tasks and activities to complete for use later in the investigation and proceedings. The location, document and establishment of chain of custody will be examined as well as how to safely and properly conduct the search, secure the search area, and complete the post walk-through and all necessary documentation. Finally, the packaging and labeling of all seized evidence will be discussed, as well as the storing and disposing of the evidence.

Agenda

In this lesson, the instructor will emphasize the main objective of evidence processing, discuss evidence admissibility under the federal rules of evidence, introduce different types of evidence, and discuss the methods and procedures for collecting, processing, preserving, storing, documenting and disposing of seized evidence in accordance with the Homeland Security Investigations Evidence Handbook HSI HB 15-05 / November 9, 2015. The instructor will explain the concepts and provide a demonstration. Students will have an opportunity to practice the concepts in the Evidence Processing lab scenarios.



INSTRUCTION

Explanation

A. EPO 1: Discuss the main objective in processing evidence.

The main objective of evidence processing is to identify and collect various papers, effects, and other items that are useful in establishing the elements of the criminal law violations an HSI Special Agent is investigating.

1. Ultimately evidence identification, collection, and processing is for providing the basis of a prosecution of an identified offender.
 - a. Prosecution and could be federal or state
2. Use of seized evidence in prosecution
 - a. Need to establish admissibility: established through the collection and documentation of facts and details that establish the evidentiary foundation for a particular item sufficient to convince an independent magistrate to allow it to be admitted for consideration of the guilt or innocence of the defendant
 - 1) Foundation
 - a) Provenance of evidence
 - (1) Establish the origin of the item of evidence
 - (a) Circumstances of the item's identification and discovery
 - (b) Where the item was located
 - (c) What condition the item was found in
 - (d) Who found the item
 - (e) Supported by law enforcement photographs and sketch
 - b) Authenticity
 - (1) Item of evidence is what is purported to be
 - (2) Supported by Chain of Custody and other facts establishing that the item being presented in a prosecution is the same item that was identified, collected, preserved, documented, and stored during the course of the investigation
 - c) Relevance
 - (1) Item of evidence is what is purported to be



- (2) Supported by evidence documentation / Reports of Investigation
- (3) Supported by additional evidentiary processing resources; i.e. HSI Forensic Laboratory, CBP Document Laboratory, or other scientific or technical processing expertise

2) A HSI Special Agent must be able to testify to foundational / authenticity questions

- a) Can only be done by the “Finder” – the actual LE personnel who first discovered the item of evidence during the course of their operational duties
- b) Must be able to “recognize” the item of evidence

(1) (b)(7)(E) _____
 (b)(7)(E) _____?”

c) SA must be able to testify as to how he/she recognizes the item of evidence.

(b)(7)(E)

d) SA must be able to testify in detail as to where the item was located and in what condition.

(b)(7)(E)



(b)(7)(E)

- e) SA must be able to testify that the item as it is presented during the prosecution is “in substantially the same condition” it was when it was first discovered.
 - (1) Serves to complete the necessary evidentiary foundation and provides the requisite authenticity to have the item admitted into evidence.

Notes:

B. EPO 2: Provide an overview of terminology, forms used in evidence processing, and roles and responsibilities involved in the HSI evidence recovery and seizure process.

The terms reviewed are from the HSI Evidence Handbook HSI HB 15-05 / November 9, 2015.

The Evidence Handbook establishes policies and procedures for the reporting, recordation, custody, handling, transfer, and disposition of seized property and evidence by ICE HSI Special Agents, Seized Property Managers (SPMs), and Seized Property Specialists (SPSs), as appropriate.

1. Definitions
 - a. **Abandonment:** Refers to abandoned property to which the owner has voluntarily relinquished all rights, title, claim, and possession without the intention of reclaiming any future rights thereto, such as retaking possession, reasserting ownership, or resuming enjoyment of the property.



b. **Detention:** Delaying or withholding the release of property pending a review for admissibility or proper importation or exportation.

1) (b)(7)(E)

c. **Fines, Penalties, and Forfeitures (FP&F) Case Number:** The (b)(7)(E) (b)(7)(E) and is used as the primary means for tracking seized and forfeited property and processing seizure cases. This number includes (b)(7)(E)

d. **Forfeitable Evidence:** Evidence is seized property that is subject to forfeiture and is needed as evidence of the violation; it is the government's intent to keep this property from being returned to the listed owner when it is no longer needed as evidence.

Note: "The SEACATS code for Forfeitable Evidence is (b)(7)(E)"

e. **Forfeiture:** The legal process by which the ownership of property, such as real property, conveyances, aircraft, merchandise (including monetary instruments), bank accounts, etc., is transferred from its owner to the U.S. Government.

f. **Government-Generated Evidence:** Government-generated evidence is comprised of any evidentiary materials that are generated or obtained through various investigative means. Evidentiary materials include, but are not limited to, (b)(7)(E)

(b)(7)(E)

g. **High-Risk Evidence:** High-risk evidence is controlled substances, weapons and ammunition, and monetary instruments.

Note: The SEACATS SAS report code for seized property within this category is (b)(7)(E) or (b)(7)(E)

h. **Incident Number:** The incident number is (b)(7)(E) (b)(7)(E) for tracking and identifying the type of enforcement action taken. This number includes (b)(7)(E)

(b)(7)(E)



(b)(7)(E)

- i. **Non-Forfeitable Evidence:** Seized property that is not subject to forfeiture, but is needed as evidence of the violation (e.g., documents, records, personal effects, and other property of value). This property was historically referred to as single-status evidence.

Note: The SEACATS code for Non-Forfeitable Evidence is (b)(7)(E)

- j. **Purchase of Evidence (POE):** The purchase of tangible items, including narcotics, with government funds during the course of an investigation. These items may be unlawful to own (e.g., counterfeit trademarked goods) or lawful (e.g., weapons, computers, or a sculpture purchased for the purpose of obtaining the fingerprints of the seller). Evidence that is purchased by SAs in furtherance of an investigation does not need to be forfeited, as the government already has title to the property by virtue of the purchase. As such, it becomes the property of HSI.

Note: Schedule I and II narcotics acquired through POE are classified as high-risk property, and must be documented on a SEACATS SAS report and turned over to the CBP SPS within established timelines.

- k. **Real Property:** Land and anything growing on, attached to, or erected on it, but excluding anything that may be severed without damage to the land.

Note: Real property is not considered "seized" until a Final Order of Forfeiture is received.

- l. **Search, Arrest, and Seizure Report (SEACATS SAS):** Used to record statistical and enforcement information relating to searches, arrests, and seizures made by HSI SAs and CBP Officers.

- m. **Seized Asset and Case Tracking System (SEACATS):** The official system of records for tracking seized and forfeited property from case initiation to final resolution.

1) SEACATS must be employed to record all seizures and forfeitures generated by HSI and CBP.

2) SEACATS produces (b)(7)(E)

- n. **Seizure:** The act of taking possession of any property by legal right or process. Seized property that is alleged to have been used in connection with or acquired through illegal activities may be subject to civil or criminal forfeiture. Property may also be seized to satisfy an unpaid judicial judgment, as long as proper notice of the amount due has been served.

- o. **ICM:** System ICM is an Integrated Case Management system. It is used to track information on suspect individuals, businesses, vehicles, aircraft,



and vessels. ICM can be used to access t (b)(7)(E)
(b)(7)(E)

Note: ICM has replaced TECS.

Notes:

2. Evidence Seizure and Disposition Guides
 - a. Rule 41 of Federal Rules of Criminal Procedures
 - b. Homeland Security Investigations Evidence Handbook HD 15-05, November 9, 2015
 - c. Seized Asset Management and Enforcement Procedures Handbook (SAMEPH, July 2011)
 - d. 41 C.F.R. § 101-42.1102.10, "Firearms"
 - e. 41 C.F.R. Part 101-48, "Utilization, Donation, or Disposal of Abandoned and Forfeited Personal Property"
 - f. 41 C.F.R. Part 102-36, "Disposition of Excess Personal Property"
3. Chain of Custody Forms
 - a. **DHS Forms 6051:** Used to document the seizure of evidence and the chain of custody, as well as the transfer of custody of seized property/evidence.
 - b. There are five types of DHS Forms 6051 and they all contain instructions on how to complete them.
 - 1) **6051S**, "Custody Receipt for Seized Property/Evidence," is used to document property seized for a violation of law, evidentiary use in a criminal investigation, and transfers of custody
 - 2) **6051A**, "Custody Receipt for Detained or Seized Property/Evidence," is a continuation sheet and used as an



attachment for additional seized items, detentions, and/or additional signatures.

- a) DHS Form 6051A must accompany and/or be attached to DHS Form 6051S or DHS Form 6051D.
- 3) **6051R**, "Receipt for Property," is used to document and track the return of property that *is not* identified on the SEACATS SAS report (e.g., non-evidentiary items or personal effects).
- 4) **6051WT** and its attachment ensure that weapons are clearly identified by the FP&F case number, line number, description, and DHS Form 6051S.

Note: The seizure of weapons is more commonly documented in HSI investigations on Form 6051S.

- 5) **6051D**, "Detention Notice and Custody Receipt for Detained Property," is used to document property pending a review for admissibility or property importation or exportation.

4. Roles and Responsibilities

a. **Seized Property Manager (SPM):** Accountable for the security, handling, and inventory of seized and forfeited property. Responsibility extends to high-risk and forfeitable property held on a temporary basis and stored in any HSI field office. SPMs ensure that:

- 1) HSI personnel acting as SPSs/Evidence Custodians are performing their functions properly.
- 2) Physical security requirements are met for all seizures stored in field offices.
- 3) Proper justification exists for any high-risk and forfeitable seized property held by HSI.

Note: All high-risk and all forfeitable seized property will be held by HSI only on a temporary basis and for a defined purpose.

- 4) SEACATS records are properly updated in a timely fashion. Particular attention will be paid to ensure that the (b)(7)(E) code is up to date and that the property is correctly identified. Three types of legal status are used to identify property in SEACATS:

- a) (b)(7)(E)
- b)
- c)



- b. **HSI Seized Property Specialist (SPS):** Report directly to the SPM and ensure the preservation, safeguarding, and disposition of all seized property/evidence released to their custody. HSI SPSs coordinate pre-seizure analysis with the seizing officer, FPFO, CBP SPS, and the real property contractor. HSI SPSs also conduct and review SEACATS SAS reports to identify and account for seizure cases initiated (and canceled) within the SAC's AOR. They also:
 - 1) Assist the seizing officer, local CBP FP&F and SPS, and national property contractors, and provide assistance with pre-seizure analysis, when applicable.
 - 2) Ensure that the "Custody Receipt for Seized Property and Evidence" (DHS Form 6051S) (and "Custody Receipt for Seized Property and Evidence – Continuation Sheet" (DHS Form 6051A), if needed) is accurate and complete, and that the information mirrors the information on the SEACATS SAS reports and property inventory (i.e., verifying the FP&F/HSI case numbers, line item(s), quantities, descriptions, etc.), and immediately report any discrepancies to the SPM and the local FP&F field office.
 - 3) Ensure that SEACATS is updated within three (3) calendar days of a seizure, accept the property in SEACATS, and verify and update the (b)(7)(E) codes.
- c. **Evidence Custodians:** SAs who are designated as the primary or secondary individuals responsible for the management of seized property/evidence rooms, and perform the same functions as the HSI SPSs.
- d. **Seizing Special Agents:** Ensure the timely and accurate completion of the SEACATS SAS report and case initiator forms (i.e., DHS Form(s) 6051; "Report of Drug Property Collected, Purchased, or Seized" (Drug Enforcement Administration (DEA) Form 7); etc.) for all property/evidence seized or otherwise obtained in enforcement activities.

Note: This can be the Case Agent, Evidence Custodian, or their designee on scene.

- e. **Case Agents:**
 - 1) Ensure the accurate inventory, security, storage, and disposition of all seized property/evidence generated throughout the investigation.
 - 2) Ensure that all seized property/evidence is disposed of prior to the closure of the investigative case record and file.
 - 3) Ensure timely input of complete and accurate data into SEACATS.



- 4) Ensure the completion and accuracy of the appropriate DHS Form(s) 6051.
- 5) Transfer seized property/evidence to permanent storage on a timely basis.
- 6) Forward cases and proper documentation to the FPFO on a timely basis.

Notes:

C. EPO 3: Explain the process for evidence recovery and seizure from the pre-search planning phase to the post-search activities.

1. Preparation

a.

(b)(7)(E)

2. Identify items which may be recovered/seized as evidence

(b)(7)(E)

3. Evidence recovery/seizure tools

(b)(7)(E)

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(b)(7)(E)

of the Freedom of Information and Privacy Act

Page 2203

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(b)(7)(E)

of the Freedom of Information and Privacy Act



(b)(7)(E)

Notes:

f. Laboratory Resources

- 1)
- 2)
- 3)

(b)(7)(E)

Page 2205

Withheld pursuant to exemption

(b)(7)(E)

of the Freedom of Information and Privacy Act



(b)(7)(E)

g. Identification of Evidence

- 1) Evidence must be carefully identified, packaged, and labeled without commingling or contaminating it with other seizures.



- a) Seized items must be within the scope of the Search Warrant.
- b) Articulate as being covered under Attachment B of the Search Warrant

Notes:

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(b)(7)(E)

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of the Freedom of Information and Privacy Act

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(b)(7)(E)

of the Freedom of Information and Privacy Act

Page 2210

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of the Freedom of Information and Privacy Act



DEMONSTRATION 1 – PART 1

Demonstration 1: The instructor will demonstrate the use of evidence packaging and bagging supplies and show examples of the forms used during searches and seizures of evidence.

(b)(7)(E)

STUDENT PRACTICE – CLASS EXERCISE

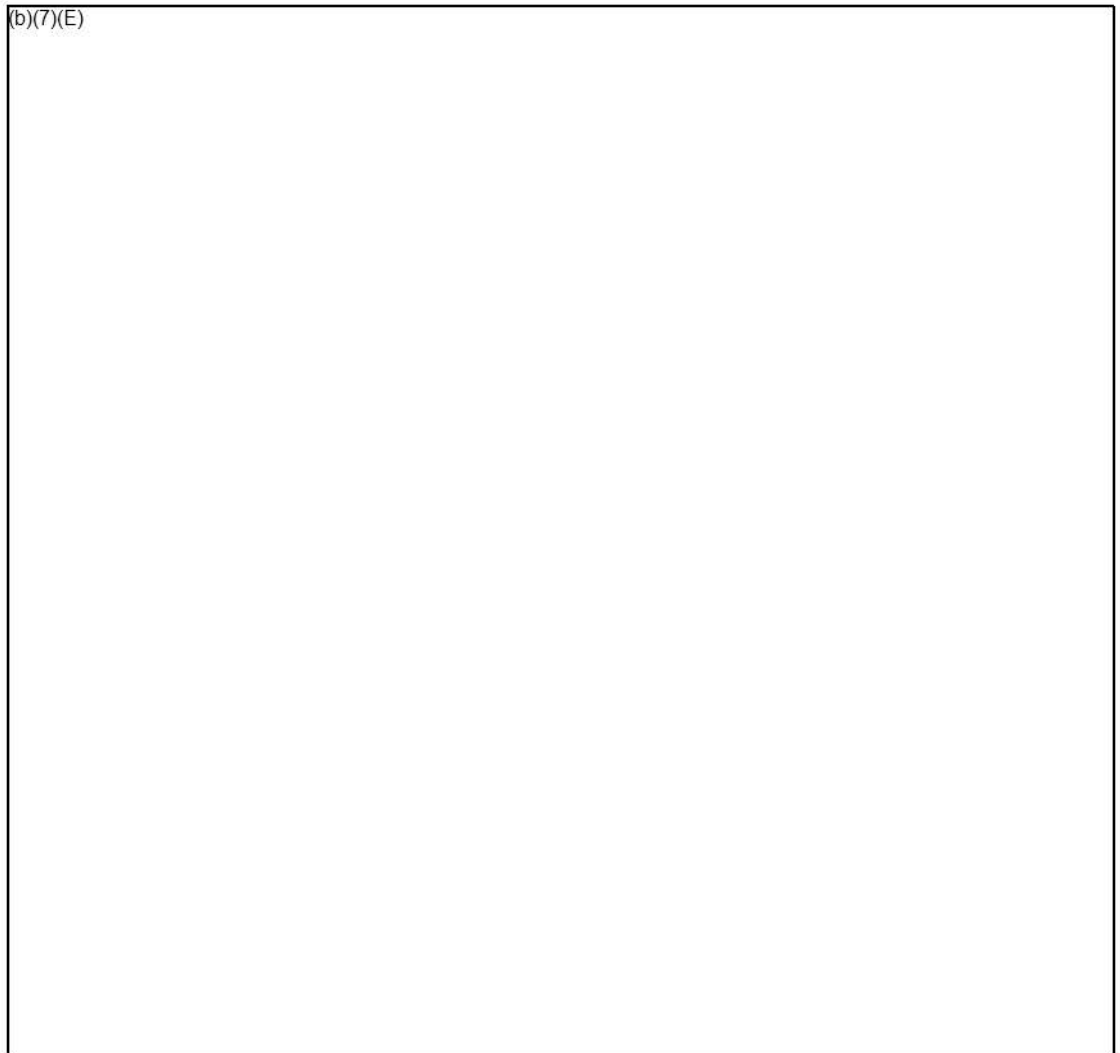
Student Practice – Class Exercise: You should be given an index card, an evidence bag, and a 6051S (or copy thereof). You should process the items of evidence in accordance with the (b)(7)(E) discussed above and exhibited via the demonstration.

h. Types of Evidence

(b)(7)(E)



(b)(7)(E)



(2) Must be entered into SEACATS

- (a) The return of seized documents will be recorded on DHS Form 6051S (and DHS Form 6051A, if needed).
- (b) Upon completion of all judicial proceedings, the seized items will be disposed of in accordance with Section 11.9.14 of the SAMEPH

(b)(7)(E)





(b)(7)(E)

Notes:

- 2) Controlled Substances (High Risk)
 - a) Handling of controlled substances as evidence is covered in the Seized Asset Management and Enforcement Procedures Handbook (SAMEPH).
 - (1) Chapter 11 – ICE Related Seizures
 - (2) Chapter 11.9.6 – Controlled Substances
 - b) SAs should take the following into consideration:

(b)(7)(E)



(b)(7)(E)

(3) Damaged Containers:

(b)(7)(E)

(4) (b)(7)(E)



(5) (b)(7)(E)

c) Threshold amounts, representative samples, and retention

(1) 28 CFR 50.21

- (a) Heroin
- (b) Cocaine
- (c) Marijuana

(2) SAMEPH / Policy

(a) Controlled substances (not bulk marijuana)

- i. Policy: Controlled Substances (Non-Marijuana) can be submitted to laboratory in any quantity.
- ii. Thresholds to be retained will be IAW 28 CFR 50.21 and SAMEPH Sec. 11.9.6 and 4.1.18

(b) Bulk marijuana

- i. There are no threshold amounts defined for marijuana in 28 CFR 50,21
- ii. 1 KG "Representative Sample"
- iii. Representative Sample / Exemplar will be used for Testing
- iv. 10 separate 5-gram aggregate samples used for testing and taken from different, random locations within marijuana bulk (should document locations where samples are taken from; i.e. with photograph)



- v. SAMEPH 11.9.6 (that section references 4.1.18)

Notes:

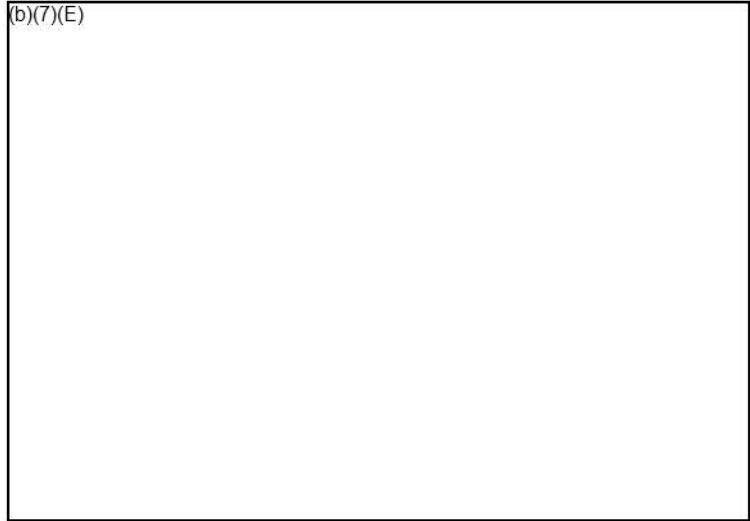
d) Testing

- (1) DEA Laboratory submissions for controlled substances (non-marijuana)

(b)(7)(E)



(b)(7)(E)



- (a) DEA Form 7: A written request for drug analysis to a DEA laboratory and the document upon which the laboratory results are recorded. It also serves as a receipt for the transmission of drug evidence to the laboratory for chain of custody purposes (the only instance when DHS Form 6051S is not used).

i.

(b)(7)(E)



ii.

- (b) In the event that there are multiple seizures of different types of controlled substances, each new type will receive a different exhibit number when recording the exhibits on DEA Form 7. For instance, a seizure of cocaine and marijuana would result in Exhibit 1, cocaine, and Exhibit 2, marijuana.

- i. Upon completing the drug analysis, DEA will furnish a report to the submitting HSI office. The return of the drug evidence to HSI will be documented on a "Receipt for Cash or Other Items" (DEA Form 12). A



copy of DEA Form 12 and a copy of
DEA Form 7 will be attached to DHS
Form 6051S (and DHS Form 6051A,
if needed).

ii.

(b)(7)(E)

(c) Reality

(b)(7)(E)

(3) Testing and DEA Laboratory submissions for bulk
marijuana

- (a) Marijuana evidence is often seized in quantities too large to be collected, handled, and disposed of in the same manner as other controlled substances.
- (b) The procedures for sampling bulk marijuana are as follows:

(b)(7)(E)



(b)(7)(E)

Note:

(b)(7)(E)

(b)(7)(E)

(4)

(b)(7)(E)

Note:

(b)(7)(E)

(b)(7)(E)

(5)

(b)(7)(E)

(6)

(7)

e)

Samples may be provided only to the defense counsel pursuant to a court order, a copy of which must be obtained by the case agent. The defense counsel will acknowledge receipt of any samples by signing the DHS Form 6051S (and DHS Form 6051A, if needed). Samples



will be in the smallest amounts agreed upon by the AUSA and defense counsel. Any independent laboratory that conducts testing for the defense counsel must be licensed by the DEA.

Note: See Section 4.1.18, "Pretrial Destruction of Bulk Drug Evidence," and Section 11.9.6. "Controlled Substances." Of the SAMEPH for specific information about the handling of bulk marijuana evidence.

Notes:

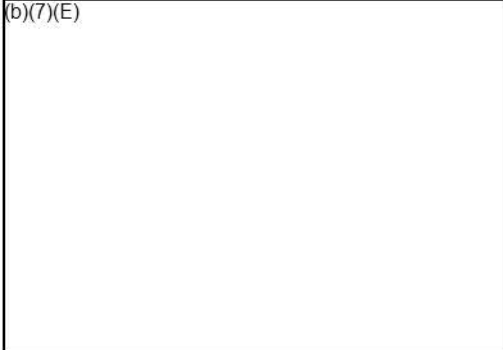
(1) Sealing and Packaging:

(b)(7)(E)

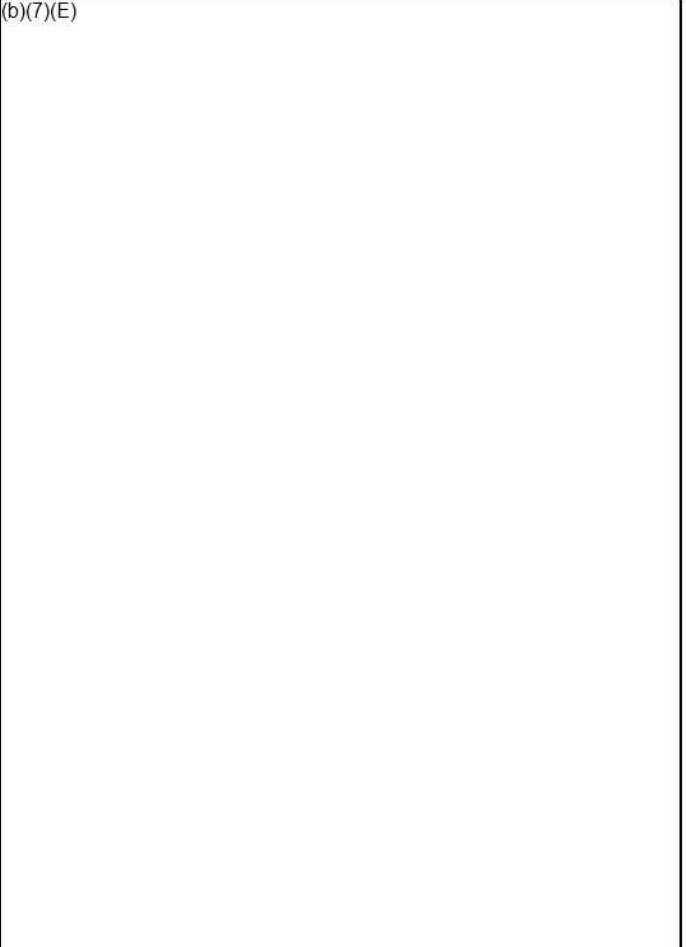
(2) Open and Resealing:



- (a) Under normal circumstances, evidence should be sealed once and submitted to the DEA laboratory. However, when the sealed evidence must be opened, it should be done without destroying the original seal. Upon resealing, the evidence and all parts of the old evidence bag or box should be placed in the new evidence bag, box, or package, and then resealed.

- i.  (b)(7)(E)
- ii.

(3) Mailing and/or Transporting:

- (a)  (b)(7)(E)
- (b)



(b)(7)(E)

iii

iv

v.

Notes:

- 3) Monetary and Negotiable Instruments (High-Risk)
 - a) Monetary and Negotiable Instruments
 - (1) Monetary instruments, as defined in 31 C.F.R. § 103.11(u), include U.S. and foreign currency, traveler's checks, bearer negotiable instruments, bearer investment securities, bearer securities, stock on which the title is passed on delivery, and similar material.



- (2) Negotiable instruments include personal checks, business checks, cashier's checks, third-party checks, promissory notes, and money orders.
- (3) Money is the ONLY "fungible" evidence.

(a) (b)(7)(E)

(b)

b) Collection and Processing

- (1) The seizing officer is responsible for the security of the seized currency and monetary instruments from the time of seizure until transfer to the CBP SPS. SAs are authorized to have temporary custody of seized currency or monetary instruments for examination or for presentation for criminal proceedings with approval from AFU.
- (2) The procedure for handling monetary instruments (excluding currency) is as follows:

(b)(7)(E)

- (3) The procedure for handling currency is as follows:

(b)(7)(E)



- (4) Conduct the inventory immediately, or as soon as reasonably practical, after seizure (responsibility of the seizing officer's supervisor).

(5) Sealing

- (a) (b)(7)(E)
- (b)

Notes:

c) Large Currency Seizures:

- (1) Seized currency collections arrangement for large currency seizures (b)(7)(E) (SAMEPH §4.3.11)

- (a) (b)(7)(E)
- (b)
- (c)



(d) (b)(7)(E)

(e)

(f)

(g)

Notes:

- 4) Weapons and Ammunition (High-Risk)
 - a) Firearms and ammunition should not be considered “contraband.”
 - (1) Can be seized as evidence / fruits / instrumentalities
 - b) SAs can only forfeit firearms and ammunition if the firearms and ammunition are:
 - (1) Used in a violation of federal law (e.g., smuggling, export violations)



- (2) Used in the commission of a crime
- (3) Purchased with criminally derived funds or proceeds
- c) (b)(7)(E) trace for weapons discovered and suspected of being used in criminal law violations but whose ownership / provenance is unknown.
- d) 18 USC §922(g) (5 – possession of a firearm by an alien
- e) Within 30 days of the date of seizure, SAs must notify the FPFO in writing of the intention to administratively forfeit the seized firearm and/or ammunition. SAs should consider forfeiture and grounds at time of seizure.
- (1) The notification may be made by (b)(7)(E)
(b)(7)(E)
- f) **The method of last resort in disposing of firearms/ammunition is abandonment.** SAs will utilize DHS Form 4607 to document an owner's desire to abandon firearms and ammunition.
- g) **Firearms encountered during enforcement actions should be checked** (b)(7)(E)
- h) Weapons seized from individuals who do not legally own them must be stored as non-forfeitable evidence until federal or state prosecution is determined.
- i) Weapons that will not be forfeited and are no longer needed as evidence in a legal proceeding will be returned to their legal owner; their return must be documented on a DHS Form 6051S with a 6051R (Property Receipt).

Note: See Section 4.4.2 of the SAMEPH for further details on forfeiture authority and procedures.

Notes:

5) Fingerprints and Latent (Print) Evidence



a) Fingerprints

(1)

(b)(7)(E)

(2)

(3)

b) **Latent:** Evidence which is not visible to the naked eye

(1) **Latent print evidence**, to include fingerprints, can be found on almost an item depending on several factors including the item's surface texture

(2) Can use certain techniques to detect latency (i.e. oblique lighting with flashlight)

(3) If latent evidence discovered or suspected –

(b)(7)(E)

c) Apply same rules to all visible and latent print evidence (i.e. non-impresion shoe prints)

6) Biological and Trace Evidence

a) Anticipated that based on HSI investigative disciplines that SAs will encounter new types of evidence

b) Biological and trace evidence requires specialized training to examine and store.

c) If anticipated/encountered, HSI SAs should partner with other federal, state, and local agencies who can assist in



the identification, collection, and storage of Bio/Trace evidence.

Note: HSI policy is specific to biological evidence but is silent regarding trace evidence. Because the same principles regarding identification, collection, and storage apply to trace evidence it would appear policy dictates that HSI Special Agents similarly partner with other properly trained and equipped agencies when it comes to trace evidence.

Purpose of partnering with other agencies is to ensure proper collection and preservation of evidence for use as evidence in a prosecution.

- d) Once collected, Bio/Trace evidence must be turned over to another qualified agency for preservation and storage.
- (1) Arrangements should be made for quick transfer to a local/state/federal crime lab for testing (i.e. serology/DNA testing).
 - (2) Policy prohibits seizure of Biological evidence by HSI Special Agents.

Note: Policy also prohibits collection by HSI SAs – does not prohibit HSI SAs from assisting personnel from another other qualified law enforcement agency recovering Biological evidence; there is no prohibition with respect to trace evidence)

- (3) Policy prohibits storage of Biological evidence (DNA/Bodily Fluids) in HSI seized property /evidence room or CBP permanent vault.
- (4) Policy references SAMEPH §5.4.6

Section Reads as follows:
5.4.6 Blood-borne Pathogens

Any items that may contain blood-borne pathogens or bioterrorism agents (e.g., body fluids or parts, brain matter) will not be collected, seized by any case agent, or stored in any temporary or permanent seizure vault. When these items are encountered, the case agent should call a local or State agency with a lab that is equipped to deal with these materials. The local office should be familiar with lab facilities in its area and what they are equipped to handle. The case agent should



receive a lab report for court purposes, but the items will remain in the custody of the lab facility and are not entered into SEACATS.

- (5) Notably, there is no such restriction for other forms of “forensic” evidence i.e. latent, impression, tool marking, ballistic etc. evidence.

- (a) Best Practice (b)(7)(E)
(b)(7)(E)

Notes:

7) Electronic Devices and Digital Media

- a) Rule 41 of the Federal Rules of Criminal Procedure authorizes the seizure of computer hardware that is evidence, an instrumentality, contraband, or the fruit of a crime.

- (1) In this instance, the seizing officer is completely justified in seizing the computer hardware and software and searching it off site.
- (2) In cases where hardware is a storage device for evidence of a crime, Rule 41(b) authorizes the issuance of a seizure warrant to search for and seize the digital evidence contained in the computer.

- (a) Rule 41(e)(2)(B) allows for a general procedure to seize digital and electronic storage media, remove it from the scene, and process at another location to facilitate review of the electronic contents contained therein.



- (b) This facilitates a thorough search for the digital evidence in a controlled environment.
- (3) Common Practice in Most Districts for Rule 41 Warrants are Attachments Cs.
 - (a) Dictate how long the USG has to process the actual seized digital and electronic storage media.
 - (b) Dictate how long the USG has to review the electronic information recovered from the seized digital and electronic storage media.
 - (c) Return the actual digital and electronic storage media if there is no contraband or other facts suggesting that the physical media itself is evidence/fruit/instrumentality.
 - (d) Review the processed electronic data from the devices. If evidence is found, the HSI Special Agent will seize the forensic image and document on a 6051S (will be considered Government Generated Evidence, stored as such, and not inputted into SEACATS).

(4) Basic Rules for handling DSM/ESM as evidence:

- (a) (b)(7)(E)
- (b)
- (c)
- (d)
- (e)
- (f)



(g)

(b)(7)(E)



- b) It is strongly recommended that, before seizing any electronic device or digital media, the seizing officer consult with an HSI Computer Forensic Agent. The seizing officer should refrain from removing components from computer systems. Removal of the components may impede or prevent the recovery of valuable digital evidence contained within the storage devices.

Notes:



- i. Special Classifications of Property and Evidence
- 1) Purchased Evidence (POE)
- a) Evidence that has been purchased by the U.S. Government in furtherance of an investigation does not need to be forfeited. This is because title to the purchased evidence transfers to the U.S. Government with payment.
- b) The person or entity from whom the evidence was acquired no longer has any standing with regard to title or ownership; therefore, it is not subject to seizure or forfeiture and need not be entered into SEACATS.
- c) Controlled Substances: Schedule I and II controlled substances are the only POE items that must be entered into SEACATS upon purchase. These items are to be



turned over to the CBP SPS for secure storage and final disposition.

- (1) (b)(7)(E)
- (2)

d) Firearms: Within 72 hours of the purchase of a firearm, suppressor, destruction device, electrical muscular disruption device, or other lethal weapon, the Responsible Official, as defined by the Interim ICE Use of Force Policy, dated July 7, 2004, or as updated or superseded, must submit a memorandum to the Assistant Director, Office of Firearms and Tactical Programs (OFTP), certifying the acquisition and possession of the item(s).

- (1) The memorandum must include the following information:

- (a) (b)(7)(E)
- (b)
- (c)
- (d)
- (e)
- (f)

- (2) Within 72 hours of the purchase, the firearms must be shipped to (b)(7)(E) (b)(7)(E) (b)(7)(E) (b)(7)(E) unless there is an immediate investigative or evidentiary need.

- (a) (b)(7)(E)
- (b)



(b)(7)(E)

2) Government-Generated Evidence

a) Includes, but is not limited to, trash or items obtained from garbage made available for pick-up, records received from the service of administrative subpoenas and summonses, electronic evidence "carved out" from a seized computer or other electronic devices, mirrored hard drives and/or computer-related media, surveillance photographs, consensually monitored electronic recordings, emails or electronic data received from Internet Service Providers (ISPs), or other third parties acquired through a federal search warrant or other legal process, POEs (except schedule I and II controlled substances), etc.

- (1) This type of evidence should not be entered on a SEACATS SAS report for accountability purposes.
- (2) Includes evidence obtained pursuant to Electronic Communications Privacy Act (ECPA) search warrants and orders
- (2) Evidentiary material(s) of this type must be recorded on DHS Form 6051S (and DHS Form 6051A, if needed), and stored in the HSI seized property/evidence room.
- (3) These items must be segregated from the storage of seized property.
- (4) The SAC has the discretion of allowing storage of electronic surveillance evidence to be maintained by the designate Technical Enforcement Officer.
- (5) SAs will document electronic evidence obtained from ISPs or forensic images of electronic media subsequent to a search warrant using an ROI type code "6" (Search Warrant executed on ISP/Digital/Electronic Media).

b) Evidence gathered during an investigation may be electronic surveillance evidence obtained from officers, witnesses, or suspects through consensual and non-consensual recordings.

- (1) An identification label including (b)(7)(E)
(b)(7)(E)
- (2) General rules regarding evidence collection, packaging, documenting, preservation, chain of



custody and storage should be applied to Government Generated Evidence

(a) (b)(7)(E)

(3) Best Evidence Rule

- (a) Original electronic media such as compact disks (CDs), flash drives, digital recorders, smartphones, tablets, and computers should not be erased, recorded over, or discarded.
- (b) Original notes, media, and transcripts (regardless of form) must be preserved for possible presentation in court. Original recorded media must be documented on DHS Form 6051S (and DHS Form 6051A, if needed) for tracking and secure storage.

- i. Original notes should be preserved (b)(7)(E) by the case agent.
- ii. Participating Agents' original notes (b)(7)(E) safekeeping but PAs should keep a copy of their notes from reference purposes.
- iii. Original notes should not be placed into evidence.
- iv. Transcripts should be considered as notes for this purpose and should similarly be preserved as part of the (b)(7)(E)

(4) Malfunctioning media devices must not be discarded. The media should be saved and marked

(b)(7)(E)

(5) Original recordings should be stored with the

(b)(7)(E)

3) Personal Property

- a) Personal effects or items that cannot be described as either fruits or evidence of the crime.



- (1) Discovery of currency on a person or in his or her conveyance at the time of the arrest and/or seizure does not automatically make it subject to seizure and forfeiture, unless circumstantial evidence of proceeds of a crime exist to support the seizure and there is an appropriate forfeiture statute enforced by HSI.
- (2) Other personal effects such as watches, wallets, costume jewelry, and other miscellaneous items bearing no nexus to criminal activity or proceeds of a crime may not be indiscriminately seized. Reasonable and prudent efforts should be taken at the earliest possible opportunity to transfer the personal effects to an authorized representative of the arrestee/detainee.

b) Guidelines:

- (1) At the time of seizure or arrest, a 100 percent inventory shall be taken of all personal effects of the arrested individual. An inventory must also be taken if the personal items are commingled with other seized evidence.
- (2) HSI supervisors will ensure, whenever it is safe and practical, that the seizing/arresting officer complete the personal effects inventory, with a second law enforcement officer present, in the presence of the violator.
- (3) In situations where officer safety is imperiled, a personal effects inventory in the presence of the violator may be waived; however, this action should be reported to the SA's first-line supervisor at the earliest possible time and documented in the case file.
- (4) A DHS Form 6051S (and DHS Form 6051A, if needed) must be used to document the inventory of the personal effects taken from the violator.
- (5) If the arrestee/violator is transferred to Enforcement and Removal Operations for removal proceedings, the personal effects/property will accompany the violator.
 - (a) If the violator voluntarily abandons the property, a "Notice of Abandonment and Assent to Forfeiture of Prohibited or Seized Merchandise" (DHS Form 4607) will be completed by the seizing/arresting officer, witnessed by another officer, and signed by the violator.



- (6) When personal effects are released to a violator, the violator's authorized agent, or any other agency, person, or entity, the individual who is receiving the personal effects must sign DHS Form 6051S (and DHS Form 6051A, if needed), showing acceptance of the items.
- (7) Abandoned and unclaimed seized items that are neither evidentiary nor needed as evidence must be disposed of in accordance with ICE Personal Property Operations Handbook, dated April 8, 2013, or as updated, and Section 11.9.14 of the SAMEPH.

Notes:

- 4) Abandoned Property
 - a) Abandoned property is property for which the owner has relinquished his ownership interest.
 - b) Actual Declared Abandonment
 - (1) Document on DHS Form 4607 – Notice of Abandonment and Assent to Forfeiture of Prohibited or Seized Merchandise
 - (2) Signed by the property's owner
 - (a) Can be the Violator but not always
 - (3) Abandoned Property Documented and seized on a 6051S
 - c) Constructive Abandonment
 - (1) Property located in a condition that suggests it has been abandoned (i.e. trash items)
 - (2) "Trash Run" Items – document on 6051S



- (a) Not entered into SEACATS
- (b) Considered by agency a form of government generated EVD
- (c) Stored like government generated EVD

Notes:

- j. Packaging and Sealing of Evidence
 - 1) General requirements
 - a) DO NOT comingle evidence

(b)(7)(E)

Note: Additional information on labeling requirements can be found in Section 2.8.16-17 of the SAMEPH.

- b) Sealing considerations



(b)(7)(E)

- (3) Unsealing evidence
 - (a) If unsealing evidence bag, preserve original evidence bag and include in new evidence bag along with evidentiary items themselves.
- c) Multiple evidence containers
 - (1) When more than one container is used to seal a single line item, the containers must be numbered (b)(7)(E) and a copy of the completed DHS Form 6051S (and DHS Form 6051A, if needed) must be placed on the first container only.
- d) Flammable, volatile, or potentially toxic evidence
 - (1) Identify all dangerous evidence (flammable, volatile, or toxic) on the exterior of the evidence packaging.



(b)(7)(E)

- e) Evidence delivered or redelivered to the HSI/CBP SPS or appropriate national contractor must be properly sealed in approved evidence bags or boxes. Seizure bags that have been opened or damaged must be resealed in new seizure bags. SAs must maintain and place the old bag into the new bag for evidentiary and court purposes and annotate the new bag number on the DHS Form 6051S.

(1) (b)(7)(E)

2) Types of acceptable evidence containers

(b)(7)(E)

k. Handling and documenting evidence

1) Use protection when collecting evidence

a) Gloves

(b)(7)(E)

b) Eye protection



- (1) Protection when dealing with controlled substances
 - c) Mask
 - (1) Protection when dealing with controlled substances especially highly toxic narcotics (i.e. Fentanyl)
 - d) Tyvek suit
 - (1) When needed to appropriately collect, handle, and preserve biological and trace evidence
 - 2) Mark evidence packaging or containers
 - 3) Different types of evidence can necessitate different containers
 - a) Porous vs. Non-porous
 - 4) Complete evidence log with appropriate notations for each item of evidence
 - 5) Avoid excessive handling of evidence after recovery
 - a) SAs should minimize the number of law enforcement officers having custody of the evidence
 - 6) Seal all evidence containers at the crime scene
 - a) Can be dependent based upon what the item is and review issues
 - 7) (b)(7)(E)
 - 8) Constantly check paperwork, packaging notations and other pertinent recordings of information for possible errors which may cause confusion or problems at a later time.
- I. Provide collected evidence to Evidence Custodian
- 1) Evidence Custodian manages seized property/evidence rooms.
 - 2) (b)(7)(E)
- m Prepare DHS Form 6051S (an DHS Form 6051A, if needed)
- 1) Discuss completing a 6051S
 - a) Focus on the entry of evidence in the line item area
 - (1) Packaging/Numbers/Type
 - (2) Can use more than one line for description



- (3) Description should match Finder's notation and evidence bag/container
- (4) Discuss when to assign the items

(b)(7)(E)

- (5) The line item numbers and property descriptions on the DHS Form(s) 6051 must accurately reflect the line numbers documented on the SEACATS SAS report.
- (6) Separate DHS Forms 6051S must be completed for property line items that have different category type codes and property type codes; for example:

(a) (b)(7)(E)

(b)

(c)

(d)

- (7) Separate DHS Form 6051S must be utilized for all seized property items that will follow different custody routes and different storage locations.

(a) (b)(7)(E)

(b)

- (8) Forfeitable and non-forfeitable evidence must be listed on separate DHS Forms 6051S.
- (9) Discuss "splitting" 6051s and how to do so.
 - (a) Required when custody route for a particular item of evidence diverges from other items originally listed on the same 6051. Need to track the divergent evidentiary item on a new 6051S, annotate new 6051 number in the chain of custody section of old 6051S, in the remarks section



of the new 6051S, and attach a copy of the new 6051S to the old 6051S.

- (10) Discuss use and importance of the "Remarks" Section of the 6051
- (11) Evidence Specific Issues

(b)(7)(E)

(a)

(b)

(c)

Notes:

b) Chain of Custody

- (1) The original DHS Form 6051S (and DHS Form 6051A, if needed) must remain with the evidence as the evidence moves from one person to another, into or out of the seized property/evidence room, etc. One copy will be maintained in (b)(7)(E)

(b)(7)(E)

- (2) Exception: The original DHS Form(s) 6051 must not remain with the evidence when "suspected controlled substances" are sent to the DEA laboratory for analysis, or to any other entity outside of HSI or CBP. DHS Form 6051S (and DHS Form 6051A, if needed) will again be used for



documenting the chain of custody when the narcotics are later retrieved from the DEA laboratory. DEA Form 7 is used to document the request for drug analysis and DEA laboratory results.

- (3) Original DHS Form 6051S must accompany the seized property/evidence to the specific storage location(s) or property custodian.
- (4) Every time property is released or transferred from one individual to another (upon every change in custody), the receiving officer must take custody of the property by signing the DHS Form 6051S (and DHS Form 6051A, if needed).
- (5) If the releasing officer is not the last individual to sign the chain of custody, he or she must sign the DHS Form 6051S (and DHS Form 6051A, if needed) prior to release and transfer to the person receiving the property.
- (6)
- (7) When completing a DHS Form 6051S for evidentiary items such as government-generated evidence, must not be included at the top of the form(s) because these items are not entered into SEACATS.
 - (a) There will not be incident or FP&F case numbers generated for these items.
 - (b) Annotate on all 6051s for government generated evidence, POE (non-controlled substances), and the like "NOT IN SEACATS."
- (8) Seizing SAs may use a separate original DHS Form 6051S for each line item so that the chain of custody for each item is easier to determine and more accessible.
 - (a) When using this method Special Agents need to ensure the same line item number for a specific event is not utilized more than once.
 - (b) DHS Form 6051S must be attached to each individual package using a sleeve or press-on envelope.
 - (c) SAs must not attach the DHS Form 6051 by taping, stapling, rubber bands, heat seals,



etc. (b)(7)(E)
(b)(7)(E)

Notes:

4. Post-Search Activities and Wrapping Up Search Warrant
 - a. Recover and account for search equipment
 - b. Remove room labels
 - c. Leave copy of warrant and inventory
 - 1) Once completed, leave copy of warrant and inventory of seized property with the owner or occupier of the premises.
 - a) If no one is available to accept copies of search warrant and inventory/receipt of items taken, take a photograph of these items where they are left in the crime scene.
 - b) SAs do not need to show a copy of the warrant to the occupants of the premises prior to or during the execution of the search warrant.
 - c) If owner or occupier of premises is not present or is arrested during the execution of the search warrant, take steps to secure premises before leaving, especially if the execution of the warrant required a forced entry.
 - 2) Return the search warrant and inventory of seized property
 - a) Usually the issuing magistrate – warrant designates the specific judge or magistrate.
 - b) SAs should return the search warrant as soon as possible.
 - 3) Case agent or team leader documents the warrant in a detailed Report of Investigation (ROI).
 - 4) Evidence and contraband seized during the execution of the search warrant handled in accordance with the HSI HB 15-05 Evidence Handbook and HSI policies on evidence.
 - d. Account for all personnel



e. (b)(7)(E)
f.

1) Safety

a) (b)(7)(E)
b)
c)

g. Take exit photographs

- 1) Exit photographs are used to settle claims of alleged damage caused by search, etc.
- 2) Ensure the photographs depict the entire scene as it appears when all search and collection is complete.

h. Release the scene

- 1) Only person in charge should have the authority to release the scene.
- 2) Once the scene is formally released, reentry may require a warrant.
- 3) Document, at minimum:

a) (b)(7)(E)
b)
c)

Notes:

4) Provide appropriate inventory to person to whom the scene is released in accordance with legal requirements.

i. Evidence Processing Report of Investigation

1) (b)(7)(E)



(b)(7)(E)

- a)
- b)
- c)

- 2) Report should fully identify and itemize all items of evidence which were recovered, their locations, condition, and the finder.
- 3) Document:

- a)
- b)
- c)
- d)
- e)
- f)
- g)

(b)(7)(E)

- 4) Reference the evidence as having been recorded on 6051S, provided line item numbers, and include 6051Ss serial numbers (top right-hand corner)
- 5) Document that all evidence was photographed in place and where the photos will be kept (i.e. the case file).
- 6) Report should identify that the items seized were seized as evidence and what was subsequently done with the items.



- a) Taken to the Lab and turned over to other law enforcement/delivered to CBP SPC and Evidence Vault/or placed in an HSI evidence room
- 7) Need to Fully Identify Persons at location where Evidence Recovered and specifically designating all Law Enforcement Personnel

Notes:

D. EPO 4: Discuss procedures for storing evidence.

- 1. All non-forfeitable evidentiary items must be turned over to the HSI SPS/Evidence Custodian immediately following the seizure of the items.
- 2. Seized property or evidence, including government-generated evidence, will not be permitted to be stored outside of an HSI certified seized property/evidence room (i.e., (b)(7)(E) [redacted])

(b)(7)(E) [redacted]

- a. HSI does not have (b)(7)(E) [redacted]

3. Storage of High-Risk Evidence:

- a. (b)(7)(E) [redacted]
- b. [redacted]
- c. [redacted]

4. Storage of Forfeitable Evidence:

- a. (b)(7)(E) [redacted]
- b. [redacted]



(b)(7)(E)

5. Storage of Non-Forfeitable Evidence:

- a. (b)(7)(E)
- b.
- c.

6. Storage of Government-Generated Evidence:

- a. (b)(7)(E)
- b.
- c.
- d.

7. (b)(7)(E)

8. Storage and Acceptance of Property in HSI Seized Property/Evidence Rooms:

- a. The HSI SPS must sign the original DHS Form 6051S (and DHS Form 6051A, if needed) upon receipt of evidence, release, and disposition if he or she was not the last person to sign the appropriate DHS Form(s) 6051.
- b. The HSI SPS must ensure that all seized property/evidence complies with the packaging, labeling, and storage requirements of the SAMEPH.



Notes:

E. EPO 5: Discuss procedures for disposing of evidence.

All seized property/evidence must be retained until the completion of all trial, appellate, or other judicial proceedings, or if the defendant becomes a fugitive prior to adjudication of the case. Work with AUSA or State/Local Prosecutor to ensure all evidentiary items needed for trial are available.

1. Disposing of Non-Drug Evidence:
 - a. Case agents should return property that is no longer needed as evidence to the owner or his or her designated legal representative within 10 working days.
 - b. Group Supervisor will close cases only after receiving a completed DHS Form 6051 and/or DHS Form 4613, "Order to Destroy and Record of Destruction of Forfeited, Abandoned, or Unclaimed Merchandise."
2. Disposing of Forfeitable Evidence:
 - a. Local FP&F office will process all seized/forfeitable evidence.
 - b. Case agent must keep the AUSA apprised of the changing status of such property.
 - c. Case agents are also responsible for coordinating cases among the AUSA, the local FP&F office, and the Office of the Principal Legal Advisor, particularly when subsequent civil forfeitures of evidence are anticipated.
 - d. The disposition of seized/forfeitable evidence must be approved by the FPFO. Although HSI may store seized/forfeitable items for logistical purposes, only the FPFO can authorize their destruction and/or disposition.
 - e. Once disposition has been issued, the FP&F Paralegal Specialist will issue a DHS Form 7605 and/or DHS Form 4613 to the requesting case agent.
3. Disposing of Non-Forfeitable Evidence:



- a. Case agent is responsible for the disposition of all non-forfeitable seized property/evidence.
- b. Personal property (including non-forfeitable evidence) and/or documentary evidence may be destroyed only when the following conditions are true:
 - 1) All attempts to return the property/evidence to its owner or designated legal representative have failed.
 - 2) All judicial aspects concerning the seized property/evidence have been completed.
 - 3) There are no fugitives remaining in the investigation.
- c. After the above coordination steps have been taken and attempts have been made to return seized evidentiary items to their owners, the case agent and/or HSI SPS/ Evidence Custodian may destroy the property in the presence of two witnesses, preferably the case agent and another SA familiar with the case.
- d. Case agent's first-line supervisor, case agent, and witnesses must sign the DHS Form 4613 in the designated blocks.
- e. The original DHS Form 4613 must be placed in the investigative case file, and copies provided to the HSI/CBP SPS and FP&F.

Note:

(b)(7)(E)

(b)(7)(E)

4. Disposition of Abandoned Property
 - a. This disposal will be in accordance with 41 C.F.R. Part 101-48, "Utilization, Donation, or Disposal of Abandoned and Forfeited Personal Property," and after the following steps have been taken:
 - 1) Attempts have been made to notify the defendants in writing at their last known address (residential and/or place of incarceration) that their personal effects will be destroyed within 30 days if not claimed. These attempts should be completed using return receipt, which will be placed in the investigative case file along with a copy of the written notification.
 - 2) The property has been inventoried on a DHS Form 6051S (and DHS Form 6051A, if needed).
 - 3) The AUSA and the defendant's attorneys have been notified in writing that the property will be destroyed within 30 days if not claimed. These attempts should also be completed using return receipt, which will be placed in the investigative case file along with a copy of the written notification.
 - b. If the case agent is unable to return the evidence to the owner or designated representative, the SAC or designee may order the property destroyed and issue an "Order to Destroy and Record of Destruction of Forfeited, Abandoned, or Unclaimed Merchandise" (DHS Form 4613).



5. Disposition of Purchased Evidence Owned by the Government
 - a. When purchased evidence is no longer needed, purchased items that are not subject to forfeiture should be reported to GSA in accordance with 41 C.F.R. § 102-36, "Disposition of Excess Personal Property."
 - b. Firearms, ammunition, and other related weapons accessories acquired through POE will be properly disposed of through the OFTP AOB. The disposition of firearms is governed by regulations under 41 C.F.R. § 101-42.1102-10 and the Interim ICE Firearms Policy, dated July 7, 2004, or as updated or superseded.

6. Disposition of Government-Generated Evidence (Original Recordings)
 - a. All recordings entered into evidence in a hearing or trial shall not be destroyed except upon an order from the issuing judge.
 - b. When evidence media is destroyed, it shall be rendered unusable and unrecoverable and documented on a DHS Form 4613.
 - 1) Work with CFAs to determine which method to use for rendering media unrecoverable
 - a) Can provide guidance in the destruction of media
 - b) Can conduct a "forensic wipe" of seized/forfeited machines

Note: See Section 17.27 of the Technical Operations Handbook (HSI HB 14-04), dated July 21, 2014, or as updated.

Notes:



Demonstration

(b)(7)(E)

Student Practice

Refer to the Evidence Processing Lab Plan – it will be used as the Student Practice.



CONCLUSION

Summary of Main Ideas

SAs make many decisions concerning searches and seizures in the field and, frequently cannot consult reference materials, policy documents, or seek legal advice from their local Office of the Chief Counsel (OCC) or the appropriate U.S. Attorney's Office (USAO). SAs must also recognize the importance of evidence collection and preservation, storage, and the final disposition of evidence seized in the field as required by policies and procedures.

Integration

In this lesson, students learned the basics of collecting evidence. Students will practice identifying, collecting, and processing evidence in the Evidence Processing lab.

Objectives

After completing this lesson, students are now able to:

- 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 disposing of evidence.

Motivation

Searches and seizures consistent with Fourth Amendment protections are complex subjects for SAs. HSI search and seizure methods conform to constitutional and statutory limitations involving border operations and operations conducted in the interior of the United States. Statutes, regulations, and case law, including Supreme Court decisions, do not address every factual scenario. SAs also know the prosecutorial policies in their particular districts.

SAs make many decisions concerning searches and seizures in the field and, frequently, cannot consult reference materials, policy documents, or seek legal advice from their local Office of the Chief Counsel (OCC) or the appropriate U.S. Attorney's Office (USAO). It is important to understand and apply the principles of search and seizure laws, policies, and procedures. SAs must also recognize that search and seizure law is intricate and continually evolving.

When executing warrants, (b)(7)(E)

(b)(7)(E)



Test or Final Activity

In teams, students will plan and conduct a search for evidence in the Evidence Processing lab. The instructor will evaluate the team's performance based on the detection, collection, and required processing as presented in this lesson. The test for the evidence processing lesson occurs during Practical Exercise 2.