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MEMORANDUM FOR: Assistant Directors
Deputy Assistant Directors
Special Agents in Charge

FROM: Executive Associate Director
Homeland Security Investigations



06/06/2025

SUBJECT: Required Documentation for HSI Seizures

This Homeland Security Investigations (HSI) policy memorandum will detail the circumstances and requirements for HSI personnel to upload required documents to **(b) (7)(E)** and **(b) (7)(E)**

HSI Special Agents (SAs) and Task Force Officers (TFOs) are required to upload Department of Homeland Security (DHS) Form 6051S, Custody Receipt for Seized Property and Evidence (and, if needed, DHS Form **(b) (7)(E)**, Continuation), to the Incident Report when submitting it for approval. The HSI Cyber and Operational Technology, Data Management Review Unit will conduct periodic reviews of Incident Reports to ensure that the data entered in them are supported by the custody documentation attached and submitted with the Incident Reports in **(b) (7)(E)**.

Any appropriate documentation collected or generated by HSI SAs or TFOs that could be used by the U.S. Customs and Border Protection (CBP) Fines Penalties and Forfeiture Officers (FPFOs) to support the CBP paralegal case file and assist the FPFOs in making an affirmative determination on administrative forfeiture must be uploaded to **(b) (7)(E)** within 5 calendar days of the approval of the Incident Report. The documentation must be uploaded to **(b) (7)(E)** within 10 calendar days of approval of the Incident Report. HSI officers should be aware that failure to provide supporting documentation may limit the information the FPFO has available to make the determination on administrative forfeiture. FPFOs are no longer accepting paper documentation delivered to their office either in person or via email. Documentation must be uploaded to **(b) (7)(E)** and **(b) (7)(E)** directly.

The required documentation may include search warrant affidavits, Reports of Investigation (ROIs), and any other documents that support administrative forfeiture. Uploaded written documents must be in PDF format.

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Exceptions to uploading documents to (b) (7)(E) include the work of agency attorneys and HSI investigative work product (excluding ROIs). In addition, court sealed documents are not to be uploaded into (b) (7)(E) until unsealed by the court. HSI officers should not upload emails as supporting documentation and should instead prepare ROIs detailing the circumstances leading to seizure and supporting administrative forfeiture.

HSI first-line supervisors are responsible for ensuring that HSI SAs and TFOs redact any sensitive information that is not necessary for a determination of administrative forfeiture. (b) (7)(E)

HSI SAs must upload Court Preliminary Orders of Forfeiture, Final Orders of Forfeiture, Non-Prosecution Agreements, Plea Agreements, and Settlement Agreements as soon as practical but no more than 5 calendar days from when they are received from the court. Furthermore, SAs should also advise the respective FPFO or CBP paralegal of the updates.

When property is transferred from one HSI officer to another or to CBP (internal transfers - IT), to a laboratory (temporary – TM release), returned/remitted (RE), or turned over to another law enforcement agency (permanent turnovers – TO), the transferring HSI officer must make the necessary updates to (b) (7)(E) within 72 hours of the transfer and upload the documentation to (b) (7)(E) supporting the transfer within five calendar days of the action.

All property in the custody of an HSI Computer Forensics Agent (CFA), physically located in an HSI CFA laboratory must reflect the CFA custodian code in (b) (7)(E). HSI CFAs are required to ensure that they sign and maintain the original DHS Forms (b) (7)(E) and send a copy of the documentation via email to the appropriate HSI SA or TFO. Upon receipt of the custody document, the HSI SA or TFO must update (b) (7)(E) within 72 calendar hours and upload the documentation to (b) (7)(E) within 5 calendar days.

Ultimately, the HSI case agent is responsible for ensuring that all property seized in an investigation reflects the appropriate custodian code and that the most recent documentation showing the current custodian is uploaded to (b) (7)(E).

For seizures of vehicles, vessels, and aircraft, HSI SAs and TFOs are required to upload the necessary seizure documentation into (b) (7)(E) via Manage Property within 5 calendar days of the approval of the Incident Report or within 72 hours of the transfer action or vehicle/vessel/aircraft's inspection. Required documentation includes photographs, inventory, appraisal, pre-seizure summary request approvals (if the value exceeds \$100,000 USD), and inspection forms.

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Evidence Handbook (HSI HB 15-05, dated November 9, 2015), Subsections 5.8 (D&E) are updated to read as follows:

HSI Seized Property Specialists and Primary Evidence Custodians are responsible for:

- A. Ensuring that the original DHS Form^{(b) (7)(E)} (and DHS Form^{(b) (7)(E)}, if needed) accompany the seized property that is transferred to CBP or the general property contractor.
- B. Establishing, maintaining, and updating the seized property case files, and ensuring that the original DHS Form ^{(b) (7)(E)} (and DHS Form ^{(b) (7)(E)} if needed) is stored in the seized property case file for all property located in the Evidence Room. All property located in the HSI Evidence Room is required to have a copy of the custody document affixed to the packaging. Copies must be maintained for items that have been released, remitted, destroyed, and/or turned over to another custodian and/or agency.

Evidence Handbook (HSI HB 15-05, dated November 9, 2015), Section 12.11 is updated to read as follows:

12.11 Seized Property Case Files

HSI Seized Property Specialists and Primary Evidence Custodians are required to keep a non-digital case file for all property held in and transferred through the HSI Evidence Room. The file should be located near, but not inside, the Evidence Room. All copies of DHS custody documents for property must be uploaded to **(b) (7)(E)** via Manage Property.

The seized property case file should contain the original custody document for all property physically located inside the Evidence Room. If property was received and signed for digitally, a copy of the digital document must be printed out and placed in the case file and noted 'Copy, Signed for Digitally.' The digital document is required to be uploaded to **(b) (7)(E)** via Manage Property.

When property is removed from the Evidence Room, a paper copy of the document recording the transfer must be placed in the seized property case file. Documents must be retained for 5 years from the closing of the HSI investigation, at which time the documents can be destroyed.

If property is transferred to other HSI officers or to CBP, the original document transfers with property. If property is transferred out of HSI to non-CBP entities, the original document is retained by HSI. If the property is permanently transferred, the original will be transferred to the HSI case agent. If temporarily released pending a laboratory analysis or forensics, the original will be held by the transferring HSI officer(s).

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All seized property under HSI control must be physically transferred and stored in an HSI Evidence Room at the end of each business day. SAs are prohibited from storing seized property outside of the HSI Evidence Room.

Superseded Documents

- 1) HSI Memorandum, Electronic Case Files & Uploading Documents to the (b) (7)(E), dated September 10, 2021
- 2) HSI Memorandum, Clarification of Customs and Border Protection's Memorandum Regarding "Procedures for Acceptance of Seizure Cases from U.S. Immigration and Customs Enforcement, Homeland Security Investigations and Processing of Fines, Penalties and Forfeitures Cases" (undated)
- 3) Sections 5.8 (D & E), and 12.11 of the Evidence Handbook (HSI HB 15-05), dated November 9, 2015.

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