



Homeland Security Investigations

Evidence Handbook

HSI HB 15-05 / November 9, 2015



U.S. Immigration
and Customs
Enforcement

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

Foreword

The Evidence Handbook provides a uniform source of national policies, procedures, responsibilities, guidelines, and controls to be followed by U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Special Agents and other HSI personnel for the reporting, recordation, custody, handling, transfer, and disposition of seized evidence and/or property. This Handbook contains instructions and guidance to help ensure uniformity and operational consistency among all HSI field offices. Oversight over evidence and seized property within HSI resides with the Unit Chief, Asset Forfeiture Unit.

The Evidence Handbook supersedes U.S. Customs Service (USCS) Office of Investigations Special Agent Handbook Chapter 18 entitled, "Evidence," dated August 11, 1997, and all other issuances on evidence by the former USCS; the former U.S. Immigration and Naturalization Service; the former ICE Offices of Investigations, Intelligence, or International Affairs; or by HSI prior to the date of issuance of this Handbook. (See Appendix A for a more complete list of superseded documents.)

The Evidence Handbook is an internal policy of HSI. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter, nor are any limitations hereby placed on otherwise lawful enforcement prerogatives of ICE. This Handbook is For Official Use Only (FOUO) – Law Enforcement Sensitive. It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with the Department of Homeland Security policy relating to FOUO information and the ICE Directive on Safeguarding Law Enforcement Sensitive Information. This information shall not be distributed beyond the original addressees without prior authorization of the originator. If disclosure of this Handbook or any portion of it is demanded in any judicial or administrative proceeding, the HSI Records and Disclosure Unit, as well as the appropriate ICE Counsel and/or U.S. Attorney, are to be consulted so that appropriate measures can be taken to invoke privileges against disclosure. This Handbook contains information which may be exempt from disclosure to the public under the Freedom of Information Act, Title 5, United States Code, Section 552(b), and protected from disclosure pursuant to the law enforcement privilege. Any further request for disclosure of this Handbook or information contained herein should be referred to the HSI Records and Disclosure Unit.

The HSI Policy Unit is responsible for coordinating the development and issuance of HSI policy. All suggested changes or updates to this Handbook should be submitted to the HSI Policy Unit which will coordinate all needed revisions with the Asset Forfeiture Unit.



Peter T. Edge
Executive Associate Director
Homeland Security Investigations

NOV 09 2015

Date

EVIDENCE HANDBOOK

Table of Contents

Chapter 1. PURPOSE AND SCOPE.....	1
Chapter 2. INTRODUCTION.....	1
Chapter 3. DEFINITIONS	2
• 3.1 Abandonment.....	2
• 3.2 Custodian Codes	2
• 3.3 Detention.....	2
• 3.4 Fines, Penalties, and Forfeiture Case Number	2
• 3.5 Forfeitable Evidence.....	2
• 3.6 Forfeiture.....	3
• 3.7 Government-Generated Evidence.....	3
• 3.8 High-Risk Evidence	3
• 3.9 Incident Number	3
• 3.10 Legal Status Code	3
• 3.11 Non-Forfeitable Evidence.....	4
• 3.12 Physical Status Code.....	4
• 3.13 Purchase of Evidence.....	4
• 3.14 Real Property	4
• 3.15 Search, Arrest, and Seizure Report	4
• 3.16 Seized Asset and Case Tracking System	4
• 3.17 Seizure.....	5
• 3.18 TECS.....	5
Chapter 4. AUTHORITIES/REFERENCES	5
• 4.1 Authorities.....	5
• 4.2 References.....	6
Chapter 5. RESPONSIBILITIES.....	6
• 5.1 Executive Associate Director, Homeland Security Investigations	6
• 5.2 Assistant Director, Investigative Programs.....	7
• 5.3 Deputy Assistant Director, Investigative Services Division.....	7
• 5.4 Unit Chief, Asset Forfeiture Unit.....	7
• 5.5 Special Agents in Charge.....	8
• 5.6 AIRG Group Supervisors.....	8
• 5.7 Seized Property Managers	9
• 5.8 HSI Seized Property Specialists.....	10

• 5.9	Evidence Custodian	12
• 5.10	Group Supervisors	12
• 5.11	Seizing Special Agents	12
• 5.12	Case Agents	13
• 5.13	Special Agents, Seized Property Specialists, and Seized Property Managers.....	13
Chapter 6. CHAIN OF CUSTODY FORMS.....		13
Chapter 7. PRE-SEIZURE PLANNING		14
• 7.1	Asset Identification Removal Groups.....	14
• 7.2	CBP Fines, Penalties and Forfeitures.....	15
• 7.3	National Seized Property Contractors.....	15
• 7.4	Forms and Materials	15
Chapter 8. SEIZURE, COLLECTION, AND IDENTIFICATION PROCEDURES		15
• 8.1	Withholding Notification of Seizure from Owner	15
• 8.2	Photography	16
• 8.3	Fingerprints	16
• 8.4	Laboratory Resources	16
• 8.4.1	HSI Forensic Laboratory.....	16
• 8.4.2	CBP Field Laboratory	17
• 8.4.3	DEA Drug Laboratory	18
• 8.5	Identification of Evidence.....	18
• 8.6	Packaging and Sealing Evidence	18
Chapter 9. CATEGORIES OF EVIDENCE		20
• 9.1	Documentary Evidence.....	20
• 9.2	Narcotics (High-Risk).....	22
• 9.3	Bulk Marijuana	26
• 9.4	Monetary and Negotiable Instruments (High-Risk)	27
• 9.5	Money Judgments	29
• 9.6	Payments in Lieu of Forfeiture	30
• 9.7	Weapons and Ammunition (High-Risk)	30
• 9.7.1	Forfeiture of Firearms and Ammunition.....	30
• 9.7.2	DOJ’s Guide to the Forfeiture of Firearms and Ammunition.....	31
• 9.7.3	Memorandum of Understanding between ICE and the Bureau of Alcohol, Tobacco, Firearms and Explosives	32
• 9.7.4	Tracing Firearms.....	32
• 9.8	Electronic Devices and Digital Media	32
• 9.9	Personal Property	32

• 9.10	Purchases of Evidence	34
• 9.11	Government-Generated Evidence	36
• 9.12	Abandoned Property	37
• 9.13	Deoxyribonucleic Acid (DNA) Evidence	37
Chapter 10. ACCOUNTABILITY/CHAIN OF CUSTODY		38
Chapter 11. SEACATS AND (b) (7)(E) REPORT (RECORDING SEIZURES).....		39
• 11.1	Purchase of Evidence	40
• 11.2	(b) (7)(E)	40
• 11.3	HSI International Operations	40
• 11.4	Timetables for Entering and Approving SEACATS (b) (7)(E) Reports.....	41
• 11.5	Updating SEACATS	41
• 11.6	Reporting and Recording Property Transfers	42
Chapter 12. EVIDENCE STORAGE		44
• 12.1	General	44
• 12.2	Seized Property/Evidence Room	44
• 12.3	Storage of High-Risk Evidence	44
• 12.4	Storage of Forfeitable Evidence.....	44
• 12.5	Storage of Non-Forfeitable Evidence	45
• 12.6	Storage of Government-Generated Evidence	45
• 12.7	Evidence Storage in Non-HSI Facilities	45
• 12.8	Security	46
• 12.9	Storage and Acceptance of Property within HSI Seized Property/ Evidence Rooms	46
• 12.10	Bulk or Overflow Storage.....	47
• 12.11	Seized Property Case Files.....	47
• 12.12	Commingling Property within the Storage Facility	48
Chapter 13. RETENTION AND DISPOSITION OF EVIDENCE		48
• 13.1	Disposition of Non-Drug Evidence	48
• 13.2	Disposition of Abandoned Property.....	50
• 13.3	Updating SEACATS to Reflect Final Disposition	50
• 13.4	Disposition of Purchased Evidence Owned by the Government	51
• 13.5	Disposition of Government Generated Evidence (Original Recordings).....	52
Chapter 14. OVERSIGHT.....		52
• 14.1	Management Oversight.....	52
• 14.2	Unannounced Inspections	52

- 14.3 Inventory53
- 14.4 Seized Property/Evidence Room and Security53
- 14.5 Closeout54
- 14.6 Final Report54
- 14.7 Follow-up.....54

Chapter 15. YEAR-END PROCEDURES55

- 15.1 Unit Chief, Asset Forfeiture Unit.....55
- 15.2 Special Agents in Charge.....55
- 15.3 Seized Property Manager/Seized Property Specialist.....56
- 15.4 Inventory Process.....56
- 15.5 Inventory Date56
- 15.6 SEACATS Requirements.....56
- 15.7 Inventory Count Sheets.....57
- 15.8 Inventory Team.....57
- 15.9 Physical Inventory Procedures.....58
- 15.10 Post-Inventory Procedures59
- 15.11 Certification59
- 15.12 Audit Verification60

APPENDICES

- Appendix A Superseded Documents A-i
- Appendix B Acronyms B-i

EVIDENCE HANDBOOK

Chapter 1. PURPOSE AND SCOPE

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

Chapter 2. INTRODUCTION

Evidence consists of tangible and intangible items that help to prove or disprove the existence of an alleged fact. Evidence can be items that have been seized or collected by HSI SAs, U.S. Customs and Border Protection (CBP) officers, and/or other law enforcement officers during the course of an incident or an ongoing investigation. The nature of the evidence, whether it is forfeitable or not forfeitable, may determine how the evidence is processed and handled. There are strict protocols and procedures for maintaining and using seized items or government-generated evidence during an investigation.

Evidence may be gathered through various investigative techniques, including, but not limited to, seizures incident to arrest, warrants, consent searches, grand jury subpoenas, administrative summons, purchases of evidence (POEs) and purchases of information (POIs), (b) (7)(E)

(b) (7)(E)

Evidence types include, but are not limited to, narcotics and other contraband, currency and monetary instruments, packaging materials and documents, photographs, fingerprints, interview statements, electronic recordings of phone and video intercepts, and digital information such as emails and instant messages.

Ultimately, evidence plays a critical role in advancing criminal investigations and the prosecution of a case during trial.

The policy for handling seized and forfeited property is provided in the CBP Handbook entitled, “Seized Asset Management and Enforcement Procedures Handbook” (SAMEPH) (CBP Handbook (HB) 4400-01B), dated July 2011, or as updated. The Evidence Handbook should be used along with the SAMEPH and other reference materials and authorities in order to ensure the proper handling of specific types of evidence. Under the relevant Shared Services Agreement with CBP, HSI personnel must follow the SAMEPH requirements when: 1) initiating seizures, penalties, fines, or liquidated damages actions; 2) processing and managing cases; and 3) effecting custody, storage, and disposition of seized property. The SAMEPH is intended to aid HSI and CBP personnel in following uniform procedures to enter, track, update, and retrieve information relating to Seized Asset and Case Tracking System (SEACATS) and Search, Arrest and Seizure (b) (7)(E) reports.

Chapter 3. DEFINITIONS

The following definitions are provided for the purposes of this Handbook:

3.1 Abandonment

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.

3.2 Custodian Codes

The custodian code is the three-letter code entered in the “custodian code” field of the SEACATS ^{(b) (7)(E)} report for each and every individual line item seized. This code identifies the entity that has physical custody or storage of the property. Use of the “SAC” code indicates that the property is in the custody and responsibility of HSI. HSI Special Agent in Charge (SAC) office personnel must perform all inventory, SEACATS property maintenance, and accountability activities for their items. (Note: (b) (7)(E)

(b) (7)(E)

3.3 Detention

Detention is delaying or withholding the release of property pending a review for admissibility or proper importation or exportation.

While HSI SAs, as “Customs Officers,” have the authority to detain merchandise, in almost every case it will be CBP officers who effect the detention, as CBP is the agency that is primarily responsible for border inspections and interdictions, and for overseeing all HSI seized property issues.

3.4 Fines, Penalties, and Forfeitures Case Number

The Fines, Penalties, and Forfeitures (FP&F) case number is the 16-digit number generated by SEACATS and is used as the primary means for tracking seized and forfeited property and processing seizure cases. This number includes the fiscal year, the seizing port code, a computer-generated sequence number, and the violator number.

3.5 Forfeitable Evidence

Forfeitable 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 code for Forfeitable Evidence is ^{(b) (7)(E)}.”)

3.6 Forfeiture

Forfeiture is 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.

3.7 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, POE (except schedule I and II narcotics); (b) (7)(E) “carved out” electronic evidence from digital media, such as mirror-imaged computer hard drives, flash drives, and computer discs; surveillance photographs; and documentary and other electronic evidence obtained from the execution of federal search warrants or through the service of subpoenas or summonses at a physical premise or with a third party entity.

3.8 High-Risk Evidence

High-risk evidence is defined as controlled substances, weapons and ammunition, and monetary instruments. (Note: The legal status code utilized when entering a SEACATS (b) (7)(E) report for seized property within this category is (b) (7)(E) (non-evidence forfeitable seized property) or (b) (7)(E) (forfeitable evidence).)

3.9 Incident Number

The Incident Number is the 15-digit alphanumeric number generated by SEACATS for tracking and identifying the type of enforcement action taken. This number includes the fiscal year, the incident type (e.g., seizure and arrest (b) (7)(E)”, seizure only (b) (7)(E)”, arrest only “(b) (7)(E)”, pre-seizure (b) (7)(E)), a computer-generated sequence number, and the violator number.

3.10 Legal Status Code

A legal status (LS) code is the two-letter code entered in the “legal status” field of the SEACATS (b) (7)(E) report for each and every individual line item seized. (Note: (b) (7)(E) (b) (7)(E)

(Note: In the event that the legal status of seized property must be changed from (b) (7)(E) (Non-Forfeitable Evidence) to (b) (7)(E) (Forfeitable Evidence) or (b) (7)(E) (non-evidence forfeitable seized property), the case agent must immediately notify the FP&F Officer (FPFO) (via email or memorandum) so that a timely determination can be made as to the issuance of a seizure notice in accordance with Civil Asset Forfeiture Reform Act (CAFRA) guidelines. The failure to provide notice of seizure in a timely fashion may result in the legal requirement to return the property to the violator. For more information, see Section 8.8.9 of the SAMEPH.)

3.11 Non-Forfeitable Evidence

Non-forfeitable evidence is 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 code for Non-Forfeitable Evidence is (b) (7)(E))

3.12 Physical Status Code

A physical status (PS) code is a two-letter code entered in the “physical status” field of the SEACATS (b) (7)(E) report for each individual line item seized. (Note: (b) (7)(E))
(b) (7)(E)

3.13 Purchase of Evidence

POE is 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 (b) (7)(E) report and turned over to the CBP SPS within established timelines.)

3.14 Real Property

Real property is 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.)

3.15 Search, Arrest, and Seizure Report

The SEACATS (b) (7)(E) report is used to record statistical and enforcement information relating to searches, arrests, and seizures made by HSI SAs and CBP Officers.

3.16 Seized Asset and Case Tracking System

SEACATS is the official system of record for tracking seized and forfeited property from case initiation to final resolution. SEACATS must be employed to record all seizures and forfeitures generated by HSI and CBP. SEACATS produces auditable financial statements for the Treasury Forfeiture Fund (TFF), and meets the requirements for seized and forfeited property, penalties, and liquidated damages.

3.17 Seizure

Seizure is 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.

3.18 TECS

TECS is a system through which Case Management can be accessed. It is used to track information on suspect individuals, businesses, vehicles, aircraft, and vessels. TECS can be used to access the Federal Bureau of Investigation (FBI)'s National Crime Information Center (NCIC) records on wanted persons, stolen vehicles, vessels or firearms, license information, criminal histories, and previous Federal inspections. It allows its users to interface with all 50 states via the National Law Enforcement Telecommunications Systems (NLETS) and NCIC.

Chapter 4. AUTHORITIES/REFERENCES

4.1 Authorities

- A. Civil Asset Forfeiture Reform Act of 2000
- B. Title 18, United States Code (U.S.C.), Section 981, "Civil Forfeiture"
- C. 18 U.S.C. § 982, "Criminal Forfeiture"
- D. 19 U.S.C. § 1589a, "Enforcement authority of customs officers"
- E. 19 U.S.C. § 1595a(a), "Forfeitures and other penalties"
- F. 19 U.S.C. § 1612, "Seizure; summary sale"
- G. 31 U.S.C. § 5317, "Search and Forfeiture of Monetary Instruments"
- H. 31 U.S.C. § 9703, "Department of the Treasury Forfeiture Fund"
- I. Title 31, Code of Federal Regulations (C.F.R.), Section 103.11, "Meaning of Terms"
- J. 41 C.F.R. § 101-42.1102.10, "Firearms"
- K. 41 C.F.R. Part 101-48, "Utilization, Donation, or Disposal of Abandoned and Forfeited Personal Property"
- L. 41 C.F.R. Part 102-36, "Disposition of Excess Personal Property"

- L. 41 C.F.R. Part 101-48, “Utilization, Donation, or Disposal of Abandoned and Forfeited Personal Property”

4.2 References

- A. ICE Directive 10044.1, “Border Searches of Electronic Devices,” dated August 18, 2009, or as updated.
- B. Interim ICE Firearms Policy, dated July 7, 2004, or as updated.
- C. Interim ICE Use of Force Policy, dated July 7, 2004, or as updated.
- D. HSI HB 14-05, Technical Operations Handbook, dated July 21, 2014, or as updated.
- E. HSI HB 12-03, Informants Handbook, dated August 2, 2012, or as updated.
- F. HSI HB 11-01, Computer Forensics Handbook, dated April 27, 2011, or as updated.
- G. HSI HB 10-04, Asset Forfeiture Handbook, dated June 30, 2010, or as updated.
- H. Office of Investigations (OI) HB 08-02, Case Management Handbook, dated February 1, 2008, or as updated.
- I. ICE Personal Property Operations Handbook, dated April 8, 2013, or as updated.
- J. CBP HB 4400-01B, Seized Asset Management and Enforcement Procedures Handbook, dated July 2011, or as updated.
- K. CBP HB 1400-02B, Security Policy and Procedures Handbook, dated August 13, 2009, or as updated.
- L. Department of Justice (DOJ), “A Guide to the Forfeiture of Firearms and Ammunition,” dated April 2006, or as updated.

Chapter 5. RESPONSIBILITIES

5.1 Executive Associate Director, Homeland Security Investigations

The Executive Associate Director of HSI is responsible for the oversight of the provisions of this Handbook.

5.2 Assistant Director, Investigative Programs

The Assistant Director, Investigative Programs, is responsible for overseeing the implementation of the provisions of this Handbook within HSI.

5.3 Deputy Assistant Director, Investigative Services Division

The Deputy Assistant Director (DAD), Investigative Services Division (ISD), is responsible for the implementation of the provisions of this Handbook.

5.4 Unit Chief, Asset Forfeiture Unit

The Unit Chief, Asset Forfeiture Unit (AFU), is responsible for establishing procedures to ensure the implementation of the provisions of this Handbook.

The Unit Chief, AFU, is responsible for:

- A. Processing HSI field office requests regarding SAMEPH waivers for transferring seized property to a secure storage ((b) (7)(E) time frame to transfer high-risk property to the CBP SPS and Alternate Storage Waivers);
- B. Asset forfeiture adoption requests and retention of forfeited property for official use;
- C. Granting extensions for issuance of seizure notices and for certifying requests for court extensions under CAFRA;
- D. Overseeing the Asset Forfeiture Program;
- E. Providing training, support, and guidance regarding asset forfeiture matters to HSI field offices.
- F. Overseeing the administration of the Asset Identification and Removal Groups (AIRGs);
- G. Joint operations with state and local agencies that result in seizures of property/evidence;
- H. Equitable asset sharing with local and international law enforcement; and
- I. Liaison with the Treasury Executive Office for Asset Forfeiture (TEOAF) and CBP FP&F Division (FPFD).

(Note: See Section 15.1 for additional responsibilities.)

5.5 Special Agents in Charge

The SACs are responsible for:

- A. Ensuring proper implementation of, and monitoring compliance with, this Handbook to ensure uniformity of application of its provisions within their areas of responsibility (AORs);
- B. Developing, implementing, and updating any necessary additional port-specific procedures to ensure proper implementation of the provisions of this Handbook with respect to the accountability of the property seized or forms utilized;
- C. Designating and assigning an HSI SPM, SPS, and/or Evidence Custodian and at least one alternate. This will be a collateral duty in most offices. The number of alternate Evidence Custodians must be limited to the minimum number of personnel necessary to complete the job;
- D. The physical security of property seized, or otherwise held by personnel under the SAC's chain of command;
- E. Ensuring effective working relationship with the CBP FPFO and the CBP SPS while ensuring the timely, accurate, and complete input of data into SEACATS, forwarding seizure cases to FP&F, and the timely transfer of seized property to permanent storage; and
- F. Ensuring that at least one unannounced inventory of seized property of an HSI certified seized property/evidence room is conducted on an annual basis. The inventory must include the property assigned to the SAC Office and/or any appropriate subordinate office. The SAC will provide the DAD, ISD, with a copy of the report (b) (7)(E) of completion.

(Note: See Section 15.2 for additional responsibilities.)

5.6 AIRG Group Supervisors

AIRG Group Supervisors are responsible for overseeing the seizure of all real property and business entities because of the complex nature of handling the seizure of real property and business entities. AIRG Group Supervisors will ensure that AIRG personnel support HSI criminal cases in identifying assets and other property for potential seizure and forfeiture and perform pre-seizure analysis on assets to ensure that the property is suitable for seizure and forfeiture, and determine whether it is in the government's interest to do so. (Note: See the Asset Forfeiture Handbook (HSI HB 10-04), dated June 30, 2010, or as updated.)

5.7 Seized Property Managers

SPMs are 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. Designated SPMs are, at a minimum, General Schedule (GS)-1811-14 Group Supervisors stationed in the SAC's AOR who perform this function as a collateral duty.

SPMs are responsible for ensuring that:

- A. HSI personnel acting as SPSs/Evidence Custodians are performing their functions properly;
- B. Physical security requirements are met for all seizures stored in field offices;
- C. 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.);
- D. SEACATS records are properly updated in a timely fashion. Particular attention will be paid to ensure that the proper custodian code is up to date and that the property is correctly classified as either forfeitable or non-forfeitable; and
- E. GS-1811-14 Group Supervisors conduct monthly reviews of HSI seized storage facilities. These reviews are to ensure that:
 - 1) All seized property and evidence are properly labeled with the FP&F and HSI case numbers, line numbers, and property descriptions;
 - 2) All original Department of Homeland Security (DHS) Forms 6051 (see Chapter 6) are located in the master seized property case file and copies of the current forms are attached to the seized property and evidence;
 - 3) The "Seized Property/Evidence Logbook" (DHS Form 6025) is properly maintained and that only authorized personnel have been granted access to seized property and evidence;
 - 4) The contents of any open or poorly sealed boxes are immediately reported, and any discrepancies found are immediately reported to the Joint Intake Center (JIC);
 - 5) The biennial self-inspection worksheet that pertains to HSI seized property and evidence is completed, and action to correct deficiencies is taken;
 - 6) The 100 percent annual physical year-end inventory of seized and forfeited property is completed and reconciled;

- 7) HSI personnel interact and communicate with their FP&F counterparts concerning seized property management issues, including the timely administrative forfeiture and disposition of HSI cases; and
- 8) Proper supervision is exercised over the activities of any alternate SPSs selected to carry out any of the above responsibilities.

(Note: See Section 15.3 for additional responsibilities.)

5.8 HSI Seized Property Specialists

SPSs report directly to the SPM and are responsible for ensuring the preservation, safeguarding, and disposition of all seized property/evidence released to their custody. HSI SPSs are responsible for coordinating pre-seizure analysis with the seizing officer, FPFO, CBP SPS, and the real property contractor. HSI SPSs are also responsible for conducting and reviewing SEACATS (b) (7)(E) reports to identify and account for seizure cases initiated (and canceled) within the SAC's AOR.

HSI SPSs are responsible for:

- A. Generating monthly SEACATS timeliness reports and ensuring compliance with "Seizure Case Initiation," including the timely acceptance of seized property into SEACATS;
- B. Assisting the seizing officer, the local CBP FP&F and SPS, and the national property contractors, and providing assistance with pre-seizure analysis, when applicable;
- C. Ensuring 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) are accurate and complete, and that the information mirrors the information on the SEACATS (b) (7)(E) reports and property inventory (i.e., verifying the FP&F/HSI case numbers, line item(s), quantities, descriptions, etc.), and immediately reporting any discrepancies to the SPM and the local FP&F field office;
- D. Ensuring that the original DHS Form 6051S (and DHS Form 6051A, if needed) accompany the seized property to the storage facility and immediately forwarding a copy of the executed DHS Form(s) 6051 and all other case-related documents to the local FP&F office;
- E. Establishing, maintaining, and updating the seized property case files, and ensuring that the original DHS Form 6051S (and DHS Form 6051A, if needed) and a copy of the SEACATS (b) (7)(E) report are stored in the seized property case file, appraisal, etc. Copies of executed source documents (DHS Form(s) 6051, DHS Form 4613 ("Order to Destroy and Record of Destruction of Forfeited, Abandoned, or Unclaimed

Merchandise”), DHS Form 7605 (“Disposition Order”), etc.) must be maintained for items that have been released, remitted, destroyed, and/or turned over to another custodian and/or agency; and copies of the current DHS Form(s) 6051 must be placed on the seized property bags, boxes, and/or container(s);

- F. Ensuring that SEACATS is updated within **(b) (7)(E)** of a seizure, accepting the property in SEACATS, verifying and updating the storage location code, owning port (if applicable), property description/quantity, property category/type code, and LS/PS codes.
- G. Tracking FP&F case numbers to ensure that all seizures have been completed and reported; and
- H. Conducting examination(s) of all seizures and seized property/evidence rooms (SAC, Deputy Special Agent in Charge (DSAC), Assistant Special Agent in Charge (ASAC), Resident Agent in Charge (RAC), Resident Agent (RA), and state and local facilities, if applicable) to:
 - 1) Verify that property is stored securely and appropriately;
 - 2) Verify the condition of seized property and evidence;
 - 3) Verify that SEACATS and the automated inventory coincide;
 - 4) Maintain SAC, DSAC, ASAC, RAC, and RA area seized property/evidence room(s), and oversight of all other storage facilities, including state and local facilities, if applicable;
 - 5) Ensure the timely disposition of seized property and evidence;
 - 6) Prepare and maintain monthly management information report(s) concerning property management and disposition;
 - 7) Properly store and dispose of abandoned personal property;
 - 8) Process disposition order(s) immediately upon receipt from the local FP&F office;
 - 9) Assist in, witness, and/or supervise the destruction of seized property/evidence;
 - 10) Conduct and reconcile the annual physical inventory and any random or quarterly inventories required by the SPM;
 - 11) Coordinate outside appraisals with the CBP Import Specialist when appropriate;

- 12) Conduct Seized Property Program orientation and/or training for HSI personnel, and evaluate the seized property program for improvements when directed by the SAC;
- 13) Ensure that SEACATS is updated on a timely basis ((b) (7)(E) ██████████) to reflect the current location and status of the physical property;
- 14) Generate and analyze SEACATS reports related to seized property;
- 15) Track and implement all SEACATS system enhancements and property guidance updates issued by the HSI Office of the Chief Information Officer, AFU, and CBP FPDF; and
- 16) Review and examine contractor-held property to ensure proper and timely disposition.

(Note: See Section 15.3 for additional responsibilities.)

5.9 Evidence Custodians

Evidence Custodians are SAs who are designated as the primary or secondary individuals responsible for the management of seized property/evidence rooms and are responsible for performing the same functions as the HSI SPSs.

5.10 Group Supervisors

Group Supervisors are responsible for complying with the provisions of this Handbook and also for ensuring that SAs under their supervision are familiar with, and comply with, them.

Group Supervisors are also responsible for establishing appropriate mechanisms to ensure that data for all cases entered into SEACATS by SAs is complete and accurate and entered into SEACATS on a timely basis. When notified by the FPFO that a case is deficient or defective, Group Supervisors are responsible for taking corrective action and providing appropriate guidance and training to SAs.

In seizure cases, Group Supervisors are responsible for complying with all pertinent time frames for the input, completion, and approval of the SEACATS ((b) (7)(E) ██████████) report. In addition, Group Supervisors are responsible for the oversight of the completion and accuracy of the appropriate DHS Form(s) 6051, the timely transfer of seized property to permanent storage, and forwarding the proper documentation to the FPFO within the prescribed time frames.

5.11 Seizing Special Agents

Seizing SAs are responsible for ensuring the timely and accurate completion of the SEACATS ((b) (7)(E) ██████████) 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 seized property/evidence seized or otherwise obtained in enforcement activities.

5.12 Case Agents

Case agents are responsible for:

- A. Ensuring the accurate inventory, security, storage, and disposition of all seized property/evidence generated throughout the investigation;
- B. Ensuring that all seized property/evidence is disposed of prior to the closure of the investigative case record and file;
- C. Ensuring timely input of complete and accurate data into SEACATS;
- D. Ensuring the completion and accuracy of the appropriate DHS Form(s) 6051;
- E. Transferring seized property/evidence to permanent storage on a timely basis; and
- F. Forwarding cases and proper documentation to the FPFO on a timely basis.

5.13 Special Agents, Seized Property Specialists, and Seized Property Managers

SAs, SPSs, and SPMs are responsible for complying with the provisions of this Handbook.

Chapter 6. CHAIN OF CUSTODY FORMS

The DHS Forms 6051 shall be used to document the seizure of evidence and the chain of custody, as well as the transfer of custody of seized property/evidence.

There are five types of DHS Forms 6051 and they all contain instructions on how to complete them:

- A. DHS Form 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;
- B. DHS Form 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. DHS Form 6051A must accompany and/or be attached to DHS Form 6051S or DHS Form 6051D;

- C. DHS Form 6051R, “Receipt for Property,” is used to document and track the return of property that *is not* identified on the SEACATS (b) (7)(E) report (e.g., non-evidentiary items or personal effects);
- D. DHS Form 6051WT and its attachment ensure that weapons are clearly identified by the FP&F case number, line number, description, and DHS Form 6051S; and
- E. DHS Form 6051D, “Detention Notice and Custody Receipt for Detained Property,” is used to document property pending a review for admissibility or property importation or exportation.

Chapter 7. PRE-SEIZURE PLANNING

Pre-seizure planning consists of anticipating and making intelligent decisions about what type of property to seize, how and when it should be seized, and, most importantly, whether it should be seized.

Things to consider include:

- A. What is being seized? The full scope of the seizure should be considered as much as possible. For example, if a house is being seized, what will happen to the items located outside the house or on the property? If the property is an ongoing business, are the building, the accounts receivable and payable, inventory, etc., also being seized? Ownership interest in all the property to be seized should be identified as fully as possible.
- B. Whether the asset should be seized. If the asset has a negative net equity, should it be seized? Consider if there are law enforcement benefits to be derived from the seizures. Can losses be minimized by careful planning on the part of the participant agencies?
- C. Anticipating management, disposition, or other problems and considering how they will be resolved. Problems or issues involved in the storage/maintenance or disposition of the asset should be considered and solutions of these problems should be in place.

7.1 Asset Identification and Removal Groups

AIRGs help ensure that seizures of assets are conducted effectively and efficiently. AIRGs are comprised of SAs, Asset Forfeiture Specialists, auditors, accountants, and contract analysts who are specifically trained to identify assets of criminal organizations for potential removal and forfeiture. AIRGs perform pre-seizure analysis on potential assets to ensure that they meet the criteria for seizure and/or that they meet a law enforcement need. Case agents should contact

and utilize AIRGs for assistance in identifying assets and evidence, and conduct pre-seizure planning as early as possible in an investigation when seizures are likely to occur.

7.2 CBP Fines, Penalties and Forfeitures

If a large seizure is anticipated, the local CBP FP&F office should be contacted for coordination with the national seized property contractor in advance. Representatives from the local CBP FP&F office and the CBP SPS may be able to be on site to assist with, and/or take custody of, large scale seizures.

7.3 National Seized Property Contractors

The national seized property contractors (general property and real property) perform services in compliance with a statement of work relating to the receipt, custody, secure storage, maintenance, and disposition of property seized by HSI, CBP, and other agency TFF members.

The seized property contractors are available for assistance if it is anticipated that there will be voluminous seizures. Consignments of general property must be initiated through the CBP FP&F/SPS. HSI may not initiate any task orders to the general property contractors or sub-contractors.

7.4 Forms and Materials

All case initiator forms and materials (e.g., chain of custody and case initiator forms, evidence labels, evidence boxes/bags, tape, etc.) shall be ordered directly from the CBP National Distribution Center utilizing CBP Form 3039, "Request for Printed Material Government Agency Use," and/or CBP Form 3039A, "Request for Printed Material Serially Numbered Forms Only."

Chapter 8. SEIZURE, COLLECTION, AND IDENTIFICATION PROCEDURES

8.1 Withholding Notification of Seizure from Owner

Under CAFRA, the U.S. Government has 60 days from the time of seizure to notify the person from whom the property was seized. If the nature of an investigation is such that HSI does not want the parties with an interest in the seized property notified of the seizure, the first-line supervisor of the seizing officer must provide notification to the local FP&F office either by email or official memorandum, or place such comments in the narrative of the SEACATS report (b) (7)(E) following the seizure.

All delays in notification of seizure past the 60-day time limit involve obtaining a CAFRA waiver from the Unit Chief, AFU. (Note: The waiver procedures are specified in Sections 8.8.8 and 11.10.2 of the SAMEPH. For information about the "Customs Carve-Out," refer to Section 8.7.1 of the SAMEPH.) The case agent is responsible for notifying the local FP&F office of all

CAFRA extension requests, including administrative and judicial requests. The case agent is also responsible for providing the local FP&F office with a copy of the respective request.

8.2 Photography

SAs should photograph or video record evidence in its original location, before and after searches pursuant to search warrants, in order to document its original and subsequent condition. Digital photography should be utilized whenever possible. When digital photography is completed, the media must be write-protected to avoid accidental destruction of the photographic images. SAs should include a unit of measure in the photograph, such as a ruler, pencil, etc., to provide a frame of reference to the viewer. SAs should promptly preserve evidence that may require latent fingerprint processing, photograph visible prints immediately, and document the conditions that are present.

8.3 Fingerprints

SAs should examine evidence and surroundings for fingerprints and document conditions of any evidentiary items discovered. Fingerprint evidence should be identified prominently on the storage container/evidence bag.

8.4 Laboratory Resources

SAs have access to the resources and expertise of multiple laboratories. The experts at these facilities are available to advise and assist in the collection and examination of evidence. SAs should acquire a familiarity with the missions and abilities of each laboratory to better make use of their offered support.

8.4.1 HSI Forensic Laboratory

The HSI Forensic Laboratory (HSI-FL) provides a broad range of scientific examination, research, and analysis in support of criminal investigations and other issues important to national security, including document analysis, latent print analysis, operational support, digital multimedia (audio and visual) enhancement, and polygraph examinations.

HSI-FL consists of the following sections:

- A. The Questioned Documents Section conducts examinations across a full range of documents to determine authenticity, authorship, and the presence of alterations to original documents. Examiners also conduct the analysis of handwriting, hand printing, typewriting, printing processes, papers, inks, and stamp impressions, and have the ability to link multiple suspect documents to a common source (counterfeiter) to identify major document vending conspiracies.
- B. The Latent Print Section supports all HSI investigative and enforcement programs by providing the full scope of latent and inked print processing, examination, and

identification services. Fingerprint specialists are able to examine wide varieties of evidence, including drug packaging and paraphernalia, bulk cash wrappings, firearms, ammunition, computers, currency, and compact discs. Latent prints can be queried in various Automated Fingerprint Identification Systems which include, but are not limited to, ICE's Automated Biometric Identification System (IDENT) and the FBI's Next Generation Identification System. As a whole, both systems contain (as of the date of issuance of this Handbook) more than 230 million criminal, civil, and immigration fingerprint records. Both forensic disciplines provide expert witness testimony in judicial proceedings on forensic examinations.

- C. The Digital Multimedia Program provides audio and video enhancements that aid to clear collateral noise and isolate important elements such as voices, faces, license plates, and serial numbers to support investigative leads.
- D. The Polygraph Program conducts polygraph examinations in support of a wide variety of HSI investigations including counterproliferation, human smuggling and trafficking, national security, and narcotics. Polygraph examinations can establish a subject's credibility and identify additional leads, suspects, and assets. Polygraph examinations are also given to foreign law enforcement officers seeking to join HSI vetted law enforcement units.

HSI-FL also manages the Evidence Recovery Team (ERT) training program. ERTs provide HSI SAs and HSI SPSs with specialized evidence collection training in order to provide uniformity and consistency within HSI in recognition of the importance of proper evidence collection in investigations.

SAs must document all seized items that require forensic examination on a SEACATS (b) (7)(E) report, DHS Form 6051S (and DHS Form 6051A, if needed), labeled, and packaged appropriately prior to submission to HSI-FL for forensic services.

(Note: Requests for HSI-FL forensic services should be made using the "Request for Laboratory Examination" (ICE Form 73-003). SAs should visit the HSI-FL site on HSI Net for additional information.)

8.4.2 CBP Field Laboratory

HSI personnel are encouraged to coordinate with the local CBP Laboratories and Scientific Services (LSS) which support CBP and HSI personnel in conducting various field laboratory tests and examinations of seized property/evidence in support of investigations. LSS can also provide the following scientific and technical assistance:

- A. Assistance in examinations;
- B. Specific chemical information;

- C. Material safety data sheet information;
- D. Safety issues;
- E. Technical information;
- F. Manufacture and final use of materials; and
- G. Identification of materials and equipment, packaging, and shipping labels.

Requests to the CBP LSS may be transmitted telephonically.

(Note: To obtain more information with respect to the locations and services offered by CBP LSS, SAs should visit the CBP LSS Intranet site.)

8.4.3 DEA Drug Laboratory

HSI personnel will submit seized controlled substances acquired in the course of an arrest, inspection, or investigation to a DEA Laboratory for analysis. (b) (7)(E)
(b) (7)(E)

8.5 Identification of Evidence

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

Evidence must be marked for identification as soon as possible after it is seized. If feasible, the initials of the seizing and witnessing SAs should be placed directly on the sealed container, along with an inventory number, FP&F case number, HSI case number, line item(s), date, location of discovery, and discovering officer. Otherwise, the above information should be placed on an evidence tag/label and affixed to the evidence.

Evidence containers (e.g., bags and boxes) should have “Evidence Labels” (DHS Form 366A) permanently affixed to them. These labels should be completed in ink and contain the name of the sealing officer, date, FP&F/HSI case number(s), and line item number. If a DHS Form 366A is not available, the sealing officer and the witness must sign and date across the seal with a permanent marker.

8.6 Packaging and Sealing Evidence

A. General

- 1) SEACATS evidence shall not be commingled with other FP&F cases and/or non-SEACATS evidentiary items. Evidence from other FP&F/HSI cases cannot be sealed in the same box, bag, and/or package, and must be sealed separately and in

appropriate containers. Each bag, box, and/or package must be properly documented with the FP&F/HSI case number(s), line item number(s), sub line number(s) (if applicable), and property description(s). (Note: Additional information on labeling requirements can be found in Section 2.8.16-17 of the SAMEPH.)

- 2) Government-generated evidence must be packaged and sealed in approved containers, and evidence from other HSI cases shall not be commingled in the same containers. Each container must be labeled with the HSI case number, line item number(s), and property description(s).
- 3) Copies of DHS Form 6051S (and DHS Form 6051A, if needed) must be attached to each individual package utilizing a sleeve or press-on envelope. SAs must not attach the DHS Form(s) 6051 by taping, stapling, rubber bands, heat seal, etc., as these methods could compromise the seal of the package.

B. Types of acceptable evidence containers

- 1) Agency-approved pre-printed seizure bags and boxes are required.
- 2) Items that cannot be packaged in pre-printed bags or boxes must be shrink-wrapped to prevent tampering.
- 3) If agency-approved pre-printed boxes are not available, the use of boxes other than pre-printed is acceptable; however, these boxes must be of a one-piece construction with no open areas or perforations (e.g., no two-piece lid construction or handles, banker boxes, file room boxes, etc.).
- 4) When more than one container is used to seal a single line item, the containers must be numbered sequentially (e.g., five boxes of documents would be numbered 1/5, 2/5, 3/5, etc.), and a copy of the completed DHS Form 6051S (and DHS Form 6051A, if needed) must be placed on the first container only. To prevent deterioration or dampness, evidence (e.g., clothing or documents) should be allowed to dry before sealing it in airtight containers. If such items must be stored before they are dry, they should be sealed in porous containers (e.g., cardboard boxes). All containers must be secured with evidence tape and an “Evidence Label” (DHS Form 366A).

C. SAs should consider weighing evidence in bulk for large seizures, such as narcotics seizures, due to the prohibitive size and practicality of processing the seizures individually.

D. SAs should identify all flammable, volatile, or potentially toxic evidence on the exterior of the evidence packaging and coordinate with the CBP SPS for safe and secure storage with the National Seized Property Contractor.

- E. SAs should minimize the number of law enforcement officers having custody of the evidence.
- F. SAs should conduct an inventory of the evidence and accurately complete DHS Form(s) 6051. DHS Forms 6051 include instructions for completing it.
- G. 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) Factory-sealed commercial merchandise is exempt from this requirement as long as the factory seal has not been disturbed.
 - 2) Taping or heat-sealing opened and/or damaged bags is not authorized.
- H. Statistical Sampling:
 - 1) Prior to moving or modifying the original condition of the seizure, SAs should contact AFU. AFU will coordinate with CBP FPFD in order to determine what qualifies as a true representative sampling of the seized merchandise (excluding narcotic seizures) and obtain instructions for removing the requisite statistical sampling.
 - 2) In some scenarios, the seizure(s) can be extremely large and require significant storage space to secure the entire seizure throughout the course of the investigation to final adjudication. In these scenarios, the case agent should coordinate with the appropriate Assistant United States Attorney (AUSA) to effect the removal of statistical samples to represent the entire seizure for utilization in court.

Chapter 9. CATEGORIES OF EVIDENCE

9.1 Documentary Evidence

- A. Seized documentary evidence will be entered into SEACATS. These items should be reviewed by the case agent as soon as possible in order to identify seized documents that are not needed and can be returned to the owner. The return of seized documents will be recorded on DHS Form 6051S (and DHS Form 6051A, if needed). Upon completion of all judicial proceedings, the seized items will be disposed of in accordance with Section 11.9.14 of the SAMEPH.

B. Government-generated evidence shall not be entered on a SEACATS ^{(b) (7)(E)} report. When these items are obtained, received, purchased, or otherwise identified, SAs should photocopy the “original.” SAs should then place the “original” into the HSI seized property/evidence room and transfer it on the appropriate DHS Form(s) 6051. Care should be taken not to alter the “original” as that document may be needed in judicial proceedings.

C. Types of Identification Documents.

HSI personnel may encounter various types of travel and identity documents in the field. HSI-FL has categorized documents as follows:

- 1) Genuine Document – A document lawfully issued to a rightful holder by a competent authority;
- 2) Genuine Document Obtained by Fraud – These documents are obtained through:
 - a) Misrepresentation or fraud to a competent authority (e.g., a passport obtained through the presentation of a birth certificate belonging to someone else);
 - b) Unlawful issuance by a competent authority (e.g., compromised issuing official); and/or
 - c) A stolen blank document that is personalized by a forger.
- 3) Genuine Documents Used by an Impostor – These are lost or stolen documents presented by individuals who resemble the actual owner who is described and/or pictured on the valid document.
- 4) Altered Documents – Genuine documents that contain an unauthorized change made subsequent to issuance (e.g., photo substitution, data alteration, or substitution of counterfeit pages).
- 5) Counterfeit Documents – Simulations of genuine documents (e.g., complete reproductions).
- 6) Fictitious Documents – Documents that have not been legitimately issued by the implied authorities. These documents are fictitious instruments that are issued by private organizations or are issued in the names of countries that no longer exist or have changed their names. Others use geographical names not associated with a particular country, political subdivisions that exist within real countries, or names of wholly fictitious countries that have a plausible or familiar ring to their names.

7) Abandoned Documents:

- a) In reviewing documents, SAs must be able to articulate and determine whether the travel or identity document was legally possessed or issued. Processing and disposing of seized or voluntarily abandoned documents will usually be governed by an analysis of the category to which the document belongs and whether the document will be used to further a criminal investigation.
- b) SAs may request assistance from HSI-FL to provide insight into document identification and/or analysis. In instances where SAs determine that a criminal investigation is not warranted, SAs should consider “voluntary abandonment” by the possessor of the documents as an avenue to expedite disposal of the document(s). In choosing “voluntary abandonment,” SAs may convey to the possessor of the document that his or her consent to abandon a document to the government does not admit guilt and its purpose is to expedite and streamline the process of disposal of the document. SAs are encouraged to use the “Notice of Abandonment and Assent to Forfeiture of Prohibited or Seized Merchandise” (DHS Form 4607) in documenting the possessor’s consent to relinquish ownership of the documents(s). Disposal of the documents will be accomplished in accordance with 41 C.F.R. Part 102-36, Disposition of Excess Personal Property; the ICE Personal Property Operations Handbook, dated April 8, 2013, or as updated; and Section 11.9.14 of the SAMEPH.
- c) Travel and identity documents that do not have an investigative or evidentiary value may be transferred to HSI-FL for use as reference and training materials. These documents should be sent to HSI-FL outside of the case submission process. Since HSI-FL may retain or dispose of these documents according to its own operational requirements, SAs should not ship any documents to HSI-FL that may be needed for current investigations.
- d) Abandoned documents which do not have any investigative or evidentiary value must be properly disposed of upon conclusion of the investigation.

9.2 Narcotics (High-Risk)

HSI personnel must adhere to the procedures for processing controlled substance evidence as established in the SAMEPH.

SAs should take into consideration the following:

- A. Field Testing – The following should be adhered to when field-testing suspected drug evidence:

- 1) Wear protective gloves when handling suspected narcotics and test kits;
 - 2) Dispose of used test kits (which are toxic) properly; and
 - 3) Do not taste or smell drug evidence to attempt to identify the substance.
- B. Field tests are used to establish probable cause, but are not conclusive. Therefore, suspected drug evidence should not be disposed of based solely on a negative field test. The following test information must be documented in a Report of Investigation (ROI):
- 1) Date the test was performed;
 - 2) Results (positive, negative, or no result);
 - 3) Brand name and type of test kit utilized;
 - 4) Name of officer performing the field test; and
 - 5) Names of witnessing officers.
- C. Photography – The suspected drug evidence should be photographed in its original location and packaging prior to disassembly and removal, when possible. To depict the method of concealment, photographing the various stages of disassembly and removal from the original packaging (i.e., a false compartment) should be considered.
- D. Damaged Containers – Loose drug evidence from a damaged container should be placed in a substitute container. The damaged container should be placed in a separate sealed container (bag or box) and marked as a sub-exhibit. (For example, cocaine discovered in a damaged vial should be placed in a seizure bag, and the damaged vial should be placed in a separate seizure bag and documented as a sub-exhibit.)
- E. Measuring and Weighing – The gross metric weight of each sealed drug exhibit, substance container, and envelope will be determined and reported in an ROI, on a “Report of Drug Property Collected, Purchased, or Seized” (DEA Form 7), and on a DHS Form 6051S. If the gross weight is less than 1 kilogram, the nearest tenth of a gram should be noted. If the weight is 1 kilogram or more, the nearest gram should be noted.

(Note: Because certain narcotics (e.g., marijuana, cocaine, heroin, etc.) weigh considerably more when damp, they will probably weigh less when retrieved from the CBP SPS for examination or trial purposes. In instances where the contraband is saturated or extremely wet, the seizing officer will annotate that fact on both the DHS

Form 6051S (and DHS Form 6051A, if needed) and the SEACATS (b) (7)(E) report narrative.)

- F. Spillage – Care should be exercised to ensure that the evidence does not become contaminated or lost through spillage. If spillage occurs, the evidence recovered must be submitted as a sub-exhibit. The spillage and recovery efforts should be documented in an ROI.
- G. DEA Laboratory Submissions – HSI personnel are required to submit entire bulk drug evidence seizures of all controlled substances to a DEA laboratory, except marijuana exceeding 10 kilograms. (Note: See Section 9.3.) The DEA laboratory will conduct sampling procedures and will separate the seizure into two portions: 1) the threshold amount that must be retained and stored as evidence, and 2) the remaining bulk amount which may be destroyed prior to trial. Upon completion of the analysis, the DEA laboratory will return the threshold amount and the bulk amount of the drug evidence (packaged separately) to the submitting HSI office for storage.
- H. When drug evidence cannot be submitted to a DEA laboratory immediately after seizure, the evidence must be processed (identified, labeled, and sealed) and transferred to the CBP SPS for secure storage, if practicable. If drug evidence cannot be transferred to the CBP SPS, drug evidence can be stored in an approved HSI seized property/evidence room, pending transfer to the DEA laboratory. If the time for transferring the drug evidence exceeds (b) (7)(E) the Group Supervisor must request a “Temporary Storage Waiver” from AFU within the (b) (7)(E). The storage facilities of DEA or another law enforcement agency may be used if HSI does not have an adequate short-term storage facility available, as long as the facility meets the requirements of the Security Policy and Procedures Handbook (CBP HB 1400-02B), dated August 13, 2009, or as updated, and with the approval of AFU.
- 1) The “Report of Drug Property Collected, Purchased, or Seized” (DEA Form 7) is 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). Drug exhibits should be assigned consecutive numerical designations beginning with “Exhibit #1” on DEA Form 7. The HSI case number should be entered in Field 2a that is labeled “File No.” of the form in the “File Number” box. (Note: No more than two exhibits will be identified on a single DEA Form 7.)

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.

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). The narcotics samples are then transported to the CBP SPS for storage pending trial and/or final disposition. Caution should be taken to ensure that multiple FP&F seizures are not commingled in the same package when samples are returned from DEA.

2) Sealing and Packaging

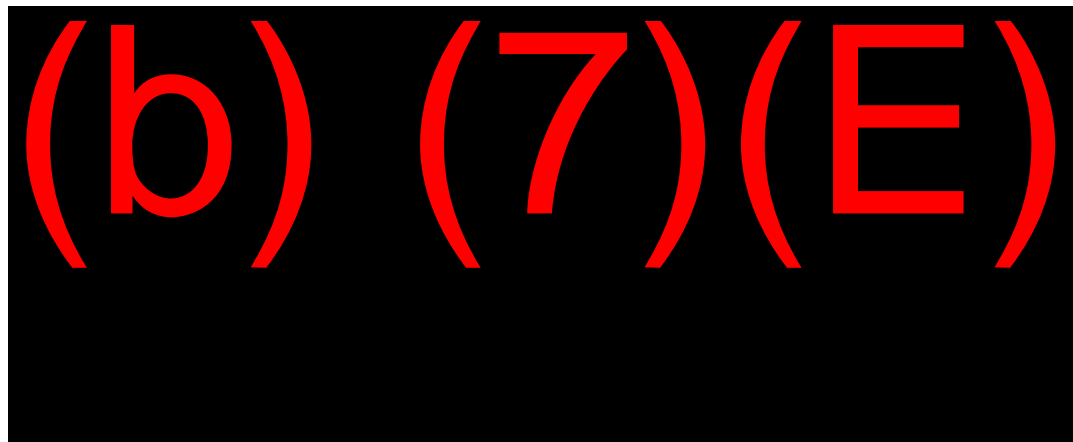
a) Evidence boxes must be of one-piece construction with no openings. The seizure must be completely and securely sealed with plastic tape with an “Evidence Label” (DHS Form 366A). This must be done both lengthwise and widthwise, with the DHS Form 366A affixed at all points where the seams meet. The sealing officer and witness must sign and date each DHS Form 366A. If DHS Form 366A is not available, the sealing officer and witness must sign and date across the seal with a permanent marker.

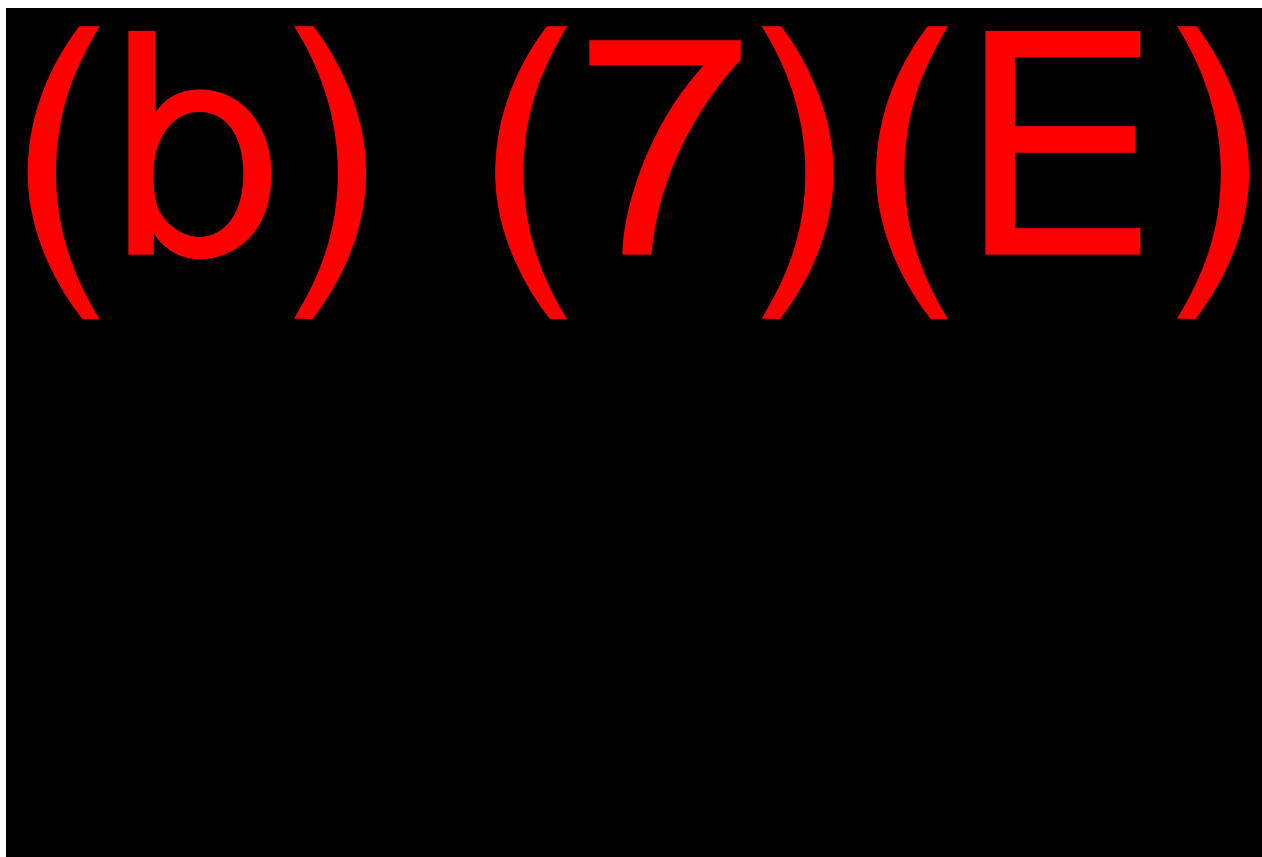
b) Evidence bags must be agency approved and must be sealed appropriately with a DHS Form 366A placed across the seal.

3) Open and Resealing – 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. Evidence should be opened and resealed in the presence of another SA or officer by the SA who initially processed the evidence.

(Note: The following information should be documented in an ROI: date, time, reason for opening, name of the person who opened and resealed the package, and a notation that the contents were unchanged.)

4)





9.3 Bulk Marijuana

Marijuana evidence is often seized in quantities too large to be collected, handled, and disposed of in the same manner as other controlled substances.

A. The procedures for sampling bulk marijuana are as follows:

- 1) Unload, assemble, display, and photograph the marijuana in a manner that clearly shows the samples being removed. The overall marijuana seizure should be identified as Exhibit 1 and documented as a SEACATS line item;
- 2) Remove a 1-kilogram amount (approximately) of marijuana and seal it in an evidence bag or container. This exhibit is identified as “1A” on the DEA Form 7 and a separate SEACATS line item;
- 3) Remove additional 10 samples of approximately 5 grams each from 10 randomly dispersed marijuana packages. Place each sample in a substitute container;
- 4) Mark each of these samples consecutively as sub-exhibits “1B” through “1K.” Each of these 10 samples must be documented as a line item and should be submitted as sub-exhibits to the total exhibit. (Note: Including the first kilogram designated “1A,” there will be a total of 11 items in the representative sample.)

These 10 sub-exhibits should then be sealed in another evidence bag/container, separately from Exhibit “1A”;

- 5) Photograph and/or videotape the bulk exhibit with its sub-exhibits. (Note: Photos should display all marked sampling locations.);
 - 6) Place all sub-exhibit containers (“1B-1K”), along with exhibit “1A,” in one sealed container for submission to the DEA laboratory;
 - 7) The bulk marijuana evidence remaining after sampling will be transferred immediately to the custody of the CBP SPS for storage; and
 - 8) Upon return from the laboratory, the representative sample will be transferred immediately to the CBP SPS until needed for trial or until no longer of evidentiary value.
- B. 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 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.)

9.4 Monetary and Negotiable Instruments (High-Risk)

A. Monetary and Negotiable Instruments

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.

Negotiable instruments include personal checks, business checks, cashier’s checks, third-party checks, promissory notes, and money orders.

B. Collection and Processing

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.

- 1) The procedure for handling monetary instruments (excluding currency) is as follows:
 - a) Photocopy (front and back) regardless of volume;
 - b) Initial and date each photocopy; and
 - c) Immediately notify the issuing financial institution of the seizure (to preclude the violator from claiming that the instruments were lost or stolen).
- 2) The procedure for handling currency is as follows:
 - a) (b) (7)(E)
 - b) Photograph the seized currency in bulk at the seizure location;
 - c) Arrange for a secure location free from nonessential persons for conducting the inventory; and
 - d) Conduct the inventory immediately, or as soon as reasonably practical, after seizure. (Note: This is the responsibility of the seizing officer's supervisor.)

C. Large Currency Seizures

For large currency seizures, arrangement can be made for a one-stop count to be done at a local bank. SAMEPH waivers are not required to use this process; however, the deposit must be completed (b) (7)(E). If the deposit cannot be completed within (b) (7)(E) the Group Supervisor must acquire a temporary storage waiver from AFU.

- 1) The currency should be seized, photographed, and sealed in approved evidence bags and/or boxes;
- 2) The currency is then transported (b) (7)(E). Transfers of currency to banks should be documented, and the seizing SA(s) should be present for the inventory and witness of the count;
- 3) Counterfeit bills must be removed, documented as a separate SEACATS line item, and turned over to the U.S. Secret Service on DHS Form 6051S (and DHS Form 6051A, if needed);
- 4) Any bills requiring chemical or laboratory analysis must be segregated and documented as separate SEACATS line items; and

- 5) Upon completion of the inventory, the bank will retain the currency and issue a cashier's check made payable to "U.S. Customs and Border Protection" for the amount seized.

9.5 Money Judgments

Forfeiture money judgments may be imposed as part of a defendant's sentence under applicable federal forfeiture laws. In some cases, money judgments are imposed by courts requiring the defendant to make recurring payments over a period of time until the money judgment is paid in full. In these instances, FP&F will open a collection case in SEACATS to satisfy the requirements in the court order.

In order to correctly manage forfeiture money judgments made on behalf of HSI, all money judgment cases require immediate coordination with the CBP FP&F Paralegal Specialist. Once a forfeiture money judgment is declared, all payments toward satisfaction of the judgment must be made payable to CBP and recorded by a CBP FP&F Paralegal Specialist under the original FP&F case number corresponding to the money judgment. The Paralegal Specialist will establish a revenue collection case under the original FP&F case number and post the monetary judgment as a Revenue Record in SEACATS.

HSI *is not* authorized to create additional SEACATS (b) (7)(E) reports; however, additional line item numbers will be added to existing FP&F case numbers to document recurring monetary payments for statistical tracking. The creation of multiple (new) SEACATS (b) (7)(E) reports for one forfeiture money judgment skews the fiscal year-end reconciliation between SEACATS, the CBP National Finance Center (NFC), and TEOAF. However, if there is a money judgment payment and there is no corresponding SEACATS (b) (7)(E) report, HSI should create a SEACATS (b) (7)(E) report and add a single property line item for the amount of the payment received from the court.

The following conditions must be applied when entering or adding line item data on the SEACATS (b) (7)(E) report:

- A. The Legal Status Code must = (b) (7)(E) (Seized)
- B. The Category Code must = (b) (7)(E) (Currency/Monetary)
- C. The Property Type Code must = (b) (7)(E) (Checks), (b) (7)(E) (Money Order), etc.

HSI personnel are required to submit a copy of the court order to FP&F which reflects the forfeiture money judgment case(s). In turn, FP&F will provide a copy of the court order to NFC.

With respect to asset sharing, it is important to obligate each recurring monetary payment as it appears on the Detail Collection Report. The HSI SAC will complete a separate asset sharing package, if applicable, for each payment that is posted as a revenue record. HSI personnel can

utilize the Revenue Query Module, (b) (7)(E) in SEACATS to identify all payments posted by the Paralegal Specialist.

9.6 Payments in Lieu of Forfeiture

A payment in lieu of forfeiture may be considered in the resolution of certain cases in which property is subject to forfeiture. In accordance with 31 U.S.C. § 9703, payments in lieu of forfeiture are considered “proceeds from forfeiture” and are deposited into the TFF.

The SEACATS pre-seizure report (Pre-Seizure Analysis (b) (7)(E)/Lis Pendens (b) (7)(E)/Post and Walk (b) (7)(E)) will not be converted to a formal SEACATS (b) (7)(E) report until the criminal or civil forfeiture is effected and a “Final Order of Forfeiture” is signed by the presiding judge, unless HSI gets a payment in lieu of forfeiture of real property.

If a payment in lieu of forfeiture is ordered, the AIRG Group Supervisor must convert the SEACATS pre-seizure report (b) (7)(E) to an (b) (7)(E) SEACATS (b) (7)(E) report. The legal status is updated to (b) (7)(E) and custody and the property line item are transferred to the CBP SPS.

The case agent is required to turn the payment received in lieu of the property over to the CBP SPS and request that the FPFO issue a Release Substitution (b) (7)(E) disposition for the property and deposit disposition of the fund. When the CBP SPS enters and completes the (b) (7)(E) disposition, SEACATS will automatically close the property line item and create a new line number documenting the funds utilizing the next available line number. This procedure establishes the relationship between the money and the property for forfeiture purposes.

(Note: Additional information on processing payments in lieu of forfeitures can be found in Sections 5.8.3 and 11.10.5 of the SAMEPH.)

9.7 Weapons and Ammunition (High-Risk)

SAs may directly investigate violations involving firearms and ammunition smuggling or come across them during an investigative enforcement action. In both instances, the firearms and ammunition may be seized as evidence of a crime and support any prosecution during trial. In general, absent any extenuating circumstances, SAs should not consider firearms and ammunition as “contraband.”

9.7.1 Forfeiture of Firearms and Ammunition

- A. While any seized firearms and ammunition may be used as evidence to support a criminal investigation, SAs can only forfeit firearms and ammunition if the firearms and ammunition are:
 - 1) Used in the commission of a crime or a violation of federal law (e.g., smuggling, export violations); or

- 2) Purchased with illicit funds.
- B. Due to FPFO notification requirements, SAs should take into consideration the forfeiture of the firearms and ammunition at the time of seizure.
- C. (b) (7)(E) SAs must notify the FPFO in writing of the intention to administratively forfeit the seized firearm and/or ammunition. The notification may be made by email, memorandum, or noted in the SEACATS seizure record.
- D. 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.
- E. Weapons seized from individuals who do not legally own them must be stored as non-forfeitable evidence until federal or state prosecution is determined.
- F. 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.

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

9.7.2 DOJ's Guide to the Forfeiture of Firearms and Ammunition

Prior to conducting enforcement actions in which there is some type of nexus to firearms and ammunition, SAs and Group Supervisors should also familiarize themselves with the DOJ Criminal Division's "A Guide to the Forfeiture of Firearms and Ammunition," dated April 2006, or as updated. SAs should consider the procedural concern detailed below, among other factors, when deciding whether to "detain" or "seize" firearms and ammunition:

"Firearms and ammunition are personal property. Personal property seized in connection with violations of federal law, either as evidence of crime or for forfeiture, generally must be returned to the lawful owner if legally feasible when any administrative and judicial proceedings end unless it has been forfeited to the United States pursuant to applicable statutes, rules, and regulations."

"There are exceptions to this. However, Congress prefers, and this guide recommends, forfeiting seized firearms and ammunition through formal administrative and judicial forfeiture proceedings whenever such proceedings are feasible, rather than disposing of seized firearms and ammunition by other less formal means. Forfeiture proceedings protect the due process and property rights of firearms owners and reduce the likelihood of protracted post-disposal litigation."

9.7.3 Memorandum of Understanding between ICE and the Bureau of Alcohol, Tobacco, Firearms and Explosives

The Memorandum of Understanding between ICE and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), dated June 30, 2009, outlines the shared agreement governing the enforcement of domestic and international trafficking of firearms, ammunition, explosives, weapons, and munitions. ATF has primary jurisdiction in the enforcement of 18 U.S.C. §§ 921 - 931, with the exception of 18 U.S.C § 922(g)(5). Despite ATF's primary jurisdiction over these statutes, HSI investigates the export of firearms and ammunition pursuant to its broad export enforcement authority.

9.7.4 Tracing Firearms

ATF's eTRACE, an Internet based firearms tracing application, is the preferred method for tracing firearms. SAs may contact local ATF offices for further assistance if necessary.

(Note: Additional guidance about seizures, forfeitures, and storage of firearms and ammunition are provided in Section 4.4 of the SAMEPH.)

9.8 Electronic Devices and Digital Media

The seizure of electronic devices and digital media can serve multiple roles in an investigation. Electronic devices can store evidence of a crime and also be contraband, evidence, an instrumentality, or the fruit of a crime. 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. In this instance, the seizing officer is completely justified in seizing the computer hardware and software and searching it off site. 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. However, this does not preclude the seizure of the computer to facilitate a thorough search for the digital evidence in a controlled environment.

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.

9.9 Personal Property

A. Overview

Personal property is comprised of personal effects or items that cannot be described as either fruits or evidence of the crime.

A 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. Smaller amounts of currency that would be indicative of personal use funds may not be seized.

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 without having any plan of action that would ensure a proper disposition of personal items. If circumstances are present which create sufficient cause to retain personal effects, these items must be documented on the SEACATS ^{(b) (7)(E)} report as line items (entered with a legal status of ^{(b) (7)(E)}), documented on DHS Form 6051S (and DHS Form 6051A, if needed), and stored within the local HSI seized property/evidence room. 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

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. 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. 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. 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.

In cases where seizures are turned over to another law enforcement agency, the seizing officer will make all reasonable attempts to transfer all seized property and personal effects to the law enforcement agency accepting custody of the arrestee.

If the arrestee/violator is transferred to Enforcement and Removal Operations for removal proceedings, the personal effects/property will accompany the violator. 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.

If release of items cannot be accomplished, HSI shall take custody of the personal effects, document the items on a SEACATS ^{(b) (7)(E)} report, and ensure the accurate inventory, storage, and final disposition of the personal effects.

Whenever non-forfeitable currency is in the possession of the violator who is arrested, the currency may be deposited into the violator's personal "canteen" account at the location to which they are being transferred. In cases where funds cannot accompany the violator, the funds will be inventoried, documented on the SEACATS (b) (7)(E) report, and turned over to the CBP/HSI SPS for secure storage until the funds are released to the owner or his or her representative or are considered abandoned. If officer safety is not compromised, SAs may consider converting the currency, in the presence of the violator, into a money order, payable in the name of the arrestee, so that the money instrument becomes non-negotiable.

If the violator authorizes release of personal effects to another custodian, the "Authorization for Release of Personal Effects, Hold Harmless and Release Agreement," must be completed by the seizing/arresting officer, witnessed by another officer, and signed by the violator.

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.

It is the responsibility of the seizing officer to annotate on the DHS Form 6051S all known addresses of the owner so that a DHS Form 4607 can be issued on a timely basis and to the appropriate recipient.

Abandoned and unclaimed seized items that are neither evidentiary nor needed as evidence must be disposed of in accordance with the ICE Personal Property Operations Handbook, dated April 8, 2013, or as updated, and Section 11.9.14 of the SAMEPH.

9.10 Purchases of Evidence

Evidence that has been purchased by the U.S. Government in furtherance of an investigation does not need to be forfeited. The government already holds legal title to the property by virtue of the purchase. 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.

There are a few circumstances in which it is prudent for the government to "forfeit" purchased property. An example would be authentic intellectual property merchandise of significant value that has been commingled with counterfeit merchandise. Such genuine items can be forfeited and entered into SEACATS. This is the only way that CBP FP&F will know to commence forfeiture. In this example, the legitimate merchandise has been utilized to facilitate the importation of intellectual property merchandise; therefore, it is subject to forfeiture pursuant to 19 U.S.C. § 1595a (a). If HSI does not have a use for the legitimate merchandise, it could be

forfeited so that proceeds may be deposited into the TFF. SAs should not input these items into SEACATS at the beginning of the case on the assumption that one of the conditions listed above will apply at the end of the case.

- A. Narcotics: Schedule I and II narcotics 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. These items are summarily forfeited at the time the government takes possession of them and are considered high-risk evidence. Purchased evidence such as firearms, ammunition, weapon magazines, optics, and other firearm paraphernalia will not be entered into SEACATS.
- B. Firearms: (b) (7)(E) 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). The memorandum must include the following information:
- 1) HSI case number;
 - 2) Detailed description of the property identifying the make, model, serial number, caliber, barrel length, type of item (rifle, shotgun, handgun, launcher, etc.);
 - 3) Cost and date of acquisition;
 - 4) (b) (7)(E)
 - 5) Contact information for the case agent, immediate supervisor, and the Senior Firearm Instructor; and
 - 6) Physical location of the evidence (specific field office).

Within (b) (7)(E) the firearms must be shipped to the OFTP Armory Operations Branch (AOB) to comply with DHS regulations concerning the accountability of sensitive property in the Firearms Armor Credential Tracking System (FACTS) unless there is an immediate investigative or evidentiary need. A field supervisor should contact AOB if field retention is required to support ongoing criminal investigative efforts. In these cases, AOB will assist and/or provide additional guidance as necessary. This process does not impact the way in which legitimately seized firearms are to be processed through existing procedures outlined in the SAMEPH. The National Armory will not take possession or dispose of any firearms, ammunition, and/or weapons accessories for which the agency does not have title or ownership. The execution of a DHS Form 4607 does not automatically transfer title of the item to the government.

The use of property under the control of federal agencies is governed by the Federal Management Regulations, under 41 C.F.R, Chapter 102. The use and disposition of firearms is governed by regulations under 41 C.F.R. § 101-42.1102-10, and by the Interim ICE Firearms Policy, dated July 7, 2004, or as updated or superseded.

- C. Tracking of POE: POEs will be documented in an ROI, utilizing the ROI type code (b) (7)(E) – Purchase of Evidence.” This procedure enhances HSI’s oversight of POEs and ensures that evidence acquired through government purchase is properly disposed of in accordance with General Services Administration (GSA) directives.

POEs must be documented on DHS Form 6051S (and DHS Form 6051A, if needed) and stored in an HSI certified seized property/evidence room under the control of the HSI SPS/Evidence Custodian and must be segregated from SEACATS property and other government-generated evidence.

9.11 Government-Generated Evidence

- A. As stated in Section 3.7, government-generated evidence is comprised of any evidentiary materials that are generated or obtained through various investigative means. This includes, but is not limited to, (b) (7)(E) (b) (7)(E) records received from the service of administrative subpoenas and summonses, electronic evidence “carved out” from a seized computer or other electronic devices, (b) (7)(E) surveillance photographs, (b) (7)(E) 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 narcotics), etc. This type of evidence *shall not* be entered on a SEACATS (b) (7)(E) report for accountability purposes. 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. These items must be segregated from the storage of seized property. The SAC has the discretion of allowing storage of electronic surveillance evidence to be maintained by the designated Technical Enforcement Officer.

SAs shall document electronic evidence obtained from ISPs or forensic images of electronic media subsequent to a search warrant using an ROI type code (b) (7)(E) (Search Warrant executed on ISP/Digital/Electronic Media).

(Note: (b) (7)(E)

- B. A good deal of evidence gathered during an investigation may be electronic surveillance evidence obtained from officers, witnesses, or suspects through consensual and non-consensual recordings.

An identification label including the case number, date and time of the recording, and the name of the case agent should be placed on all electronic media before the recording begins.

Original electronic media such as compact disks (CDs), flash drives, digital recorders, smartphones, tablets, and computers should not be erased, recorded over, or discarded. 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.

Malfunctioning media devices must not be discarded. The media should be saved and marked “Equipment Malfunction” so that the malfunction can be demonstrated if challenged in court.

Original recordings should be stored with the Designated Technical Agent in a secure container or turned over to the HSI SPS/Evidence Custodian.

9.12 Abandoned Property

Abandoned property will be documented on a “Notice of Abandonment and Assent to Forfeiture of Prohibited or Seized Merchandise” (DHS Form 4607) and signed by the owner/importer and the DHS Officer/Agent. If the seized property is abandoned, the original DHS Form 4607 must be included with the documentation supporting the seizure.

When property is abandoned, seizure notice is not issued to the owner or persons of interest. However, abandoned property subject to forfeiture must be forfeited prior to any disposition under 19 U.S.C. § 1612, provided that there is a legal basis for seizure and forfeiture.

9.13 Deoxyribonucleic Acid (DNA) Evidence

HSI SAs in field offices are more readily engaging in the investigation of acts of violence, including assaults and homicides perpetrated by gang members. SAs will therefore encounter new types of evidence that require specialized training and storage of the evidence.

As SAs are not routinely trained in the collection of forensic evidence and storage of forensic evidence related to violent acts (e.g., items laden with DNA/bodily fluids), it is imperative that SAC offices and SAs seek out and partner with other federal, state, and local agencies that have trained personnel who can provide assistance in the identification, collection, and storage of evidence collected at violent crime scenes (e.g., blood splattered or soaked weapons and clothing, ballistic materials, etc.) in order to ensure the preservation and potential use of the evidence against individuals. These items shall not be collected, seized by SAs, or stored in the HSI seized property/evidence room or CBP permanent vault.

(Note: See Section 5.4.6 of the SAMEPH for additional information.)

Chapter 10. ACCOUNTABILITY/CHAIN OF CUSTODY

As stated in Chapter 6, the seizure of evidence and the chain of custody, as well as the transfer of custody of seized property/evidence, are documented using DHS Form 6051S, 6051A, 6051R, 6051WT, or 6051D.

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 the investigative case file and one copy will be provided to the HSI/CBP SPS for inclusion in the seized property case file.

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. (Note: SAs should consult with their local DEA representative to ensure that they are using the latest version of DEA Form 7.)

When a DHS Form 6051S is referenced in an ROI or other reports, its serial number (top right hand corner) should be specified.

Forfeitable and non-forfeitable evidence must be listed on separate DHS Forms 6051S.

A separate DHS Form 6051S must be utilized for all seized property items that will follow different custody routes and different storage locations. A separate DHS Form 6051S must be completed for property line items that have different category type codes and property type codes (i.e., Personal Property – (b) (7)(E), Currency and Monetary Instruments (b) (7)(E), Narcotics – (b) (7)(E), Counterfeit Merchandise – (b) (7)(E), Arms/Munitions/Explosives – (b) (7)(E), and Ammunition (b) (7)(E) even if all the items are being turned over to the same property custodian (i.e., HSI/CBP SPS or the National Property Contractor) due to storage requirements. Different commodities are stored in different locations and the original DHS Form 6051S must accompany the seized property/evidence to the specific storage location(s) or property custodian. When seizing items such as computers or electronic media devices, it is required to use separate line items to delineate each item such as a desktop computer, laptop, external hard drive, usb drive, CDs, digital versatile disks (DVDs), floppy disks, etc.

Non-forfeitable items shall not be listed on the same DHS Form 6051S if they will follow different custody routes. However, if all non-forfeitable items are following the same custody route, for instance if all the items are being turned over to the HSI SPS for storage pending judicial proceedings, they may be listed on the same DHS Form 6051S. However, if the items will follow different custody routes for analysis or final disposition, these items should be

documented on separate DHS Forms 6051S. If the investigating office does not have adequate storage space, the FPFO may provide storage if he or she determines that the CBP storage facility has adequate and appropriate space. Any questions pertaining to the storage of non-forfeitable items should be directed to the local HSI SPM/SPS or AFU.

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). In addition, 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. At least one individual must be able to testify as to the source, validity, and chain of custody of all evidence described on the DHS Form(s) 6051.

The line item numbers and property descriptions on the DHS Form(s) 6051 must accurately reflect the line numbers documented on the SEACATS (b) (7)(E) report. There is the potential for confusion if there are “multiple” DHS Form 6051s identifying different property descriptions all bearing the identification of the same line item number (i.e., line item 1, etc.).

When completing a DHS Form 6051S for evidentiary items such as government-generated evidence, the incident or FP&F case number must not be included at the top of the form(s) because these items are not entered into SEACATS. There will not be incident or FP&F case numbers generated for these items.

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.

Chapter 11. SEACATS AND (b) (7)(E) REPORTS (RECORDING SEIZURES)

Seized property must be recorded on a SEACATS (b) (7)(E) report. Government-generated evidence must not be entered on a SEACATS (b) (7)(E) report. (Note: See Section 9.11) Evidentiary items that are not documented in SEACATS will be documented and tracked on a DHS Form 6051S and properly secured in the HSI seized property/evidence room, segregated from SEACATS evidence.

SAs must obtain an incident number (b) (7)(E) of the incident and complete the SEACATS (b) (7)(E) report (b) (7)(E) of issuance of an incident number. The SAs’ supervisor must approve the (b) (7)(E) report (b) (7)(E) of the initiator completing the report. Items that are seized with the expectation that they will be used as evidence must be documented in the SEACATS (b) (7)(E) report. Seized items of similar nature (e.g., 5 boxes of documents) may be entered as a single line item.

When completing the initial entry of a SEACATS (b) (7)(E) report, the seizing officers must ensure that they accurately report and account for all seized property items. When seized property is packaged for storage in the HSI seized property/evidence room, the packaging information

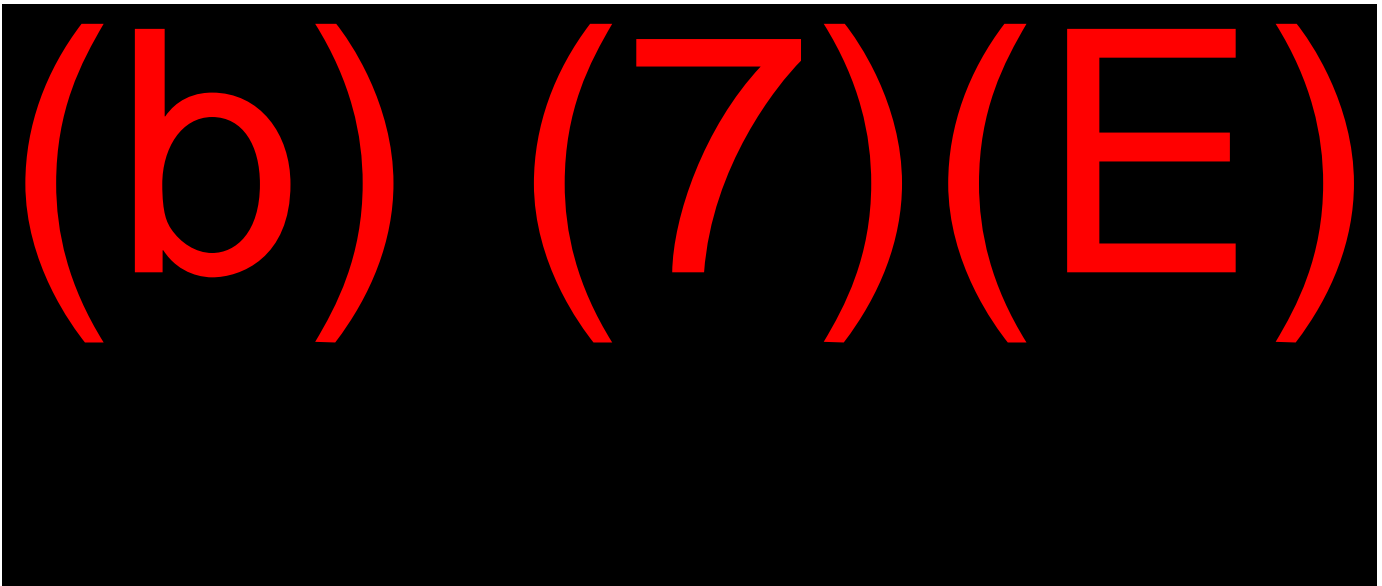
should be included in the SEACATS (b) (7)(E) report. For instance, if 67 pieces of clothing are seized and the quantity is identified as “67 each,” the following line should indicate how they are packaged, “1 box,” “1 bag,” etc. This will streamline the year-end inventory and unannounced seized property inspection processes, as well as providing more accurate accountability of seized property.

HSI does not utilize the “Short Form” SEACATS (b) (7)(E) report. The “Short Form” (b) (7)(E) report is primarily utilized by CBP and designed to expedite the processing of small seizures at airports, ports of entry, and foreign mail facilities.

11.1 Purchase of Evidence

Although POE is generally considered government-generated evidence that should not be entered into SEACATS, Schedule I and II narcotics acquired through a POE are classified as high-risk evidence; they must be documented on a SEACATS (b) (7)(E) report and transferred to the CBP SPS (b) (7)(E) from the date of purchase for secure storage and final disposition.

11.2 (b) (7)(E)



11.3 HSI International Operations

When HSI International Operations Attaché office personnel assist local foreign governments with arrests and/or seizures, HSI personnel supporting the enforcement activities will record all seizures and/or arrests in SEACATS. Attaché office SEACATS (b) (7)(E) reports do not utilize seizing and owning port codes or generate FP&F case numbers. Foreign SEACATS (b) (7)(E) reports will utilize the appropriate incident type (i.e., (b) (7)(E) for the recordation of the enforcement activities in SEACATS. The appropriate legal and physical status codes for (b) (7)(E) and (b) (7)(E) type incidents will reflect an assist (b) (7)(E) to the local government they are assisting.

11.4 Timetables for Entering and Approving SEACATS (b) (7)(E) Reports

Timely SEACATS input is critical. The seizing and/or arresting officer must obtain an incident number (b) (7)(E) of the incident. The SEACATS (b) (7)(E) report must be completed (b) (7)(E) of obtaining the incident number, and the initiating supervisor will approve the SEACATS (b) (7)(E) report (b) (7)(E) of completion.

(Note: Additional information on SEACATS (b) (7)(E) reports is provided under “SEACATS Input,” Section 2.8.6 of the SAMEPH.)

11.5 Updating SEACATS

SEACATS must be updated to reflect the physical, real-time location of any seized property/evidence that is moved from one location to another. This includes instances when seized property is transferred to other agencies, whether permanently or temporarily.

SEACATS must be updated whenever seized property is moved, transferred, returned, destroyed, or otherwise manipulated (b) (7)(E). If the immediate updating of SEACATS cannot be accomplished due to computer problems, the update must be accomplished as soon as possible.

The following SEACATS Property Management Property Maintenance (b) (7)(E) fields are mandatory and must be completed and updated by the HSI SPS/Evidence Custodian every time property is accepted, released, inventoried, or manipulated:

- A. Inventory accepted date (at the time of acceptance, (b) (7)(E) – Quantity Modification);
- B. Last inventory date (at the time of reacceptance; it is updated upon completion of an inventory, including unannounced inspections, and if there is a recount or manipulation of the property) (b) (7)(E) – Quantity Modification);
- C. Inventory QTY (e.g., 1, 67; (b) (7)(E) – Quantity Modification);
- D. Packages (e.g., bg, bx, etc.; (b) (7)(E) – Quantity Modification);
- E. Storage Accepted Date (at the time of acceptance or reacceptance, (b) (7)(E) – Storage Location);
- F. Type of Storage (at the time of acceptance or reacceptance, (b) (7)(E) – Storage Location). The storage location code must accurately reflect where the evidence currently resides. (Note: The Storage Location code of (b) (7)(E) is utilized only for property line items that are in transit between official storage locations. The

storage location code of (b) (7)(E) is a generic storage code and is not an authorized code for HSI.);

- G. Aisle/Row/Shelf (e.g., 2A, B2; at the time of acceptance or reacceptance, (b) (7)(E) (b) (7)(E) – Storage Location); and
- H. TO Custodian (when property is temporarily transferred to another custodian and/or agency; (b) (7)(E) – Line item data). (Note: If property is being transferred to the DEA laboratory for analysis, enter DEA in the “TO Custodian Field” and complete the contact information fields.)

11.6 Reporting and Recording Property Transfers

Property transferred either between HSI offices or to another agency shall be tracked using SEACATS and documented on a DHS Form 6051S (and DHS Form 6051A, if needed).

A. Controlled Deliveries and Owning Port Changes

Seized Property that is transferred between HSI offices will be updated and tracked utilizing the “Controlled Delivery” (b) (7)(E) SEACATS disposition. Despite the name, the (b) (7)(E) disposition is to be used when seized property contained on a SEACATS (b) (7)(E) report is transferred from one HSI office to another. This is a two-step process that requires coordination and cooperation between the sending and receiving HSI offices. The transferring office must enter the (b) (7)(E) disposition via SEACATS (b) (7)(E) (Add-Disposition), and the receiving office must complete and accomplish the (b) (7)(E) via (b) (7)(E) (Accomplish Disposition).

B. Transfers to Another Agency

- 1) Under certain circumstances, seized property may be turned over to another agency for temporary analysis, review, comparison, etc., with the intention that it will be returned to HSI. When seized property is being turned over to another agency on a temporary basis, the SA and/or HSI SPS will update the SEACATS “TO Custodian” code to accurately reflect custody when updating SEACATS, (b) (7)(E) (Line Item Data). The “(b) (7)(E) code of (b) (7)(E) (other) will be utilized only when an appropriate agency code does not exist within SEACATS. The agency custody codes can be located by using the (b) (7)(E) functions (b) (7)(E) when updating SEACATS. The transferring SA will receive the items from the HSI SPS and this transaction will be documented in the evidence logbook. The transferring SA will ensure that the receiving agency representative signs the original DHS Form 6051S upon receipt of the property. When temporarily transferring property to an agency outside of HSI, a copy of the DHS Form 6051S will be provided to the receiving agency and the original DHS Form 6051S (and DHS Form 6051A, if needed) will be placed into the HSI investigative case file until the property is returned to HSI. A copy must also be

provided to the HSI SPS/Evidence Custodian for placement in the seized property case.

The transferring SA must immediately update SEACATS to ensure accurate tracking and accountability of the property. If the immediate updating of SEACATS cannot be accomplished by either the HSI SPS or SA due to computer problems, the update must be accomplished as soon as the computer system allows.

When the property is returned to HSI, the receiving officer will take custody by signing the original DHS Form 6051S (and DHS Form 6051A, if needed) and will immediately transfer the property to the HSI/CBP SPS for storage pending final disposition. SEACATS will be updated by either the SA or SPS to reflect the return of property to HSI and its current SEACATS storage location. If the immediate updating of SEACATS cannot be accomplished due to computer problems, the SA/HSI SPS must perform the update as soon as the computer system allows.

- 2) When seized property is permanently turned over to another agency and there is no expectation that the property will be returned to HSI, the SA will use the most appropriate SEACATS (b) (7)(E) code for the receiving agency when updating SEACATS. For example, if a property is turned over to a state agency, the SEACATS (b) (7)(E) code of (b) (7)(E) (state/local) will be used. The custodian code (b) (7)(E) (other) will be used only when an appropriate agency code does not exist within the SEACATS system. The agency custody codes can be located by utilizing the (b) (7)(E) function (b) (7)(E) when updating SEACATS. This change in disposition must be updated in SEACATS utilizing (b) (7)(E) (adding and accomplishing the disposition) to ensure accurate tracking and accountability of the property. If the immediate updating of SEACATS cannot be accomplished due to computer problems, the SA must perform the update as soon as the computer system allows.

The transferring SA will remove the item(s) to be transferred from the CBP permanent vault and/or HSI seized property/evidence room, sign the original DHS Form 6051, and log the evidence removal as previously specified in Section 11.5(B)(1) above. The transferring SA will ensure that the receiving agency representative signs the original DHS Form 6051S upon permanent receipt of the property. When permanently transferring property to an agency outside of HSI, a copy of the DHS Form 6051S (and DHS Form 6051A, if needed) will be provided to the receiving agency and the original DHS Form(s) 6051 will be returned to the local FP&F office. Copies of the signed DHS Form(s) 6051 will also be placed in the HSI SPS/Evidence Custodian seized property case file and in the HSI investigative case file.

Chapter 12. EVIDENCE STORAGE

12.1 General

All non-forfeitable evidentiary items must be turned over to the HSI SPS/Evidence Custodian immediately following the seizure of the items. 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., within investigative case files, desks, file cabinets, storage rooms, garages, etc.).

12.2 Seized Property/Evidence Room

SACs or their designees are responsible for the secure storage and final disposition of all seized property and evidence. HSI seized property/evidence rooms are classified as temporary storage facilities in the SAMEPH.

The seized property/evidence room for HSI must meet or exceed those specifications provided in the SAMEPH and in the Security Policy and Procedures Handbook (CBP HB 1400-02B), dated August 13, 2009, or as updated.

12.3 Storage of High-Risk Evidence

HSI will not store high-risk evidence in seized property/evidence room (b) (7)(E). High-risk evidence must be turned over to the CBP SPS (b) (7)(E) from the time of seizure.

This policy allows for investigative exceptions such as controlled deliveries, cold convoys, etc.; however, the Group Supervisor must obtain a written waiver from AFU before the expiration of the required time frame. The request must include the justification for delay and the expected date the property will be transferred to the CBP SPS.

The Group Supervisor is required to provide a copy of this waiver to the local FP&F office, in accordance with the guidelines provided in the SAMEPH.

12.4 Storage of Forfeitable Evidence

Forfeitable evidence must be transferred to the CBP SPS by close of business (b) (7)(E) of the date of seizure.

This policy allows for exceptions where investigative activities (e.g., controlled deliveries, forensics analysis, etc.) preclude HSI from complying (b) (7)(E); however, it is the responsibility of the Group Supervisor to obtain a written waiver from AFU before the expiration (b) (7)(E). The request must include the delay and justification as well as the expected date the property will be transferred to the CBP SPS.

The Group Supervisor is required to provide a copy of this waiver to the local FP&F office, in accordance with the SAMEPH guidelines.

12.5 Storage of Non-Forfeitable Evidence

HSI offices are responsible for the secure storage of non-forfeitable evidence. Each office is responsible for maintaining the integrity and accountability of all seized evidence stored in its offices and must conduct periodic inspections and the annual inventory of those items. The HSI SPS/Evidence Custodian will ensure that all persons entering the seized property/evidence room sign and date the “Seized Property/Evidence Logbook” (DHS Form 6025), and indicate the purpose for entering the seized property/evidence room. The HSI SPS/Evidence Custodian will take custody of the evidence by signing the DHS Form 6051S (and DHS Form 6051A, if needed).

Non-forfeitable evidence must be stored by the appropriate HSI office in a certified seized property/evidence room and turned over to the HSI SPS/Evidence Custodian by close of business within (b) (7)(E) the date of seizure. Upon final adjudication by HSI, the property may be returned to the owner or designated legal representative by HSI. The legal status code utilized when completing a SEACATS (b) (7)(E) report for this category of property must be entered and identified as (b) (7)(E) (evidence). (Note: Examples include business records, driver’s licenses, Social Security cards, passports, personal effects/property, etc.)

12.6 Storage of Government-Generated Evidence

All government-generated evidence such as POE should be stored in an HSI certified seized property/evidence room. Grand jury materials may also be stored in the seized property/evidence room or in a separate but secure storage location with only authorized persons having access to the material. If government-generated evidence including grand jury materials is stored in the seized property/evidence room, it must be segregated from any SEACATS evidence. The government-generated evidence must be documented using a DHS Form 6051S (and DHS form 6051A, if needed) in order to ensure chain of custody.

12.7 Evidence Storage in Non-HSI Facilities

HSI personnel assigned to non-HSI offices, such as those assigned to a High Intensity Drug Trafficking Area Task Force or other location, may temporarily store seized property/evidence within that facility only if the physical security of that storage facility meets or exceeds the physical security requirements specified in Section 8.8 of the Security Policy and Procedures Handbook (CBP HB 1400-02B), dated August 13, 2009, or as updated, with an approved Alternate Storage waiver from AFU. If this location will be commonly utilized to store HSI seized property, approval for storage must be approved by the local SPM through AFU in establishing a SEACATS storage location code.

12.8 Security

Access to the seized property/evidence room will be limited to the HSI SPS/Evidence Custodian and/or alternate(s) only. All persons accessing the seized property/evidence room will be documented in the DHS Form 6025 bound sign-in logbook. A log book will be located at the point of entry/exit of the seized property/evidence room and at the entrance/exit of each storage area. All movement of seized property/evidence in and out of the storage area(s) must be recorded in the logbook.



When an HSI SPS/Evidence Custodian with direct access to a seized property/evidence room permanently leaves, the SPM must ensure that all SPS SEACATS functions are removed on a timely basis, all evidence room/safe combinations, keys, and key tumblers are changed, and a 100 percent inventory is conducted within █ days of the change.

The use of “evidence drop-boxes” are not authorized. These types of safes/containers do not meet the physical security requirements of a GSA Class 5 safe. Seized Property and evidentiary items must be physically transferred to the HSI SPS/Evidence Custodian and received on a DHS Form 6051S in accordance with Sections 3.5 - 3.8 of the SAMEPH, or as updated.

All seized property/evidence safes used to temporarily store high-risk property must meet the GSA Class 5 specifications delineated in Section 6.10 of the SAMEPH and Section 10.5 of the Security Policy and Procedures Handbook (CBP HB 1400-02B), dated August 13, 2009, or as updated. All safes must be placed inside the SAC-approved seized property/evidence storage facility.

(Note: See Section 11.9.3 of the SAMEPH and the Security Policy and Procedures Handbook (CBP HB 1400-02B), dated August 13, 2009, or as updated, for additional information on alarm specifications.)

12.9 Storage and Acceptance of Property in HSI Seized Property/Evidence Rooms

The HSI SPS/Evidence Custodian 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. The HSI SPS/Evidence Custodian must ensure that all seized property/evidence complies with the packaging, labeling, and storage

requirements of the SAMEPH. In addition, the HSI SPS/Evidence Custodian must physically accept all seized property/evidence by signing the appropriate DHS Form(s) 6051.

In limited situations, the local FPFO may approve the transfer of non-forfeitable evidence to the CBP SPS.

The HSI SPS/Evidence Custodians are responsible for inspecting the seized property/evidence room regularly to ensure its orderliness and the proper maintenance of the logbook.

12.10 Bulk or Overflow Storage

In certain instances, individual offices may require additional room to store large seizures of non-forfeitable evidence held within SAC custody. The SACs or their designees are responsible for the proper storage and final disposition of all evidence. There are also general requirements for the storage of evidence. At a minimum, the evidence must be stored in secure rooms with limited and controlled access.

The additional storage area(s) shall be considered the same as any other seized property/evidence room and the same established policies for entering or exiting the room and adding or removing evidence to or from the room shall be followed.

Approval of alternate storage of seized property must be approved by AFU.

12.11 Seized Property Case Files



Each seizing agent will ensure that a copy of the original DHS Form(s) 6051 is delivered to the HSI SPS/Evidence Custodian in a timely manner whether or not the HSI SPS/Evidence Custodian signs the original DHS Form(s) 6051. For example, if non-forfeitable items are immediately turned over to another agency outside of HSI and never entered into the local HSI seized property/evidence room, a copy of the original DHS Form(s) 6051 showing the transfer of evidence will be maintained by the HSI SPS/Evidence Custodian. Regardless of how or where seized property has been transferred, the transferring SA should request that a copy of the

original DHS Form(s) 6051 be returned to the transferring agent (via email, facsimile, or mail) as evidence that the property has been received. A copy of the original DHS Form(s) 6051 will be placed in the master file maintained by the HSI SPS/Evidence Custodian. It is highly recommended that the master files be maintained in the seized property/evidence room. However, in the event of space issues where the master files are kept outside of the seized property/evidence room, the master files must be maintained in a locked file cabinet. This will allow for a more accurate audit trail and accountability of evidence throughout HSI.

Seized property/evidence must be physically transferred to the HSI SPS/Evidence Custodian and stored in the seized property/evidence room. The HSI SPS/Evidence Custodian must sign the original DHS Form 6051S (and DHS Form 6051A, if needed) accepting the evidence and document it into the DHS Form 6025 logbook.

At (b) (7)(E) all evidentiary items must be stored in the HSI seized property/evidence room. SAs are prohibited from storing seized property or evidence outside of the seized property/evidence room (i.e., within investigative case files, desks, file cabinets, vehicles, etc.).

(Note: SPS case files should be maintained according to federal recordkeeping requirements.)

12.12 Commingling Property within the Storage Facility

Seized property (those items entered on a SEACATS (b) (7)(E) report) and government-generated evidentiary items may be stored in the same seized property/evidence room; however, they must be properly segregated from each other. This segregation must be readily identifiable and visible and can consist of shelf separation or other separation within the seized property/evidence room.

When handling grand jury materials, the applicable sections of Rule 6(e) of the Federal Rules of Criminal Procedure apply. Only personnel included in the grand jury access list may have access to grand jury materials. The grand jury materials must be stored separately from other seized property/evidence and, if stored in the same room as other seized property/evidence, the materials must be clearly marked as grand jury material(s) and kept in a separate locked container.

Chapter 13. RETENTION AND DISPOSITION OF EVIDENCE

All seized property/evidentiary items 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.

13.1 Disposition of Non-Drug Evidence

In order to avoid unnecessary accumulation of non-drug evidence, case agents should maintain a continuing dialogue with prosecutors. The case agents should return property that is no longer

needed as evidence to the owner or his or her designated legal representative (b) (7)(E)

(b) (7)(E)

The 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.”

A. Forfeitable Evidence

The local FP&F office will process all seized/forfeitable evidence. Therefore, the case agent must keep the AUSA apprised of the changing status of such property. 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.

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. 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.

B. Non-Forfeitable Evidence

The case agent is responsible for the disposition of all non-forfeitable seized property/evidence. 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 (including appellate avenues); and
- 3) There are no fugitives remaining in the investigation.

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. The case agent’s first-line supervisor must sign the DHS Form 4613 in the block designated for the signature of the Authorizing DHS Officer. The case agent or DHS officer executing the destruction must sign the block designated for the “DHS Officer,” and the witnessing SAs must sign in the “Witness to Destruction” blocks. Any safe method including shredding, cutting, or crushing may be used to accomplish destruction. The remains of nontoxic materials may be disposed of in trash receptacles.

The assistance of the local FP&F office may be requested in the destruction of bulky or voluminous items. 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: HSI may destroy only those items identified with the legal status of (b) (7)(E) and custodian code of (b) (7)(E) as prescribed in the SAMEPH.)

13.2 Disposition of Abandoned Property

The case agent and/or HSI SPS/Evidence Custodian should dispose of abandoned property, such as personal effects and/or non-forfeitable evidence (documents, personal effects, etc.) which cannot be returned to the owner. 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:

- A. 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 (b) (7)(E). 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;
- B. The property has been inventoried on a DHS Form 6051S (and DHS Form 6051A, if needed); and
- C. The AUSA and the defendant’s attorneys have been notified in writing that the property will be destroyed (b) (7)(E). 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.

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) to accomplish the destruction. The completed DHS Form 4613 will be placed in the case agent’s file and copies provided to the HSI/CPB SPS.

(Note: DHS Form 4607 does not automatically transfer title to the government. Although seizure notice is not issued, abandoned property subject to forfeiture must be forfeited prior to disposition in accordance with 19 U.S.C. § 1612, provided that there is a legal basis for the seizure and forfeiture.)

13.3 Updating SEACATS to Reflect Final Disposition

Immediately following the changes in final disposition of seized property, HSI personnel are responsible for updating SEACATS to reflect the correct physical status of the seized property/evidence. The SA or HSI SPS/Evidence Custodian executing the change in final

disposition must immediately update SEACATS using both steps (adding and accomplishing the disposition) to ensure accurate tracking and accountability of the property. All property records must be (b) (7)(E) however, if the immediate updating of SEACATS cannot be accomplished due to computer problems, the SA or HSI SPS must perform the update as soon as the computer system allows.

A list of the applicable disposition code(s) can be located by utilizing the (b) (7)(E) function (b) (7)(E) when updating SEACATS. HSI personnel must use the SEACATS disposition code (b) (7)(E) (Destruction of Single Status Evidence Property – property with a legal status of (b) (7)(E)) to reflect the physical destruction of the property. The disposition of seized property with a legal status other than (b) (7)(E) (i.e., (b) (7)(E) Judicial Civil (b) (7)(E), Judicial Criminal (b) (7)(E), etc.) requires the approval of the FPFO and a signed DHS Form 7605, “Disposition Order” (and DHS Form 4613 for authorized destructions).

The SEACATS disposition code (b) (7)(E) (Evidence Held in HSI Case File) shall be utilized only for those situations where a court order has been issued to maintain evidence in the investigative case file as a final disposition (e.g., personal documents, etc.) or turned over to the Cyber Crimes Center for permanent retention (child exploitation cases).

Seized items that are turned over to HSI-FL for permanent retention, such as travel related documents (e.g., fraudulent/counterfeit passports, Social Security cards, etc.), shall be updated and closed utilizing the SEACATS disposition code of (b) (7)(E) (Turned over to HSI-FL). The transferring office will initiate a (b) (7)(E) disposition, and once the items have been received and verified, the SPS assigned to the HSI-FL will accomplish the disposition which will update the SEACATS physical status code to a final disposition code of (b) (7)(E) (Turned over to HSI-FL).

The seized property/evidence will remain in storage until a case supervisor has approved the closing of the investigative case file. The physical status code will not be modified, nor will the investigative case be closed in those cases having current fugitives or which are pending appeals or for other court actions.

13.4 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.

13.5 Disposition of Government-Generated Evidence (Original Recordings)

(b) (7) (E)

All recordings entered into evidence in a hearing or trial shall not be destroyed except upon an order from the issuing judge.

When evidence media is destroyed, it shall be rendered unusable and unrecoverable and documented on a DHS Form 4613.

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

Chapter 14. OVERSIGHT

14.1 Management Oversight

The Victim Assistance and Management Oversight Unit, ISD, is the HSI point of contact for the Office of Professional Responsibility when the Self-Inspection Program (SIP) is administered. The SIP enables HSI managers and supervisors to evaluate their success in managing, assessing, and reporting on the state of their operations. The SIP worksheets have been developed for the inspection of operational and universal core areas of seized property management. They consist of a series of questions that identifies the most significant control points or procedures of a program (b) (7)(E)

14.2 Unannounced Inspections

The Unit Chief, AFU, will oversee random, unannounced inspections of certified HSI seized property/evidence rooms. The inspections will verify that items listed in SEACATS are properly classified and are being held in accordance with the guidelines provided in the SAMEPH.

The Unit Chief, AFU, will select personnel to conduct the unannounced inspections. The inspection team will consist of a team leader and at least two additional HSI employees. If field personnel are requested, they must be an HSI SPS, an SPM, or personnel assigned to the AIRGs. The Unit Chief, AFU, will request approval from the SAC to have field personnel participate in the unannounced inspection. The request will include the dates and purpose of travel but not the location of the inspection.

The review team will conduct an opening meeting with the SAC and SPM to discuss the objectives and the inspection process. The local HSI SPS/Evidence Custodian will be responsible for accessing the certified HSI seized property/evidence room with the review team and will assist as necessary in the inventory process.

(Note: This inspection does not constitute the SAC's mandatory unannounced inspection.)

14.3 Inventory

The SEACATS "OI Inventory Count Sheet" will be used to conduct all inspections. The team leader will generate the count sheet for the inspection (b) (7)(E) [REDACTED]. The report will include items designated by "ALL W/EVIDENCE" and "INCL STOR LOC INFO."

A 100 percent floor-to-count-sheet inventory will be conducted in accordance with the procedures detailed in Section 17.2.7, "Physical Inventory Procedures," of the SAMEPH. The team leader will establish the methodology for conducting the inventory on the basis of the quantity of seizures being maintained at the location and determine the pattern or sequence in which the inventory will proceed.

Once the inventory has been completed, all count sheets must be reconciled in accordance with Section 17.2.8, "Post-inventory Reconciliation," of the SAMEPH. All property line items that were not accounted for by physical count or reconciliation must be reported to the JIC before the review team leaves. The team members will sign and print their names on the last page of the count sheet and a copy will be provided to the SPM and HSI SPS for corrections and SEACATS updates.

14.4 Seized Property/Evidence Room and Security

The team leader will ensure that all appropriate seized property/evidence room security measures are in place and that established procedures are followed. The team leader will verify that:

- A. The DHS Form 6025 logbooks are maintained next to the seized property/evidence room point of entry/exit in order to more efficiently manage all access to the room;
- B. The seized property/evidence room has an Intrusion Detection System (IDS) and that the alarm system is tested on a monthly basis. The date, time, and person conducting the test and results must be properly documented in the DHS Form 6025 logbook;
- C. Cipher locks, safe combinations, keys, and IDS codes have been changed within the preceding 12 months. If the HSI SPS/Evidence Custodian has changed during the preceding 12-month period, verify the documentation to ensure that the codes, keys, and/or combinations have been changed and that access via swipe cards has been removed;

- D. The scales have been calibrated within the preceding 12 months and that the date and time of the calibration is documented in the DHS Form 6025 logbook;
- E. The seized property/evidence room is void of all high-risk items (i.e., narcotics, firearms, monetary instruments, etc.);
- F. The SEACATS codes are accurate (e.g., owning port code, storage location code, physical status, custodian code, etc.);
- G. Grand jury and government-generated evidence is segregated from SEACATS evidence. Verify that grand jury material is kept securely to prevent it from being accessed by anyone other than those on the grand jury (6e) list (i.e., separate individual locking container(s) and/or separate secure room); and
- H. The equipment (e.g., pill counters, money counters, digital cameras, computers, scales, etc.) provided to the SAC office through the TFF is operational and is being used effectively.

14.5 Closeout

The review team will conclude the inspection with a closeout with the SAC and SPM, at which time all pertinent findings are discussed. The team leader should identify noted deficiencies. This closeout is advisory in nature and will assist in developing an action plan and timeline for addressing the findings and recommendations.

14.6 Final Report

The team leader will prepare and submit a complete report of findings to the Unit Chief, AFU, (b) (7)(E) of the conclusion of the unannounced inspection. The findings and/or deficiencies will be described in a clear, concise manner and will be presented in order of significance. Similar issues will be grouped with headings and subheadings. Attachments will include tables with identifying case numbers and deficiencies, as well as copies of incomplete or deficient documents. Upon completion of the report, the Unit Chief, AFU, will forward it to the DAD, ISD, for signature and issuance to the SAC. Nothing should appear in the final report that was not covered in the closeout unless the SAC is contacted and advised.

14.7 Follow-up

The SAC will respond (b) (7)(E) on the findings listed in the report. The response should include an action plan to correct the identified deficiencies, the anticipated date of completion for each of the identified deficiencies, and the name of the manager responsible for ensuring that the action plan is completed.

The SAC's response will be directed to the attention of the DAD, ISD. (b) (7)(E) the Unit Chief, AFU, will prepare a response from the DAD, ISD, to the SAC. The follow-up response

will include, but may not be limited to, an acknowledgement of response receipt, an analysis of the response, and whether the response solutions are adequate. Should the DAD, ISD, request additional information, (b) (7)(E)

The Unit Chief, AFU, will follow up at intervals appropriate to the action plan to ensure that corrective measures have been accomplished and, if necessary, to provide support to effect the corrective measures.

Chapter 15. YEAR-END PROCEDURES

(b) (7)(E) HSI and CBP will conduct a 100 percent physical inventory of all seized/forfeited property. Prior to beginning the annual inventory, TEOAF will issue precise inventory procedures. The DAD, ISD, will then disseminate annual inventory instructions establishing the procedures for HSI.

As part of the financial reporting requirement, the physical inventory and post-inventory results in SEACATS help establish the existence, completeness, classification, and valuation of seized/forfeited property. They also provide a measure to evaluate controls established to safeguard all seized property against waste, loss, unauthorized use, and misappropriation. The results of the inventory will be incorporated into the fiscal year financial statements to Congress for DHS and the TFF.

15.1 Unit Chief, Asset Forfeiture Unit

The Unit Chief, AFU, will coordinate the overall inventory effort, ensure that the inventory reports are complete, accurate, and available for all HSI office locations, and coordinate the final reconciliation of SEACATS.

15.2 Special Agents in Charge

SACs will ensure that the inventory and reconciliation of all seized/forfeited property are held at every location within their AOR, along with post-inventory SEACATS updates. This includes ensuring that inventories are conducted during a set period; adequately staffing the inventory teams to ensure completion by the close of business date; and certifying the inventory and timely submission of all inventory documentation to AFU.

SACs will ensure that each HSI office has received a copy of the inventory instructions and has an inventory team consisting of a counter and a reviewer. The counter and the reviewer must be knowledgeable with the inventory instructions to ensure that the inventory is properly conducted.

SACs will also ensure that each HSI office can compile and print the count sheets for all seized/forfeited and single status non-forfeitable property located at its office.

15.3 Seized Property Manager/Seized Property Specialist

The SPM and SPS will:

- A. Ensure the completion of the inventory count and perform all reconciliation associated with property under their control;
- B. Reconcile the seized/forfeited status, inventory quantity/number of packages, property category and type, storage location, (b) (7)(E) Custodian, owing port, and physical status;
- C. Compile and forward to the SAC a copy of all completed and certified count sheets, along with all supporting documentation; and
- D. Complete, certify, and forward a copy of the count sheets and supporting documents to the Unit Chief, AFU.

15.4 Inventory Process

During the year-end SEACATS inventory, there are various processes involved:

- A. Pre-inventory preparation;
- B. Physical inventory of all seized/forfeited property;
- C. Post inventory of SEACATS updates for all property and findings;
- D. Certification and submission of the inventory report and findings; and
- E. Audit verification.

15.5 Inventory Date

For audit purposes, the inventory cutoff date for establishing the seized/forfeited property count sheets will be set for each fiscal year inventory. Each seizure file and SEACATS record must be reconciled as of the final date of the inventory. The inventory count can begin on the beginning date established for each fiscal year inventory. It is not mandatory to start the inventory on the beginning date, provided that the inventory process is completed by the ending date. The use of multiple inventory teams is encouraged but adequate control must be maintained over the count procedures.

15.6 SEACATS Requirements

SEACATS is the system of record for all inventories. Therefore, all data must be current and accurate. Any changes made to the inventory count sheets must be updated in SEACATS.

Line items are considered “Open” in SEACATS if the physical status is (b) (7)(E) (Constructive Seizure), (b) (7)(E) (Damaged), (b) (7)(E) (Held by Customs), (b) (7)(E) (Held by Contractor), or (b) (7)(E) (Held by Outside Agency (storage only)). When a final disposition code has been accomplished, the disposition date is the date of closure for the line item.

SEACATS should be updated with the last inventory date for every line of property that is inventoried.

15.7 Inventory Count Sheets

Inventory count sheets are compiled and printed for all seized/forfeited and evidentiary property located in the area being inventoried. At least one copy of the count sheets for all property in a specific custodian code (b) (7)(E) will be generated from SEACATS during the period established for the fiscal year inventory. The count sheets are generated at the “service port” level. The SEACATS function, (b) (7)(E) (Property On-Demand), will be used to generate the (b) (7)(E) Inventory Count Sheets.” The report parameter specifications are as follows:

- A. “SERVICE PORT” – enter the 4-digit service port code;
- B. “OWNING PORT” – (i.e., DSAC, ASAC, RAC, RA office) enter the 4-digit numeric owning port code;
- C. “INCL. STORAGE LOC INFO” – enter “Y” in this field
- D. “CUSTODIAN CODE” – (b) (7)(E)
- E. “ALL W/EVIDENCE” – enter an “X”
- F. “NO LIS-PENS, PWP, PRE-SZRS” – enter an “X”
- G. “SERV/PORT/CASE/LINE/SUBL” – enter an “X”

The use of multiple inventory teams is acceptable; however, the results from each team’s count sheets must be transcribed onto the single master count sheet. The master count sheet is the official count sheet that will be submitted to the SAC.

15.8 Inventory Team

The SAC will designate personnel to coordinate the physical count of seized/forfeited property held by HSI. Two-person teams consisting of a counter and a reviewer will verify the inventory. The counter will perform the physical count of the inventory. The reviewer will physically observe the 100 percent count process, record the count on the count sheets, and note discrepancies on the count sheets. *Reviewers must initial each line of the count sheet as they verify the existence and quantity of the property.* Both the reviewer and the counter must sign

the last page of the count sheet for each location. Any changes made to the count sheets must also be made in SEACATS. Lines should not be added to the count sheets; instead, an add-on sheet should be used.

15.9 Physical Inventory Procedures

This is a floor-to-count-sheet inventory. Inventory teams will start in a section of the floor. Using FP&F case numbers, the inventory team will systematically work around the facility, counting the items and tracing them to the property count sheets. The reviewer should not start by reading the item on the count sheet and then try to locate the property. As a seizure is counted, it must be marked, as appropriate (without damaging the seized property), to indicate that the item has been inventoried. The method of marking counted property should be determined locally.

The reviewer will verify the seizure data on the pre-printed count sheets. If no discrepancy is noted between the physical count and the pre-printed count sheet, the reviewer will initial the inventory line corresponding to the counted seizure line item in the space provided. No further notation is necessary.

If the physical count is different from the one on the count sheets, the reviewer will cross out the incorrect quantity on the count sheet and write in the correct amount beside it. Then the reviewer will initial the count sheet. The differences will require further review upon completion of the physical count. (Note: Possible actions, including written notification to the JIC, are provided in Section 15.10.)

Items that are not listed on the count sheets that are found during the inventory count must be documented on an add-on sheet with the FP&F case number, line item number, description, quantity, and unit of measure. These additions will require further review upon completion of the physical count. (Note: Possible actions, including written notification to the JIC, are provided in Section 15.10.) Items on the add-on sheets must be initialed by the reviewer, and each add-on sheet must be signed by the reviewer and the counter.

Items listed on the count sheets that are not physically present *are not* to be initialed by the reviewer. All items not initialed will require further review upon completion of the physical count. (Note: Possible actions, including written notification to the JIC, are provided in Section 15.10.)

The reviewer's initials confirm that he or she has seen the property, witnessed the count, and the count is the same as the one listed on the count sheet or is equal to what the reviewer has recorded as the correct count.

SEACATS allows entry of packaging information. If the count sheets show a quantity of "500 ea in 10 bx", and there are 10 boxes in good condition with no evidence of tampering, then a count of 10 boxes will be sufficient. A piece count must be conducted in those cases where the

units of measure are in “piece” and/or the packaging has been opened, or if there are indications of tampering or damage.

Items stored in sealed tamper-proof seizure bags do not need to be opened as part of this inventory if the DHS Form 6051S (and DHS Form 6051A, if needed) accurately reflects that the items were accounted for in sealed seizure bags. Whenever a seal has been broken or tampered with, the inventory team must conduct a piece count of the items in the sealed container and document the condition of the container. For SAC-held property, the SAC must be notified and, if a shortage is found to exist, the JIC must be notified in writing and a copy of the letter attached to the count sheet.

Evidence and personal effects documented on a SEACATS (b) (7)(E) report are to be included in this inventory. The inventory process for evidence and personal effects will be conducted in the same manner and under the same rules as all other property.

15.10 Post-Inventory Procedures

Once the inventory count has been completed, a reconciliation of what was found must be performed on all records. A review must be conducted for all line items of property that were not completely correct on the count sheets. All property not physically inventoried must be accounted for (i.e., as transferred or destroyed) by obtaining copies of supporting documentation from the seizure case file (i.e., appropriate DHS Form(s) 6051, DHS Forms 4613, etc.). If the line items are at the DEA laboratory, each office must obtain a letter from the laboratory confirming that the laboratory still has the line numbers in their possession, as well as a copy of the DHS Forms 6051 and DEA Forms 7. Documentation from the HSI SPS property file is required to support the explanation for verification purposes and is included with the inventory count sheets. The JIC must be notified of all reportable discrepancies. SEACATS must be updated for all changes made on the count sheet, and the last inventory date must be added for each line number that was inventoried.

It is not necessary to wait until the inventory count is complete before updating SEACATS. If necessary, SEACATS information can be updated and/or corrected as count sheets are completed. It is recommended to develop some means of noting on the count sheets that the correction has been made in SEACATS, for example “The quantity has been changed from 5 to 4 on the count sheet.” Once SEACATS has been updated, write in the word “updated” beside the number 4. This would eliminate any questions as to whether SEACATS has been updated or not.)

15.11 Certification

The SAC will also be responsible for providing the DAD, ISD, with a copy of all completed count sheets, add-on sheets, JIC letters, copies of the DHS Form(s) 6051, DHS Forms 4613, copies of the DEA Forms 7, and all other supporting documentation. The SAC will also sign and enclose a cover letter certifying that the inventory has been conducted and completed in accordance with these procedures.

15.12 Audit Verification

The Unit Chief, AFU, will verify that all SEACATS updates have been accomplished for the year-end inventory. The SACs will be notified of any discrepancies that were not reconciled prior to submission.

SUPERSEDED DOCUMENTS

The Evidence Handbook supersedes the following policy documents:

U.S. Customs Service (USCS) Documents

- “Office of Investigations Seized Property Manager,” dated January 11, 2000 (memorandum from the Commissioner of Customs to USCS Office of Investigations (OI) Special Agents in Charge).
- “Establishment of Seized Property Managers,” dated February 28, 2000 (memorandum from the Commissioner of Customs for the Assistant Commissioner of USCS OI).
- Note: Customs Directive 3290-001, “Processing Narcotic Drug and Controlled Substance Evidence,” dated October 9, 1991, was cancelled by U.S. Customs and Border Protection, Office of Field Operations, Programs and Policy, on February 25, 2010.

USCS Office of Investigations Documents

- Special Agent Handbook, Chapter 18, “Evidence,” dated August 11, 1997.
- Internal Operating Procedures Notification (IOPN) 01-13, “Updating Seized Property Records in the Seized Asset and Case Tracking System,” dated April 24, 2001.

U.S. Immigration and Naturalization Service (INS) Documents

All chapters in the legacy INS Special Agent Field Manual (SAFM) that had not yet been superseded by an HSI Handbook in the online Special Agent Manual or that had not been included in the Special Agent Manual for updating and reissuance as of October 8, 2010, were cancelled on that date. The SAFM chapters cancelled on October 8, 2010 included Chapter 11, “Evidence” (undated).

ICE Office of Investigations Memoranda

- “New Port/District Codes for All ICE Seizures Beginning October 1, 2004,” dated September 28, 2004.
- “Storage of Detained Firearms Pending Disposition,” dated October 4, 2004.
- “Seized Property Training,” dated October 20, 2004.
- “Narcotics/Evidence Destruction Travel Funding,” dated November 15, 2004.
- “Narcotics Test Kits and Seized Property/Evidence Supplies,” dated June 17, 2005.
- “Legacy INS Seized/Detained Property – Shipping Firearms and Ammunition,” dated March 13, 2006.
- “New General Property Contract Procedures,” dated December 29, 2006.

ICE Homeland Security Investigations Memoranda

- “Purchase of Evidence Guidance,” dated October 8, 2013.
- “New ROI Type Code for Search Warrants Pertaining to Data on the Internet,” dated January 27, 2014.

ACRONYMS

AFU	Asset Forfeiture Unit
AIRG	Asset Identification Removal Group
AOB	Armory Operations Branch
AOR	Area of Responsibility
ASAC	Assistant Special Agent in Charge
ATF	Bureau of Alcohol, Tobacco, Firearms and Explosives
AUSA	Assistant United States Attorney
CAFRA	Civil Asset Forfeiture Reform Act
CBP	U.S. Customs and Border Protection
CD	Controlled Delivery
CD	Compact Disk
C.F.R.	Code of Federal Regulations
DAD	Deputy Assistant Director
DEA	Drug Enforcement Administration
DHS	Department of Homeland Security
DNA	Deoxyribonucleic Acid
DOJ	Department of Justice
DSAC	Deputy Special Agent in Charge
DVD	Digital Versatile Disk
ERT	Evidence Recovery Team
FACTS	Firearms Armor Credential Tracking System
FBI	Federal Bureau of Investigation
FOUO	For Official Use Only
FP&F	Fines, Penalties and Forfeitures
FPFD	Fines, Penalties, and Forfeitures Division
FPFO	Fines, Penalties and Forfeitures Officer
GS	General Schedule
GSA	General Services Administration
HB	Handbook
HSI	Homeland Security Investigations
HSI-FL	HSI Forensic Laboratory
ICE	U.S. Immigration and Customs Enforcement
IDENT	Automated Biometric Identification System
IDS	Intrusion Detection System
INS	Immigration and Naturalization Service
IOPN	Internal Operating Procedures Notification
ISD	Investigative Services Division
ISP	Internet Service Provider
JIC	Joint Intake Center
LSS	Laboratories and Scientific Services
NCIC	National Crime Information Center

NFC	National Finance Center
NLETS	National Law Enforcement Telecommunications System
OFTP	Office of Firearms and Tactical Programs
OI	Office of Investigations
PMPM	Property Management Property Maintenance
POE	Purchase of Evidence
POI	Purchase of Information
RA	Resident Agent
RAC	Resident Agent in Charge
ROI	Report of Investigation
SA	Special Agent
SAC	Special Agent in Charge
SAFM	Special Agent Field Manual
SAMEPH	Seized Asset Management and Enforcement Procedures Handbook
(b) (7)(E)	
SEACATS	Seized Asset and Case Tracking System
SF	Standard Form
SIP	Self-Inspection Program
SPM	Seized Property Manager
SPS	Seized Property Specialist
TEOAF	Treasury Executive Office for Asset Forfeiture
TFF	Treasury Forfeiture Fund
U.S.C.	United States Code
USCS	United States Customs Service