

Exhibit 1 445 FW 3

Procedures for Evidence Collection, Handling, and Storage

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1. Purpose

This exhibit provides step-down implementation procedures for the policy in [445 FW 3](#). It provides minimum standards for the responsibilities, procedures, and guidelines to ensure the integrity of the chain of custody of evidence which U.S. Fish and Wildlife Service (Service) officers collect, record, store, and dispose of.

The information in the following sections give Service officers general guidance on accepted techniques they should use to ensure that evidence is collected, documented, preserved, and handled in an integral manner and in accordance with the [Rules of Evidence for United States Courts and Magistrates](#).

Due to the variability of crime scenes and evidence types we describe later in section 3, Service officers may refer to the guidelines in [Crime Scene Investigation](#), a guide developed collaboratively by the Department of Justice (DOJ) Bureau of Justice Assistance (BJA), the National Institute of Justice (NIJ), and the National Forensic Science Technology Center (NFSTC). The guide provides industry standard procedures relative to the collection, preservation, and handling of evidence appropriate for various crime scenes and circumstances.

In addition to the guidance in this exhibit, Service offices who control evidence storage facilities may develop their own Standard Operating Procedures (SOP), as appropriate, to address

specific, localized issues relative to the unique station. The office should develop such SOPs in a memorandum that they distribute to their appropriate field personnel. These SOPs should complement, not contradict, the procedures in this exhibit.

2. Authorities

The Service issued this exhibit to implement policies in [446 Departmental Manual \(DM\) 7](#) and [445 FW 3](#).

3. Definitions / Types of Evidence

A. Introduction and General Definitions. This section defines and describes categories of physical evidence Service officer's may encounter. It also provides general guidelines for recognizing, preserving, recording, marking, tagging, and packaging physical evidence items. It includes brief instructions for handling "fragile" items and other specific types of physical evidence. For more detailed packaging and shipping procedures, Service officers should consult Service Manual chapter [448 FW 1](#) for additional information.

Following are three general definitions of terms we use throughout the exhibit:

(1) Law Enforcement Officer (LEO). An LEO is a Service employee sworn and commissioned to enforce criminal statutes and authorized to carry firearms, execute and serve warrants, search, seize, make arrests, and perform such duties as authorized by law.

(2) Service Officer. A Service officer is any designated Office of Law Enforcement (OLE) or Division of Refuge Law Enforcement (DRLE) employee who has responsibility for and has been properly trained in the collection and processing of evidence, which includes, but is not limited to: LEOs, OLE Conservation Officers, DRLE supervisors, Federal Wildlife Officers and Zone Officers, Wildlife Inspectors, Wildlife Inspector Assistants, Evidence Technicians, and Evidence Custodians.

(3) Evidence. Evidence is material collected in the course of an investigation for purposes of proving violations of law and establishing the facts surrounding such violations. Evidentiary material can be testimonial, documentary, or physical in nature.

B. Definition of Physical Evidence. Physical evidence is any object, or physical characteristic of an object, that the Service can use to establish the commission of a violation or to establish a link between the suspect, the victim, and the crime scene. Physical evidence also includes any object, or impression of an object, that a subject takes from or leaves at a crime scene or which is otherwise related to a violation.

C. Purpose of Physical Evidence Collection. Service officers investigate violations to determine facts and bring suspected violators to justice. Properly collecting and evaluating appropriate physical evidence helps an officer determine the accuracy of statements from witnesses and document the occurrence and the sequence of events of an unlawful act.

D. Categories of Physical Evidence. The categories below describe the most common types of evidence an officer is likely to encounter. This list is not all inclusive. Depending on the circumstances of the investigation, almost any physical object can be evidence. It is the responsibility of the investigator to recognize the critical elements of a violation and to thoroughly search for all relevant items of physical evidence necessary to document the violation.

- (1) Ammunition and Spent Projectiles.** Such evidence includes loaded cartridges and shells, spent casings, bullets and shot, shot patterns, and arrows.
- (2) Bones, Teeth, Beaks, Claws, and Horns.** Such evidence includes animal parts and products.
- (3) Blood.** Blood evidence includes wet blood, dried blood chips and scrapings, and blood-stained articles.
- (4) Documents.** Document evidence includes licenses, invoices, permits, and other documents in which the officer questions their origin, authenticity, or possible alterations, as well as documents that tend to substantiate a violation.
- (5) Electronic Devices.** Electronic devices include, but are not limited to, GPS devices, cell phones, tablets, computers, and digital storage devices that can retain vast amounts of information and potential digital evidence. *Digital evidence* is any information or data of value to an investigation that is stored on, received by, or transmitted by an electronic device.
- (6) Equipment and Supplies.** Such evidence may include tools, traps, nets, fishing tackle, bait, lures, containers, and other materials the officer suspects were used to take or transport wildlife illegally.
- (7) Explosives.** Such evidence includes gunpowder, dynamite compounds, grenades, and other explosive devices.
- (8) Feathers.** Feather evidence includes down, feathers, and feather products.
- (9) Plants.** Plant evidence includes all species of plants and their parts and derivatives whether live, dried, cut, or processed.
- (10) Fracture Evidence.** Sometimes called “jig-saw puzzle” evidence, fracture evidence may include pieces of broken glass, fractured metal and plastic vehicle parts, torn pieces of paper, bone chips, and paint chips.
- (11) Gunshot Residues.** Such evidence includes gunpowder patterns, gunpowder and primer residues found on the hands or clothing of subjects, and residues found on firearms and in wounds.

(12) Hair and Fibers. Hair and fiber evidence includes loose hairs from human suspects and animals, loose fibers, and hair or fiber products.

(13) Hides and Furs. Such evidence includes raw and tanned hides and furs, as well as leather and fur products.

(14) Impression Marks. Impression marks are produced by shoes, boots, tires, and other hard objects into a soft, impressionable surface such as dirt, mud, snow, asphalt, and wood. (See [section 4](#) for more information on preserving fragile evidence.)

(15) Latent Prints. Prints are produced by the friction ridge deposits (oils, salts, and soluble proteins) of fingers, palms, and feet. (See [section 4](#) for more information on preserving fragile evidence.)

(16) Poisons. Evidence of poisons includes poisons in liquid or powder form, materials and methods used to deliver poisons, and poison residues in blood, tissues, and organs.

(17) Recordings. Recording evidence includes photographic negatives, digital imagery, video tapes and/or digital video recordings, and audio tapes and/or audio recordings produced by suspects, witnesses, or investigating officers.

(18) Serial Numbers and Tags. Such evidence includes possibly altered serial numbers on weapons, vehicles, vessels, and aircraft and possibly forged, altered, or re-used animal carcass tags.

(19) Tissue and Organs. Such evidence includes fresh, frozen, and processed meats and organs, viscera, eggs, and decayed tissues.

(20) Tool Marks. Tool marks are impression or striation marks made by a tool edge coming into contact with a relatively soft surface such as wood, plastic, or soft metals.

(21) Trace Evidence. Trace evidence is a miscellaneous category that includes minute or microscopic items of evidence such as soil particles, glass and metal fragments, and unknown powders.

(22) Vehicles, Vessels, and Aircraft. Such evidence includes any vehicle, vessel, or aircraft an officer suspects was used to commit a wildlife violation.

(23) Weapons. Weapons evidence primarily includes rifles and pistols, but also may include bows, crossbows, spears, knives, clubs, and other implements the officer suspects were used to cause injury or death.

(24) Whole Animals. Whole animal evidence includes whole animal specimens, whether alive, wounded, dead, or preserved.

(25) Wound Characteristics. Wound evidence includes cut-out wounds, photographs of wounds, and wound contents.

E. Locating Physical Evidence. Successfully collecting physical evidence to document a violation of law depends on an officer's understanding of the elements of the violation and his/her ability to properly search for and recognize items of physical evidence relevant to the crime. Officers usually search for physical evidence after personally observing a violation, locating the scene of a previously committed violation, or serving a search and/or arrest warrant.

4. Fragile/ Trace Evidence

In the process of searching for evidence, officers may locate certain items that are inherently fragile, delicate, or perishable because they may be affected by environmental factors. Officers must collect these items (for example, small hairs or feathers subject to wind loss) immediately or preserve them so they can collect them later. Fragile items include, but are not limited to:

A. Footprints and Tire Tracks. These impression marks are often found in soft dirt or other unstable materials. Service officers may cover the impressions with boxes or buckets to provide sufficient protection from wind, rain, and other elements. When possible, officers should photograph the impression marks immediately using a tripod-mounted camera and a marked ruler next to the impression mark. If the impression mark contains distinctive wear marks or other distinguishing characteristics, officers should cast the mark in plaster or in sulfur (for impressions in snow).

B. Latent Fingerprints. Service officers should protect items suspected of bearing latent fingerprints against careless handling as well as from the elements (wind, rain, snow, etc.). In addition to covering or securing such items, officers should mark or tag them (for example, "FOR LATENTS, DO NOT TOUCH").

C. Wet Blood. If collected properly and immediately remitted to the National Fish and Wildlife Forensics Laboratory (NFWFL), wet blood is far more desirable as evidence to determine species and other typing factors than dried blood. However, wet blood samples decompose rapidly, particularly in hot weather. Officers should contact the NFWFL about the desired collection procedure before collecting blood samples at a crime scene. Officers should collect wet blood as a stain on a piece of air-dried, clean white cloth that has been thoroughly rinsed to remove soap. Officers should allow wet blood stains found on clothing or other transportable items to air dry indoors before they package the stains in paper bags or envelopes. Officers should never place wet blood or blood stains in plastic bags because decomposition will occur very rapidly.

5. Recording / Documenting Seized Evidence

Whenever an officer seizes or collects physical evidence, he/she must prepare a record describing the details of the collection process. This record usually consists of notes, completed forms, sketches, photographs, and video recordings that the officer compiles into the finished investigative report. The extent of this record depends on the nature of the violation, the amount of evidence collected, and the circumstances under which the collection of evidence occurs. Whenever possible, Service officers should prepare the record at the time of collection so that all notes, sketches, and photographs accurately reflect the circumstances of the seizure.

A. General Requirements. While a number of procedures and formats are available for preparing an evidence collection record, certain details should be present in all reports that Service officers prepare:

- (1) Case file (INV) number, if available.
- (2) Date and time of seizure (start and finish).
- (3) Location of seizure (name of location and address).
- (4) Name of suspect(s).
- (5) A brief summary of the details of the seizure.
- (6) Names of all people participating in the seizure.
- (7) Description of all items seized (including assigned item numbers if blue Evidence ID Tags are used, or Seizure Tag Numbers).
- (8) Locations where individual items were found.
- (9) Name(s) of the officer(s) who located and/or collected each item seized.
- (10) Name(s) of the officer(s) who took photographs or prepared a scene sketch.

B. Notes.

(1) **Purpose of Notes.** The purpose of taking notes is to document a first-hand account of the collection of evidence and to answer the basic investigative questions—Who, What, When, Where, Why, and How?

(2) **Formats.** Officers may handwrite or record notes in any appropriate manner or medium. Officers should place original notes prepared during the seizure of evidence, whether in written or recorded form, in the 1-A Exhibit Envelope of the case file. The following forms are available to simplify the process of recording scene notes during major investigations:

(a) **Evidence Collection Notes (Form 3-2070).** This form can simplify the process of taking handwritten notes when officers collect evidence in the field. Service officers may record details of the collection in the space provided. Officers should include these notes as an insert to the investigative report.

(b) **Located Evidence List (Form 3-2069).** Service officers can use the Located Evidence List as a supplemental page to the Evidence Collection Notes (Form 3-2070) or separately as an insert for the investigative report, when they collect a large number of evidence items.

C. Sketches. A sketch indicating where an officer found evidence can be valuable in refreshing the officer's memory of the seizure before he/she prepares an investigative report or testifies in court. A sketch is a rough approximation of the scene which places items and locations in perspective to each other. A sketch should supplement, but not replace, photographs. Photographs provide more fine detail, but are less accurate in terms of perspective than a sketch.

(1) **Types of Sketches.**

(a) Rough Sketch. A rough sketch is a quick, hand-drawn diagram of a scene drawn to approximate scale. Service officers should locate all important evidence items on the rough sketch.

(b) Finished Sketch. A finished sketch does not have to be drawn to scale, but should include all of the information (such as exterior and interior measurements) necessary to prepare a scale drawing of the scene for court presentation. Officers should locate all important evidence items on the finished sketch.

(c) Scale Drawing. A scale drawing is a blueprint of a scene, drawn to exact scale in ink on a large display board for court presentation. Scale drawings are typically prepared when a prosecutor requests them for court proceedings.

(2) Components of a Scene Sketch. Service officers should include the following details on rough and finished sketches:

- (a)** Case file (INV) number.
- (b)** Date and time sketch is drawn.
- (c)** Location of sketched scene (address or description of area).
- (d)** Approximate compass heading.
- (e)** The entire perimeter of the scene (additional sketches can be made of areas within the perimeter if necessary).
- (f)** Locations and descriptions of relatively fixed objects used as reference points for measurements.
- (g)** Locations of all collected items of evidence (usually located on the sketch by the assigned item number).
- (h)** Names of all officers involved in preparing the sketch, including the signature of the officer who drew the sketch.

D. Photographs. Photographs taken during the collection of physical evidence offer the most reliable and accurate means of recording a scene within the inherent limitations of perspective and possible distortion. Due to these limitations, Service officers should supplement scene photographs with a sketch when they believe that the exact locations of evidence items are relevant to the case.

(1) Types of Crime Scene Photographs.

(a) Aerial Photographs. Aerial photography is an excellent supplement to scene sketching. Aerial photographs accurately record a large amount of scene area and relative object locations in detail, which is impossible to duplicate with measurement-and-sketch techniques. To avoid problems associated with distortion, Service officers should shoot aerial photographs perpendicular to the ground (not from an angle), whenever possible.

(b) Overall Scene Photographs. Overall scene photographs should include shots taken from the outside of the scene perimeter into the scene and should show as much of the scene area in each photo as possible. When you combine all of the scene photographs, they should show the entire scene area. A wide-

angle lens is useful for this type of photography. Whenever possible, Service officers should take the overall shots during the initial walk-through of the scene, before anyone moves any items of evidence from their original locations.

(c) Evidence Orientation Photographs. Before collecting evidence items, officers should photograph the items to show their location relative to other fixed objects at the scene. Officers should include an Evidence ID Tag indicating the date, the officer's initials, and assigned item number, or some other identifying material, in the photograph.

(d) Close-up Identification Photographs. Officers should photograph all items of evidence they collect close-up in order to identify the item in court.

(i) The photographs should include an Evidence ID Tag or other identifier indicating the date, the officer's initials, and the assigned item number, or some other identifying material.

(ii) Officers should include a ruler or appropriate scale in addition to the ID material for close-up photographs of impression marks that will be used for comparison purposes.

(iii) When appropriate, officers should take photographs with the camera pointed perpendicular to the impression surface and mounted on a tripod or other immobile support.

(e) Digital Images. Whenever possible, Service officers should use digital cameras to record images intended for use as evidence and preserve original digital image(s) on a CD or other form of digital media. Officers must not alter the original image in any way, but may enhance copies of the original image for investigative purposes. Images should not be deleted.

(2) General Procedures for Evidence Photography.

(a) To avoid confusion, officers should not record scenes and evidence items from different cases on the same digital media.

(b) Officers should record or photograph an Evidence ID Tag or other identifying material listing the date, the officer's name, and relevant case information to which the photograph(s) pertains.

(c) Officers may take multiple duplicate photographs of evidence items and/or crime scenes when necessary to ensure clear photos for investigative use.

(d) When appropriate, officers should mark any printed photographs on the back with the date of the photographs, name of the photographer, case number, and/or other identifying data.

(e) Officers should treat photographic memory storage cards, CDs, or other digital media as original evidence for the purposes of security and chain of

custody. Officers should place SD Cards or other digital media in the 1-A Exhibit Envelope or otherwise store them as evidence in a secure storage area.

E. Video recording. Video recording offers an extremely useful and informative means of recording the collection of evidence at a scene. Whenever possible, officers should not record scenes and evidence items from different cases on the same digital media. If the video recording is determined to be evidentiary in nature, Service officers must mark and handle recordings as original items of evidence.

F. Digital Recordings Derived from Body-Worn Cameras. Implementing guidance for retaining and storing video and audio recordings derived from Service-issued, body-worn cameras for Refuge Federal Wildlife Officers will be addressed in Service policy separate from this exhibit.

6. Digital Evidence Handling Procedures

As with any evidence, digital evidence must be properly collected, recorded, stored, and disposed of. Guidance and procedures on the proper collection, handling, and storage of various forms of digital evidence, including, but not limited to, cellular phones, computers, modems, routers, mobile devices, GPS units, and digital storage media, is provided in the *Best Practices for Seizing Electronic Evidence* and in *Seizing Mobile Device Checklist*, (both found in the secure area of LEMIS under the DERTSU tab in Resources). Due to advances in technology and the evolving nature of the various forms of digital evidence, these guidance documents may be periodically updated for best practices and industry accepted standards.

7. Evidence Collection Procedures

A. General Information. Forensic methods for analyzing and interpreting the significance of evidence items are continually revised and updated. Corresponding changes in collection techniques often accompany these revisions and Service officers should be aware that there may be changes.

B. Weapons. For the safety of everyone involved in an investigation, officers should immediately and safely unload all collected weapons.

(1) To help process fingerprints, Service officers should avoid handling weapons on the smooth (metal and glossy-finished wood) surfaces whenever possible. Officers will likely be unable to collect usable latent prints off of rough or checkered wood surfaces. Ensuring human safety, however, must always outweigh any concern about damaging fingerprints.

(2) Service officers must ensure that any seized firearms have been traced/processed through the Bureau of Alcohol, Tobacco, and Firearms (ATF) online 'eTrace' System. Service officers may register with ATFOnline to use the eTrace system by visiting www.atfonline.gov/etrace, or they may request eTrace queries through the OLE

Investigations Unit or the Refuge Law Enforcement Risk and Threat Assessment Coordinator.

C. Money. Whenever possible, when collecting money as evidence, at least two officers should work together. Both officers should count the money in the presence of the subject, if available, noting the denominations, and then place the money in a sealed container immediately after counting it. Both officers should sign the receipt issued to the subject for the money. Officers should make a record of the serial numbers on seized currency as soon as possible and place the record in the case file.

8. Documenting Evidence

A. Tagging of Evidence. An Evidence Seizure Tag, attached to a single evidence item or to the outside of an evidence package, serves as the primary identifier of seized evidence. The Evidence Seizure Tag provides immediate access to the following information:

- (1) The case file (INV) number.
- (2) The date and time of seizure.
- (3) The subject's name or the location where the evidence was seized.
- (4) A brief description of the evidence (including any serial numbers). When used as an evidence package tag, the tag should describe all evidence items in the package.
- (5) The name and badge number of the officer who seized the evidence.
- (6) The chain-of-custody record for the evidence.

B. Evidence Seizure Tag (Form 3-487). The Evidence Seizure Tag is a standard weatherproof Tyvek-cloth tag. In addition to providing the identifying information listed above, the Evidence Seizure Tag also has a tear-off receipt that the officer may use in the field instead of the standard Property Receipt (Form 3-155 or 3-155a). Both the Evidence Seizure Tag and the tear-off receipt bear a unique seizure tag number that is the primary identifier of the seized evidence for case reports.

(1) Using the Evidence Seizure Tag. Service officers should fill out an Evidence Seizure Tag and attach it to each item of evidence seized, with the following exceptions:

(a) Officers can place groups of like items that have no individual significance as evidence, seized from the same location (for example, 100 turtle shell rings found in a desk drawer), in one evidence package and identify the group with one Evidence Seizure Tag attached to the outside of the package.

(b) Officers should individually mark like items from one location that have individual significance as evidence, either by pen or with small blue Evidence ID Tags (Form 3-2052), before placing the items in the evidence package and identifying them with one Evidence Seizure Tag.

(c) If numerous items are placed under one seizure tag number and cannot be individually listed on the face of the tag (e.g., Items 1-60 from a single location), an inventoried list of the seized items, such as a copy of the Located Evidence List (Form 3-2069), must accompany the seizure tag and be placed

conspicuously on the outside of the evidence container(s) relative to the items listed on the seizure tag.

(2) Attaching the Evidence Seizure Tag. Officers should attach the Evidence Seizure Tag to each item or evidence package using string, wire, nylon tie, and/or other appropriate method so that it does not come loose and the chain-of-custody record on the reverse side remains accessible.

(3) Evidence Seizure Tag Number. The unique seizure tag number printed on the Evidence Seizure Tag and its tear-off receipt serves as the primary control number for identification and receipt of seized property because case file (INV) numbers are frequently not available at the time of seizure.

(4) Tear-off Receipt. When providing tear-off receipts for items seized in the field, an officer should mark the date and time of seizure, briefly describe the evidence, including any serial numbers, record his/her badge number, and sign the receipt. On the reverse side of the receipt is a space for the stamped name and address of the officer.

(5) Chain-of-Custody Record. Service officers may use the reverse side of the Evidence Seizure Tag to maintain a brief chain-of-custody record. See [sections 11](#) and [12](#) for further guidance on chain-of-custody records.

(6) Evidence Return Acknowledgment. If an officer returns a seized item to a subject in the field, he/she may use the reverse side of the Evidence Seizure Tag where there is space for the subject to sign an acknowledgment of proper return. If officers use the return acknowledgment receipt, they should place the annotated Evidence Seizure Tag in the 1-A Exhibit Envelope.

C. Evidence ID Tag (Form 3-2052). Used in conjunction with Evidence Seizure Tag(s), the small blue Evidence ID Tags may serve the following three purposes:

(1) Item Identifier. Service officers may use Evidence ID Tags to individually identify a number of like items that have individual significance as evidence, but which they package under one Evidence Seizure Tag (Form 3-487). In this situation, officers mark each blue Evidence ID Tag with the same Evidence Seizure Tag number followed by a sequential letter (A, B, C, etc.) or sequential number (1, 2, 3, etc.) in the “item number” space. This procedure ensures that an officer can return and readily identify an item removed from its evidence package.

(2) Locator Tag. The small blue Evidence ID Tags may also serve as “locator tags” during an extensive search that results in the seizure of numerous items of evidence.

(a) Officers may pre-mark the blue Evidence ID Tags with the date, the officer’s name, and a sequential item number (1, 2, 3, etc.). As evidence items are located, officers can place the pre-marked ID tags next to each item for the purpose of photographic identification and sketch location, and then attach the tags to the collected item.

(b) Officers should mark the appropriate Evidence Seizure Tag (Form 3-487) numbers on the blue Evidence ID Tags and also note the Evidence Seizure Tag number(s) and corresponding item number(s) on the Evidence Collection Notes (Form 3-2070) or the Located Evidence List (Form 3-2069).

(3) ID Tag for Outside Experts.

(a) Service officers may not release information relating to the subject on the Evidence Seizure Tag (Form 3-487) to people outside of law enforcement agencies, unless necessary.

(b) When necessary, officers may remove original Evidence Seizure Tags from items to be sent to outside forensic experts or other non-law enforcement facilities and replace them with Evidence ID Tags (Form 3-2052) to avoid conveying law enforcement sensitive information.

9. Packaging Evidence

[Service Manual chapter 448 FW 1](#) provides detailed information on the proper ways to package and ship evidence to the NFWFL. In general, Service officers should package evidence to:

- A. Prevent intermixing of evidence items from different cases.
- B. Prevent accidental damage or contamination of the evidence or evidence handlers.
- C. Prevent deliberate tampering with the evidence.
- D. Effectively transport evidence from one location to another.

10. Care, Custody, and Control of Seized Property

A. Introduction. Once a Service officer seizes personal property, he/she and the Service become responsible for the care, custody, and control of that property. One person should be responsible for the proper care, custody, and control of each item of seized property. The possibility that any item of seized property may have value as evidence requires that officers treat all seized property items as evidence in terms of care, custody, and control.

See [310 FW 5](#) for instructions and policy involving disposal, accountability, and use of seized, forfeited, and abandoned property.

B. Custody and Storage of Seized Evidence.

(1) General Requirements. One person should be assigned to and responsible for the care, custody, and control of each item of seized evidence. The officer who takes possession of the property at the time of seizure is initially responsible for the care, custody, and control of the evidence. That officer must keep the items stored safely and securely until they are properly transferred to another officer or evidence custodian. After the officer has seized the evidence and has properly logged it into the evidence storage facility, he/she will document the evidence as part of the case information in LEMIS.

(2) Grand Jury Material. Service officers are obligated to protect information and evidence obtained from grand jury testimony or subpoena. Service officers should consult with the U.S. Attorney concerning the storage and disclosure of grand jury material. Service officers must have the names of Service personnel listed on the grand jury disclosure list prior to disclosing grand jury material in case reports.

(3) Storage Facilities. Each Service law enforcement office must have secure storage facilities that are adequate to store all seized evidence. Such facilities may include, but are not limited to, lockable drawers, cabinets, safes, refrigerators, rooms, buildings, and warehouses. The first line supervisor for any area or refuge must maintain a list of all evidence storage facilities used by Service officers under his/her direction. Higher-level Service supervisors should have access to this list if necessary. If evidence must be stored in the same facility as Service property, it should be stored in a secured and locked area that is not accessible by other Service employees. Items that are not considered evidence must not be stored with evidence. This includes Service-owned firearms and ammunition.

(4) Security of Storage Facilities. Security of all storage facilities for seized evidence must be sufficient in terms of walls, ceilings, locking devices, and physical location to prevent unauthorized individuals from accessing evidence items. Officers should store items such as weapons, ammunition, narcotics, and currency under the most secure conditions reasonably available (i.e., use of a lockable safe within the secure evidence room). Officers may store seized boats, vehicles, aircraft, and other large equipment in open storage facilities in a manner reasonably secure from theft and damage.

(5) Evidence Custodian. Officers must strictly control access to seized evidence items in storage facilities to maintain specific responsibility for these items. Officers must limit primary access to evidence items in a storage facility to one officer or responsible individual who is designated as the evidence custodian and who has the single readily available key or access code for the locking mechanism to the facility. Supervisors should assign the duties of the primary evidence custodian via memorandum and disseminate it to all appropriate field personnel. If the officer making the seizure is the only one with access to the evidence storage location, then that officer functions as the evidence custodian and should be identified as such.

(6) Evidence Storage Log (Form 3-2064). The Evidence Storage Log (Form 3-2064) is a chronological record of all items of seized evidence transferred IN or OUT of a storage facility. This log must reflect all of the contents of the facility at any given time. See [section 11](#) for instructions for completing Form 3-2064.

(7) Evidence Access Log. In addition to the Evidence Storage Log, each evidence storage facility must have an evidence access log that lists the following information:

- (a) Name of officer accessing the evidence locker,
- (b) Date of access,
- (c) Time in and time out, and
- (d) Reason for access.

The evidence custodian or officer must annotate the Evidence Access Log with the preceding information every time he/she accesses the evidence storage facility.

(8) Secondary Access to Storage Facilities. Because the evidence custodian may not always be available to provide access to the facility, specific authorized people (secondary evidence custodian(s)) must have temporary access to a secondary access key or a copy of a secondary access code for each secured storage facility. Secondary evidence custodians must maintain strict custody of secondary access keys and access codes. The primary evidence custodian may place the keys or codes in sealed envelopes and lock them in a safe that only secondary evidence custodians can access. Proper use of the secondary access key or code is critical to the integrity of the evidence system.

(9) Security of Storage Facility Keys and Codes. The evidence custodian is primarily responsible for the security of all storage facility keys and access codes. The evidence custodian should mark all storage facility keys "DO NOT DUPLICATE." and maintain strict accountability for all secondary access keys and access codes. If an access key or code is lost or compromised, the evidence custodian should change access codes and re-key the lock or replace it immediately.

(a) Secondary Access Procedures. If a secondary evidence custodian uses a secondary access key or secondary access code, the authorized person should record any transfers of seized property into or out of the storage facility. To record this information, they should use an Evidence Storage Log (Form 3-2064) or other similar log devised by the particular office. If they use an alternate log, it must contain all of the same information found on Form 3-2064. Authorized people should notify the evidence custodian as soon as possible if a sealed secondary access key or code has been used.

(b) Evidence Custodian Responsibility. The evidence custodian must confirm that the contents of the storage facility correspond with all inventory records and re-seal the secondary access key or change the secondary access code.

(c) Integrity of Evidentiary Items. Any authorized person who enters the secure storage area and manipulates original sealed containers of evidence in any way (e.g., opens a sealed envelope to inspect evidence within) must properly re-seal that evidence and annotate a new signature and date upon the re-seal.

(d) Access and Alarm Codes. Access codes, alarm codes, and safe combinations must be changed on a regular, defined schedule or upon any relative changes in personnel.

(10) Identification of Items in Storage. The evidence custodian must ensure that all seized evidence items placed in a storage facility are properly marked, tagged, and packaged so that:

(a) The value and integrity of the items are preserved, and

(b) The items can be positively identified at a later date.

(11) Separation of Seized Evidence from Forfeited and Abandoned Property. The evidence custodian should ensure that evidence items are stored separately from items forfeited or abandoned to the Government (property). Security procedures described in this exhibit apply only to the storage of seized evidence.

(12) Separation of Items of High Value. Law enforcement offices should establish procedures when high value evidence (e.g., money, drugs, jewelry, firearms, etc.) are seized. This may include additional safeguards for the accountability, handling, and storage of the evidence, such as the use of a safe within the evidence room. Seizures of real property (real estate and immovable property) must have special procedures established to include subject matter legal experts.

(13) Special Requirements for the Handling of Hazardous Materials. Offices must establish procedures when encountering hazardous materials of evidentiary value or unique or fragile evidence that requires special handling. Hazardous materials require special handling and can include biological and chemical waste products, combustible items, or explosives.

(a) In general, Service officers should not handle these materials unless they have specialized training and appropriate personal protective equipment necessary for the particular substance encountered. Either the Service or an individual office should establish memorandums of understanding (MOU) or other written agreements with allied agencies that have technical expertise in handling unusual substances.

(b) Individual law enforcement office procedures and guidelines should ensure that officers take special precautions or arrangements when collecting, recording, handling, shipping, storing, and disposing of hazardous materials. All potentially hazardous and/or contaminated evidence should be marked as 'Bio-Hazard' or as otherwise appropriate.

(14) Evidence in 1-A Exhibit Envelopes. Officers must store 1-A Exhibit Envelopes containing items of evidence in a safe or other secured evidence storage facility.

(15) Authority to Release Seized Evidence from Storage. The evidence custodian may not remove or release items placed in his/her custody to anyone other than the case officer (usually the officer who placed the items into storage) without the express written permission of the case officer, the Resident Agent in Charge (RAC), or Federal Wildlife Zone Officer, as appropriate.

(16) Storage Inventory Records. The evidence custodian must maintain records for each storage facility that accurately document the seized evidence items currently in storage and the disposition of items transferred out of the storage facility via annotation in the Evidence Storage Log (Form 3-2064). Evidence custodians may also use

additional recordkeeping formats (e.g., index cards, electronic log, etc.) to supplement the Evidence Storage Log.

(17) Semi-Annual Inventory of Storage Facilities. Regardless of the method used to inventory the contents of each storage facility, an evidence custodian must be able to account for all items of seized evidence transferred into or out of the facility at any time. Inspections must ensure that evidence is present and matching LEMIS records, the evidence is properly stored, security measures are working, audit trails are current, and chain-of-custody documentation and physical security documentation is complete. The evidence custodian, along with his/her law enforcement supervisor (RAC/FWZO), should inspect the seized evidence semi-annually using an evidence checklist and report any unresolved discrepancies between the evidence records and the actual contents of the storage facility to their supervisor and the Special Agent in Charge (SAC) or Regional Chief, DRLE, as appropriate. If items of seized evidence are missing or remain unaccounted for, the appropriate SAC, or Regional Chief, DRLE must review and resolve the discrepancies. Missing, damaged, tampered with, or otherwise unaccountable evidence must be immediately reported to a supervisor who will initiate a review or investigation. It will also be reported in accordance with 054 FW 1, Serious Incident Reporting.

11. Evidence Storage Log (FWS Form 3-2064)

A. Logging items into an evidence storage facility. When logging items into an evidence storage facility, the evidence custodian should complete the next available transfer block on the Evidence Storage Log sheet as follows:

(1) Log Entry Number. Use the next log entry number in sequence (1, 2, 3, etc.) as a unique reference number to cross-reference the transfer of a specific group of seized property items from a specific case into the storage facility. The evidence custodian should also mark this log number and his/her initials on each evidence package (or Evidence Seizure Tag, Form 3-487) transferred for cross-referencing, locating, and check-out purposes.

(2) Investigative File (INV) Number. Record the INV number assigned to the case.

(3) IN or OUT. Circle "IN" on the log.

(4) Date and Time of Transfer. Record the date and time you put the items into the storage facility.

(5) Subject. Record the name of the individual from whom the evidence was seized, if available. This information is a useful reference if the INV number is not available.

(6) Brief Description of Evidence. Describe all significant items being placed into storage, using Evidence Seizure Tag (Form 3-487) numbers or item numbers, when appropriate, for reference. Use additional space blocks if needed to list all significant items that might be removed individually from the storage facility at a later date.

(7) Received From/Released To. Cross out “Released To” and print the name of the officer who transferred the items.

(8) Evidence Custodian (Signature). The person who puts seized property items into the evidence storage facility signs in this space. This must be a person with authorized access to the storage facility, and it is usually the evidence custodian. The Evidence Storage Log is not a chain-of-custody record. Sign and take custody of the original Form 3-2063, Chain-of-Custody Record, and give the transferring officer a proper receipt for the transferred items.

(9) Previous Log Entry Number Reference. Use this space to document the most recent, previous log entry number (e.g., items which may have been sent to NFWFL and then are returned). If there is no previous log entry number, this space may be left blank.

(10) Comments and Reason for Removal. Use this space to record any additional reference information.

B. Logging Items out of an Evidence Storage Facility. When logging items out of an evidence storage facility, the evidence custodian should use the next available empty transfer block on the Evidence Storage Log as follows:

(1) Log Entry Number. Record the next log entry number in sequence (1, 2, 3, etc.).

(2) INV Number. Record the INV number assigned to the group of evidence items being transferred out of the storage facility. Do not log out items with different INV numbers under the same log entry number.

(3) IN or OUT. Circle “OUT.”

(4) Date and Time of Transfer. Record the date and time the items are transferred out of the storage facility.

(5) Subject. Record the name of the subject from whom the items were seized, if applicable.

(6) Brief Description of Evidence. Briefly describe all significant items being transferred out of the storage facility. The description should correspond with the description on the incoming transfer block. If all items previously listed under an incoming log entry number are being transferred out of the storage facility, you should write, “All Items from Log Entry Number (insert previous incoming log entry number).”

(7) Received From/Released To. Cross out “Released From” and record the name of the individual to whom the items are being transferred.

(8) Evidence Custodian (Signature). The person (usually the evidence custodian) who transfers the items out of the evidence storage facility signs in this space.

(9) Previous Log Entry Number Reference. Record the initial incoming log entry number for the items being transferred out of the facility in this space. This practice provides an easy cross-reference, allowing the evidence custodian to periodically inventory the contents of the evidence storage facility against the Evidence Storage Log. The initial incoming log entry number should already be marked on each evidence package or Evidence Seizure Tag (Form 3-487) for easy cross-referencing.

(10) Comments/Reason for Removal. Use this space to record additional reference information. If applicable, indicate the transfer of seized evidence items to Government property status for disposal to maintain a paper trail for property items.

(11) Log Clearance. As items of seized evidence are transferred out of the storage facility, clear them from the Evidence Storage Log. The remaining item descriptions should reflect the contents of the storage facility.

(12) Re-entry of Cleared Items. If an item that was transferred out of a storage facility is transferred back in again, record the reentry on a new log entry block (new Log Entry Number, etc.).

12. Chain of Custody

A. General Requirements. A record of the continuity of possession (or chain of custody) of an item of evidence is important in determining whether it will be admissible in court. It is vital that Service officers maintain an accurate record of all individuals who are in possession and control of items of seized property. Service officers may use two forms to keep chain-of-custody records:

(1) Officers may use the reverse side of each Evidence Seizure Tag (Form 3-487) for simple chain-of-custody records.

(2) Officers may also use the Chain-of-Custody Record (Form 3-2063). Service officers must use the Chain-of-Custody Record to fully document the chain of custody whenever they transfer evidence to another agency or to a lab for forensic analysis, or any time they split a group of seized items. This form allows Service officers to better document the chain of evidence and the reason for the transfer of the evidence. The chain-of-custody record must document every person who takes possession of an item of seized evidence.

B. Procedure. When an officer receives an item of evidence or evidence package, he/she should:

(1) Mark the date of possession, his/her printed name, and his/her initials in the next available space on the back of the Evidence Seizure Tag (Form 3-487); or

(2) Complete the Chain-of-Custody Record (Form 3-2063).

C. Chain-of-Custody Record (Form 3-2063).

(1) Completing a Chain-of-Custody Record on Form 3-2063. If a Service officer requires or uses a Chain-of-Custody Record (Form 3-2063), the officer who initially transfers the possession of seized evidence to the other person must complete the form.

(2) Completing the Chain-of-Custody Record (Form 3-2063) as a continuation from an Evidence Seizure Tag (Form 3-487). Service officers may continue a chain of custody on Form 3-2063 that originally began on the back of an Evidence Seizure Tag (Form 3-487). In this case, an officer receiving the evidence signs the Evidence Seizure Tag and begins a Chain-of-Custody Record (Form 3-2063). This form becomes the official chain-of-custody record and officers must use it to document all remaining evidence transfers. Service officers should note on the back of the Seizure Tag that they are continuing the chain of custody on a Form 3-2063.

(3) Assigning Item Numbers. Officers may assign unique item numbers to the items of seized evidence listed on the Chain-of-Custody Record. This practice allows the officer to use item numbers to describe the individual items being transferred in the transfer-of-possession blocks.

(4) Disposition of the Original Chain-of-Custody Record. The original Chain-of-Custody Record (Form 3-2063) must remain with the seized evidence items when they are transferred from one person to another. The officer should place the original Form 3-2063 inside a string-closure manila envelope clearly marked "CHAIN-OF-CUSTODY RECORD" and attach that envelope to one of the evidence packages or items.

(5) Case File Record. The officer must place a brief memorandum describing the evidence transfer or a copy of the signed original Chain-of-Custody Record (Form 3-2063) in the case file to document each transfer of seized property items.

(6) Splitting Groups of Seized Evidence Items. If an officer splits groups of seized evidence items listed on one Chain-of-Custody Record and transfers the items to different individuals, the original Chain-of-Custody Record should follow the majority of the items. The officer transferring possession should complete additional Chain-of-Custody Records (Form 3-2063) to accompany the split-off groups of seized evidence items.

(7) Items Sent to the NFWFL. When an officer sends seized evidence items to the NFWFL, he/she must use the Chain-of-Custody Record (Form 3-2063). Service officers should record the transfer of the items on the original Chain-of-Custody Record (Form 3-2063) along with a completed NFWFL Evidence Submittal Form and Examination Request (Form 3-2053). See [448 FW 1](#) for instructions on how to send evidence to the Lab.

(8) Final Disposition of Original Chain-of-Custody Record. After the seized evidence items reach their final storage location (pending final disposition of the case), the officer should place the original Chain-of-Custody Record (Form 3-2063) in the 1-A Exhibit Envelope in the case report. If the officer subsequently transfers items to other locations or individuals, he/she should complete a new Chain-of-Custody Record (Form 3-2063) for that transfer.

13. Transfer of Evidence

A. Preparing Seized Evidence for Release. The officer or other person authorized to release the evidence should confirm that the following tasks take place before transferring custody of any items of seized evidence:

(1) Item ID Marks and Tags. The officer or other person authorized to make the transfer should confirm that every loose item and package of seized evidence he/she is transferring is properly marked and has an Evidence Seizure Tag (Form 3-487) attached. Service officers should only use the small blue Evidence ID Tags (Form 3-2052) to tag items within an evidence package.

(2) Chain-of-Custody Record. The person making the transfer should confirm that the appropriate chain-of-custody record is complete and shows the printed name, initials, and date that the property was transferred.

B. Transferring Seized Evidence in Person.

(1) The person releasing the evidence must complete and sign the next available release block on the Chain-of-Custody Record (Form 3-2063), or appropriate Evidence Seizure Tag (Form 3-487), indicating all items are being transferred.

(2) The person receiving the transfer must:

(a) Verify the descriptions and assigned item numbers of the seized evidence items they are receiving against the completed release block on each Chain-of-Custody Record (Form 3-2063).

(b) Complete and sign the applicable receipt information on each Chain-of-Custody Record (Form 3-2063) or Evidence Seizure Tag (Form 3-487).

(c) Provide the person transferring the items with photocopies of each signed Chain-of-Custody Record (Form 3-2063) and Evidence Seizure Tag (Form 3-487), or an original Form 3-155 (or Form 3-155a), Property Receipt.

(d) Assume custody and control of the seized evidence items and the original chain-of-custody forms.

C. Transferring Seized Evidence by U.S. Mail or Courier.

(1) The person releasing the evidence must:

(a) Complete and sign the next available release block on the Chain-of-Custody Record (Form 3-2063) or Evidence Seizure Tag (Form 3-487) indicating all items being transferred.

(b) Place all loose items in appropriate packaging for shipping. Place copies of all supporting documentation, including the Chain-of-Custody Record (Form 3-2063) and/or Evidence Seizure Tag (Form 3-487) in each package.

(c) Seal all packages (using evidence tape, evidence seals, or initialed and dated tape) to prevent undetected access by unauthorized individuals.

(d) If using a Chain-of-Custody Record (Form 3-2063), place the original in a separate envelope clearly marked and attach the envelope to one of the mailing packages.

(e) Mark each package with the words "EVIDENCE" or other appropriate markings and indicate the total number of packages (for example, "1 of 3"). See [448 FW 1](#) for more information about packing and shipping evidence to the NFWFL.

(f) Wrap all packages with heavy wrapping paper or place them into another unmarked outer shipping container to conceal any evidence identifiers prior to shipping.

(g) Place a circled letter "E" on the outside of each wrapped package or outer shipping container to alert the person receiving the package that it contains evidence.

(2) The person receiving the evidence must:

(a) Verify that he/she received all packages in a sealed condition and that all items correspond with the descriptions and assigned numbers listed on the enclosed original Chain-of-Custody Record (Form 3-2063).

(b) Complete and sign the corresponding receipt block on the original Chain-of-Custody Record (Form 3-2063) or Evidence Seizure Tag (Form 3-487).

(c) Immediately remit a copy of the signed original Chain-of-Custody Record (Form 3-2063), the Evidence Seizure Tag (Form 3-487), and/or an original Form 3-155 (or Form 3-155a), Property Receipt to the person releasing the seized evidence.

14. Receipt of Evidence

A. Evidence Seizure Tag Receipt. An officer may return seized item(s) in the field using the tear-off receipt located on the Evidence Seizure Tag. When doing so, the officer may ask the individual to acknowledge receipt of the returned item(s) by signing the back of the Evidence Seizure Tag below the chain-of-custody record.

B. Property Receipt. Officers may use either the general receipt (Form 3-155) or the short receipt (Form 3-155a) to provide receipts for the seizure and the transfer of seized evidence items. When transferring seized evidence items, the person releasing the items should get the

original copy of the receipt. Using Form 3-155 or 3-155a does not mean you do not also have to complete a Chain-of-Custody Record for transfers of seized evidence.

15. Disposition of Evidence

Authority: 445 FW 3; 310 FW 5; 50 CFR 12; and 41 CFR 101-42.1102-10.

A. Preparing Forfeited and Abandoned Property for Destruction. Unless otherwise stated, after a minimum period of 60 days, evidence can be disposed of if: (1) it was used in court and is not needed for further proceedings, (2) the case has been officially adjudicated by judgment or by payment to the Central Violations Bureau, or (3) it has been held without action for a period of 6 months or more, or otherwise properly forfeited or abandoned.

- (1) If it is not feasible or appropriate after the minimum 60-day period to destroy evidence or the evidence has been held for 6 months or more without being destroyed, the appointed evidence custodian should destroy evidence semi-annually.
- (2) Firearms must be destroyed through total destruction by crushing, cutting, breaking, or deforming in a way that ensures that the firearms are rendered completely inoperative and to preclude their being made operative in accordance with 41 CFR 101-42.1102-10, sections (c) & (e). Firearms must be photographed before and immediately following destruction for documentation. An officer or evidence custodian must attach the photographs and file them with the Certificate of Destruction of Abandoned or Forfeited Property (Form 3-2057) or other appropriate disposition form.
- (3) Live ammunition may be transferred to any local law enforcement agency, bomb squad, or other state, Federal, or tribal government agency for proper destruction or for expenditure or use via firearms training and/or by other appropriate methods. Such a transfer must be documented on a Property Receipt (Form 3-155), Transfer of Property form (Form DI-104), or other appropriate form, which must be signed and witnessed by both the transferor and transferee. The documentation must include an annotation on the intended use and/or purpose of the live ammunition transfer.
- (4) All other evidence must be destroyed through total destruction by burning, crushing, cutting, breaking, deforming, or other appropriate method(s), in a way that ensures the item is rendered completely inoperative and to preclude them being made operative.
- (5) Evidence must not be abandoned or destroyed in a manner that is detrimental or dangerous to public health or safety, or which could cause infringement on the rights of others.
- (6) Evidence disposal must be conducted in accordance with local, state, and Federal air and water pollution control standards.

B. Who Is Responsible for Destruction of Evidence? The destruction of evidence must be completed by at least one accountable Service officer, and whenever possible, one additional Service employee as a witness. The person destroying evidence must:

(1) Sign out the evidence for destruction using the appropriate Evidence Storage Log Form (Form 3-2064) and/or Chain-of-Custody Form (Form 2063).

(2) Document the destruction of all items on the Certificate of Destruction of Abandoned or Forfeited Property (Form 3-2057) or Evidence Seizure Tag Form (Form 3-487), if applicable.