

Army Regulation 195-5

Criminal Investigation

Evidence Procedures

**Headquarters
Department of the Army
Washington, DC
22 February 2013**

UNCLASSIFIED

SUMMARY of CHANGE

AR 195-5
Evidence Procedures

This major revision, dated 22 February 2013--

- o Adds policy which makes evidence procedures applicable to Army counterintelligence (para 1-1).
- o Requires evidence custodians to seek supervisor or counsel guidance for unusual evidence processing, handling, or final disposition not addressed in this regulation (para 1-4h(4)).
- o Removes the specification for the primary evidence custodian of U.S. Army Criminal Investigation Command units to be an enlisted special agent (para 1-6a(1) (a)).
- o Specifies new requirements for DA Form 4137 (paras 1-4h(5), 2-3, 2-4b, and 2-4h).
- o Permits the sealing of all evidence by the person collecting the evidence and/or the evidence custodian and provides requirements for the resealing of an evidence container (paras 2-2a and 5-2b(3)).
- o Provides guidance about the handling, transportation, storage, and shipment of hazardous chemicals and explosives (paras 2-3m and 2-7e(7)).
- o Revises guidance about Contingency Limitation .0015 Funds for criminal investigative activities (paras 2-3n, 2-3o, and 2-7i).
- o Permits the evidence ledgers to be disposed of 3 years after the date that the last item of evidence listed within it is disposed (para 2-5a).
- o Specifies that classified items of evidence will be stored in accordance with AR 380-5 (para 2-6h).
- o Provides additional guidance about physical evidence being sent directly to the U.S. Army Criminal Investigation Laboratory before it is sent to a supporting evidence custodian (para 2-7c(3)).
- o Prohibits the release of evidence, that is, photographs or video images of child exploitation or suspected child exploitation to defense counsel without an order from a judge (para 2-7j).
- o Significantly revises and reorganizes policies and procedures about the final disposition of evidence (paras 2-8 and 2-9).
- o Grants up to 5 working days for resolution of problems regarding evidence that cannot be located before an official inquiry is initiated (para 3-3a).

- o Adds or alters requirements for evidence rooms (paras 4-2b(1), 4-2c(7), and 4-2f(4)).
- o Removes most of the policies and procedures specified for the U.S. Army Criminal Investigation Laboratory (throughout).
- o Makes administrative changes (throughout).

Criminal Investigation

Evidence Procedures

By Order of the Secretary of the Army:

RAYMOND T. ODIERNO
General, United States Army
Chief of Staff

Official:


JOYCE E. MORROW
Administrative Assistant to the
Secretary of the Army

History. This publication is a major revision.

Summary. This regulation establishes policies and procedures on criminal and counterintelligence investigation evidence procedures, including the collection, accounting, preservation, and disposition of evidence. It also specifies responsibilities of Military Police, U.S. Army Criminal Investigation Command, and Army counterintelligence organizations, as they apply to evidence procedures.

Applicability. This regulation applies to the active Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve, unless otherwise stated. Specifically, it applies to

U.S. Army Reserve Soldiers while on active duty or inactive duty training status. It applies to the Army National Guard when in active Federal service, as prescribed in Title 10, United States Code. It does not apply to Army National Guard Soldiers serving on annual training or full-time National Guard duty under Title 32, United States Code. During mobilization, the proponent of this regulation may modify policies in this regulation.

Proponent and exception authority. The proponent of this regulation is the Provost Marshal General. The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency or its direct reporting unit or field operating agency, in the grade of colonel or the civilian equivalent. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include formal review by the activity's senior legal officer. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through their higher headquarters to the policy proponent. Refer to AR 25–30 for specific guidance.

Army internal control process. This regulation contains internal control provisions in accordance with AR 11–2 and identifies key internal controls that must be evaluated (see appendix B).

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from the Provost Marshal General (DAPM–MPD–PS), 2800 Army Pentagon, Washington, DC 20310–2800.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to Office of the Provost Marshal General (DAPM–MPD–PS), 2800 Army Pentagon, Washington, DC 20310–2800.

Distribution. This regulation is available in electronic media only and is intended for command level A for the active Army and the U.S. Army Reserve and D for the Army National Guard/Army National Guard of the United States.

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Glossary

Chapter 1 General

1-1. Purpose

This regulation provides standards for receiving, processing, safeguarding, and disposing of physical evidence acquired by special agents, investigative assistants, and evidence custodians of the U.S. Army Criminal Investigation Command (USACIDC); Military Police (MP); and Department of the Army (DA) employees and contractor personnel who are assigned to civilian police or security guard positions involving the enforcement of law and security duties on Army installations or activities. The standards set by this regulation also apply to Army counterintelligence (CI) agents collecting and processing evidence by authority of AR 381-20. Evidence handling with the U.S. Army Criminal Investigation Laboratory (USACIL) facility is exempt from AR 195-5 requirements. The authority to establish and approve policies and procedures for evidence handling, processing, and accountability within the USACIL is delegated to the Director, USACIL. This regulation is for the internal management, control, and disposition of evidence of criminal misconduct, including unrestricted reporting cases of sexual assault. It also applies to the management, control, and disposition of evidence kits and any other property released to Provost Marshal (PM) activities in sexual assault cases involving restricted reporting. It does not confer rights upon criminal defendants in judicial, non-judicial, or administrative proceedings. Failure to follow any provision of this regulation will not affect the admissibility of evidence at a court-martial unless the Military Rules of Evidence independently result in a ruling that the evidence is not admissible. This regulation is also for the internal management, control, and disposition of evidence collected during CI investigations.

1-2. References

Required and related publications and prescribed and referenced forms are listed in appendix A.

1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are explained in the glossary.

1-4. Responsibilities

a. Provost Marshal General. The Provost Marshal General will prescribe policies and procedures for processing and securing evidence.

b. Commanding General, U.S. Army Criminal Investigation Command. The CG, USACIDC will prescribe methods to secure and account for evidence at subordinate elements.

c. Deputy Chief of Staff, G-2. The DCS, G-2 will ensure that Army CI organizations collecting and processing evidence by authority of AR 381-20 do so in accordance with the standards prescribed within this regulation.

d. Commanders/special agents-in-charge/resident agents-in-charge of U.S. Army Criminal Investigation Command units. The commanders/SACs/RACs of USACIDC units (the most senior leading agent in the unit), as appropriate, will—

- (1) Appoint, in writing, a primary and an alternate evidence custodian.
- (2) Supervise the evidence custodian.

(3) Ensure proper handling and processing of evidence and inspect the evidence room monthly. The monthly inspection will be conducted by the commander/SAC/RAC, assistant SAC/RAC when assuming the duties of the SAC/RAC, battalion operations officer, battalion command sergeant major, battalion first sergeant, or battalion operations noncommissioned officer (NCO), provided they are not performing duties as the primary or alternate evidence custodian.

e. Provost Marshals or Directors of Emergency Services. PMs or DESs, as appropriate, will—

- (1) Appoint, in writing, a primary and an alternate evidence custodian.
- (2) Supervise the evidence custodian.

(3) Ensure proper handling and processing of evidence and inspect the evidence room monthly. The Deputy PM, Deputy DES, or operations officer may conduct the monthly inspection for the PM.

f. Director, U.S. Army Criminal Investigation Laboratory. The Director, USACIL will—

(1) Ensure policies and procedures for the handling, processing, and accountability of forensic evidence are documented in accordance with laboratory accreditation standards.

(2) Ensure accountability and protect evidence from loss, deterioration, contamination, needless damage, and unnecessary consumption.

g. Commanders. The commanders of units with a CI investigative mission and the need to collect and process evidence will—

- (1) Appoint, in writing, a primary and an alternate evidence custodian.
- (2) Supervise the evidence custodian.

(3) Ensure proper handling and processing of evidence and inspect the evidence room or security container used to store evidence monthly. The inspection will be conducted by the CI unit commander.

h. Primary evidence custodian. The primary evidence custodian will—

(1) Account for, preserve, safeguard, and dispose of, when authorized, all evidence received in the evidence room or depository in a timely manner.

(2) Maintain all evidence records and files per this regulation.

(3) Protect evidence from loss, deterioration, contamination or needless damage.

(4) Seek guidance from supervisors or appropriate trial counsel, when unusual circumstances or situations arise about the evidence processing, handling, or final disposition that are not addressed within this regulation. The situation or circumstance and responding guidance will be documented in a memorandum for record (MFR) or in electronic mail correspondence that will be attached to the original copy of the evidence document and/or with the appropriate investigation case file records.

(5) Ensure the appropriate information is recorded in the Final Disposal Action and Final Disposal Authority areas of the DA Form 4137 (Evidence/Property Custody Document), before it is signed by the approval authority.

i. Alternate evidence custodian. The alternate evidence custodian will assume the duties and responsibilities of the primary evidence custodian during his or her temporary absence. A temporary absence is more than one working day and not more than 30 consecutive days.

1–5. Request for waiver or exception

a. U.S. Army Criminal Investigation Command activities. Requests for waiver or exception to this regulation will be sent thru the Commander, U.S. Army Criminal Investigation Command (CIOP–COP), 27130 Telegraph Road, Quantico, VA 22134, to the Office of the Provost Marshal General (DAPM–MPD–LE), 2800 Army Pentagon, Washington, D.C. 20310–2800, for approval.

b. Military Police activities. Requests for waiver or exception to this regulation will be sent to the Office of the Provost Marshal General (DAPM–MPD–LE), 2800 Army Pentagon, Washington, DC 20310–2800, for approval.

c. Counterintelligence units. Requests for waiver or exception to this regulation will be sent thru the Office of the Deputy Chief of Staff, G–2, 1000 Army Pentagon, Washington, DC 20310–1000, to the Office of the Provost Marshal General (DAPM–MPD–LE), 2800 Army Pentagon, Washington, DC 20310–2800, for approval.

d. Documentation required.

(1) Request for waiver or exception will—

(a) Describe deficiencies.

(b) Explain why corrective action cannot be taken.

(c) Describe any compensatory measures.

(d) State if the deficiency is permanent or temporary.

(2) If the request involves structural deficiencies or the issue of a supply item, enclose—

(a) DA Form 4283 (Facilities Engineering Work Request) for facilities engineering.

(b) A copy of the document requesting the required items from supply channels.

(c) Contractor proposal or other documents in support of renovations.

e. Approved waivers or exceptions. If the waiver or exception is approved, the requesting agency will keep a copy of the approved request until the deficiency is corrected or the waiver or exception expires. Waivers will normally not be effective for more than 1 year. Exceptions may be indefinite or limited.

1–6. Primary and alternate evidence custodians

a. Qualifications.

(1) *Military evidence custodians.*

(a) *USACIDC activities.* Except as authorized below, the USACIDC evidence custodian (primary and alternate) must be an accredited special agent (SA). Approval to appoint an apprentice SA in this capacity is delegated to the USACIDC group commander.

(b) *MP activities.* Except as authorized in this regulation, the evidence custodian must be a commissioned MP Officer or an NCO in military occupational specialty (MOS) 31B or 31E in the rank of sergeant or above.

(c) *CI units.* Except as authorized in this regulation, the CI evidence custodian (primary and alternate) must be a credentialed CI agent.

(2) *Civilian evidence custodians.*

(a) *USACIDC activities.* Civilians may be appointed as the primary or alternate evidence custodian depending on the needs and requirements of the unit and at the discretion of the commander/SAC/RAC. Civilians appointed as the primary or alternate evidence custodian must be an evidence control specialist (job series GS–301 or equivalent), an investigator, or investigative operations assistant (job series GS–1801, –1802, or equivalent). A civilian must have a favorable background investigation to be appointed or retained as evidence custodian.

(b) *MP activities.* Civilians may be appointed as the primary or alternate evidence custodian, depending on the needs and requirements of the unit and at the discretion of the PM or DES. Civilians appointed as the primary or alternate

evidence custodian must be in job series GS-0301, -0083, -0086, -1010, -1801, -1802, -1811, -1812, or equivalent. A civilian must have a favorable background investigation for appointment or retention as an evidence custodian.

(c) CI units. Civilians may be appointed as the primary or alternate evidence custodian, depending on the needs and requirements of the unit and at the discretion of the commander.

b. Appointment. A copy of the primary and alternate evidence custodian appointment documents (fig 1-1) will be kept in the evidence room files per AR 25-400-2. The appointment documents will be maintained as long as the primary and alternate custodians retain the position. Cite this regulation as authority to appoint the primary and alternate evidence custodians.

c. Temporary custodianship.

(1) On assuming temporary duties of the primary evidence custodian, the alternate will enter and sign the following statement in the evidence ledger immediately below the last entry: I (Name), on (Date), assume all duties of the primary evidence custodian during the temporary absence of the regularly appointed custodian. I accept responsibility and accountability for all evidence in the evidence room. (Signature of alternate evidence custodian).

(2) On return from temporary absence, the primary evidence custodian will ensure that all entries on records from evidence taken in, released, or disposed of by the alternate evidence custodian are correct and accurate. If the absence is 30 calendar days or less, there is no requirement to conduct a 100 percent inventory. After ensuring that the records are correct and the evidence is accounted for and properly documented, the primary evidence custodian will enter and sign the following statement in the evidence ledger, immediately below the last entry: I (Name), on (Date), resume my position as primary evidence custodian and accept responsibility and accountability for all evidence in the evidence room (Signature of primary evidence custodian).

(3) If the primary evidence custodian finds that the alternate has made an incorrect entry, he or she will immediately inform the responsible USACIDC commander/SAC/RAC, PM, or CI supervisor. The primary evidence custodian will also prepare a MFR outlining the error and corrective action taken. The original will be filed with the proper DA Form 4137 or in a file folder if the error was not on a DA Form 4137. A copy of the MFR will be placed in the proper investigation case file or MP report.



DEPARTMENT OF THE ARMY
75TH MILITARY POLICE DET, 3D MILITARY POLICE GROUP (CID)
U.S. ARMY CRIMINAL INVESTIGATION COMMAND
FORT BELVOIR, VA 22060-5506

CIRC-W-ZA

10 Feb 11

MEMORANDUM FOR SFC Paul W. McDonald, 75th Military Police Det (CID), 3d Military Police Group, U.S. Army Criminal Investigation Command, Fort Belvoir, VA 22060

SUBJECT: Duty Appointment: Primary Evidence Custodian

1. Effective 10 Feb 11, you are appointed as the Primary Evidence Custodian for the 75th Military Police Detachment (CID), 3d Military Police Group, USACIDC, Fort Belvoir, VA 22060.
2. Authority: Paragraph 1-4d, AR 195-5.
3. Purpose: To perform duties as outlined in AR 195-5.
4. Period: Indefinite.
5. Special Instructions: This duty appointment supersedes all other Primary Evidence Custodian duty appointments at this unit.

James W. Standards

JAMES W. STANDARDS
CW3, MP
Special Agent in Charge

DISTRIBUTION:
1-SFC McDonald
1-Admin File
1-Evidence Room
File

Figure 1-1. Sample of appointment document

Chapter 2

Recording and Accountability of Evidence

2-1. Identification

a. The first DA law enforcement officer (DALEO) or Army CI agent assuming custody of evidence will mark the evidence itself for future identification. The marking will consist of time and date of acquisition and the initials of the person who assumes custody of the evidence. Caution must be taken in order to prevent cross-contamination of evidence at all levels of evidence processing. If marking the evidence itself is not possible or practical, the evidence will be put in a container that is sealed and marked, in accordance with this regulation. Further guidance is in FM 3-19.13.

b. A self-adhesive DA Form 4002 (Evidence/Property Tag) (fig 2-1) will be attached to each item of evidence or evidence container at the earliest opportunity to identify and control it. When items are grouped together (for example, a box containing tools) and listed as one item on the DA Form 4137, only one DA Form 4002 will be used. The DA Form 4002 will be attached directly to the item of evidence, the evidence container or affixed to a blank shoe tag, which is attached to the item. Merely attaching a completed DA Form 4002 to an item of evidence does not meet the requirements of this regulation. Each item of evidence or sealed evidence container must also be marked itself for future identification.

c. Consider carefully how and where identification marks are placed upon items. Unnecessary damage or destruction of items of personal property that may ultimately be returned to the owner is prohibited (for example, etching time, date, and initials on the barrel, frame, and cylinder of a new .357 magnum pistol seized solely for safekeeping or minor offenses such as failure to register the weapon on post; or, scratching the required marking on an antique wooden music box recovered during apprehension of the suspect of a housebreaking/larceny). Consideration should also be given when marking items which may require future laboratory examination for latent prints. To avoid defacing or damaging such items, identification markings should be as inconspicuous as possible; or the item should be placed in a container that is sealed and the container marked for identification.

| EVIDENCE/PROPERTY TAG | | |
|---|----------|----------|
| For use of this form, see AR 195-5; the proponent agency is PMG. | | |
| DOCUMENT NUMBER | | |
| 033-11 | | |
| MPR/CID CONTROL NUMBER | | |
| 0038-11-CID122-15378 | | |
| ITEM NUMBER | | |
| 4 OF 6 ITEM | | |
| TIME | DATE | INITIALS |
| 1815 | 6 Jan 11 | DKD |
| REMARKS | | |
| Bottle | | |

Completed by Evidence Custodian

CID, MP, or CI case control number is required. ROI number is optional.

Self-explanatory

Time and date item collected / initials of DALEO or CI agent collecting item

Brief description of item is required. Other relevant information (e.g. .0015 funds, quantities, biohazard information, who the item pertains to, latent print protection, technical listening, etc) is encouraged.

DA FORM 4002, JUL 92
Replaces DA Form 4002, 1 JUL 76 which is obsolete.

Figure 2-1. Sample of a completed DA Form 4002 with instructions

2-2. Sealing

a. If marking the evidence itself is not possible, either because the item is fungible; or it is not practical, due to reasons such as value, size or quantity, the evidence can be put in an evidence container that is sealed and marked for identification. The marking will consist of time and date of acquisition and the initials of the person who assumed custody of the evidence. All openings, joined surfaces, and edges of the evidence container will be sealed with paper packaging tape or with tape specifically designed for sealing evidence which will show signs of tampering if a seal is broken. A self-adhering DA Form 4002 will be affixed to the evidence container. The individual who sealed the evidence container will write his or her initials or signature on the seals in several different locations. The writing will be visible on both the tape and the evidence container. An evidence container designed by the manufacturer to seal evidence, with built-in features to readily identify any signs of tampering, may also be used. Further guidance is in FM 3-19.13. When a sealed container is breached, it will be resealed when appropriate. The individual resealing the container will write his or her initials or signature and time and date of resealing across the new seals. All evidence is permitted to be placed into containers that are sealed and marked for identification if so desired by the first DALEO or Army CI agent receiving the evidence and/or the evidence custodian. However, before evidence is sealed for reasons other than to protect it from cross contamination or to preserve fungible evidence, the evidence will be jointly inventoried between the DALEO or Army CI agent and the evidence custodian to ensure accuracy.

b. Large quantities of non-fungible evidence (such as 250 ration control cards, 1,345 in various denominations or 250 military identification cards), should be packaged and sealed in accordance with this regulation. Contingency limitation .0015 funds for criminal investigative activities (.0015 funds) used to conduct an illicit drug purchase will not normally be sealed, regardless of the quantity.

c. Instructions for sealing evidence containers and submitting evidence to the USACIL are detailed in chapter 5 of this regulation. Special instructions applicable to federal grand jury materials held as evidence are detailed in paragraph 2-10. FM 3-19.13 contains further guidance on packaging evidence.

d. When heat-sealed bags are used as evidence containers, a DA Form 4002 will be affixed to the outside of each bag, away from the heat-sealed strip(s). When the items of evidence contained within the bag cannot be properly marked, marking the DA Form 4002 on the exterior of the bag is appropriate. There is no requirement for any additional DA Form 4002 to be affixed on the heat-sealing strip at the point the strip is embossed. See paragraph 5-2 for detailed instructions on use of heat-sealed bags.

e. Investigative personnel are authorized to use technological advancements in evidence containers which may be developed after the publication of this regulation. The prevailing concern for any choice of evidence container is that it protects and preserves the article of evidence in its original state and prevents cross contamination.

2-3. Preparation of DA Form 4137

a. Regardless of how evidence is obtained, all physical evidence will be inventoried and accounted for on DA Form 4137 (see fig 2-2). The use of a computer generated DA Form 4137 is authorized; however, it must be prepared as a two sided document with a vertical flip whenever reasonably possible.

b. The DALEO or Army CI agent who first acquired the evidence must prepare the DA Form 4137, with an original and three copies. When evidence is received from a person for the first time, or during the execution of a search warrant, the last copy of the signed DA Form 4137 will be provided as a receipt to the person releasing the evidence or left at the search scene in compliance with instructions for completing the search warrant. When evidence is not obtained from a person or seized pursuant to executing a search warrant but seized during processing of a crime scene, all copies of the DA Form 4137 will be turned over to the evidence custodian for processing and distribution in accordance with paragraph 2-4 of this regulation. The first DALEO or Army CI agent who seizes evidence will ensure that the DA Form 3975 (Military Police Report) number, USACIDC sequence number, or Army CI case control number is recorded on the DA Form 4137 and DA Form 4002. When evidence is collected as a result of a request for assistance (RFA) from another USACIDC unit, PM activity, or Army CI unit, both the seizing and requesting offices sequence number or DA Form 3975 number will be recorded on the DA Form 4137 and DA Form 4002. Special instructions applicable to Federal grand jury materials held as evidence are detailed in paragraph 2-10 of this regulation.

c. When evidence is sealed in an evidence container, the Description of Articles section of the DA Form 4137 should be annotated to reflect the sealing (for example, sealed in a paper sack which was marked for identification).

d. The Description of Articles block will describe the item of evidence accurately to individualize the item to the exclusion of any other item. Descriptions will include only descriptive information and not include phrases based on supposition or suspicions (for example, "suspected to be marijuana" or "believed to have been used to gain entry into the room"). Descriptions should be limited to permanent characteristics. Also, large numbers or weight should be given in approximations (for example, approximately 100 tablets). When funds are seized as evidence or kept for safekeeping, the exact amount, by denomination, will be recorded on the DA Form 4137. If serial numbers are available for an item of evidence, they will be recorded on the DA Form 4137. The words LAST ITEM will be placed in capital letters

after the last listed item on the next line below that item. The words will be centered, and lines or slashes will be drawn or typed from the words to the left and right margins.

e. Evidence custodians will not normally breach or inventory the contents of a sealed evidence container, unless they deem it necessary to ensure the integrity or to conduct additional examinations of the evidence. Normally, the evidence custodian will annotate the Purpose of Change of Custody on the DA Form 4137 with the acronym SCRCNI (sealed container received; contents not inventoried). Any breach of a sealed evidence container by the evidence custodian will be annotated on the DA Form 4137. When necessary to open an evidence container, the evidence container will be opened by cutting it without damaging the seals, if possible. After the examination of the evidence, or when access to the evidence is no longer required, the evidence, with all prior containers or their sealed parts, can be resealed in a new evidence container in the manner prescribed in this regulation. Additionally, the DALEO, Army CI agent, or the evidence custodian will prepare a memorandum for record (MFR) describing the purpose of the breach. The MFR will then be affixed to the original DA Form 4137 as a permanent attachment.

f. Any change in custody of evidence or safeguarded items, after the first DALEO or Army CI agent acquires it, will be recorded in the Change of Custody section of the DA Form 4137. Personnel handling or processing evidence must preserve the integrity of it, while under their control. Personnel must also maintain the chain of custody entries on the original DA Form 4137 and copies, as appropriate. When custody of sealed evidence is changed, the Purpose of Change of Custody column will be noted with SCRCNI.

g. Evidence custodians will review the DA Form 4137 submitted with evidence and have the submitting DALEO or Army CI agent correct and initial all errors. When evidence is received from a non- Army agency, the first DALEO or Army CI agent who receives it will inventory and mark the evidence for identification, if the other agency has not already done so, and will prepare a DA Form 4137. Any receipts or chain of custody documents from the other agency will be attached to the DA Form 4137. This requirement does not apply to the USACIL, when receiving evidence from other agencies for examination. Special instructions applicable to Federal grand jury materials held as evidence are detailed in this regulation.

h. When extra pages to the DA Form 4137 are necessary for listing additional items of evidence, a new DA Form 4137 will be used. The appropriate USACIDC sequence number, DA Form 3975 number or CI case control number, receiving activity, location, and person from who received will be entered as shown on the original DA Form 4137 (fig 2-2). The listing of items will continue until all items seized have been recorded. The term LAST ITEM will be entered on the DA Form 4137 immediately following the last piece of evidence recorded. The evidence custody document will not be cut off, and the chain of custody will begin and continue on the evidence custody document.

i. When extra pages are necessary for continuing the chain of custody, a new DA Form 4137 will be used. The USACIDC sequence number, DA Form 3975 number or CI case control number, receiving activity, location, and person from whom received will be entered as shown on the original DA Form 4137 (fig 2-2). The following entry will be placed in the middle of the Description of Articles Section Continuation of Chain of Custody, dated (enter last date shown on chain of custody where preceding chain of custody page ended). The chain of custody will then continue until evidence is disposed.

j. When a portion of an item listed on a DA Form 4137 is extracted by the USACIL personnel for examination by a laboratory other than the USACIL, that laboratory's chain of custody document will be used. Annotation will be made on the original DA Form 4137 in the "Chain of Custody" section, describing what was extracted and from which item it was derived. The document number of the original DA Form 4137 will be included on the derived chain of custody document as will the item number from which the evidence was extracted and the corresponding USACIL exhibit number. A copy of the derived chain of custody document will be attached to the original DA Form 4137. If the examining laboratory does not generate its own chain of custody document, a derived DA Form 4137 will be generated by the USACIL.

k. There is no requirement to generate an additional DA Form 4137 for evidentiary material, standards, or controls (for example, hairs, fibers, debris, pieces of questioned fabric with stains, fabric standards, soil, paint, glass fragments, and so forth) recovered or removed from submitted items of evidence during forensic examination at the USACIL. Such evidence will be properly packaged, preserved, marked for identification, and returned with the submitted evidence. When possible, the extracted material, standards or controls will be physically attached to the item or placed in the items evidence container from which it was removed or recovered.

l. When items containing suspected blood-stained evidence or evidence containing suspected or known bodily fluids or parts are collected as evidence, the DA Form 4137, Description of Articles section, will reflect POSSIBLE BIOHAZARD in all capital letters after each item containing suspected blood or bodily fluids.

m. Hazardous chemicals and explosives (less small arms ammunition) will not be handled or transported by DALEO or Army CI personnel and will not be stored in an evidence room or depository. The DALEO or Army CI agent will contact hazardous material personnel or the explosive ordnance detachment, before approaching or evaluating suspected hazardous chemical or explosive evidence. Personnel working with hazardous material or explosives must be trained and understand the hazards, standards, procedures, and precautions that apply. Coordination between the appropriate DALEO or Army CI agent, supervisors, hazardous material personnel, the explosive ordnance detachment,

and trial counsel will be made to determine if the hazardous material or explosive type evidence must be retained and, if so, where and how it should be examined, handled, and stored until no longer needed.

n. When .0015 funds are received as evidence, a copy of the DD Form 281 (Voucher for Emergency or Extraordinary Expense Expenditures) that provided the .0015 funds for the investigative activity will be maintained with the original DA Form 4137. If a DD Form 281 is not produced for the issuance of .0015 funds, the appropriate USACIDC resource management office will be contacted for the purpose of obtaining the proper accounting classification for those specific .0015 funds. That accounting classification will be documented on an MFR that is attached to the original DA Form 4137. An accurate accounting classification will be needed, when final disposition of the funds are made. All .0015 funds received as evidence will be processed into the evidence room and assigned a document number, before the funds are ever temporarily released to a non-DA law enforcement agency.

o. In some instances, .0015 funds held as evidence can be reproduced for trial and the funds returned to finance.

(1) Copies of U.S. currency will be made only when all of the following are accomplished:

(a) The trial counsel agrees to the substitution of evidence (copies in lieu of originals) and is informed that the actual bills will no longer be held as evidence.

(b) The defense counsel agrees with the trial counsel to the substitution of evidence, and the defense counsel is informed that the actual bills will no longer be held as evidence.

(2) Copies of U.S. currency will not be made if the trial counsel, defense counsel, or the judge expresses reservations about the substitution of evidence. In this case, the actual currency must be maintained in accordance with this regulation.

(3) Copies will not be accounted for as evidence.

(4) All copies of U.S. currency will—

(a) Be black and white and will be produced with either a photocopier or photograph. Color reproductions are not authorized.

(b) Conform to the size limitations imposed by 18 USC 504. Specifically, the size must be less than 3/4th or more than 1 1/2 times actual size in linear dimension of each part of the item illustrated.

(c) Be created and maintained only to the extent they are essential to prosecution of alleged criminal actions.

(d) Have the time and date and number of copies created entered into the case file.

(e) Be destroyed as soon as possible following completed judicial action.

(f) Not be attached as an exhibit to the report of investigation (ROI). The case file will reflect the specifics of the reproduction and ultimate disposition of the copies.

2-4. Processing of DA Form 4137 by the evidence custodian

a. Except in unusual circumstances, physical evidence will be released to the evidence custodian no later than the first working day after it is acquired. Evidence acquired during non-duty hours will be secured in a temporary storage container, in accordance with this regulation. The evidence will be controlled by the person securing it until released to the custodian. Activities served by an evidence custodian in a separate location will release the evidence either physically, by registered mail, or by a recognized major U.S. commercial shipping service with an accountable tracking system (for example, FedEx, DHL, UPS, Airborne Express) to the servicing evidence custodian normally within two working days after the evidence is acquired. Transmittal procedures outlined in this regulation will be followed. Special instructions applicable to Federal grand jury materials held as evidence are detailed in this regulation.

b. In those instances where large quantities of documents (for example, 250 or more) are obtained, it is permissible for the DALEO or Army CI agent to evaluate the items to determine the evidentiary value prior to processing them into the evidence room. The documents will be accounted for on a DA Form 4137 and the phrase "Evaluation as Evidence" will be recorded in the "Purpose of Change of Custody" column. The DALEO or Army CI agent will, in a reasonable amount of time, make a determination as to which documents are evidence. Once the determination is complete, a new DA Form 4137 will be prepared and the identified documents will be processed into the evidence room. During the evaluation process, the DALEO or Army CI agent will ensure that the documents are stored in accordance with paragraph 4-3 of this regulation. A copy of the original DA Form 4137 will be attached to the new DA Form 4137 so the complete chain of custody will be documented.

c. Upon receipt of the evidence and DA Form 4137, the evidence custodian will assign a document number. This document number will consist of two groups of digits, separated by a hyphen. The first group is the number of the document beginning with the number 001 for the first DA Form 4137 received for the calendar year; the second group will represent the current calendar year (for example, 001-11). The number is assigned by order of precedence from the evidence ledger in accordance with this regulation. The number will be entered on all copies of the DA Form 4137 and each DA Form 4002.

d. The evidence custodian will distribute the DA Form 4137 (except the receipt copy) after the chain of custody is complete and all copies of the form are assigned a document number. The custodian will keep the original and first copy of the DA Form 4137. The second copy will be given to the DALEO or Army CI agent who will place it in the proper case file or with the MP report. When evidence is permanently forwarded to another office, the original and first

copy of the DA Form 4137 will be provided to the gaining unit. The sending evidence custodian will make another copy of the DA Form 4137 and will retain it in the appropriate inactive DA Form 4137 file.

e. The location of the evidence in the evidence room will be recorded in pencil on the location block of the DA Form 4137. Location changes in the evidence room will be kept current by erasing the previous entry and noting the new location.

f. Active DA Form 4137 files kept by the evidence custodian will contain the original and first copy of the form that pertains to evidence for which the custodian must account. All active DA Form 4137 files will be maintained in the evidence room.

(1) Active DA Form 4137 files will be put in numerical sequence in a file folder or binder containing no more than 50 vouchers with attached documents per folder/binder. The number and year of the documents in the folder/binder will be shown on the outside (for example, 001–11 through 050–11). The vouchers will be filed in numerical sequence with the highest numbers on top.

(2) When evidence is temporarily released from the evidence room for any reason (for example, sent to the USACIL for examination or provided for a Uniform Code of Military Justice (UCMJ), Article 32 hearing or court-martial), the original DA Form 4137 will accompany the evidence. The first copy of the DA Form 4137 will be detached from the original and retained in a suspense folder, until the evidence is returned to the evidence room.

(3) At least three suspense folders will be kept as follows:

(a) One labeled USACIL for evidence sent to the laboratory.

(b) One labeled ADJUDICATION for evidence on temporary release to UCMJ, Article 32 investigating officers, courts, trial counsel, civilian prosecutor, or other persons for legal proceedings.

(c) One labeled PENDING DISPOSITION APPROVAL when the original DA Form 4137 is sent to the trial counsel or civilian prosecutor for approval of disposition.

g. The first copy of the DA Form 4137 will be used as the suspense copy and will be placed in the inactive DA Form 4137 file (noting the disposition of the original form), if one of the following conditions exists:

(1) The original DA Form 4137 is entered as a permanent part in the record of trial.

(2) The document accompanies evidence released to an external agency.

(3) The document is not available for other reasons.

h. After all items of evidence listed on a DA Form 4137 have been properly disposed, the original DA Form 4137 and related documents, will be placed in a separate DA Form 4137 file labeled inactive in accordance with AR 25-400-2. This inactive file will be labeled by month and year of the disposition date. These files will be maintained in the evidence room. The inactive DA Forms 4137 will be disposed of three years after the date they become inactive. Once the original DA Form 4137 has been placed in the separate inactive DA Form 4137 file, duplicate copies may be destroyed with the exception of any duplicates which document transfers of the evidence not annotated on the original. Those that differ will remain with the original custody document.

i. When the DA Form 4137 pertains to an ROI or DA Form 3975, the most complete copy of the DA Form 4137 at the time the ROI or DA Form 3975 is finalized will be forwarded to the U.S. Army Crime Records Center (USACRC) as an attached exhibit to the final report. If the evidence was collected after the final report was submitted, a copy of the DA Form 4137 will be forwarded as an exhibit to the supplemental report. A copy of the DA Form 4137 will also be attached to the office file copy of the report.

2–5. Evidence ledger

a. *Accountability.* The evidence ledger shows accountability through cross-reference with the DA Form 4137. It accounts for document numbers assigned to DA Forms 4137 in accordance with this regulation. The evidence ledgers must be bound books. The evidence ledgers may be disposed of three years after the date the last item of evidence listed within it is disposed, or it may be held indefinitely as deemed appropriate.

b. *Preparation and maintenance of the evidence ledger.* The evidence ledger is prepared with six columns (Document Number/Date Received; CID, DA Form 3975, or CI Case Control Number (as appropriate); Description of Evidence; Date of Final Disposition; Final Disposition; and Remarks that span two facing pages when the book is opened (fig 2-3). Each page need not show the column headings. At a minimum, the first page of the ledger and the first page beginning a new calendar year will show headings. Both vertical and horizontal lines are used to separate entries. Blue or black ink will be used to make the entries. The lines separating entries may be in a different color(s).

(1) The columns provide a history of evidence custody (see this regulation for special instructions applicable to Federal grand jury materials held as evidence). The columns should be completed as follows:

(a) *Document number and date received.* This column contains the document number assigned to the DA Form 4137 by the evidence custodian. The date the DA Form 4137 is received in the evidence room is entered below this number. When all items of evidence pertaining to a document number have been disposed, a diagonal line in red ink may be drawn across this box to make it readily identified as a closed document.

(b) *U.S. Army Criminal Investigation Command control number, DA Form 3975 number, or counter intelligence case control number.* The number assigned to the investigation to which the evidence pertains is entered in this column.

(c) *Description of evidence.* A brief description of the evidence is entered in this column. The item number from the DA Form 4137 will be included in this entry. Fungible or other evidence sealed in an evidence container will be briefly described from data on the DA Form 4137. This entry does not imply that the evidence custodian has inventoried the items. For restricted reporting cases of sexual assault, the evidence custodian will annotate Restricted Sexual Assault for the description.

(d) *Date of final disposition.* The date the evidence is disposed of, as shown in the Chain of Custody section of the DA Form 4137, is entered in this column. When a DA Form 4137 contains several items that are not disposed of on the same date, the date of disposition for each item will be shown opposite the items description. When all the items in an entry are disposed of on the same date, only one date is entered, followed by the words All Items (for example, 25 JAN 11 All Items).

(e) *Final disposition.* A brief note on the means of final disposition is entered in this column opposite the items description. When all items in the entry have been disposed of in the same manner, the means of disposal will be listed once, preceded or followed by the words All Items (such as, all items destroyed by burning). When final disposition is made by forwarding the evidence to a controlling unit, that unit will be identified (for example, Forwarded to controlling unit-Aberdeen CID).

(f) *Remarks.* This column is used to record any information the evidence custodian deems necessary. This may include cross-references to other DA Forms 4137 with evidence from the same investigation; names of owners, subjects, or DALEO or Army CI agent; notations to show presence of .0015 funds; or results of laboratory examinations. When fungible or other evidence is received in a sealed evidence container and is not inventoried, the notation SCRCNI may also be made.

(2) Whenever entries require signatures in the evidence ledger (for example, temporary absence of custodian, change of custodian, or recording inspections and inventories), the entry will be handwritten and will extend across both pages of the ledger. This will be done by making a straight line across both pages below the last DA Form 4137 recorded and again across both pages below the signed entry.

(3) A ledger book will normally be filled before starting a new one. If, in larger offices, the number of entries nearly fills a ledger, the remaining pages need not be used for the next year. A new ledger may be opened. Conversely, a small office may use only a few pages per year, so the same ledger should be used for several years.

(4) After the last entry in the ledger for a calendar year, this concluding statement will be entered in the ledger: **This ledger pertains to DA Forms 4137 from 001 through (enter number) for calendar year (enter year).** The first entry for the next calendar year begins on the next page.

(5) There will be no blank pages or lines left between ledger entries. If spaces are left between entries, they will be lined through and the term VOID annotated in the space with the initials of the custodian. Erroneous entries will be voided with one line drawn through the entry (so it may still be read) and initialed by the custodian. No liquid correction type products, correction tape, stick-on labels, or erasures are authorized to correct erroneous entries.

(6) The cover of the ledger book will identify the organization or activity responsible for the evidence room and the dates spanned by the entries. A notation will be made on the ledger cover annotating the last voucher number disposed of from that ledger and the date of the final disposition.

(7) Stand-alone automated evidence ledger/accountability systems must be approved by the Commander, USACIDC (CIOP-COP-PO), for USACIDC units; Headquarters, Department of the Army (HQDA) (DAMO-ODL) for PM activities; or Army G-2X for CI organizations prior to use. There is no need for approval of automated systems used in conjunction with or to enhance the requirements of this regulation.

2-6. Maintenance of evidence

a. A person possessing item(s) identified as evidence will handle and store it so that the integrity and physical characteristics are maintained and cross-contamination is prevented. Special instructions applicable to Federal grand jury materials held as evidence are detailed in paragraph 2-10.

b. A person with evidence, such as weapons, will maintain it in the general condition in which it was received, but routine maintenance must not reduce the item(s) value as evidence (for example, a weapon should not be cleaned, if latent prints may exist on the item).

c. The evidence custodian with audio and visual tape evidence that is entered into the evidence room will only release such evidence if it is needed for examination, court presentation, or to be copied. Once such evidence is entered into the evidence room, the tapes or other media will not be altered by editing or adding additional recordings. All copies created for any reason will be documented and controlled with the proper case file.

d. The evidence custodian will normally not accept the receipt of fingerprint cards as evidence. The DALEO will instead maintain the fingerprint cards in the proper case. When fingerprint cards are sent to the USACIL for comparison with other evidence from the evidence room, the cards need not be listed on a DA Form 4137. The description on the DD Form 2922 (Forensic Laboratory Examination Request) is sufficient to connect the card with the evidence. No matter the circumstances, fingerprint cards will be forwarded to the USACIL by registered mail or other authorized accountable mail. The USACIL will maintain all fingerprint cards submitted. The submitting units must ensure that sufficient additional fingerprint cards exist for other investigation and distribution requirements. The

USACIL is not responsible for submission of fingerprint cards to the U.S. Army Crime Records Center (USACRC) or the Federal Bureau of Investigation. Postmortem fingerprints may be collected as evidence, if deemed appropriate; however, sufficient quantities should be obtained from the deceased, so that at least two non-evidence copies are available for the case file or the USACRC.

e. The DALEO or Army CI agent with documents that may clarify a point in question in an investigation will collect the documents as evidence. This might include insufficient fund checks, forged or altered documents, and other questioned documents, along with related standards or exemplars. Unless submitted to the USACIL for examination, documents such as statements, records, and other documents routinely associated with an investigation will not be kept as evidence.

f. When an evidence custodian needs to retain large items such as vehicles, the items may be kept in an impoundment lot, warehouse, or other reasonably secure place.

g. Information stored on digital media requires special considerations to preserve the integrity of the evidence. Digital media includes computer hard drives, magnetic media (for example, floppy diskettes and tapes), optical media (for example, compact discs and digital versatile discs), flash media (for example, thumb drives, camera memory cards, and video game media), pagers, cellular telephones, digital planners, personal digital assistants, music players, data watches, tape recorders, and so forth.

(1) A person with digital media evidence should store such evidence in a dust-free, temperature- and humidity-controlled environment, whenever possible.

(2) A person with digital media evidence will not store it near batteries, generators, electro-magnets, magnets, induction coils, unshielded microwave sources, or any material that generates static. NOTE: Vacuum cleaner motors generate small electromagnetic fields that may alter, erase, and/or destroy digital media such as tapes.

(3) A person with digital media evidence should not store such evidence in the same container with electronic devices. Some electronic devices contain batteries with sufficient strength to erase digital data over extended periods.

(4) The evidence custodian should make periodic checks of digital media evidence in the evidence room to determine battery life of the item(s). There is a very high risk that all evidence contained in digital storage in these devices will be lost, if the battery is allowed to fully discharge. The evidence custodian should store such evidence with appropriate chargers that can remain connected to uninterrupted power.

(5) Where possible, the evidence custodian should store digital media evidence in a fire safe designed to safeguard items in heat in excess of 120 degrees Fahrenheit.

(6) Where possible, the evidence custodian should not store digital media or devices in areas with sprinkler fire protection systems. If this is not possible, the evidence custodian should cover the media with waterproof material. The media should not be completely wrapped in waterproof material, because condensation can build and destroy the evidence.

(7) The evidence custodian should not store digital media and devices in the same confined area with caustic chemicals (for example, acids, solvents, industrial strength cleaners, flammables). Exposure to fumes from such materials may cause surface erosion of media and loss of data.

h. A person with items of evidence that are classified or that contain classified information or material will store such evidence in accordance with AR 380-5.

2-7. Temporary release or transfer of evidence

a. Evidence will only be removed from the evidence room for permanent disposal or for temporary release for specific reasons. When evidence is temporarily released, the evidence custodian will maintain reasonable and adequate contact with the person or agency which temporarily receipted for the evidence. This will ensure accountability of the evidence is maintained and that it is returned as soon as it is no longer needed by the person or agency. Some of the most common reasons for temporary release are

(1) Transmittal to a crime laboratory for forensic examination.

(2) Presentation at a criminal trial, grand jury proceeding or a hearing pursuant to Article 32, UCMJ.

b. The person to whom evidence is either temporarily or permanently released will physically inventory the evidence and sign for it in the Received By column of the Chain of Custody section on the original and first copy of the DA Form 4137. The evidence custodian, DALEO, or Army CI agent temporarily releasing evidence will clearly inform the person receiving temporary custody of the evidence that they must ensure the evidence is safeguarded and that the chain of custody must be maintained until the evidence is returned to the evidence custodian. They will also be informed that the evidence must be returned as soon as it is no longer needed. The evidence custodian or transferring DALEO or Army CI agent will release the original DA Form 4137 to the person who assumes temporary custody, to registered mail, or other transmittal channels, along with the evidence. The evidence custodian will put the first copy of the DA Form 4137 in the proper evidence room suspense folder. The evidence custodian and supervisors of the evidence custodian will ensure the evidence is not released for an excessive period. When the evidence is returned, the original DA Form 4137, properly annotated by the custodian and the person returning the evidence, will be put in the appropriate active DA Form 4137 file. The first (suspense) copy, with the chain of custody properly annotated, will be filed with the original DA Form 4137. When items on the same DA Form 4137 must be temporarily released to more

than one agency or person at the same time, copies will be used and processed as above. A note will be made on the original and first copy that copies have been made. The chain of custody for all evidence will be recorded on the first copy of the DA Form 4137. A person receiving evidence, either on a temporary or on a permanent basis, will present appropriate identification.

c. Evidence that may contribute to the resolution of an investigation but which requires technical examination or analysis, will be processed promptly for submission to the USACIL. Evidence not required to complete an investigation will not be submitted for examination.

(1) With the limited exception as indicated below, evidence will be sent only to the USACIL for examination. Evidence can be sent to other agencies for examination only after prior coordination with the USACIL. Evidence previously submitted to another laboratory may be submitted to the USACIL, only after prior coordination with the USACIL.

(2) Physiological specimens (blood, urine, and so forth) to be analyzed for evidence of controlled substance use should be forwarded directly to the Armed Forces Institute of Pathology; Division of Forensic Toxicology (DFT), Building 54, 6825 16th Street NW, Washington, DC 20306-6000. The evidence custodian should coordinate with the DFT prior to shipment of any evidence to determine the shipping and documentation requirements. Updated contact information for the DFT can be found on the Internet at <http://www.afip.org/consultation/AFMES/operations/fortox.html>. A copy of the DA Form 4137 will be sent to the DFT, instead of the original. If hair testing or testing for substances not screened at the DFT is necessary, contact the USACIL for assistance. In most instances, evidence submitted to the DFT for analysis will not be returned to the requesting office, due to DFT internal laboratory protocols. In those instances, coordination should be made with the DFT to confirm if the evidence will or will not be returned. A MFR will be prepared explaining the circumstances and attached to the DA Form 4137. Any final disposition action should be coordinated with the appropriate trial counsel or civilian prosecutor. The Final Disposal Action portion of the DA Form 4137 can be completed by the evidence custodian after approval from the appropriate trial counsel, civilian prosecutor, MP supervisor, or SAC/RAC. If all evidence will be consumed in the processing of the evidence, the case investigator should follow the procedures outlined in this regulation. The Garries notification must be considered, if all evidence is being consumed during examination. Note: The Garries notification is derived from U.S. versus Garries which was a case decided by the U.S. Court of Military Appeals in 1986. The court ruled in that case that the defense is entitled to equal access of all the evidence and that if all of an evidence sample is to be consumed in evaluation, it is desirable that the defense be so notified and provided an opportunity to be present at the time of evaluation (22 MJ 288 (CMA 1986)).

(3) The DALEO or Army CI agent will release physical evidence to the evidence custodian for accountability purposes, before submission to a laboratory for analysis. At locations with no evidence room, the DALEO may send evidence directly to the USACIL after an evidence custody document number is obtained from the senders supporting evidence custodian and annotated on the DA Form 4137. A DALEO in receipt of evidence seized as a result of a request for assistance (RFA) may also submit evidence directly to the USACIL, after an evidence custody document number is obtained from the controlling offices evidence custodian and annotated on the DA Form 4137. In these cases, the DD Form 2922 (fig 5-1) will give instructions to the laboratory for transfer of evidence to the proper evidence room. The DALEO will mail, fax, or electronically scan and mail a copy of the DA Form 4137 and DD Form 2922 to the evidence custodian who issues the document number. The evidence custodian will record the evidence information in the evidence ledger and will write in pencil not inventoried, evidence at lab in the remarks block and will put the copy of the DA Form 4137 and DD Form 2922 in the evidence room's USACIL suspense file.

(4) Field elements that do not have an evidence room and seize evidence in response to a RFA are authorized to forward the evidence directly to the requesting office. The requesting unit should specify where the evidence is to be mailed. The procedures for packaging and mailing will be in accordance with this regulation.

d. When controlled substance evidence is returned to the evidence custodian after a temporary release, other than for laboratory examination, any apparent changes in the substance will be annotated in the Purpose of Change of Custody column on the DA Form 4137. A MFR explaining the apparent changes will also be prepared and attached to the DA Form 4137 by the evidence custodian. The "Purpose of Change of Custody" section will be completed in accordance with this regulation.

e. When evidence is mailed to the USACIL, it will be sent by registered or another form of accountable mail in accordance with this regulation. The evidence custodian will only enter the registered or other accountable mail number in the Received by block of the chain of custody section of the DA Form 4137. Upon receiving the evidence, the USACIL will record the registered or other accountable mail number in the Released by block of the chain of custody section of the DA Form 4137.

(1) If evidence is sent by registered mail to the USACIL, a PS Form 3811 (Domestic Return Receipt) is not required to be used. A PS Form 3811 may be used at the discretion of the evidence custodian when deemed necessary, based on the sensitivity or value of the evidence forwarded. The registered mail number will be recorded in the Received by block on the first copy of the DA Form 4137 and the form placed in the laboratory suspense folder. Individual heat-sealed bags, envelopes, paper bags and other receptacles that contain items of evidence will be placed inside a container appropriate for shipping (for example, a box or envelope). The shipping container will be sealed by wrapping it in paper or by taping all openings and seams with paper tape or tape designed specifically for sealing evidence. The

sending custodians initials will be written across all seals, so that they are visible on both the tape and container. The original chain of custody document(s) and laboratory request will be placed in a separate envelope and attached to the outer surface of the shipping container. The shipping container will then be wrapped again, or in the case of an envelope, placed in another envelope, for shipment to the USACIL. An original chain of custody document reflecting the items within the container will be affixed to each container. The recipient will note the "Item Number," "Received By" and Released By blocks with the item numbers, date, and registered mail number, and annotate the Received By block with sealed container received; contents not inventoried (SCRCNI). Evidence custodians will obtain a block of registered mail numbers and a registered mail log, designated as a firm mailer, from their installation post office. The evidence custodian will annotate the registered mail number in the Received By and Released By blocks of the chain of custody section on the original DA Form 4137, before packaging the original document. The recipients at the USACIL will complete the item number and date columns and stamp appropriate acknowledgements in the Received By block of the chain of custody. All item numbers listed within the Description of Exhibits block on the Laboratory Examination Request must correctly match the corresponding item numbers on the DA Form 4137(s). The USACIL will send an acknowledgement of receipt to the DALEO responsible for the investigation for all shipping containers received at the laboratory. If the DALEO responsible for the investigation does not receive an acknowledgement within a reasonable number of days after submission, he or she should contact the USACIL.

(2) Technical guidance for packing and shipping evidence is in FM 3-19.13. The individual responsible for shipping the evidence will ensure that specimens are properly preserved and transported for examination.

(3) To maintain proper chain of custody, the individual responsible for shipping the evidence will package evidence from only one investigation in a shipping container. Subsequent submissions of case materials will be accompanied by a supplemental laboratory request indicating the corresponding laboratory reference number or case number to ensure the submission is cross-referenced to the proper case.

(4) The evidence custodian will take precautions to ensure trace evidence or other evidence susceptible to possible accidental or cross contamination is not compromised. This can be accomplished by placing the evidence in a separate container to be packaged and mailed separately.

(5) The USACIL examiners will not normally make final disposition of any item submitted for examination. With the limited exception as indicated below, a laboratory report will be prepared and returned to the requester along with the evidence, unless the request is canceled by the contributor. In those instances where the laboratory director, the contributor, and the advising trial counsel agree that final disposition by the USACIL is in the governments best interest, the USACIL will make final disposition in accordance with this regulation.

(6) When fungible evidence is returned from the USACIL, the container will not be opened except for official purposes or disposal. When necessary to open a sealed fungible evidence container, other than to dispose of the evidence, the person who opens the container will sign the DA Form 4137. It will be noted in the Purpose of Change of Custody column that the seals were intact and the reason for opening given. The container will be opened by cutting it without damaging the seals, if possible. When access to the evidence is no longer required, the evidence, with all prior containers or their sealed parts, will be resealed in a new container. The person resealing the container will mark their initials and the time and date of the resealing across the new seals.

(7) Shipments of evidence having hazardous properties (for example, flammable materials, explosives, hazardous chemicals, and so forth) will be coordinated with the USACIL to determine the acceptability of the materials, the quantity required for laboratory examination, and the proper shipping method.

(8) In instances where items from one evidence voucher cannot be shipped in a single container, each container will be prepared in accordance with this regulation. The "Chain of Custody" section of the evidence voucher will be annotated in the appropriate manner. Each container will be given a separate line in the "Chain of Custody" section and will identify what items are in it and the registered mail number. The "Purpose of Change of Custody" section will reflect which box the items are in (for example, Forward to USACIL/Box 1). The original DA Form 4137 will be completed and attached to Box 1. Duplicates of the DA Form 4137 will be attached to each additional box, in accordance with this paragraph. If during the course of the laboratory examination, the duplicates of the DA Form 4137 are utilized as original documents by laboratory personnel, they will be retained as original documents.

f. When commercial accountable shipping services are used, the mode of transportation method must be able ensure a chain of custody is maintained. The security and tracking of the evidence in transit must be consistent with those safeguards associated with registered mail, as well as costs associated with the transfer. It may be hand carried by a courier approved by the USACIDC commander/SAC/RAC or PM, or shipped by the installation transportation officer using a government bill of lading (GBL). When this method of shipment is used to submit evidence to the USACIL, the original DA Form 4137 will be placed inside the shipping container provided by the installation transportation office. A copy of the shipping document will be attached to the suspense copy of the DA Form 4137 until notice is received from the addressee of receipt of the evidence or the evidence is returned to the evidence room. Signature service will be requested, if using a GBL.

g. When evidence is permanently transferred from one evidence room to another, the original and duplicate DA Form 4137, properly annotated, will go with the evidence. The custodian who receives this evidence will enter the next document number of the receiving evidence room on both copies. The prior document number will be lined through in such a way that it remains legible. The evidence will be properly logged in the evidence ledger in accordance with this

regulation. The sending evidence custodian will place a copy of the DA Form 4137 showing disposition in the inactive DA Form 4137 file.

h. When evidence must be mailed or shipped for judicial proceedings, it will not be sent directly to the requesting trial counsel or civilian prosecutor. The evidence will instead be sent to the USACIDC/Provost Marshal Office (PMO)/CI evidence custodian nearest to the trial location or the trial counsel/civilian prosecutor, whichever is deemed more appropriate. The unit sending the evidence will document this action as final disposition. The receiving USACIDC/PMO/CI unit will log in the evidence and will maintain accountability of the evidence, until the final disposition of the evidence. The evidence will not be returned to the sending unit unless special circumstances exist that require the return. Prior notification and coordination will be completed before the evidence is returned. The sending unit will provide the receiving unit with as much information as possible about the owner(s) of personal property evidence.

i. Property of the U.S. Government and .0015 fund type evidence may be temporarily released to a non-DA law enforcement agency, only after it has been processed into the evidence room and with approval of the appropriate USACIDC commander/SAC/RAC, PM, or the PM's designated representative. The other agency will assume full investigative authority and responsibility or jurisdiction and responsibility for that portion of the investigation to which the evidence pertains. The evidence must be returned to the controlling evidence custodian, when it is no longer required for the other agency's investigation or prosecution. The evidence custodian will maintain the first copy of the DA Form 4137 in a suspense file until the evidence is returned. The U.S. Government property and .0015 fund evidence will not be permanently released or otherwise disposed of unless it is specifically authorized by law and done in accordance with this regulation.

j. The evidence custodian or DALEO will not release printed or digital photographs or video images of child exploitation or suspected child exploitation that are acquired as evidence during an investigation to a suspect's defense counsel without an order from a judge. With the approval of the trial counsel, the defense counsel is permitted to view such evidence in the presence of the DALEO on a standalone computer (not connected to the local area network or Internet) at the office of the DALEO.

k. Items of evidence that are classified or that contain classified information or material will be released in accordance with AR 380-5.

2-8. Authorization for final disposal of evidence

Property seized or held as evidence, other than contraband or other property which cannot legally be returned, will be returned to its rightful owner when it is determined that the property has no evidentiary value or when criminal proceedings have concluded and the time to initiate appeals has passed. All final disposition of evidence actions will be documented in appropriate hard copy investigation case files and online database case records in addition to on the DA Form 4137.

a. Authorization for disposal prior to processing into the evidence room.

(1) Items of potential evidence, except found controlled substances/contraband, that are determined to have no evidentiary value by the DALEO may be disposed of before they are released to the evidence custodian. The USACIDC commander/SAC/RAC, PM, PMs designated representative, or CI supervisor, as appropriate, will review the DA Form 4137 and approve the release by completing the final disposal authority section. The DA Form 4137 will be filed with the investigative case file and forwarded as an exhibit in the final report of investigation when appropriate.

(2) When it is not practical or desirable to keep items of evidence (for example, automobiles, serial numbered items, items required for use by the owner, items misappropriated from postal channels, large amounts of money, explosives, perishable or unstable items), disposal action may be taken immediately. If such items can be immediately disposed, it will not be necessary to process them into the evidence room. Disposal and photographing the evidence prior to release will be coordinated with the trial counsel. If it is not possible to get written approval of the trial counsel before disposal of the evidence, oral permission will be obtained, followed by written approval in the form of signature as the final disposal authority on the DA Form 4137, which will be maintained in the case file.

(3) With exception of U.S. Government property and .0015 funds, evidence seized by DALEOs at a crime scene or during the investigation may be released to a non-DA law enforcement agency without trial counsel approval, when the other agency assumes full investigative authority and responsibility or jurisdiction and responsibility for that portion of the investigation to which the evidence pertains. This release must be done prior to the close of business on the first working day after the evidence is acquired, or the evidence must be processed into the evidence room. The evidence must be properly documented on a DA Form 4137, and the chain of custody must be completed. The appropriate USACIDC commander/SAC/RAC, PM, or the PMs designated representative will review and approve the release by completing the final disposal authority section of the DA Form 4137. Since the final disposal approving authority may not be reasonably available to give prior authorization for the release, this approval may be given after the fact, with the final disposal authority annotated on the file copy of the DA Form 4137. A copy of the DA Form 4137 will be maintained in the case file and release of evidence will be documented in the report of investigation. Consideration should be given to photographing the evidence prior to its release. These photographs will be retained in the case file.

b. Authorization for disposal of items with no evidentiary value and found controlled substances.

(1) Items which have been determined by laboratory analysis to be of no evidentiary value may be disposed of after obtaining disposal authority on the DA Form 4137 from the trial counsel or civilian prosecutor in known subject cases or from the appropriate USACIDC commander/SAC/RAC, PM or the PMs designated representative, or CI commander in unknown subject cases. The evidence custodian may delay disposal of these items to make disposition of all evidence in the case at one time, if the items have no intrinsic value, are contraband, or will be disposed of by destroying them.

(2) Controlled substances (for example, found contraband) received by the evidence custodian that are not related to an investigation and cannot be linked to a suspect may be immediately disposed of after the USACIDC commander/SAC/RAC, PM or the PMs designated representative reviews and approves the disposition by completing the final disposal authority section of the DA Form 4137. A copy of the DA Form 4137 will be filed with the appropriate investigation report.

c. Authorization for disposal in unfounded, unsolved, transferred cases.

(1) Evidence in a closed unfounded investigation may be disposed of immediately after the appropriate USACIDC commander/SAC/RAC, PM or the PMs designated representative, or CI commander reviews and approves the release by completing the final disposal authority section of the DA Form 4137.

(2) Evidence in an unsolved investigation, with the exceptions noted below, may be disposed of after the trial counsel reviews and approves the release by completing the final disposal authority section of the DA Form 4137. The appropriate USACIDC commander/SAC/RAC, PM or the PMs designated representative, or CI commander may review and approve the release by completing the final disposal authority section of the DA Form 4137 without trial counsel approval three months after completion of the investigation. Consideration should be given to photographing evidence in appropriate cases prior to disposal of such evidence.

(a) Evidence involving unsolved homicide, rape, aggravated sexual assault, undetermined death, and missing person cases and any other offense with no statute of limitations, will be retained indefinitely.

(b) The trial counsel or civilian prosecutor and the USACIDC commander/SAC/RAC, PM or the PMs designated representative, or CI commander must exercise caution with cases involving other serious crimes when there is a chance that a subject may be identified later. Evidence should be retained for a reasonable amount of time in instances of repetitive unknown cases that may have been committed by the same person (for example, a multiple burglaries).

(c) Evidence involving other serious unsolved cases may be retained indefinitely, as deemed appropriate. The USACIDC commander/SAC/RAC, PM or the PMs designated representative, or CI commander will prepare a memorandum explaining the reason for retaining the evidence. The memorandum will be maintained in the case file.

(3) When evidence is permanently released to a non-DA law enforcement or intelligence agency, the final disposal authority portion of the DA Form 4137 will be completed by the appropriate USACIDC commander/SAC/RAC, PM or the PMs designated representative, or CI commander.

d. Authorization for disposal of computer and network hardware. This paragraph pertains to the USACIDC Computer Crime Investigative Unit (CCIU) only. Computer and network hardware taken as evidence may be immediately released for final disposal after an image of the digital data has been successfully obtained as evidence. The immediate final disposal authority may be granted by the supporting trial counsel, the civilian prosecutor, or the director or operations officer of CCIU. The CCIU director or operations officer is responsible to ensure that all pertinent digital data has been collected from the computer and network hardware prior to its release and that the release is consistent with applicable laws and industry best practices. Final disposal may be accomplished before or after the original evidence has been processed into the evidence room. The requirement to process such items through the evidence room does not apply to situations wherein images are obtained in the field or at remote CCIU offices that do not maintain an evidence room, and physical seizure/transport of the items are not authorized or not practical.

e. Authorization for disposal of evidence following judicial proceedings.

(1) The evidence custodian should be aware that required judicial and appellate procedures may significantly extend the time that evidence must be maintained. In the military justice system, for example, the following procedures generally apply:

(a) Following a court-martial, the record of trial must be assembled after any verbatim transcript of the proceedings has been reduced to writing, reviewed by the trial counsel and defense counsel and authenticated by the military judge. The trial counsel must prepare a post-trial recommendation for the convening authority, and the defense has a period of time to submit matters to the convening authority. Once the convening authority takes initial action on the court-martial results, a promulgating order setting out the results of the trial and the convening authority's action are issued. A copy of the order is provided to the local investigating office of USACIDC or the Provost Marshal, as appropriate. The USACIDC commander/SAC/RAC, PM or the PMs designated representative will ensure that a copy of the original promulgating order and any supplemental orders are provided to the evidence custodian.

(b) If the promulgating order shows that the proceedings resulted in acquittal of all charges and specifications or in a finding of not guilty only by reason of lack of mental responsibility of all charges and specifications, or if the proceedings were terminated by withdrawal, mistrial, or dismissal before findings, the evidence custodian should contact the trial counsel to determine whether the evidence in the case can be disposed of and will document the conversation in a MFR which will be attached to the DA Form 4137.

(c) Any sentence which includes the death penalty, dismissal, a dishonorable or bad-conduct discharge or confinement for one year or longer is required to be reviewed by a military appellate court, if the accused has not waived appellate review. For reviews to be done by the Army Court of Criminal Appeals (ACCA), the case is assigned to appellate counsel in the Defense Appellate Division of the United States Army Legal Services Agency. The original trial counsel normally has no further connection with the case but does maintain a copy of the record of trial and will be responsible for ensuring the issuance of any supplemental orders following appellate decisions.

(d) In addition, the record of trial of every general court-martial where there is a finding of guilty and a sentence must be reviewed by the Office of the Judge Advocate General (OTJAG), unless the accused waives appellate review. Reviews by OTJAG are done by counsel in the Criminal Law Division. After considering the results of the review, the convening authority will issue a supplemental order setting out any changes and ordering the sentence to be executed, again with a copy provided to either the local USACIDC or PM office, as appropriate. Upon receipt of this order, the evidence custodian should contact the trial counsel to determine whether the evidence in the case can be disposed of and will document the conversation in a MFR which will be attached to the DA Form 4137.

(e) Appeals to ACCA can take from six months to several years. Following the ACCA appeal, the defendant may appeal to the Court of Appeals for the Armed Forces, the highest court in the military justice system, which can take a similar amount of time. Finally, the defendant may, under certain conditions, appeal to the Supreme Court of the United States, which can add an additional period of time. Any changes to the findings or sentencing resulting from appellate review as well as any order to execute the sentence will be made by a supplemental order and a copy should be provided to USACIDC or the PM office, as described above. Upon receipt of this order, the evidence custodian should contact the trial counsel to determine whether the evidence in the case can be disposed of and should document the conversation in a MFR which will be attached to the DA Form 4137. It should be noted that the accused may be serving a sentence of confinement or be on excess leave, either of which may put the accused under the jurisdiction of a different general court-martial convening authority who will issue the supplemental orders. In any case, the Clerk of the Court for ACCA is always notified of changes in the accused address and can provide that information, if the evidence custodian cannot find the accused for return of personal property. When a defendants case has been reviewed by ACCA, the results can be found on the Internet at <https://www.jagcnet.army.mil/8525749F007224E4/>.

(2) Similar appeals are possible in the civilian judicial system, but often the accused waives appeal as part of a plea agreement. Evidence custodians should contact the appropriate civilian prosecutor soon after the trial to determine whether there has been such a waiver or to find out what the time frame for appeal is, so that he or she can schedule periodic contact on the case. The evidence custodian will document the conversation in a MFR which will be attached to the DA Form 4137.

(3) When prosecution is handled by a foreign government, USACIDC may provide copies of evidence leaving the original evidence to be disposed. In these cases, the case agent will maintain contact with the foreign law enforcement officials involved in the prosecution and provide the evidence custodian with the results of trial and contact information for the prosecutor, to include an e-mail address. At that time, the prosecutor can provide a written statement or an email that the original evidence held by USACIDC may be disposed. If the case agent cannot obtain disposal authority from the prosecutor, the evidence custodian may request disposal authority by means of electronic mail from the prosecutor and may accept disposal authority by means of electronic mail. This electronic mail may be used to dispose of the evidence. A copy of the mail message will be attached to the DA Form 4137, and a copy will be maintained in the case file. Both the case agent and the evidence custodian will document efforts to obtain disposal authorization in a MFR which will be attached to the DA Form 4137. When information concerning a foreign prosecution is not readily available or cannot be obtained without a costly and lengthy treaty request process, the director or operations officer at the USACIDC CCIU may authorize final disposition of evidence held by that unit.

(4) Evidence released to trial counsel, civilian prosecutor, or their designated representative for judicial proceedings will be returned as soon as possible to the custodian for final disposition. When evidence is released to trial counsel, the evidence custodian or releasing DALEO or Army CI agent will ensure the trial counsel or prosecutor is familiar with the requirements of this regulation. The trial counsel or prosecutor will be made aware the evidence must be returned to the controlling evidence custodian as soon as the evidence is no longer required at the conclusion of the court proceeding, unless the evidence is entered as a permanent part in the record of trial. The trial counsel or appropriate prosecutor will maintain adequate custody of the evidence to ensure its integrity and to prevent its loss or damage. If an item of evidence is made part of the trial record, the trial counsel will immediately notify the evidence custodian, so the DA Form 4137 can be properly annotated. This will be considered final disposition.

(5) When final action has been taken in known subject cases (see above), the original DA Form 4137 will be sent to the appropriate trial counsel or civilian prosecutor who will review and approve disposal of the evidence by completing the final disposal authority section of the DA Form 4137. In unusual cases, where there is a high risk of losing the original DA Form 4137 (for example, isolated units that must mail the DA Form 4137 to the servicing trial counsel or civilian prosecutor for disposal approval), a letter or memorandum or email may be used to obtain disposal approval. In these cases, a copy of the DA Form 4137 will be attached so that the counsel has enough information on which to base a decision. Correspondence from the trial counsel or civilian prosecutor approving disposal will be attached to the DA Form 4137.

2-9. Procedures for final disposal of evidence

Evidence will be expeditiously disposed of after it has served its purpose or has no further evidentiary value. Disposition of evidence is reflected in this regulation. When witnessing the destruction of evidence, the witness will physically view the item(s) designated for destruction prior to the destruction and not just the container that the item(s) are contained. When a legal issue concerning methods of disposal arises, the trial counsel will provide legal advice. When evidence is disposed of via registered mail to another organization or owner, a PS Form 3811 will be used. The PS Form 3811 will be attached to the DA Form 4137 once it is returned to the sender for accountability of the evidence and to show final disposition. If other accountable mail methods (for example, FedEx) are used, similar receipt verification, such as Internet confirmation notifications, will be used instead of the PS Form 3811. All final disposition of evidence actions will be documented in appropriate hard copy investigation case files and online database case records, in addition to on the DA Form 4137.

a. Contaminated United States currency. Currency of the United States that has been contaminated by a hazardous substance (for example, blood) or a controlled substance will be disposed of by sealing the currency in a suitable container, if not already done, and labeling the sealed container with an appropriate comment (for example, BIOHAZARD, tainted with cocaine, and so forth). The labeled and sealed container will then be sent by accountable mail to: Department of the Treasury, Bureau of Engraving and Printing, ATTN: Office of Compliance (OCS/BEPA Room 344), P.O. Box 37048, Washington, DC, 20013, along with a copy of the corresponding DA Form 4137 and a cover memorandum that explains to the Department of Treasury (DOT) why the currency was submitted and what it is suspected to be contaminated. The memorandum will further inform the DOT who it should issue reimbursement to (for example, Defense Finance and Accounting Service (DFAS)). The DOT will produce a treasury check made out to the entity listed in the memorandum and will send it to the evidence custodian. The evidence custodian will forward the treasury check to the rightful owner. The original DA Form 4137 will remain in an open status and will be retained in a suspense file, until all actions to dispose of the currency by returning it to the rightful owner are complete. An MFR will be prepared by the evidence custodian to document all disposal actions, unless the actions are documented in the chain of custody area of the DA Form 4137. The MFR will be retained with the DA Form 4137.

b. Contaminated foreign currency. Currency of foreign countries that has been contaminated by a hazardous substance (for example, blood) or a controlled substance will be disposed of in accordance with the appropriate foreign government guidance.

c. Controlled substances. Controlled substances will be destroyed in the presence of a witness who is an USACIDC SA, a NCO in the rank of staff sergeant (E-6) or above, or a civilian in the grade of GS-7 or above, or equivalent. The witness must not be in the chain of custody. Destruction will be by burning or by a method that will make the substance permanently useless. See this regulation for instructions for final disposal of controlled substances used for training. An alternate evidence custodian, although not listed in the chain of custody on a DA Form 4137, is considered to be in the chain of custody and not eligible to be a witness, if that person ever took control of the evidence room when the evidence was in the evidence room.

d. Counterfeit currency and counterfeiting equipment. Counterfeit currency and counterfeiting equipment will be released to the nearest office of the U.S. Secret Service (USSS), unless the USSS directs otherwise.

e. Document standards. Known document standards will normally be released to the agency, or person from whom received, or the rightful owner, as appropriate.

f. Digital media. Digital media defined in this regulation will be returned in accordance with normal procedures. Three categories of information which may be found on digital media, must be processed for disposition with special procedures, as noted below.

(1) *Child pornography.* A sexually explicit image of a minor, commonly called child pornography, is contraband in that it is illegal to possess. It is also illegal to mail or transport it using an express company or common carrier or to receive it through those means. If digital media contains sexually explicit depictions of minors, those images cannot be returned to the owner of the media. The practical limitations of prosecution in child pornography cases makes it necessary to focus on proving the pornographic nature of a limited number of images, leaving usually hundreds of other possibly pornographic images without a legal determination as to their status. Neither the trial counsel or other prosecutor nor the evidence custodian can make an official determination of the pornographic nature of the remaining images. Finally, the volume of images and the ease of disguising images on a hard drive make selective removal of the images extremely time-consuming and lacking in certainty that all the images have been discovered and removed. For these reasons, there are two options for the disposition of hard drives containing these images. In the absence of a civilian court order that orders other disposition actions, the evidence custodian will contact the owner of the hard drive in writing by registered mail or other authorized accountable mail, to advise him or her of the information set out above and obtain the owners choice of options. A sample civilian style letter is available at figure 2-4. Standard memorandum format will be used when making notification to a Soldier.

(a) The owner may consent, in writing, to have the entire contents of the hard drive wiped and have the hard drive returned by mail. The owner may request copies of any personal files he or she can identify as being on the drive to be copied and returned with the drive.

(b) The owner may consent, in writing, to the destruction of the hard drive. If the owner chooses to have the hard

drive wiped and returned, the evidence custodian will coordinate with a USACIDC digital forensic examiner (DFE) to copy any requested files and wipe the hard drive. If the owner chooses to have the hard drive destroyed, the evidence custodian will destroy the hard drive by having the DFE or installation Director of Information Management degauss the hard drive or by other similar means.

(2) *Obscenity*. Obscene, lewd, lascivious, indecent, filthy or vile material involving adults is not illegal to merely possess. It is, however, in accordance with 18 USC 1461, illegal to mail or to knowingly use an express company or common carrier for carriage of such material in interstate or foreign commerce or to receive the material from such an express company or common carrier. The same technical issues described in this regulation apply to the removal of this information from hard drives. For these reasons, there are three options for disposition of hard drives containing these images. In the absence of a civilian court order that orders other disposition actions, the evidence custodian will contact the owner of the hard drive, by registered mail or other authorized accountable mail, to advise him or her of the information set out above and obtain the owners choice. The first two options are identical to the options set out in this regulation. The third option is that the owner may personally pick up the hard drive from the evidence custodian, if he or she will not need to transport it across state lines to get it home. A sample civilian style letter is available at figure 2-5. Standard memorandum format will be used when making notification to a Soldier.

(3) *Stolen property*. A hard drive containing stolen credit card numbers, stolen passwords, or other stolen material will be returned to the lawful owner, after all such information is removed from the media by a USACIDC DFE or under the supervision of a USACIDC DFE.

(4) *Media other than hard drives*. The same rules apply to information in these three categories stored on media other than a hard drive.

(a) *Magnetic media*. Information on magnetic media cannot be selectively removed and will be destroyed by shredding (remove inner disk from the floppy and shred it; discard the hard cover).

(b) *Optical media*. Because of the different features of various burning software and user errors while using the software, it is often not technically possible to selectively remove information on optical media. In addition, selective removal may not be trustworthy. For these reasons, if there is information that cannot be returned to the owner, the media will be destroyed after determining that the owner has not requested the return of specific information on the media.

g. *Electronic surveillance evidence*. Evidence obtained from electronic surveillance operations will be disposed of in accordance with AR 190-53. Once final disposition of the evidence has been properly authorized, it will be forwarded to the U.S. Army Crime Records Center, 27130 Telegraph Road, Quantico, VA 22134, for 10 years retention. A memorandum concerning the intercept and a copy of the original DA Form 4137 will be forwarded with the evidence to USACRC. The memorandum of consensual and nonconsensual interceptions shall be prepared and maintained to provide for centralized readily accessible records or indices that include the following:

(1) Name, citizenship, and other available identifying data for each reasonably identifiable person intercepted (intentionally or otherwise), whether a case subject or not. If available, the social security number, place of birth, and date of birth of the individuals intercepted and identified.

(2) The telephone numbers or radio telephone call signs involved in the interception.

(3) The case number or other identifier for the interception or the investigation concerned.

(4) The address of the location of the interception.

(5) The inclusive dates of the interception.

h. *Exemplars*. Exemplars and other documents of no value to the person or agency from whom received may be placed in the appropriate case file for final disposal or destruction.

i. *Firearms seized from enemy forces in a hostile or combat fire area*. Firearms seized from enemy forces in a hostile or combat fire area may be destroyed in the local theater if not required for the USACIL Firearm Reference File and if appropriate facilities are available. Where U.S. forces do not have the capability to demilitarize such items, demilitarization may be performed by approved contractors who are licensed or controlled by the government of the country in which the contractor operates. The major components of the firearms will be melted or cut in multiple pieces to make it impossible for them to be reassembled or used to make any other type of firearm. The firearms will be destroyed in the presence of a witness who is an USACIDC SA, a NCO in the rank of staff sergeant (E-6) or above, or a civilian in the grade of GS-7 or above, or equivalent. The witness must not be in the chain of custody. If local destruction facilities are not available, the firearms will be processed through the Defense Reutilization Marketing Service (DRMS) as specified in this regulation. To determine if the firearm is needed for the USACIL Firearm Reference File, the controlling office will follow the procedures specified in this regulation.

j. *Items belonging to deceased or missing personnel*. Items of personal property that no longer have evidentiary value and that belong to deceased or missing Army personnel will be released to the summary courts-martial officer (SCMO), designee appointed to dispose of the decedents effects, or directly to the primary next of kin. This will happen after coordination with the SCMO or designee, as appropriate per AR 638-2, or in a manner legally directed during a contingency operation (for example, the Joint Personnel Effects Depot). In all death cases, the SCMO or designee will coordinate with the evidence custodian regarding any personnel effects held as evidence. The SCMO or designee will be provided with a listing of items of personal property being held as evidence. Close coordination will

be maintained with the SCMO or designee to ensure personal items that have no value as evidence, or which are determined to no longer be of evidentiary value, are released. If during the passage of time, the deceased or missing Army personnel unit redeployed, deactivated, demobilized or the contingency operation ceased and no SCMO can be identified, the property may be released directly to the next of kin. When no SCMO or designee can be identified, the condition of items that may cause embarrassment or added sorrow for the next of kin will be sensitively discussed with the next of kin, before such items are sent to them. This includes, but is not limited to, items which are mutilated, burned, bloodstained, damaged beyond repair, obnoxious, obscene, or unsanitary. Items of evidentiary value will be released, in accordance with established policies and directives. Note also that other federal agencies, especially the Drug Enforcement Administration and the Internal Revenue Service (IRS), may have an interest in personal property seized as evidence (for example, derivative contraband in the form of money and vehicles).

k. Items with blood and other body fluids. Items of evidence collected involving blood and other body fluids should be handled as outlined in this regulation. Potentially infectious materials (for example, clothing and bedding from a sexual assault investigation) will be placed in a properly marked biohazard container and returned to the owner. Prior to the evidence being returned to the owner, the owner will be contacted and apprised of the possible hazard. If the owner declines to accept the possibly contaminated property, the property will be destroyed and disposed of in an appropriate and safe manner. Hazardous contaminated evidence is considered to have no monetary value.

l. Money orders and other negotiable instruments.

(1) Money orders obtained from an Army Post Office (APO) money order facility will be returned to the APO from which seized.

(2) Other types of negotiable instruments (for example, money orders, travelers checks, and checks) owned by a business firm will be released to the respective firm.

(3) The United States Postal Service (USPS) money orders and other USPS documents received from the USPS will be returned by registered mail, return receipt requested, as follows:

(a) In the U.S. and Guam: To the Postal inspector in charge of the Postal Division that originally provided the documents.

(b) Outside the U.S.: Directly to St. Louis Accounting Service, Money Order Branch, 1720 Market Street, Room 3131, St. Louis, MO 63180-9450.

(4) U.S. Treasury checks originally obtained from the United States Secret Service will be returned by registered mail, return receipt requested, directly to: Manager, Check Request and Files Branch, Room 328, Liberty Loan Building, 401 14th Street NW, Washington, DC 20227-0001. The exterior of the envelope will be marked Do Not Open In Mail Room. When U.S. Treasury checks are seized as evidence prior to being processed by the U.S. Treasury, they will be returned when no longer needed to the finance office that issued the check [identified by the disbursing station symbol number on the face of the check].

(5) Checks issued by other departments of the Federal government will be returned to the issuing agency at the address printed on the face of the check. All checks will be returned by registered mail, return receipt requested, unless the checks are hand carried to the activity. The DA Form 4137 will be annotated with the method of return. A letter of transmittal will accompany all returned checks.

m. Other illegal weapons. Other weapons (such as switchblades, stilettos, and brass knuckles) which local regulations or state law make illegal to possess will be destroyed by the evidence custodian in a manner to render the items useless and harmless. The weapons will be destroyed in the presence of a witness who is an USACIDC SA, a NCO in the rank of staff sergeant (E-6) or above, or a civilian in the grade of GS-07 or above, or equivalent. The witness must not be in the chain of custody.

n. Personal firearms, ammunition and explosives.

(1) Title 18 USC 922(g) establishes nine categories of individuals who may not possess firearms or ammunition. Title 18 USC 922(d) makes it unlawful for any person to give any firearm or ammunition to any person if he or she knows or has reasonable cause to believe the person is in one of the nine categories. The categories are any person who—

(a) Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.

(b) Is a fugitive from justice.

(c) Is an unlawful user of or addicted to any controlled substance.

(d) Has been adjudicated as a mental defective or has been committed to a mental institution.

(e) Is an alien illegally or unlawfully in the United States or an alien admitted to the United States under a nonimmigrant visa.

(f) Has been discharged from the Armed Forces under dishonorable conditions.

(g) Having been a citizen of the United States, has renounced his or her citizenship.

(h) Is subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner or child of such intimate partner.

(i) Has been convicted of a misdemeanor crime of domestic violence.

(2) Various statutes make possession of certain firearms or ammunitions unlawful. Those most relevant are—

- (a) A stolen firearm or ammunition (18 USC 922(j)).
- (b) A machine gun that was not possessed before May 19, 1986 (18 USC 922(o)).
- (c) A firearm that is not detectable by metal detectors or x-ray machines (18 USC 922(p)).
- (d) A firearm not registered to the person in the National Firearms Registration and Transfer Record (26 USC 5861(d)).
- (e) A firearm with the serial number obliterated, removed, changed, or altered (26 USC 5861(h)).
- (f) A firearm without a serial number (26 USC 5861(i)).

(3) Personal firearms and ammunition must be returned to the rightful owner, if desired by the owner. However, the owner must not fall within one of the nine categories of individuals who cannot legally possess a firearm or ammunition, and the firearm and ammunition must not fall within one of the six categories that are illegal to possess. A check of the National Crime Information Center should be made to determine if any criminal records are listed pertaining to the owner. A check of the system should also be made to ensure the weapon was not reported stolen. If there is any question about the return of firearms and ammunition, the evidence custodian must consult with the supporting trial counsel or the appropriate prosecutor. Judicial interpretation of the statutes disqualifying individuals from the right to possess firearms or ammunition and which make these items unlawful to possess generally holds that a person cannot exercise ownership over firearms and ammunition which the person cannot legally possess. For example, once a person is convicted in any court of a crime punishable by imprisonment for a term exceeding one year, the person can no longer pass ownership of firearms or ammunition he or she cannot legally possess to another person. In the same way, once firearms and ammunition become illegal to possess, no one can possess them and no one can exercise ownership rights in them. In effect, the U.S. Government effectively confiscates the items. Consequently, firearms in these categories will be disposed of by either sending them to the USACIL for addition to the USACIL Firearm Reference File or by sending them to DRMS for destruction. Notice will be sent to the person from whom they were seized to advise the person of the reasons for the disposal. The notice will be approved by the trial counsel or other counsel prior to being dispatched, and the trial counsel will approve the disposition by completing the final disposal authority section of the DA Form 4137.

(a) To determine if the firearm is needed for the USACIL Firearm Reference File, the controlling office will forward a memorandum to USACIL (Firearms Branch), 4930 N. 31st Street, Forest Park, GA 30297-5205. The memorandum, as a minimum, should identify the make, model, caliber, and any other markings or writings appearing on the firearm. The Firearms Branch will determine if the firearm is required for the Firearm Reference File and will notify the submitter in writing if it is accepted for final disposition. If accepted, the firearm with magazines will be sent by registered mail to the USACIL accompanied by the original and two copies of the DA Form 4137. The original DA Form 4137 will be signed by the Firearms Branch personnel and returned to the submitting office. Release of the firearm to the USACIL by the submitting office will be considered as final disposition. A firearm not accepted by the Firearms Branch will be turned in through the Centralized Demilitarization Center (CDC), Anniston Army Depot; 7 Frankford Avenue, Building 282; Anniston Army Depot, Anniston, AL 36201.

(b) The weapon will be packaged per this regulation and forwarded via registered mail along with the original DA Form 4137. The DRMS will maintain accountability of the weapon until it is demilitarized or destroyed. The destruction of the weapon will be verified by two individuals and a DRMS Form 145 (Demilitarization Certificate) created pertaining to the destruction of the weapon. The DRMS 145, along with the DA Form 4137, will be forwarded to the controlling office and will serve as documentation of final disposition of the weapon(s). The final disposition of the weapon will not be considered complete until both the DA Form 4137 and the DRMS Form 145 are received by the controlling office. A copy of the DA Form 4137 will be maintained in a suspense file, and a notation of "Pending Final Disposition" shall be reflected in the evidence ledger to accurately reflect the status of the weapon during this time frame.

(4) Non-U.S. Government ammunition (live or inert) which has no rightful owner or which was declined by the owner will be reported for turn-in to the supporting ammunition supply point.

(5) All non-U.S. Government explosive devices (live or inert) will be turned over to the appropriate Explosive Ordnance Disposal unit for destruction.

o. Personal property other than firearms, ammunition or explosives. Personal property that is not contraband, as determined by the trial counsel, will be released to the rightful owner. Coordination will be made with victims of violent or traumatic crimes immediately prior to returning certain property (such as the clothing items worn during a sexual assault), to determine whether the owner wants the property returned or wants the property destroyed to preclude added embarrassment or emotional turmoil. If the victim declines acceptance of the property and asks that it be destroyed, the declination should be in writing, or detailed on a MFR by the DALEO or evidence custodian obtaining the declination. The MFR will be attached to the DA Form 4137. If the victim declines acceptance of the property, the property will be destroyed and disposed of as if the owner is unknown or cannot be located, taking appropriate precautions described in this regulation with regard to biohazards.

p. Property with no known owner. When evidence to be disposed of has no known owner, the owner cannot be located, or the owner declines acceptance, it will be disposed of as follows:

- (1) When the evidence is of obvious value, it will be turned in to the supporting DRMS in accordance with DOD

Manual 4160.21M. A copy of the DD Form 1348-1A (Issue Release/Receipt Document) will be attached to the original DA Form 4137.

(2) When evidence found at a crime scene has no value (for example, match books, beer cans, bottles, glass fragments, wooden sticks, hazardous contaminated clothing/bedding), such evidence will be destroyed or disposed of by crushing, burning, or by any other means necessary to render the items useless and harmless. Disposal of the residue of such items may be accomplished by depositing the residue in a dumpster or trash receptacle, if this can be safely done in accordance with applicable environmental laws and policy. There is no requirement to witness the destruction of these items. Items such as fingerprint lifters bearing identifiable impressions that have been previously indexed into the Automated Fingerprint Identification System may be disposed of by placing them in the appropriate case file.

(3) When the owner of money is not known or cannot be located after reasonable attempts, the money will be turned into the DFAS. For further guidance concerning the turning in of money to DFAS, contact the supporting finance center or USACIDC Group Budget Manager. A DD Form 1131 (Cash Collection Voucher) will be completed, and a copy of the form will be attached to the original DA Form 4137. The accounting classification to be used is 2IR1099.0000. NOTE: This does not apply to .0015 funds.

(4) Post Exchange items, commissary items, and items illegally brought into a host country and that are connected with black market or customs and postal investigations will be disposed of in accordance with local regulations, status of forces agreements, or laws or customs of the host country.

(5) Some types of evidence may be of value to the USACIL in the standard collections, such as firearms. When evidence of this type has been approved for disposition under a method which does not require returning it to an owner or to an accountable government agency, then disposition of these items may be made by forwarding them to the appropriate USACIL forensic branch, provided that the USACIL branch concerned has requested it in advance.

q. United States Government property, firearms, ammunition, and explosives. Any U.S. Government property, firearms, ammunition, and/or explosives seized as evidence will be returned to the proper military unit. If the unit cannot be identified, the property will be released to the installation accountable officer in accordance with AR 710-2.

r. Classified items, information, or material. Items of evidence that are classified or contain classified information or material will be disposed of in accordance with AR 380-5.

s. Contingency limitation .0015 funds. The .0015 funds held as evidence that no longer have value as evidence will be promptly turned into DFAS using DD Form 1131. Before depositing funds with the supporting finance center, personnel who prepare the DD Form 1131 will ensure that the accounting classification cited is the same as that on the DD Form 281 or MFR that was attached to the original DA Form 4137, when the .0015 funds were received as evidence. A copy of the DD Form 1131 (fig 2-6) showing the return will be given to the proper certifying and approving officer, and a copy will be attached to the original DA Form 4137. If further guidance is needed concerning the disposition of .0015 funds, the fund custodians should contact the USACIDC budget manager. At no time will .0015 funds be released outside USACIDC for final disposition, such as to civilian law enforcement activities that have assumed investigative and/or prosecutorial jurisdiction over an investigation.

t. Impounded money. When money that is impounded during a criminal investigation is kept as evidence and there is possible IRS interest, notify the chief of criminal investigation at the nearest IRS office, if in the continental U.S. If outside the continental U.S., notify the Assistant Commissioner (Criminal Investigation), Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224-0002. If there is a tax liability, a notice of levy will be sent by the IRS to the custodian holding the funds. Funds in the amount of the levy will be released to the IRS. The remaining funds will be released, as appropriate. The trial counsel or civilian prosecutor will provide legal advice.

u. Property of a deserter. Final disposition of evidence pertaining to personnel in deserter status may be made with trial counsel approval. If final disposition is disapproved, the evidence will be retained in accordance with this regulation. Thereafter, coordination will be made with trial counsel yearly to determine if final disposition can be made.

2-10. Special processing procedures for certain Federal Grand Jury materials and subpoena related evidence

a. The following special procedures apply to Grand Jury materials obtained during the conduct of any investigation that falls under Federal Rules of Criminal Procedure 6(e) (FED. R. CRIM. P. 6(e)) access guidelines.

(1) If there is no specific objection or direction by the court or the Assistant U.S. Attorney (AUSA), 6(e) materials will be safeguarded by the DALEO on the FED. R. CRIM. P. 6(e) access list.

(2) The FED R. CRIM. P. 6(e) material determined to be of evidentiary value will be processed in accordance with the following guidelines:

(a) The DALEO exercising control of the evidence will coordinate with the appropriate court or AUSA to have the primary and alternate evidence custodians placed on the FED. R. CRIM. P. 6(e) access list.

(b) If evidence is received as SRCNI, then the Description of Articles section of the DA Form 4137 will be annotated as 6(e) materials.

(c) The DALEO will then record the evidence on a DA Form 4137 and release it to the evidence custodian within the specified time established by this regulation.

(d) The receiving evidence custodian will annotate in the remarks section of the evidence ledger that evidence is 6(e) material.

(3) Items of FED. R. CRIM. P. 6(e) evidence, which by virtue of size or quantity are too large to store in the evidence room, will be secured in a suitable facility in accordance with this regulation.

(4) If the court or the AUSA specifically directs that the evidence not be processed through or stored in the evidence room, the following procedures will apply:

(a) All FED R. CRIM. P. 6(e) evidence will be separated from non-evidentiary FED R. CRIM. P. 6(e) materials.

(b) Evidence will be properly documented and accounted for on a DA Form 4137. The DALEO having custody will maintain the chain of custody on the DA Form 4137, in accordance with this regulation throughout the life of the document and until proper final disposition is accomplished.

(c) The investigating DALEO, or DALEO having custody of the evidence, will request the AUSA provide a written request for special handling. If the AUSA does not provide a written request, the DALEO will prepare a MFR documenting the details of the AUSA special handling request.

(d) The DALEO having custody of the evidence will coordinate with the serving evidence custodian and will provide the custodian a copy of the AUSA request or MFR, the case number, and the number of DA Form 4137s on which the evidence is recorded. To preclude compromise of FED. R. CRIM. P. 6(e) access restrictions, presentation of the actual DA Form 4137 is not required, and the evidence custodian will not be reflected in the chain of custody. The custodial DALEO will provide the evidence custodian with the location where the evidence is secured. The evidence custodian will coordinate monthly with the custodial DALEO to verify that the FED. R. CRIM. P. 6(e) evidence is properly secured and accounted.

(e) The evidence custodian will log the DA Form 4137s into the evidence ledger by document number, case number, and date received. The custodian will prepare a dummy DA Form 4137, when the original is not presented with the evidence, showing the case number, receiving activity, and location. All supporting documents will be affixed to the dummy DA Form 4137.

(5) Additional documenting and handling of evidence, once released to the evidence custodian, will be accomplished in accordance with this regulation and/or directions of the AUSA.

b. Any items of evidence on the DA Form 4137, which are annotated in the evidence ledger as being FED. R. CRIM. P. 6(e) evidence, are not subject to inspection or inventory as required by this regulation. Proper documentation as specified above for FED R. CRIM. P. 6(e) evidence is sufficient for accountability purposes by the evidence custodian.

2-11. Use of controlled substances for training

a. Marijuana may be used for training only USACIDC and MP personnel in techniques of identification and field testing. Marijuana approved for final disposal may be burned to familiarize USACIDC and MP personnel with the odor of marijuana. The following rules will govern use of marijuana for such training:

(1) Authenticity of the marijuana must be verified by the USACIL.

(2) Familiarization burning of marijuana will be done by the evidence custodian in the manner prescribed for final disposal.

(3) Unused marijuana from training events, including residue, will be retained by the evidence custodian for proper final disposal.

(4) Burning marijuana for training other groups of people is not authorized.

b. The USACIL controlled substances custodians are authorized to contact USACIDC field elements to obtain drugs and paraphernalia, which have been previously examined by the laboratory and no longer have any evidentiary value in accordance with this regulation. These items will be maintained and used as aids for examinations research and training.

(1) Items will be transferred from USACIDC field elements to the requesting laboratory with a letter of transmittal. Accountability by the USACIL will be reflected on DA Form 3862 (Controlled Substances Stock Record).

(2) Drugs and paraphernalia obtained from USACIDC field elements under this paragraph will not be returned to the releaser. The evidence custodian who releases the items will annotate the DA Form 4137 to reflect that the items have been Transferred to USACIL for Final Disposition. The authenticated request from the USACIL will also be attached to the DA Form 4137.

(3) Accountability and final disposition of these items become the responsibility of the USACIL.

2-12. Field testing of controlled substances

a. Field testing of controlled substances by DALEOs is authorized.

b. Results of field tests will be furnished to the commander concerned as soon as possible.

c. Measurable amounts of evidence consumed through field testing (for example, .25 gram, 2 milliliters, one unit) will be deducted from the DA Form 4137 and the Purpose of Change of Custody column will be marked to show disposal of the amount consumed. If the amount consumed in field testing is not measurable (for example, a minute

quantity of marijuana from bulk quantities), the remark minute quantity consumed in field test or small immeasurable quantity consumed in the field test will be entered.

d. When an appropriate commander indicates that a person will not be court-martialed for an offense of use or possession of non-narcotic controlled substances, the evidence will not routinely be sent to the USACIL for forensic analysis.

e. The USACIDC commander/SAC/RAC, PM, trial counsel, and civilian prosecutor concerned must closely coordinate to determine the action commanders intent and to ensure proper USACIL support when needed. The trial counsel, civilian prosecutor, or designated representative will promptly notify the proper USACIDC or MP element when the status of a case changes, and there is no longer a need for laboratory analysis.

2-13. Long-term retention of evidence

In certain instances (such as an unsolved death investigation), evidence will be retained after the final ROI has been completed. In such cases, these procedures will be followed:

a. The items of evidence will be packed in boxes or crates by the evidence custodian in the presence of a witness who is not in the chain of custody.

b. A certificate/memorandum will be prepared listing DA Form 4137 numbers included in the box. The certificate will reflect that the contents of the box, identified by specific document number and by citing the absence of specific item numbers, were inventoried and sealed on the date indicated by the evidence custodian and witnessed by a disinterested witness (an individual not within the chain of custody). The certificate will be signed by the evidence custodian and the disinterested witness. A copy of the certificate will be attached to each DA Form 4137 identified thereon with the original copy attached to the first DA Form 4137 identified on the certificate. A copy of the certificate will also be affixed to the outside of the box or crate, and the box or crate will be sealed as described in this regulation. The DA Form 4137 concerned will continue to be maintained in the active DA Form 4137 file.

c. Firearms will not be stored or sealed in the consolidated evidence box. Firearms will be stored in accordance with this regulation.

d. The box or crate will be sealed with paper tape or tamper proof tape specifically designed for securing evidence. The box or crate will be taped, so that the tape will be damaged if the box or crate is opened. The signatures of the evidence custodian and the witness will be written in permanent ink or marker across the tape seal on the bottom and top of the box or any other large opening. The box or crate will not be opened to conduct inventories, unless tampering is evident or a competent authority so directs.

e. When evidence is no longer required, it will be disposed of in accordance with this regulation.

2-14. Special handling and safety precautions

DALEOs and crime scene processors are likely to encounter crimes having evidence involving blood and other body fluids of persons with infectious diseases. They may also encounter hazardous chemicals, explosives, and even radioactive materials. All such materials must be handled with appropriate precautions and procedures to minimize risks and reduce potential for exposure and contamination. This regulation contains some basic guidelines to follow in handling such materials. The DALEOs will coordinate with appropriate hazardous material teams and comply with their guidance when confronted with evidence of extreme or significant hazards.

a. Protective clothing. Special precautions are required to protect personnel against the transmission of human immunodeficiency virus, hepatitis, tuberculosis or other blood borne pathogens, while handling evidential material. When dealing with crime scenes and evidence contaminated with blood, body fluids, or other potentially infectious materials, DALEOs and those processing evidence should wear appropriate protective clothing to minimize their potential exposure.

(1) *Wear disposable protective gloves.* This is especially important for any person with a cut, abrasion, or any other break in the skin on the hands, when handling blood or other body fluids.

(2) *Protective shoe covering.* Walking through a blood/body fluid contaminated crime scene transfers the contamination to the shoes which are then worn in automobiles, MP stations/USACIDC offices, or homes and have the potential of contaminating each location by such exposure. Protective shoe coverings made of disposable plastic or paper should be used.

(3) *Surgical masks/protective eyewear.* When dried bloodstains are scraped, personnel processing the evidence are exposed to potential contamination by blood particles being dispersed into the air. Use of mask or glasses or both may prevent dried blood from entering the mouth, nose, or eyes.

b. Sharp objects. Special care must be exercised while handling and packaging sharp items in order to minimize the risk that they may puncture or cut the skin. If the handler is cut or scratched, or the skin punctured by an item during crime scene processing, the handler must immediately seek medical assistance. If an antiseptic, such as rubbing alcohol, is available, the handler should cleanse the wound with the antiseptic, then wash well with soap and water, before seeking medical assistance.

c. Disposal and decontamination. All disposable biohazards should be placed in an appropriate biohazard container (red or orange marked with the international biohazard symbol) and disposed of through an established biohazard waste

disposal source. Normally, this is done through the local medical treatment facility. Non-disposable items should be decontaminated thoroughly while wearing appropriate protective clothing and using an appropriate disinfectant such as a 10 percent solution of sodium hypochlorite (common household liquid bleach) and water.

d. Special biohazard markings. After collection of such potentially infectious items of evidence, the items should be so identified to prevent contamination to person(s) unaware of the potential danger. Normally this is accomplished by the use of labels with the international biohazard symbol which are placed on the individual evidence containers and which may be required to be placed on the outside of the shipping container. The name of the infectious disease agent known or thought to be present should be noted on the evidence container label but should not be placed on the outside of any shipping containers. Potentially infectious evidence, which is shipped to the USACIL, is subject to several federal regulations which may specify differing types of packaging and marking, depending upon the exact nature of the material. All shippers must meet the requirements for appropriate packaging, which may be found in 49 CFR 172, 29 CFR 1910.1030, or Postal Publication 52, as applicable. If the infectious material being shipped is liquid or has gross contamination that allows dried infectious material to readily flake off, the exterior shipping container should be marked with the international biohazard symbol to meet Occupational Safety and Health Administration requirements. Shippers should contact the USACIL for the most current guidance on proper packaging and shipping of any such items, before shipment to the USACIL.

e. Exposure plan. Each organization should be covered by a Blood-borne Pathogen Exposure Plan which meets the requirements of current federal regulations, 29 CFR part 1910.1030, and current DA and DOD guidelines. This plan should outline practices, procedures, and exposure control methods for personnel who may have occupational exposure to blood-borne pathogens. The plan will also include provisions for offering the Hepatitis B vaccination series to all occupationally exposed personnel and address the availability of medical treatment and arrangements for disposal of contaminated materials.

f. Other materials. Care must be taken to recognize the potential hazardous nature of other types of material which might be handled as evidence or be found at crime scenes such as hazardous chemicals, explosives, compressed gases, or radioactive materials. In some instances, such as clandestine drug laboratories or some environmental crimes, hazardous materials may pose an extreme danger to investigative personnel or others if mishandled.

(1) In situations involving hazardous chemicals, compressed gases, or radioactive materials, DALEO or Army CI agents should consult with appropriate health and safety professionals or environmental professionals for guidance in handling, collecting, storing, and transporting of materials which may pose a risk to themselves or others. In some instances, the evidence may have to be destroyed immediately, due to the public health hazard. In these situations, the evidence should be photographed, if safely possible, prior to destruction.

(2) In situations involving explosives, the DALEO or Army CI agents will coordinate with the supporting Explosive Ordinance Detachment for guidance in handling, collecting, storing, and transporting of materials which may pose a risk to themselves or others. In some instances, the evidence may have to be destroyed immediately or stored in a separate facility due to public safety. If destroyed, the evidence should be photographed, if safely possible, prior to destruction.

2-15. Procedures for restricted or unrestricted reporting

Military victims of sexual assault can elect either restricted or unrestricted reporting.

a. Unrestricted reporting requires normal law enforcement reporting, investigative, and evidence procedures.

b. Restricted reporting requires that law enforcement and criminal investigating organizations not be informed of the victims identity and not initiate any investigative procedures. The victim may allow sexual assault response coordinators (SARC), medical treatment facility (MTF) personnel, victim advocates (VA), or chaplains to collect specific items that may be later used as evidence, should they decide to later report the incident to law enforcement. In sexual assault cases, additional forensic evidence may be collected using the Sexual Assault Evidence Collection Kit, NSN 6640-01-423-9132, or a suitable substitute (hereafter, evidence kit). The MTF, SARC, VA, or chaplain will have only temporary possession of the evidence and must immediately notify the installation PM office to transfer custody of evidence. The evidence kit, other items such as clothing or bedding sheets, and any other articles provided by the MTF, SARC, VA, or chaplain will be stored in the installation PM's evidence room separate from other evidence and property. The first law enforcement officer receiving the evidence kit or other items from the MTF, SARC, VA, or chaplain will initiate a DA Form 4137. Law enforcement personnel will have the MTF, SARC, VA, or chaplain sign the DA Form 4137 releasing the items to law enforcement. Procedures for handling evidence specified in this regulation will be strictly followed.

c. Installation PMs will complete an information report in Centralized Operations Police Suite for restricted reporting. Reports will be completed using the offense code from the 6Z series. An entry will be made in the journal, when the sexual assault evidence kit or property (clothing, bedding, and so forth) is received. Property will be stored for one year and then destroyed, unless released earlier to investigative authorities. Thirty days prior to destruction of the property, a letter will be sent to the SARC by the PM, advising the SARC that the property will be destroyed in 30 days, unless law enforcement personnel are notified by the SARC that the victim has elected unrestricted reporting. Clothing or other personal effects may be released to the SARC for return to the victim. The information report will be updated, when the evidence is destroyed or released to investigative authorities (such as USACIDC).

| EVIDENCE/PROPERTY CUSTODY DOCUMENT | | MPR/CID SEQUENCE NUMBER 0038-11-CID122 | | |
|--|-----------|---|---|---|
| For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command | | CRD REPORT/CID ROI NUMBER 15378 | | |
| RECEIVING ACTIVITY 75th Military Police Det (CID) | | LOCATION Fort Belvoir, VA 22060 | | |
| NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED <input type="checkbox"/> OWNER <input checked="" type="checkbox"/> OTHER Death Scene | | ADDRESS (Include Zip Code) N/A | | |
| LOCATION FROM WHERE OBTAINED White Chevy S-10 Pickup truck, VIN 2A654566789CV654, while parked at 9988 Harris Drive, Fort Belvoir, VA 22060. | | REASON OBTAINED Evidence | TIME/DATE OBTAINED 1730-1905 6 JAN 11 | |
| ITEM NO. | QUANTITY | DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches) | | |
| 1 | 1 | Revolver, Colt brand, .38 cal, 2" barrel, black in color, metal-type construction with scuffed, brown, wooden-type hand grips; bearing manufacturers markings "Colt Firearms Div, Hartford, CT USA," and S/N 754341. Arrows are scratched on rear face of cylinder; superglue fumed to protect for latent prints and sealed in a cardboard gun box. The seals and box were marked for ID (MFID) with DKD/1730/6 JAN 11. (obtained from left hand of deceased victim in driver's seat) | | |
| 2 | 1 | Cartridge casing, .38 cal, brass in color, metal-type construction, bearing a small indentation in the approximate center of the primer and manufacturer markings "Federal .38 Special" on rim of cartridge base. Superglue fumed to protect for latent prints and sealed in a clean pill box. The seals and pill box were MFID with DKD/1801/6 JAN 11. (extracted from Item 1 above) | | |
| 3 | 1 | Bag, clear of color, plastic in construction, zip lock type, containing three hand rolled cigarettes filled with unknown vegetable matter. Bag was supeglue fumed to protect for latent prints; placed inside a clean, plastic, heat seal bag, sealed, and embossed with a seal unique to this office. Seals on heat seal bag were further MFID with DKD/1810/6 JAN 11. (obtained from space between driver's seat and center console) | | |
| 4 | 1 | Bottle, brown in color, glass, 12oz size, bearing a paper label with "Sam Adam...Winter Blend.." The bottle was superglue fumed for latent prints and sealed in a clean paper bag. Seals on bag were MFID with DKD/1815/6 JAN 11. (floor board) | | |
| 5 | Approx 9 | Pills, pink in color, oval-shaped, bearing "205" on one side, approx. 1/2"x1/4"x1/8". Placed in a clean heat seal bag, sealed, and embossed with a seal unique to this office. Seals were MFID with DKD/1830/6 JAN 11. (driver's side floor board) | | |
| 6 | 1 | Piece of paper, white lined, spiral type, approx 8 1/2"x11", bearing the handwritten words, "We are through. I have taken the kids and moved out. Do not try to contact me" in blue ink, cursive writing style on one side. No visible marks or writings on the reverse side. Sealed inside a paper envelope to protect for latent prints. The envelope and seals were MFID with DKD/1905/6 JAN 11. (lap of deceased victim in driver's seat)///////LAST ITEM/////// | | |
| CHAIN OF CUSTODY | | | | |
| ITEM NO. | DATE | RELEASED BY | RECEIVED BY | PURPOSE OF CHANGE OF CUSTODY |
| 1-6 | 6 JAN 11 | SIGNATURE N/A | SIGNATURE <i>David K. Doe</i> | Evaluation as Evidence |
| | | NAME, GRADE OR TITLE Death Scene | NAME, GRADE OR TITLE David K. Doe, SA | |
| 3 | 6 JAN 11 | SIGNATURE <i>David K. Doe</i> | SIGNATURE N/A | small unmeasurable quantity consumed in the field test. |
| | | NAME, GRADE OR TITLE David K. Doe, SA | NAME, GRADE OR TITLE Field Test | |
| 1-6 | 7 JAN 11 | SIGNATURE <i>David K. Doe</i> | SIGNATURE <i>Paul W. Doe</i> | Released to evidence custodian SCRCNI |
| | | NAME, GRADE OR TITLE David K. Doe, SA | NAME, GRADE OR TITLE Paul W. Doe, SA | |
| 1-6 | 10 JAN 11 | SIGNATURE <i>Paul W. Doe</i> | SIGNATURE <i>Registered Mail</i> | Sent to USACIL for examination |
| | | NAME, GRADE OR TITLE <i>Paul W. Doe, SA</i> | NAME, GRADE OR TITLE <i>RA 123456789 US</i> | |
| 1-6 | 20 JAN 11 | SIGNATURE <i>Registered Mail</i> | SIGNATURE <i>Michael A. Doe</i> | Received at USACIL |
| | | NAME, GRADE OR TITLE <i>RA 123456789 US</i> | NAME, GRADE OR TITLE <i>Michael A. Doe, Tech</i> | |

DA FORM 4137, 1 JUL 1976

Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete

LOCATION _____

DOCUMENT NUMBER **033-11**

APD PE v1.00

Figure 2-2. Sample of a completed DA Form 4137

| ITEM NO. | DATE | CHAIN OF CUSTODY (Continued) | | |
|--|-----------|--|---|---|
| | | RELEASED BY | RECEIVED BY | PURPOSE OF CHANGE OF CUSTODY |
| 1-6 | 2 MAR 11 | SIGNATURE <i>Michael A. Doe</i> | SIGNATURE <i>Federal Express</i> | Returned to Submitter |
| | | NAME, GRADE OR TITLE <i>Michael A. Doe, Tech</i> | NAME, GRADE OR TITLE <i>445-288-6711</i> | |
| 1-6 | 3 MAR 11 | SIGNATURE <i>Federal Express</i> | SIGNATURE <i>Paul W. Doe</i> | Received by Evidence Custodian (SCRCNI) |
| | | NAME, GRADE OR TITLE <i>445-288-6711</i> | NAME, GRADE OR TITLE <i>Paul W. Doe, SA</i> | |
| 6 (only) | 10 MAR 11 | SIGNATURE <i>Paul W. Doe</i> | SIGNATURE <i>Andre M. Doe</i> | Released to SSA-TC for review. seals breached. |
| | | NAME, GRADE OR TITLE <i>Paul W. Doe, SA</i> | NAME, GRADE OR TITLE <i>Andre M. Doe, MAS</i> | |
| 6 | 10 MAR 11 | SIGNATURE <i>Andre M. Doe</i> | SIGNATURE <i>Paul W. Doe</i> | Returned to Evidence Custodian. Item resealed. |
| | | NAME, GRADE OR TITLE <i>Andre M. Doe, MAS</i> | NAME, GRADE OR TITLE <i>Paul W. Doe, SA</i> | |
| 1 | 14 Sep 11 | SIGNATURE <i>Paul W. Doe</i> | SIGNATURE <i>Jane E. Doe</i> | Released to owner (NOK with SCMO) Final Disposition |
| | | NAME, GRADE OR TITLE <i>Paul W. Doe, SA</i> | NAME, GRADE OR TITLE <i>Jane E. Doe, CIV</i> | |
| 2 and 4 | 16 Sep 11 | SIGNATURE <i>Paul W. Doe</i> | SIGNATURE <i>Destroyed-rendered</i> | Final Disposition |
| | | NAME, GRADE OR TITLE <i>Paul W. Doe, SA</i> | NAME, GRADE OR TITLE <i>Useless and harmless</i> | |
| 3 and 5 | 16 Sep 11 | SIGNATURE <i>Paul W. Doe</i> | SIGNATURE <i>Destroyed by</i> | Final Disposition |
| | | NAME, GRADE OR TITLE <i>Paul W. Doe, SA</i> | NAME, GRADE OR TITLE <i>Burning</i> | |
| 6 | 18 Sep 11 | SIGNATURE <i>Paul W. Doe</i> | SIGNATURE <i>Released to</i> | Final Disposition |
| | | NAME, GRADE OR TITLE <i>Paul W. Doe, SA</i> | NAME, GRADE OR TITLE <i>Case file</i> | |
| FINAL DISPOSAL ACTION | | | | |
| RELEASE TO OWNER OR OTHER (Name/Unit) <u>Items 1 released to NOK through SCMO (Mrs DOE, 123 3d St. Fairfax, VA 22345)</u> | | | | |
| DESTROY <u>Items 2&4 by crushing/destroying; Item 3&5 by burning.</u> | | | | |
| OTHER (Specify) <u>Item 6 to case file.</u> | | | | |
| FINAL DISPOSAL AUTHORITY | | | | |
| ITEM(S) <u>1 thru 6</u> ON THIS DOCUMENT, PERTAINING TO THE INVESTIGATION INVOLVING <u>E-2</u> | | | | |
| <u>James M. Doe</u> | | <u>232d ENG Co., 22d FSB, Fort Belvoir, VA 22060</u> | | <u>(Grade)</u> |
| (Name) | | (Organization) | | (IS) (ARE) NO LONGER |
| REQUIRED AS EVIDENCE AND MAY BE DISPOSED OF AS INDICATED ABOVE. (If article(s) must be retained, do not sign, but explain in separate correspondence.) | | | | |
| <u>Andre M. Doe, 04, Chief, Crim. Law</u> | | <i>Andre M. Doe</i> | <u>12 SEP 11</u> | |
| (Typed/Printed Name, Grade, Title) | | (Signature) | (Date) | |
| WITNESS TO DESTRUCTION OF EVIDENCE | | | | |
| THE ARTICLE(S) LISTED AT ITEM NUMBER(S) <u>3&5</u> (WAS) (WERE) DESTROYED BY THE EVIDENCE CUSTODIAN, IN MY PRESENCE, ON THE DATE INDICATED ABOVE. | | | | |
| <u>SA Timothy S. Doe, 75th MP DET (CID), Fort Belvoir, VA 22060</u> | | <i>Timothy S. Doe</i> | | |
| (Typed/Printed Name, Organization) | | (Signature) | | |

APD PE v1.00

Figure 2-2. Sample of a completed DA Form 4137-continued

| DOCUMENT NUMBER / DATE RECEIVED | CID, MPR, OR CI CASE CONTROL NUMBER | DESCRIPTION OF EVIDENCE | DATE OF FINAL DISPOSITION | FINAL DISPOSITION | REMARKS |
|--|-------------------------------------|---|-----------------------------------|-----------------------------|------------|
| 033-11 | 0038-11-CID122 | 1. Revolver .38 cal, SN 754341 | 14-Sep-11 | Released to owner with SCMO | |
| 6-Jan-11 | 15378 | 2. Cartridge casing, .38 cal | 16-Sep-11 | Destroyed by crushing | |
| | | 3. Bag with vegetable matter | 16-Sep-11 | Destroyed by burning | |
| | | 4. Bottle | 16-Sep-11 | Destroyed by crushing | |
| | | 5. Pills | 16-Sep-11 | Destroyed by burning | |
| | | 6. Piece of paper | 18-Sep-11 | Released to case file | |
| 034-11 | 0038-11-CID122 | 1. Chevy Pickup Truck | 14-Sep-11 | Released to owner with SCMO | |
| 6-Jan-11 | 15378 | | | | |
| 035-11 | 0038-11-CID122 | 1. GSR kit (PV2 Doe) | | | Bin 4 |
| 6-Jan-11 | 15378 | | | | |
| 036-11 | 0038-11-CID122 | 2. (6) Handwriting standards (PV2 Doe) | | | Bin 6 |
| 7-Jan-11 | 15378 | | | | |
| 037-11 | 0038-11-CID122 | 1. (6) Handwriting standards (Mrs Doe) | | | Bin 6 |
| 10-Jan-11 | 15378 | 2. (25) Handwriting exemplars (Mrs Doe) | | | Bin 6 |
| 038-11 | 0039-11-CID122 | 1. Bag with packet of white powder | | | USACIL |
| 17-Jan-11 | 15380 | 2. Rolled \$1 U.S. currency | | | USACIL |
| I, (NAME), certify that on (DATE), in accordance with AR 195-5, I inspected the evidence room. Evidence is being processed in accordance with AR 195-5 with no exceptions. (signature), CW3, MP, Special Agent in Charge | | | | | |
| 039-11 | 0042-11-CID122 | 1. Video/audio recording (TLE) | | | Bin 5B |
| 7-Feb-11 | 15382 | | | | |
| 040-11 | 0042-11-CID122 | 1. \$250 U.S. currency (.0015 funds) | | | Money safe |
| 7-Feb-11 | 15382 | 2. Bag with white powder | | | Drug safe |
| I, (NAME), assume the position of primary custodian and accept responsibility for all evidence shown on evidence custody documents in the evidence document files. A joint inventory was conducted on (DATE), with (NAME), the outgoing evidence custodian. Any discrepancies have been resolved to my satisfaction. | | | | | |
| signature (of incoming custodian) | | | signature (of outgoing custodian) | | |
| | | | | | |
| | | | | | |

Figure 2-3. Sample of evidence ledger page



DEPARTMENT OF THE ARMY
75TH MILITARY POLICE DET, 3D MILITARY POLICE GROUP (CID)
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
FORT BELVOIR, VA 22060

June 1, 2011

Mr. John Doe
123 Main Street
Hometown, VA 22222

Dear Mr. Doe:

During an investigation conducted by this office, evidence was obtained. The evidence is determined to be your property and consists of ten digital video discs, twenty compact discs, and a computer hard disc drive. Forensic examination of this digital media was conducted and evidence of child pornography was detected on the items.

As you may know, child pornography is illegal to possess and distribute. The items of evidence obtained in this case will be retained in our evidence room pending your authorization for destruction or a court order which orders other disposition action. Enclosed is a Disposition of My Property memorandum. Please complete the memorandum and return it to me by mail, facsimile, or email as soon as possible.

If you decide to appeal this decision, you are hereby notified you have six months from the date of this letter to appeal this decision through the U.S. courts. If the courts decide to overturn this decision, they will provide this office with a court order describing the methods and procedures to follow in returning the evidence to you. This office must be in receipt of a court order no later than six months from the date of this letter to ensure the items of evidence are not destroyed.

The point of contact for this action is Special Agent John B. Goodman, (703) 806-5555, FAX (703) 806-5556, or email john.b.goodman@us.army.mil.

Figure 2-4. Sample letter to owner about child pornographic digital evidence

Disposition of My Property

I, John Doe, 123 Main Street, Hometown, VA 22222, make the following election concerning my property (initial next to the statement you elect):

I wish to file an appeal through the U.S. courts. I understand this appeal must be completed in the courts and a court order provided to Special Agent in Charge, 75th Military Police Detachment (CID), Fort Belvoir, VA 22060, no later than six months from the date of this letter I received about my property or the items of evidence belonging to me will be destroyed.

I elect to waive the return of my digital video discs, compact discs, computer hard disc drive, or other digital media that were found to contain suspected child pornography. I consent to the destruction of my property.

Sign and date

Figure 2-4. Sample letter to owner about child pornographic evidence-continued



DEPARTMENT OF THE ARMY
75TH MILITARY POLICE DET, 3D MILITARY POLICE GROUP (CID)
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
FORT BELVOIR, VA 22060

June 1, 2011

Mr. John Doe
123 Main Street
Hometown, VA 22222

Dear Mr. Doe:

During an investigation conducted by this office, evidence was obtained. The evidence is determined to be your property and consists of ten digital video discs, twenty compact discs, and a computer hard disc drive. Forensic examination of this digital media was conducted and evidence of obscene material was detected on the items.

As you may know, it is not legal for this office to mail such material to you. The items of evidence obtained in this case will be retained in our evidence room pending your authorization for destruction or a court order which orders other disposition action. Enclosed is a Disposition of My Property memorandum. Please complete the memorandum and return it to me by mail, facsimile, or email as soon as possible.

If you decide to appeal this decision, you are hereby notified you have six months from the date of this letter to appeal this decision through the U.S. courts. If the courts decide to overturn this decision, they will provide this office with a court order describing the methods and procedures to follow in returning the evidence to you. This office must be in receipt of a court order no later than six months from the date of this letter to ensure the items of evidence are not destroyed.

The point of contact for this action is Special Agent John B. Goodman, (703) 806-5555, FAX (703) 806-5556, or email john.b.goodman@us.army.mil.

Figure 2-5. Sample letter to owner about obscene digital evidence

Disposition of My Property

I, John Doe, 123 Main Street, Hometown, VA 22222, make the following election concerning my property (initial next to the statement you elect):

I wish to file an appeal through the U.S. courts. I understand this appeal must be completed in the courts and a court order provided to Special Agent in Charge, 75th Military Police Detachment (CID), Fort Belvoir, VA 22060, no later than six months from the date of this letter I received about my property or the items of evidence belonging to me will be destroyed.

I elect to waive the return of my digital video discs, compact discs, computer hard disc drive, or other digital media that were found to contain suspected obscene material. I consent to the destruction of my property.

I elect to personally pick up the property from the evidence custodian. I will not transport it across state lines. The property will be retained by me in the State of Virginia.

Sign and date

Figure 2-5. Sample letter to owner about obscene digital evidence-continued

| | | | | |
|---|--|--|---|--|
| CASH COLLECTION VOUCHER | | 1. DISBURSING OFFICE COLLECTION VOUCHER NUMBER completed by finance office (CFO) | | |
| | | 2. RECEIVING OFFICE COLLECTION VOUCHER NUMBER N/A | | |
| 3. RECEIVING OFFICE | | | | |
| a. ACTIVITY (Name and Location) (include ZIP Code) 75th MP DET (CID) Bldg 1457, 4104 3d Street Fort Belvoir, VA 22060-3992 | | | | |
| b. RECEIVED AND FORWARDED BY (Printed Name, Title and Signature) David K. DOE, SA, Evidence Custodian | | | d. DATE (YYYYMMDD) 20110205 | |
| SIGNATURE DIGITAL SIGNATURE 12345678 | | | | |
| c. TELEPHONE NUMBER (include Area Code): COMMERCIAL: (777) 444-1254 DSN: 555-1254 | | | | |
| 4. DISBURSING OFFICE | | | | |
| a. ACTIVITY (Name and Location) (include ZIP Code) CFO | | | | |
| b. DISBURSING OFFICER (Printed Name, Title and Signature) CFO | | | d. DISBURSING STATION SYMBOL NUMBER CFO | |
| SIGNATURE DIGITAL SIGNATURE 12345678 | | | | |
| c. TELEPHONE NUMBER (include Area Code): COMMERCIAL: (555) 123-4567 DSN: 555-4567 | | | e. DATE (YYYYMMDD) 20110205 | |
| 5. PERIOD: a. FROM: b. TO: | | | | |
| 6. DATE RECEIVED | 7. NAME OF REMITTER DESCRIPTION OF REMITTANCE | 8. DETAILED DESCRIPTION OF PURPOSE FOR WHICH COLLECTIONS WERE RECEIVED | 9. AMOUNT | 10. ACCOUNTING CLASSIFICATION |
| 091119 | SA David K. Doe, 3d MP Group USACIDC, five one-hundred dollar bills (SN: must be listed if appropriate) | Return of CID funds held as evidence. Funds originally disbursed on Voucher 66-09, 18 OCT 09. | 500.00 | (same accounting classification on which funds were originally disbursed) |
| 11. TOTAL | | | 500.00 | |

DD FORM 1131, DEC 2003

PREVIOUS EDITION IS OBSOLETE.

MFD PE v1.00

Figure 2-6. Sample of a completed DD Form 1131

Chapter 3 Inspections, Inventories, and Inquiries

3-1. Inspections

a. General. A monthly inspection of the evidence room will be conducted by an individual in accordance with this regulation. The first inspection conducted by a new DES, PM, SAC/RAC or commander assuming supervisory control of an evidence room will include an inventory of all evidence in accordance with this regulation, in order to identify all evidence room discrepancies and problem areas upon assuming overall responsibility. This regulation contains an internal control evaluation checklist which should be used by the inspector to assist with the monthly inspection. The inspector will determine if—

- (1) The evidence room is orderly and clean.
- (2) Structural and security requirements of this regulation are being met. The inspector must verify that spare keys and combinations to the evidence room locks are properly sealed on Standard Form (SF) 700 (Security Container Information) and secured in the USACIDC or CI supervisor or PM safe.
- (3) Evidence is being received, processed, safeguarded, and disposed of in accordance with this regulation.
- (4) Evidence on temporary release for laboratory examination or presentation at a judicial proceeding has not been so released for an excessive period. Evidence released to trial counsel or appropriate prosecutor for a trial or hearing must be returned to the controlling evidence custodian as soon as it is no longer required, unless it is entered as a permanent part in the record of trial.

b. Recording inspections. The first inspection/inventory conducted by a new DES, PM, SAC/RAC or commander assuming supervisory control of an evidence room will be recorded in the evidence ledger in accordance with this regulation. For regular monthly inspections, the below statement will be entered in the evidence ledger immediately below the last entry made prior to the inspection. It will be signed by the commander, SAC/RAC, the PM or a designated representative, as appropriate. **I (Name), certify that on (Date), in accordance with AR 195-5, I inspected the evidence room. Evidence is being processed in accordance with AR 195-5 with (no exceptions) or (the following exceptions). (Signature).**

c. The U.S. Army Criminal Investigation Laboratory. Inspections and inventories of the evidence processing area and storage vaults to validate 100% accountability of evidence will be conducted on at least a quarterly basis. The method, implementation and use of accountability systems are delegated to the Director, USACIL, who will publish these procedures in an internal policy memorandum or similar document.

3-2. Inventories

a. General. Inventories will be conducted—

- (1) Once in each calendar quarter.
- (2) On change of the primary evidence custodian; on change of the detachment commander, DES, PM, SAC/RAC or CI supervisor assuming supervisory control of an evidence room in the manner specified in this regulation.
- (3) On loss of evidence stored in the evidence room or breach of security of the evidence room.
- (4) With the assistance of the internal control evaluation checklist.

b. Quarterly inventories. (CI units are exempt from the requirements of this paragraph but must adhere to the standards of AR 380-5).

(1) *Disinterested officer inventories.* The evidence custodian and a disinterested officer appointed for that purpose will conduct a joint quarterly inventory. For DES and PM activities, a disinterested officer inventory will be conducted each quarter. For USACIDC elements, a disinterested officer inventory will be conducted in each of three calendar quarters per year (for example, the 1st, 2nd, and 4th quarters). The joint inventory will be of all evidence stored in the evidence room, including temporary evidence facilities as described in this regulation. The appropriate USACIDC commander/SAC/RAC or PM will send a written request to the proper commander to appoint a disinterested commissioned or warrant officer, NCO in the grade of E-7 or above, or U.S. Government Civilian in the grade of GS-09 or above, or equivalent. The appointing authority will give the requesting activity a copy of the appointing document. In areas where there is no appointing authority, the local USACIDC commander/SAC/RAC, or PM will identify a disinterested officer meeting the requirements of this paragraph, and prepare a MFR which will serve as the appointment orders. This MFR will be filed in the same manner as appointment orders. These documents will be retained by the evidence custodian, until the next disinterested officer inventory is completed. The disinterested officer will not be a current member of USACIDC or assigned to an MP activity or unit on the installation. This regulation will be cited as the authority to appoint the disinterested officer. At the time of the inventory, the disinterested officer will provide the evidence custodian a copy of the appointing document which will be retained in the evidence room administrative files in a folder labeled Disinterested Officer Appointment Orders. The disinterested officer will not ask the evidence custodian to verify the weight of any drug or controlled substance evidence but rather, will ensure that the number of

containers listed on DA Form 4137 as containing drug or controlled substances is correct and that any seals on any containers are intact. The disinterested officer will use the following guidelines to conduct the inventory:

- (a) Review the provisions of this regulation.
- (b) Conduct a physical count of evidence to verify that evidence in the evidence room corresponds with that shown on DA Form 4137 to include evidence maintained in other temporary evidence facilities, such as vehicle impound yards, container expresses (CONEX), and so forth.
- (c) Cross-reference all DA Forms 4137 (including those in suspense files) with entries in the evidence ledger to ensure accountability of all evidence.
- (d) Ensure that copies of DA Form 4137 in the suspense file are properly annotated with the registered mail number, if sent to the USACIL or another agency, and proper signature, if released for court-martial, Article 32, UCMJ investigations, or for other official purposes.

(2) *Reverse inventories.* For USACIDC elements only, a joint reverse inventory with the evidence custodian and a member of the next higher command element will be conducted one calendar quarter per year of all evidence stored in the evidence room, including temporary evidence facilities as described in this regulation. The reverse inventory will occur in the quarter that the disinterested officer inventory specified in this regulation does not. A reverse inventory is not required, if there has not been any evidence received in, maintained in, disposed of, or otherwise accounted for by the evidence room, since the date of the last previous reverse inventory. The designated member of the next higher command element may be the commander, executive officer, CSM, SGM, 1SG, operations officer, operations NCO, or the equivalent. The designated member of the immediately higher battalion or field office will use the following procedures for the reverse inventory:

- (a) Systematically search each area of the evidence room, and identify all the items of evidence stored.
- (b) Compare each item of evidence with the evidence ledger and the evidence voucher. Ensure the description, quantity, marking and method of storage match the actual item. Sealed items of evidence will not be breached, during the inventory.
- (c) Note all discrepancies between the item of evidence on hand and as it is described in the supporting documentation.
- (d) Check each entry in the evidence ledger and each evidence voucher for administrative correctness in accordance with this regulation. Make any administrative corrections needed to bring the documents into compliance with the regulation.

(e) Record the results of the reverse inventory in the evidence ledger in accordance with this regulation.

c. Reverse inventories on change of the DES, PM, SAC/RAC or detachment commander assuming supervisory control of an evidence room. When the DES, PM, SAC/RAC or detachment commander assuming supervisory control of an evidence room changes, the incoming leader and the primary custodian will conduct a reverse inventory of all evidence in the evidence room within 30 calendar days of assuming the position using the procedures specified in this regulation. This reverse inventory will be in addition to any other required inventory and not a replacement.

d. Inventories on change of custodian. When the primary evidence custodian changes, the incoming and outgoing primary custodians will conduct a joint physical inventory of all evidence in the evidence room. The joint inventories may be done at the same time as quarterly inventories by disinterested officers; however, each type of inventory will be recorded separately. All evidence records will be carefully checked to ensure proper documentation and accountability. The outgoing custodian will resolve all discrepancies, before transfer of accountability. A joint inventory need not be conducted between the primary custodian and the alternate, when the alternate custodian replaces the primary custodian for 30 consecutive calendar days or less. However, if it is known that the primary custodian will be gone for more than 30 consecutive calendar days, the alternate will be appointed on orders as the primary custodian, and a joint inventory will be conducted. If the alternate custodian becomes the primary custodian due to death, extension of absence beyond 30 calendar days, sudden illness, or emergency transfer of the primary custodian, a joint inventory will be conducted. It will be conducted by the alternate custodian and a person appointed by the USACIDC commander/SAC/RAC or PM, as appropriate.

e. Inventories in case of lost evidence or breach of security. This inventory will be conducted by the person assigned to conduct the inquiry. The inventory will be conducted in the presence of the primary or alternate evidence custodian.

f. Inventories of fungible evidence. Sealed containers of fungible or other sealed evidence will not be breached for any type of inventory, unless directed by the supervisor responsible for them. If a sealed container is breached, the evidence will be sealed in a new container, in accordance with this regulation. The supervisor directing the breach will prepare a MFR explaining the reason for the breach. The MFR will be attached to the corresponding DA Form 4137.

g. Recording inventories.

(1) Quarterly inventories will be recorded in the evidence ledger as follows: We, the undersigned, certify that on (Date), in accordance with AR 195-5, a joint inventory of the evidence room was conducted. All evidence was properly accounted for with (no exceptions) or (the following exceptions). (Signature of Officer) (Signature of Evidence Custodian) (Printed Name, Grade, Unit).

(2) Reverse inventories will be recorded in the evidence ledger as follows: I, the undersigned, certify that on (Date), IAW AR 195-5, a reverse inventory of the evidence room was conducted. All evidence was properly accounted for

with (no exceptions) or (the following exceptions). (Signature of the member of the next higher command or new DES, PM, SAC/RAC, or commander along with printed name, rank, position, and unit).

(3) Change of custodian inventories will be entered in the evidence ledger immediately below the last entry. Both the incoming and the outgoing primary custodians will sign them, as follows: **I (Name) assume the position of primary custodian and accept responsibility for all evidence shown on evidence custody documents in the evidence document files. A joint inventory was conducted on (Date), with (Name), the outgoing evidence custodian. Any discrepancies have been resolved to my satisfaction.** (Signature of Incoming Primary Custodian) (Signature of Outgoing Primary Custodian or Appointed Person).

(4) On satisfactory completion of the change of custody inventory, each DA Form 4137 in the document files will be annotated and signed to show the change of custody. Copies of DA Form 4137 in the suspense files will also be checked to ensure they reflect the

(a) Registered mail receipt number, if sent to the USACIL or other agency.

(b) Proper signature, if released for court-martial, for investigations under Article 32, UCMJ, or other official purposes.

(5) Upon the death of the primary custodian or the inability of the primary custodian to conduct a joint inventory and transfer custody of the evidence, the Released By block of each DA Form 4137 will be annotated N/A Custodian Unable to Sign. The alternate custodian will complete the Received By block to accept custody of the evidence described on the DA Form 4137. The Purpose of Change of Custody block will show why the primary custodian was unable to sign. The person appointed to make the inventory with the alternate custodian will sign under the ledger entry that shows the inventory.

(6) The results of an inventory conducted for loss of evidence or breach of security will be recorded in the evidence ledger and in the report of inquiry.

h. Inventories of CI evidence. Inventories of CI evidence will be conducted in accordance with AR 380-5.

3-3. Inquiries

a. If during an inspection or inventory of an evidence room an item(s) of evidence cannot be located, the evidence custodian and the USACIDC commander/SAC/RAC, PM, PMs designated representative, or CI supervisor, as appropriate, will have up to five working days to try to resolve the problem, before an official inquiry is initiated. The apparent missing evidence could simply have been misplaced within the evidence room, or there could have been a lack of proper documentation on the collection, processing, or transference of the item(s). If the problem cannot be resolved by the end of the fifth working day, an inquiry will be initiated as specified in this regulation. Any corrective actions made to resolve the problem will be fully documented in a MFR. The MFR will be attached to the appropriate DA Form 4137.

b. If evidence is lost or security of the evidence room is breached, an inventory will be conducted and an inquiry or investigation will be performed in accordance with AR 15-6. Inquiries or investigations will be initiated by the appropriate USACIDC commander/SAC/RAC or PM. All losses or breaches of security and the start of inquiries will be reported to the Commander, USACIDC (CICG-ZB-SOCO), 27130 Telegraph Road, Quantico, VA 22134, or HQDA (DAMO-ODL), 2800 Army Pentagon, Washington, DC 20310-0440, or DCS, G-2 (Army G-2X), 1000 Army Pentagon, Washington, DC 20310-1000, as appropriate.

c. If the inquiry fails to account for or recover the evidence, relief for accountability of the evidence must be granted. For MP activities, this will be done by the installation or activity commander with an information copy of the entire proceedings sent through the Army Command PM to HQDA (DAPM-MPO), 2800 Army Pentagon, Washington, DC 20310-0440. For USACIDC activities, relief will be granted by the appropriate USACIDC group commander, with an information copy of the entire proceedings being furnished to the Commander, USACIDC (CIOP-CO), 27130 Telegraph Road, Quantico, VA 22134. For CI units, relief will be granted by the Army G-2X. Relief from further accountability for lost evidence

(1) Permits the closure of the DA Form 4137.

(2) Has no bearing on administrative or judicial action against those responsible for the loss or breach.

d. Upon receipt of packaged evidence, if evidence appears to be missing after the parcel has been inventoried, the appropriate USACIDC or CI supervisor or PM will be notified immediately by the primary or alternate custodian. On verification of missing evidence from the parcel, the sender will be notified immediately and will be requested to search for the missing items. If the sender cannot locate the evidence, an inquiry will be conducted in accordance with AR 15-6.

Chapter 4 Security Standards for Evidence Storage

4-1. Storage concepts

An evidence room is a structure, a room, or a vault that exceeds or equals the minimum acceptable structural and security standards required by this regulation.

a. Routine office classified documents will not be stored in the evidence room. Only classified information determined to be evidence of a crime will be stored in an evidence room. All containers or storage facilities used to store classified information must meet the security standards in AR 380-5, as appropriate (for example, Secret and Top Secret). The primary and alternate evidence custodians are required to have the necessary level of security clearance.

b. Evidence storage facilities may be used for storage of controlled substances for training in the narcotics detector dog program in accordance with this regulation.

c. Property, to include training and operational load ammunition, which is not evidence will not be stored in the evidence room.

d. Those installations or activities, which routinely maintain evidence of insufficient quantity to reasonably justify construction and maintenance of an evidence room as described in this regulation, may utilize a depository consisting of a safe approved by General Services Administration (GSA) for evidence storage. Such use is subject to the following provisions:

- (1) The container must be located in a locked, controlled access room.
- (2) All other administrative and accountability requirements of this regulation must be met.

4-2. Physical security of evidence rooms and the U.S. Army Criminal Investigation Laboratory evidence processing and storage areas

a. Location.

(1) The USACIDC and MP evidence rooms will normally be in the same building as the operational or administrative staffs of the USACIDC unit or MP investigations/PM.

(2) CI units will store evidence in accordance with AR 381-20.

b. Construction.

(1) Walls must extend from the true floor to the true ceiling. Walls and ceilings may be masonry or wood. Walls and ceilings will not be constructed of exposed combustible material. Walls or ceilings with wooden or metal studs must have a combined exterior and interior sheathing material thickness of at least one inch. Permanently installed flooring (other than masonry) may be used, if the floor cannot be breached without considerable damage to the building structure. NOTE: For any new evidence room construction being planned or occurring after the publication date of this regulation, plywood (at least 3/4 inches thick) will be installed from the true floor to the true ceiling behind the drywall, if drywall is used as the masonry wall material. As an alternative, steel mesh, as specified in this regulation, can be used behind the drywall.

(2) If walls and ceilings in accordance with this regulation are not available, No. 8 gauge high carbon manganese steel mesh with a 2-inch diamond grid or No. 6 gauge steel mesh with a 2-inch diamond grid, permanently attached to the interior wall or ceiling, may be used. Walls or ceilings may also be lined with steel plates at least 1/8 inch thick.

(3) A prefabricated steel mesh cage may be installed in a room as an evidence facility, if the rooms walls, flooring, or ceiling do not meet structural standards. The cage must be No. 8 gauge high carbon manganese steel mesh with a 2-inch diamond grid or No. 6 gauge steel with a 2-inch diamond grid, conform to Headquarters, U.S. Army Corps of Engineers (HQUSACE) drawing 4021-01, dated 20 June 1972, and be attached to the floor. There will be no space between the floor and the bottom of the cage. When a cage creates a space between the original walls of the room and the cage, the added space must be used only for processing, not storing, evidence. Screws and bolts used to construct the cage will be spot welded to preclude disassembly.

c. Doorways.

(1) There must be only one doorway leading to and from the evidence room. Entrance into the evidence room must require opening two successive doors.

(2) When an interior steel mesh cage is used, the door to the cage will serve as the second door. In this case, the outer door will be of solid core wood or metal.

(3) When a steel cage is not used, two doors hung one behind the other will be used. One door may be of steel mesh welded to a steel frame. The second door may be of solid core wood or steel, or it may be a hollow wooden door reinforced outside with a steel plate not less than 1/8 inch thick.

(4) If a barred door is used, the vertical steel bars will be at least 3/8-inch thick and no more than 4 inches apart. Horizontal bars will be welded to the vertical bars and spaced, so that openings do not exceed 32 square inches.

(5) Either door may be hung on the outside of the doorway. They will be hung with the door frame attached to the door casing.

(6) Door hinges will be installed so that doors cannot be removed without seriously damaging the door or jamb. All exposed hinge pins will be spot welded or installed with brads to prevent removal. This is not required, when safety

and stud hinges are used or when the hinge pins are on the inside of the doors. (A safety hinge has a metal stud on the face of one hinge leaf and a hole in the face of the other leaf. As the door closes, the stud enters the hole and goes through the full thickness of the leaf. This creates a bolting or locking effect).

(7) The outer door will be secured by one high-security, key opened lock or padlock. The padlock will conform to military specification MIL-DTL-43607H. The nomenclature for the proper outer door lock is S&G 833C, Padlock, Key Operated, High Security Shrouded Shackle. The inner door will be secured by a changeable combination lock or padlock that conforms to Federal specification FF-P-110. The proper inner door combination padlock NSN is 5340-00-285-6523. As an alternative to this requirement, the outer door can be a Class V GSA-approved vault door with a built in GSA-approved combination lock. When a combination lockable vault door is used as the outer door, the inner door will be secured by one high-security, key opened lock or padlock that conforms to military specification MIL-DTL-43607H.

(8) High-security, key opened locks or padlocks on the outer door will be used with one of two styles of hasps under military specification MIL-DTL-29181 (Hasp, High Security, Shrouded, for High Security Padlock). The two styles are the right hand or left hand for use on sliding and hinged doors. A heavy steel hasp and staple will be used for the inner door secured by a padlock that conforms to Federal specification FF-P-110. The hasp and staple will be attached with smooth-headed bolts or rivets that go through the thickness of the door or jamb. They will be spot welded or installed with brads on the inside of the door. Heavy duty hasps and staples are acceptable, if they cannot be removed when the doors are closed.

(9) Evidence rooms with manned 24-hour surveillance only need single doors. In these cases, the single doors will be of solid wood or covered with metal to prevent seeing into the evidence room. These rooms will have high-security locks or padlocks as specified in this regulation.

d. Windows and other openings.

(1) Windows, ducts, vents, or similar openings of 96 square inches or more with at least one dimension greater than 6 inches shall be covered with hardened steel bars or a suitable steel mesh.

(2) When bars are used, they will be at least 3/8-inch thick, and vertical bars will not be more than 4 inches apart. Horizontal bars will be welded to the vertical bars and spaced with openings of no more than 32 square inches. The ends of the bars will be securely embedded in the wall or welded to a steel channel frame fastened securely to the window casing.

(3) Acceptable steel mesh can be made from high-carbon manganese steel, no less than fifteen one-hundredths of an inch thick, with a grid not more than 2 inches from center to center. No. 6 gauge steel mesh with a 2-inch diamond grid may be used when high-carbon manganese steel is not readily available. The steel mesh will be welded or secured to a steel channel frame and fastened to the building by smooth-headed bolts that go through the entire window casing. The steel mesh will be spot welded or installed with brads on the interior or cemented into the structure itself to prevent easy forced entry.

(4) If air conditioners are installed in windows or outside walls, security measures will be taken to ensure the air conditioners cannot be removed from the outside, and access to the evidence room cannot be gained from the window openings.

e. Intrusion detection systems. Consideration should be given to equipping evidence rooms with a standardized Department of Defense (DOD) intrusion detection system (IDS) connected to a central monitoring station, with personnel on duty to provide an armed response to an alarm signal. The decision to install an IDS is based on a thorough risk assessment of the location of the facility, the quantity and types of evidence being stored, and the relative cost of measures to provide security equal to an IDS. Field elements will coordinate with their supply support activity and facilities engineer to acquire and install an approved IDS. Coordination will be made with the local installation physical security office for assistance.

f. Internal fixtures. Evidence rooms will be equipped with—

(1) *Securable containers or vaults.* Securable containers or vaults in accordance with AR 190-11 for high-value items, narcotics contraband, weapons, and ammunition. Containers may be field safes, filing cabinets, lockers, or locally made containers with at least one approved locking device.

(a) At least one container will be used for added security of high value items (such as jewelry and watches), and large quantities of narcotics (for example, one ounce of heroin or cocaine or one kilo of hashish or marijuana).

(b) Small amounts of narcotics or contraband evidence may be stored in bins or on shelves with other evidence.

(c) A separate container for each category of sensitive/high value evidence is not required.

(d) All weapons and ammunition will be secured in an approved safe or separate locked container.

(e) Containers weighing less than 500 pounds will be secured to the structure to prevent unauthorized removal. A chain may be secured to the container and fastened to a radiator, a water pipe, an eyelet installed for this purpose, or other similar object. When several containers are used, they may be fastened together without being fastened to the structure, if the combined weight of all containers fastened together is at least 500 pounds. The containers, with any attached chains, will be secured with approved locking devices. Chains used to secure containers shall be heavy-duty hardened steel of at least 5/16-inch thickness or of equivalent resistance to force required to cut or break a secondary

padlock. An example of an equivalent chain is type 1, grade C, class 4, NSN 4010-00-149-5583, NSN 4010-00-149-5575, or NSN 4010-00-171-4427.

(2) *Shelves or bins.* The evidence room will be equipped with bins, cabinets, or shelves as space permits, for neat and orderly arrangement of evidence. Adjustable shelves are recommended when possible. Uniform-sized envelopes, arranged numerically by document numbers, are recommended for storing small items (such as controlled substances) on shelves or in drawers.

(3) *Worktable.* When possible, evidence rooms should be large enough for a worktable or desk for processing of incoming and outgoing evidence by the custodian.

(4) *Refrigerator.* A refrigerator is required as a permanent fixture in the evidence room, if storage of unstable or perishable evidence is expected. A refrigerator is normally not necessary in USACIDC major procurement fraud units.

(5) *Containers for controlled substance training aids.* When these materials are stored in evidence storage facilities, they will be secured in a separate GSA-approved safe under criteria in DA Pam 190-12. Controlled substance training aids will not be secured in containers with evidence, and evidence will not be stored in the safe with controlled substance training aids. When a USACIDC evidence room is used for this purpose, the unit requesting the storage will provide the safe to be used for this purpose.

g. *The USACIL.* Evidence processing and storage areas at the USACIL are not considered to be evidence rooms, as defined in this regulation. The following physical security standards apply to the USACIL:

(1) *Evidence processing branch storage vaults.* Evidence processing branch storage vaults and storage walk-in coolers will provide equivalent security or exceed the construction requirements for evidence rooms described in this regulation. If necessary to meet engineering and maintenance requirements for the vault cooling systems, alternative construction means and intrusion detection systems may be used, if they provide equivalent security.

(2) *Building perimeter.*

(a) *Doors.* All exterior doorways which give access to interior administrative or evidence processing and storage areas, including maintenance rooms from which interior access could be gained, will be equipped with intrusion detection systems. Doors will be a minimum of 1 3/4 inch thick solid core wood or hollow steel. Hollow steel doors will be industrial type construction with at least skin plate thickness and will be internally reinforced with continuously spaced stiffeners. Door frames will be constructed with a minimum of 18-gauge steel. Doors with locking systems exposed to the outside will be kept to the absolute minimum based on operational considerations. Door hinge mounting screws and pins will not be exposed to the exterior of the facility.

(b) *Windows and other openings.* All exterior windows and other openings will meet the construction standards of this regulation.

(3) *Firearm Branch reference library.* The vault holding the Firearm Branch reference library will meet the construction standards for category II arms storage facilities found in AR 190-11. Ammunition storage will meet the requirements for category IV ammunition storage as found in AR 190-11. The reference library and ammunition storage vaults will be equipped with intrusion detection systems.

(a) Arms stored within the Firearms Branch reference library vault are not required to be individually secured in racks.

(b) Weapons and ammunition stored as items of evidence may be stored in the Firearms Branch reference library and ammunition storage vaults.

(c) To maintain separation and accountability, class IV arms maintained for the USACIL operational requirements will be stored in a GSA approved class V security container, preferably within a vault equipped with an IDS.

4-3. Temporary evidence facilities

A temporary evidence facility may be needed due to size, amount, and type of evidence collected; the physical location of the USACIDC or MP element; or the time in which the evidence is acquired.

a. *Safe or filing cabinet.* A safe or secure filing cabinet will be used for temporary storage of evidence during non-duty hours, pending release to the evidence custodian. Access to the safe or filing cabinet will be restricted to the person securing the container. A key-opened padlock will be used. Combination locks are not permitted for this purpose. One spare key for the lock will be secured in a separate sealed envelope in the safe controlled by the USACIDC commander/SAC/RAC or PM. There should be sufficient temporary containers, depending on the volume of evidence handled, so that each duty person has a container to use during the absence of the evidence custodian. This will limit the change of custody of evidence, when duty personnel change during weekends, and the custodian is not available. Temporary containers will be secured to the structure or fastened together in accordance with this regulation.

b. *Temporary evidence room.* A salvaged CONEX or equivalent container (military van (MILVAN)) can be made into an acceptable temporary evidence room. The CONEX/MILVAN must be weatherproofed. If openings are cut into the sides for air and light, they must be covered with angle iron or steel bars, or steel mesh must be welded to the internal walls. Two steel straps, at least 2 inches wide and 1/4-inch thick, will be put on the front side of the CONEX/MILVAN. They should be mounted to completely span the door width. The straps will be hinged or hung from eyebolts welded to the side of the CONEX/MILVAN, beyond the hinges of the door. The upper strap will be mounted about 18 inches from the top of the door and the lower strap the same distance from the bottom. The free end of each

strap will be slotted to fit a staple of heavy pattern steel. The straps will be secured with high security, key opened padlocks described in this regulation. Whenever a CONEX or equivalent container is used as an evidence room, it will be near a 24-hour operational activity and routinely observed by that activity's personnel.

c. Building, room, or fenced enclosure.

(1) A separate building, room, or fenced enclosure as appropriate may be used when there are—

(a) Unusually large items of physical evidence (such as motor vehicles or boats).

(b) Large amounts of recovered property that cannot be placed in the evidence room.

(2) The building should have walls that extend from the floor to the true ceiling. The building should be equipped with deadbolt locking devices on the doors or a hasp and staple attached with smooth-headed bolts or rivets. The doors should be solid core wood or steel, and the hinges should be installed so that the doors can't be removed without causing serious damage to the door or jamb. The windows should have locking devices and blinds. If a room is used as a temporary storage area, it would be preferable to use one without windows. In any event, the room should meet the same standards outlined above for a building.

(3) A fenced enclosure will be used only when there is no suitable building or room.

(4) Normally, evidence that requires a fenced enclosure can be processed, photographed, and released after consulting with trial counsel or civilian prosecutor. However, if an enclosure or separate building must be used for temporary storage, the responsible supervisor and evidence custodian must protect the evidence.

4-4. Security

a. Evidence room. The evidence room will be locked at all times, when not occupied by the primary or alternate custodian. Authorized personnel will have access to the evidence room, only when accompanied by the responsible custodian. Personnel will never be left in the evidence room without the custodian. The primary or alternate controlled substance training aids custodian will have escorted access to the evidence room to issue and receive training aids or accomplish the responsibilities for security, control, and accountability of the controlled substance training aids, in accordance with AR 190-12 and DA Pam 190-12. Training aids custodians will not have access to or handle evidence. Primary or alternate evidence custodians will not have access to or handle controlled substance training aids. Evidence custodians will not be training aids custodians.

b. Key and combination control.

(1) Except for the combinations to the training aid locks, only primary and alternate custodians will know the combinations of locks in the evidence room. However, copies of all combinations will be recorded on SF 700. These will be kept in sealed envelopes in the safe of the appropriate USACIDC supervisor or PM.

(2) Each key-operated lock will have two keys with the exception of the high security padlock which is supplied with three keys (two operator keys and one control key). Except for the keys to the training aids container, the primary custodian will always keep one key to each lock. The duplicate key for each padlock and control key for high security padlock will be put in a separate sealed envelope and secured in the safe of the appropriate USACIDC supervisor, PM, or DES.

(3) Lock combinations will be changed, whenever the primary or alternate evidence custodian changes. All combinations and key locks will be changed upon possible compromise.

(4) Keys will be transferred from the primary to the alternate custodian, only if the primary custodian is to be absent for more than one working day or three non-working days.

(5) Master key padlocks or set locks will never be used in the evidence room.

(6) When controlled substances training aids are stored in evidence rooms, only the primary and alternate controlled substance training aids custodians will know the combinations of the locks on the controlled substance training aids containers. The combinations will be recorded on SF 700 and will be kept in a sealed envelope secured in the safe of the PM or security officer.

Chapter 5

Submission of Evidence to the U.S. Army Criminal Investigation Laboratory

5-1. Processing of evidence to the U.S. Army Criminal Investigation Laboratory

a. Physical evidence that may contribute to the resolution of an investigation may require technical examination or analysis by the USACIL.

b. Evidence will be expeditiously submitted to the USACIL, normally within five working days after being identified as requiring laboratory examination. Perishable evidence should be sent immediately to the USACIL. Evidence may only be held longer, when the development of additional evidence is imminent or if the additional evidence is required to complete the requested examinations (for example, holding questioned documents until the standards and exemplars have been obtained). Another exception would be waiting for information to establish whether

or not an actual crime has occurred (for example, a suspected sudden infant death syndrome case with pathology and/or toxicology report pending).

c. Evidence will be protected, packed, and sealed in accordance with this regulation and FM 3–19.13. To maintain the chain of custody, packages will contain evidence from only one investigation.

d. Contributors will send evidence, DA Form 4137, and DD Form 2922 (fig 5–1) to the USACIL.

e. Instructions for completing a DD Form 2922 are listed below—

(1) *Two-sided form.* The DD Form 2922 will be produced as a two-sided form with a military flip (readers will flip the form up in order to see the back side of the form right-side up).

(2) *Copies.* The original and one copy of the DD Form 2922 will be sent with the evidence to the United States Army Criminal Investigation Laboratory (USACIL). One copy of the request will also be maintained with the copy of the evidence custody document that is retained in the evidence room suspense file. One copy of the request will further be maintained in the investigation case file. The original request and all copies will be annotated with the registered or other accountable mail number and the date the evidence and DD Form 2922 was sent to the USACIL.

(3) *Block 1.* The To block will by default list Director, USACIL, 4930 N. 31st Street, Forest Park, GA 30297–5205. There is no need to specify any specific forensic branch. If evidence is sent to a forensic laboratory other than the USACIL, the Other block should be checked and the address information for that laboratory listed.

(4) *Block 2.* The From block will list the contributors return address. Inclusion of the contributors physical street address is preferred.

(5) *Block 3.* The Return Evidence To block will list the address to which the laboratory is requested to return the evidence to after examination of the evidence is concluded. Inclusion of the physical street address is preferred.

(6) *Block 4.* Routine will be checked unless expeditious examination of evidence is required. If an expedite request is needed, expedite should be checked as well as the reason for the expedite. A date is also needed if appropriate. Expeditious handling must meet the requirements of AR 195–5.

(7) *Block 5 and 16.* For laboratory use only.

(8) *Blocks 6 through 10 and 15.* These blocks are self-explanatory.

(9) *Block 11.* A brief synopsis of the investigation case facts is required for all submissions. The information must be in sufficient detail for the USACIL examiners to know how best to process and examine the evidence. Supporting documentation, such as initial reports and crime scene photographs, may be included with the request to further explain the case.

(10) *Block 12.* The evidence submitted will be listed numerically and organized in a clear and logical manner with consideration given to the type of examination requested (for example, questioned document evidence listed separately from serology evidence, and so on). Evidence submitted will be described in sufficient detail for the laboratory examiner to correctly identify the evidence. For clarity, the document number and the item number from the evidence custody document can be included. Known handwriting exhibits pertaining to a single person may be grouped as a single exhibit providing they can be clearly identified using the evidence custody documents.

(11) *Block 13.* The contributor will describe the examination(s) desired. Only examinations necessary to resolve an investigation will be requested. Requesting other examinations as appropriate is recommended. Additional information, not listed in Block 11, which the requester feels will help the examiner and aid in the evidence processing should be included.

(12) *Block 14.* The primary investigator and an alternate point of contact are to be listed along with their contact information. The alternate should be someone familiar with the investigation or the primary investigators supervisor.

(13) *Laboratory examination request.* Normally, the case agent or investigator will complete and sign the Forensic Laboratory Examination Request as the requestor; however, in certain circumstances, a supervisor may sign as the requestor. The evidence custodian will review the completed request prior to its submission to the USACIL.

e. Any supporting documentation relevant to the investigation, such as a detailed synopsis; statements from victim(s), subject(s), and witness(es); preliminary police reports; crime scene images, sketches, and videos should be forwarded to the USACIL. Such documents will be attached to the DD Form 2922. The Laboratory Request will include a synopsis in section seven which contains sufficient details to provide the examiner an adequate idea of what crimes were committed and how they were perpetrated (a copy of the initial police report can be attached to the Laboratory Examination Request in lieu of the synopsis, with section seven annotated See attached police report).

f. Requests for USACIL analysis from non-USACIDC/Provost Marshal Office (PMO) elements (for example, trial counsel, unit commanders, and alcohol and drug abuse program coordinators) should be coordinated with and made by local USACIDC/PMO Army elements. This will ensure that items of material value or physical evidence in a criminal investigation are not mishandled, contaminated, or accounted for improperly and that USACIDC/PMO elements are aware of incidents of suspected criminal activity as defined in this regulation. Prior coordination is encouraged to ensure the laboratory is capable of providing the desired service. Other activities should submit evidence through their supporting Defense Criminal Investigative Organization (Air Force Office of Special Investigations, Naval Criminal Investigative Service, and Defense Criminal Investigative Service).

5-2. Sealing

a. General. As with all steps of handling and processing evidence, caution must be taken to prevent cross-contamination.

(1) All evidence submitted to the USACIL will be sealed in a shipping container. The original DA Form 4137, plus the original and one copy of the DD Form 2922, will be enclosed in an addressed envelope which must be placed under the outer wrapper of the package.

(2) Multiple items of fungible or trace evidence from the same investigation may be mailed in one consolidated shipping container provided cross-contamination can be eliminated. The items must be packaged and sealed in separate evidence containers, before they can be consolidated into a single shipping container. Fungible evidence in sealed containers may also be sent in the same shipping package as non-fungible evidence from the same investigation. While the minimum standards of double wrapping must be met for all evidence in the container, evidence sealed in one container (for example, heat-sealed bag, manila envelope, cardboard box) need only be wrapped once to meet this requirement.

(3) When possible, evidence should be packaged and shipped compartmentalized by forensic discipline. For example, separate and ship sexual assault kits/whole blood under separate registered mail from evidence that requires only latent print examinations. Digital evidence must be separated from evidence requiring refrigeration. Compartmentalizing evidence facilitates the optimum storage and routing of the evidence, reduces unnecessary handling of items, and contributes to the thorough and timely examination of evidence by the appropriate forensic branches. In addition, all examinations, handling, and field testing of evidence should be documented and the information provided to the USACIL.

b. Fungible evidence.

(1) After wet or damp fungible items have been visually examined, field tested, and dried, they will be sealed in a container before sending them to the USACIL. They may be sealed in paper or manila envelopes, cardboard boxes, wrapping paper, or an equivalent off-the-shelf product based on technology advances. Evidence will be sealed as early as possible when in custody to reduce the number of persons having access to it and to preclude loss, contamination or alteration of the evidence. Containers with previous markings or seals will not be reused to seal fungible or trace evidence.

(2) Like items of fungible evidence seized at the same time should be sealed in one container, when possible (for example, packets of heroin taken from the same location at the same time).

(3) When fungible evidence is sealed in containers other than heat-sealed bags, all openings, joined surfaces, and edges will be sealed with paper packaging tape or the equivalent designed to indicate evidence of tampering. Cellophane or masking tape will not be used. A self-adhering DA Form 4002 will be affixed to the container. The individual who sealed the container will write his/her initials or signature across each of the seals and his/her time and date of acquisition on at least one location on the container. The writing will be written across both the tape and container. When a sealed container is breached, it will be resealed, when appropriate. The individual resealing the container will write his/her initials or signature and date of resealing across the new seals.

(4) When heat-sealed bags are used, procedures provided with the equipment will be used. A DA Form 4002 will be affixed to the outside of the bag away from the heat-sealed strip. The evidence room document number, CID control number or DA Form 3975 number, item number, and total number of items on the DA Form 4137, time and date the evidence was obtained, initials of the person who obtained the evidence, and any pertinent remarks will be annotated on the label. Each heat-sealed strip will be marked for identification by the DALEO with the time and date the evidence was obtained and the initials of the DALEO who obtained and sealed the evidence. Each heat-sealed strip will also be embossed with a raised seal unique to the submitting unit or installation. There is no requirement for any additional label to be placed on the heat-sealed strip at the location where it is embossed. Heat-sealed bags should not be used, when items of evidence could degrade because of moisture.

(5) Small amounts of powders, hairs, fibers, small paint chips and similar materials will not be placed in plastic bags, as they may adhere to the inside because of static electricity. They should first be placed in folded paper packets which should then be secured in a second container. Small fragments of glass can be placed in film canisters or plastic. With all such evidence, double-packaging should always be used.

(6) Fungible evidence to be submitted for serological tests will not be sealed in a plastic container. This evidence will be packaged in accordance with FM 3-19.13.

c. Non-fungible evidence. Non-fungible evidence, such as glass, metal, clothing items and plastics (including plastic bags), should be sealed in a suitable container other than heat-sealed bags, especially when latent print examination is contemplated. All nonporous items of evidence collected for possible latent print evidence must be processed using cyanoacrylate (superglue) fuming, prior to the items being sealed, to preserve any latent prints.

d. Document evidence and non-porous latent print evidence. Questioned document evidence and non-porous latent print evidence will not be heat-sealed or placed unprotected in plastic bags or document protectors, because there is a risk of damage to the evidence. Paper envelopes or folders are preferred for document evidence. Only non-porous latent print evidence should be superglue fumed, before shipment to the laboratory. Submission of non-porous latent print evidence, which has not been superglue fumed, should be coordinated with the Latent Prints Branch, prior to

packaging and shipment to the laboratory. Evidence will be suspended, braced or packed in a way that prevents any rubbing action which could destroy latent prints.

e. Computer components and digital media.

(1) Computer components and digital media should be packed in non-static materials. These components and media should not be sealed in plastic or packing materials that can penetrate openings in the components or media, due to potential damage to the evidence.

(2) Components should be carefully inspected to ensure that interior hardware is securely fastened and will not move around and destroy evidence during shipment.

(3) Digital media should not be shipped in the same shipping container with a computer. Physical damage can be caused to the media from the shifting weight of the computer.

(4) Digital media such as floppy disks or compact discs should be shipped in specially designed shipping material that will shield the media from electronic or magnetic forces and will prevent physical damage to the media.

(5) Items powered by battery need to be charged to ensure that the battery has sufficient reserve to maintain power to the device long enough to allow the item to reach the USACIL and for the USACIL personnel to take responsibility for maintaining the battery.

(6) The USACIL should be consulted for answers to questions pertaining to the shipment of computers or digital media evidence.

5-3. Expedient handling and examination of evidence

a. Expedient handling may be necessary when—

(1) The subject is being held in pretrial confinement.

(2) A trial date is set.

(3) Results are needed for a Article 32, UCMJ hearing; Article 39a, UCMJ session; or Grand Jury hearing.

(4) The subject is due for transfer, separation, or reenlistment.

(5) Analysis of covertly acquired controlled substances is needed for further investigation.

(6) Other valid reasons exist.

b. The USACIDC or MP activities will request prompt handling by the USACIL, by checking the appropriate box on the DD Form 2922.

c. If expedient notification of the laboratory results is desired, this requirement will be annotated on the DD Form 2922 in block 13. This will include the name and telephone number of the person to be notified. If such notice is required after the evidence has been sent, the USACIL will be notified by the quickest means possible. The results of the USACIL examinations will be provided only to the activity which requested the examination.

d. The USACIL will process the evidence as expeditiously as possible. If this is not possible, the USACIL will notify the requester by telephone or electrical message.

5-4. Special circumstances

a. If the USACIL determines that an entire evidence sample is likely to be consumed during analysis, every effort will be made to maintain an appropriate sample, and the following procedures will be followed:

(1) The USACIL will notify the DALEO responsible for the investigation that total consumption of the evidence sample is anticipated and that testing of that sample will occur seven working days from notification.

(2) The responsible DALEO will acknowledge receipt of the notification to the USACIL and will notify the trial counsel or civilian prosecutor that the evidence in question will be totally consumed and that examination of the evidence will be delayed for a period of ten working days from the day the responsible DALEO acknowledged receipt (automatic email acknowledgement that the email was read suffices) of the notification from the USACIL. The responsible DALEO will inform the USACIL of the name of the trial counsel or civilian prosecutor involved, and identify a USACIL POC to the Government attorney.

(3) The responsible DALEO will request that the trial counsel or civilian prosecutor advise the suspects defense counsel of the anticipated total consumption of evidence and that if the defense counsel or defense consultant desires to be present at the evaluation, the burden is on the defense counsel to notify the DALEO of this wish through the trial counsel or civilian prosecutor.

(4) Upon notification that the defense counsel requests that counsel or a defense consultant be present at the sample testing evaluation, the DALEO will immediately notify the USACIL of this request.

b. Unless notified otherwise by the DALEO, the USACIL will conduct the requested examinations ten working days after first notification of the DALEO.

c. If there is no suspect, laboratory sample testing evaluation will be conducted in the normal manner even though all of the sample will be consumed.

d. The USACIL will make every effort to ensure that some quantity of sample evidence remains after each examination.

e. In the cases where instrumental spectra is available and sample evidence is consumed, the spectra that is produced

as part of the examination becomes equivalent to the evidence (for example, a instrumental data from deoxyribonucleic acid analysis, drug identification, or trace examination).

f. If an item is totally consumed during the course of an examination, the laboratorys internal chain of custody that reflects the item was consumed during analysis will be forwarded to the submitter with the DA Form 4137.

g. When the USACIL requires additional documentation or standards in order to complete an examination (for example, hair standards, handwriting exemplars, and so forth), a USACIL representative will contact the submitter with instructions for providing the required materials to complete the examination. If the USACIL does not receive a response within ten working days, evidence then cannot be examined without access to the requested documentation or standards will be returned to the submitter unexamined.

5-5. Return of evidence to contributors by the U.S. Army Criminal Investigation

Laboratory evidence will normally be returned to contributors by registered mail or other equivalent accountable mail methods.

a. The USACIL personnel will ensure the items of evidence are placed in an appropriate shipping container (for example, envelopes or boxes, along with sufficient packaging to preclude damage, loss, destruction and/or cross-contamination of the evidentiary material).

b. The USACIL personnel will annotate the custody document(s) to release the items of evidence to "registered mail or other accountable mail method. The original chain of custody document(s) and laboratory report(s) will be placed in an envelope and attached to the outer surface of the container. The shipping container will then be wrapped and returned to the contributor.

c. Shipping containers must be opened by the evidence custodian at the receiving USACIDC or MP activity to properly account for all items of evidence listed on the DA Form 4137. This does not require the seal(s) to be opened on the individual item(s) of evidence originally sealed by the DALEO or sealed by laboratory personnel.

| FORENSIC LABORATORY EXAMINATION REQUEST | | | |
|--|---|---|--|
| 1. TO: Director USACIL <input checked="" type="checkbox"/> 4930 N. 31st Street Forest Park, GA 30297-5205 <input type="checkbox"/> Other (Specify): | 2. FROM: Special Agent in Charge 75th MP DET (CID) Bldg 1457, 6104 3d Street Fort Belvoir, VA 22060-5592 | 4. EXAM PRIORITY <input checked="" type="radio"/> ROUTINE <input type="radio"/> EXPEDITE <input type="checkbox"/> Trial/Article 32/39A (*) <input type="checkbox"/> Subject in pre-trial confinement <input type="checkbox"/> Subject pending PCS/ Separation/Reenlist (*) <input type="checkbox"/> Other (Specify in Block 13) *Date _____ | 5. LAB USE ONLY a. LAB CASE # b. METHOD OF RECEIPT c. RECEIVED BY/DATE |
| | 3. RETURN EVIDENCE TO: Special Agent in Charge 75th MP DET (CID) Bldg 1457, 6104 3d Street Fort Belvoir, VA 22060-5592 | | 6. SUBMITTING AGENCY CASE NUMBER 0038-11-CID122-15378 |
| 8. PREVIOUS EVIDENCE SUBMITTED DATE: N/A MAIL METHOD: N/A | | LAB CASE #: N/A | SUSPECT(S): N/A |
| 9. SUSPECT(S) [Last, first and middle name(s)] Unknown | | 10. VICTIM(S) [Last, first and middle name(s)] DOE, James Michael | |
| 11. BRIEF DESCRIPTION (SYNOPSIS) OF CASE FACTS THAT MIGHT ASSIST THE LABORATORY IN EXAMINING OR EVALUATING THE EVIDENCE OR ADDITIONAL DOCUMENTATION ATTACHED (e.g., Summary of investigation, crime scene sketches/photographs, statements) PV2 DOE was found deceased in the driver's seat of his Chevy pickup truck with on gunshot wound to his head. The truck was parked in the driveway of his on post residence. Found with the body was a handwritten note which, according to this wife, was written by her. The note indicates a possible domestic problem. Also found with the body were suspected controlled substances and an empty beer bottle. (See the enclosed initial report of investigation and photographs of the scene for further information.) | | | |
| 12. EVIDENCE SUBMITTED | | | |
| a. EXHIBIT | | b. DESCRIPTION OF EXHIBIT | |
| 1 | Revolver, Colt brand, .38 cal, SN 754341 (Item 1, D/N 033-11) | | REGISTERED MAIL RA 123 456 789 US 10 JAN 11 |
| 2 | Cartridge casing, brass, .38 cal (Item 2, D/N 033-11) | | |
| 3 | Bag, containing three hand rolled cigarettes with unknown vegetable matter (Item 3, D/N 033-11) | | |
| 4 | Bottle, brown, Sam Adams brand, 12 oz. (Item 4, D/N 033-11) | | |
| 5 | Pills, approximately 9, small, oval, pink (Item 5, D/N 033-11) | | |
| 6 | Piece of paper, (with handwritten words) white, 8 1/2" x 11" (Item 6, D/N 033-11) | | |
| 7 | GSR kit of PV2 DOE (Item 1, D/N 035-11) | | |
| 8 | Handwriting standards of PV2 DOE (Item 1, D/N 036-11) | | |

DD FORM 2922, JUL 2006

REPLACES DA FORM 3655, AF FORM 1980, AND NCIS FORM 5580/29, WHICH ARE OBSOLETE.

Adobe Designer 7.0

Figure 5-1. Sample of completed DD Form 2922

| 12. EVIDENCE SUBMITTED (Continued) | |
|------------------------------------|---|
| a. EXHIBIT | b. DESCRIPTION OF EXHIBIT |
| 9 | Handwriting standards of Mrs DOE (Item 1, D/N 037-11) |
| 10 | Handwriting exemplars of Mrs DOE (Item 2 D/N 037-11) |
| 11 | Major case prints of PV2 DOE |
| 12 | Major case prints of Mrs DOE |

13. EXAMINATION(S) REQUESTED (Briefly furnish any information or instructions that might assist the laboratory in examining the evidence)

Latent Print Branch- Examine Items 1-6 to determine if there are any identifiable latent prints present on the items. Compare any found latent prints with the major case prints of PV2 Doe and Mrs Doe (Items 11 and 12) to determine if any of the latent prints were from either of them. Conduct any other examination deemed appropriate.

Trace Evidence Branch- Examine Item 7 to determine if there is evidence of gunshot residue. Conduct any other examination deemed appropriate.

Drug Chemistry Branch- Examine Items 3 and 5 to determine if the Items are controlled substances. Conduct any other examination deemed appropriate.

Forensic Documents Branch- Examine Item 6 and compare it with Items 8-10 to determine if PV2 Doe or Mrs Doe wrote the words on Item 6. Conduct any other examination deemed appropriate.

| | |
|--|---|
| 14.a. INVESTIGATOR AND ALTERNATE POC (Typed or Printed) (Mandatory Information) SA David K. DOE / SA Andy P. DOE | b. TELEPHONE (Primary/Alt): 777-444-1254/8833 c. DSN (Primary/Alt): 555-1254/8833 d. Fax: 777-445-1234 e. E-Mail: david.k.doe@us.army.mil/andy.p.doe@us.army.mil |
|--|---|

15. I CERTIFY EVIDENCE HAS NOT BEEN SUBMITTED TO ANOTHER LABORATORY FOR THE SAME EXAMINATION

| | | |
|-------------------------------------|---|---|
| a. DATE 2011-01-10 | b. TYPED/PRINTED NAME OF REQUESTOR SA David K. Doe | d. TELEPHONE (Primary/Alt): 777-444-1254/8833 e. DSN (Primary/Alt): 555-1254/8833 f. Fax: 777-445-1234 g. E-Mail: david.k.doe@us.army.mil/andy.p.doe@us.army.mil |
| c. SIGNATURE <i>David K. Doe</i> | | |

| | |
|------------------|--|
| 16. LAB USE ONLY | |
| LAB CASE # | |

DD FORM 2922 (BACK), JUL 2006

Figure 5-1. Sample of completed DD Form 2922-continued

Appendix A References

Section I Required Publications

AR 15-6

Procedures for Investigating Officers and Boards of Officers (Cited in para 3-3*b* and 3-3*d*.)

AR 25-400-2

The Army Records Information Management System (ARIMS) (Cited in paras 1-6*b*, 2-4*h*.)

AR 190-11

Physical Security of Arms, Ammunition, and Explosives (Cited in para 4-2*f*(1) and 4-2*g*(3).)

AR 190-12

Military Working Dog Program (Cited in para 4-4*a*.)

AR 190-53

Interception of Wire and Oral Communications for Law Enforcement Purposes (Cited in para 2-9*g*.)

AR 380-5

Department of the Army Information Security Program (Cited in paras 2-6*h*, 2-7*k*, 2-9*r*, 3-2*b*, 3-2*h*, 4-1*a*.)

AR 381-20

The Army Counterintelligence Program (Cited in paras 1-1, 1-4*c*, 4-2*a*(2).)

AR 638-2

Care and Disposition of Remains and Disposition of Personal Effects (Cited in para 2-9*j*.)

AR 710-2

Supply Policy Below the National Level (Cited in para 2-9*q*.)

DOD 4160.21-M

Defense Materiel Disposition Manual (Cited in para 2-9*p*(1).)

FM 3-19.13

Law Enforcement Investigations (Cited in paras 2-1*a*, 2-2*a*, 2-2*c*, 2-7*e*(2), 5-1*c*, 5-2*b*(6).)

22 MJ 288 (U.S. Court of Military Appeals (CMA) 1986)

U.S. v. Garries (Cited in para 2-7*c*(2).)

UCMJ, Article 32

Investigation (Cited in paras 2-7*a*(2), 3-2*b*(1)(*d*), 3-2*g*(4)(*b*), 5-3*a*(3).)

UCMJ, Article 39

Sessions (Cited in para 5-3*a*(3).)

UCMJ

Uniform Code of Military Justice (Cited in paras 2-7, 3-2.)

18 USC 922(g)

Unlawful acts (Cited in para 2-9*n*.)

Section II Related Publications

A related publication is merely a source of additional information. The user does not have to read it to understand this regulation.

AR 11-2

Managers' Internal Control Program

AR 25-30

The Army Publishing Program

DA Pam 190-12

Military Working Dog Program

29 CFR 1910.1030

Bloodborne Pathogens (Available at <http://www.gpo.gov/fdsys/>)

49 CFR 172

Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency

FED R. CRIM. P.

Federal Rules for Criminal Procedures

MCM

Manual for Courts-Martial, United States (2008 Edition)

Postal Publication 52

Hazardous, Restricted, and Perishable Mail (Available at <http://www.usps.com/cpim/ftp/pubs/pub52.pdf>.)

18 USC 504

Printing and filming of United States and foreign obligations and securities

18 USC 922

Unlawful acts

18 USC 924(d)

Penalties

18 USC 1461

Mailing obscene or crime-inciting matter

21 USC 812

Schedules of controlled substances

26 USC 5861

Prohibited acts

26 USC 5872

Forfeitures

Section III

Prescribed Forms

Unless otherwise indicated, forms are available on the APD Web site (<http://www.apd.army.mil>) and DD forms are available on the OSD Web site (<http://www.dtic.mil/whs/directives/infomgt/forms/>).

DA Form 4002

Evidence/Property Tag (Available through normal forms supply channels.) (Prescribed in paras 2-1, 2-2, 2-3, 2-4, 5-2.)

DA Form 4137

Evidence/Property Custody Document (Prescribed in paras 1-6, 2-1, 2-3, 2-4, 2-5, 2-6, 2-7, 2-8, 2-9, 2-10, 2-11, 2-12, 2-13, 2-15, 3-2, 3-3, 5-1, 5-2, 5-4, 5-5.)

DD Form 2922

Forensic Laboratory Examination Request (Prescribed in paras 2-6, 2-7, 5-1, 5-2, 5-3.)

Section IV

Referenced Forms

Unless otherwise indicated, DA forms are available on the APD Web site (<http://www.apd.army.mil>); DD Forms are available on the OSD Web site (<http://www.dtic.mil/whs/directives/infomgt/forms/>); and SF forms are available on the GSA Web site (<http://www.gsa.gov/portal/forms/type/SF>).

DA Form 11–2

Internal Control Evaluation Certification

DA Form 2028

Recommended Changes to Publications and Blank Forms

DA Form 3862

Controlled Substances Stock Record

DA Form 3975

Military Police Report.

DA Form 4283

Facilities Engineering Work Request

DD Form 281

Voucher for Emergency or Extraordinary Expense Expenditures

DD Form 1131

Cash Collection Voucher

DD Form 1348–1A

Issue Release/Receipt Document

SF 700

Security Container Information (Stocked and Issued from GSA at the Federal Supply Service.)

PS Form 3811

Domestic Return Receipt (Available at any U.S. Post Office)

DRMS Form 145

Demilitarization Certificate (Available at <http://www.drms.dla.mil/turn-in/drms0145.pdf>.)

Appendix B

Internal Control Evaluation

B–1. Function

The function covered by this evaluation is evidence procedures.

B–2. Purpose

The purpose of this evaluation is to assist evidence handlers, evidence custodians, evidence room inspectors, leaders, and commanders in evaluating the key internal controls listed. It is intended as a guide and does not cover all controls.

B–3. Instructions

Answers must be based on the actual testing of key internal controls (for example, document analysis, direct observation, sampling, simulation, and/or other). Answers that indicate deficiencies must be explained and the corrective action identified in supporting documentation. These internal controls must be evaluated at least once every five years. Certification that the evaluation has been conducted must be accomplished on DA Form 11–2 (Internal Control Evaluation Certification).

B–4. Test Questions

- a.* Collecting items of evidence by DALEO or Army CI agent.

(1) If an item of evidence was collected for trace evidence, was it packaged and sealed at the earliest opportunity to prevent the loss of evidence?

(2) If the item of evidence was of a nonporous material and was collected for latent prints, was it processed with superglue fuming to preserve the latent prints before the item was packaged and sealed?

(3) Were all items of evidence marked for identification with the initials, date, and time they were received or were the items packaged and sealed and the sealed container marked for identification?

(4) If the items of evidence were wet, were they air dried before they were packaged and sealed?

(5) When items were sealed, were they sealed in suitable containers (for example, shirt with bodily fluids should be packaged in cardboard or paper and not plastic)?

(6) Was a DA Form 4002 completed and attached to each item of evidence?

(7) Was a DA Form 4137 properly completed?

(a) Was a case number listed in the DA Form 3975/CID sequence number block?

(b) Was the receiving activity name and location listed?

(c) Was the persons name or the place from whom or where the evidence was obtained from properly listed?

(d) Was the correct time and date from when the evidence was received properly shown?

(e) Did the quantity and description of the articles of evidence correctly match the evidence collected?

(f) Did the description of the articles of evidence include needed statements about items that were superglue fumed or if the items of evidence were sealed in a container?

(g) Was the chain of custody correctly documented?

(h) If drug evidence was tested, was the drug testing documented in the chain of custody?

(8) Was all evidence turned into the evidence custodian by the end of the next work day after it was received, or if not, was there a memorandum for record attached to the DA Form 4137 explaining the cause for the delay?

b. Evidence custodian receiving evidence from DALEO or Army CI agent.

(1) Was the DA Form 4137 completed properly?

(2) Does the quantity and description of the articles of evidence match the items of evidence being turned in?

(3) Were all items of evidence marked for identification?

(4) Was there a DA Form 4002 attached to each item of evidence?

(5) If items of evidence were sealed, were they sealed in suitable containers and were they sealed correctly?

(6) Was evidence turned in on time or was there a memorandum of record attached to the DA Form 4137 explaining the cause for the delay?

(7) Was the evidence logged into the evidence room ledger?

(8) Was the evidence document number annotated on each DA Form 4002 and DA Form 4137?

(9) Were firearm, high value, and drug items properly secured in a weapons container or safe in the evidence room?

(10) Was the location where the items of evidence were placed in the evidence room annotated in pencil on the DA Form 4137 (the location can also be listed in pencil in the remarks column of the ledger if desired as well)?

c. Evidence custodian routine duties.

(1) Were the primary and alternate evidence custodians thoroughly knowledgeable about how evidence must be handled and with this regulation?

(2) Did the primary and alternate evidence custodians meet the prerequisites for the positions?

(3) Were the primary and alternate evidence custodians appointed on orders for the positions and were copies of the appointment orders maintained in the evidence room files?

(4) Was the evidence room clean and orderly?

(5) Were all the required security standards, as specified in chapter 4 of this regulation, met?

(6) Were combinations to combination locks changed when the appointed primary or alternate evidence custodian changed?

(7) Were backup keys and combinations to locks secured within SF 700 envelopes and in the commander or senior leaders safe?

(8) Were all the required active, suspense, inactive, administrative files, and ledger present in the evidence room and were they being properly maintained?

(9) Were all items of evidence, needing laboratory examination, sent to the laboratory in a timely manner?

(10) Were items of evidence packaged, documented, and mailed properly when sent to the laboratory?

(11) Were suspense folders periodically checked to ensure items of evidence had not been release for an excessively long period of time?

(12) Was a system in place to sufficiently track commanders reports of action on subjects of investigations?

(13) Was there a system in place to expeditiously dispose of evidence that was no longer needed?

(14) Were all required monthly inspections completed?

(15) Were all required inventories conducted and were they properly coordinated far enough in advance to preclude problems in getting them completed?

d. Monthly evidence room inspection.

- (1) Were inspections of the evidence room conducted monthly?
- (2) Was the person conducting the inspection familiar with this regulation?
- (3) Was the evidence room clean and orderly?
- (4) Were only items of evidence and standard furnishings in the evidence room?
- (5) Were all the required security standards, as specified in chapter 4 of this regulation, met?
- (6) Were appointment orders of the current primary and alternate evidence custodians available in the evidence room files?
- (7) Do the primary and alternate evidence custodians meet the prerequisites as required for the duty?
- (8) Were combinations to combination locks changed when the appointed primary or alternate evidence custodian changed?
- (9) Were backup keys and combinations to locks secured within SF 700 envelopes and in the commander or senior leaders safe?
- (10) Were all items of evidence properly received, marked identification, sealed as appropriate, documented on DA Forms 4137, and logged into the evidence room ledger?
- (11) Were all items of evidence, identified as needing laboratory examination, sent to the laboratory in a timely manner?
- (12) Were any items of evidence sent to a laboratory other than the USACIL, and if so, did the Director of USACIL authorize it?
- (13) Were there any DA Forms 4137 in the evidence room suspense folders and was any evidence signed out for an excessively long period of time?
- (14) For items of evidence that were disposed of, was the final disposition of the evidence properly authorized and documented on the DA Forms 4137?
- (15) For items of evidence that were disposed of, were the items disposed of in a proper and timely manner and in accordance with this regulation?
- (16) Was the evidence room ledger being properly used and maintained?
- (17) Were all permanent entries in the ledger handwritten in blue or black ink?
- (18) When the alternate evidence custodian assumed duties, was the action documented in the ledger?
- (19) When the primary evidence custodian resumed his/her duties or exchanged duties with a new primary evidence custodian, was the action documented in the ledger?
- (20) Was a 100 percent inventory of the evidence completed on the change of primary evidence custodians and documented in the ledger?
- (21) Were all required quarterly inventories and inventories for any new DES, PM, SAC/RAC or commander assuming supervisory control of an evidence room completed and documented in the ledger?
- (22) Were appointment orders for disinterested inventory officers available in the evidence room files?
- (23) Were inactive DA Forms 4137 destroyed 3 years after the last item of evidence listed on them was disposed of?
- (24) Was there a system in place to sufficiently track commanders reports of action on subjects of investigations?
- (25) Was there a system in place to expeditiously dispose of evidence that was no longer needed?
- (26) Was the monthly inspection documented in the ledger?

e. Inventories.

- (1) Was the person conducting the inventory familiar with this regulation?
- (2) If the person conducting the inventory was a disinterested officer doing a quarterly inventory, did he/she have appointment orders available to give to the evidence custodian prior to the inventory?
- (3) Were all items of evidence, documented as being in the evidence room, been located and accounted for?
- (4) Were there any items of evidence still in the evidence room that had been documented as having been disposed of (such a problem can be found when a reverse inventory is conducted)?
- (5) Were the evidence room suspense folders checked to ensure all items of evidences were accounted for?
- (6) Were any items of evidence stored in ammunition supply points or impound lots inventoried?
- (7) If any item(s) of evidence were found to be missing, were the actions, as specified in paragraph 3-3 of this regulation, conducted?
- (8) Was the inventory documented in the ledger?

B-5. Suppression

No previous internal control evaluation exists for this program.

B-6. Comments

Help make this a better tool for evaluating internal controls. Submit comments to: Office of the Provost Marshal General (DAPM-MPD-PS), 2800 Army Pentagon, Washington, DC 20310-2800.

Glossary

Section I Abbreviations

ACCA

Army Court of Criminal Appeals

APO

Army Post Office

AR

Army regulation

AUSA

Assistant United States Attorney

CCIU

Computer Crime Investigative Unit

CI

counterintelligence

CID

U.S. Army Criminal Investigation Command

CONEX

container express

DA

Department of the Army

DALEO

Department of the Army Law Enforcement Officer

DC

District of Columbia

DCS

Deputy Chief of Staff

DES

Director of Emergency Services

DFAS

Defense Finance and Accounting Service

DFE

digital forensic examiner

DFT

Division of Forensic Toxicology

DOD

Department of Defense

DOT

Department of Treasury

DRMS

Defense Reutilization and Marketing Service

GBL

government bill of lading

GS

general schedule

GSA

General Services Administration

HQDA

Headquarters, Department of the Army

HQUSACE

Headquarters, U.S. Army Corps of Engineers

IDS

intrusion detection system

IRS

Internal Revenue Service

MFR

memorandum for record

MILVAN

military van

MOS

military occupational specialty

MP

military police

MTF

Medical treatment facility

NCO

noncommissioned officer

NSN

national stock number

OTJAG

Office of the Judge Advocate General

PM

provost marshal

PMO

Provost Marshal Office

RAC

resident agent-in-charge

RFA

request for assistance

ROI

report of investigation

SA
special agent

SAC
special agent-in-charge

SARC
sexual assault response coordinator

SCMO
summary courts-martial officer

SCRCNI
sealed container received, contents not inventoried

USC
United States Code

UCMJ
Uniform Code of Military Justice

USACIDC
United States Army Criminal Investigation Command

USACIL
U.S. Army Criminal Investigation Laboratory

USACRC
U.S. Army Crime Records Center

USPS
U.S. Postal Service

USSS
U.S. Secret Service

VA
Victim advocate

Section II

Terms

Alternate evidence custodian

A person assigned to act in the capacity of the primary custodian during temporary absences of the primary custodian.

Approved hasps

Hasps and hardware to provide comparable protection to that afforded by locks used. Listed below are examples of hasps approved for use with high security padlocks.

a. High security shrouded hasp. A heavy duty hasp meeting military specification MIL-H-29181(YD) for use with high security padlocks. The hasp has a cover that protects the lock from cutting or hammer tools and inclement weather.

b. High security hasp. A heavy duty hasp meeting military specification MILH43905A for use with the high security lock.

High security padlocks (HSP).

High security and secondary locks in use with stock numbers other than those listed in a and b below are authorized or approved until replacement is required

a. *High security padlocks (HSP).* The HSP, military specification MIL-P-43607, with any of the following stock numbers, are approved locking devices

(1) NSN 5340-00-799-8016, open shackle with clevis and chain. This lock is authorized for continued use as a HSP until stocks are depleted or replacement is needed. Then, the HSP in (2) below will be used.

(2) NSN 5340-00-799-8248, shrouded shackle with clevis and chain.

b. Secondary padlocks. Low security, Grade II, Style A, Class 1, Type A locks with and without the clevis and chain according to MIL-P-17802. (NSN 5340001583805, without the chain, and NSN 5340001583807, with the chain). These locks are to be used when high security padlocks are not required, such as when security chains are used to secure the Class V containers to a structure or to each other.

c. Built-in combination locks. Integral parts of Class V GSA-approved vault doors designed to provide protection against forced entry. They are also installed on Class V GSA-approved containers.

d. Combination padlocks. The changeable combination padlock used for the inner or door to the evidence room is not a high security lock. It is intended for use only as an inner door or protected area reusable seal. It is not intended for use with outer doors or to protect the evidence room or anything within the evidence room against forced entry. Any combination padlock used will conform to Federal specification FFP110 (SG 8077A and 8078A series).

Chain of custody

A chronological written record reflecting the release and receipt of evidence from initial acquisition until final disposition.

CID supervisor

A commissioned officer, special agent, or DA civilian who has been assigned as a group, laboratory, district, field office commander, executive officer, operations officer, or to other positions within USACIDC as designated by the Commanding General, USACIDC, or the SAC/RAC of a CID unit.

Controlled substance

A drug or other substance listed in current schedules of Title 21, United States Code, Section 812. (General categories are narcotics, derivatives of the Cannabis-Sativa plant, amphetamines, barbiturates, and hallucinogens).

DA law enforcement officer

An Army Soldier or DA Civilian employee, assigned to an Army law enforcement activity, who performs the duty of enforcing laws or investigating crimes in the interest of the Army. Evidence custodians, investigative assistants, and laboratory examiners are included in this term within this regulation when it pertains to collecting or handling evidence.

Evidence

Anything that helps to ascertain the truth of a matter, or gives proof of a fact. Evidence may be physical or testimonial. This regulation pertains to only physical evidence.

Evidence custodian document suspense files

Files with a copy of DA Form 4137

*a. a. adjudication*for evidence currently on temporary release for court, courts-martial, or for investigation under Article 32, UCMJ.

*b. b. USACIL*for evidence sent to USACIL for analysis.

*c. c. Pending Disposition Approval*when the original DA Form 4137 is sent to the staff judge advocate for approval of final disposition.

Evidence depository

A safe approved by the General Services Administration (GSA) for evidence storage. An evidence depository is allowed for routine evidence storage by installations or activities which routinely maintain evidence of insufficient quantity to reasonably justify construction and maintenance of an evidence room.

Evidence ledger

The bound record book kept by the evidence custodian to provide double accountability and to cross-reference custody documents.

Evidence room

A storage room or facility in which items of evidence are secured.

Found controlled substance

A drug or other controlled substance not of value as evidence.

Fungible evidence

Evidence that might easily be exchanged or substituted for other like substances. It is not readily identified, marked distinctively, or possessed of individual characteristics.

Military Police

The term that applies to Soldiers with the MOSs 31B and 31E and commissioned officers with specialty code 31A. At those installations where law enforcement and security services are provided by DA civilian employees and contractor personnel, the term Military Police or MP activities, as used in this regulation, applies to the individuals or the agency charged with the law enforcement or security responsibilities.

Non-fungible evidence

Evidence readily identified, marked distinctively, or with individual characteristics (for example, items with serial numbers or anything that can be marked for identification by the person assuming custody).

Physiological evidence

Evidence dealing with human or plant organisms.

Primary evidence custodian

A USACIDC special agent, a MP (commissioned or noncommissioned officer), a CI agent, or a DA civilian assigned responsibility for the operation of an evidence room.

Provost marshal

The senior law enforcement or security official on an installation or military community, as appropriate.

Section III**Special Abbreviations and Terms**

This section contains no entries.

UNCLASSIFIED

PIN 002228-000