

Department of the Interior Departmental Manual

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Series: Law Enforcement and Security
Part 446: Law Enforcement
Chapter 7: Evidence Management

Originating Office: Office of Law Enforcement and Security

446 DM 7

7.1 Purpose. This chapter establishes minimum standards for responsibilities, procedures, and guidelines to ensure the integrity and the chain of custody for evidence that is handled by the Department of the Interior (Department/DOI). The chapter provides standards for proper collection, seizing, recording, handling, safeguarding, storing, returning, releasing, and disposing of evidence by DOI law enforcement officers (LEOs) and other authorized personnel.

7.2 Scope. The policy in this chapter applies to all DOI Bureaus/Offices with law enforcement (LE) programs. This policy does not apply to forfeited, abandoned, or lost and found property or material not relevant to a criminal, civil, or administrative investigation. The standards for collecting electronic, audio, and photographic evidence are detailed in separate chapters including 446 DM 41 - Use of Body Worn Cameras, based upon the origin of the evidence.

7.3 Authority. This policy is issued pursuant to 5 U.S.C. § 302; 43 U.S.C. § 1454; Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended; 54 U.S.C. § 102701 et seq., for the National Park Service; 43 U.S.C. §§ 1733(c)(1)-(2), for the Bureau of Land Management; law enforcement authorities specific to the U.S. Fish and Wildlife Service, including but not limited to 16 U.S.C. § 3375(b) and 16 U.S.C. § 460k-3; 25 U.S.C. § 2803, for the Bureau of Indian Affairs; and 43 U.S.C. § 373b, for the Bureau of Reclamation.

7.4 Policy. It is the responsibility of the Department to ensure evidence is properly managed in a manner that is consistent across the Department, in accordance with laws, policies, standards, and procedures including those set forth herein.

7.5 Responsibilities.

A. Assistant Secretary – Policy, Management and Budget (AS-PMB) is responsible for providing management direction and support for all DOI law enforcement (LE) programs and activities through Department-wide policies, standards and guidelines.

B. Deputy Assistant Secretary – Public Safety, Resource Protection and Emergency Services (DAS-PRE) is the Department’s primary law enforcement policy officer and the

principal advisor to the Secretary, Deputy Secretary, and Assistant Secretary – Policy, Management and Budget on law enforcement policy and operations.

C. Director, Office of Law Enforcement and Security (OLES) is responsible for law enforcement policy development, program guidance, and oversight of the Department's LE programs, as delegated by the DAS-PRE.

D. Bureau Directors are responsible for ensuring that Bureau law enforcement programs, including evidence management, are accomplished in accordance with law, regulation, and Departmental policy.

E. Bureau Directors of Law Enforcement (BDLE) are responsible for establishing and enforcing Bureau policies and procedures governing evidence management. Bureaus/Offices must create procedures for evidence management by LEOs and authorized personnel in the performance of their duties. Evidence management activities include; collecting, seizing, recording, handling, safeguarding, storing, returning, releasing, and disposing of evidence.

F. Bureau/Office LEOs and other personnel authorized by DOI are responsible for complying with established laws, policies, procedures, and standards governing evidence collection, seizing, recording, handling, safeguarding, storing, returning, releasing, and/or disposing of evidence.

7.6 Definitions. For the purpose of this chapter, the terms below are defined as follows:

A. Evidence. Anything material or real, and information relevant to an investigation and used for proving or disproving violations of law and establishing the facts, truths, or falsity of assertions surrounding such violations. Evidentiary material can be testimonial, documentary, demonstrative, electronic, or physical in nature.

B. Law Enforcement Officer. A DOI LEO sworn and commissioned to enforce criminal statutes and authorized to carry firearms, execute and serve warrants, search, seize, make arrests, and perform such duties as authorized by law.

7.7 Standards. This policy establishes minimum standard guidelines to ensure the integrity of the evidence process, protect the evidentiary value of items collected, and set standards for management of evidence by the Department.

7.8 Evidence Collection. Only trained LEOs and other authorized personnel may collect or seize evidence and process a crime scene. Abandoned, forfeited, and lost and found property not relevant to a criminal, civil, or administrative investigation is not considered evidence. Bureaus/Offices will establish policies addressing the safeguarding of non-evidentiary property.

7.9 Evidence Documentation and Record Keeping. Bureaus/Offices must ensure evidence is properly documented and recorded in the authorized Records Management System (RMS) to link evidence to involved persons and incident/case numbers.

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- A. Documentation must include:
- (1) identification or description of the evidence;
 - (2) date and time the evidence was collected/seized or handled;
 - (3) location at which the evidence was collected/seized, transferred, or disposed;
 - (4) name(s) of the person(s) who collected/seized or handled the evidence;
 - (5) location where the evidence is stored;
 - (6) evidence tag number, Agency/Bureau incident/case number, bar code, or unique RMS identification code;
 - (7) victim/suspect name(s), if known/applicable; and,
 - (8) explanation of changes, if any, that were made to the evidence.

B. All evidence records will be compliant with the authorized RMS requirements.

(1) Each piece of evidence must be assigned a unique RMS identification code or identified by the incident/case number with which it is associated.

(2) Bureaus/Offices must log all new evidence into the authorized RMS. Evidence records for closed/inactive cases that are properly entered into legacy tracking systems are not required to be merged into the RMS.

7.10 Evidence Handling. Evidence must be properly collected/seized, marked, packaged, inventoried, and preserved according to Bureau/Office standard operating procedures (SOPs) or other authoritative procedures. Evidence must be placed in a secure storage area as soon as practical.

A. Evidence at crime scenes in the process of being collected/seized, documented, preserved, or packaged is to be handled with attention to scene integrity and protected from contamination. Evidence documentation should be affixed to the outside of any packaging when feasible.

B. To document the chain of custody and chronological history of evidence, it must be properly noted whenever a sealed evidence package is opened, or evidence is removed from a secure storage area. All such actions must be recorded in the RMS immediately.

C. Bureau/Office SOPs must define how evidence will be tested and analyzed, if required. Any evidence being sent for testing or being transferred to another agency must have

documentation recorded in the RMS to preserve the integrity of the evidence and document the chain of custody.

D. Bureau/Office policies must include procedures detailing how evidence is to be handled when shipped or transferred to a lab for analysis or transferred to another Agency. All such actions are to be recorded in the RMS. The outside lab or Agency's chain of custody must be documented in the RMS.

7.11 High-Value Items. Bureaus/Offices must establish procedures for the handling of high-value evidence (money, drugs, jewelry, firearms, cultural artifacts, elephant ivory, rhino horns, etc.) to include additional safeguards for the accountability, handling, and storage of the evidence. Seizures of real property (real estate and immovable property) must have special procedures established to include subject matter legal experts. The actual or estimated value of high-value evidence must be recorded in the RMS.

7.12 Hazardous Materials. Hazardous materials can include biological and chemical waste products, combustible items, or explosives, and require special handling. Bureaus/Offices must establish procedures for the treatment of hazardous materials of evidentiary value. Bureaus/Offices should establish memorandums of understanding (MOUs)/written agreements with partnering organizations that have technical expertise in handling unusual substances.

7.13 Perishable or Fragile Items. Bureaus/Offices must establish procedures for the treatment of perishable or fragile evidence that can be easily destroyed or damaged. These procedures must include detailed guidance on collecting, seizing, recording, handling, shipping, and storing of perishable or fragile evidence.

7.14 Evidence Storage and Security. Bureaus/Offices must establish appropriate secure storage areas to control and limit access to evidence. This may include a safe, locker room, cold storage, warehouse, or other secured locations.

A. Bureaus/Offices must establish written physical security standards and procedures for the secure storage of evidence.

B. Access to secure storage areas must be limited and restricted to authorized personnel.

(1) All mechanical or electronic keys must be accounted for.

(2) Safe combinations, electronic access codes, or alarm system codes are to be changed on a regular and defined schedule or upon changes in personnel with access. Complete documentation of safe combination or electronic access code issuance and changes is to be maintained.

C. A manual log book or electronic log detailing access to storage areas must be maintained, to include:

- (1) date and time of entry and exit;
- (2) name(s) of the person(s) who accessed the secured area; and,
- (3) description or identification of any evidence added or removed, and the purpose of the addition or removal.

D. Evidence must be stored in areas isolated from other property not related to criminal investigations (abandoned or lost and found property, government-owned firearms, etc.).

E. Evidence storage areas must remain secured at all times when not occupied by authorized personnel.

7.15 Inventories and Inspections. Bureaus/Offices will designate responsible employees to conduct, at a minimum, a semi-annual inventory and inspection of secure storage areas.

- A. Inspections will ensure that:
- (1) all evidence is present and matches the RMS records;
 - (2) all evidence is properly stored;
 - (3) security measures are working; and,
 - (4) audit trails are current and complete (i.e., chain of custody documentation and physical security documentation).

B. Any missing, damaged, tampered with, or otherwise unaccountable evidence is to be reported to a supervisor immediately upon discovery. The supervisor must initiate a review or investigation.

7.16 Evidence Retention, Release, and Disposal. Evidence is to be retained, returned, released, and/or disposed of as required by applicable laws, regulations, and requirements of the court system and the Department of Justice or responsible state/local prosecutor, as well as Bureau/Office SOPs. Federal requirements for storage and destruction of drug evidence are detailed in 28 CFR 50.21.

A. To minimize the burden of evidence retention and the security requirements of evidence storage, agreements should be established with applicable prosecutors and/or court systems to retain only the evidence required for due process.

B. Evidence no longer relevant to open cases is to be returned, released, or disposed of according to Bureau/Office policy and procedures.

- (1) Bureau/Office procedures should allow for prompt return of defined non-

contraband evidence to its rightful owner when it is no longer needed for prosecution.

(2) Bureaus/Offices must establish procedures for documenting the return or release of evidence and/or real property out of their custody, and for the disposal of evidence. All such actions must be recorded in the RMS.