

Army Regulation 195-5

Criminal Investigation

Evidence Procedures

**Headquarters
Department of the Army
Washington, DC
25 June 2007**

UNCLASSIFIED

SUMMARY of CHANGE

AR 195-5
Evidence Procedures

This major revision, dated 25 June 2007--

- o Expands the persons who are authorized to conduct monthly inspections of the United States Criminal Investigation Command evidence rooms (para 1-4c(3)).
- o Establishes responsibilities of the Director, United States Army Criminal Investigation Laboratory, to appoint, supervise, and train evidence controllers (para 1-4e).
- o Establishes responsibilities of the United States Army Criminal Investigation Laboratory evidence controllers (para 1-4h).
- o Delegates authority to United States Criminal Investigation Command battalion or field office commanders to appoint warrant officers as evidence custodians (para 1-6a(1)(a)).
- o Delegates authority to the United States Criminal Investigation Command group commanders to appoint apprentice special agents as evidence custodians (para 1-6a(1)(a)).
- o Permits Department of the Army civilians to be appointed as United States Criminal Investigation Laboratory evidence controllers (para 1-6a(2)(c)).
- o Requires that if evidence cannot be marked for identification, it must be sealed in a suitable evidence container and the container marked for identification (para 2-1a).
- o Emphasizes that items of evidence must be marked for identification and that merely marking DA Form 4002 (Evidence/Property Tag) is not sufficient (para 2-1b).
- o Explains evidence sealing requirements in greater detail (para 2-2).
- o Articulates in greater detail the preparation requirements of DA Form 4137 (Evidence/Property Custody Document) (para 2-3).
- o Adds requirement to specify POSSIBLE BIOHAZARD in the description of articles section of the evidence custody document for items suspected to have been contaminated with blood or other bodily fluids (para 2-3m).
- o Authorizes commercial accountable mail services to be used along with the United States Postal Service registered mail for the transmittal of evidence (para 2-4a).
- o Permits investigators who receive large quantities of documents to review the documents within a reasonable amount of time before processing pertinent documents as evidence (para 2-4b).

- o Emphasizes that any stand-alone automated evidence ledger/accountability system must be approved by proper authorities (para 2-5b(7)).
- o Provides guidance on the proper use of the evidence control ledger by the United States Army Criminal Investigation Laboratory evidence controllers (para 2-6).
- o Provides special handling, storage, and shipping considerations for electronic media evidence (paras 2-7g and 5-2f).
- o Directs that physiological evidence needing analysis for controlled substances be sent to the Armed Forces Institute of Pathology (para 2-8c(2)).
- o Authorizes field elements that do not have an evidence room to forward evidence directly to the United States Army Criminal Investigation Laboratory or a controlling office (paras 2-8c(3)and(4)).
- o Directs that evidence needing to be mailed or shipped for judicial proceedings be permanently sent to the United States Army Criminal Investigation Laboratory or Provost Marshals office evidence custodian nearest to the trial location instead of directly to the Staff Judge Advocate office or civilian prosecutor (para 2-8h).
- o Emphasizes that trial counsel must return evidence that is no longer required to the evidence custodian as soon as possible and that the trial counsel must maintain proper custody of the evidence in accordance with this regulation (para 2-9a).
- o Adds additional requirements for the final disposition approval process of evidence pertaining to major crimes against persons (para 2-9c).
- o Authorizes immediate final disposition of evidence in unfounded investigations (2-9d).
- o Authorizes the director or operations officer of the Computer Crime Investigative Unit to grant immediate final disposition authority for computer and network hardware after all electronic data evidence has been collected from it (2-9k).
- o Allows for personal property of deceased or missing Army personnel to be released to the summary court-martial officer or appointed designee, or in a manner legally directed during a contingency operation (2-9l(9)).
- o Provides final disposition instructions for the disposal of biohazard evidence (2-9l(10)).
- o Changes the final disposition procedures for weapons (para 2-9l(13)).
- o Provides additional instruction for the final disposition of evidence derived from electronic surveillance operations (para 2-9l(14)).
- o Provides guidance for the final disposition of electronic media evidence (2-9l(20)).

- o Adds the requirement for PS Form 3811 (United States Postal Service Return Receipt Card) to be used when evidence is forwarded to another organization or returned to an owner (para 2-9q).
- o Simplifies the special processing procedures for certain 6(e) (Federal Grand Jury) evidence (para 2-10).
- o Revises guidelines for use of controlled substances as aids in training narcotics/contraband detector dogs. Other sources of certified controlled substances are used for this purpose (para 2-11).
- o Expands special handling and safety precautions for the processing of hazardous evidence (para 2-14).
- o Directs that the first monthly inspection of an evidence room by a new Director of Emergency Services, Provost Marshal, Special Agent-in-Charge, or United States Army Criminal Investigation Command detachment commander will include an inventory of all evidence (para 3-1a and 3-2a).
- o Removes the former exception for a monthly inspection of an evidence room. Evidence rooms will be inspected monthly whether or not evidence has been received, maintained, or otherwise accounted for (formerly para 3-1c).
- o Directs that quarterly inspections and inventories be conducted of the evidence at United States Army Criminal Investigation Laboratories. (para 3-1c).
- o Expands those authorized to act as disinterested inventory officials to commissioned officers, warrant officers, noncommissioned officers in the grade of E-8 or above, and Department of the Army civilians in the grade of GS-09 or above or equivalent (para 3-2b(1)).
- o Directs that a reverse inventory of the evidence room be conducted during one calendar quarter of each year in place of one quarterly disinterested witness inventory for the United States Army Criminal Investigation Command elements (para 3-2b(2)).
- o Directs that a reverse inventory of the evidence room be conducted upon the change of the Director of Emergency Services, Provost Marshal, Special Agent-in-Charge, or United States Army Criminal Investigation Command detachment commander assuming supervisory control of an evidence room within 30 calendar days of assuming the position (para 3-2b(3)).
- o Corrects evidence room door padlock information (para 4-2c(7)).
- o Removes authorization to fit a hasp and padlock on a safe approved by the General Service Administration. Only standard General Services Administration-approved safes are authorized to be used by installations or activities which routinely maintain evidence of insufficient quantity to reasonably justify construction and maintenance of an evidence room (para 4-1d).

- o Provides more specific guidance on the required hasps to be used with high security padlocks (para 4-2c(8)).
- o Mandates that coordination will be made with the local installation physical security office for assistance with intrusion detection systems (para 4-2e).
- o Implements security requirements for the United States Army Criminal Investigation Laboratory evidence processing and storage areas (paras 4-2g and 4-4c).
- o Directs that supporting documentation about an investigation be forwarded to the United States Army Criminal Investigation Laboratory with laboratory examination requests (para 5-1e).
- o Explains that certain items of evidence should be compartmentalized and shipped in separate containers to the United States Army Criminal Investigation Laboratory (para 5-2a(3)).
- o Adds the requirement to mark heat-sealed bags for identification along the heat-sealed strips (para 5-2b(4)).
- o Provides additional information about the consumption of evidence during laboratory examination by the United States Army Criminal Investigation Laboratory (para 5-4).
- o Provides additional information about the return of evidence to contributors by the United States Army Criminal Investigation Laboratory (para 5-5).
- o Changes all references of DA Form 3655 (Crime Lab Examination Request) to DD Form 2922 (Forensic Laboratory Examination Request).


Criminal Investigation

Evidence Procedures

By Order of the Secretary of the Army:

GEORGE W. CASEY, JR.
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 polices and procedures on criminal investigation evidence procedures, including the collection, accounting, preservation, and disposition of evidence. It also delineates responsibility between Military Police and the U.S. Army Criminal Investigation Command 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 personnel lawfully ordered to active duty or active duty for training under the provisions of Title 10, United States Code. This regulation is not applicable to Army National Guard members serving on annual training or full-time National Guard duty under Title 32, United States Code. The proponent of this regulation may modify chapters and policy of this regulation during mobilization.

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/pamphlet 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/pamphlet 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 management control process.

This regulation contains management control provisions in accordance with AR 11–2, but it does not identify key management controls that must be evaluated.

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-MPDPS), 2800 Army Pentagon, Washington, DC 20310–2800.

Distribution. This publication 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.

Contents (Listed by paragraph and page number)

Chapter 1

General, page 1

Purpose • 1–1, page 1

References • 1–2, page 1

Explanation of abbreviations and special terms • 1–3, page 1

Responsibilities • 1–4, page 1

Request for waiver or exception • 1–5, page 1

Primary and alternate evidence custodians/USACIL evidence controllers • 1–6, page 2

*This regulation supersedes AR 195–5, dated 28 November 2005.

Contents—Continued

Chapter 2

Recording and Accountability of Evidence, page 4

Identification • 2-1, page 4

Sealing • 2-2, page 5

Preparation of DA Form 4137 • 2-3, page 6

Processing of DA Form 4137 by the evidence custodian • 2-4, page 7

Evidence ledger • 2-5, page 8

USACIL Evidence Control Ledger • 2-6, page 9

Maintenance of evidence • 2-7, page 10

Temporary release of evidence • 2-8, page 11

Final disposition of evidence • 2-9, page 13

Special processing procedures for certain 6(e) (Federal Grand Jury) materials; and subpoena related evidence • 2-10, page 19

Use of controlled substances for training • 2-11, page 20

Field testing of controlled substances • 2-12, page 20

Long-term retention of evidence • 2-13, page 21

Special handling and safety precautions • 2-14, page 21

Procedures for restricted or unrestricted reporting • 2-15, page 22

Chapter 3

Inspections, Inventories, and Inquiries, page 28

Inspections • 3-1, page 28

Inventories • 3-2, page 28

Inquiries • 3-3, page 30

Chapter 4

Security Standards for Evidence Storage, page 31

Storage concepts • 4-1, page 31

Physical security of evidence rooms and USACIL evidence processing and storage areas • 4-2, page 31

Temporary evidence facilities • 4-3, page 33

Security • 4-4, page 34

Chapter 5

Submission of Evidence to the U.S. Army Criminal Investigation Laboratory, page 35

Processing of evidence to USACIL • 5-1, page 35

Sealing • 5-2, page 36

Expeditious handling and examination of evidence • 5-3, page 37

Special circumstances • 5-4, page 37

Return of evidence to contributors by the USACIL • 5-5, page 37

Appendix A. References, page 42

Figure List

Figure 1-1: Sample of appointment document, page 3

Figure 2-1: Sample of a completed DA Form 4002 with instructions, page 5

Figure 2-2: Sample of a completed DA Form 4137, page 23

Figure 2-2: Sample of a completed DA Form 4137-continued, page 24

Figure 2-2: Sample of a completed DA Form 4137-continued, page 25

Figure 2-3: Sample of evidence ledger page, page 26

Figure 2-4: Sample of a completed DD Form 1131, page 27

Figure 5-1: Sample of completed DD Form 2922, page 39

Figure 5-1: Sample of completed DD Form 2922-continued, page 40

Figure 5-2: Instructions for Completing DD Form 2922, page 41

Glossary

Chapter 1 General

1-1. Purpose

a. This regulation provides standards for receiving, processing, safeguarding, and disposing of physical evidence acquired by special agents 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.

b. 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 PM activities in sexual assault cases involving restricted reporting. It does not confer rights upon criminal defendants in judicial, nonjudicial, 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.

1-2. References

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

1-3. Explanation of abbreviations and special terms

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

1-4. Responsibilities

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

b. The Commanding General, United States Army Criminal Investigation Command (USACIDC), will prescribe methods to secure and account for evidence at subordinate elements and the U.S. Army Criminal Investigation Laboratory (USACIL).

c. Detachment commanders/Special Agents-in-Charge (SACs) of USACIDC units, 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 may be conducted by the SAC, assistant SAC when assuming the duties of the SAC, battalion operations officer, battalion command sergeant major, battalion first sergeant, or battalion operations noncommissioned officer (NCO), providing they are not performing duties as the primary or alternate evidence custodian.

d. Provost Marshals (PMs) or Directors of Emergency Services (DES), 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.

e. The Director, USACIL, will—

- (1) Appoint, in writing, as many USACIL evidence controllers, as needed.
- (2) Supervise the evidence controllers.
- (3) Ensure evidence controllers are properly trained to handle and process evidence.

f. The primary evidence custodian will—

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

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

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

g. The alternate evidence custodian will assume duties of the primary evidence custodian during his or her temporary absence. Temporary absence is more than 1 working day and not more than 30 consecutive days.

h. USACIL evidence controllers will—

(1) Account for, preserve, safeguard, and release evidence received in the evidence processing area and storage vaults in a timely manner.

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

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

1-5. Request for waiver or exception

a. *USACIDC activities.* Requests for a waiver or exception to this regulation will be sent to the Commander, USACIDC, ATTN: CIOP-COP, 6010 6th Street, Fort Belvoir, VA 22060, for approval.

b. *Military Police (MP) activities.* Requests for a waiver or exception to this regulation will be sent to the Office of

the Provost Marshal General, ATTN: DAPM-MP-DLE, 2800 Army Pentagon, Washington, DC 20310–2800, for approval.

c. 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 documentations in support of renovations.

d. 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/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/USACIL evidence controllers

a. Qualifications.

(1) *Military evidence custodians.*

(a) *USACIDC activities.* Except as authorized by (2) below, the USACIDC evidence custodian (primary and alternate) must be an accredited enlisted special agent (SA). Approval to appoint a warrant officer SA in this capacity is delegated to USACIDC battalion or field office commanders. Approval to appoint an apprentice SA in this capacity is delegated to the USACIDC group commander.

(b) *MP activities.* Except as authorized by (2) below, 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.

(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 detachment commander/SAC. Civilians appointed as the primary or alternate evidence custodian must be either an Evidence Control Specialists (Job Series GS–0301 or equivalent) or 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, 1811, 1812, or equivalent. A civilian must have a favorable background investigation to be appointed or retained as evidence custodian.

(c) *USACIL.* The branch chief of the evidence processing area and DA civilians in Job Series GS–0301, GS–1802, or equivalent, may be appointed as evidence controllers.

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

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 supervisor or PM. The primary evidence custodian will also prepare a memorandum for record (MFR) outlining the error and corrective action taken. The original will be filed with the proper DA Form 4137 (Evidence/Property Custody Document) 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)
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
FORT BELVOIR, VIRGINIA 22060

CIRC-W-ZA (195-5)

3 Feb 07

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 3 Feb 07, 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 1-4c, 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.

A handwritten signature in black ink that reads "James M. Rand".

JAMES M. RAND
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) 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 Paragraph 2-2 of this regulation. Further guidance is in paragraph 5-2 and 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 paragraph 2-1a. Each item of evidence or sealed evidence container must also be marked itself for future identification.

| EVIDENCE/PROPERTY TAG | | | |
|---|----------------|-----------------|---|
| For use of this form, see AR 195-5 the proponent agency is ODCSOPS | | | |
| DOCUMENT NUMBER 033-06 | | | ← Completed by Evidence Custodian |
| MPR/CID CONTROL NUMBER 0038-06-CID122-15378 | | | ← MP or CID case sequence number is required. ROI number is optional. |
| ITEM NUMBER 4 OF 7 ITEM | | | ← Self-explanatory |
| TIME 1827 | DATE 6Jan06 | INITIALS DKS | ← Time and date item collected / initials of DALEO collecting item |
| REMARKS Ring | | | ← 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 78 which is obsolete.

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

c. Careful consideration should be given to 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. 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.

2-2. Sealing

a. If marking the evidence itself is not possible because the item is fungible, or 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/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.

b. Large quantities of nonfungible 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 paragraphs 2-2a and 5-2. The .0015 contingency funds used to affect an illicit drug purchase will not normally be sealed, regardless of the quantity.

c. Instructions for sealing evidence containers and submitting evidence to USACIL are detailed in paragraph 5-2. 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 fielding 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 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. The first DALEO who seizes evidence will ensure that the sequence number, Military Police Report (MPR) number or USACIDC sequence number is recorded on DA Form 4137 and DA Form 4002. When evidence is collected as a result of a Request for Assistance (RFA) from another USACIDC unit or PM activity, both the seizing and requesting offices sequence/MPR number will be recorded on DA Form 4137 and DA Form 4002. Special instructions applicable to federal grand jury materials held as evidence are detailed in paragraph 2-10.

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 (that is, "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 DA Form 4137. If serial numbers are available for an item of evidence, they will be recorded on DA Form 4137.

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 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 paragraph 2-2a. Additionally, the DALEO 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 acquires it, will be recorded in the Change of Custody section of 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/controllers will review the DA Form 4137 submitted with evidence and have the submitting DALEO correct and initial all errors. When evidence is received from a non-Army law enforcement agency, the first DALEO 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 USACIL, when receiving evidence from other agencies for examination. Special instructions applicable to Federal grand jury materials held as evidence are detailed in paragraph 2-10.

h. .0015 Contingency Funds seized as evidence will be identified on the DA Form 4137 as .0015 funds. A copy of DD Form 281 (Voucher for Emergency or Extraordinary Expense Expenditures) that provided the USACIDC funds seized as evidence will be maintained with the original of the DA Form 4137.

i. When continuation pages to DA Form 4137 are necessary for listing additional items of evidence, bond paper will be used as continuation pages (fig 2-2). After the last item entered on the first page of the DA Form 4137, the preparer will enter continued on page 2. If additional pages are required, the last item listed on each page will be followed by a similar entry continued on pages 3, 4, 5, and so on, as appropriate. Continuation pages will have the appropriate MPR or USACIDC sequence/ Report of Investigation (ROI) number placed in the upper right corner and begin with Continuation of Description of Articles received from (identify person listed on the DA Form 4137). The listing of items will continue until all items seized have been recorded. The term Last Item will be entered on the continuation sheet immediately following the last piece of evidence recorded. Continuation pages prepared on bond paper may be reproduced to provide sufficient copies for evidence processing. The evidence custody document will not be cut off and the chain of custody will begin and continue on the evidence custody document.

j. When extra pages are necessary for continuing the chain of custody, a new DA Form 4137 will be used. The USACIDC sequence number or MPR 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 of or a new continuation sheet is required.

k. When a portion of an item listed on DA Form 4137 is extracted by USACIL personnel for examination by a laboratory other than 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. Also, the derived chain of custody document will be described by date and form number or description. 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 USACIL.

l. There is no requirement to generate an additional DA Form 4137 for evidentiary material, standards, or controls that are recovered or removed from items of evidence which are found during forensic examination at the USACIL (for example, hairs, fibers, debris, pieces of questioned fabric with stains, fabric standards, soil, paint, glass fragments, and so forth). Such evidence will be properly packaged and preserved, returned to the original container, and if possible, physically attached to the item from which it was removed or recovered. If it cannot be attached or returned to the original container, a DA Form 4137 will be initiated in accordance with paragraph 2-3k, above. If the item is transferred outside the USACIL separately from the item from which it was derived, a separate DA Form 4137 must be generated.

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

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 nonduty hours will be secured in a temporary storage container in accordance with paragraph 4-3a. 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 2 working days after the evidence is acquired. Transmittal procedures outlined in paragraph 2-8 will be followed. Special instructions applicable to federal grand jury materials held as evidence are detailed in paragraph 2-10.

b. In those instances where large quantities of documents (for example, 500 or more) are obtained, it is permissible for the DALEO to evaluate the items to determine the evidentiary value prior to processing them into the evidence room. Documents will be accounted for on DA Form 4137 and the phrase "Evaluation as Evidence" will be recorded in the "Purpose of Change of Custody" column. The DALEO will, in a reasonable amount of time, make a determination as to which documents are evidence. Once the determination is complete, a separate DA Form 4137 will be prepared

and the identified documents will be processed into the evidence room. During the evaluation process, the DALEO will ensure that the documents are stored in accordance with paragraph 43 of this regulation.

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, 001-06). The number is assigned by order of precedence from the evidence ledger in accordance with paragraph 2-5. The number will be entered on all copies of the DA Form 4137 (to include continuation pages prepared on bond paper) 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 and will be placed in the proper case file or with the MP report. When evidence is permanently forwarded to another office the original and first copy of DA Form 4137 will be provided to the gaining unit. The sending evidence custodian will make another copy of DA Form 4137 and will retain it in the closed voucher file.

e. The location of the evidence in the evidence room will be recorded in pencil on the location block of 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 depository.

(1) Active DA Form 4137 files will be put in numerical sequence in a file folder containing no more than 50 vouchers with attached documents per folder. The number and year of the documents in the folder will be shown on the outside (for example, 00-106 through 050-06). 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 USACIL for examination, or provided for an Article 32 hearing or court-martial), the original DA Form 4137 will accompany the evidence. The first copy of 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 Article 32 investigating officers, courts, judge advocate (JA) officers, Assistant U.S. Attorney (AUSA) or other persons for legal proceedings.

(c) One labeled "PENDING DISPOSITION APPROVAL" when the original DA Form 4137 is sent to the JA or AUSA for approval of disposition.

g. The suspense copy of the DA Form 4137 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 of, the original DA Form 4137, and related documents, will be placed in a separate DA Form 4137 file labeled inactive in accordance with AR 254002. This inactive file will be labeled by month and year of the disposition date. These files will be maintained in the evidence room. The DA Form 4137 will be disposed of in accordance with AR 25-400-2. 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 record 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 MPR, the most complete copy of the DA Form 4137 at the time the ROI or MPR 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 DA Form 4137 will be forwarded as an exhibit to the supplemental report. A copy of 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 DA Form 4137. It accounts for document numbers assigned to DA Form 4137 in accordance with paragraph 2-4c. Evidence ledgers must be bound books and will follow the disposition schedule established in AR 25-400-2. For restricted reporting cases of sexual assault, the evidence custodian will annotate "Restricted SA" in the evidence ledger.

b. *Preparation and maintenance of the Evidence Ledger.* The evidence ledger is prepared with six columns (Document Number/Date Received; CID Control/MPR Number; 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, though, 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.

(1) The columns provide a history of evidence custody (see para 2–10 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.

(b) *CID control number or MPR 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.

(d) *Date of final disposition.* The date the evidence is disposed of, as shown in the Chain of Custody section of 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 06, 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 by the words All Items (such as, all items burned). 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 another DA Form 4137 with evidence from the same investigation; names of owners, subjects, or DALEO; 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 paper 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. Ledgers can be destroyed 3 years from the date that all items listed in the ledger have been disposed of. Ledgers may be retained for longer periods if deemed appropriate by the evidence custodian.

(7) Stand-alone automated evidence ledger/accountability systems must be approved by the Commander, USACIDC, ATTN: CIOP-COP-PO, for USACIDC units, or DAMO-ODL for PM activities 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. USACIL Evidence Control Ledger

a. *Accountability.* The USACIL evidence control ledger shows accountability for evidence received by cross-referencing the method of receipt with an internal control number and laboratory case number assigned by the evidence controller. Evidence control ledgers must be bound books and will be disposed of in accordance with AR 25–400–2. The ledger accounts for receipt of the evidence to USACIL from the contributor and to the person accepting the item for examination. If the evidence is not examined at USACIL, the ledger will reflect who made further disposition of the item.

b. *Preparation and maintenance of the USACIL evidence control ledger.* The cover of the evidence control ledger will identify the laboratory and the dates spanned by the entries. The evidence control ledger spans two facing pages

when the book is opened. The official postal form, PS Form 3883, will be attached to the left side of the evidence control ledger. Two evidence controllers will verify the receipt of listed mail from the postal system and will sign the PS Form 3883. The date will be written on the top left-hand corner of the right-hand page. The signatures of the two evidence controllers receiving the containers will be entered in the upper right-hand corner of the right-hand page. The right side will be divided into six columns. Both vertical and horizontal lines are used to separate entries on the right-hand side. Blue or black ink will be used to make entries. The lines separating entries may be in a different color.

(1) The columns that provide a history of the evidence containers received should be completed as follows:

(a) *Method of receipt.* This column contains a consolidated list of the method of receipt for each container received into the evidence processing area during the work day (that is, registered mail, certified mail, first class mail, FedEx, hand-carried, and so forth)

(b) *Internal control number.* The number assigned to a container received in the evidence processing area. This unique number consists of the month in which the container is received, followed by the sequential numbering of the containers beginning with one each month, and with the character extension of "B" (box) or "E" (envelope). As an example, a box which is the 62nd container received during the month of March would be annotated with "362B."

(c) *Case Number.* The laboratory referral number associated with the container or evidence received. Containers received, which are not associated with a case, will reflect "Not a Case" in this column.

(d) *Name.* The printed last name of the individual who accepts receipt of the container from the evidence processing and storage area.

(e) *Signature.* The signature of the individual whose last name was printed in the Name column.

(f) *Date Released.* The individual signing for the container will enter the date he received the container.

(2) A separate page will be used for each day. After the last entry on a page, a diagonal line will be drawn across the remainder of the right-hand page across all six columns. An evidence controller will sign across this line to indicate all containers are accounted for and processed.

c. The evidence control ledger will contain entries for only a single calendar year. More than one ledger may be used for a single year. At the end of the year, the remaining pages will not be used to begin the new calendar year. After the last entry for the calendar year, the concluding statement will be entered in the evidence control ledger: This ledger pertains to evidence containers received from January through December (calendar year). If more than one ledger was used for the year, an entry will be made at the end of the first ledger stating: This ledger pertains to evidence containers received from January through (month) (calendar year). At the end of the year the second ledger will conclude with the statement: This ledger pertains to evidence containers received from (month) through December (calendar year)."

d. All entries will be made in blue or black ink. Erroneous entries will be voided with one line drawn through the entry (so it may still be read) and initialed by an evidence controller. No liquid paper type products, correction tape, stick-on labels, or erasures are authorized to correct erroneous entries.

e. The authority to approve implementation and use of automated evidence ledger/accountability systems at USACIL is delegated to the Director, USACIL.

2-7. Maintenance of evidence

a. Evidence will be stored so that the integrity and physical characteristics are maintained, and cross-contamination will be prevented. Special instructions applicable to federal grand jury materials held as evidence are detailed in paragraph 2-10.

b. Items such as weapons will be maintained in the general condition in which they were received, but routine maintenance must not reduce their value as evidence (for example, possible latent prints should not be removed).

c. Audio and visual tapes entered into the evidence room will only be released for examination, court presentation or to be copied. Once entered into the evidence room, the tapes or other medium 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. Fingerprint cards obtained for comparison will not be maintained in the evidence room, but will be kept in the proper case file. When such cards are sent to USACIL for comparison with other evidence from the evidence room, the cards need not be listed on DA Form 4137. The description on 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 USACIL by registered mail or other authorized accountable mail. The USACIL will maintain all fingerprint cards submitted. Submitting units must ensure that sufficient fingerprint cards exist for submission to USACRC. The USACIL is not responsible for submission of fingerprint cards to USACRC. Postmortem fingerprints may be collected as evidence if deemed appropriate; however, sufficient quantities should be obtained from the deceased so that at least two nonevidence copies are available for the case file or USACRC.

e. Documents that may clarify a point in question will be maintained 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 USACIL for examination statements, records, and other documents routinely associated with an investigation will not be kept as evidence.

f. When necessary 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 electronic media requires special considerations to preserve the integrity of the evidence. Electronic media includes computer hard drives, tape drives, floppy disks, compact discs, pagers, cell phones, electronic planners, data watches, tape recorders, and so forth.

(1) If available, electronic media should be stored in a dust-free, temperature and humidity controlled environment.

(2) Electronic media will not be stored 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 electronic media such as tapes.

(3) Electronic media should not be stored in the same container with electronic devices. Some electronic devices contain batteries with sufficient strength to erase electronic data over extended periods.

(4) Checks should be made to determine battery life for electronic devices stored as evidence. There is a very high risk that all evidence contained in electronic storage in these devices will be lost if the battery is allowed to fully discharge. Such devices should be stored with appropriate chargers that can remain connected to uninterrupted power.

(5) Where possible, electronic media should be stored in a fire safe designed to safeguard items in heat in excess of 120 degrees Fahrenheit.

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

(7) Electronic media and devices should not be stored in the same confined area with caustic chemicals (acids, solvents, industrial strength cleaners, flammables). Exposure to fumes from such materials may cause surface erosion of media and loss of data.

2–8. Temporary release of evidence

a. Evidence will only be removed from the evidence room for permanent disposal or for temporary release for specific reasons. 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, Uniform Code of Military Justice (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 DA Form 4137. The person receiving temporary custody of the evidence must safeguard it and maintain the chain of custody until the evidence is returned to the evidence custodian. The evidence custodian 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 then put the first copy of the DA Form 4137 in the proper suspense folder. 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 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. Personnel receiving evidence, either on a temporary or on a permanent basis, will present necessary identification to ensure that evidence is handled only by authorized persons.

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 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 USACIL for examination. Evidence can be sent to other agencies for examination only after prior coordination with USACIL. Evidence previously submitted to another laboratory may be submitted to USACIL only after prior coordination with 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, Office of the Armed Forces Medical Examiner, Division of Forensic Toxicology (DFT), Walter Reed Army Medical Center, Washington, DC 20306–3008. The evidence custodian should coordinate with DFT prior to shipment of any evidence to determine the shipping and documentation requirements. A copy of DA Form 4137 will be sent to DFT instead of the original. If hair testing or testing for substances not screened at the DFT is necessary, contact USACIL for assistance. In most instances, evidence submitted to DFT for analysis will not be returned to the requesting office. In those instances, coordination should be made with DFT to ensure the evidence is not returned. A MFR will be prepared explaining the circumstances and attached to DA Form 4137. Any final disposition action should be coordinated with the local prosecutor. The Final Disposal Action portion of DA Form 4137 can be completed by the evidence custodian after approval from the Staff Judge Advocate Office, MP Supervisor, or SAC. If all evidence will be consumed in the processing of the evidence,

the case investigator should follow the procedures outlined in paragraph 5–4. Garries Notification must be considered if all evidence is being consumed during examination. Garries Notification is derived from *U.S. v. Garries*, which held that the right to equal access to the evidence entitles the defendant to be notified before all of an evidence sample is consumed during testing.

(3) Physical evidence will be released to the evidence custodian for accountability purposes before submission to a laboratory for analysis. At locations with no evidence room, evidence may be sent directly to USACIL after an evidence custody document number is obtained from the appropriate evidence custodian and annotated on the DA Form 4137. Offices in receipt of evidence seized as a result of a request for assistance (RFA) may also submit evidence directly to USACIL after an evidence custody document number is obtained from the appropriate evidence custodian and annotated on 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. A copy of DA Form 4137 and DD Form 2922 will be sent to the proper evidence room, logged in the evidence ledger with the remark not inventoried, evidence at lab and placed in the laboratory 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 DA Form 4137. A MFR explaining the apparent changes will also be prepared and attached to DA Form 4137 by the evidence custodian.

(1) If the change of custody is the result of a field test of the suspected control substance, a copy of the field test form will be attached, and no MFR is required. The "Purpose of Change of Custody" section will be completed in accordance with paragraph 2–12c.

(2) If the controlled substance is totally consumed during the course of an examination, laboratory personnel will document on DA Form 4137 in the "Chain of Custody" section, that the evidence was consumed during examination. This will be accomplished by writing in the Purpose of Change of Custody block "Evidence Consumed During Examination (ECDE)."

e. When evidence is mailed to USACIL, it will be sent by registered or another form of accountable mail in accordance with paragraph 2–4a or 2–8f. 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 DA Form 4137. Upon receiving the evidence, 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 sent by registered mail, registered mail return receipt is not required for routine evidence forwarded to USACIL. The return receipt 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 DA Form 4137 and the form will be put in the laboratory suspense folder. Individual heat-sealed bags, envelopes, paper bags, and so forth containing items of evidence will be placed inside a shipping container" (for example, box or envelope). The shipping container will be sealed by wrapping in paper or by taping all opening and seams with paper tape or tape designed specifically for sealing evidence. The sending custodians initials will be written across all seals so as to appear on 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 USACIL. Every container will have an original chain of custody document reflecting the items within the container. The recipient will note the "Item Number," "Received By," and "Released By" blocks with the item numbers, date, and registered mail number, and sign for the evidence in the next Received By block. Evidence custodians and USACIL evidence controllers will obtain a block of registered mail numbers and a registered mail log, being designated as a firm mailer, from their installation post office. The evidence custodian/USACIL evidence controller 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. In this case, recipients must only complete the item number and date columns, sign the next "Received By" block of the chain of custody, to continue the chain of custody.

(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 the chain of custody properly, packages will contain evidence from only one investigation. Subsequent submissions of case materials will be accompanied by a laboratory request or memorandum indicating the laboratory reference number or case number to ensure the submission is cross-referenced to the proper case.

(4) Precautions will be made to ensure trace evidence or other evidence susceptible to possible accidental or cross contamination will not occur. This can be accomplished by placing the evidence in a separate container to be packaged and mailed separately.

(5) The USACIL 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 SJA agree that final disposition by the USACIL is in the Governments best interest, the USACIL will make final disposition in accordance with paragraph 2–9 of 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 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.

(7) Shipments of evidence having hazardous properties (for example, flammable materials, explosives, hazardous chemicals, and so forth) will be coordinated with the local post office, as some hazardous items cannot be shipped via U.S. Mail. The postal clerk will have the guidelines and procedures related to shipment of hazardous materials. If it is determined that the items cannot be shipped via U.S. Mail, coordination should be made with the local transportation office to arrange shipment of the items. All shipments of hazardous materials should be coordinated with 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, the following procedures will be utilized. Each container will be prepared in accordance with this paragraph. 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 (that is, 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 must ensure a chain of custody is maintained, and security and tracking of the evidence in transit is 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 supervisor 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 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 paragraph 2–5. 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 SJA office or civilian prosecutor. The evidence will instead be sent to the USACIDC/PMO evidence custodian nearest to the trial location or the SJA office/civilian prosecutor, whichever is deemed more appropriate. The unit sending the evidence will document this action as final disposition. The receiving USACIDC/PMO 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/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. Requests for USACIL analysis from non-USACIDC/PMO elements (for example, JA, 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).

2–9. Final disposition of evidence

Evidence will be expeditiously disposed of after it has served its purpose or has no further evidentiary value. Evidence to be destroyed will be disposed of as reflected below.

a. Evidence released to trial counsel 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 will ensure

the trial counsel or appropriate prosecutor is thoroughly familiar with the requirements of this regulation and is 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 proper custody of the evidence in accordance with this regulation. If an item of evidence is made part of the trial record, the trial counsel will immediately notify the custodian so the DA Form 4137 can be properly annotated. This will be considered final disposition.

b. When final action has been taken in known subject cases, the original DA Form 4137 will be sent to the appropriate trial counsel or appropriate civilian prosecutor. When evidence is no longer needed, the trial counsel or civilian prosecutor will complete the final disposal authority portion of DA Form 4137. When evidence must be retained (for example, during the appeal process), the final disposition authority portion of the form will not be completed; a brief statement giving the reason for retaining the evidence will be furnished to the evidence custodian on separate correspondence. 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 disposition approval), a letter or memorandum may be used to accomplish disposition approval. Electronic mail correspondence is also permitted for this requirement. When such a method is used, enough information will be furnished so that the trial counsel or civilian prosecutor has a basis upon which to make a decision. The disposition approval correspondence returned from the trial counsel or the civilian prosecutor will be attached to the original DA Form 4137. In certain situations, there may be more than one trial counsel or civilian attorney who will authorize the final disposition of evidence on a single DA Form 4137. In those situations, the evidence custodian will utilize a continuation sheet containing the verbiage recorded in the "Final Disposal Authority" section of the DA Form 4137. The continuation sheet will be attached to the DA Form 4137.

c. Evidence in an unsolved investigation, other than those with no statute of limitations (for example, rape, murder), for which a subject has not been identified, may be disposed of without trial counsel approval 3 months after completion of the investigation or earlier with trial counsel approval. However, care must be taken regarding serious crimes when it is possible that a subject may be identified later or those in which there is no statute of limitations. Evidence should be retained for a reasonable amount of time in instances of repetitive unknown cases that possibly were committed by the same person(s) (that is, multiple burglaries). The evidence pertaining to unsolved rapes, murders and undetermined deaths will be retained indefinitely, along with other investigations deemed appropriate. Investigations, other than unsolved rapes, murders, and undetermined deaths will have a memorandum attached explaining the reason for retaining the evidence indefinitely. When the subject is not known in an investigation, other than those with no statute of limitations, and retention of the evidence longer than 3 months is not an issue, the evidence custodian will obtain the disposition approval of the USACIDC battalion/district/field office/detachment commander, SAC, PM, or the PMs designated representative, as appropriate. This approval will be given by completing the final disposition authority section of the original DA Form 4137. Consideration should also be given to photographing evidence in appropriate cases prior to disposal of such evidence.

d. Evidence in a closed unfounded investigation may be disposed of immediately with approval of the USACIDC battalion/district/field office/detachment commander, SAC, PM, or the PMs designated representative, as appropriate.

e. Evidence obtained by DALEOs at a crime scene, or during the investigation, may be released to another law enforcement agency without trial counsel approval, when that other agency assumes full investigative jurisdiction and responsibility, or jurisdiction and responsibility for that portion of the investigation to which the evidence pertains, with exception of .0015 funds. All .0015 funds will be processed into the evidence depository and receive a voucher number, at which time the .0015 funds may be temporarily released to another law enforcement agency. This maintains control and accountability until final disposition of all .0015 funds. The evidence need not be processed into the evidence room prior to the release unless the release cannot be made prior to close of business the first working day after the evidence is acquired. The DALEOs will ensure the evidence is properly recorded on a DA Form 4137 in accordance with paragraph 2–3. They will also ensure the chain of custody section is complete upon release of the evidence. The USACIDC battalion/district/field office/detachment commander, SAC, PM, or the PMs designated representative, as appropriate, will review and give approval of the release by completing the final disposition authority section of the DA Form 4137. Since the final disposition 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 disposition 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 USACIDC or MP report. Consideration should be given to photographing the evidence prior to its release. These photographs will be retained in the case file.

f. After laboratory analysis, items in the evidence room which have been determined by the analysis to be of no further evidentiary value may be disposed of after consulting with the trial counsel or civilian prosecutor if a subject has been identified; or upon approval by the appropriate USACIDC supervisor or PM if no subject has been identified.

g. Controlled substances (for example, found contraband) received by the evidence custodian, and that are not related to an investigation, may be immediately disposed of after approval has been received from the appropriate USACIDC supervisor or PM. A copy of DA Form 4137 will be filed with the appropriate police report. Disposition may be made immediately after determining that the substance cannot be linked to a suspect.

h. Items of potential evidence, except found controlled substances/contraband, that are determined to have no

evidentiary value by the DALEOs, may be disposed of before they are released to the evidence custodian. The USACIDC battalion/district/field office/detachment commander, SAC, PM, or the PMs designated representative, as appropriate, will review and give approval of the release by completing the final disposition authority section of DA Form 4137. The final DA Form 4137 will be filed with the investigative case file.

i. 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 of, it will not be necessary to enter them into the evidence room. This 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. Photographing the evidence prior to its release should be considered and discussed with the trial counsel.

j. When evidence is permanently released to an external agency, except as specified paragraph 2–9d, the final disposal authority portion of the DA Form 4137 will be completed by the USACIDC supervisor or PM.

k. For the USACIDC Computer Crime Investigative Unit (CCIU) only: Computer and network hardware taken as evidence may be immediately released for final disposition after an image of the electronic data has been successfully obtained as evidence. The immediate final disposition authority may be granted by the supporting trial counsel or civilian prosecutor, or the director or operations officer of CCIU. The CCIU director or operations officer is responsible to ensure that all pertinent electronic 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 disposition 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.

l. The guidance below on disposal of evidence will be followed. 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 in. When a legal issue concerning methods of disposal arises, the trial counsel will provide legal advice.

(1) U.S. Government property will be released to the organization to which issued, or the local installation property book officer if the original owner unit cannot be determined.

(2) Personal property that is not contraband or not of evidentiary value, as determined by the trial counsel, will be released to the rightful owner. Coordination should be made with victims of violent or traumatic crimes prior to returning certain property (such as the clothing items worn during a sexual assault), in order to preclude added embarrassment or emotional turmoil. If the victim declines acceptance of the property, the declination should be in writing, or detailed on a MFR by the DALEO or evidence custodian obtaining the declination. If the victim declines acceptance of the property, the property will be disposed of as if the owner was unknown, in accordance with paragraphs 2–9l (10), (15), and/or (16).

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

(4) 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.

(5) The 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.

(6) The 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 (DSSN) on the face of the check). 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, and the DA Form 4137 properly annotated. A letter of transmittal will accompany all returned checks.

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

(8) 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 disposition, or destroyed.

(9) 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 court-martial officer (SCMO) or designee appointed to dispose of the decedents effects or directly to the primary next of kin after coordination with the SCMO or designee, as appropriate per AR 6382 or in a manner legally directed during a contingency operation. 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. In accordance with AR 600–81, items that may cause embarrassment or added sorrow, if forwarded to the next of kin, will be removed and destroyed. 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 (DEA) 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).

(10) Items of evidence collected involving blood and other body fluids should be handled as outlined in paragraph 2–14. 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.

(11) Controlled substances will be destroyed in the presence of a witness who is an accredited USACIDC SA, a Soldier 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 paragraph 2–11 of 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.

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

(13) Firearms, ammunition and explosive devices:

(a) U.S. Government firearms, ammunition, and explosives seized as evidence will be returned to the proper military unit. If the unit cannot be identified, such evidence will be released to the installation accountable officer in accordance with AR 710–2.

(b) Legal personal weapons impounded for minor infractions (such as failure to register in accordance with local laws) must be returned to the rightful owner when the legal requirements for possession have been met and the weapons are no longer needed as evidence.

(c) Weapons that are collected as contraband or evidence related to the commission or attempted commission of a criminal offense, less those used for the commission of a suicide, will be processed through the Defense Reutilization Marketing Service (DRMS), Highway 361, ATTN: Building 2034, Naval Surface Warfare Center, Crane, IN 47522, or provided to USACIL for final disposition. Prior to the weapon being shipped for demilitarization or to USACIL, correspondence will be forwarded via certified mail (return receipt requested) to the owner of the weapon, even in those instances where the owner has committed or attempted to commit a criminal offense. The owner will be notified of the pending destruction of the weapon, allowed 30 calendar days to appeal the destruction of the weapon, and allowed the opportunity to request an alternative disposition of the weapon. The correspondence to the owner will provide the controlling office's location, description of the weapon(s), report of investigation number, and the mailing address for the written appeal. The destruction of the weapon can be appealed via written correspondence to Commander, HQ USACIDC, 6010 6th Street, ATTN: CIOP-COP, Fort Belvoir, VA 22060, for USACIDC cases, or Office of the Provost Marshal General (OPMG), ATTN: DAPM-OPS, 2800 Army Pentagon, Washington, D.C. 20310–0400 for PM/DES cases. Upon receiving the written appeal, a determination pertaining to the disposition of the weapon will be made. A written response pertaining to the determination will be provided to the owner with a copy furnished to the controlling office. Upon receiving the reply from HQ USACIDC, or the OPMG, the controlling office will dispose of the weapon and related items such as holsters, belts, and so forth, in accordance with the provisions of this regulation. A weapon used in the commission of criminal acts will be subject to forfeiture in accordance with the Internal Revenue Service (IRS) Code (26 USC 5872), but upon acquittal and/or dismissal of charges against the owner, the firearm will be returned to the owner, unless the return of the firearm or ammunition would place the owner, possessor, or his delegate in violation of law.

1. When notification to the owner of the weapon is made, an information copy of the correspondence will be forwarded to HQ USACIDC (ATTN: CIOP-COP). Additionally, the time frame for appeal by the owner (30 calendar days) shall begin upon receipt by the controlling office of the registered mail form PS Form 3811 showing notification to the owner.

2. All reasonable attempts to establish true ownership of the weapon shall be pursued. If the person from whom the

weapon was confiscated has no proof of ownership, and no other owner can be identified, then all supporting documentation will be forwarded to HQ USACIDC, ATTN: (CIOP-COP) or OPMG (ATTN: DAPM-OPS), as appropriate, for a final disposition determination in coordination with the Office of the Staff Judge Advocate.

(d) Upon receiving notification from either CIOP-COP or DAPM-OPS, as appropriate, directing the weapon be destroyed, the controlling office will forward a memorandum to USACIL, 4930 N. 31st Street, ATTN: Firearms Branch, 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 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 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 DRMS, Highway 361, ATTN: Building 2034, Naval Surface Warfare Center, Crane, IN 47522 for destruction. The weapon will be packaged per this regulation and forwarded via registered mail along with the original DA Form 4137 and a copy of DD Form 1348-1A (Issue Release/Receipt Document) attached to 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 Demilitarization Certificate (DRMS Form 145) created pertaining to the destruction of the weapon. The Demilitarization Certificate 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, Demilitarization Certificate 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.

(e) The above disposition instructions also apply to a firearm used in the commission of a suicide if it has been determined that the decedent's next of kin does not want the firearm. If the next of kin requests the firearm, it will be released to that next of kin in accordance with existing policies and directives.

(f) Non-Government ammunition (live or inert) kept as evidence will be returned to the owner or will be reported for turn-in to the supporting DRMS in accordance with DOD 4160.21-M and chapter 3, DA Pam 710-2-1. The evidence custodian may keep the items until the DRMS processes the turn-in forms and provides specific disposal instructions.

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

(h) Other illegal weapons (such as switchblades, stilettos, and brass knuckles) 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 accredited USACIDC SA, a Soldier 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.

(i) 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. 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. These firearms will be destroyed in the presence of a witness who is an accredited USACIDC SA, a Soldier 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 DRMS as specified in paragraph 2-9l(13)(c).

(14) Evidence obtained from electronic surveillance operations will be disposed of in accordance with paragraph 64, 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, 6010 6th Street, Ft Belvoir, VA 22060 for 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:

(a) 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.

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

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

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

(e) The inclusive dates of the interception.

(15) When evidence is of obvious value and the owner is not known, cannot be located, or declines acceptance, it will be turned in to the DRMS in accordance with DOD Manual 4160.21-M. A copy of the DD Form 1348-1A will be attached to the original DA Form 4137.

(16) When evidence found at crime scenes has no known owner and 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 that the destruction of these items be witnessed. Items such as fingerprint lifters bearing identifiable impressions that have been previously indexed into the Automated Fingerprint Identification System (AFIS) will be disposed of by placing them in the case file for long-term retention.

(17) When the owner of money is not known or cannot be located after reasonable attempts, the money will be turned in to the Defense Finance and Accounting Service (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) or other authorized collection document 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.

(18) 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.

(19) Some types of evidence may be of value to 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 (for example, destruction or forfeiture to the Government), 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.

(20) Electronic media which has no evidentiary value or which is no longer needed for the legal process, as determined by the trial counsel or other prosecutor will be returned in accordance with normal procedures as modified below:

(a) If there is a court order directing that all electronically stored information be removed from electronic media, the evidence custodian will arrange for destruction of the information and will process the cleaned media in the same manner as other evidence returned to the owner.

(b) If electronic media contains stolen credit card numbers, stolen passwords, or other stolen material, that information will be removed from the media before the media is returned to its lawful owner.

(c) If electronic media contains sexually explicit depictions of minors or obscene material involving adults, the evidence custodian will ensure that the investigator consults with the trial counsel or prosecutor early in the case to request that counsel obtain a court order or consent of the subject to remove all such information from the media before it is returned to the subject.

(d) If the subject successfully petitions the court to obtain copies of certain documents from the media, before it is wiped clean, the evidence custodian will arrange for the material to be copied and provided to the subject.

(e) Read-only media containing stolen information, sexually explicit depictions of minors, or obscene material involving adults, cannot be cleaned and will be destroyed in accordance with this regulation.

(f) If either the consent of the owner or a court order for destruction of the electronically stored information is not obtained, the evidence custodian will consult with the supporting trial counsel or prosecutor for guidance.

m. .0015 Contingency Funds (USACIDC funds) held as evidence will be disposed of in accordance with the provisions of this regulation. A copy of the DD Form 281 (Voucher for Emergency or Extraordinary Expense Expenditures) that provided the USACIDC funds seized as evidence will be maintained with the original DA Form 4137. The USACIDC funds held as evidence that no longer have value as evidence will be promptly deposited at the local finance office 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. A copy of the DD Form 1131 (Cash Collection Voucher) (fig 2-4) 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. The evidence custodian must initiate disposition action within 10 working days after date of approval to dispose of the evidence. If further guidance is needed concerning the disposition of .0015 contingency funds, the fund custodians should contact the USACIDC budget manager. At no time will .0015 funds be released outside USACIDC final disposition, such as to civilian law enforcement activities that have assumed investigative and/or prosecutorial jurisdiction over an investigation.

n. In some instances, USACIDC .0015 contingency funds held as evidence can be reproduced for trial and the funds returned to finance in accordance with paragraph 2-9m.

(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 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 express 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:

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

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

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

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

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

(f) Will 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.

(5) USACIL may reduce or enlarge U.S. currency for analysis purposes, restricted only by conditions imposed by paragraphs 2–9n(4)(a) and (b) above. Copies may be retained as examination notes in case files at USACIL.

o. When money that is impounded during a criminal investigation is kept as evidence and there is possible IRS interest, notify—

(1) In CONUS, the chief of criminal investigation at the nearest IRS office.

(2) Outside CONUS, the Assistant Commissioner (Criminal Investigation), Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224–0002.

(a) 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.

(b) The trial counsel or AUSA will provide legal advice.

p. 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 paragraph 2–13. Thereafter, coordination will be made with trial counsel yearly to determine if final disposition can be made.

q. A PS Form 3811 (U.S. Postal Service Return Receipt card) will be used for evidence disposed of via registered mail to another organization or owner. 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.

2–10. Special processing procedures for certain 6(e) (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 Rule of Criminal Procedure 6(e) access guidelines:

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

(2) The 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 6(e) access list.

(b) If evidence is received as SCRCNI, 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 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 paragraph 4–3.

(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 6(e) evidence will be separated from nonevidentiary 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 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 6(e) evidence is properly secured and accounted for.

(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 6(e) evidence are not subject to inspection or inventory as required by this regulation. Proper documentation as specified above for 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 (to include investigative interns) 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 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 paragraph 2-9e. These items will be maintained and used as aids to examinations research and training.

(1) Items will be transferred from USACIDC field elements to the requesting laboratory with a letter of transmittal. Accountability by 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 unmeasurable 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 USACIL for forensic analysis.

e. The USACIDC supervisor, PM, trial counsel and AUSA concerned must closely coordinate to determine the action commanders intent and to ensure proper USACIL support when needed. The trial counsel, AUSA 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 below. 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 paragraph 4-2f(1)(d) or 4-2g(3).

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 paragraph 29 above.

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. The following are some basic guidelines to follow in handling such materials; DALEOs will coordinate with appropriate HAZMAT 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 HIV, 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) *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 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. Nondisposable 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 USACIL is subject to several federal regulations which may specify differing types of packaging and marking depending upon the exact nature of the material. In general, evidence submitted to USACIL is considered to be diagnostic specimens, which are exempt from

the exterior marking and shipping manifest requirements of Part 72, Title 42, Code of Federal Regulations (42 CFR 72), which governs the shipment of etiologic agents. However, all shippers must meet the requirements for appropriate packaging, which may be found in 42 CFR part 72, 49 CFR part 172, 29 CFR part 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 OSHA requirements. Shippers should contact the USACIL for the most current guidance on proper packaging and shipping of any such items before shipment to USACIL.

e. 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. 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, DALEOs should consult with appropriate health and safety professionals or environmental professionals for guidance in handling, collection, storage, and transportation 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, DALEOs will coordinate with the supporting Explosive Ordinance Detachment for guidance in handling, collection, storage, and transportation 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 investigative 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 personnel (MTF), 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 PMs 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 (COPS) 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 earlier released 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 0038-06-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 of PV2 McVeigh while parked adj. 9100 Shenandoah Road, Fort Belvoir, VA 22060 | | REASON OBTAINED Evidence | TIME/DATE OBTAINED 1730-1905 06 Jan 06 | |
| 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, metal-type with scuffed brown wooden-type hand grips, bearing manufacturers markings "Colt Firearms Div, Hartford, CT USA," and SN: 754341. Arrows are scratched on rear face of cylinder on each side of chamber which was positioned under the firing pin. Superglue fumed for latent prints and sealed in a cardboard gun box. The seals and box were marked for ID with DKS/1730/6 Jan 06. (Obtained from left hand of deceased victim in driver's seat) | | |
| 2 | 1 | Cartridge casing, .38 cal, brass in color metal-type, bearing a small indentation in the approximate center of the primer end and manufacturer's markings "Federal .38 Special" on rim of cartridge base. Superglue fumed for latent prints and sealed in a clean pill box. The seals and box were marked for ID with DKS/1801/6 Jan 06. (Extracted from item #1 above) | | |
| 3 | 1 | Bag, clear plastic, zip lock type, in a closed condition, containing three hand rolled cigarettes filled with unknown vegetable matter. Superglue fumed for latent prints and placed in a clean plastic heat sealed bag which was sealed. The seal was embossed with a seal unique to this office and marked for ID with DKS/1820/6 Jan 06. (Obtained from crack between driver's seat and center console) | | |
| 4 | 1 | Ring, gold in color, metal-type, mounted to the ring is a diamond-like stone. Inscribed on the inside of the band is "Maria October 10, 1986 18k." The band is in a worn condition. Sealed in a clean pill box. The seals and box were marked for ID with DKS/1827/6 Jan 06. (Obtained from cup holder in center console) | | |
| 5 | Approx 9 | Pills, oval, bearing the number "205" on one side, about 1/2 inch by 1/4 wide by 1/8 inch. Placed (Continued on page 2) | | |
| CHAIN OF CUSTODY | | | | |
| ITEM NO. | DATE | RELEASED BY | RECEIVED BY | PURPOSE OF CHANGE OF CUSTODY |
| 1 THRU 7 | 6 JAN 06 | SIGNATURE N/A | SIGNATURE <i>David K. Schumann</i> | Evaluation as Evidence. |
| | | NAME, GRADE OR TITLE DEATH SCENE | NAME, GRADE OR TITLE SA DAVID K. SCHUMANN | |
| 3 | 6 JAN 06 | SIGNATURE <i>David K. Schumann</i> | SIGNATURE N/A | Small unmeasurable quantity consumed in the field test. (See CID Form 36) |
| | | NAME, GRADE OR TITLE SA DAVID K. SCHUMANN | NAME, GRADE OR TITLE Field Test | |
| 1 THRU 7 | 9 JAN 06 | SIGNATURE <i>David K. Schumann</i> | SIGNATURE <i>Gary B. Belcher</i> | Released to Evidence Custodian SCRCNI |
| | | NAME, GRADE OR TITLE SA DAVID K. SCHUMANN | NAME, GRADE OR TITLE SA GARY B. BELCHER | |
| 1-3 AND 5-7 | 12 JAN 06 | SIGNATURE <i>Gary B. Belcher</i> | SIGNATURE <i>Registered Mail</i> | Forwarded to USACIL for exam |
| | | NAME, GRADE OR TITLE SA GARY B. BELCHER | NAME, GRADE OR TITLE RA 123 456 789 US | |
| 1-3 AND 5-7 | 23 Jan 06 | SIGNATURE <i>Registered Mail</i> | SIGNATURE <i>David W. Hill</i> | Received at USACIL for examination |
| | | NAME, GRADE OR TITLE RA 123 456 789 US | NAME, GRADE OR TITLE David W. Hill, GS-09 | |

DA FORM 4137
1 Jul 76

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

LOCATION 1-3/5-7 USACIL
4 SIDZ

DOCUMENT NUMBER 033-06

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

Continuation of Description of Articles received from Death Scene:

| <u>ITEM #</u> | <u>QUANTITY</u> | <u>DESCRIPTION OF ARTICLES</u> |
|---------------|-----------------|---|
| 5 (Cont) | | in a clean pill box that was sealed in a clean plastic heat sealed bag which was sealed. The seal was embossed with a seal unique to this office and marked for ID with DKS/1830/6 Jan 06. (Driver's side floor board) |
| 6 | 1 | Piece of paper, white lined spiral type, approximately 8 1/2" x 11", bearing the handwritten words "We are through. I have taken the kids and moved out. Do not try to find or contact me" in blue ink and in a cursive writing style on one side. No visible marks or writings on the reverse side. Sealed in a paper envelope to protect for latent prints. The envelope and seals were marked for ID with DKS/1850/6 Jan 06. (Lap of the deceased victim in driver's seat) |
| 7 | 1 | Bottle, brown smoked glass, 12 oz size, empty, bearing a paper label. Printed on the label was "Sam Adams...Winter Blend..." The bottle was superglue fumed for latent prints and sealed in a clean paper sack. The seals and sack were marked for ID with DKS/1905/6 Jan 06. (Passenger side floor board) |

//////////////////////////////////////LAST ITEM//////////////////////////////////////

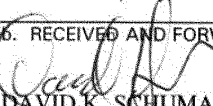
Figure 2-2. Sample of a completed DA Form 4137-continued

| ITEM NO. | DATE | CHAIN OF CUSTODY (Continued) | | |
|--|-----------------|---|---|---|
| | | RELEASED BY | RECEIVED BY | PURPOSE OF CHANGE OF CUSTODY |
| 1-3 and 5-7 | 2 Mar 06 | SIGNATURE <i>David W. Hill</i> | SIGNATURE <i>Federal Express</i> | Returned to submitter |
| | | NAME, GRADE OR TITLE <i>David W. Hill, TS-09</i> | NAME, GRADE OR TITLE <i>4452886710</i> | |
| 1-3 and 5-7 | 3 Mar 06 | SIGNATURE <i>Federal Express</i> | SIGNATURE <i>Paul W. McDonald</i> | Received by Evidence Custodian SCREEN I |
| | | NAME, GRADE OR TITLE <i>4452886710</i> | NAME, GRADE OR TITLE <i>SA Paul W. McDonald</i> | |
| 6 | 10 Mar 06 | SIGNATURE <i>Paul W. McDonald</i> | SIGNATURE <i>Donna C. Hansen</i> | Released to SJA-TC for review. Sealed container opened. |
| | | NAME, GRADE OR TITLE <i>SA Paul W. McDonald</i> | NAME, GRADE OR TITLE <i>Donna C. Hansen, MAJ</i> | |
| 6 | 10 Mar 06 | SIGNATURE <i>Donna C. Hansen</i> | SIGNATURE <i>Paul W. McDonald</i> | Returned to Evidence Custodian. Item resealed. |
| | | NAME, GRADE OR TITLE <i>Donna C. Hansen, MAJ</i> | NAME, GRADE OR TITLE <i>SA Paul W. McDonald</i> | |
| 1 AND 4 | 16 Sep 06 | SIGNATURE <i>Paul W. McDonald</i> | SIGNATURE <i>Registered Mail</i> | Forwarded to owner. Return receipt attached. FINAL DISPOSITION |
| | | NAME, GRADE OR TITLE <i>SA Paul W. McDonald</i> | NAME, GRADE OR TITLE <i>RA 234567890 US</i> | |
| 2 AND 7 | 16 Sep 06 | SIGNATURE <i>Paul W. McDonald</i> | SIGNATURE <i>Destroyed - Rendered</i> | Final Disposition |
| | | NAME, GRADE OR TITLE <i>SA Paul W. McDonald</i> | NAME, GRADE OR TITLE <i>Useless/Harmless</i> | |
| 3 AND 5 | 16 Sep 06 | SIGNATURE <i>Paul W. McDonald</i> | SIGNATURE <i>Destroyed</i> | Final Disposition |
| | | NAME, GRADE OR TITLE <i>SA Paul W. McDonald</i> | NAME, GRADE OR TITLE <i>By Burning</i> | |
| 6 | 16 Sep 06 | SIGNATURE <i>Paul W. McDonald</i> | SIGNATURE <i>Released to</i> | Final Disposition |
| | | NAME, GRADE OR TITLE <i>SA Paul W. McDonald</i> | NAME, GRADE OR TITLE <i>Case File</i> | |
| FINAL DISPOSAL ACTION | | | | |
| RELEASE TO OWNER OR OTHER (Name/Unit) <u>Items #1&4-Next of Kin (Mrs. Becky McVeigh, 123 3rd Street, Fairfax, VA 22345)</u> | | | | |
| DESTROY <u>Items 2&7 by crushing/destroying. Items 3&5 by burning.</u> | | | | |
| OTHER (Specify) <u>Item 6-Case file.</u> | | | | |
| FINAL DISPOSAL AUTHORITY | | | | |
| ITEM(S) <u>1 thru 7</u> ON THIS DOCUMENT, PERTAINING TO THE INVESTIGATION INVOLVING <u>E-2/PV2</u> (Grade) | | | | |
| <u>JAMES M. MCVEIGH</u> <u>232d Engr Co, 22d FSB, Fort Belvoir, VA 22060</u> (IS) (ARE) NO LONGER (Name) (Organization) | | | | |
| 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>DONNA C. HANSEN, MAJ, Ch Crim Law</u> <i>Donna C. Hansen</i> <u>15 Sep 06</u> (Typed/Printed Name, Grade, Title) (Signature) (Date) | | | | |
| WITNESS TO DESTRUCTION OF EVIDENCE | | | | |
| THE ARTICLE(S) LISTED AT ITEM NUMBER(S) <u>3 and 5</u> (WAS) (WERE) DESTROYED BY THE EVIDENCE CUSTODIAN, IN MY PRESENCE, ON THE DATE INDICATED ABOVE. | | | | |
| <u>SA CRAIG P. BROTT, 75th MP Det (CID), Fort Belvoir, VA 22060</u> <i>Craig P. Brott</i> (Typed/Printed Name, Organization) (Signature) | | | | |

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

| DOCUMENT NUMBER DATE RECEIVED | CID CONTROL MPR NUMBER | DESCRIPTION OF EVIDENCE | DATE OF FINAL DISPOSITION | FINAL DISPOSITION | REMARKS |
|--|---------------------------|---|---------------------------------|---|----------------|
| 033-06 6 Jan 06 | 0038-06-CID122 01135 | 1. Revolver .38 cal, SN 754341 2. Cartridge case, .38 cal. 3. Plastic bag w/veg. matter 4. Ring 5. Pills 6. Handwritten paper note 7. Beer bottle | <i>16 Sep 06 All Items</i> | Forwarded to owner (Ms. McVeigh) Destroyed by crushing Destroyed by burning Forwarded to owner (Ms. McVeigh) Destroyed by burning Released to case file Destroyed by crushing | |
| 033-06 6 Jan 06 | 0038-06-CID122 | 1. Chevy S-10 Pickup VOID | | VOID | 980 |
| 034-06 10 Jan 06 | 0039-06-CID122 | 1. (25) Handwriting Exemplars (Smith) | | | USACIL |
| 035-06 10 Jan 06 | 0039-06-CID122 | 1. (6) Handwriting Standards (Smith) | | | USACIL |
| 036-06 15 Jan 06 | 0039-06-CID122 | 1. (25) Handwriting Exemplars (Jones) | | | USACIL |
| 037-06 15 Jan 06 | 0039-06-CID122 | 1. (5) Handwriting Standards (Jones) | | | USACIL |
| I, James M. Rand, certify that on 20 Jan 06, per AR 195-5, I inspected the evidence room. Evidence is being processed per AR 195-5 with no exceptions. <i>James M. Rand, CW3, MP, Special Agent in Charge</i> | | | | | |
| 038-06 25 Jan 06 | 0042-06-CID122 | 1. Plastic bag w/packet of white powder 2. Rolled \$1 bill | 20 Sep 06 21 Sep 06 | Destroyed by burning Cleaned and Released to DFAS | |
| I, Paul W. McDonald, 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 3 Feb 06, with Gary B. Belcher, the outgoing evidence custodian. Any discrepancies have been resolved to my satisfaction. <i>Paul W. McDonald</i> <i>Gary B. Belcher</i> | | | | | |

Figure 2-3. Sample of evidence ledger page

| | | | | |
|--|--|---|---|---|
| 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 Military Police Det (CID) 3d MP Group, USACIDC Fort Belvoir, VA 22060 | | | | |
| b. RECEIVED AND FORWARDED BY (Printed Name, Title and Signature)  DAVID K. SCHUMANN SA, CID Evidence Custodian | | | d. DATE (YYYYMMDD) 20060205 | |
| c. TELEPHONE NUMBER (Include Area Code): COMMERCIAL: 703-806-5555 | | | DSN: 410-5555 | |
| 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 | |
| c. TELEPHONE NUMBER (Include Area Code): COMMERCIAL: CFO | | | e. DATE (YYYYMMDD) 20060205 | |
| 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 |
| 010228 | SA David K. SCHUMANN, 3d MP Group (CID), USACIDC. Five one-hundred dollar bills (SN must be listed if appropriate) | Return of CID funds held as evidence. Funds originally disbursed on DO Voucher 6693, 14 Nov 00. Evid Doc #094-01. | 500.00 | (same accounting classification on which funds were originally disbursed) |
| 11. TOTAL | | | 500.00 | |

DD FORM 1131, DEC 2003

PREVIOUS EDITION IS OBSOLETE.

Figure 2-4. 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 paragraph 1-4. The first inspection conducted by a new DES, PM, SAC or commander assuming supervisory control of an evidence room will include an inventory of all evidence in accordance with paragraph 3-2 of this regulation in order to identify all evidence room discrepancies and problem areas upon assuming overall responsibility. 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 in Standard Form 700 (Security Container Information) and secured in the USACIDC 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 or commander assuming supervisory control of an evidence room will be recorded in the evidence ledger in accordance with paragraph 3-2g(1). For regular monthly inspections the following statement will be entered in the evidence ledger immediately below the last entry made prior to the inspection. It will be signed by the USACIDC commander, SAC, 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. USACIL. Inspections and inventories of sealed shipping containers and the contents of any shipping containers that may have been breached in the evidence processing area and storage vaults will be conducted on at least a quarterly basis. Other inspections will be conducted as necessary.

3-2. Inventories

a. General. Inventories will be conducted—

- (1) Once in each calendar quarter.
- (2) On change of the primary evidence custodian, and on change of the DES, PM, SAC or Detachment Commander assuming supervisory control of an evidence room.
- (3) On loss of evidence stored in the evidence room or breach of security of the evidence room.

b. Quarterly inventories.

(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, 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 paragraph 4-3. A quarterly inventory is not required if there has been no evidence received in, maintained in, disposed of, or otherwise accounted for by the evidence room since the date of the last previous quarterly inventory. This includes any evidence temporarily released. The appropriate USACIDC supervisor 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-8 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 supervisor, 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 inventory is complete and a ledger entry made in accordance with paragraph 3-2g(1). 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 USACIL or another agency, and proper signature, if released for court-martial, Article 32 investigations, or for other official purposes.

(2) *Reverse inventories.* For USACIDC elements only (excluding the USACIL), 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 paragraph 4–3. The reverse inventory will occur in the quarter that the disinterested officer inventory specified in paragraph 3–2b(1) does not. A reverse inventory is not required if there has been no 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 battalion will use the following procedures for the reverse inventory:

- (a) Systematically search each area of the evidence depository and identify all the items of evidence stored within.
- (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 paragraph 3–2g(2) of this regulation.

(3) *Reverse inventories on change of the DES, PM, SAC or commander assuming supervisory control of an evidence room.* When the DES, PM, SAC or commander assuming supervisory control of an evidence room is changed, 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 following the procedures specified in paragraph 3–2b(2). This reverse inventory will be in addition to any other required inventory and not a replacement.

c. Inventories on change of custodian. When the primary evidence custodian is changed, the incoming and outgoing primary custodians will conduct a joint physical inventory of all evidence in the evidence room at the time of the position change over. 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 supervisor or PM, as appropriate.

d. Inventories in case of lost evidence or breach of security. This inventory will be conducted by the person assigned to conduct the inquiry (see paragraph 3–3). The inventory will be conducted in the presence of the primary or alternate evidence custodian.

e. 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 in this case, a sealed container is breached, the evidence will be sealed in a new container in accordance with paragraphs 2–2a and 5–2. 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.

f. Recording inventories.

(1) Quarterly inventories, and on change of the DES, PM, SAC or commander assuming supervisory control of an evidence room, 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), in accordance with 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 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 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 or inability of the primary custodian, the “Released By” block of each DA Form 4137 will be annotated NACustodian 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.

3–3. Inquiries

a. If evidence is lost or security of the evidence room is breached, an inquiry or investigation will be conducted in accordance with AR 15–6. Inquiries or investigations will be initiated by the appropriate USACIDC supervisor or PM. All losses or breaches of security and the start of inquiries will be reported to the Commander, USACIDC, ATTN: CIOP-COP, 6010 6th Street, Fort Belvoir, VA 22060–5506, or HQDA (-), 2800 Army Pentagon, Washington, DC 203100440, as appropriate.

b. 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 being sent through the ACOM PM to HQDA (DAMO-ODL), 2800 Army Pentagon, Washington, DC 203100440. 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, ATTN: CIOP-COP, 6010 6th Street, Fort Belvoir, VA 22060–5506. If all or a part of the lost evidence is in the form of .0015 funds, an additional copy of the proceedings will be forwarded to the Commander, USACIDC, ATTN: CIOP-OP. Relief from further accountability for lost evidence—

(1) Permits DA Form 4137 to be closed.

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

c. Upon receipt of packaged evidence, if evidence appears to be missing after the parcel has been inventoried, the appropriate USACIDC 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 156.

d. The "Description of Articles" block will describe the item of evidence accurately and based upon what is actually observed about the object at the time it is acquired. The item will be described enough to individualize the item to the exclusion of any other item.

e. Descriptions will include only descriptive information and not include phrases based on supposition or suspicions (that is, "suspected to be marihuana" or "believed to have been used to gain entry into the room" or "having an estimated street value of."). Descriptions should be limited to permanent physical characteristics and condition. 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. The words will be centered under the last time and lines or slashes will be drawn from the words to the margin on each side of the form.

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 (that is, Confidential, Secret, 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 paragraph 4-2f(5).

c. Property, to include training and operational load ammunition, which is not evidence (except for b above), 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 paragraph 4-2, may utilize 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 USACIL evidence processing and storage areas

a. Location. The evidence room will normally be in the same building as the operational or administrative staffs of the USACIDC unit or MP investigations/PM.

b. Construction.

(1) Walls must extend from the floor to the true ceiling. Walls and ceilings may be masonry or wood. Walls or ceilings with wooden studs must have a combined exterior and interior sheathing material thickness of at least 1 inch. Permanently installed flooring (other than masonry) may be used if the floor cannot be breached without considerable damage to the building structure.

(2) If walls and ceilings in accordance with paragraph 4-2b(1) 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 40-21-01, dated 20 Jun 72, 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 evidence, and not to store 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: SG 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.

(8) Locks 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 style 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 under 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 (7), above.

d. Windows and other openings.

(1) Windows, ducts, vents, or similar openings of 96 square inches or more with the 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 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 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, 1 ounce of heroin or cocaine, or 1 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 for storage of unstable or perishable evidence.

(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, chapter 4. 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. *USACIL.* Evidence processing and storage areas at USACIL are not considered to be evidence rooms as defined in this regulation. The following physical security standards apply to 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 paragraphs 4–2b through 4–2d. 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 20-gauge 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 paragraph 4–2d.

(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 Appendix G of AR 190–11. Ammunition storage will meet the requirements for category IV ammunition storage as found in Appendix G of AR 190–11. The reference library and ammunition storage vaults will be equipped with intrusion detection systems.

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

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

(c) To maintain separation and accountability, class IV arms maintained for 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 nonduty 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 supervisor 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 paragraph 4–2f(1)(e).

b. *Temporary evidence room.* A salvaged container express (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 paragraph 4–2c(7). 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 cant 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 the AUSA. 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 Standard Form 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 (2 operator keys and 1 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 1 working day or 3 nonworking 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 Standard Form 700 and will be kept in a sealed envelope secured in the safe of the PM or security officer.

c. *USACIL.* The process of forensics laboratory examination requires that evidence be handled and stored in a manner that allows the freedom to adequately examine the material for information of evidential value while maintaining an appropriate level of security. Under these circumstances, adequate evidence security cannot be accomplished simply by means of a storage and lock system. Proper security requires a combination of physical barriers, work practices and documentation, locks and storage containers, intrusion detection systems, circulation and access controls, and employee awareness and training.

(1) *Access and circulation control.* Areas used for general administrative purposes and those areas where evidence is received, handled, stored, or examined will be physically separated. This separation will be maintained by physical controls and administrative practices and procedures.

(a) *General circulation controls.* In general, public access to administrative areas of USACIL is required for the conduct of normal business. Exterior doors, which are provided for public access, must open into a general administrative area and cannot require a passage through an evidence storage or processing area. All visitors to areas where evidence is processed, stored, or examined must be under escort.

(b) *Evidence Processing Branch.* The USACIL evidence controllers will maintain strict control over the evidence processing area and its associated storage vaults and coolers, wrapping, and receiving/shipping areas, as well as case file storage areas. With the exception of the USACIL Director, operations officer, and the security officer, personnel may only enter this area when directed and escorted by an evidence controller. An evidence controller will be present at all times when any evidence is not secured in a storage vault.

(c) *Laboratory processing, storage and examination areas.* Laboratory technical areas will only be entered by assigned personnel or other personnel on official business that have been granted access by the Director of USACIL. Circulation will be strictly controlled to ensure that technical areas and evidence processing areas are not accessible to

unauthorized personnel at any time and that access to laboratory areas for assigned personnel is restricted according to job requirements. Policies will be in place to control access of maintenance, contractor, and custodial personnel.

(d) *Internal intrusion detection systems.* Internal intrusion detection systems are required to be used in the evidence processing area storage vaults and the Firearms Branch vaults. Internal intrusion detection systems may be used between general administrative areas and areas of the laboratory where evidence is processed, examined, and stored. These areas will be separated using physical security barriers, key controls, and electronic access devices designed to provide reasonable protection against unauthorized entry and which should provide evidence of such entry if it does occur.

(2) *Evidence storage in examination areas.* The examination process may require that evidence be maintained in the examination areas for extended periods, as it may not be feasible to keep evidence secured in locked containers or under direct observation at all times during the examination process.

(a) All examiners will have a lockable container, cage, bin or locker available to them for the storage of items of evidence. This may be a separate container or a lockable bin that is part of their workstation. The container will be of sufficient construction to ensure that unauthorized access to the contents cannot be gained without causing visible physical damage to the container. The container will be secured by a Government procured lock assigned to the examiner, who will retain one key. The second key will be retained by the USACIL security officer in a sealed envelop in a security container maintained for that purpose. A changeable combination lock that conforms to federal specification FF-P-I 10 (SG 8077A or 8078A series) may also be used. When a combination lock is used, the combination will be recorded on a Standard Form 700 and placed in the security container by the USACIL security officer. Duplicate locks and master keying of evidence containers is prohibited.

(b) Open storage of evidence required by the examination process is only allowed in the evidence examination areas of the laboratory. Examiners will exercise reasonable precautions to ensure that the integrity of evidence, which must be left in open areas, is maintained. Examiners will use warning placards on all unattended evidence and will use defined processing areas such as examining rooms, layout tables, and process hood areas whenever possible to minimize the possibility of accidental damage. USACIL personnel will maintain awareness and supervisory control over all visiting personnel who may be in their assigned work areas to ensure that evidential material is not lost, damaged, or compromised.

(c) Containers of evidence which must be placed in common storage areas will be sealed and marked to ensure that any tampering or damage would be evident.

(3) Eating, drinking, and smoking in evidence storage, processing, handling and examination areas is strictly prohibited. These activities pose a hazard to the personnel and could result in contamination of the evidential material. The USACIL director will designate smoking and break areas.

Chapter 5

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

5-1. Processing of evidence to USACIL

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

b. Evidence will be expeditiously submitted to the USACIL, normally within 5 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 319.13. 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 USACIL. Instructions for completing a DD Form 2922 are at figure 52.

e. Any supporting documentation relevant to the investigation such as detailed synopsis; statements from victim(s), subject(s), and witness(es); preliminary police reports; crime scene images, sketches, and videos should be forwarded to 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).

5-2. Sealing

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

(1) When sealed evidence is sent to USACIL, the original DA Form 4137, and the original and one copy of the DD Form 2922, will be enclosed in an addressed envelope that is 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 nonfungible 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. Computer crime 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 branch(es).

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 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 sealing and initials on at least one location on the container. The writing will be written across both the tape and container.

(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 MPR 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. Nonfungible evidence. Nonfungible 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 nonporous latent print evidence. Questioned document evidence and nonporous 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. Nonporous latent print examination only, should be superglue fumed before shipment to the laboratory. Submission of nonporous 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 electronic media.

(1) Computer components and electronic media should be packed in nonstatic materials. These components and

media should not be sealed in plastic or packing materials that can penetrate openings in the components or media should not be used because they can damage 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) Electronic 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) Electronic media such as floppy disks or CDs 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 USACIL and for USACIL personnel to take responsibility for maintaining the battery. A note should be inserted with the item to remind USACIL personnel to check the battery.

(6) USACIL should be consulted for answers to questions pertaining to the shipment of computers or electronic 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 an Article 32 hearing, Article 39a 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 USACIL by checking the appropriate box in 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 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 all of the evidence sample will be consumed during evaluation, 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.

(2) The responsible DALEO will notify the trial counsel, AUSA or trial counsel that the evidence in question will be totally consumed, and that examination of the evidence will be delayed for a period of seven working days from the date the DALEO was notified.

(3) The trial counsel or AUSA will be requested to advise the suspects defense counsel of the anticipated total consumption of evidence, and that if the defense counsel desires to be present at the evaluation, the burden is on the defense counsel to notify the DALEO of this desire through the trial counsel or AUSA.

(4) If the DALEO is advised that the defense counsel requests to be present at the 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 seven working days after first notification of the DALEO.

c. If there is no suspect, laboratory 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 evidence remains after each examination.

e. In the cases where instrumental spectra is available and evidence is consumed, the spectra that is produced as part of the examination becomes equivalent to the evidence (for example, a spectrogram of drug residue).

f. If an item is totally consumed during the course of an examination, laboratory personnel will document on the DA Form 4137 in the "Chain of Custody" section, that the evidence was consumed during examination. This will be accomplished by writing in the "Purpose of Change of Custody" block "Evidence Consumed During Examination (ECDE)."

5-5. Return of evidence to contributors by the USACIL

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

a. The examiner/technician returning the evidence to the Evidence Processing Branch will ensure the items of

evidence are placed in an appropriate shipping container (that is, envelopes or boxes along with sufficient packaging to preclude damage, loss, destruction and/or cross-contamination of the evidentiary material). The container will be sealed in accordance with this regulation. The laboratory case number, date, and initials of the examiners/technician will be marked on the container.

b. The examiner/technician will annotate the custody document(s) to release the items of evidence to "Registered Mail. The registered mail number will not be annotated on the custody documents, as it will not be known at that time. The original chain of custody document(s) and laboratory report(s) will be placed in an envelope marked "LABORATORY REPORT AND CUSTODY DOCUMENTS" and attached to the outer surface of the container. The shipping container will then be brought to the Evidence Processing Branch and placed in the evidence processing storage area until processed for shipment to the contributor.

c. The Evidence Controller will annotate the registered mail or other accountable mail number in the "Received By" block of the chain of custody document(s). The evidence controller will certify all reports being forwarded to the contributor. The report(s) and chain of custody document(s) will be returned to the envelope attached to the container. The container will then be wrapped and shipped back to the contributor.

d. Shipping containers must be breached by the evidence custodian at the receiving USACIDC or MP activity in order to allow for the proper accountability of the items of evidence listed on the DA Form 4137. This does not require the breaching of the seal(s) on the individual item(s) of evidence that were originally sealed by the DALEO.

e. If a USACIL examiner/technician generated a new DA Form 4137 for any new evidence or evidence extracted from the originally submitted evidence, the receiving evidence custodian will assign the next sequential document number to the DA Form 4137 and item(s) of evidence and will record it in the evidence ledger as is done for any other evidence received by the evidence custodian.

| 12. EVIDENCE SUBMITTED (Continued) | |
|------------------------------------|---|
| a. EXHIBIT | b. DESCRIPTION OF EXHIBIT |
| 9 | Handwriting standards of Mrs. McVeigh (Item 1, Doc #037-06) |
| 10 | Handwriting exemplars of Mrs. McVeigh (Item 2, Doc #37-06) |
| 11 | Major case prints of PV2 McVeigh |
| 12 | Major case prints of Mrs. McVeigh |

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

Latent Prints 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 and Mrs. McVeigh (items 11 and 12) to determine if any of the latent prints were from PV2 or Mrs. McVeigh. 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 4 to determine if the items are controlled substances. Conduct any other examination deemed appropriate.

Forensic Document Branch: Examine item 5 and compare it with items 8-10 to determine if PV2 or Mrs. McVeigh wrote the words on item 5.

| | |
|--|---|
| 14. a. INVESTIGATOR AND ALTERNATE POC (Typed or Printed) (Mandatory Information) SA David K. Schumann/SA Gary B. Belcher | b. TELEPHONE (Primary/Alt): 703-806-0497/4998 c. DSN (Primary/Alt): 656-0497/4998 d. Fax: 703-806-2397 e. E-Mail: david.k.schumann@us.army.mil |
|--|---|

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

| | | |
|---|--|---|
| a. DATE 2006-01-11 | b. TYPED/PRINTED NAME OF REQUESTOR SA David K. Schumann | d. TELEPHONE (Primary/Alt): 703-806-0497/4998 e. DSN (Primary/Alt): 656-0497/4998 f. Fax: 703-806-2397 g. E-Mail: david.k.schumann@us.army.mil |
| c. SIGNATURE  | | |

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

DD FORM 2922 (BACK), JUL 2006

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

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

The original and one copy of the Forensic Laboratory Examination Request will be sent with the evidence to 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 date forwarded to USACIL.

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 USACIL, the "Other" block should be checked and the address information for that laboratory listed.

Block 2: The "From" block will list the contributor's return address. Inclusion of the contributor's physical street address is preferred.

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

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 paragraph 5-3, AR 195-5.

Block 5 and 16: Laboratory use only.

Blocks 6-10. These blocks are self-explanatory.

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.

Block 12. 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.

Block 13. The contributor will describe the examinations 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.

Block 14. The primary investigator and an alternate point of contact are to be listed along with contact information. The alternate should be someone familiar with the investigation or the primary investigator's supervisor.

Block 15. Self-explanatory.

Laboratory examination request. Normally, the case agent or investigator will complete and sign the Forensic Laboratory Examination Request as the requester. If circumstances require, a supervisor may sign as the requester. The evidence custodian will review the completed request prior to its submission to USACIL.

Figure 5–2. Instructions for Completing DD Form 2922

Appendix A References

Section I Required Publications

15-6

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

AR 25-400-2

The Army Records Information Management System (ARIMS) (Cited in paras 1-6b, 2-4, 2-5, 2-6.)

AR 190-11

Physical Security of Arms, Ammunition, and Explosives (Cited in para 4-2.)

AR 190-53

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

AR 190-12

Military Working Dogs (Cited in para 4-4.)

AR 380-5

Department of the Army Information Security Program (Cited in para 4-1.)

AR 600-8-1

Army Casualty Program (Cited in para 2-9l.)

AR 638-2

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

AR 710-2

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

DOD Manual 4160.21-M

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

DOD Manual 4160.21-M-1

Defense Demilitarization Manual (Cited in para 2-9.)

19 Military Justice (MJ) 845 (Air Force Court of Military Appeals (AFCMR) 1985)

U.S. v. Garries (Cited in para 2-8c(2).)

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

U.S. v. Garries (Cited in para 2-8c(2).)

FM 3-19.13

Law Enforcement Investigations (Cited in paras 2-1, 5-1.)

UCMJ

Uniform Code of Military Justice
(Cited in para 2-8a(2).)

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 25-51

Official Mail and Distribution Management

AR 190-13

The Army Physical Security Program

AR 195-2

Criminal Investigation Activities

AR 195-4

Use of Contingency Limitation .0015 Funds for Criminal Investigative Activities

29 CFR 1910.1030

Bloodborne Pathogens (Available at: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_tableSTANDARDSp_id10051.)

42 CFR 72

Interstate Shipment of Etiologic Agents (Available at: <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?cecfrcsidc67f4fa6e02a287d7e5402ae4b05a610rgndiv5viewtextnode42:1.0.1.6.58idno42>.)

49 CFR 172

Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information and Training Requirements (Available at: <http://www.access.gpo.gov/nara/cfr/waisidx/49cfr172.html>.)

DA Pam 190-12

Military Working Dog Program

DA Pam 710-2-1

Using Unit Supply System (Manual Procedures)

FRCP

Federal Rules of Criminal Procedure (Available at: <http://judiciary.house.gov/media/pdfs/printers/108th/crim2004.pdf>.)

MCM

Manual for Courts-Martial, United States, (2005 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 (Available at: <http://law.onecle.com/uscode/18/504.html>.)

18 USC 924(d)

Penalties (Available at: http://www.capdefnet.org/fdprc/contents/fed_cap_off/18_usc_924.htm.)

26 USC 5872

Forfeiture (Available at: http://www2.law.cornell.edu/uscode/uscode26/usc_sec_26_00005872000-html.)

Section III**Prescribed Forms**

Except where otherwise indicated below, forms are available as follows: DA forms are available on the Army Publishing Directorate website (www.apd.army.mil): DD forms are available from the OSD website (<http://www.dti-c.mil/whs/directives/infomgt/forms/formsprogram.htm>); SF Forms are available at <http://www.gsa.gov>.

DD Form 2922

Forensic Laboratory Examination Request (Prescribed in paras 2-7, 2-8, 5-1, 5-2, 5-3.)

DA Form 4002

Evidence/Property Tag (Prescribed in paras 2-1, 2-2, 2-3, 2-4, 5-2.)

DA Form 4137

Evidence/Property Custody Document (Prescribed in paras 2-1, 2-3, 2-4, 2-5, 2-7, 2-8, 2-9, 2-10, 2-11, 2-12, 2-13, 2-14, 3-2, 3-3, 5-1, 5-2, 5-4, 5-5.)

Section IV

Referenced 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

Standard Form 700

Security Container Information

DRMS Form 145

Demilitarization Certificate <http://www.drms.dla.mil>

Glossary

Section I Abbreviations

ACOM

Army command

AIDS

acquired immune deficiency syndrome

AFIP

Armed Forces Institute of Pathology

AFIS

Automated Fingerprint Identification System

APO

Army Post Office

AR

Army regulation

ARIMS

Army Records Information Management System

ARNG

Army National Guard

ATTN

attention

AUSA

Assistant United States Attorney

CCIU

Computer Crime Investigative Unit

CD

compact disc

CID

United States Army Criminal Investigation Command

CFO

completed by finance officer

CONEX

container express

CONUS

continental United States

COPS

Centralized Operations Police Suite

CW3

chief warrant officer three

DA

Department of the Army

DALEO

Department of the Army Law Enforcement Officer

DC

District of Columbia

DEA

Drug Enforcement Administration

DES

Director of Emergency Services

DET

detachment

DFT

Division of Forensic Toxicology

DOD

Department of Defense

DRMS

Defense Reutilization and Marketing Service

DSN

defense switched network

DSSN

disbursing station symbol number

ECDE

evidence consumed during examination

EOD

explosive ordnance disposal

FAO

Finance and Accounting Office

FAX

facsimile

FSB

forward support battalion

GA

Georgia

GBL

Government bill of lading

GS

general schedule

GSA

General Services Administration

HAZMAT

hazardous material

HQ

headquarters

HQDA

Headquarters, Department of the Army

HQSACE

Headquarters, U.S. Army Corps of Engineers

HSP

high security padlock

IDS

intrusion detection system

IN

Indiana

IRS

Internal Revenue Service

JA

judge advocate

LAB

laboratory

MAJ

major

MILVAN

military van

MO

Missouri

MOS

military occupational specialty

MP

military police

MPR

military police report

MTF

Medical treatment facility

N/A

Not applicable

NCO

noncommissioned officer

NSN

national stock number

NW

Northwest

OPMG

Office of the Provost Marshal General

para

paragraph

PM

Provost Marshal

PMG

Provost Marshal General

PMO

Provost Marshal Office

POC

point of contact

PV2

private two

RFA

request for assistance

ROI

report of investigation

SG

Sargent and Greenleaf

SA

special agent

SAC

special agent-in-charge

SARC

sexual assault response coordinator

SCMO

summary court martial officer

SCRCNI

sealed container received, contents not inventoried

SFC

sergeant first class

SJA

staff judge advocate

SN

serial number

TC

trial counsel

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

USAR

U.S. Army Reserve

USPS

U.S. Postal Service

USSS

U.S. Secret Service

v

versus

VA

Virginia

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 MIL-H-43905A for use with the high security lock.

Approved locks

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). 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 5340-00-158-3805, 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 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 FF-P-110 (S&G 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 of a CID office.

Controlled substance

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

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 addresses only physical evidence.

Evidence custodian document suspense files

Files with a copy of DA Form 4137—

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

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

c. Pending Disposition Approval when the original DA Form 4137 is sent to the SJA for approval of final disposition.

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 Military Occupational Specialties (MOS) 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.

Nonfungible 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), 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.

U.S. v. Garries

U.S. Court of Appeals, 4 August 1986. This case was an appeal by an Airman of his conviction by General Court-

Martial of the murder of his wife. On appeal, appellant argued that certain evidence was totally consumed in the course of forensic testing without any procedural safeguards to ensure independent testing or verification of test results by the defendant. Although the court ruled against the appellant in this case, it noted that the defense was 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.

Section III

Special Abbreviations and Terms

This section contains no entries.

UNCLASSIFIED

PIN 002228-000

USAPD

ELECTRONIC PUBLISHING SYSTEM
OneCol FORMATTER WIN32 Version 238

PIN: 002228-000

DATE: 06-20-07

TIME: 10:41:06

PAGES SET: 59

DATA FILE: C:\wincomp\r195-5.fil

DOCUMENT: AR 195-5

SECURITY: UNCLASSIFIED

DOC STATUS: REVISION