



Homeland Security Investigations

Evidence Recovery Team Handbook

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U.S. Immigration
and Customs
Enforcement

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Foreword

The Evidence Recovery Team Handbook provides a single source of national policies, procedures, responsibilities, guidelines, and controls that should be followed by U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Special Agents and Seized Property Specialists who are members of Evidence Recovery Teams when they recover evidence within the scope of their authority. This Handbook contains instructions and guidance that will help ensure uniformity and operational consistency among all HSI field offices. Oversight over the Evidence Recovery Program resides with the Unit Chief, HSI Forensic Laboratory.

This is the originating and establishing HSI Handbook on Evidence Recovery Teams.

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

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



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22 OCT 2014
Date

EVIDENCE RECOVERY TEAM HANDBOOK

Table of Contents

Chapter 1. PURPOSE AND SCOPE.....	1
Chapter 2. INTRODUCTION.....	1
Chapter 3. DEFINITIONS	1
• 3.1 Chain of Custody	1
• 3.2 Crime Scene Sketch	1
• 3.3 Elimination Prints	1
• 3.4 ERT Members	2
• 3.5 Evidence.....	2
• 3.6 Evidence Recovery	2
• 3.7 Fingerprint.....	2
• 3.8 Friction Ridges.....	2
• 3.9 Inked Prints	2
• 3.10 Latent Prints	2
• 3.11 Major Case Prints.....	2
• 3.12 Patent Prints	2
• 3.13 Personal Protective Equipment.....	3
• 3.14 Physical Evidence	3
• 3.15 Universal Precautions	3
Chapter 4. AUTHORITIES/REFERENCES	3
Chapter 5. RESPONSIBILITIES.....	4
• 5.1 Executive Associate Director, Homeland Security Investigations	4
• 5.2 Deputy Assistant Director, Investigative Services Division.....	4
• 5.3 Unit Chief, HSI Forensic Laboratory.....	4
• 5.4 Special Agents in Charge.....	4
• 5.5 ERT Supervisor.....	5
• 5.6 ERT Team Leader.....	5
• 5.7 ERT Training Coordinator	6
• 5.8 ERT Members	6
Chapter 6. HSI FORENSIC LABORATORY	6
Chapter 7. DEPLOYMENT GUIDELINES.....	7

Chapter 8. ERT RESPONSIBILITIES AND CAPABILITIES	8
• 8.1 ERT Responsibilities	8
• 8.2 ERT Capabilities.....	9
Chapter 9. ERT ASSIGNMENTS.....	9
• 9.1 ERT Team Leader.....	10
• 9.2 Photographer.....	10
• 9.3 Photographer’s Assistant	11
• 9.4 Sketch Preparer	11
• 9.5 Evidence Custodian	12
• 9.6 Evidence Searcher.....	12
• 9.7 Evidence Processor.....	13
Chapter 10. ELEMENTS OF AN ERT SEARCH.....	13
• 10.1 Prepare	13
• 10.2 Approach the Scene	14
• 10.3 Secure and Protect the Scene	14
• 10.4 Initiate Preliminary Survey.....	14
• 10.5 Evaluate Physical Evidence Possibilities.....	15
• 10.6 Depict the Scene Photographically	15
• 10.7 Prepare a Diagram/Sketch of Scene.....	16
• 10.8 Conduct a Detailed Search.....	17
• 10.9 Record and Collect Physical Evidence	17
• 10.10 Conduct the Final Survey.....	18
• 10.11 Release the Scene.....	19
Chapter 11. COLLECTION, DOCUMENTATION, PRESERVATION, AND PACKAGING OF EVIDENCE	19
• 11.1 Custody Receipt for Seized Property and Evidence (DHS Form 6051S).....	19
• 11.2 Custody Receipt for Seized Property and Evidence Continuation Sheet (DHS Form 6051A)	19
• 11.3 Receipt of Property (DHS Form 6051R).....	20
Chapter 12. PROPERTY VERIFICATION AND HANDLING	20
Chapter 13. EVIDENCE LABELING REQUIREMENTS.....	20
Chapter 14. CONTROLLED SUBSTANCES	20
Chapter 15. CURRENCY AND MONETARY INSTRUMENTS	21

Chapter 16. FIREARMS.....	22
Chapter 17. SEIZING COMPUTERS AND ELECTRONIC MEDIA	22
Chapter 18. SEIZING MOBILE DEVICES	23
Chapter 19. LATENT PRINTS.....	24
• 19.1 Field Processing.....	24
• 19.2 Physical and Chemical Processing.....	25
• 19.3 Lifting Latent Prints.....	26
• 19.4 Latent Print Photography	27
Chapter 20. RECORDING INKED FINGER AND PALM PRINTS	28
Chapter 21. SUBMISSION OF EVIDENCE TO THE HSI FORENSIC LABORATORY	29
Chapter 22. REPORTING REQUIREMENTS.....	30
 APPENDIX	
Appendix A Acronyms.....	A-i

EVIDENCE RECOVERY TEAM HANDBOOK

Chapter 1. PURPOSE AND SCOPE

The Evidence Recovery Team Handbook provides policy and procedures for U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Special Agents (SAs), and Seized Property Specialists (SPSs) assigned to Evidence Recovery Teams (ERTs) when recovering forensic evidence within the scope of their authority.

Chapter 2. INTRODUCTION

The primary function of ERTs is scene processing and evidence collection and preservation. ERTs use a standardized, agency-wide method for collecting and preserving physical evidence acquired during HSI investigations. This method ensures evidence integrity upon submission for forensic and scientific examination and use in successful prosecutions. This Handbook assigns responsibilities for HSI ERTs regarding the collection, documentation, packaging, and preservation of forensic evidence in support of HSI criminal investigations.

Chapter 3. DEFINITIONS

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

3.1 Chain of Custody

The movement and location of real evidence, and the history of the persons who had it in their custody, from the time it is obtained to the time it is presented in court. The form HSI uses to document chain of custody is the Custody Receipt for Seized Property and Evidence (Department of Homeland Security (DHS) Form 6051S).

3.2 Crime Scene Sketch

A permanent record of the relationship between the size and distance of the crime scene and the physical evidence within it.

3.3 Elimination Prints

Known inked finger and/or palm prints used to eliminate individuals who had legitimate access to the item or area.

3.4 ERT Members

SAs and HSI SPSs who have been selected and approved for service in an ERT by the Special Agent in Charge (SAC) and have met all the ERT basic training class requirements established by the HSI Forensic Laboratory (HSI-FL).

3.5 Evidence

Something (including testimony, documents, and tangible objects) that tends to prove or disprove the existence of an alleged fact.

3.6 Evidence Recovery

The process of seizing and/or collecting physical evidence during an investigation.

3.7 Fingerprint

An impression of the friction ridges of all or any part of the finger.

3.8 Friction Ridges

The raised portions of skin found on the palmar surfaces of the hand or the plantar surfaces of the feet, consisting of one or more pores.

3.9 Inked Prints

Intentional recordings of an individual's friction ridges with black ink, electronic imaging, photography, or other medium on a contrasting background.

3.10 Latent Prints

Unintentional reproductions of friction ridges impressed upon a surface that requires some form of development process to be visible.

3.11 Major Case Prints

Known inked impressions of all ridge detail present on the finger and the palms.

3.12 Patent Prints

Friction ridge impressions that are visible without development.

3.13 Personal Protective Equipment

Specialized clothing or equipment worn by employees for protection against health and safety hazards (e.g., gloves, face mask, eye protection).

3.14 Physical Evidence

Tangible evidence that may aid in the determination of facts during the investigation and may include the following:

- A. Firearms, magazines/speed loaders, and any add-on components;
- B. Currency and other monetary instruments;
- C. Latent and patent fingerprints and impressions;
- D. Deoxyribonucleic Acid (DNA);
- E. Fibers;
- F. Shoes and tire impressions;
- G. Questioned documents;
- H. Digital media collected from electronic devices used in perpetrating a crime; and
- I. Vehicles.

3.15 Universal Precautions

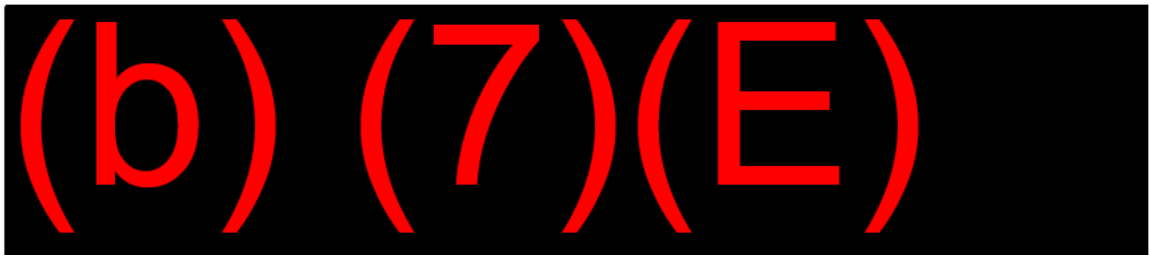
A set of precautions designed to prevent the transmission of bloodborne pathogens such as the Human Immunodeficiency Virus (HIV) and the Hepatitis B Virus (HBV). The precautions include specific recommendations for use of gloves, gowns, masks, and protective eyewear when contact with blood or body secretions is anticipated.

Chapter 4. AUTHORITIES/REFERENCES

- A. Title 8, United States Code (U.S.C.), Section 1225(d)(3), Inspection by immigration officers, Administration of oath and consideration of evidence.
- B. 8 U.S.C. § 1357, Powers without warrant.
- C. 19 U.S.C. § 482, Search of vehicles and persons.

- D. 19 U.S.C. § 1582, Search of persons and baggage; regulations.
- E. 19 U.S.C. § 1589a, Enforcement Authorities of Customs Officers.
- F. 19 U.S.C. § 1595, Searches and seizures.
- G. 19 U.S.C. § 1595a, Forfeiture and other penalties.
- H. 31 U.S.C. § 5317, Search and forfeiture of monetary instruments.
- I. Federal Rules of Evidence.
- J. Federal Rules of Criminal Procedure, Rule 41, Search and seizure.

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Chapter 5. RESPONSIBILITIES

5.1 Executive Associate Director, Homeland Security Investigations

The Executive Associate Director of HSI has the overall responsibility for the oversight of the policies and procedures set forth in this Handbook.

5.2 Deputy Assistant Director, Investigative Services Division

The Deputy Assistant Director, Investigative Services Division, is responsible for the overall management of the provisions of this Handbook within HSI.

5.3 Unit Chief, HSI Forensic Laboratory

The Unit Chief of the HSI-FL is responsible for the implementation of the ERT program, initial training of selected members, and compiling and maintaining ERT statistics.

5.4 Special Agents in Charge

SACs are responsible for implementing the provisions of this Handbook when an ERT is established within their respective areas of responsibility (AORs) and for designating an ERT Supervisor for their AORs. The SACs and/or their designees have approval authority and responsibility over all ERT matters within their AORs.

5.5 ERT Supervisor

ERT Supervisors are responsible for the operational oversight of the ERT in their AOR and for ensuring that ERT operations and deployments are in compliance with the provisions of this Handbook. ERT Supervisors or their designees will coordinate all ERT deployments. ERT Supervisors must communicate with other HSI management to resolve any conflicts that may arise from ERT activities and accomplish any managerial tasks that may be needed to run the ERT program. ERT Supervisors are also responsible for coordinating ERT members for deployment and ensuring that ERT activities are vetted through the ERT members to ensure proper coverage of all HSI and SAC priorities. (Note: The ERT Supervisor position is a collateral duty assignment held by a supervisory SA who may be a member of the ERT.)

5.6 ERT Team Leader

The ERT Team Leader is designated by the ERT Supervisor. He or she is responsible for:

- A. Overseeing field evidence recovery operations of the ERT as outlined in Section 8.1, and ensuring that the ERT complies with the provisions of this Handbook; HSI search, seizure and evidence policies; applicable operational plans; and guidelines set by the SAC and the ERT Supervisor;
- B. Consulting with the Office of the Chief Counsel or U.S. Attorney's Office, as necessary, to ensure that all searches and collections are conducted in compliance with all applicable legal standards or restrictions (i.e., items to be seized in accordance with the search warrant);
- C. Overseeing ERT deployments, equipment inventories, the collection of evidence, the processing of evidence to be submitted for forensic examination, and other tasks required to run the field operations or as designated by the ERT Supervisor;
- D. Verifying the validity and scope of the legal approval to participate in the operation as well as any draft operational plans, if applicable;
- E. Coordinating with other law enforcement agencies and ensuring that a cooperative spirit is maintained;
- F. Maintaining ERT (b) (7)(E) to keep track of ERT deployments, the status of evidence submitted for examination and/or analysis, and anything else requested by the SAC, the ERT Supervisor, or the HSI-FL. (b) (7)(E)
(b) (7)(E)
- G. Coordinating the deployment with the requesting case agent;

- H. Collecting and maintaining documentation created from field deployments. (Note: This information functions as the supporting documentation required for statistical reporting and demonstrates compliance with ERT policies.); and
- I. Assuming the role of Acting ERT Supervisor in the absence of the ERT Supervisor.

(Notes: 1) The ERT Team Leader position is a collateral duty assignment held by an SA. 2) See Section 8.1 for additional responsibilities.)

5.7 ERT Training Coordinator

The ERT Training Coordinator is an ERT member assigned by the ERT Supervisor. He or she is responsible for:

- A. Locating, researching, and submitting training opportunities to the SAC for approval;
- B. Coordinating and assigning approved training for ERT members;
- C. (b) (7)(E)
- D. (b) (7)(E)
- E. Accomplishing any other tasks needed by the ERT Team Leader.

(Note: The ERT Training Coordinator position is a collateral duty assignment held by an SA.)

5.8 ERT Members

ERT members are responsible for complying with the provisions of this Handbook. They are also responsible for maintaining proficiency in evidence collection and processing, keeping the ERT Supervisor apprised of issues related to their availability, and keeping their immediate supervisor apprised of all ERT functions that may affect their availability.

Chapter 6. HSI FORENSIC LABORATORY



(b) (7) (E)

Chapter 7. DEPLOYMENT GUIDELINES

As stated in Chapter 2, the primary function of ERTs is scene processing and evidence collection and preservation. ERT deployment guidelines and procedures are listed below.

(b) (7) (E)

(b) (7) (E)

Once an ERT completes all necessary evidence collection and processing, the evidence and all corresponding documentation will be turned over to the case agent.

Chapter 8. ERT RESPONSIBILITIES AND CAPABILITIES

ERTs are responsible for proper collection, documentation, preservation, and packaging of evidence in complex investigations. They must be flexible and able to adapt to all situations and scenarios. ERT members must be able to use their specialized expertise, gained through the ERT training program, to assess the investigation and decide on the proper course of action.

ERT members will assist in evidence recovery operations, including forensic processing, organization of complex searches, and coordination of multiple searches.

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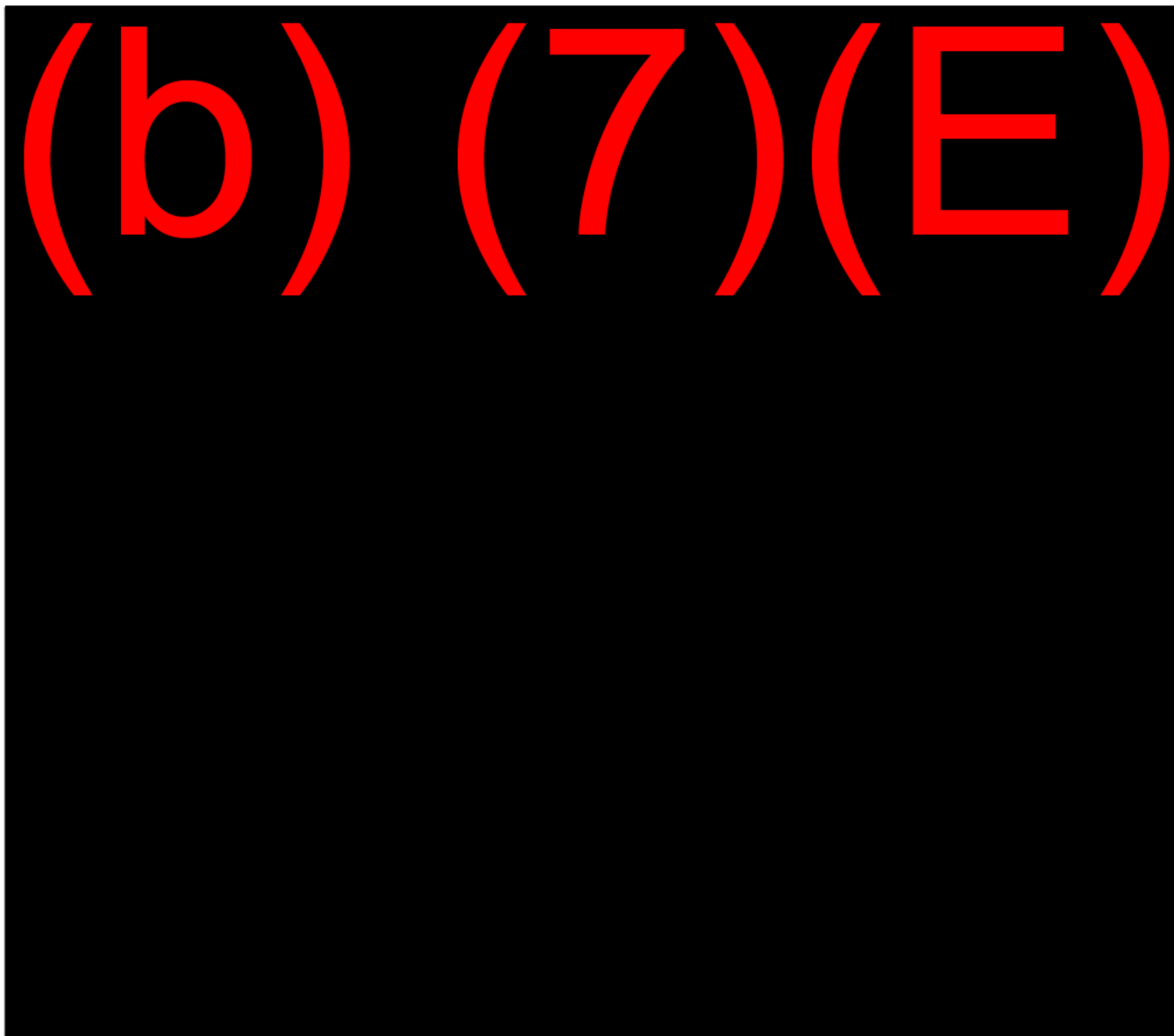
(b) (7) (E)

Chapter 9. ERT ASSIGNMENTS

Each ERT at a SAC office will be composed of (b) (7)(E) HSI SA (b) (7)(E) HSI SPS. If an SPS is not available or obtainable, an additional SA may be added. Additional personnel may be added depending on operational needs; however, all new members will be required to participate in the initial ERT training as set forth by the HSI-FL. Training sessions will be filled by prioritizing SAC offices that have no current ERT. The following are standard roles assigned to ERT team members during an ERT search. These roles will be assigned through the ERT Team Leader and may require more than one ERT member to complete the task. Unless otherwise noted, each role may be filled by an SA or SPS.

9.1 ERT Team Leader

In addition to the responsibilities listed in Section 5.6, the ERT Team Leader:



9.2 Photographer



(b) (7) (E)

9.3 Photographer's Assistant

(b) (7) (E)

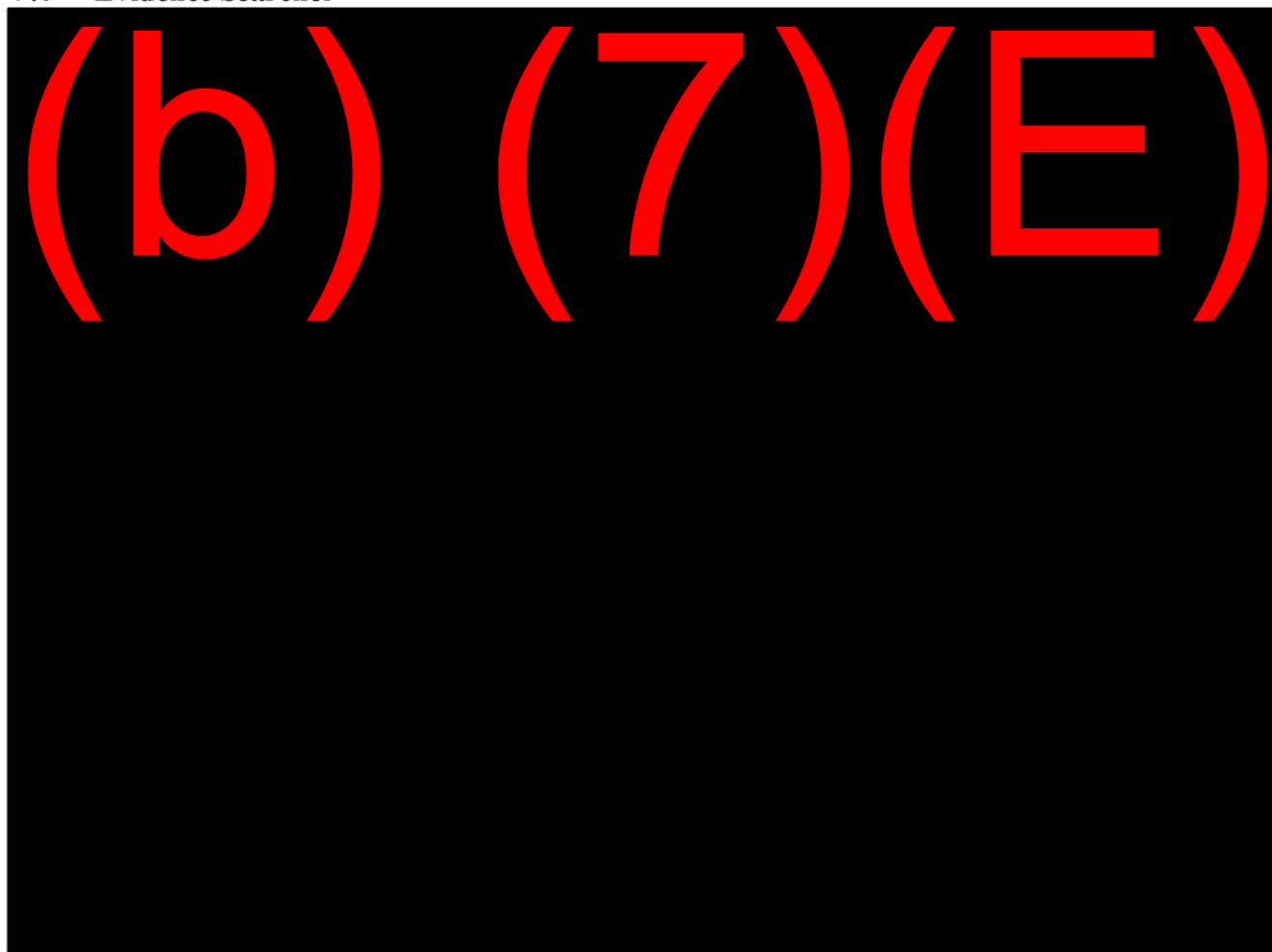
9.4 Sketch Preparer

(b) (7) (E)

9.5 Evidence Custodian



9.6 Evidence Searcher



(b) (7)(E)

9.7 Evidence Processor

(b) (7)(E)

Chapter 10. ELEMENTS OF AN ERT SEARCH

The following search elements allow ERTs to conduct a search from start to finish in a systematic, logical, and comprehensive manner. While each search will be different based on the individual circumstances present, ERT Supervisors and/or other ERT members shall, as appropriate:

10.1 Prepare

(b) (7)(E)

10.2 Approach the Scene

(b) (7)(E)

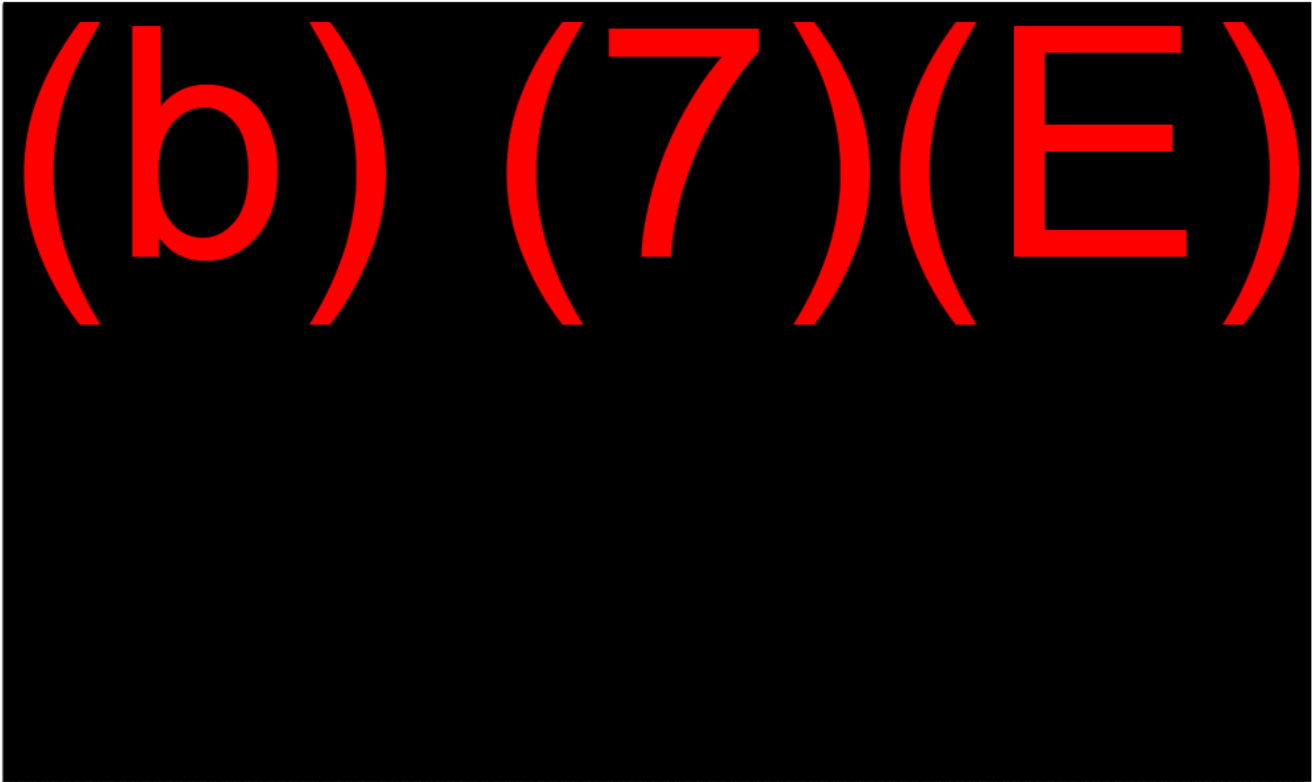
10.3 Secure and Protect the Scene

(b) (7)(E)

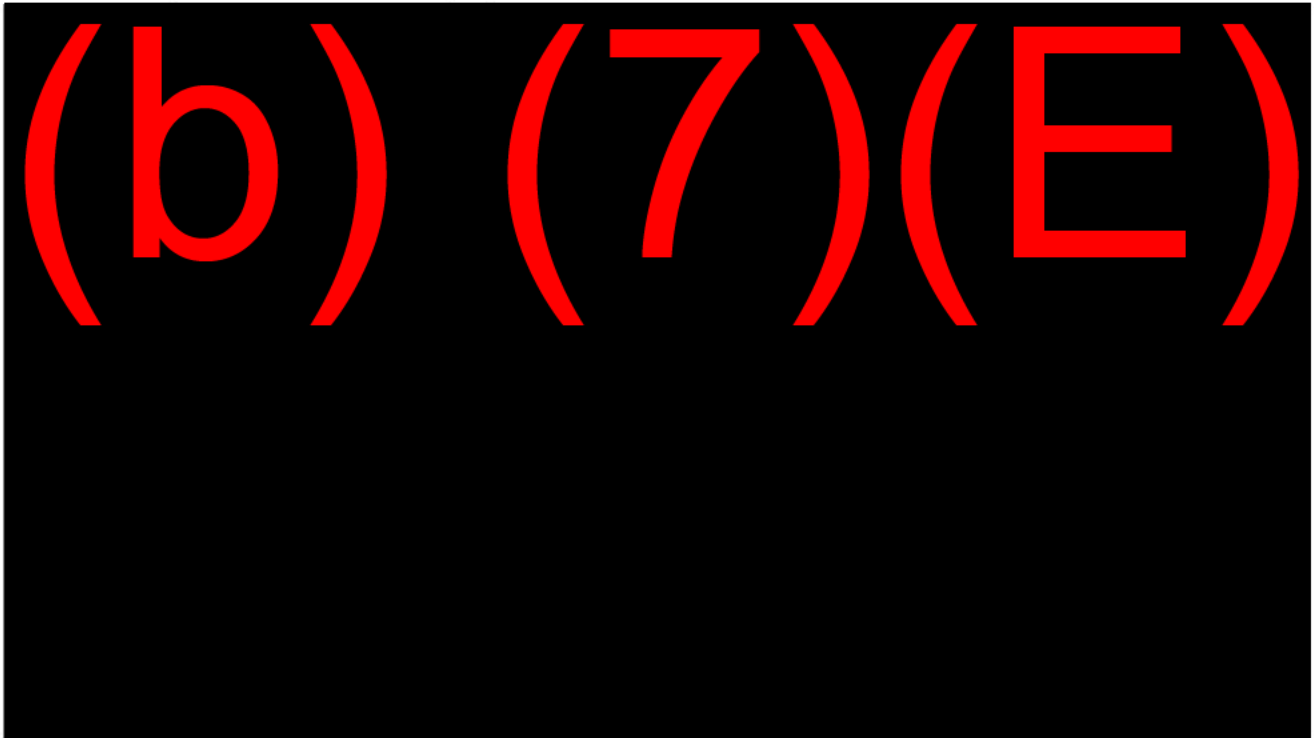
10.4 Initiate Preliminary Survey

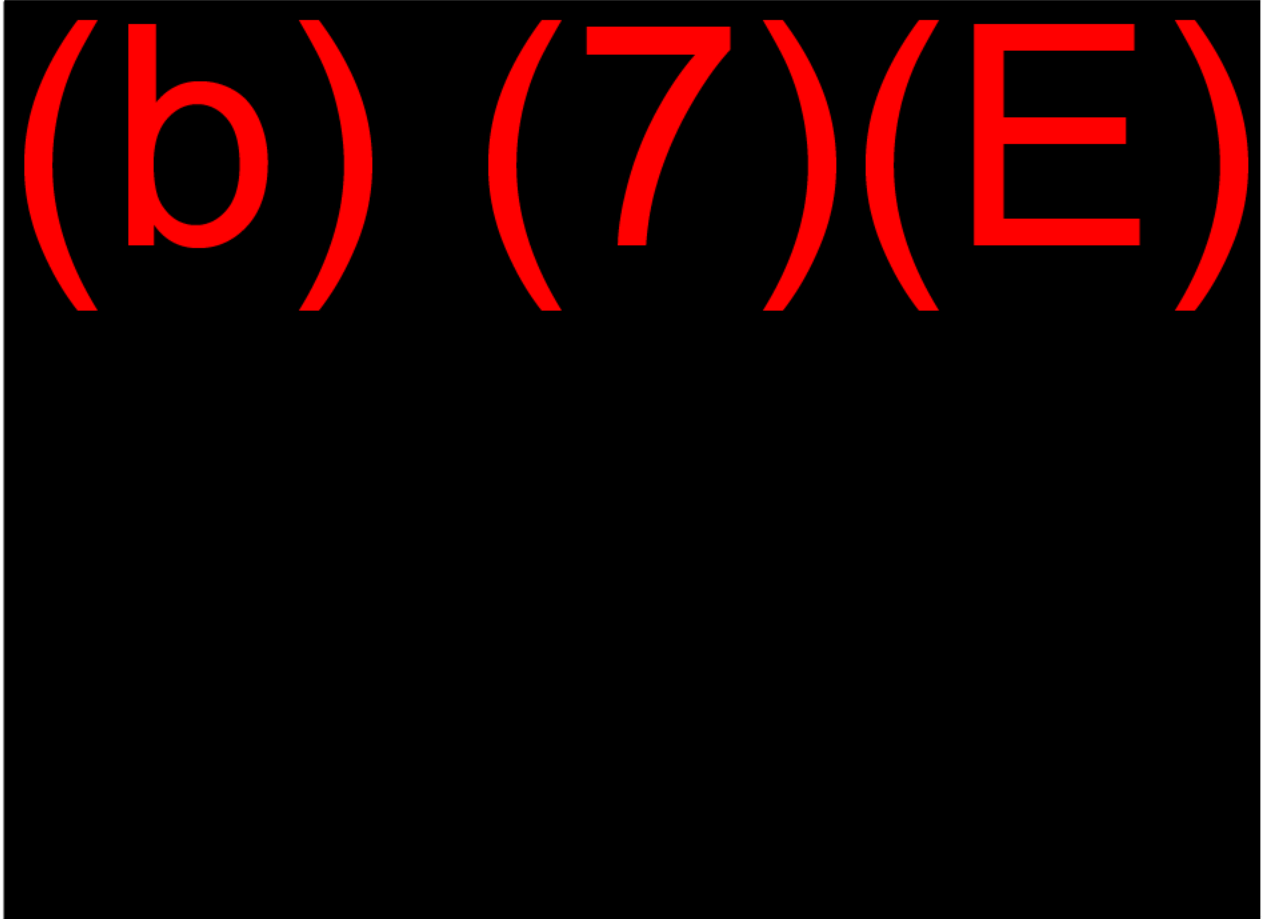
(b) (7)(E)

10.5 Evaluate Physical Evidence Possibilities

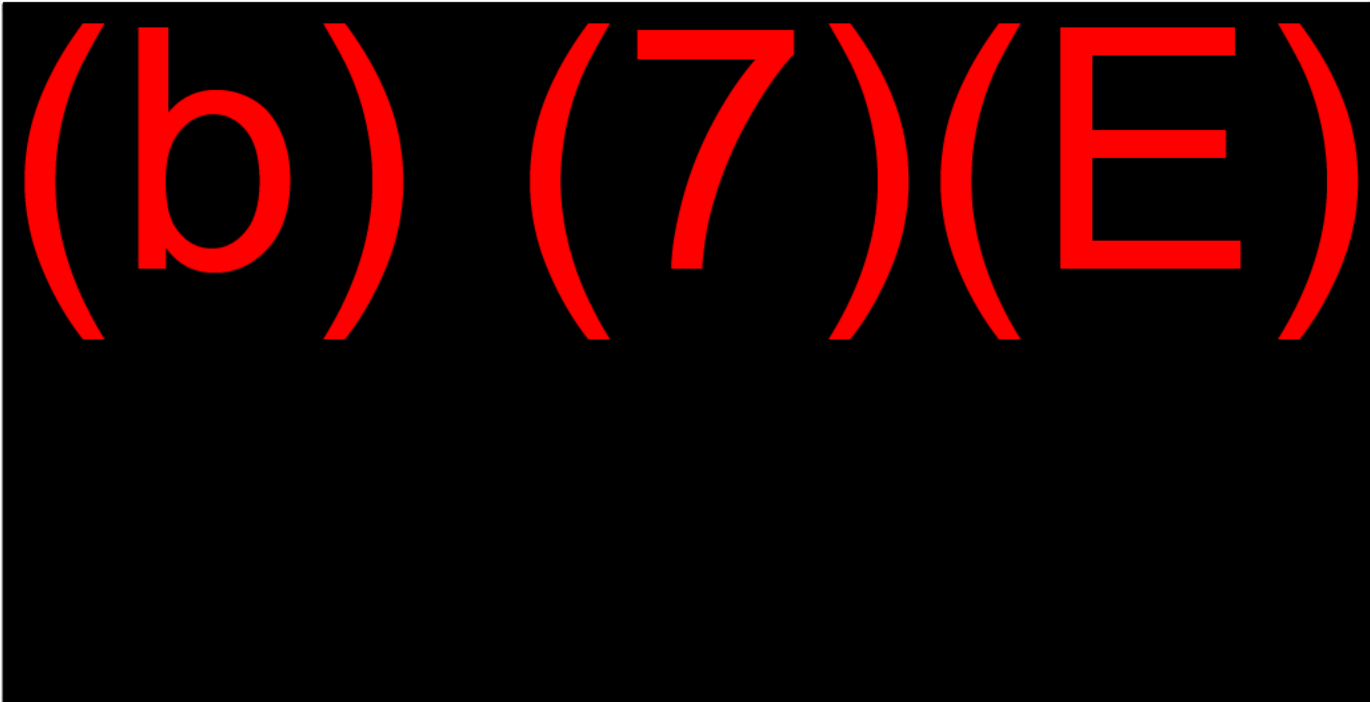


10.6 Depict the Scene Photographically





10.7 Prepare a Diagram/Sketch of Scene



(b) (7) (E)

10.8 Conduct a Detailed Search

(b) (7) (E)

10.9 Record and Collect Physical Evidence

(b) (7) (E)

(b) (7) (E)

10.10 Conduct the Final Survey

(b) (7) (E)

(b) (7) (E)

10.11 Release the Scene

(b) (7) (E)

Chapter 11. COLLECTION, DOCUMENTATION, PRESERVATION, AND PACKAGING OF EVIDENCE

(b) (7) (E)

11.1 Custody Receipt for Seized Property and Evidence (DHS Form 6051S)

The Custody Receipt for Seized Property and Evidence (DHS Form 6051S) must be completed at the time of seizure.

The original DHS Form 6051S shall remain with the property. A copy of the form should be placed in the case evidence file.

11.2 Custody Receipt for Seized Property and Evidence Continuation Sheet (DHS Form 6051A)

The Custody Receipt for Detained or Seized Property Continuation Sheet (DHS Form 6051A) is used when additional space is needed for either line items or signatures. If DHS Form 6051A is used only for signatures, a diagonal line should be drawn through the entire Block #5 (Property)

and the word “None” written along the diagonal. The original DHS Form 6051A will be attached to the original DHS Form 6051S and a current copy of both forms will be attached to the property. The originals shall be placed in the SPS property file.

11.3 Receipt of Property (DHS Form 6051R)

The Receipt of Property (DHS Form 6051R) is used to document and track the return of property that is not identified in a (b) (7)(E) Search, Arrest, and Seizure (SAS) Report (e.g., personal effects).

Chapter 12. PROPERTY VERIFICATION AND HANDLING

The use of pre-printed seizure bags and boxes is required. These seizure bags and boxes are obtained through the (b) (7)(E)

If a seizure cannot be packaged in a pre-printed seizure bag or box because of its size or configuration (e.g., car seat and furniture), the property/evidence will be sealed to prevent tampering, contamination, or damage. The evidence may be wrapped in brown paper, plastic wrap, or other material as deemed appropriate and must be sealed with tamper resistant tape. Packaging techniques must be appropriate to preserve the evidence based on the type of forensic examination being requested (e.g., latent prints).

Chapter 13. EVIDENCE LABELING REQUIREMENTS

All information on the pre-printed seizure bag and/or box must be printed legibly. If multiple bags and/or boxes are used for a single line of property, they must be labeled with the bag/box count (e.g., 1 of 4, 2 of 4, etc.). If there are multiple bags, the copy of DHS Form 6051S should be placed on the first bag only. For multiple seizure boxes, the copy of DHS Form 6051S should be placed on the first box only. It is not necessary to place a copy of DHS Form 6051S on every bag and/or box.

All seizures must contain the Fines, Penalties and Forfeitures (FP&F) case number, HSI case number, line item, and a description.

Chapter 14. CONTROLLED SUBSTANCES



(b) (7) (E)

Chapter 15. CURRENCY AND MONETARY INSTRUMENTS

(b) (7) (E)

(b) (7) (E)

Chapter 16. FIREARMS

(b) (7) (E)

Chapter 17. SEIZING COMPUTERS AND ELECTRONIC MEDIA

(b) (7) (E)

(b) (7)(E)

Chapter 18. SEIZING MOBILE DEVICES

(b) (7)(E)

(b) (7) (E)

Chapter 19. LATENT PRINTS

(b) (7) (E)

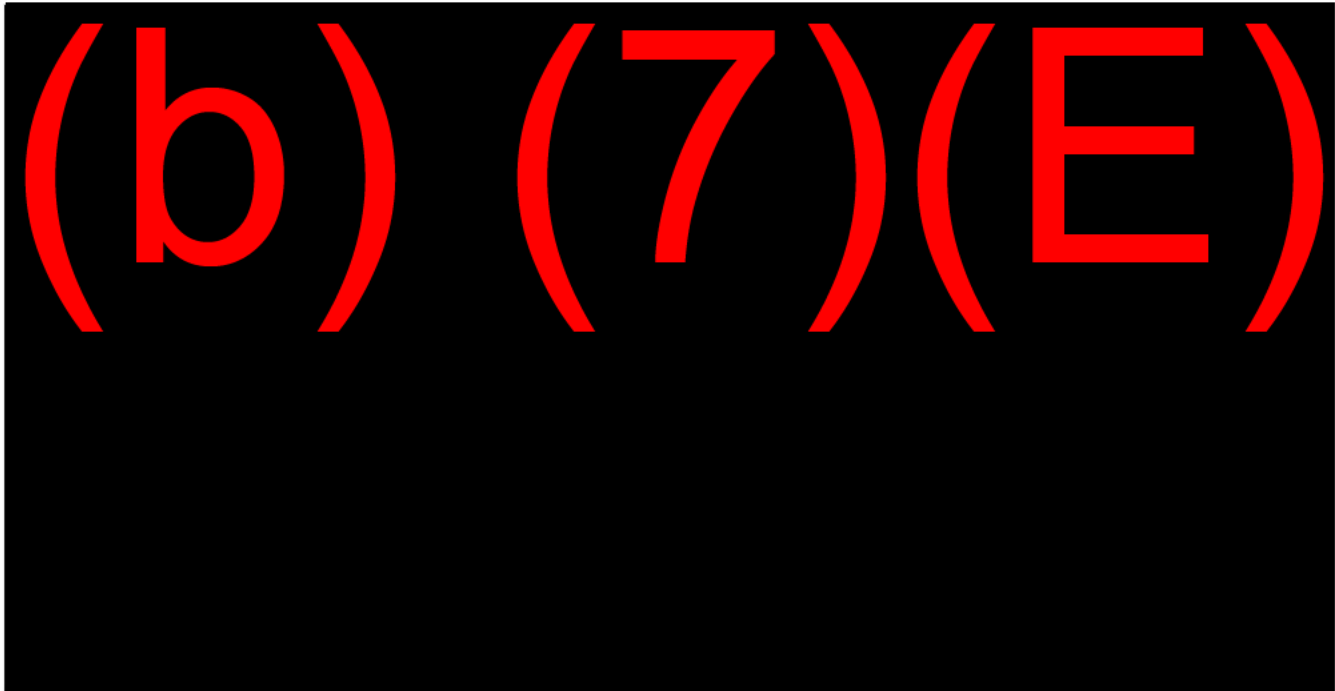
19.1 Field Processing

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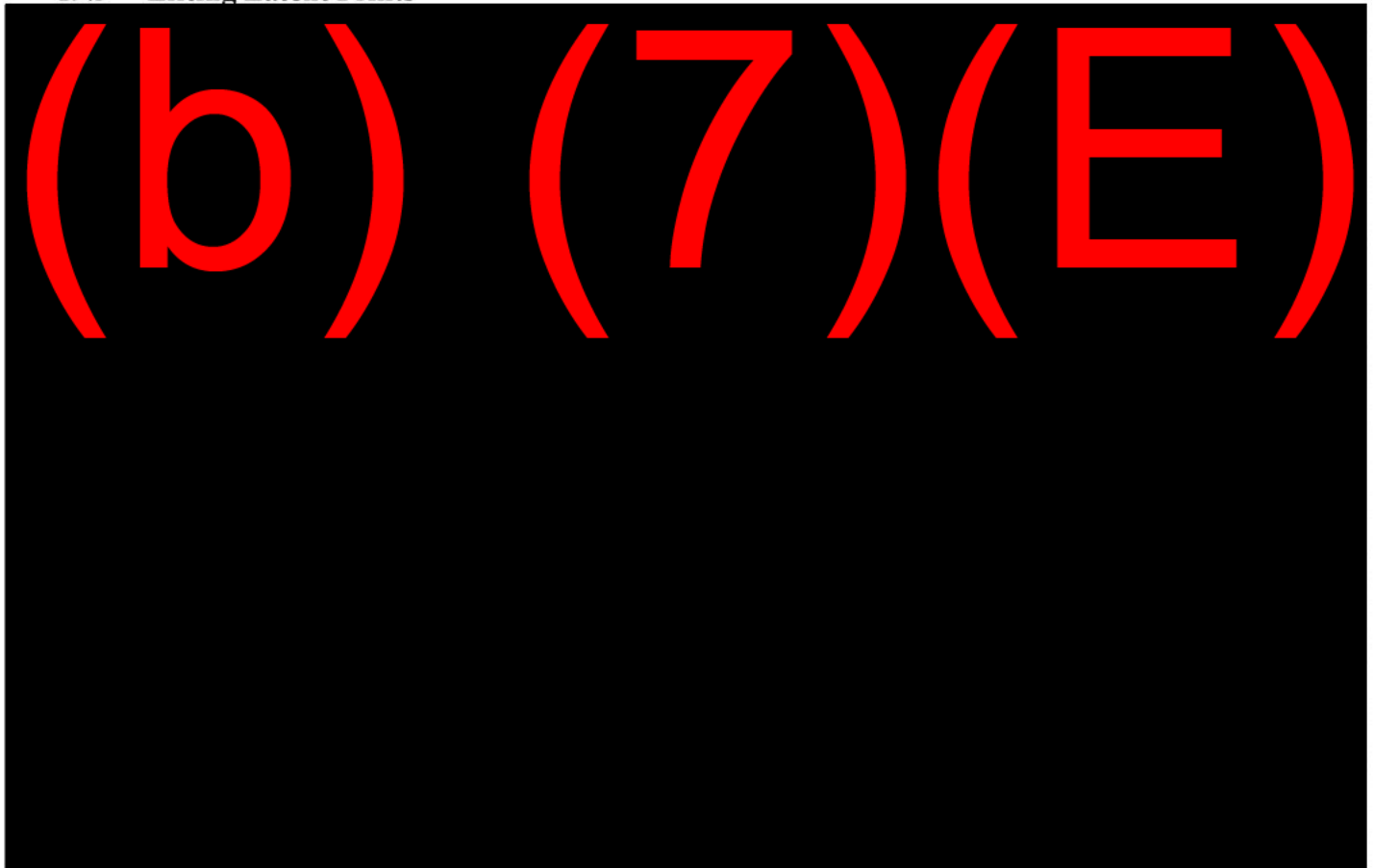
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19.2 Physical and Chemical Processing

(b) (7) (E)



19.3 Lifting Latent Prints



(b) (7) (E)

(b) (7) (E)

Chapter 20. RECORDING INKED FINGER AND PALM PRINTS

(b) (7) (E)

(b) (7) (E)

Chapter 21. SUBMISSION OF EVIDENCE TO THE HSI FORENSIC LABORATORY

(b) (7) (E)

(b) (7) (E)

Chapter 22. REPORTING REQUIREMENTS

(b) (7) (E)

ACRONYMS

AOR	Area of Responsibility
(b) (7)(E)	
CBP	U.S. Customs and Border Protection
CMI	Currency and Monetary Instrument
DHS	Department of Homeland Security
DNA	Deoxyribonucleic Acid
ERT	Evidence Recovery Team
FL	Forensic Laboratory
FP&F	Fines Penalties & Forfeitures
HB	Handbook
HSI	Homeland Security Investigations
HSI-FL	Homeland Security Investigations Forensic Laboratory
ICE	U.S. Immigration and Customs Enforcement
JPEG	Joint Photographic Experts Group
LSS	Laboratories and Scientific Services
PPE	Personal Protective Equipment
RAW	Raw Image File
SA	Special Agent
SAC	Special Agent in Charge
(b) (7)(E)	
SAS	Search, Arrest and Seizure
(b) (7)(E)	
SPS	Seized Property Specialist
TIFF	Tagged Information File Format
U.S.C.	U.S. Code
VIN	Vehicle Identification Number