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MEMORANDUM FOR: Assistant Directors
Deputy Assistant Directors
Special Agents in Charge
Attachés

FROM: Robert Hammer
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Homeland Security Investigations


03/14/2025

SUBJECT: Changes to Purchase of Evidence Tracking in SEACATS

Due to recent changes to the U.S. Customs and Border Protection (CBP), Seized Asset Management and Enforcement Procedures Handbook (SAMEPH), Homeland Security Investigations (HSI) has updated its policy to clarify how the CBP policy changes apply to HSI personnel. The updates are effective immediately. The HSI Asset Forfeiture Unit and CBP will distribute a Quick Review Guide (QRG) to provide guidance on how to submit below-referenced Incident Reports in SEACATS.

HSI HB 15-05, Chapter 9.10, Purchases of Evidence, is updated to read:

Submission of Purchase of Evidence (POE) in SEACATS

Evidence that has been purchased by the U.S. Government (POE) in furtherance of an investigation does not need to be forfeited. The U.S. Government already holds legal title to the property by virtue of the purchase. The person or entity from whom the evidence was acquired no longer has any standing regarding title or ownership; therefore, it is not subject to seizure or forfeiture but is required as evidence in a criminal investigation. All POE must be entered in SEACATS Incident Reports and follow the incident timeframes for seizures.

There are a few circumstances in which it is prudent for the U.S. Government to “forfeit” POE. In instances where POE has been coded for forfeiture, the property must be turned over to CBP. An example would be authentic merchandise of significant value that has been commingled with counterfeit merchandise or imported contrary to law. Such genuine items can be forfeited by being entered as forfeitable items in SEACATS. In this example, property can be forfeited using 19 U.S.C. § 1595(a) so that the proceeds may be deposited in the Treasury Forfeiture Fund.

All POE must be secured in an HSI Evidence Room (b) (7)(E) All POE secured in an HSI Evidence Room will be segregated from seized property and government generated evidence (GGE). Purchased schedule I & II controlled substances will continue to be

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turned over to CBP in the same timeframes as seized controlled substances. All high-risk firearms/arms will continue to be transferred to the Office of Firearms and Tactical Programs (OFTP)'s Armory Operations Unit (AOU); however, POE firearms and casings are first subject to the HSI policy memorandum, Requirement for Seized Firearms and Casings to Be Submitted to the National Integrated Ballistic Information Network (NIBIN), dated September 20, 2023, or as updated. All POE must be documented on Department of Homeland Security (DHS) Form 6051S, Custody Receipt for Seized Property and Evidence (and, if needed, DHS Form 6051A, Continuation). DHS Form 6051S or other supporting documentation for the seizure must be uploaded to the incident in SEACATS.

For purchased high-risk firearms and other lethal/less lethal dangerous devices referred to under property code (b) (7)(E) in SEACATS, including suppressors, destruction devices, machine gun conversion devices, upper and lower receivers, electrical muscular disruption devices, or other lethal/less lethal weapons, HSI Special Agents (SAs) will notify the OFTP AOU Unit Chief via memorandum to the (b) (6), (b) (7)(C) @ice.dhs.gov email inbox and provide the following information:

- 1) HSI's Investigative Case Management (ICM) case number;
- 2) Detailed description of the property identifying the make, model, serial number, caliber, barrel length, and type of item (rifle, shotgun, privately made firearm; upper/lower receiver, machine gun conversion devices, handgun, launcher, etc.);
- 3) Cost and date of acquisition;
- 4) (b) (7)(E)
- 5) Contact information for the case agent, immediate supervisor, and the Senior Firearm Instructor; and
- 6) Physical location of the evidence (specific field office).

All POE ARMs not subject to the NIBIN Policy Memorandum must be transferred to AOU within (b) (7)(E) of purchase unless there is an immediate investigative or evidentiary need. Property subject to NIBIN testing must be transferred to AOU within (b) (7)(E) of locally/internally completed testing or upon return from a NIBIN testing facility, unless there is an immediate investigative or evidentiary need which must be specifically requested in the above memorandum to the OFTP AOU Unit Chief.

To transfer POE property to AOU, the seizing officer will coordinate with their local Firearms Coordinator (FCO) and AOU. AOU will request a copy of the above memorandum to enter the POE ARMs into the Firearms Armor Credential Tracking System (FACTS). HSI SAs must upload supporting documentation generated from FACTS to SEACATS to support the closeout of the POE property in SEACATS. The case agent/seizing officer and FCO must then coordinate the transfer of the POE ARMS both in FACTS and physically to the AOU for proper disposal.

If HSI SAs require more time to transfer ARMs POE to AOU or a NIBIN testing center, the seizing or case officers must request a property waiver through their supervisor in SEACATS. The request must include a justification of why additional time is required to delay the transfer. The request must also include an attachment to show that the AOU was advised of the purchased

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evidence. If the property is required to be held at the office as evidence or an exhibit in a criminal trial, the waiver must include the justification and the prosecutor's name, office name and address, email, and telephone number.

All POE (outside of the above-referenced firearms, and schedule I and II narcotics) must be destroyed by the case agent prior to the conclusion of the investigation, unless approved for continued use by the Deputy Assistant Director (DAD), Domestic Operations. AOU will continue to receive and dispose of POE items in FACTS classified under the SEACATS property code (b) (7)(E). CBP will continue to dispose of POE schedule I & II narcotics. HSI case agents must request destruction approval from their first-line supervisor via DHS Form 4613, Order to Destroy and Record of Destruction of Forfeited, Abandoned, or Unclaimed Merchandise, in SEACATS. There must be at least one witness to the destruction and the witness must be legibly identified by name and badge number and sign the DHS 6051S, Custody Receipt for Seized Property and Evidence (and, if needed, DHS Form 6051A, Continuation). The destruction must render the property unusable by any safe method, including shredding, cutting, melting, or crushing to accomplish the destruction. The remains of nontoxic materials may be disposed of in trash receptacles. Any toxic materials must be disposed of via authorized methods (Note: Contact the CBP Laboratory and Scientific Services for the most up to date processes.). The property will be closed out in SEACATS using the (b) (7)(E) – destruction disposition.

POE with property code (b) (7)(E) will be tracked in SEACATS until transfer to FACTS, which will close the property out in SEACATS and will then be tracked in FACTS. At the conclusion of the investigation, POE property approved by the DAD, Domestic Operations for continued use in lieu of destruction will be closed out in SEACATS and transferred to the appropriate government property tracking system using the General Services Administration (b) (7)(E) disposition.

Each action regarding POE must be recorded in a Report of Investigation. This includes the initial purchase, transfer to CBP, transfer to an HSI Evidence Room, transfer and return from NIBIN test centers, transfer to AOU, approval for continued use, and/or ultimate destruction.

The use of property under the control of federal agencies is governed by 41 C.F.R., Chapter 102. The use and disposition of firearms is governed by 41 C.F.R. § 101-42.1102-10, and by ICE Directive 19003.3, Firearms and Use of Force, dated May 26, 2023, and the accompanying Firearms and Use of Force Handbook, dated August 2, 2021, or as updated or superseded. (Note: The ICE Firearms and Use of Force Directive and Handbook are posted on the ICE Policy Manual (IPM), including individual updated Chapters of the Handbook.)

Superseded

This memorandum supersedes Section 9.10, "Purchases of Evidence," of the Evidence Handbook (HSI HB 15-05), dated November 9, 2015. (Note: Section 9.10 was superseded by the HSI policy memorandum, Requirement for Seized Firearms and Casings to Be Submitted to the National Integrated Ballistic Information Network (NIBIN), dated September 20, 2023, for the limited purposes for firearms and casings required to be sent to NIBIN centers for testing.)