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MEMORANDUM FOR: Assistant Directors  
Deputy Assistant Directors  
Special Agents in Charge  
Homeland Security Investigations

FROM: Katrina W. Berger  
Executive Associate Director  
Homeland Security Investigations

*Katrina W. Berger*  
12/18/2024

SUBJECT: Evidence Timeframes

The purpose of this memorandum is to update the Homeland Security Investigations (HSI) policy on evidence timeframes as set forth in the HSI Evidence Handbook (HSI HB 15-05), dated November 9, 2015, to clarify policy for HSI personnel and comply with recent changes to the U.S. Customs and Border Protection (CBP) Seized Asset Management and Enforcement Procedures Handbook (SAMEPH).

**HSI HB 15-05, Chapter 11, SEACATS AND SEACATS INCIDENT REPORTS (RECORDING SEIZURES) is updated in part to read:**

**CHAPTER 11, SEACATS INCIDENT REPORTS (RECORDING SEIZURES)**

Seized property must be recorded in SEACATS Incident Reports. Government-generated evidence (GGE) is not entered into SEACATS but tracked on Department of Homeland Security (DHS) Form 6051S, Custody Receipt for Seized Property and Evidence (or DHS Form 6051A – Continuation) and secured in an HSI Evidence Room, segregated from seized property that is entered into SEACATS. A Report of Investigation (ROI) must be generated to document all Incident Reports and to account for and track any GGE stored in an HSI Evidence Room.

Special Agents (SAs) and Task Force Officers (TFOs) must generate a SEACATS Incident Report number (b) (7)(E) this timeframe cannot be waived. SAs must then submit the SEACATS Incident Report for approval (b) (7)(E) of generating the SEACATS Incident Report number. The Incident Report must have the DHS Form 6051S and, as needed, the DHS Form 6051A attached to the submission for the supervisor to review. If SAs or TFOs require additional time to submit the SEACATS Incident Report for approval, they must request an Incident/Event Waiver from the Asset Forfeiture Unit (AFU) in SEACATS through their first-line supervisor before the expiration of the required (b) (7)(E)

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timeframe. The request must include the justification supporting the request for extension and the expected date of submission of the SEACATS Incident Report for approval.

The first-line supervisor is required to approve the SEACATS Incident Report (b) (7)(E) hours of the initiator submitting it for approval. The supervisor is required to ensure that all custodial documents, i.e., DHS Forms 6051S and, if needed, A, are completed in full and attached to the SEACATS Incident Report prior to approving the SEACATS Incident Report. If a DHS Form 6051S and, if needed, A, is generated electronically, the supervisor will ensure that the seizing SA or TFO digitally signed box 15 of DHS Form 6051S prior to approving the Incident Report.

If the supervisor must return the SEACATS Incident Report to the initiator for edits/corrections, the initiator has (b) (7)(E) to make the required corrections and resubmit the SEACATS Incident Report to the supervisor for approval. The supervisor has (b) (7)(E) to approve the resubmitted SEACATS Incident Report.

**HSI HB 15-05, Section 12.3, Storage of High-Risk Evidence,** (which was superseded, in part, by the HSI memorandum with subject line, Requirement for Seized Firearms and Casings to Be Submitted to the National Integrated Ballistic Information Network (NIBIN), dated September 20, 2023 (hereafter, the NIBIN memorandum) **is updated to read:**

### **12.3 Storage of High-Risk Evidence**

HSI will transfer low-risk forfeitable and all high-risk evidence to CBP (b) (7)(E) days from approval of the SEACATS Incident Report. If additional time is required for controlled deliveries, cold convoys, appraisals, or other operational needs, HSI case agents and TFOs must request a ‘Property Only’ waiver from AFU in SEACATS through their first-line supervisor before the expiration of the (b) (7)(E) required timeframe. The request must include the justification for the request for extension and the expected date the property will be permanently transferred to CBP or temporarily transferred (TM) to a certified laboratory for testing. Waivers are not required when property is in TM status with documentation supporting the transfer.

**Section 12.4, Storage of Forfeitable Evidence, is deleted in full.**

### **Superseded**

This memorandum supersedes several sections of the HSI Evidence Handbook (HSI HB 15-05), dated November 9, 2015, as updated by memoranda: Section 11 (introductory language); Section 12.3, Storage of High-Risk Evidence (which is set forth in the HSI memorandum with subject line, Change in Timeframe for the Transfer of High-Risk Evidence to the U.S. Customs and Border Protection, dated June 2, 2022 (High-Risk Evidence Timeframe memorandum)); and Section 12.4, Storage of Forfeitable Evidence, including its timeframes.

In addition, this memorandum supersedes the High-Risk Evidence Timeframe memorandum, which was previously superseded in part by the NIBIN memorandum.