AR 195-5
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Army Regulation 195–5

Criminal Investigations

Evidence Procedures

MAR 2 2 1993

Headquarters
Department of the Army
Washington, DC
28 August 1992

Unclassified

SUMMARY of CHANGE

AR 195-5
Evidence Procedures

This revision--

- Establishes requirement that USACIDC military evidence custodians be enlisted special agents unless no accredited enlisted agents are available. Further, it allows civilian special agents and investigative operations assistants to be evidence custodians under certain circumstances. It also allows civilians to be MP evidence custodians (para 1-6).

- Establishes policy that failure to follow provisions of the regulation will not affect admissability of evidence in a criminal trial unless the evidence is otherwise inadmissable (para 1-7).

- Replaces the shoe tag DA Form 4002 (Evidence/Property Tag) with a self-adhesive label. Blocks for time, date, and initials have been added making the form multipurpose and enabling it to be affixed directly to heat sealed evidence bags and non-porous items. Further, eliminates the requirement for the smaller label over the heat sealed strip on heat sealed evidence bags (paras 2-1 and 5-2b(4)).

- Delegates authority to USACIDC region commanders to warrant officers as evidence custodians, and to grant relief from accountability of evidence (paras 1-6 and 3-3b).

- Establishes procedures for using plain bond paper for continuation pages for listing of evidence, rather than additional copies of DA Form 4137 (para 2-3).

- Addresses special handling and transmittal of evidence requiring expeditious handling in processing and forwarding to forensic laboratory, as established by Byrd Amendment (para 2-7c(2)).

- Allows limited exception for U.S. Army Criminal Investigation Laboratories to make final disposition of evidence when the laboratory commander, the contributor, and advising Staff Judge Advocate, agree that final disposition by the laboratory is in the Government's best interest (para 2-7d(3).

- Establishes formal procedures for release of evidence to civilian agencies (para 2-8d).

- Articulates special considerations when making final disposition of effects of deceased or missing personnel to preclude causing embarrassment or added sorrow to next of kin (para 2-8j(9)).

- Allows for contraband firearms, or those used in the commission or attempted commission of an offense, to be forwarded to the U.S. Army Criminal Investigation Laboratory-CONUS for final disposition. Further, establishes certain procedures to be followed prior to firearms used in suicides being forwarded to that laboratory for final disposition. (paras 2-8j(12) (c) and (d)).

- Establishes special processing procedures for certain 6(e) (Federal Grand Jury Materials) held as evidence (para 2-9).

- Establishes procedures for long-term retention of certain evidence (para 2-12).

- Provides safety procedures for handling actual or suspected contaminated evidence (for example Acquired Immune Deficiency Virus, Hepatitis) (para 2-13).

- Establishes limited exception to requirement for monthly inspections or quarterly inventories when the evidence room has had no accountable evidence since the previous inspection or inventory (paras 3-1c and 3-2b).

- Allows for use of modified Class V container for evidence storage at locations where evidence volume is insufficient to justify construction of an evidence room (para 4-1d).

- Includes separate chapter establishing procedures for submission of evidence to USACIL for examination, and addresses special procedures for laboratory examination of certain evidence which falls under the Garries Ruling (chap 5).

Headquarters
Department of the Army
Washington, DC
28 August 1992

*Army Regulation 195–5

Effective 28 September 1992

Criminal Investigations

Evidence Procedures

By Order of the Secretary of the Army:

GORDON R. SULLIVAN
General, United States Army
Chief of Staff

Official:

MILTON H. HAMILTON
Administrative Assistant to the
Secretary of the Army

History. This UPDATE printing publishes a revision of this publication. Because the publication has been extensively revised, the changed portions have not been highlighted.

Summary. This regulation on criminal investigation evidence procedures has been revised. It covers Department of the Army policy on criminal investigation evidence procedures, including the collection, accountability, preservation, and disposition of evidence. It also delineates responsibility and authority 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, and the U.S. Army Reserve. All provisions of this regulation are in effect during mobilization.

Internal control systems. This regulation is subject to the requirements of AR 11–2. It contains internal control provisions but does not contain checklists for conducting internal control reviews. These checklists are in DA Circular 11 series.

Supplementation. Supplementation of this regulation and the establishment of command and local forms are prohibited without prior approval from HQDA (DAMO–ODL), WASH DC 20310–0440.

Interim changes. Interim changes to this regulation are not official unless they are authenticated by the Administrative Assistant to the Secretary of the Army. Users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

Suggested improvements. The proponent agency for this regulation is the Office of the Deputy Chief of Staff for Operations and Plans. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA (DAMO–ODL), WASH DC 20310–0440.

Distribution. Distribution of this publication is made in accordance with the requirements on DA Form 12–09–E, block number 3187, intended for levels A for Active Army, D for Army National Guard, and A for U.S. Army Reserve.

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*This regulation supersedes AR 195-5, 15 October 1981.

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Chapter 1
General

1–1. Purpose

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.

1–2. References

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

1–3. Explanation of abbreviations and terms

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

1–4. Responsibilities

a. The Commanding General, USACIDC, will—

(1) Prescribe policies and procedures for processing and securing evidence.

(2) Prescribe methods to secure and account for evidence at U.S. Army Criminal Investigation Laboratories (USACILs).

b. Unit commanders of USACIDC, as appropriate, will—

(1) Appoint in writing primary and alternate evidence custodians.

(2) Supervise the evidence custodian.

(3) Ensure proper handling and processing of evidence and inspect the evidence room monthly. Inspection may be conducted by the Executive Officer, Operations Officer, Special Agent-in-Charge (SAC), or Chief Investigative Support (CIS), providing they are not performing duties as the primary or alternate evidence custodian.

c. Provost marshals (PMs) will—

(1) Appoint in writing primary and alternate evidence custodians for MP activities. The PM may appoint a DA civilian employee as evidence custodian.

(2) Supervise the evidence custodian.

(3) Ensure proper handling and processing of evidence and conduct an inspection of the evidence room monthly. The Deputy PM or operations officer may conduct the monthly inspection for the PM.

d. The primary evidence custodian will—

(1) Account for, preserve, safeguard, and dispose of 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, and needless damage.

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

1–5. Requests for waiver

a. USACIDC activities. Requests for waiver to this regulation will be sent to the Commander, USACIDC, ATTN: CIOP–PP–PO, 5611 Columbia Pike, Falls Church, VA 22041–5015.

b. MP activities. The installation commander may approve requests for waiver. Information copies will be furnished to the commander of the major Army command (MACOM) concerned.

c. Documentation required.

(1) Request for waiver 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.

d. Approved waivers. If the waiver is approved, the requesting agency will keep a copy of the approved request until the deficiency is corrected or the waiver expires. Waivers will normally not be effective for more than 1 year.

1–6. Primary and alternate evidence custodians

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. Approval for use of a warrant officer special agent in this capacity is delegated to USACIDC region commanders.

(b) MP activities. The evidence custodian must be a commissioned MP officer or a noncommissioned officer (NCO) in military occupational specialty (MOS) 95B/C in the rank of sergeant or above.

(2) *Civilian evidence custodians.*

(a) USACIDC activities. In the absence of available accredited enlisted or warrant officer special agents, accredited DA civilian special agents may be appointed as evidence custodians. At a location where there is no authorized enlisted evidence custodian specifically designated as such in personnel authorization documents, fully qualified DA civilian investigative operations assistants, Job Series GS–1802, may be appointed as primary evidence custodians. At locations with both an authorized enlisted evidence custodian and an investigative operations assistant, the investigative operations assistant may be assigned as the alternate evidence custodian.

(b) MP activities. If a civilian is authorized, the grade level will be determined by a classification accomplished by the local civilian personnel office. A civilian must have a favorable background investigation to be appointed or retained as evidence custodian.

b. Appointment. A copy of the appointing documents (fig 1–1) will be kept in the evidence room under file Number 310–2c. The appointing documents will be filed as long as the primary and alternate custodians retain the positions. Cite this regulation as authority to appoint the primary and alternate evidence custodians.

c. Temporary custodianship.

(1) On assuming 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. 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 CID supervisor or PM. The primary evidence custodian

will also prepare a memorandum 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 under Number 195–5a if the error was not on a DA Form 4137. A copy of the memorandum will be placed in the proper case file.

1–7. Policy

This regulation is for the internal management, control, and disposition of evidence of criminal misconduct. It does not create or 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.

DEPARTMENT OF THE ARMY
ORGANIZATIONAL NAME/TITLE
CITY, STATE, AND ZIP CODE

CIRCA-RMC (310-2c) 1 May 90

MEMORANDUM FOR SFC Cleophus R. Little, 125-08-3622, Fort McClellan Resident Agency, Third Region, U.S. Army Criminal Investigation Command, Fort McClellan, AL 36205-5000

SUBJECT: Duty Appointment: Primary Evidence Custodian

1. Effective 1 May 90, you are appointed as the Primary Evidence Custodian for the Fort McClellan Resident Agency.

2. Authority: Paragraph 1-4b. AR 195-5.

3. Purpose: To perform duties as outlined in AR 195-5.

4. Period: Indefinite.

5. Special Instructions: Memorandum dated 21 Mar 89, SAB, is hereby rescinded.

JAMES B. WHITE
CW3, USA
Special Agent-in-Charge

DISTRIBUTION:
SFC Little
Admin File
Evidence Room File

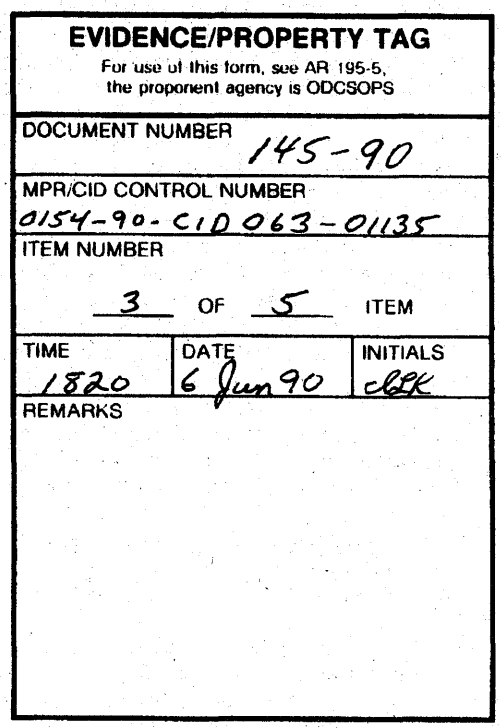
Figure 1–1. Sample of appointment document

Chapter 2
Recording and Accountability of Evidence

2–1. Identification

a. The DA law enforcement person first assuming custody of evidence will mark the evidence itself for future identification. If such marking is not possible, the evidence will be put in a container that can be marked. The marking will consist of time and date of acquisition and the initials of the person who assumes custody of the evidence. Further guidance is in FM 19–20.

b. A DA Form 4002 (Evidence/Property Tag), self-adhesive (fig 2–1), will be attached to each item of evidence to identify and control it. When items are grouped together (for example, a box containing tools) and listed as one item on an evidence custody document, only one tag will be used. The self-adhesive revised version replaces the shoe tag version of the Evidence/Property Tag; however, the shoe tag version will be used when appropriate until supplies are exhausted. When the self-adhesive version is used, it may be affixed directly to the item of evidence, if appropriate, or it may be affixed to a blank shoe tag which is attached to the item. Requests for DA Form 4002 should be sent to Commander, U.S. Army Publications and Distribution Center-Baltimore, 2800 Eastern Blvd., Baltimore, MD 21220–2896.



EVIDENCE/PROPERTY TAG

For use of this form, see AR 195-5, the proponent agency is ODCSOPS

DOCUMENT NUMBER 145-90

MPR/CID CONTROL NUMBER 0154-90-CID063-01135

ITEM NUMBER 3 OF 5 ITEM

TIME	DATE	INITIALS
1820	6 Jun 90	CBK

REMARKS

DA FORM 4002, JUL 92

Replaces DA Form 4002, 1 JUL 76 which is obsolete.

Figure 2–1. Sample of a completed DA Form 4002

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 or valuable items that may ultimately be returned to the owner is unwarranted. 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 markings on an antique wooden music box recovered during apprehension of the suspect of a housebreaking/larceny. To avoid defacing or damaging such items, identification markings should be as inconspicuous as possible; otherwise, place the item in a container that can be sealed and marked for identification. Such nonporous items may be alternatively marked by affixing a properly completed self-adhesive Evidence/Property Tag.

d. When heat-sealed bags are used as containers, a self-adhesive Evidence/Property Tag will be affixed to the outside of each bag, away from the heat sealing strip. When the items of evidence contained within the bag cannot be properly marked, marking time, date and initials on the Evidence/Property Tag on the exterior of the bag is appropriate. There is no requirement for any additional label to be affixed on the heat sealing strip at the point the strip is embossed. (See para 5–2b(4) for detailed instructions on use of heat-sealed bags.)

2–2. Sealing

Instructions for sealing evidence containers and for submitting evidence to USACILs are detailed in chapter 5. (See para 2–9 for special instructions applicable to Federal Grand Jury materials held as evidence.)

2–3. Preparation of DA Form 4137

a. Regardless of how it is obtained, all physical evidence will be inventoried and recorded on DA Form 4137 (figs 2–2 through 2–4). Requests for DA Form 4137 should be sent to Commander, U.S. Army Publications and Distribution Center-Baltimore, 2800 Eastern Blvd., Baltimore, MD 21220–2896. For the purposes of this regulation, the DA Form 4137 will be referred to as an evidence custody document.

b. The DA law enforcement person who first acquired the evidence must prepare the evidence custody document, 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 evidence custody document will be given as a receipt to the person releasing the evidence or left 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 evidence custody document will be turned over to the evidence custodian for processing and distribution per paragraph 2–4. (See para 2–9 for special instructions applicable to Federal Grand Jury materials held as evidence.)

c. When evidence is sealed in a container, the 'Description of Articles' section will be annotated as follows: 'Sealed in a plastic bag (or whichever container applies).'

d. Any change in custody of evidence, after the USACIDC or MP acquire it, will be recorded in the 'Change of Custody' section of the evidence custody document. Personnel handling or processing physical evidence must preserve the integrity of the evidence while it is under their control. Personnel must also maintain the chain of custody entries on the original evidence custody document and copies, as appropriate. When custody of sealed fungible evidence or other sealed evidence is changed, the 'Purpose of Change of Custody' column will be noted 'Sealed container received, contents not inventoried.' This may be abbreviated as 'SCRCNI.'

e. Evidence custodians will review the evidence custody document submitted with evidence and have the submitting agent correct and initial all errors when possible. (See para 2–9 for special instructions applicable to Federal Grand Jury materials held as evidence.) When evidence is received from a non-Army law enforcement agency, the special agent or MP who first receives it will inventory and mark the evidence if the other agency has not already done so, and will prepare an evidence custody document. Any receipts or chain of custody documents from the other agency will be attached to the evidence custody document. This requirement does not apply to USACIL. Evidence custodians will not breach or inventory the contents of sealed containers, but will annotate the 'Purpose of Change of Custody' with SCRCNI.

f. Limitation .0015 Contingency Funds seized as evidence will be identified on the evidence custody document as .0015 funds. A copy of the DD Form 281 (Voucher for Emergency or Extraordinary Expense Expenditures) that provided the CID funds seized as evidence will be maintained with the original of the evidence custody document.

g. When continuation pages are necessary for listing additional items of evidence, bond paper will be used as continuation pages. After the last item entered on the first page of the evidence custody document, 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 Military Police Report (MPR) or CID 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 evidence custody document).' The listing of items will continue until all items seized have been recorded. The 'Last Item' entry will be made when the listing of all items has been exhausted. 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.

h. When extra pages are necessary for continuing the chain of custody, a new evidence custody document will be used. The report

number, receiving activity, location, and person from whom received, will be entered as shown on the original voucher. 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.

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 per paragraph 4–3. It will be controlled by the person securing it until released to the custodian. Activities served by an evidence room in a separate location will release the evidence either physically or by registered mail to the servicing evidence custodian within 2 working days after the evidence is acquired. Transmittal procedures in paragraph 2–7 will be followed. (See para 2–9 for special instructions applicable to Federal Grand Jury materials held as evidence.)

b. On receipt of the evidence and evidence custody document, the evidence custodian will assign a document number. This document number is two groups of digits, separated by a hyphen. The first group is the number of the document beginning with the number '1' for the first evidence custody document received for the calendar year; the second group stands for the current calendar year (for example, 1–90). The number is assigned by order of precedence from the evidence ledger (para 2–5). The number will be on all copies of evidence custody document (to include continuation pages prepared on bond paper) and Evidence/Property Tag.

c. The evidence custodian will distribute the evidence custody document (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 evidence custody document. The second copy will be given to the CID special agent or MP and will be placed in the proper case file.

d. The location of the evidence in the evidence room will be shown in pencil on the bottom margin of the evidence custody document. Location changes in the evidence room will be kept current by erasing the previous entry and noting the new location.

e. Active evidence custody document 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.

(1) Active evidence custody document files will be put in numerical sequence in a file folder no thicker than 3/4 inch, or so that no more than 50 vouchers with attached documents are contained in a folder. The number and year of the documents in the folder will be shown on the outside (for example, 01–90 through 50–90.)

(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 investigation or court-martial), the original evidence custody document will go with the evidence, and the first copy of the evidence custody document 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 laboratories.

(b) One labeled 'ADJUDICATION' for evidence on temporary release to Article 32 investigating officers, courts, staff judge advocate (SJA) officers, or other persons for legal proceedings.

(c) One labeled 'PENDING DISPOSITION APPROVAL' for the first copy when the original form is sent to the SJA for approval of disposition.

(d) Others, if needed, as management tools. Evidence custodians should establish a suspense system to maintain the status of evidence custody documents and evidence at all times. This is not meant to be an additional administrative burden but a tool to assist in the timely disposition of evidence and to prevent lost or misplaced evidence.

f. After all items of evidence listed on an evidence custody document have been properly disposed of, the original evidence custody document, and related documents, will be placed in a separate evidence custody document file labeled inactive under file Number 195–5a. This inactive file will be numbered as in e(1) above. This file will be maintained in the evidence room. The evidence custody documents will be disposed of per AR 25–400–2. Once the original evidence custody document has been placed in the separate inactive evidence custody document file, duplicate copies may be destroyed.

g. When the evidence custody document pertains to an ROI or DA Form 3975 (Military Police Report), a copy of the evidence custody document 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 the evidence custody document will be forwarded as an exhibit to the supplemental report. A copy of the evidence custody document will also be attached to the office file copy of the report.

h. The suspense copy of the evidence custody document will be placed in the inactive evidence custody document file (noting the disposition of the original form) if one of the following conditions exist:

(1) The original evidence custody document 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.

i. 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 the evidence custody document. A memorandum for record explaining the apparent changes will also be prepared and attached to the evidence custody document by the evidence custodian. If the change was due to conduct of a field test, a copy of the field test form will be attached and no memorandum for record is required. When a controlled substance is consumed during laboratory analysis, a copy of the laboratory report will be attached to the evidence custody document by the evidence custodian.

2–5. Evidence ledger

a. Accountability. The evidence ledger shows accountability through cross-reference with the evidence custody document. It accounts for document numbers assigned to evidence custody documents per paragraph 2–4b. Evidence ledgers must be bound books and will follow the disposition schedule set for Modern Army Record-keeping System (MARKS) files category 195–5a, per AR 25–400–2, paragraph B–10.

b. Preparation and maintenance of the evidence ledger. The evidence ledger is prepared with six columns that span two facing pages when the book is opened. (See fig 2–3 for column headings.) Each page needs 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 2–9 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 evidence custody document by the evidence custodian. The date the evidence custody document 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. When evidence pertains to both a CID and MP investigation, the corresponding control number should be entered in the remarks column (for example, the CID control number would be entered in the MP evidence ledger, or the MPR number would be entered in the CID evidence ledger).

(c) Description of evidence. A brief description of the evidence is entered in this column. The item number from the evidence custody document will be included in this entry. Fungible or other evidence sealed in a container will be briefly described from data on the evidence custody document. 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 the evidence custody document, is entered in this column. When an evidence custody document contains several items that are not disposed of on the same date, the date of disposition for each item will be shown opposite the item's 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 Jun 90—all items).

(e) Final disposition. A brief note on the means of final disposition is entered in this column opposite the item's 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).

(f) Remarks. This column is used to record any information the evidence custodian deems necessary. This may include cross-references to another evidence custody document with evidence from the same investigation; names of owners, subjects, or investigators; notations to show presence of .0015 funds; or results of laboratory examinations. When fungible or other evidence is received in a sealed container and is not inventoried, the notation 'SCRCNI' will be made.

(2) Whenever entries require signatures in the evidence ledger (for example, temporary absence of custodian, change of custodian, or recording inspections, inventories, and inquiries) the entry will extend across both pages of the ledger. This will be done by making a straight line across both pages below the last evidence custody document 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 evidence custody documents 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 a line drawn through the entry (so it may still be read) and initialed by the custodian.

(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.

2–6. Maintenance of evidence

a. Evidence will be stored so that the integrity and physical characteristics are maintained. (See para 2–9 for special instructions applicable to Federal Grand Jury materials held as evidence.)

b. Items such as weapons will be kept in a clean, rust-free condition, but routine maintenance must not reduce their value as evidence. (For example, fingerprints should not be removed.)

c. Fingerprint cards obtained for comparison will not be maintained in the evidence room, but in the proper case file. When such cards are sent to a laboratory for comparison with other evidence from the evidence room, the cards need not be listed on an evidence custody document. The description on the laboratory request is sufficient to connect the card with the evidence. When returned from the laboratory, the fingerprint card will be placed again in the proper case file.

d. 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. Statements, records, and other documents routinely associated with an investigation will not be kept as evidence.

e. When necessary to retain large items such as vehicles, the items may be kept in an impoundment lot, warehouse, or other reasonably secure place.

2–7. Temporary release of evidence

a. Evidence will be removed from the evidence room only for permanent disposal or 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 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 the evidence custody document. 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 evidence custody document 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 evidence custody document in the proper suspense folder. When the evidence is returned, the original evidence custody document, properly annotated by the custodian and the person returning the evidence, will be put in the evidence custody document file. The first (suspense) copy, with the chain of custody properly annotated, will be refiled with the original evidence custody document. When items on the same evidence custody document 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 evidence custody document. Personnel receiving evidence, either on a temporary or 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 the supporting 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 the supporting USACIL commander. Evidence previously submitted to another laboratory may be submitted to a USACIL only after prior coordination with the USACIL commander.

(2) Any physiological specimen obtained for the purpose of determining whether a person has used lysergic acid diethylamide (LSD) will be submitted to a forensic laboratory capable of determining with a reasonable degree of certainty whether such person has used LSD. Prior coordination with the USACIL commander will be made to determine if that USACIL is capable of testing for LSD and, if not, to recommend alternate testing facilities.

(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, if promptness is a factor, evidence may be sent directly without submission to the evidence custodian. In this case, the DA Form 3655 (Crime Lab Examination Request) will give instructions to the laboratory for transfer of evidence to the proper evidence room. A copy of the evidence custody document 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. Chain of custody will be maintained.

d. When evidence is mailed to a USACIL, it will be sent by registered mail unless receipt of forensic test results of physiological evidence will delay a pending court-martial proceeding. In such an event, alternate modes of transmittal as discussed in *e* below will be used. The registered mail number will be recorded in the 'Received by' block on the first copy of the evidence custody document and the form will be put in the laboratory suspense folder. The original evidence custody document will be put inside the outer wrapping of the package. 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 evidence custody document 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, and continue the chain.

(1) Technical guidance for packing and shipping evidence is in FM 19–20. The individual responsible for shipping the evidence will ensure that physiological specimens are preserved and transported to assist in a reliable examination.

(2) To maintain the chain of custody properly, packages will contain evidence from only one investigation.

(3) A 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 commander, the contributor, and the advising SJA agree that final disposition by the USACIL is in the Government's best interest, the USACIL will make final disposition per paragraph 2–8.

(4) When fungible evidence is returned from the USACIL, the sealed 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 the evidence custody document. He or she will note in the 'Purpose of Change of Custody' column that the seals were intact and give the reason for opening. 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.

e. In unusual circumstances, evidence may be sent by other than registered mail, such as U.S. Postal Service (USPS) express mail per AR 340–3 or commercial shipping services, only if proper handling to maintain chain of custody is ensured. It may be handcarried by a courier approved by the CID supervisor or provost marshal or shipped by the installation transportation officer using a Government bill of lading (GBL). A copy of the shipping document will be attached to the suspense copy of the evidence custody document until notice is received from the addressee of receipt of the evidence or the evidence is returned to the evidence room.

f. When evidence is permanently transferred from one evidence room to another, the original and duplicate evidence custody documents, 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 sending evidence custodian will place a copy of the evidence custody document showing disposition in the inactive evidence custody document file. The evidence will be properly logged in the evidence ledger per paragraph 2–5.

g. When evidence must be mailed or shipped for judicial proceedings, it will be sent directly to the requesting SJA or other agency per *d* andeabove. The SJA or agency will return it to the evidence custodian in the same way.

h. Requests for USACIL analysis from non-CID/MP Army activities (for example, SJA, unit commanders, and alcohol and drug abuse program coordinators) should be coordinated with and made by local CID 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 CID elements are aware of incidents of suspected criminal activity as defined in AR 195–2. When a CID element determines that it has no interest in the circumstances of such direct referrals to a USACIL, CID may help by providing proper laboratory request forms, addresses, and advice on packing and transmittal. The date, name, and unit of the CID representative coordinator will be entered in block 11 of DA Form 3655.

2–8. 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 in *j* below.

a. Evidence released to trial counsel for judicial proceedings will be returned as soon as possible to the custodian for final disposition. If an item of evidence is made part of the trial record, the trial counsel will immediately notify the custodian so the evidence custody document can be properly annotated. This will be considered final disposition.

b. When final action has been taken in known subject cases, the original evidence custody document will be sent to the judge advocate officer appointed as trial counsel for the commander of the subject, or the appropriate civilian prosecutor if the subject is a civilian and action was taken by a civilian court. If the evidence is no longer needed, the trial counsel or the civilian prosecutor will complete the final disposal authority portion of the evidence custody document. When evidence must be retained, (for example, during the appeal process of a murder trial) 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 the evidence custodian on separate correspondence. In unusual cases, where there is a high risk of losing the original evidence custody document (for example, isolated units that must mail the evidence custody document to the servicing SJA or civilian prosecutor for disposition approval), a letter or memorandum may be used to accomplish disposition approval. When such a method is used, enough information will be furnished so that the SJA or civilian prosecutor has a basis upon which to make a decision. The disposition approval correspondence returned from the SJA or the civilian prosecutor will be attached to the original evidence custody document.

c. Evidence in an investigation for which a subject has not been identified may be disposed of without SJA approval 3 months after completion of the investigation, or earlier with SJA approval. However, care must be taken regarding serious crimes when it is possible that a subject may later be identified or those in which there is no statute of limitations. In such cases, as determined by the CID district/field office commander, SAC or provost marshal, it may be advisable to keep the evidence longer than 3 months. When the subject is not known, and retention of the evidence longer than 3 months is not at issue, the evidence custodian will obtain approval of the CID district/field office commander, special agent-in-charge (SAC), provost marshal, or the provost marshal's designated representative, as appropriate. This approval will be given by completing the final disposition authority section of the original evidence custody document. Consideration should also be given to photographing evidence in appropriate cases prior to disposal of such evidence.

d. Evidence obtained by CID special agents or military police at a crime scene or during the investigation may be released to another law enforcement agency without SJA approval when that agency assumes full investigative jurisdiction and responsibility, or jurisdiction and responsibility for that portion of the investigation to which

the evidence pertains. 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. CID special agents and MPs will ensure the evidence is properly recorded on an evidence custody document per paragraph 2–3. They will also ensure the chain of custody section is complete upon release of the evidence. The CID district/field office commander, SAC, provost marshal, or the provost marshal's designated representative, as appropriate, will review and give approval of the release by completing the final disposition authority section of the evidence custody document. 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 evidence custody document. It will serve as a review and control measure. This proper release will be considered final disposition. A copy of the evidence custody document will be maintained in the case file and release of evidence will be documented in the report. Consideration should be given to photographing the evidence prior to its release. These photographs will be retained in the case file.

e. 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 SJA or civilian prosecutor if a subject has been identified; or upon approval by the appropriate CID supervisor or provost marshal if no subject has been identified.

f. Controlled substances 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 CID supervisor or provost marshal. A copy of the evidence custody document will be filed with the appropriate police report. Disposition may be made immediately after determining that the substance cannot be linked to a suspect.

g. Items of potential evidence that are determined to have no evidentiary value by the CID special agent or MP investigator before they are released to the evidence custodian may be disposed of by the agent or MP investigator. (This does not include found controlled substances.) The final evidence custody document, with the disposition noted per *j* below, will be filed with the case file.

h. 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, 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 SJA. If it is not possible to get written approval of the SJA 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 SJA.

i. When evidence is permanently released to an external agency, except as specified in *d*above, the final disposal authority portion of the evidence custody document will be completed by the CID supervisor or provost marshal.

j. The guidance below on disposal of evidence will be followed. When a legal question concerning methods of disposal arises, the SJA 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 SJA, will be released to the rightful owner.

(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 firm.

(5) 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 United States and Guam: To the Postal Inspector in Charge of the Postal Division that originally provided the documents.

(b) Outside the United States: Directly to St. Louis Resident Agency, USACIDC, for return to the USPS.

(6) U.S. Treasury checks will be returned to the U.S. Secret Service (USSS) office from which obtained or if obtained from the Washington Resident Agency, USACIDC, will be forwarded by registered mail, return receipt requested, direct to: Manager, Check Request and Files Branch, Room 328, Liberty Loan Building, 401 14th Street NW., Washington, DC 20227. 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 U.S. Army finance and accounting office (FAO) 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 handcarried to the activity, and the evidence custody documents properly annotated. A letter of transmittal will accompany all returned checks.

(7) Known document standards will 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 officer appointed to dispose of the decedent's effects. Per AR 600–8–1, items which 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. 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) Controlled substances will be destroyed in the presence of a witness who is a CID special agent, a soldier in the rank of staff sergeant 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 2–10 for instructions for final disposal of controlled substances used for training.

(11) Normally, counterfeit currency and coins and counterfeiting equipment will be released to the nearest office of the USSS, unless the USSS directs otherwise. Such evidence seized in the Far East and Southeast Asia will be sent to the USSS office in Hawaii. Evidence seized in Europe, Africa, or the Middle East will be sent to the USSS representative, U.S. Embassy, Paris, France. Evidence seized in Italy will be sent to the USSS Office, Milan, Italy. Evidence seized in the Caribbean Sea and Central and South America areas will be sent to the USSS office, Federico Degetau Federal Building, U.S. Courthouse, Room 539, 5th floor, Carlos E. Chardon Ave., Hato Rey, Puerto Rico 00918. Disposal of counterfeiting equipment should be coordinated with the supporting USSS office before release.

(12) Firearms, ammunition, and explosive devices:

(a) U.S. Government firearms, ammunition, and explosives kept 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 per AR 710–2.

(b) Legal personal weapons impounded for minor infractions (such as failure to register per 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) All other firearms which are contraband, or which were used in the commission or attempted commission of a criminal offense, less those used for the commission of suicide, will be forwarded to the U.S. Army Criminal Investigation Laboratory (USACIL)-CONUS, Fort Gillem, Forest Park, GA 30050–5000, for disposition. They will not be turned in to Alcohol, Tobacco, and Firearms Division of the U.S. Treasury Department or to local Defense Reutilization Marketing Office (DRMO). Firearms will be sent to the USACIL-CONUS by registered mail along with two copies of the evidence custody document. Release to USACIL-CONUS will be considered as final disposition by the sending office. Related items such as holsters, belts, and so on, will not be forwarded to USACIL for disposition/destruction.

(d) Personal firearms used for the commission of suicide will be forwarded to USACIL-CONUS per (c) above only after it has been determined that the decedent's next of kin do not want the weapon. If the next of kin want the weapon, it will be released to them.

(e) 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 DRMO per DOD Manual 4160.21–M for destruction, using the procedures in DA Pam 710–2–1, chapter 3. The evidence custodian may keep the items until the DRMO processes the turn-in forms and provides specific disposal instructions.

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

(g) 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. Destruction will be witnessed by a person not in the chain of custody.

(13) Evidence obtained from electronic surveillance operations will be disposed of per AR 190–53.

(14) When evidence is of obvious value and the owner is unknown, cannot be located, or declines acceptance, it will be turned in to the DRMO per DOD Manual 4160.21–M. A copy of the DD Form 1348–1 (DOD Single Line Item Release/Receipt Document) will be attached to the original evidence custody document.

(15) When evidence found at crime scenes has no known owner and no value (for example, match books, beer cans, bottles, glass fragments, and wooden sticks), such evidence will be destroyed/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. Items such as fingerprint lifters may be disposed of by placing them in the case file for long-term retention, if appropriate.

(16) When the owner of money is not known or cannot be located after reasonable attempts, the money will be turned in to a U.S. Army finance officer. A DD Form 1131 (Cash Collection Voucher) will be completed and a copy of the form will be attached to the original evidence custody document. The accounting classification to be used is 21R3019.0000.

(17) 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.

(18) Some types of evidence may be of value to USACIL in the standard collections. 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 division, provided that the USACIL division concerned has requested it in advance.

k. Limitation .0015 Contingency Funds (CID funds) held as evidence will be disposed of per AR 195–4. A copy of the DD Form 281 that provided the CID funds seized as evidence will be maintained with the original evidence custody document. CID funds held as evidence that no longer have value as evidence will be promptly deposited at the local FAO using DD Form 1131. (See fig 2–4.) Before depositing funds with the FAO, 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 showing the return will be given to the proper certifying and approving officer and a copy will be attached to the original evidence custody document. The evidence custodian must initiate disposition action within 10 days after date of approval to dispose of the evidence.

l. In some instances, CID funds held as evidence can be reproduced for trial and returned to finance per *k* above.

(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 military judge express reservations about the substitution of evidence. In this case, the actual currency must be maintained per this regulation.

(3) 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 18 USC 504. Specifically the size must be less than three-fourths or more than one-and-a-half 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 ROI. The case file will reflect the specifics of the reproduction and ultimate disposition of the copies.

(4) USACIL may reduce or enlarge U.S. currency for analysis purposes, restricted only by conditions imposed by (3) above.

m. 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 20221.

(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 SJA will provide legal advice.

n. Final disposition of evidence pertaining to personnel in deserter status may be made with SJA approval. If final disposition is disapproved, the evidence will be retained per paragraph 2–12. Thereafter, coordination will be made with SJA yearly to determine if final disposition can be made.

2–9. Special processing procedures for certain 6(e) (Federal Grand Jury materials) evidence

a. The following special procedures apply to evidence obtained during conduct of any investigation wherein physical evidence which falls under 6(e), Federal Rules of Criminal Procedure (6(e) access rules), is obtained:

(1) If there is no specific objection or direction by the court or Assistant United States Attorney (AUSA), 6(e) evidence will be processed and stored in accordance with the other provisions of this regulation, utilizing the following procedures:

(a) The evidence will be placed in a container (for example, envelope or cardboard box) by the agent on the 6(e) access list who has custody of the evidence. The agent will seal all openings, joined surfaces, and edges with paper or plastic packaging tape, and the time and date of sealing, initials of the agent on 6(e) access sealing the evidence, and the USACIDC case number, will be placed so that they appear on both the tape and the package.

(b) The evidence will be released to the evidence custodian who will sign for the item(s) 'SCRCNI.'

(c) The remarks section of the evidence ledger will be annotated to reflect the evidence is 6(e) material.

(d) Under no circumstances will the sealed containers be opened by anyone other than an agent on 6(e) access for the specific evidence.

(2) If evidence is determined to be 6(e) material after being processed into the evidence room without having been sealed in accordance with procedures described in a(1)(a) above, the following procedures will be followed:

(a) The investigating agent having 6(e) access for the evidence, in coordination with the evidence custodian, will package and seal the evidence as described in a(1)(a) above.

(b) The evidence custodian will reflect the change in the evidence packaging configuration by entering the date and item numbers on the next blank line of the chain of custody section of the evidence custody document. The custodian will also line out the 'released by' portion of that line, annotate the evidence custodian's name and signature in the 'received by' portion of that line, and note that the items were packaged and sealed as 6(e) evidence for the 'purpose of change of custody.'

(c) The remarks section of the evidence ledger will be annotated to show the evidence is 6(e) material.

(3) Items of 6(e) evidence as described in (1) or (2) above, which, by virtue of size or quantity, are too large to store in the evidence room, need not be sealed. However, these items will be secured in a suitable facility per paragraph 4–3b or c.

(4) If the court or the AUSA specifically direct that the evidence not be processed through or stored in the USACIDC evidence room, the following procedures will apply:

(a) All evidence of this natuge will be properly documented on an evidence custody document. The agent having custody will maintain the chain of custody on the evidence custody document per this regulation throughout the life of the document and until proper final disposition is accomplished.

(b) The investigating agent, or agent having custody of the evidence, will obtain a copy of the court order directing the special handling, or will request the AUSA provide the request for special handling in writing. If the AUSA declines to provide the request for special handling in writing, the investigating agent, or agent having custody of the evidence, will prepare a memorandum for record documenting the AUSA request and fact that the AUSA declined to reduce the request to writing.

(c) The agent having custody of the evidence will coordinate with the appropriate USACIDC evidence custodian and will provide the custodian a copy of the court order, AUSA request or memorandum for record, the case number, and the number of evidence custody documents on which the evidence is recorded. To preclude compromise of 6(e) access restrictions, presentation of the actual evidence custody document is not required, and the evidence custodian will not be reflected in the chain of custody. The custodial agent will also provide the evidence custodian a memorandum signed by the agent stating that all of the items are properly accounted for, and reflecting the location where the items on each of the evidence documents will be secured by the custodial agent. This location will include room, building number, address, and installation/city name as appropriate. A listing of the item(s) on the custody document(s) will not be reflected on the memorandum.

(d) The evidence custodian will log each of the evidence custody documents into the evidence ledger by document number assigned, case number, and date logged in for date received. The description of evidence in the ledger need only be annotated '6(e) Evidence.' The custodial agent's name will be annotated in pencil in the remarks column.

(e) The evidence custodian will prepare a 'dummy' evidence custody document showing the case number and receiving activity and location. The description of articles section will be annotated '6(e) Evidence.' The document number assigned will be annotated by the evidence custodian on the 'dummy' evidence custody document, and the location will be annotated in pencil with 'Memo (referring to the memorandum prepared by the custodial agent per a(4)(c) above), (date).' The custodial agent has the responsibility to annotate properly the original evidence custody document(s) with the respective document number(s) assigned by the evidence custodian.

(f) The 'dummy' evidence custody document, court order, AUSA letter or memorandum for record, and memorandum from the custodial agent will be filed in a file annotated 'Active 6(e) Evidence Custody Documents.' This file is prepared and maintained in the same manner as evidence and related document files pertaining to any other evidence. When the court order or AUSA letter and memorandum from the agent pertain to multiple evidence custody documents, the letter and memorandum will be reproduced and copies filed with each pertinent 'dummy' evidence custody document.

(g) The custodial agent ensures that the evidence is secured in a proper manner under limited access lock and key (or combination) at the location specified in the documentation provided to the evidence custodian. The storage location need not meet the evidence room standards as required by chapter 4 of this regulation; however, the security of the storage will at a minimum meet the standards exercised for storage of large items of evidence per chapter 4. Appropriate storage facilities could include a locked room, expanded metal cage, warehouse, ammunition bunker, or file safe (for small quantities). The custodial agent will also ensure that a duplicate key or written combination for the lock(s) is secured in a sealed envelope in the safe of the commander or special agent-in-charge of the investigating unit.

(h) Any time the storage location for items on a 6(e) evidence document is changed, the custodial agent will sign and submit a memorandum to the evidence custodian. The memorandum will show the new location for each affected document. Upon receipt, the evidence custodian will update the location entry on the 'dummy' evidence custody document and attach the memorandum to other documents related to the evidence custody document in the active 6(e) evidence custody document file. If the memorandum pertains to multiple evidence custody documents, the memorandum will be reproduced and a copy filed with each affected document in the active 6(e) evidence custody document file.

(i) On any occasion of change of custody to another custodial agent due to change of station, extended temporary duty, retirement, or other circumstance, the agent assuming custody will submit a memorandum, signed by the agent, to the evidence custodian. The memorandum will reflect the date of change of custody, that all items on the evidence custody document(s) are present and accounted for, and the location(s) at which the items will be stored, even if the location(s) are unchanged from previously submitted documents. Upon receipt, the evidence custodian will erase the previous custodial agent's name from the remarks section of the evidence ledger, and enter in pencil the new custodial agent's name and date custody was changed. If the location of the evidence has changed, the evidence custodian will also update the location entry on the 'dummy' evidence custody document. This memorandum will then be filed along with other related documents in the active 6(e) evidence document file. Again, if multiple documents are affected, the memorandum will be reproduced and a copy filed with other documents related to each of the document numbers.

(j) If custody of evidence is permanently released outside of USACIDC (for example, transferred to another agency or through

final disposition by other means), the custodial agent will ensure the final disposition authorization is properly completed on the evidence custody document and that the final disposition is properly reflected in the chain of custody (or destruction if appropriate).

(k) Once final disposition has been accomplished, the original of the completed evidence custody document will be forwarded to the evidence custodian. Upon receipt, the evidence custodian will annotate the final disposition method and date in the evidence ledger and file the completed document, with all related documents previously received, in the inactive evidence custody document file. If the original of the evidence custody document is not available due to court order or other legitimate circumstance, a copy of the completed document will suffice to complete the evidence room files. Further, if no copy of the original document is available, again through court order or other legitimate circumstance, a memorandum from the custodial agent detailing the facts pertinent to non-availability of the document, and the location of the original evidence custody document, will satisfy the requirement for the original or copy of the completed document.

b. Any items of evidence on documents which are annotated in the evidence ledger as being 6(e) evidence are not subject to inspection or inventory on a monthly or quarterly basis as required by this regulation for other evidence, other than for accountability of sealed containers stored in the evidence room. Proper documentation as specified above for 6(e) evidence is sufficient for accountability purposes by the evidence custodian.

2–10. Use of controlled substances for training

a. Controlled substances, such as marihuana, hashish, heroin, and cocaine, that are held by evidence custodians and no longer have evidentiary value may be released for use as aids for training narcotics/contraband detector dogs. Release will be subject to the reasonable availability of the controlled substances insufficient quantities and quality. Only controlled substances that have been verified by a USACIL will be used for this purpose. CID and MP evidence custodians are authorized to release controlled substances subject to the following:

(1) Army installations in CONUS or territories of the United States that are assigned narcotics/contraband detector dogs must, by law, register with the DEA before obtaining controlled substance training aids from any source. Normally, these units will obtain DEA controlled substance training aids under the policy and procedures in AR 190–12 and DA Pam 190–12.

(2) Army units and installations outside CONUS or territories of the United States are not required or eligible to register with the DEA or to obtain DEA controlled substance training aids. By host country agreements, controlled substance training aids may be obtained from CID or MP evidence custodians.

(3) The officer or NCO responsible for the custody of narcotics/contraband detector dog training aids will submit a request to establish an account with the appropriate CID/MP evidence room. This request will consist of copies of the DEA registration or the appropriate overseas commander's approval per AR 190–12 and the current appointment orders for the custodian. This account must be renewed annually or when the training narcotics/contraband detector dog custodian changes.

(4) The approved and registered training narcotics/contraband detector dog custodian will submit a written request to the evidence custodian. The request will specify the minimum amount of controlled substances needed for training. A copy of this request will be attached to the evidence custody documents for the controlled substances released.

(5) Only controlled substances approved for final disposal, per paragraph 2–8, will be released for this purpose. This will be considered final disposition by the evidence custodian with the original evidence custody document being properly annotated to reflect the release for training purposes.

(6) The amount of controlled substances released at one time will not exceed 200 grams of marihuana, 20 grams of hashish, 20 grams of heroin, and 20 grams of cocaine, or reasonable quantities of other controlled substances (such as amphetamines and barbiturates) that are approved by commanders of MACOMs as training aids. Type and quantity specified will be shown in the approval document. The maximum quantities of controlled substances authorized to be on hand as training aids at any time are 300 grams of marihuana, 30 grams of hashish, 30 grams of heroin, and 30 grams of cocaine. Maintaining the maximum amount is authorized only when the 'old' training aids are being destroyed, and 'fresh' controlled substances are being issued.

(7) Controlled substances to be issued by evidence custodians as training aids will be listed on a new evidence custody document. The first 'Released By' section will be signed by the custodian releasing the substances and the first 'Received By' section will be signed by the person receiving the controlled substances. When controlled substances from more than one evidence custody document are needed to make up the requested amount, they will be combined and listed on one evidence custody document.

(8) The person handling the controlled substances will maintain the chain of custody. The controlled substances will be secured per paragraph 4–2f(5).

(9) When the controlled substances become too old for training use or are consumed during training, it will be noted on the evidence custody document. When all or part of the controlled substances are determined to be of no further value for training, the controlled substance will be burned in the presence of a disinterested witness in the rank of sergeant first class or above. The evidence custody document will be suitably annotated. The document will then be filed in reference training files of the office responsible for the training program.

b. Marihuana may be used for training only CID and MP personnel in techniques of identification and 'field testing.' Marihuana approved for final disposal may be burned to familiarize CID and MP personnel with the odor of marihuana. The following rules will govern use of marihuana for such training—

(1) Familiarization burning of marihuana will be done by the evidence custodian in the manner prescribed for final disposal.

(2) Unused marihuana, including residue, will be retained by the evidence custodian for proper final disposal.

(3) Burning marihuana for training other groups of people is not authorized.

c. USACIL controlled substances custodians are authorized to contact CID field elements to obtain drugs and paraphernalia which have been previously examined by the laboratory and no longer have any evidentiary value per paragraph 2–8e. These items will be maintained and used as aids to examinations, research, and training.

(1) Items will be transferred from CID field elements to the requesting laboratory with a letter of transmittal. A copy will be furnished to the appropriate CID region headquarters by the submitting CID element. Accountability by USACIL will be reflected on DA Form 3862 (Controlled Substances Stock Record).

(2) Drugs and paraphernalia obtained from CID field elements under this paragraph will not be returned to the releaser. The evidence custodian who releases the items will annotate the evidence custody document to reflect that the items have been 'Transferred to USACIL-(enter agency name) for Final Disposition.' The authenticated request from the USACIL will also be attached to the evidence custody document.

(3) Accountability and final disposition of these items become the responsibility of the receiving USACIL.

2–11. Field testing of controlled substances

a. Field testing of controlled substances by CID agents and MP investigators 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 evidence custody document 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 marihuana from bulk quantities), the remark 'small unmeasurable quantity consumed in 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 the supporting USACIL for forensic analysis. Evidence will always be sent to the USACIL for analysis when judicial action against the offender is considered. Exceptions are on simple use or possession of marihuana for which the SJA or a representative decides that no analysis is required.

e. The CID supervisor or provost marshal and SJA concerned must closely coordinate to determine the action commander's intentions and to ensure proper USACIL support when needed. The SJA or his or her representative will promptly notify the proper CID or MP element when the status of a case changes and there is no longer a need for laboratory analysis.

2–12. Retention of evidence

In certain instances (such as an unsolved homicide), it is sometimes desirable to keep items of evidence longer than otherwise required after the final ROI has been completed. In such cases, these procedures will be followed:

a. The items of evidence will be packed in cardboard boxes in the presence of a disinterested witness.

b. A certificate will be prepared listing evidence custody document 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. The certificate will be signed by the evidence custodian and the disinterested witness. A copy of the certificate will be attached to each evidence custody document identified thereon with the original copy attached to the first evidence custody document identified on the certificate. A copy of the certificate will also be affixed to the outside of the box and the box sealed as described below. The evidence custody documents concerned will continue to be maintained in the active evidence custody document file.

c. Firearms will not be stored or sealed in the consolidated evidence box. Firearms will be stored per paragraph 4–2f(1)(d) of this regulation.

d. The box will be sealed with paper or plastic tape so that the tape will be damaged if the box is opened. The signature of the evidence custodian and the witness will be written in ink across the tape seal on the bottom and top of the box. The box 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 per paragraph 2–8.

2–13. Special handling and safety precautions

Investigators and crime scene processors are likely to encounter crimes having evidence involving blood and other body fluids of persons with infectious diseases. Special handling and safety precautions used in the collection and handling of such evidence will minimize risks and reduce potential for exposure and contamination. The following safety precautions are applicable for use while collecting and handling all body fluid evidence, and are essential when the potential presence of infectious diseases such as acquired immune deficiency syndrome (AIDS), Hepatitis B, or tuberculosis is suspected.

a. Wear disposable rubber 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.

b. 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/CID 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 considered for use.

c. Surgical masks/protective eyewear. When dried blood stains 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.

d. Sharp objects. Special care while handling items that may puncture or cut the skin will minimize risk. If the handler is cut or scratched, or the skin punctured by an item during crime scene processing, immediately seek medical assistance. If an antiseptic, such as rubbing alcohol, is available, cleanse the wound with the antiseptic, then wash well with soap and water before seeking medical assistance.

e. Disposal and decontamination. All disposable items should be disposed of by burning if possible. Use of a hospital incinerator is the best course of action. Nondisposable items should be decontaminated by cleaning with a solution of one cup of sodium hypochlorite (common household liquid bleach) dissolved in 10 cups of water. Use rubber gloves while decontamination is performed.

f. Special 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. Applying adhesive-backed labels with the international biohazard symbol and space for labeling the appropriate disease is sufficient. Another method is to write on each package or container a warning such as 'Caution! Contains potential AIDS (or HEPATITIS) case.' Any such evidence that is shipped to a forensic laboratory by U.S. mail is subject to the Code of Federal Regulations, Part 72. This specifies that appropriate warning labels must be placed on the package, and any liquid substance must be triple-wrapped and sealed. Further information on these procedures is available from Center for Disease Control, Office of Biosafety, 1600 Clifton Road, NE., Atlanta, GA 30333, telephone (404) 329–3883.

EVIDENCE/PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command.

MPR CID SEQUENCE NUMBER: 0154-90-CID063

CRD REPORT CID ROI NUMBER: 01135

RECEIVING ACTIVITY	LOCATION
Fort McClellan RA, Third Region, USACIDC	Fort McClellan, AL 36205-5000
NAME, GRADE, AND TITLE OF PERSON FROM WHOM RECEIVED [ ] OWNER [X] OTHER	ADDRESS (Include Zip Code) N/A
LOCATION FROM WHERE OBTAINED Room #10, Bldg #146 (Troop Billets), Fort McClellan, AL 36205-5000	REASON OBTAINED Evidence
TIME DATE OBTAINED 1730-1905 6 Jun 90	

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 in color metal-type construction with scuffed brown in color wooden-type construction 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. Marked for ID on barrel, frame and cylinder with SLK, 1730, 6 Jun 90. (Obtained from left hand of deceased victim on floor.)
2	1	Cartridge casing, .38 cal, brass in color metal-type construction, bearing small round indentation in approximate center of primer end and manufacturers markings "Federal .38 Special" on rim of cartridge base. Placed in a clean pill box which is sealed with the seal and box marked for ID with SLK, 1801, 6 Jun 90, 0154-89-CID063. (Removed from item #1 above.)
3	1	Bag, clear plastic-type construction, with the bag opening twisted closed and sealed with transparent tape, containing three (3) handrolled suspected Marihuana cigarettes. Bag and contents placed in a clean plastic heat seal bag which was sealed and marked for ID with SLK, 1820 6 Jun 90. (Obtained from floor between foot of bed and window.) (Continued on page 2)

CHAIN OF CUSTODY

ITEM NO	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1 THRU 5	6 JUN 90	SIGNATURE: N/A NAME, GRADE OR TITLE: N/A	SIGNATURE: Shawn L Kelly NAME, GRADE OR TITLE: SHAWN L. KELLY, SA	Evaluation as Evidence. Items 3,4, and 5 in sealed containers
3	6 JUN 89	SIGNATURE: Shawn L Kelly NAME, GRADE OR TITLE: SHAWN L. KELLY, SA	SIGNATURE: N/A NAME, GRADE OR TITLE: Field Test	Small unmeasurable Quantity consumed in the field test (See CID Form 36)
1 THRU 5	7 JUN 90	SIGNATURE: Shawn L Kelly NAME, GRADE OR TITLE: SHAWN L. KELLY, SA	SIGNATURE: Cleophus R Little NAME, GRADE OR TITLE: CLEOPHUS R. LITTLE, SA	Released to Evidence Custodian "SCRCNI"
1 THRU 5	10 JUN 90	SIGNATURE: Cleophus R. Little NAME, GRADE OR TITLE: CLEOPHUS R. LITTLE, SA	SIGNATURE: Registered Mail NAME, GRADE OR TITLE: #987654	Forwarded to USACIL-CONUS for examination
1 THRU 5	13 JUN 90	SIGNATURE: Registered Mail NAME, GRADE OR TITLE: #987654	SIGNATURE: Pauline A. Gooch NAME, GRADE OR TITLE: PAULINE A. GOOCH, GS-09	Received at USACIL-CONUS for examination

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: _____

DOCUMENT NUMBER: 145-90

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

0154-90-CID063-01135

Continuation of Description of Articles received from Crime Scene:

ITEM #	QUANTITY	DESCRIPTION OF ARTICLES
4	Approx 14	Glass fragments, various sizes; (none over 4" in length), clear in color, all are cracked or chipped and soiled on one side. Each fragment wrapped in clean tissue paper and placed in a clean cardboard box which was sealed and seal and box marked for ID with SLK, 1830, 6 Jun 90, 0154-90-CID063. (Obtained from floor beneath window.)
5	1	Piece of paper, white in color bond-type material, approximately 6" x 8" in size, soiled and stained, bearing the handwritten words "I will pay the $1500-Back off!" in red in color ink on one side, and with no visible marks or writing on the reverse side. Placed in a clean manila envelope which was sealed and the seal and envelope marked for ID with SLK, 1905, 6 Jun 90, 0154-90-CID063. (Obtained from inside top dresser drawer.)

//LAST ITEM//

Page 2 of 2 Pages

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

CHAIN OF CUSTODY *(Continued)*

ITEM NO	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1 THRU 5	16 JUN 90	SIGNATURE: Pauline A. Gooch NAME, GRADE OR TITLE: PAULINE A. GOOCH, GS-09	SIGNATURE: Registered Mail NAME, GRADE OR TITLE: #456789	Returned to Submitter
1 THRU 5	19 JUN 90	SIGNATURE: Registered Mail NAME, GRADE OR TITLE: #456789	SIGNATURE: Cleophus R. Little NAME, GRADE OR TITLE: CLEOPHUS R. LITTLE, SA	Received by Evidence Custodian "SCRCNI"
1 THRU 5	8 JUL 90	SIGNATURE: Cleophus R. Little NAME, GRADE OR TITLE: CLEOPHUS R. LITTLE, SA	SIGNATURE: Ludlow B. Porch NAME, GRADE OR TITLE: LUDLOW B. PORCH, MAJ	Released to SJA-TC for court. Sealed containers opened for court.
1 THRU 5	10 JUL 90	SIGNATURE: Ludlow B. Porch NAME, GRADE OR TITLE: LUDLOW B. PORCH, MAJ	SIGNATURE: Cleophus R. Little NAME, GRADE OR TITLE: CLEOPHUS R. LITTLE, SA	Returned to Evidence Custodian. Items resealed in plastic bags.
1	16 SEP 90	SIGNATURE: Cleophus R. Little NAME, GRADE OR TITLE: CLEOPHUS R. LITTLE, SA	SIGNATURE: Registered Mail #395748 NAME, GRADE OR TITLE: Return Receipt Requested	Forwarded to USACIL-CONUS for Final Disposition. Return receipt attached.
2 AND 4	17 SEP 90	SIGNATURE: Cleophus R. Little NAME, GRADE OR TITLE: CLEOPHUS R. LITTLE, SA	SIGNATURE: Destroyed - Rendered NAME, GRADE OR TITLE: Useless/Harmless	Final Disposition
3 AND 5	17 SEP 90	SIGNATURE: Cleophus R. Little NAME, GRADE OR TITLE: CLEOPHUS R. LITTLE, SA	SIGNATURE: Destroyed NAME, GRADE OR TITLE: By Burning	Final Disposition
		SIGNATURE NAME, GRADE OR TITLE	SIGNATURE NAME, GRADE OR TITLE	

FINAL DISPOSAL ACTION

RELEASE TO OWNER OR OTHER *(Name, Unit)* Item #1, USACIL-CONUS, Fort Gillem, GA IAO AR 195-5

DESTROY Items #2 and 4 by crushing/destroying. Items #3 and 5 by burning.

OTHER *(Specify)*

FINAL DISPOSAL AUTHORITY

ITEM(S) 1 thru 5 ON THIS DOCUMENT, PERTAINING TO THE INVESTIGATION INVOLVING E-3 *(Grade)*

BEVO C. SCRUMP, Co A, 22d S&T Bn, Fort McClellan, AL XX ~~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.)*

HARLEY R. FINGERS, LTC, DEP SJA Harley R. Fingers 15 Sep 90
(Typed Printed Name, Grade, Title) *(Signature)* *(Date)*

WITNESS TO DESTRUCTION OF EVIDENCE

THE ARTICLE(S) LISTED AT ITEM NUMBER(S) 2 thru 5 XXX (WERE) DESTROYED BY THE EVIDENCE CUSTODIAN IN MY PRESENCE ON THE DATE INDICATED ABOVE

SA IMOGENE R. NORSWORTHY, Fort McClellan RA, USACIDC Imogene R. Norsworthy
(Typed Printed Name, Organization) *(Signature)*

Figure 2–2. Sample of a completed DA Form 4137—Continued

DOCUMENT NO. DATE RECEIVED	CID CONTROL/ MPR NO.	DESCRIPTION OF EVIDENCE	DATE OF FINAL DISPOSITION	FINAL DISPOSITION	REMARKS
145-90 6 Jun 90	0154-90 01135	1. Revolver .38 Cal, S/N: 754341	16 Sep 90	Released to USACIL	SA KELLY
		2. Cartridge case, .38 cal.	17 Sep 90	Destroyed by crushing.	
		3. Plastic bag with suspected marihuana cig.	17 Sep 90	Destroyed by burning.	
		4. Glass fragments.	17 Sep 90	Destroyed by crushing.	
		5. Handwritten paper note.	17 Sep 90	Destroyed by burning.	
~~147-90~~ CH ~~7 Jun 90~~ CH		VOID			CH CH
146-90 7 Jun 90	0160-90 01136	1. Paper bag with suspected marihuana.	20 Sep 90	Destroyed by burning.	SA SMITH

Figure 2-3. Sample of evidence ledger page

CASH COLLECTION VOUCHER

DISBURSING OFFICE COLLECTION VOUCHER NO.: Completed by Finance Office (CFO)

RECEIVING OFFICE COLLECTION VOUCHER NO.: N/A

RECEIVING OFFICE

ACTIVITY (Name and location) (Include ZIP Code): Fort Meade Resident Agency, Third Region, USACIDC, Ft. Meade, MD 20755-5345

RECEIVED AND FORWARDED BY (Printed name, title and signature): George M. SMITH (signed)
George M. SMITH
SA, CID Evidence Custodian

DATE: 5 Oct 90

DISBURSING OFFICE

ACTIVITY (Name and location) (Include ZIP Code): CFO

DISBURSING OFFICER (Printed name, title and signature)	DISBURSING STATION SYMBOL NO.	DATE RECEIVED SUBJECT TO COLLECTION
CFO	CFO	CFO

PERIOD: FROM TO

DATE REC'D	NAME OF REMITTER DESCRIPTION OF REMITTANCE	DETAILED DESCRIPTION OF PURPOSE FOR WHICH COLLECTIONS WERE RECEIVED	AMOUNT	ACCOUNTING CLASSIFICATION
5 OCT	SA George M. SMITH, Third Region, USACIDC. Five one-hundred dollar bills (serial numbers must be listed if appropriate).	Return of CID funds held as evidence. Funds originally disbursed on DO Voucher 6693, 2 Jul 90. Evidence document number, 94-90.	$500.00	(Must be the same accounting classification on which funds were originally disbursed.)
		TOTAL		

DD FORM 1 APR 57 1131 REPLACES EDITION OF 1 APR 56 WHICH IS OBSOLETE. Form approved by Comptroller General, U.S. 24 January 1958

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 as specified in paragraph 1–4b or c. The inspector will determine if—

(1) The evidence room is orderly and clean.

(2) Structural and security requirements of this regulation are being met.

(3) Evidence is being received, processed, safeguarded, and disposed of per 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 of time.

b. Recording 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 CID commander, the provost marshal, or a designated representative, as appropriate. 'I (Name), certify that on (Date), per AR 195–5, I inspected the evidence room. Evidence is being processed per AR 195–5 with (no exceptions) or (the following exceptions). (Signature).'

c. Exception. Conduct of a monthly inspection 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 inspection. (This includes any evidence temporarily released per the provisions of para 2–7.)

3–2. Inventories

a. General. Inventories will be conducted—

(1) Once each calendar quarter.

(2) On change of the primary evidence custodian.

(3) On loss of evidence stored in the evidence room or breach of security of the evidence room.

b. Quarterly inventories. The evidence custodian and a disinterested officer appointed for that purpose will conduct a joint quarterly inventory 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 per the provisions of para 2–7.) A written request will be sent by the appropriate CID supervisor or provost marshal to the proper commander to appoint a disinterested commissioned or warrant officer. The appointing authority will give the requesting activity a copy of the appointing document. This will be retained by the evidence custodian until the inventory is complete and a ledger entry made per f(1) below. The disinterested officer will not be a current member of USACIDC or an officer assigned to MP activities or units 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 file 310–2c until the next inventory for reference in the event of any questions or discrepancies concerning the inventory. 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 evidence custody documents as containing drug or controlled substances is the same as the number present and that any seals on any containers are intact. The disinterested officer will use the following guidelines to conduct the inventory:

(1) Review the provisions of this regulation.

(2) Conduct a physical count of evidence to verify that evidence in the evidence room corresponds with that shown on evidence custody documents.

(3) Cross-reference all evidence custody documents (including those in suspense files) with entries in the evidence ledger to ensure accountability of all evidence.

(4) Ensure that copies of evidence custody documents in the suspense file are properly annotated with the registered mail number, if sent to a USACIL or another agency, and proper signature, if released for court-martial, Article 32 investigations, or for other official purposes.

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. These 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. All discrepancies will be resolved by the outgoing custodian before transfer of accountability. A joint inventory need not be conducted when the alternate custodian replaces the primary custodian for 30 consecutive days or less. However, if it is known that the primary custodian will be gone for more than 30 consecutive 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 days, sudden illness, or emergency transfer of the primary custodian, a joint inventory will be conducted. It will be done by the alternate custodian and a person appointed by the CID unit commander or provost marshal, 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 para 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 per paragraph 2–7d(4).

f. Recording inventories.

(1) Quarterly inventories will be recorded in the evidence ledger as follows: 'We, the undersigned, certify that on (Date), per 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 (Ltr or Memo, Date, Issuing HQ.'

(2) Change of custodian inventories will be entered in the evidence ledger immediately below the last entry. They will be signed by both the incoming and the outgoing primary custodians, 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 Person Appointed per para 3–2f(4)).'

(3) On satisfactory completion of the inventory, all evidence custody documents in the document files will be annotated and signed to show the change of custody. Copies of evidence custody documents in the suspense files will also be checked to ensure they reflect the—

(a) Registered mail receipt number, if sent to a USACIL or other agency.

(b) Proper signature, if released for court-martial, for investigations under Article 32, UCMJ, or other official purposes.

(4) Upon the death or inability of the primary custodian, the 'Released By' block of each evidence custody document will be annotated 'NA-Custodian Unable to Sign.' The alternate custodian will complete the 'Received By' block to accept custody of the evidence described on the evidence custody document. 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.

(5) 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 per AR 15–6 or AR 195–3. Inquiries or investigations will be initiated by the appropriate CID supervisor or provost marshal. All losses or breaches of security and the start of inquiries will be reported to the Commander, USACIDC, ATTN: CIOP–ZA, 5611 Columbia Pike, Falls Church, VA 22041–5015, or HQDA (DAMO–ODL), WASH DC 20310-0440, 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 MACOM provost marshal to HQDA (DAMO–ODL), WASH DC 20310-0440. For CID activities, relief will be granted by the appropriate USACIDC region commander, with an information copy of the entire proceedings being furnished to the Commander, USACIDC, ATTN: CIOP–ZA, 5611 Columbia Pike, Falls Church, Virginia 22041–5015. 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: CIRM–PB. Relief from further accountability for lost evidence—

(1) Permits the evidence custody document 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 CID supervisor or provost marshal 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 per AR 15–6.

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. Classified information will not be stored in the evidence room. All containers or storage facilities used to store classified information must meet the security standards in AR 380–5, as appropriate (for example, Confidential, Secret, Top Secret.)

b. Evidence storage facilities may be used for storage of controlled substances for training in the narcotics detector dog program. (See para 4–2f(5).)

c. Property which is not evidence (except for *b*above) will not be stored in the evidence room.

d. Those installations or activities who 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 master drawer of the container (the drawer bearing the combination lock mechanism and which must be opened prior to allowing any other drawer in the container to be opened) must be fitted with a heavy duty steel hasp and staple, or equivalent, meeting the requirements of paragraph 4–2c(7).

(2) The master drawer of the container will be secured with a high security, key opened padlock as specified in paragraph 4–2c(7).

(3) The container must be located in a locked, controlled access room.

(4) All other administrative and accountability requirements of this regulation must be met.

4–2. Evidence room

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/provost marshal.

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 per (1) above 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 ⅛-inch thick.

(3) A prefabricated steel mesh cage may be installed in a room as an evidence facility if the room's 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 permanently 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.

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 ⅛-inch thick.

(4) If a barred door is used, the vertical steel bars will be at least ⅜-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 spotwelded 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 padlock. The padlock will conform to military specification MIL–P–43607 (GL) (High Security Padlock) NSN 5340–00–799–8016 or NSN 5340–00–799–8248, military specification P–43951. The changeable combination padlock for the inner door will conform with Federal specification FF–P–110 (S&G 8077A and 8078A series). This changeable combination padlock is intended only as an indoor or protected area reusable seal. It is not intended for use on the outer door or for protection against forced entry.

(8) All locks will be used with a heavy steel hasp and staple. 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

spotwelded 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 padlocks as in (7) above.

d. Windows and other openings.

(1) Windows, ducts, vents, or similar openings of 96 square inches or more with the least 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 ⅜-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. 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 spotwelded 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 Department of Defense 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. AR 190–13 describes the procedures for obtaining Joint Security Installation Intrusion Detection Systems (J–SIIDS) and other IDS.

f. Internal fixtures. Evidence rooms will be equipped with—

(1) *Securable containers or vaults per 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 marihuana.)

(b) Narcotics or contraband evidence in quantities less than that described in (a) above, 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. Common Table of Allowances (CTA) 50–909 lists safe authorized.

(e) Containers of 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) *Work table.* When possible, evidence rooms should be large enough for a work table 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.

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 CID or MP element; or the time 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 instead of a combination padlock. One key will be secured in a separate envelope in the safe containing the combination and the extra padlock key to the evidence room. If available, each person may keep a container for this purpose. 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 in 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 per 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 ¼-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 eye bolts 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 padlocks described in paragraph 4-2c. 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 or enclosure.

(1) A separate building 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) A fenced enclosure will be used only when there is no suitable building.

(3) Normally, evidence that requires a fenced enclosure can be processed, photographed, and released after consulting with SJA. 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, per 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 (Security Container Information). These will be kept in sealed envelopes in the safe of the appropriate CID supervisor or provost marshal.

(2) Each key-operated lock will have two keys. Except for the keys to the training aids container, one key to each lock will always be kept by the primary custodian. The duplicate key will be put in a separate sealed envelope and secured in the safe of the appropriate CID supervisor or provost marshal.

(3) Lock combinations will be changed when the primary or alternate 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 duty day or 3 non-duty 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 provost marshal or security officer.

Chapter 5
Submission of Evidence to U.S. Army Criminal Investigation Laboratories

5–1. Processing of evidence

a. Physical evidence that may contribute to the resolution of an investigation may require technical examination or analysis by USACIL. The three laboratories and their areas of responsibility are—

(1) USACIL–CONUS, ATTN: CILAC–XX (Appropriate Division), Fort Gillem, Forest Park, GA 30050–5000, which provides support to CONUS, Puerto Rico, and the Republic of Panama.

(2) USACIL–Europe, ATTN: (Appropriate Division), APO AE 09242–5272, which provides support to Europe and the Middle East.

(3) USACIL–Pacific, ATTN: (Appropriate Division), APO AP 96343–0086, which provides support to the Far East, Hawaii, Alaska, and the Indian Ocean.

b. Evidence should be expeditiously submitted to a USACIL, normally within 5 working days after being identified as requiring laboratory examination. Perishable evidence should be sent immediately to the supporting USACIL.

c. Evidence will be protected, packed, and sealed per this regulation and FM 19–20. To maintain the chain of custody properly, packages will contain evidence from only one investigation.

d. Contributors will send evidence, DA Form 4137, and DA Form 3655 (fig 5–1) to the appropriate USACIL. Instructions for completing DA Form 3655 are at figure 5–2. Requests for DA Form 3655 should be sent to Commander, U.S. Army Publications and Distribution Center-Baltimore, 2800 Eastern Blvd., Baltimore, MD 21220–2896.

5–2. Sealing

a. General.

(1) When sealed evidence is sent to a USACIL, the original evidence custody document, and the original and one copy of the crime lab examination request, will be enclosed in an addressed envelope that is placed under the outer wrapper of the package.

(2) Multiple items of fungible evidence from the same investigation, sealed in separate containers, may be sent in one shipping package. 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 (heat-sealed bag, manila envelope, cardboard box, and so on) need only be wrapped once to meet this requirement.

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 a USACIL. They may be sealed in paper or manila envelopes, cardboard boxes, or wrapping paper. 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 or alteration of the evidence. Containers with previous markings or seals will not be reused.

(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. Cellophane or masking tape will not be used. The following will be placed so that they appear on both the tape and the package—

(a) The time and date of sealing.

(b) The initials or signature of the person sealing the package.

(c) The USACIDC control number or military police report (MPR) number.

(4) When heat-sealed bags are used, procedures provided with the equipment will be used. A self-adhering DA Form 4002 will be affixed to the outside of the bag away from the heat-sealed strip. The evidence room document number, USACIDC control number or MPR number, item number, and total number of items on the evidence custody document, 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. The heat-sealed strip will be embossed in the upper right corner of the bag 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.

(5) Small amounts of powders, hairs, fibers, small paint chips, or flakes will not be placed in plastic bags as they will adhere to the inside because of static electricity. They should be put in paper wrappings, cardboard containers, or plastic or glass vials.

(6) Fungible evidence to be submitted for serological tests will not be sealed in a plastic container. This evidence will be packaged per FM 19–20.

c. Nonfungible evidence. Nonfungible evidence, such as glass, metal, and plastics (including plastic bags), should be sealed in a

suitable container other than heat-sealed bags, especially when latent print examination is contemplated. Nonporous fungible or nonfungible evidence should be isolated or immobilized within a container and not wrapped in packing material which will destroy latent prints. For the best latent print examination, evidence should be forwarded in a cardboard box rather than manila envelopes which do not provide protection from pressure and abrasion.

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 evidence will be suspended, braced, or otherwise packed in a way that prevents any rubbing action which could smudge latent prints.

5–3. Expeditious handling and examination of evidence

a. Expeditious 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 investigation or an Article 39a session.

(4) The subject is due for transfer, separation, or reenlistment.

(5) The special agent or MP investigator assigned the case is scheduled for permanent change of station or expiration of term of service.

(6) Analysis of covertly acquired controlled substances is needed for further investigation.

(7) Other valid reasons exist.

b. USACIDC or MP activities will request prompt handling by the USACIL by putting 'EXPEDITE' on the crime lab examination request after the subject's name, and listing the reason for the expedite request.

c. If telephonic or electrical message notification of the laboratory results is desired, the crime lab examination request will be annotated in block 11. 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.

d. The USACIL that receives such a request will process the evidence as expeditiously as possible. If this is not possible, the USACIL will notify the requester by telephone or electrical message, stating the reasons.

5–4. Special circumstances

a. If the USACIL determines that all of an evidence sample in an identified suspect investigation will be consumed during evaluation, the following procedures will be followed:

(1) The USACIL will notify the investigator responsible for the investigation that total consumption of the evidence sample is anticipated.

(2) The responsible investigator will notify the SJA 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 7 days from the date the investigator was notified.

(3) The SJA or trial counsel will be requested to advise the suspect's 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 investigator of this desire through the SJA or trial counsel.

(4) If the investigator is advised that the defense counsel requests to be present at the evaluation, the investigator will immediately notify the USACIL of this request.

b. Unless notified otherwise by the investigator, the USACIL will conduct the requested examinations seven days after first notification of the investigator.

c. If there is no suspect, laboratory evaluation will be conducted in the normal manner even though all of the sample will be consumed.

CRIME LAB EXAMINATION REQUEST

For use of this form, see AR 195-5; the proponent agency is the United States Army Criminal Investigation Command.

LAB USE ONLY

REFERRAL NUMBER

TO: *(Include Zip Code)*	FROM: *(Include Zip Code)*	RECEIVED	RETURNED
USACIL-CONUS Fort Gillem Forest Park, GA 30050-5000 ATTN: Latent Print Division Firearms Division Chemistry Division	Special Agent-in-Charge Fort McClellan, RA Third Region, USACIDC Fort McClellan, AL 36205-5000	☐ REGIS MAIL ☐ RY EXP ☐ HAND DATE	☐ REGIS MAIL ☐ RY EXP ☐ HAND DATE

RECEIVED BY

EVIDENCE RECEIPT

RECEIVED	INITIATED

1. CONTRIBUTOR CASE NUMBER	2. INVESTIGATOR'S NAME	3. AUTOVON AND PHONE NUMBER
0154-90-CID063-01135	SA Shawn L. KELLY	555-1234

4. SUSPECT(S) *(Last, first and middle name(s))*

AXEUMP, Bevo Carl

5. VICTIM(S) *(Last, first and middle name(s))*

BALLAST, Leon Boyd

6. TYPE OF OFFENSE	7. ONE COPY OF EVIDENCE RECEIPT INCLOSED WITH EVIDENCE	8. OTHER EVIDENCE PREVIOUSLY SUBMITTED ON THIS CASE
Murder	☒ YES ☐ NO	☐ YES ☒ NO

9. IF "YES" IN ITEM 8, LIST OTHER SUSPECT(S), DATE SUBMITTED, UNIT CASE AND LABORATORY REFERRAL NUMBER(S)

N/A

10. EVIDENCE SUBMITTED

a. EXHIBIT	b. DESCRIPTION OF EXHIBIT
1	Revolver, Colt brand, .38 cal, SN: 754341. (Item #1, Doc #145-90)
2	Cartridge casing, .38 cal. (Item #2, Doc #145-90)
3	Bag containing three suspected marihuana cigarettes. (Item #3, Doc #145-90)
4	Glass fragments. (Item #4, Doc #145-90)
5	Piece of paper bearing handwriting. (Item #5, Doc #145-90)

DA FORM 1 AUG 74 **3655**

REPLACES DA FORM 3655-R, 1 NOV 70, WHICH IS OBSOLETE.

Figure 5–1. Sample of a completed DA Form 3655

10. EVIDENCE SUBMITTED *(Continued)*	
a. EXHIBIT	b. DESCRIPTION OF EXHIBIT

11. EXAMINATION(S) REQUESTED *(Briefly furnish any information or instructions that might assist the laboratory in examining, evaluating or returning evidence and/or report.)*

Latent Print Division: (Describe examination(s) desired by each division. Also, furnish any information that the requestor feels would help the examiner and aid in processing. Requesting "other examinations as appropriate" is recommended.)

Firearms Division:

Chemistry Division:

Synopsis: (Provide a brief synopsis of the circumstances of the incident under investigation with sufficient background information to assist examiner(s) in understanding the relevance of the evidence, and what additional examination(s) might be appropriate.)

Evidence above has not been examined by another expert in the same scientific field.

TYPED/PRINTED NAME OF REQUESTOR	SIGNATURE	DATE
SA Shawn L. KELLY	Shawn L. Kelly	10 JUN 90

☆ U.S. G.P.O. 1974-665415/72

Figure 5–1. Sample of a completed DA Form 3655—Continued

Legend:

Completion instructions for DA Form 3655.

The original and one copy of the crime lab examination request will be sent with the evidence, and one copy, with pen and ink annotation of the registered mail number and date forwarded to USACIL, will be

Legend for Figure 5–1—Continued

maintained with the copy of the evidence custody document retained in the evidence room suspense file.

To: The "To" block will list the address of the USACIL serving the contributing office. The division(s) to make the examination is (are) shown on the "Attention line" (for example, chemistry, firearms, documents, latent print, or photography). If examination is to be conducted by more than one division, the divisions should be listed in a logical order facilitating the required examinations. The "From" block will list the contributor's return address. The evidence and report will be returned to the contributor reflected in the "From" block unless otherwise specified. If the evidence and/or report is to be returned to an office other than the one in the "From" block, the address to which the report and/or evidence is to be returned will be noted in the lower portion of the "From" block, preceded by the annotation "Return report to:", "Return report and evidence to:", or "Return evidence to:", dependent upon which action is desired.

Blocks 1 through 9. These blocks are self-explanatory.

Block 10. 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 11. Describe the examinations desired by the contributor. Only examinations necessary to resolve an investigation will be requested. Requesting "other examinations as appropriate" is recommended. Also, furnish any information that the requester feels will help the examiner and aid in processing. A brief synopsis of the background information is recommended for all submissions. All serology, firearms, and trace evidence submissions must have background information in this block.

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

Appendix A
References

Section I
Required Publications

AR 15–6
Procedures for Investigating Officers and Board of Officers. (Cited in paras 3-3a and 3-3c.)

AR 25–400–2
The Modern Army Recordkeeping System (MARKS). (Cited in paras 2-4f and 2-5a.)

AR 190–11
Physical Security of Arms, Ammunition, and Explosives. (Cited in para 4-2f(1).)

AR 190–12
Military Police Working Dogs. (Cited in paras 2-10a(1), 2-10a(3), and 4-4a.)

AR 190–53
Interception of Wire and Oral Communications for Law Enforcement Purposes. (Cited in para 2-8j(13).)

AR 195–2
Criminal Investigation Activities. (Cited in para 2-7h.)

AR 195–3
Acceptance, Accreditation, and Release of U.S. Army Criminal Investigation Command Personnel. (Cited in para 3-3a.)

AR 195–4
Use of Contingency Limitation .0015 Funds for Criminal Investigative Activities. (Cited in para 2-8k.)

AR 340–3
Official Mail Cost Control Program. (Cited in para 2-7e.)

AR 380–5
Department of the Army Information Security Program. (Cited in para 4-1a.)

AR 600–8–1
Army Casualty and Memorial Affairs and Line of Duty Investigations. (Cited in para 2-8j(9).)

AR 710–2
Supply Policy Below the Wholesale Level. (Cited in para 2-8j(12)(a).)

CTA 50–909
Field and Garrison Furnishings and Equipment

DA Pam 190–12
Military Working Dogs. (Cited in paras 2-10a(1) and 4-4a.)

DOD Manual 4160.21–M
Defense Disposal Manual. (Cited in paras 2-8j(12)(e) and 2-8j(14).)

FM 19–20
Law Enforcement Investigations. (Cited in paras 2-1a, 2-7d(1), 5-1c, and 5-2b(6).)

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 publication.

AR 190–13
The Army Physical Security Program

DA Pam 710–2–1
Using Unit Supply System

Federal Rules of Criminal Procedure

Military Rules of Evidence
Manual for Courts-Martial, United States, 1984

Uniform Code of Military Justice

United States Code
18 USC 504

United States Code
18 USC 924d

United States Code
21 USC 812

Section III
Prescribed Forms

DA Form 3655
Crime Lab Examination Request. (Prescribed in paras 2-7c(3) and 5-1d.)

DA Form 4002
Evidence/Property Tag. (Prescribed in paras 2-1b, 2-4b, and 5-2b(4).)

DA Form 4137
Evidence/Property Custody Document. (Prescribed in paras 1-6c(3), 2-3, 2-4, and 5-1d.)

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 1348–1
DOD Single Line Item Release/Receipt Document

Standard Form 700
Security Container Information

Glossary

Section I
Abbreviations

AIDS
acquired immune deficiency syndrome

APO
Army Post Office

AR
Army Regulation

ARNG
Army National Guard

AUSA
Assistant United States Attorney

CID
Criminal Investigation Division

CIS
Chief, Investigative Support

CONEX
container express

CONUS
continental United States

CTA
common table of allowances

DA
Department of the Army

DEA
Drug Enforcement Administration

DOD
Department of Defense

DRMO
Defense Reutilization Marketing Office

DSSN
Disbursing Station Symbol Number

EOD
explosive ordnance disposal

FAO
finance and accounting office

GBL
Government bill of lading

GSA
General Services Administration

HQUSACE
Headquarters, U.S. Army Corps of Engineers

HSP
high security padlock

IDS
Intrusion Detection System

IRS
Internal Revenue Service

J-SIIDS
Joint Services Interior Intrusion Detection System

LSD
lysergic acid diethylamide

MACOM
major Army command

MARKS
Modern Army Record-keeping System

MILVAN
military van

MOS
military occupational specialty

MP
military police

MPR
military police report

NCO
noncommissioned officer

PM
provost marshal

ROI
report of investigation

SAC
Special Agent-in-Charge

SCRCNI
sealed container received, contents not inventoried

SJA
Staff Judge Advocate

UCMJ
Uniform Code of Military Justice

USACIDC
U.S. 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

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 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 an 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 5340–00–158–3807, 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 of people who have had custody of the evidence from initial acquisition until final disposition.

CID supervisor
A commissioned officer, special agent, or DA civilian who has been assigned as a region, laboratory, district, field office commander, executive officer, operations officer, or to other positions within the USACIDC as designated by the Commanding General, USACIDC, or the special agent-in-charge of a branch office or resident agency.

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 custody document files File folders, kept by the evidence custodian, that contain physical evidence custody documents.

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, FSN 7530–00–286–8363, 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) 95B and 95C and commissioned officers with speciality code 31. At those installations where law enforcement and security services are provided by DA 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 CID special agent, an 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.

Section III
Special Abbreviations and Terms

This section contains no entries.

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