

**TEXAS DEPARTMENT OF STATE HEALTH SERVICES
MEAT SAFETY ASSURANCE
AUSTIN, TEXAS**

MSA DIRECTIVE	8010.3 Rev. 6	9/8/2021
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**PROCEDURES FOR EVIDENCE COLLECTION,
SAFEGUARDING AND DISPOSAL**

CHAPTER I - GENERAL

I. PURPOSE

This directive provides the methodologies that Texas Department of State Health Services (DSHS), Policy, Standards, Quality Assurance (PSQA), Meat Group (MG), Compliance Investigators (CI) and other authorized PSQA MG and Meat Safety Assurance (MSA) Unit personnel will apply when collecting, safeguarding, and disposing of evidence in the performance of surveillance, investigations, and other activities under the Texas Meat and Poultry Inspection Act (TMPPIA), Texas Administrative Code (TAC), and related laws and regulations.

KEY POINTS:

- *Three general categories of evidence.*
- *Procedures for collecting, safeguarding, and disposal of evidence, including photographs and videos.*
- *Procedures for using government-issued smartphones for evidence collection.*
- *Procedures for collecting investigative samples.*
- *Procedures for transferring and receiving evidence.*
- *Procedures for retention and disposal of evidence.*

II. CANCELLATIONS

MSA Directive 8010.3, Revision 5, Procedures for Evidence Collection, Safeguarding, and Disposal, 5/23/17.

III. REASON FOR REISSUANCE

PSQA MG is updating its "equal to" documentation in conjunction with USDA/FSIS and to update all procedures and terminology within the document, to match the present time.

IV. REFERENCES

Texas Meat and Poultry Inspection Act (TMPIA)
Texas Administrative Code (TAC)
Federal Meat Inspection Act (FMIA)
Poultry Products Inspection Act (PPIA)
Humane Methods of Slaughter Act
The Agricultural Marketing Act of 1946, as amended
9 CFR Sections 320.4, 381.146, 381.178 and 590.200
21 U.S.C. 460, 642, 1034 and 1040
MSA Procedure 7355.1, Revision 2, Use of Sample Seals for Laboratory Samples and Other Applications
PSQA Directive 8410.1, Revision 5, Detention and Seizure
MSA Coversheet for FSIS Directive 10,230.2
FSIS Directive 10,230.2, Procedures for Collecting and Submitting Domestic Samples for Microbiological Analysis
MSA Coversheet for FSIS Directive 10,300.1
FSIS Directive 10,300.1, Intensified Verification Testing (IVT) Protocol for Sampling of Product, Food Contact Surfaces, and Environmental Surfaces for *Listeria monocytogenes*

V. MSA FORMS ASSOCIATED WITH THIS DIRECTIVE

A. The following MSA Forms are used to secure evidence

1. MSA Form 8110.1 (Evidence Receipt and Chain of Custody) – MSA 8110.1 provides a detailed accounting of all evidentiary items collected in an investigation and is used to monitor the control and accountability of these items. MSA 8110.1 identifies the evidentiary item(s) collected in an investigation and establishes the chain of custody for that evidence; tracks the chain of custody to maintain control and accountability for the item(s); and documents the final disposal action of the item(s).
2. Photographic Reports provide a detailed description of the subject of the photograph, the location where the photograph was taken, the date the photograph was taken, and the name of the photographer.

3. Photographic Log Sheet - Identifies the subject or location photographed; identifies the type of media and a specific description of each photograph; and provides for a reference sketch of the area/items photographed.
4. MSA-16 (Shipper's or Receiver's Certification) – may be used when initial contact is made with the shipper or receiver of meat, and poultry products that appear to be in violation of the Acts.
5. Texas MSA Seal (Green Adhesive Seal) is used to seal evidence and samples to ensure integrity of the evidence.

VI. BACKGROUND

CI have a responsibility to conduct surveillance, investigations, and other activities under the TMPA, TAC, FMIA, and PPIA. The collection and safeguarding of evidence is essential to support Department decisions, investigative findings, and enforcement or other legal actions. Employees of DSHS PSQA MG or MSA Unit may sometimes collect evidence while performing their official duties and should follow the methods to collect, safeguard, and maintain evidence set out in this directive.

Evidence includes documents, photographs, investigative samples, and other facts or records collected during surveillance, investigations, or other activities. The safeguarding of evidence includes the steps needed to establish legal integrity (i.e. identification, security, handling, and chain of custody) from the time of initial acquisition to final disposal. These steps prevent loss, unauthorized alteration, mishandling, or other actions that may affect the integrity of evidence. Chain of custody is the methodology used to maintain, track, and document control of all evidentiary items. Failure to safeguard evidence may affect the use of that evidence to support enforcement or legal actions. Evidence disposal addresses retention, disposal requirements, and procedures.

CHAPTER II - EVIDENCE COLLECTION

I. GENERAL

A. Evidence may be used to support Agency decisions, to support that a violation of law has occurred, to take enforcement actions, to help obtain a ruling in a court of law, or to accomplish other purposes. When collecting evidence, program employees are to treat every item of evidence in the manner described in this directive. The proper treatment and the preservation of evidence in the condition in which it was collected require that all authorized persons handle evidentiary items with care. Establishing and maintaining a chain of custody for all evidence

collected is of utmost importance to provide for accountability for, and for maintaining a record of, the conditions under which the items were held at each stage of evidence collection, safeguarding, and disposal.

B. There are three general categories of evidence for which the procedures outlined in this directive apply. These categories are:

1. Documentary evidence (may also be referred to as physical evidence);
2. Photographic evidence (may also be referred to as digital evidence); and
3. Investigative samples.

C. Program employees may, as necessary, develop demonstrative exhibits to illustrate, clarify, or summarize evidence (i.e., documents, records, items, photographs, or samples) collected during surveillance, investigations, FSAs, and other activities. Demonstrative exhibits need to represent the evidence fairly and accurately. Examples of demonstrative exhibits include diagrams, flowcharts, maps, drawings, or graphs. Program employees are to include any demonstrative exhibits in the list of exhibits. Because demonstrative exhibits are generated by the program employee, and not collected from a subject or witness of an investigation, it is not necessary to prepare MSA Form 8110.1, the Evidence Receipt and Chain of Custody form.

D. When evidence is obtained as digital files (e.g., scanned document files, files obtained via e-mail from a firm, video, data spreadsheet), program employees are to follow the instructions in the Photographic Evidence section below to identify and maintain the digital evidence on an MSA-approved, secure digital storage device (e.g., CD-R, DVD-R, encrypted flash drive, encrypted external drive) with an Evidence Receipt and Chain of Custody form.

II. DOCUMENTARY EVIDENCE

A. Documentary evidence is the most common form of evidence collected during investigations and other activities. Documents, including various forms of statements collected by program employees during surveillance, investigation, and other activities, may be used to support Agency decisions, enforcement actions, and investigative findings or to support legal action in Federal, State, or local court.

B. It is imperative that a government witness (usually the person who collected the record) be able to testify as to where, when, and from whom the documents were collected and to the fact that the copy is a true and correct copy of the source document, based on his/her review of the source document.

C. Documentary evidence is a type of evidence that is in physical form rather than oral form, including writings on paper as well as physical forms of media that are collected from a subject or witness.

D. Examples of documentary evidence include:

1. Sales invoices (as a means of identifying the seller or buyer; the amount, type, price, or date of the sale; or purchase or receipt of the product);
2. Receiving and storage records (as a means of identifying dates relevant to product storage, product condition or temperature, or storage temperature);
3. Product labels (the physical, printed label; if obtained as a photograph it is digital/photographic evidence);
4. Transportation records (as a means of identifying the transporter, the location the product was shipped from, or the location to which the product was shipped);
5. Rodent and pest control service records;
6. Contracts, agreements, or similar transactional documents;
7. E-mails received from firm or individual (when proffered);
8. Sanitation Standard Operating Procedures (Sanitation SOP) records and Hazard Analysis Critical Control Point (HACCP) records;
9. Production records (e.g., establishment production dates, lot numbers, pre-shipment review conducted);
10. Laboratory analysis records of product (analysis requested by a manufacturer, custodian, or owner);
11. Records or reports documented by Federal, State, or local authorities of noncompliance, violations, or other issues.
12. Statements (signed and unsigned) documenting an interview;
13. Memoranda of Interview (MOI);
14. Diagrams, maps, charts, or graphs collected from a subject or witness during an investigation; and

15. Photographic prints, videos, or other items collected from a subject or witness during an investigation as a physical copy (e.g., printed material, government-issued flash drive, audio/video DVD/CD/tape/external device).
16. Other relevant printed materials (e.g., information from a company website or social media page).

E. To collect documentary evidence, program employees are to use the following procedures:

1. Make a request to a responsible official to examine records, documents, or items;
2. Examine and determine the specific records to collect; and
3. Collect appropriate records, documents, or items:
 - a. Copies – Obtain selected documentary evidence by requesting copies or the opportunity to make copies, scan, or photograph each individual record or document or item.
 - b. Original – Obtain the source document if a copy is not available (see paragraph G. 3 below).

F. The Acts provide DSHS personnel authority to examine facilities, inventory, and records at inspected establishments and at warehouses, distribution centers, and other in-commerce facilities subject to the statutes. Statutory provisions provide duly authorized representatives of the Department with access to the place of business; with an opportunity to examine the facilities, inventory, and records thereof; and with an opportunity to copy all such records.

G. To identify documentary evidence, program employees are to:

1. Complete an Evidence Receipt and Chain of Custody form and sign it, and maintain the hard copy with the original evidence in a secure location;
2. Initial and date the back of each document or record that is obtained as a copy collected (e.g., initials mm/dd/yy). There are occasions when a single piece of documentary evidence may consist of hundreds of sheets of paper, which may or may not be bound or sequentially numbered (e.g., page 6 of 10). In these instances, program employees may use an abbreviated method to initial and date these documents. If the program

employee ensures that all pages are accounted for, the program employee may initial and date the first and last page and identify the number of pages (e.g., page 1 of 500 on the first sheet and page 500 of 500 on the last sheet);

NOTE: Original records and documents should be returned to the owner when possible; therefore, ensure that they are not initialed or altered in any way.

3. When source records must be retained for evidence the program employee shall document this within the Shipper/Receiver Statement or within a MOI and a copy given to the owner or custodian to ensure that these records, documents, or items are identified and authenticated; Source documents are considered personal property. As such, the program employee is to maintain the Shipper/Receiver Statement or MOI with the case file. Personal property is to be returned to the owner or custodian in the same condition as received; therefore, program employees are to ensure these records, documents, or items are not altered in any way; and
4. Sign and date each statement or MOI.

III. PHOTOGRAPHIC EVIDENCE

- A. Statute provides Department personnel broad authority to conduct inspections and examinations of the premises, facilities, inventory, records, equipment, and operations of federally inspected establishments, warehouses, distribution centers, and other in-commerce facilities subject to the statutes. These statutory provisions also provide program employees authority to copy certain business records. Program employees are to use photography, under these authorities, as a technique to examine facilities, equipment, operations, inventory, records, and where necessary to copy business records. Permission from company management to take photographic evidence during surveillance, investigations, or other activities is not necessary.
- B. Photographic evidence is one of the most effective and useful forms of evidence. Photographic evidence, which includes digital photographs, including video (when appropriate and in consultation with supervisors), provides visual evidence to establish violative conditions or products, insanitary conditions or practices that are likely to render products injurious to health, or other observations. Photographs provide a means to visually bring the facility or location to the decision-maker to support Agency decisions, enforcement actions, and investigative findings. Photographs also may be used to record

business and other documents, when necessary or efficient, in place of collecting or reproducing copies.

- C. Photographic evidence is a type of evidence that uses photography or videography to capture images of conditions, products, practices, observations, and other visualizations; this evidence is collected by program employees.
- D. Examples of conditions or practices effectively documented by photographic evidence include:
1. Evidence of rodents, insect infestation, other insanitary conditions, or facility construction or maintenance problems that contribute to insanitary conditions;
 2. Routes of, as well as actual contamination of, raw materials or finished products;
 3. Condition of raw materials or finished products;
 4. Product labels, other labeling, invoices, or other documents, including digital files from scanning;
 5. Insanitary conditions or equipment contributing to contamination or to violative condition of raw materials or finished products;
 6. Employee practices contributing to contamination or to violative condition of raw materials or finished products; and
 7. In-commerce forms or official establishment records, including records showing errors; substitutions; penciled changes in procedure; faulty practices; deviations from HACCP; Sanitation SOP; other prerequisite programs; other protocols; altered or inadequate control procedures; or other deviations from a stated procedure.
- E. Program employees may encounter situations during the collection of photographic evidence in which they may need to contact their supervisor for guidance in addressing these situations. If necessary, program employees are to contact the central office, through supervisory channels, to obtain guidance or support to enforce the law, address violations, or to request an administrative subpoena for access to and examination, including the use of photography, of the facility, inventory, and records. These situations include:

1. When official establishment or in-commerce facility personnel refuse to allow program employees to take photographic evidence, program employees are to explain the statutory authority cited above, and that the camera is a tool used in the examination of facilities and inventories and for copying business records. Refusal to allow program employees to take photographic evidence under these authorities may constitute interference in violation of the statutes and may be addressed, as appropriate, through enforcement measures.

NOTE: In an official establishment, the refusal to allow program employees to take photographic evidence may provide the basis for a withholding action or suspension without prior notification in accordance with 9 CFR 500.3(a)(6).

2. Official establishment or in-commerce facility personnel may take companion photographs or video for their records, provided it is not done in a manner that opposes, impedes, intimidates, or interferes with any program employees while engaged in or on account of the performance of his or her official duties under the Acts. Program employees who believe that establishment or facility personnel are photographing or videoing them in a manner that is intended to oppose, impede, intimidate, or interfere with the execution of his or her official duties are to notify their supervisors.

NOTE: Program employees are not to surrender digital or smartphone cameras, film, digital images, or photographs to official establishment or in-commerce facility personnel. Program employees are to advise the establishment or facility that it can seek to obtain copies of the photographs under the Freedom of Information Act (FOIA).

F. Program employees are to use government-issued digital or smartphone cameras, or, when necessary, film-based or other photographic equipment, to collect photographic evidence. To collect photographic evidence on a government-issued camera or smartphone, program employees are to use the following procedures:

1. Capture the scene in a comprehensive, logical sequence whenever possible. The sequence should provide an overview of the entire area, a medium eye-view angle, close-up, and extreme close-up images of the subject. Avoid deleting any images in the sequence, even if poorly exposed;
2. Prevent the disturbance of the scene until the necessary images are

collected. Once the images have been taken, the investigation or other activity may continue;

3. Ensure conclusive photographic or videographic identification of the location, as appropriate, in both the exterior and interior sections of the facility (e.g., include an identifiable landmark, such as a street sign, in a photograph of the exterior of the facility); and
4. When it is important to depict scale of the subject of a photograph/video, use a ruler or similar item strategically placed in the close-up images of the subject.

G. To collect photographic evidence, which includes photographs and videos, on a government-issued smartphone, program employees are to use the following additional procedures:

1. Before using the smartphone for photographic evidence collection, ensure all external photo-sharing options are turned off. On an iPhone, go to Settings, select Apple ID, select iCloud, and turn off the appropriate sharing options, including Photos (iCloud Photos), iCloud Backup, and any other auto-syncing applications.

NOTE: Personal (non-government) smartphones are not to be used to collect evidence. Program employees are not to download personal-use, social media, or networking applications to their government-issued smartphones. Program employees are not to text, share, or modify photos on cameras or smartphone applications.

2. Transfer the photographs/videos to an MSA-approved, secure digital storage device (e.g., CD-R, DVD-R, encrypted flash drive, encrypted external drive) as soon as practical as set out in section H below; and
3. Promptly delete the photographs/videos from the smartphone after successful transfer of the photographs to the CD-R is verified.

H. To identify photographic evidence, program employees are to:

1. Initiate and maintain a Photographic Log Sheet to identify the subject or location being photographed and include a description of each photograph;
 - a. A single entry in the Photographic Log Sheet may be used to describe a series of photographs that depict a situation or

conditions if the entry is sufficient to describe what is being depicted (e.g., 00011 – 00020 show insanitary conditions in cooler B at XYZ Company);

- b. When information relevant to photographs of a subject or location is initially captured in investigative notes, ensure that all pertinent information is transferred into Sections I and II of the Photographic Log Sheet; and
- c. Section III of the Photographic Log Sheet may include a sketch of the subject or location being photographed. A sketch is a rough approximation of the scene that places items and locations in perspective to each other to supplement photographs.

NOTE: Under most circumstances, program employees are to complete a Photographic Log Sheet. Program employees, in consultation with supervisors, may determine that it is not necessary to complete a Photographic Log Sheet when, during surveillance, investigative, or other activities, a small number of photographs are taken and all are included in the final investigative Photographic Report. In these cases, the Photographic Report and Evidence Receipt and Chain of Custody Form will serve to identify those photographs and a Photographic Log Sheet is not required.

- 2. Create and authenticate a master original copy of the digital photographs from a government-issued camera or smartphone as soon as practical by following these steps:
 - a. Transferring the files to an MSA-approved, secure digital storage device (e.g., CD-R, DVD-R, encrypted flash drive, encrypted external drive) to ensure that the files cannot be modified;
 - b. Use a USB cord to connect the government-issued camera or smartphone to a government-issued computer, or directly insert the camera or smartphone's external memory card (optional smartphone accessory) into the computer's card reader, to download the files and transfer to a digital storage device;
 - c. Label the master digital storage device with the investigation file number, Administrative Enforcement Report (AER) number, or other file identifier; the firm name; date; description of the subject matter; and the photographer's initials; and

- d. Complete Section I of an Evidence Receipt and Chain of Custody form in ANet by completing the appropriate data fields, printing a hard copy, and maintaining it with the original master digital storage device.
3. Maintain the master digital storage device under security as original evidence and make separate working copies, as necessary, on a computer hard drive, a CD, or other storage media for examination, printing, or enhancement.

IV. INVESTIGATIVE SAMPLES

- A. Investigative sample collection is an important component of evidence collection. It includes the sampling inventory from persons or firms engaged in preparation or storage of meat, and poultry products. It also includes collection and analysis of other materials, as necessary. The TMPIA and FMIA (21 U.S.C. 642) and PPIA (21 U.S.C. 460) provide authority that includes the sampling of inventory, upon payment of fair market value, from persons or firms engaged in the preparation or storage of meat and poultry.
 - B. Investigative samples are collected to support Agency decisions, to take enforcement actions, to support that a violation of law has occurred, to help obtain a ruling in a court of law, or for other purposes. Samples are to be collected and submitted for laboratory analysis in a manner that safeguards the integrity of the evidentiary material, so that it is reliable as evidence.
1. Examples of items that may be collected for analysis are:
 - a. raw, in-process, or finished meat and poultry products;
 - b. ingredients used in raw, in-process, or finished meat, poultry, or egg products;
 - c. product packaging;
 - d. rodent excreta, insects, apparent nesting, or vermin-gnawed material;
or
 - e. any extraneous materials.
 2. Sample Selection
 - a. During the development of an investigative plan, or otherwise as appropriate, contact the DSHS laboratory, as needed, to discuss

methods and types of samples to be collected and specific capabilities to conduct desired analysis.

- b. Samples collected for laboratory analysis are to be collected from the location where the violative condition of the product is known or suspected to exist. Select the portions that will demonstrate the violative nature of the product.
- c. There may be times when additional sampling is necessary to gain information or otherwise protect public health. In these situations, obtain guidance from supervisory channels in regards to specific techniques and sampling plans.

3. Sample Types

a. Intact sampling

Obtain a sample of an unopened packaged product. Collect intact samples if possible; or

b. Non-intact sampling

At times, intact sampling may not be practical because of the volume of product involved or the product's unpackaged state. If intact sampling is not feasible, non-intact samples are to be collected from bulk.

NOTE: When collecting non-intact samples, if microbiological analysis will be requested, utilize aseptic techniques as outlined in MSA Coversheet and FSIS Directive 10,230.2, "Procedures for Collecting and Submitting Domestic Samples for Microbiological Analysis."

4. To request laboratory analysis of investigative samples:

- a. Complete MSA-50-1/G-55 (Microbiological testing) or MSA 50 for Chemical *Laboratory Analysis*
- b. Identify investigative samples as PSQA MEAT GROUP COMPLIANCE on the correct sample request forms
- c. Collect the sample
- d. Complete and attach TEAR STRIP to the sample

- e. Complete and include Sample Chain of Custody Form with the sample
 - f. Secure the sample container with an Official State Seal (Green adhesive seal) and submit the sample to the DSHS Laboratory
5. To establish sample identity the CI may
- a. photograph the product or other evidentiary material before and after sample collection;
 - b. obtain identifying information (e.g., invoices, labels, or other product identification); and
 - c. when appropriate, document a signed statement, MOI, or Shipper's or Receiver's Certification from witnesses with direct knowledge of the sample identity.
6. To maintain sample identity:
- a. Complete a Evidence Receipt and Chain of Custody form
 - b. Obtain records (copies of invoice, receipts, or receiver's certificates)
7. Final disposition and disposal of samples

Because of the possibility of litigation, DSHS laboratories hold a portion of all investigative samples until notified that the sample may be discarded. The Meat Group Manager or designee is to notify the appropriate laboratory when it is no longer necessary to hold a sample (based on consideration of the retention schedule in this directive). The notification to the laboratory needs to include the establishment name and sample numbers. The DSHS laboratory will dispose of the samples as appropriate. The DSHS Laboratory Division will maintain Chain of Custody in accordance with DSHS Laboratory Procedures.

CHAPTER III – SAFEGUARDING, TRANSFERRING, RETAINING, AND DISPOSING OF EVIDENCE

I. SAFEGUARDING EVIDENCE

Evidence is to have a documented and continuous chain of custody from the time of collection until the time it is admitted into court, or the case is resolved, and the evidence is no longer needed.

A. Evidence Security

1. Secure and maintain evidence in a controlled-access area (e.g., a locked room, a locked steel file cabinet, or other suitably-locked enclosure), accessible only to designated personnel.
2. Prepare an MSA-8110.1 Evidence Receipt and Transfer in electronic format for each case to maintain evidence inventories.
3. Generate a hard-copy of the MSA-8110.1 Evidence Receipt and Transfer to file with the evidence when the case is complete, or otherwise as necessary, to monitor the control and accountability of evidence for each case.
4. Keep the number of people involved in handling evidence to a minimum (e.g., persons associated with the investigation).

B. Chain of Custody

1. Ensure that the transfer of evidence from one person to another is documented in the MSA 8110.1 Evidence Receipt and Chain of Custody form.
2. Ensure that evidence is always accompanied with its MSA-8110.1 Evidence Receipt and Chain of Custody form to provide identification at all times.
3. Ensure that the MSA-8110.1 Evidence Receipt and Chain of Custody form is filled out in a legible manner and with permanent ink.

II. TRANSFERRING AND RECEIVING EVIDENCE

A. Transferring Evidence

1. To preserve the chain of custody when evidence is transferred in person, the transferee signs the MSA 8110.1 Evidence Receipt and Chain of Custody form as the person releasing the evidence and identify the purpose of the change in custody.

2. To preserve the chain of custody when evidence is transferred by FedEx or Registered Mail, US Postal Service.
 - a. sign in the Evidence Receipt and Chain of Custody form as the person releasing the evidence and identify the purpose of the change in custody;
 - b. enclose the evidence and Evidence Receipt and Chain of Custody form in a suitable envelope or container marked to show that the contents is evidence, and that it is to be opened only by the identified recipient;
 - c. seal the evidence envelope or container with Official State Seal (green adhesive seal) on the outside of the envelope or container
 - d. place the sealed evidence envelope or container and transmittal letter in a larger envelope or container addressed to the recipient;
 - e. submit the evidence via normal transmittal procedures.

B. Receiving Evidence

1. To preserve the chain of custody when evidence is received in person, sign the Evidence Receipt and Chain of Custody form as the person receiving the evidence.
 - a. Initial and date the envelope or container when opened on the inner evidence envelope or container; and
 - b. Maintain the original initialed envelope or container with the original evidence to provide proof of the chain of custody.
 - c. Maintain evidence under security

III. RETENTION AND DISPOSAL OF EVIDENCE

Retention schedules for evidence collected in the performance of surveillances, investigations, or other activities to support Agency decisions, enforcement actions, and investigative findings are as follows:

- A. Evidence retention schedules are established and maintained by the Department of State Health Services for the entire Agency.

B. Evidence Disposal

1. Evidence is to be disposed of in the following manner:
 - a. all evidence and all copies of documentary evidence, except for personal property evidence for which a Property Receipt was issued, are to be destroyed by shredding or incineration; and
 - b. return personal property evidence for which a Property Receipt was issued to the property owner.
2. Document the disposal of all evidence in the Evidence Receipt and Chain of Custody form and provide it to the supervisory official for verification of disposal.

CHAPTER IV - RESPONSIBILITIES

I. PROGRAM EMPLOYEES

The program employee who collects evidence is to:

1. Ensure the proper application of methods and procedures for collection and safeguarding of evidence in accordance with this directive during surveillance, investigative, or other activities to prevent evidence from loss, unauthorized alteration, mishandling, or other actions that may affect its integrity.
2. Initial and date the back of all evidentiary documents for evidence authentication, except original property, as previously defined in this directive.
3. Establish and maintain identity of investigative samples from the time of collection until receipt at the laboratory in accordance with this directive.
4. Upon collection of all evidentiary items, prepare an Evidence Receipt and Chain of Custody form to establish identification of the evidence, initiate the chain of custody, and provide for evidence authentication.
5. Complete a Property Receipt or Receiver's Certificate when personal property is collected as evidence and provide a copy of the owner or custodian of the property.

6. When the Evidence Receipt and Chain of Custody form cannot easily accompany or be attached to the evidentiary item, identify the item with an Evidence Tag.
7. Make copies of documentary evidence to be used in the investigative report.
8. Document transfers of evidence in the Evidence Receipt and Chain of Custody form to maintain the chain of custody.
9. Ensure that the methods and procedures set forth in this directive are followed during liaison activities with other Federal, State, and local law enforcement agencies in the collection, safeguarding and disposal of evidence, as applicable.

II. Evidence Officer (EO)

The EO is responsible for maintaining control and accountability of all evidentiary items for each assigned investigation. The EO will be the Compliance Manager, or other program employee as designated. The EO is to:

1. Protect all incoming evidentiary items from loss, unauthorized alteration, mishandling, or other actions that may affect their integrity.
2. Arrange for and document in the Evidence Receipt and Chain of Custody form the receiving of evidence and subsequent transfer, release, or return of evidence for laboratory analysis, investigative use, use in court, or as otherwise necessary.
3. Serve as liaison with other Federal, State, and local law enforcement agencies for transfers, releases, and returns of evidence for laboratory analysis, investigative use, or use in court.
4. Conduct periodic inventory of evidence for each assigned investigation to monitor control of and ensure accountability for that evidence.
5. Arrange for the proper disposal of evidence in accordance with the schedules for evidence retention in this directive.

III. Compliance Manager or designee

1. Establish security for evidence (e.g., evidence room, locked cabinet), including limited access to secure areas.

2. Assign an EO for each investigation in the MG Manager's area of responsibility.
3. Receive and provide DSHS laboratory analysis results to the lead CI, EO, or other program employee.
4. Conduct periodic reviews of evidence, evidence logs, and evidence receipts to monitor control of and accountability for evidence.
5. Ensure the timely and proper disposal of evidence in accordance with schedules and procedures in this directive, including notifying the appropriate laboratory when it is no longer necessary to hold investigative samples.

IV. QUESTIONS

Refer questions through supervisory channels.



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