

FEDERAL DEPOSIT INSURANCE CORPORATION
OFFICE OF INSPECTOR GENERAL
Policies and Procedures Manual

PART	IV	Investigations Policies and Procedures
SECTION	OIG-400	Investigative Operations
CHAPTER	400.5	Evidence Handling

1. Purpose. This chapter establishes the policies and procedures for obtaining, handling, securing, and disposing of evidence gathered in the course of investigations.

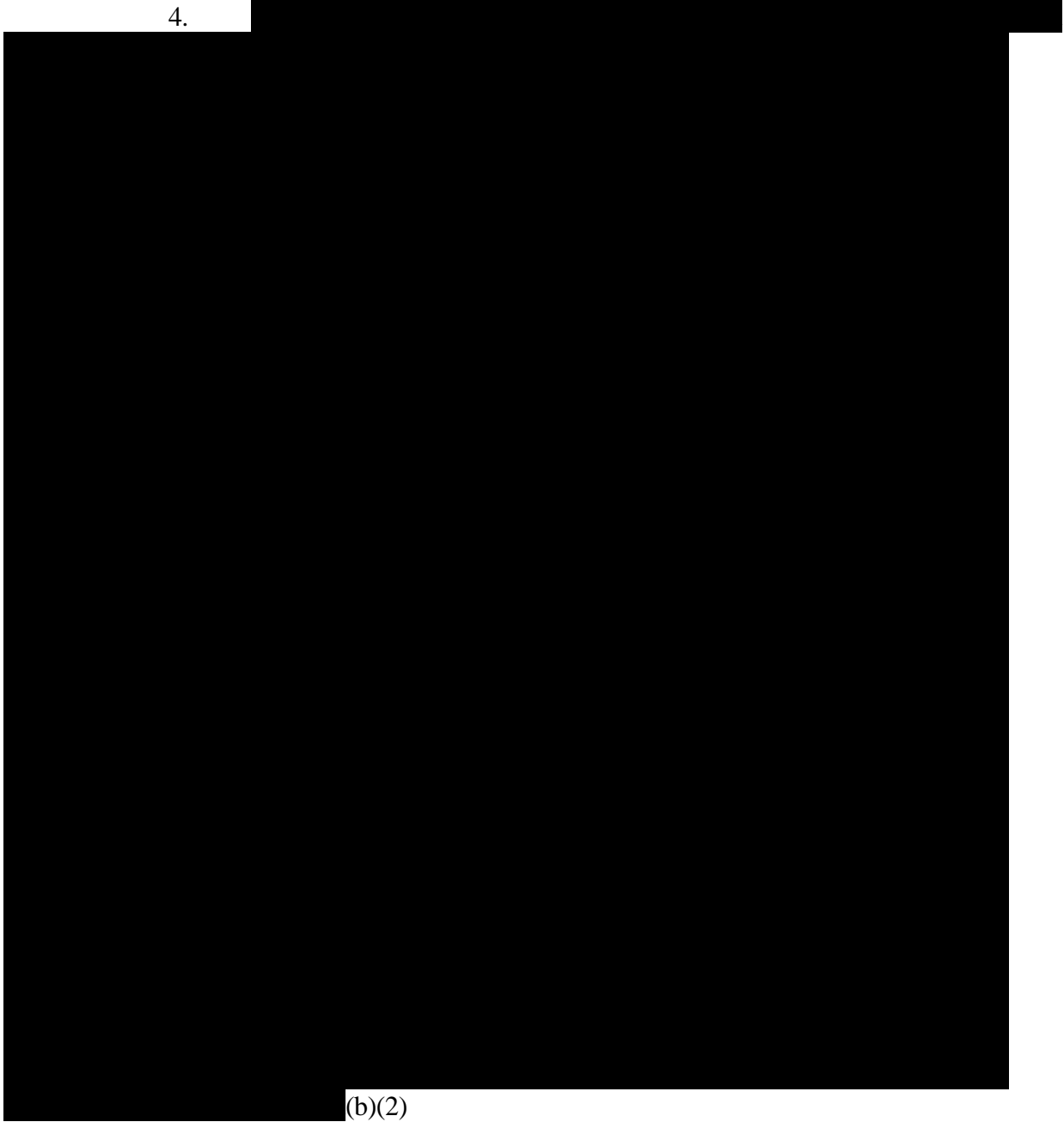
2. Policy. Evidence is information relating to proof or probative value, legally presented at trial through witnesses, records, documents, exhibits, objects, etc., for the purpose of proving or disproving an alleged matter of fact. All materials physically removed by a special agent from a subject, victim, witness, crime scene, or other location during the course of an investigation are presumed to be of evidentiary value. These items must be considered as evidence and receipted, placed on a custody document, and entered into the evidence system as soon as possible. Special agents must be familiar with the Federal Rules of Evidence, Title 28 USC, to ensure that evidence is legally obtained and admissible in judicial proceedings.

3. Collection of Evidence
 - a. Evidence is normally collected by voluntary release, subpoena, or pursuant to a search or seizure.

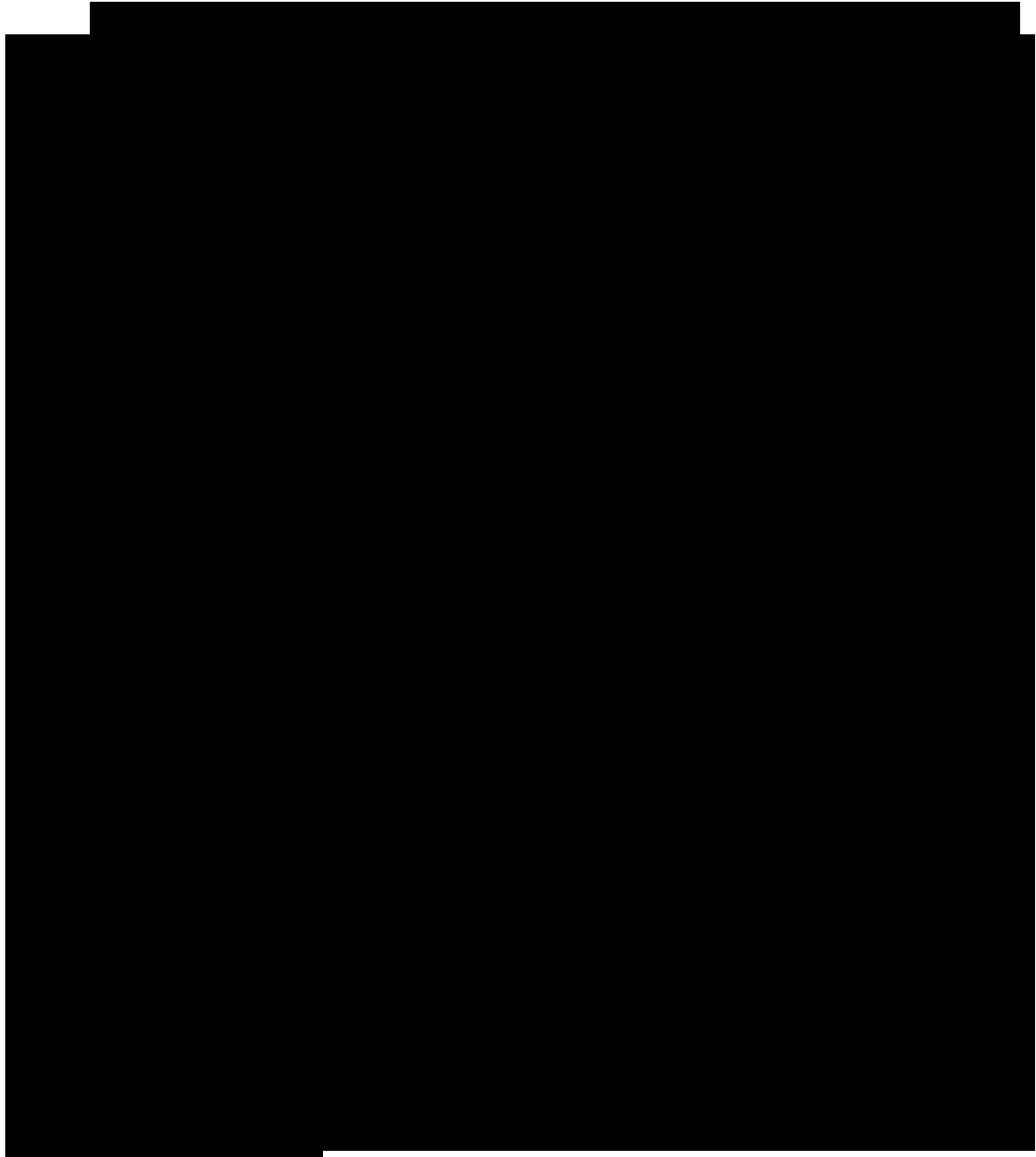
 - b. Financial records can be obtained from a financial institution with written authorization of the account holder, administrative summons or subpoena, search warrants, judicial subpoena or formal written request (see Title 12, USC § 3401 et seq.). Customer authorization is obtained via a written consent.

 - c. Photographs or video taping should be considered prior to the disturbance of any evidence to be collected. This documentation may be augmented by descriptive notes and possibly diagrams of the items to be collected and their exact location as found. Photos and video images of evidence items should be identified. This can be accomplished by placing a legible evidence tag in at least one view of each item or group of like items to be collected. It is recommended that the special agent also provide unobstructed views of the same items by taking photos or videos without the tags present.

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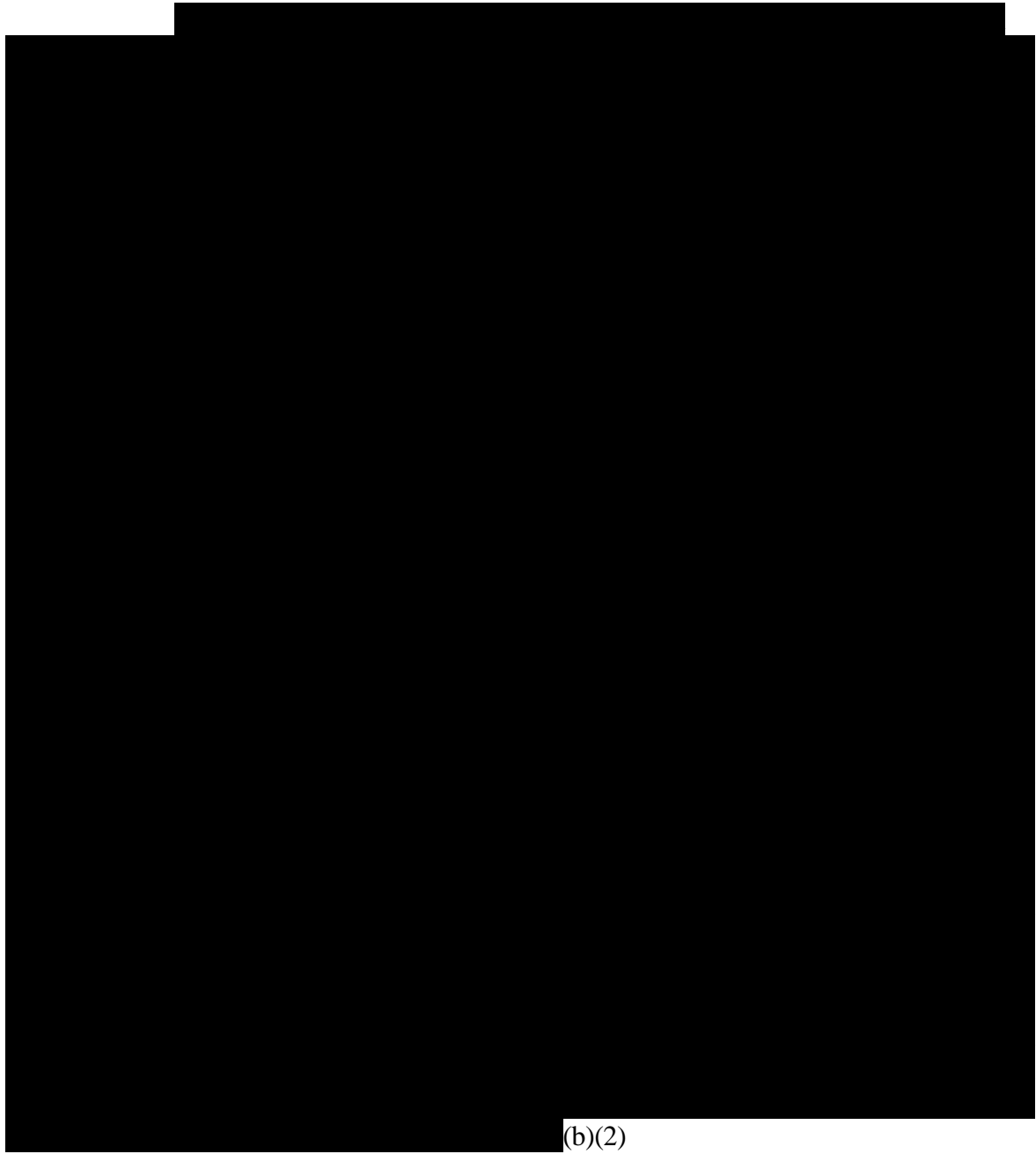
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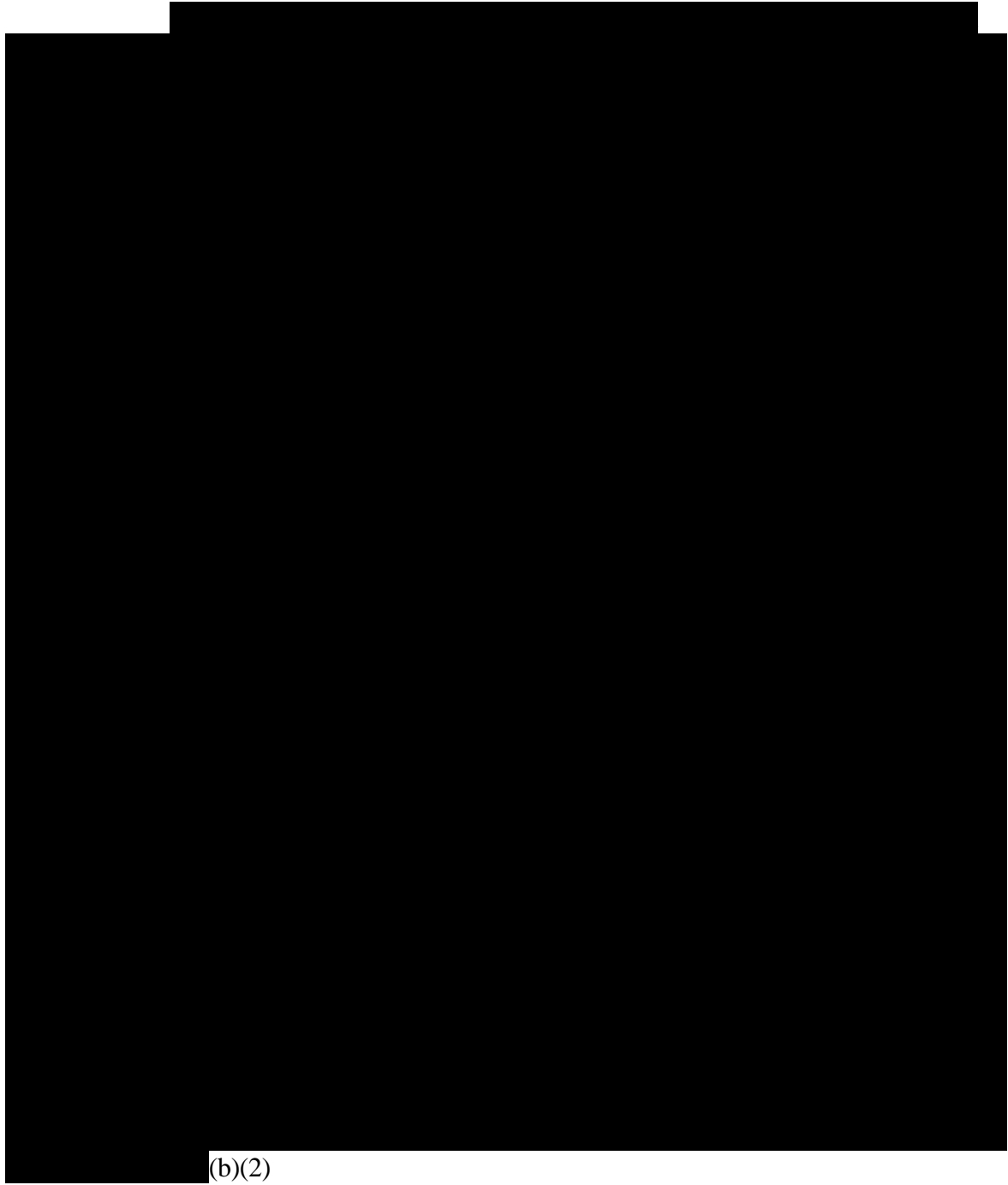
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(1) Evidence which is obtained during the course of an investigation and is the personal property of an individual shall, whenever possible, be returned to that person with the exception of items the mere possession of which is unlawful. Such items would include controlled substances, illegal firearms, explosives, counterfeit U.S. or foreign obligations, counterfeit identification, or evidence purchased through use of the OIG contingency fund, etc. When personal property is returned to the owner or an authorized representative, the individual receiving the property shall be required to sign a receipt. In the event that the owner refuses to accept all the property seized or the owner cannot be identified or located after a reasonable effort, the property will be disposed of in accordance with the procedures found in Paragraph 10.c.(2) of this chapter.

(2) Evidence which, by its nature, cannot be returned to the owner, *i.e.* illegal firearms or other contraband, shall be destroyed. Such destruction shall be accomplished by or in the presence of the Evidence Custodian and one other special agent selected by the SAC both of whom shall sign the final disposition section of the ECD. The method of destruction will depend on the nature of the evidence. Guidance from OI Headquarters is to be sought when there is a question about evidence destruction.

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