

Army Regulation 195-5

Criminal Investigations

Evidence Procedures

**Headquarters
Department of the Army
Washington, DC
28 August 1992**

UNCLASSIFIED

Effective 28 September 1992

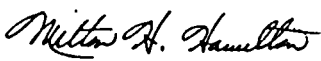
Criminal Investigations

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. This publication has been reorganized to make it compatible with the Army electronic publishing database. Not content has been changed.

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.

Proponent and exception authority.
Not applicable

Army management control process.
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 Users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.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.

Contents (Listed by paragraph and page number)

Chapter 1

General, page 1

Purpose • 1-1, page 1

References • 1-2, page 1

Explanation of abbreviations and terms • 1-3, page 1

Responsibilities • 1-4, page 1

Requests for waiver • 1-5, page 1

Primary and alternate evidence custodians • 1-6, page 1

Policy • 1-7, page 1

Chapter 2

Recording and Accountability of Evidence, page 2

Identification • 2-1, page 2

Sealing • 2-2, page 3

Preparation of DA Form 4137 • 2-3, page 3

Processing of DA Form 4137 by the evidence custodian • 2-4, page 4

Evidence ledger • 2-5, page 4

Maintenance of evidence • 2-6, page 5

Temporary release of evidence • 2-7, page 5

Final disposition of evidence • 2-8, page 6

Special processing procedures for certain 6(e) (Federal Grand Jury materials) evidence • 2-9, page 8

Use of controlled substances for training • 2-10, page 10

Field testing of controlled substances • 2-11, page 10

Retention of evidence • 2-12, page 11

Special handling and safety precautions • 2-13, page 11

Chapter 3

Inspections, Inventories, and Inquiries, page 17

Inspections • 3-1, page 17

Inventories • 3-2, page 17

Inquiries • 3-3, page 18

Chapter 4

Security Standards for Evidence Storage, page 18

Storage concepts • 4-1, page 18

Evidence room • 4-2, page 18

Temporary evidence facilities • 4-3, page 19

Security • 4-4, page 20

Chapter 5

Submission of Evidence to U.S. Army Criminal Investigation Laboratories, page 20

Processing of evidence • 5-1, page 20

Sealing • 5-2, page 20

Expeditious handling and examination of evidence • 5-3, page 21

Special circumstances • 5-4, page 21

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

Contents—Continued

Appendix A. References, *page 25*

Figure List

Figure 1–1: Sample of appointment document, *page 2*

Figure 2–1: Sample of a completed DA Form 4002, *page 3*

Figure 2–2: Sample of a completed DA Form 4137, *page 12*

Figure 2–2: Sample of a completed DA Form 4137—Continued,
page 13

Figure 2–2: Sample of a completed DA Form 4137—Continued,
page 14

Figure 2–3: Sample of evidence ledger page, *page 15*

Figure 2–4: Sample of a completed DD Form 1131, *page 16*

Figure 5–1: Sample of a completed DA Form 3655, *page 22*

Figure 5–1: Sample of a completed DA Form 3655—Continued,
page 23

Glossary

Index

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