



NOAA
FISHERIES

**Office of Law
Enforcement**

Collection, Evaluation, and Preservation of Evidence

Port State Measure Inspector Training Workshop

What is Evidence?

- Anything that helps to:
 - Prove or disprove a crime
 - Establish validity of an assumption or a conclusion.
 - Tell a story about the crime to the court
- May include the lack of required items or documents
- Evidence may / may not be the property of an individual or entity



Evidence helps the investigator answer these questions.

WHO?

Who is the subject(s)
of our investigation?

WHAT?

What illegal activity did the
subject(s) possibly engage in?

WHEN?

When did this
activity occur?

WHERE?

Where did the
activity occur?

HOW?

How did the
subject(s) conduct
this activity?



Module Objective 1

Describe the different types of evidence.

Types of Evidence

- Physical
- Documentary
- Electronic/Digital
- Testimonial
- Demonstrative



Physical Evidence



- Any material object that plays a role in the investigation
- Intended to prove a fact based on the object's physical characteristics
- Establishes something about the violation, or links someone or something to the violation

Examples of Physical Evidence

- Fish
- Meat
- DNA
- Coral
- Packaging
- Containers
- Any tangible object



Documentary Evidence

- Any evidence in the form of documents
- Can be digitized / electronically stored (media storage, electronic devices, uploaded to the cloud, etc.)



Examples of Documentary Evidence

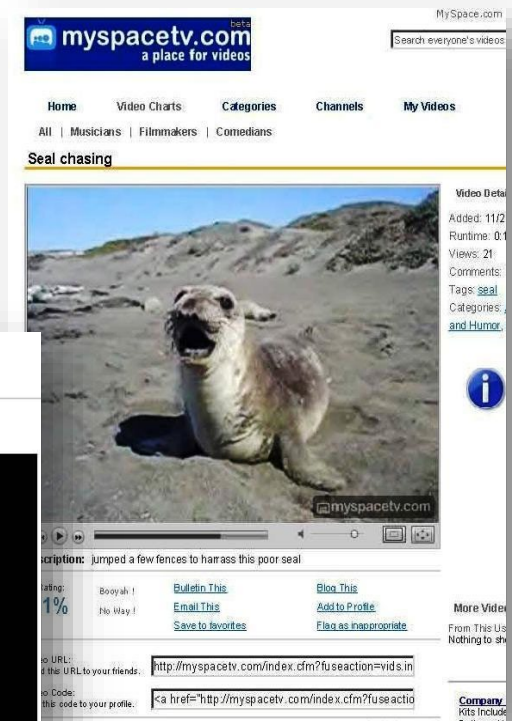
- Freezer logs and tallies
- Factory production reports
- Vessel offload tallies
- Emails
- Way Bills
- Bank statements
- Shipping Documents
- Custom Entries
- Invoices
- Packing Slips

Examples of Documentary Evidence

- Packing lists
- Bill of landing
- Freight invoices
- Stevedoring invoices (offloads)
- Cold storage tally
- Export declarations
- Fishery observer data
- Electronic - emails, photos, video, electronic documents
- Navigation data and logs

Electronic / Digital Evidence – Internet Sources

- Social Media (Twitter, Facebook, YouTube etc.)
- Resale sites Ebay, Craigslist, etc.



Testimonial Evidence

- Providing information verbally about something seen or heard
- A witness giving testimony under oath
- Build this evidence through interviews



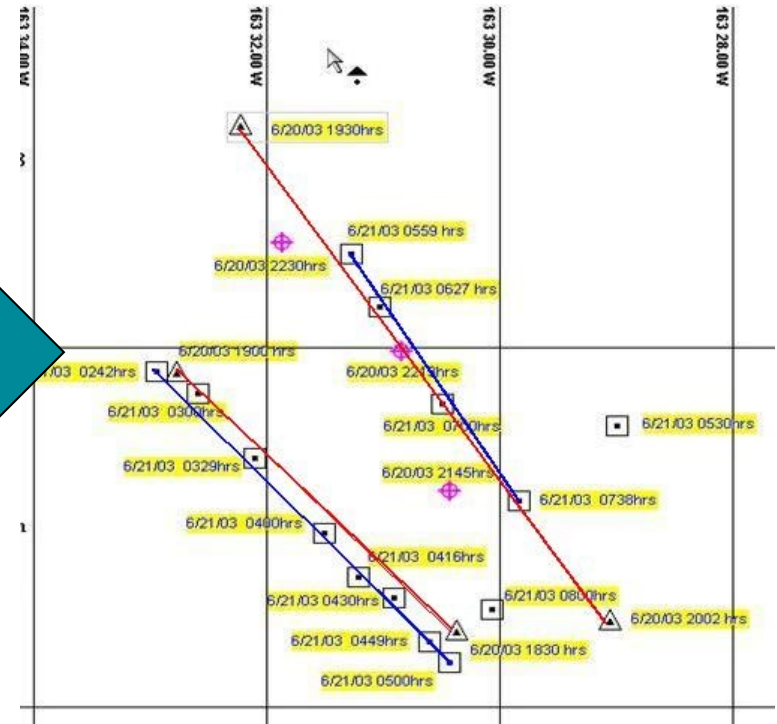
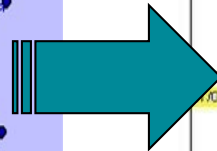
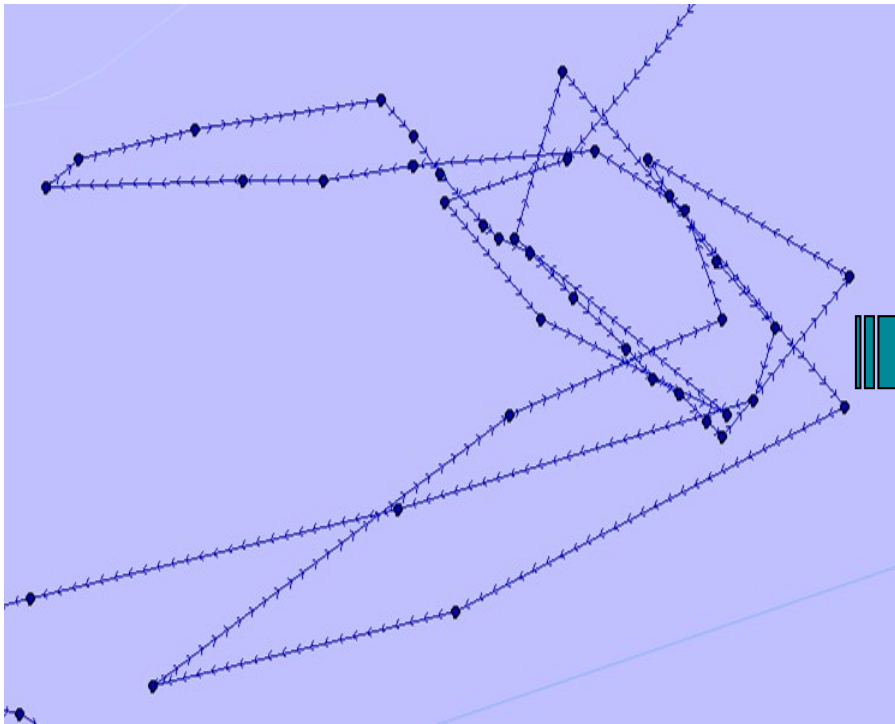
Sources of Testimonial Evidence

- Observers
- Crewmen
- Plant workers
- Disgruntled or former worker
- Competitors
- NGOs
- Other law enforcement officers
- Confidential informants
- Subject matter experts



Demonstrative Evidence

- Evidence that demonstrates or illustrates the testimony of a witness
- Usually charts and diagrams



Electronic position data demonstrating activity consistent with the set, fishing and retrieval of long line gear

Moving an Investigation Forward



Gathering evidence during pre-boarding preparations and observations, and during the inspection

Does the evidence paint a picture that the violation likely occurred?

What additional evidence should we look for to make the picture clearer?
How should we collect that evidence?

How should we best preserve the evidence during the enforcement action / legal processes?



Module Objective 2

Identify the proper methods to identify, document, collect, and preserve evidence.



Evidence Collection

Secure the scene

- Safety / security sweep
- Identify and control all weapons
- Identify all persons, monitor and control their activities/movement while you are onboard



Evidence Collection

Team Roles

- **Lead Officer:** In charge, communicates with vessel master
- **Security:** Sweep, control persons, safety of team
- **Evidence**
 - **Searchers:** Locate and identify evidence, review electronics / documents
 - **Photographer:** Records evidence where found and upon collection
 - **Collectors:** Seizes, authenticates, collects evidence
 - **Custodian:** Secures evidence, maintains evidence log



Evidence Collection

- What are you looking for?
- Does the item support the potential violation?
- Do you have the authority to collect it?
- What are the conditions of the search warrant?
- Are there storage concerns or can it be documented and disposed of/sold?



Collection Procedures

Steps to Follow:

- Preliminary survey
- Photograph
- Collection, recording, marking and preservation of evidence
- Final survey (walk through)
- Release of scene or conduct seizure



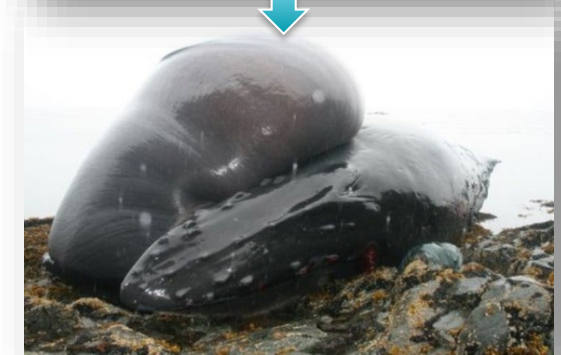
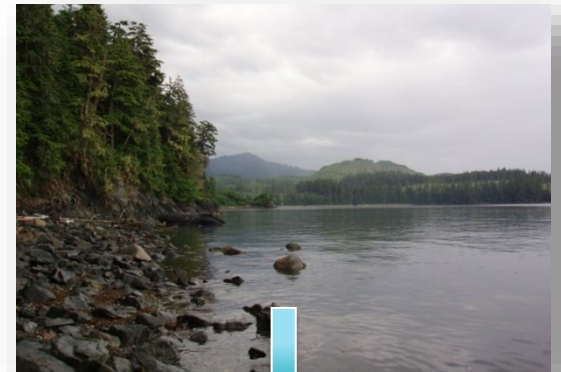
Investigative Photos and Video

- Represent the scene as you find it
- Take MANY photos from multiple distances and angles
- Do not add anything to the scene (evidence identifiers) until after you take initial photos



Orientation of Photos and Video

- Overall
 - Relationship of scene to overall environment
 - Relationship between physical evidence and scene
- Medium range
 - Relationship between items
 - Specific areas
- Close up range with scale
 - Clearly establish size of evidence



Investigative Photos and Video

Video / Photo Log

- Date and time
- Camera and film type
- Photographer
- Each individual photo by number and description



Evidence Collection



- Photograph evidence in original state
- Take inventory
- Collect, tag, and document
- Perishable evidence – decide to sell or store
- Avoid cross contamination if forensic testing is required

Evidence Collection

- Collect and handle evidence according to your laws and policies
- Individuals piece of evidence should be:
 - Tagged
 - Bagged
 - Sealed
 - Labeled
 - Securely stored



Properly Handled and Stored Evidence

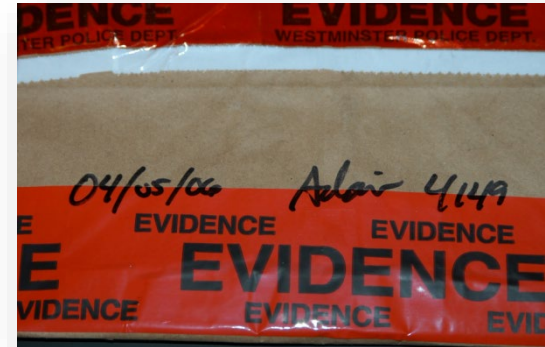
Evidence Tag

EVIDENCE CASE # _____
 FOUND I.D. # _____
 SAFEKEEPING ITEM # _____
 SEARCH WARRANT

Offense: _____
Person/Location Property Taken From: _____
Description of Item(s): _____

OFFICER: _____ DATE: _____
Watsonville Police Department

Evidence Seal



Evidence Bags and labels



Evidence Storage



Evidence Tagging and Labeling

- Easily identify items
- Important for the chain of custody
 - Description
 - Location
 - Serial number
 - Date
 - Officer/inspector name
- Adds credibility to identify and authenticate



EVIDENCE IDENTIFICATION

EVIDENCE

Case No. _____ Item No. _____

Description of Evidence _____

Type of Offense _____

Date _____ Time _____

Remarks/Details _____

Agency _____ Signed _____

The image shows a white evidence tag with a hole on the left side. The word 'EVIDENCE' is printed vertically in red on the left. The title 'EVIDENCE IDENTIFICATION' is at the top right. Below the title are several red lines for text entry, labeled with 'Case No.', 'Item No.', 'Description of Evidence', 'Type of Offense', 'Date', 'Time', 'Remarks/Details', 'Agency', and 'Signed'.

Chain of Custody

Evidence must be safeguarded from tampering, loss, misuse, theft, damage or destruction



Evidence Handling - Chain of Custody

Need clear and indisputable documentation of:

- What the evidence is
- How it was obtained
- Date, time, location collected
- Persons who have handled it since collected and why
- Storage location
- Tracking log (lab testing, court)

NOAA Fisheries Office for Law Enforcement
Evidence Chain of Custody Form

CASE NUMBER ITEM NUMBER

DATE ACQUIRED SEIZED COLLECTED

SEIZURE TAG # EVIDENCE BAG # (if used) COLLECTED BY

EVIDENCE TYPE	QUANTITY	DESCRIPTION OF ITEM
<small>EVIDENCE TYPES: (if handwriting) 1. Fishing Gear 2. Fish/Seafood 3. Blood/Tissue 4. Photographs 5. Video 6. Audio 7. Firearm 8. Documents 9. Other SELECT ONLY ONE</small>		

Select either YES OR NO from each section

CAFRA <input type="radio"/> YES <input type="radio"/> NO	GRAND JURY <input type="radio"/> YES <input type="radio"/> NO	ABANDONED <input type="radio"/> YES <input type="radio"/> NO
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OWNERSHIP INFORMATION (If applicable)

ACQUIRED FROM OWNER'S NAME

DESCRIPTION OF LOCATION FOUND

RESPONSIBLE SA/EO DIVISION FIELD OFFICE

Chain of Custody Tracking Information
(Use Continuation Sheet if needed)

TRANSFERRED FROM	RELEASE SIGNATURE	RELEASE DATE	DELIVERY METHOD	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="radio"/> US MAIL <input type="radio"/> FEDEX	<input type="radio"/> IN PERSON <input type="radio"/> OTHER
TRANSFERRED TO	RECEIPT SIGNATURE	RECEIPT DATE	<input type="radio"/> US MAIL <input type="radio"/> FEDEX	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="radio"/> IN PERSON <input type="radio"/> OTHER	

COMMENTS

Version 1.0 PAGE ____ of ____ PAGES Version date 01/25/2006

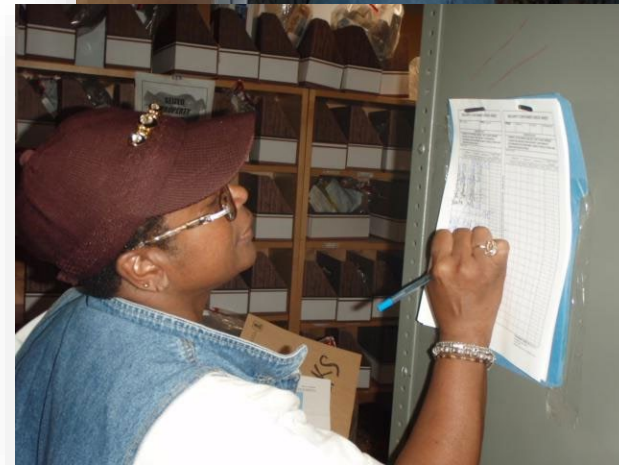
Best Practices for Evidence Control

- Case Officer:
 - Provides property receipt to owner or vessel commander before leaving the scene
 - Maintains written chain of custody
 - Manages evidence for trial, lab testing, disposal
 - Communicates with evidence custodian

Chain of Custody Tracking Information CONTINUATION SHEET			
CASE NUMBER		ITEM NUMBER	
RESPONSIBLE SA/EO		DIVISION	FIELD OFFICE
TRANSFERRED FROM	RELEASE SIGNATURE	RELEASE DATE	DELIVERY METHOD
			<input type="radio"/> US MAIL <input type="radio"/> FEDEX <input type="radio"/> IN PERSON <input type="radio"/> OTHER
TRANSFERRED TO	RECEIPT SIGNATURE	RECEIPT DATE	
			<input type="radio"/> US MAIL <input type="radio"/> FEDEX <input type="radio"/> IN PERSON <input type="radio"/> OTHER
COMMENTS			
TRANSFERRED FROM	RELEASE SIGNATURE	RELEASE DATE	DELIVERY METHOD
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TRANSFERRED TO	RECEIPT SIGNATURE	RECEIPT DATE	
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TRANSFERRED TO	RECEIPT SIGNATURE	RECEIPT DATE	
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COMMENTS			

Best Practices for Evidence Control

- Evidence Custodian
 - Controls storage and removal
 - Documents all entry into storage facility
 - Documents evidence handling or removal
- Evidence Facility
 - Controlled access
 - Room
 - Freezer
 - Building



Forensic Analysis

- Collecting evidence for analysis
 - Any biological evidence
 - Hard to identify items
- Collection concerns/issues
 - Package individually
 - Avoid cross-contamination
 - Evidence seals
 - Consult with forensic scientists



Forensic Analysis

- Ensure Chain of Custody is maintained
- Communicate with lab prior to sending evidence for testing
- Specify what should happen to the sample / evidence after testing or examination

Module Objective 3

Identify best practices for handling electronic and digital evidence.



Digital Forensics

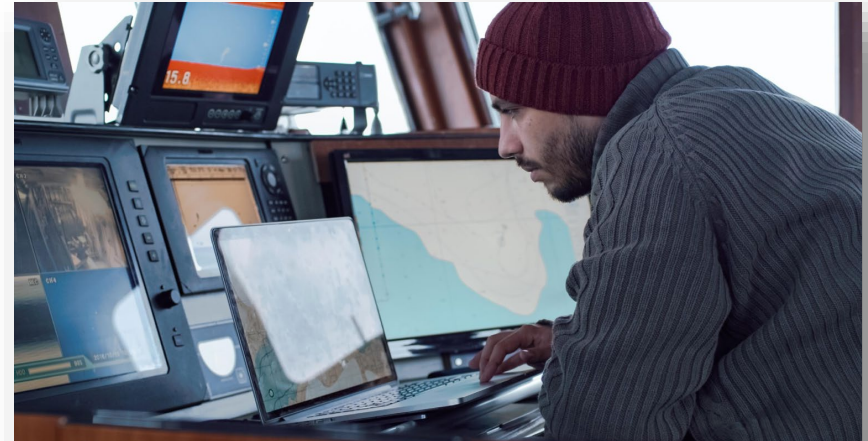


Photo Credit: Federal Bureau of Investigations

Collecting Digital Evidence – Best Practices

Computers

- Restrict access
- Isolate from phone lines
- If off, do not turn on
- If on, do not turn off
- Photograph screen
- Collect all passwords, manuals
- Keep away from magnets, radio transmitters, etc.
- Consult IT / computer specialist



Collecting Digital Evidence – Best Practices

Wireless Telephones

- If on, do not turn off - could activate a lockout feature
- If off, do not turn on
- Write down all information on display
- Photograph
- Collect any instruction manuals, power cords



Module Objective 4

Identify legal requirements and responsibilities for presenting evidence in court.

Use of Evidence in Court

- For admissibility in U.S. courts, evidence must meet the following criteria:
 - Legal, factual
 - Relevant to charges
 - Original or best evidence
 - Lawfully obtained
 - Chain of custody
 - Witnesses deemed competent



Photo Credit: United States Courts

Use of Evidence in Court

**What are YOUR legal requirements
and responsibilities?**

Module Objective 5

Identify methods for proper
evidence disposal.



Evidence Disposal

- Actions taken to properly dispose of or transfer custody of evidence collected
- Identify the legal status once the case is closed
 - Forfeited to the government
 - Abandoned by the owner(s)
 - Returned to the owner(s)
 - Otherwise legally transferred to the State or another party



Perishable Evidence

Additional considerations and disposition options for perishable evidence

At the time of seizure:

- Sell and deposit value in dedicated account, pending trial
- Return to wild (if alive)
- Donation
- Document with photo, video and detailed description prior to release.
- Maintain custody and integrity

Beyond the time of seizure:

- Official government use
 - Loan for educational or research use
- Destruction

Know and follow your nation's laws and agency policies!

Is it okay not to find any evidence?

Is it okay to find evidence that demonstrates innocence?

Summary

- Types of evidence
- Methods to identify, document, and preserve evidence
- Best practices for handling electronic / digital evidence
- Legal requirements and responsibilities for presenting evidence in court
- Methods for proper evidence disposal

Questions?

