



# National Transportation Safety Board

## Standard Operating Procedure for Evidence Collection and Management

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1. Policy. Board Order 900 establishes evidence collection and management as a process to ensure that evidence taken into temporary NTSB custody during the course of an investigation will be safeguarded in such a way that it will maintain its evidentiary value; be preserved in a secure manner; be accurately tracked through a documented chain of custody; and be returned to the owner or other responsible party, or otherwise disposed of, in a timely manner. This Standard Operating Procedure (SOP) establishes a uniform and accepted process for collecting, securing, transporting, storing, examining or testing, and returning or disposing of evidence, thereby facilitating the accuracy and integrity of NTSB investigations through appropriate and consistent evidence collection and management techniques.
2. Scope. The intent of the SOP is to prevent loss, contamination, or other deleterious changes to an item's evidentiary attributes. In addition, this SOP describes procedures for completing and processing the chain of custody documents to ensure that evidence can be accounted for and that the NTSB has a comprehensive, documented history of each evidence transfer. In the absence of specific procedures or in the case of conflicting procedures, the principles, spirit, and intent of the SOP are to be met.
  - A. Evidence Collection
    - (1) Each NTSB staff member responsible for collecting evidence will determine the need to obtain a specific item of evidence for investigative purposes. The NTSB staff member collecting the evidence will document it prior to removing it from its original location. Documentation may be accomplished through photography, video recording, or other applicable methods.
    - (2) Before dismissing an item's evidentiary value, the investigator-in-charge (IIC) should be consulted and all aspects of the investigation should be considered.
    - (3) When evidence is acquired from other sources, such as from another government agency or through party members, the following chain of custody methodology will apply:
      - a. Document the evidence, as well as how it was received (i.e., in person or through shipping).

- b. Obtain information detailing the original circumstances related to the collection of the evidence.
  - c. If the evidence was acquired through a shipment, document the condition of the “as-received” shipping container, as well as any additional packaging within the container.
  - d. Before receiving evidence from outside the United States, contact the Office of General Counsel if there is any possibility that the item is controlled under the *International Traffic in Arms Regulations, Export Administration Regulations, etc.*
  - e. Once received by the NTSB, the evidence will be managed in accordance with the procedures outlined in this policy.
- (4) The NTSB staff member responsible for collecting the evidence will ensure that the owner or other responsible party from whom the evidence was obtained is notified that the item is being retained as evidence. Circumstances may dictate that this notification occurs after the fact, but this will not obviate the need for such notification. Notification will be made through the use of the appropriate *Retention / Release of Wreckage and Evidence Control* forms.
- (5) The NTSB staff member collecting the evidence will be responsible for ensuring its inventory. Evidence may be a single item or comprise multiple pieces or components. Evidence consisting of more than one piece may be considered a *bin item*, and the pieces or components that comprise that *bin item* may be placed in a single storage container. The following processes apply:
- a. Items of evidence will be assigned an inventory number consisting of the case’s accident investigation number and an abbreviation denoting the investigative group responsible for collecting it. Each item collected by that group will then be sequentially numbered. (For example, a vehicle component collected by the Vehicle Group Chairperson would be listed as [accident number] - VEH - 001).
  - b. An evidence identification tag will be completed and attached to or otherwise accompany the evidence. In the case of *bin items*, the evidence identification tag will be attached to or otherwise accompany the storage container.
  - c. In situations in which it is not feasible for an evidence identification tag to be attached to or accompany evidence, the evidence will be appropriately marked. At a minimum, this marking will include the inventory number and other information necessary for proper identification.
  - d. Evidence will be documented on the *Evidence Control* form. The IIC will verify that copies of the forms have been included in the docket, in accordance with the guidelines outlined in OPS-GEN-113, *Docket Procedures*.

## B. Evidence Security

- (1) NTSB staff having custody of evidence will be responsible for maintaining it in a secure manner.
- (2) When planning for the storage of evidence at locations outside of NTSB facilities, the NTSB staff member responsible for collecting the evidence will ensure, through the facility's point of contact, that provisions for maintaining the evidence in a secure manner have been made prior to shipment.

## C. Transferring and Transporting Evidence

- (1) Items containing hazardous materials require special handling. Transportation issues associated with the hazardous material must be addressed in such a way so as to maintain the item's evidentiary attributes while mitigating any hazard presented by the material. The shipper and the recipient should be contacted regarding issues associated with shipping the hazardous material, and, if any questions or concerns remain unresolved following these communications, the duty officer for RPH-20, the Pipeline and Hazardous Materials Division, should be contacted.
- (2) When shipping evidence, only a carrier that provides a means of shipment tracking will be used. Common examples of these types of carriers include FedEx, UPS, DHL, and the USPS. When choosing a carrier, it is essential to be aware of each carrier's limitations for shipment and its requirements for wrapping and labeling.
- (3) Before shipping evidence outside of the United States, contact the Office of General Counsel to address any regulations that may apply to the shipment (*International Traffic in Arms Regulations, Export Administration Regulations, etc.*).
- (4) Evidence will be packaged in such a way so as to protect it from damage during shipping and maintain its condition and evidentiary attributes.
- (5) The packaging process should, if possible, include measures to reduce the likelihood of tampering and to provide indication should tampering occur.
- (6) The package documentation will be placed so that it is not in direct contact with the evidence and can be easily retrieved.
- (7) In cases in which packaging is conducted by others, NTSB staff members will oversee the procedure and provide for the documentation and inventory of the evidence.

## D. Chain of Custody

- (1) The NTSB staff member responsible for collecting the evidence will ensure that whenever evidence is transferred from one location to another or to personnel outside of the NTSB, the chain of custody will be documented.
- (2) The NTSB staff member responsible for collecting the evidence will ensure that whenever evidence is transferred between NTSB employees for the purposes of shipping, the chain of custody will be documented.

- a. When shipping evidence to the NTSB laboratories:
  - i. To record the chain of custody, list the shipping number in the “released to” section of the *Evidence Control* form as the next entry in the chain of custody.
  - ii. Notify the Chief of the appropriate NTSB laboratory before initiating the shipment, and follow the procedures outlined in Operations Bulletin RE-GEN-300, *Materials Laboratory Procedures*, and Operations Bulletin RE-GEN-400, *Aviation Recorders Procedures*.
  - iii. Obtain written confirmation that the shipment has been received.
- b. When shipping evidence to other government agencies, to manufacturers’ or party members’ facilities, or to other locations outside of the NTSB:
  - i. Arrange for a point of contact to receive the evidence and to provide written confirmation of shipment receipt. Also, instruct the contact person to report any apparent damage to the container immediately upon receipt.
  - ii. Instruct the point of contact that the shipping container should not be opened until NTSB personnel so direct.
  - iii. Require the shipper to obtain a delivery signature.
  - iv. Obtain written confirmation from the point of contact that the shipment has been received.

#### E. Storing Evidence

- (1) Evidence collected by NTSB staff may be stored at a variety of locations. Regardless of the location, evidence will be stored in a secure manner until such time that it is released or transferred to a new location.
- (2) All evidence will be stored in such a way so as to maintain its condition and attributes at the time of storage.

#### F. Examination and Testing of Evidence

- (1) In cases in which evidence is examined or tested outside of NTSB facilities, the group chairperson responsible for the evidence will also be responsible for arranging site-specific protocols pertaining to the security of the evidence during the examination.
  - a. Prior to beginning an examination, the “as-received” condition of the shipping container and/or evidence will be documented by the NTSB staff member performing or assisting with the examination.
  - b. During the examination, the evidence will be documented through photography and/or recorded by video. (*Note – If video recording is utilized, the audio portion of the recording will be muted.*)

- c. If the evidence is disassembled, all items being removed and not subjected to further examination will be documented, placed in an appropriate container, and maintained with the evidence being examined.
- (2) If a test procedure is expected to result in the destruction of evidence, the NTSB staff member initiating the testing will inform party members (typically through the IIC) and, in cases in which a parallel criminal investigation exists, the Office of General Counsel, of the expected destruction. Additionally, the destruction of the evidence will be described in the staff member's factual report.
- (3) If evidence is not consumed in testing or is not being immediately released following the completion of the examination, the NTSB staff member responsible for it should ensure that the evidence and any additional items removed during the testing are repackaged per the instructions in Section C., "Transferring and Transporting Evidence," of this SOP. Once the evidence is packaged, it is preferable for the NTSB staff member to ship it. However, when this is not feasible, shipping will be arranged through an appropriate point of contact.

#### G. Returning Evidence

- (1) The decision whether it is necessary to maintain custody of the evidence should be thoroughly vetted through the modal Office Director and General Counsel as necessary before the evidence is returned. At a minimum, the IIC should be consulted regarding the appropriateness of releasing evidence from NTSB custody.
- (2) Tests and examinations should be conducted in a timely fashion. When they are concluded and retention of the evidence is no longer deemed by the IIC to be necessary to the investigation, evidence must be returned to its owner or other responsible party, and written confirmation showing receipt of the evidence must be obtained.
- (3) In situations in which evidence obtained during an investigation does not have an identifiable owner or other responsible party with whom the return may be arranged, or the owner or responsible party does not want the item returned, the evidence will be managed according to guidance obtained from the Office of General Counsel.

### 3. Definitions.

- A. Chain of Custody: A documented exchange that occurs whenever evidence is transferred to another individual or transported to a new location, excluding transfers between NTSB personnel for purposes other than shipping.
- B. Custody: The physical possession of evidence that is achieved through its collection or obtained after an *Evidence Control* form is completed and the evidence is secured by the NTSB from unauthorized access.

- C. Evidence: Any item retained during an NTSB investigation for the purpose of testing or further examination. Non-original documents, such as those that provide statistical data, diagrams and schematics, or other background information typically collected during investigations, including copies of unretained original records, are excluded from this definition.
- D. Packaging: Preshipping protective procedures undertaken to ensure that items of evidentiary value are preserved and secured during transport.
- E. Secure Manner: Maintaining evidence in such a way that it is not exposed or readily available to unauthorized access.
- F. Written Confirmation: When used for purposes of establishing a chain of custody, this may consist of a signature, an e-mail, or a facsimile.