

OPI: RP/CP

DOCUMENTARY AND OTHER NONMEAT EVIDENCE COLLECTION
AND CHAIN OF CUSTODY IN THE COMPLIANCE PROGRAM

I. PURPOSE

This directive transmits Compliance Program procedures for obtaining and preserving documentary and other nonmeat evidence through a chain of custody when filing reports of apparent violation.

II. (RESERVED)

III. (RESERVED)

IV. REFERENCES

Federal Meat Inspection Act (FMIA), Section 202, 21 U.S.C. 642; Poultry Products Inspection Act (PPIA), Section 11, 21 U.S.C. 460; Sections 320.4 and 381.146 of the Meat and Poultry Inspection Regulations.

V. POLICY

The FMIA and the PPIA provide that duly authorized representatives of the Secretary may examine facilities, inventory, and records, to copy all such records, and to take samples of the inventory from persons, firms, and corporations engaged in certain meat and poultry operations. Evidence obtained by the Compliance Program may be used in a court of law. Consequently, such evidence must be carefully protected to prevent loss, breakage, alteration, or unauthorized handling.

VI. RESPONSIBILITIES

A. Compliance Officer. The compliance officer, is primarily responsible for initiating the chain of custody for evidence collected in support of a report of apparent violation. The compliance officer completing the violation report shall:

1. Assume custodianship of all evidence collected.
2. Issue FSIS Form 8200-1, "Property Receipt" when appropriate (See Attachment 1).
3. Forward all original documentary evidence to the evidence officer in the appropriate area office.

B. Evidence Officer. All Officers in Charge in the Compliance Program and the Chief of the Case Evaluation Branch at headquarters are designated as "Evidence Officers." Each will appoint, in writing, an assistant, and the use of the term "Evidence Officer" will include that assistant. The Evidence Officer is responsible for custody of evidence that he/she receives until the evidence is released or destroyed. The Evidence Officer shall:

1. Sign the property receipt as the person receiving the evidence and assign a custodial log number to each item.
2. Maintain an up-to-date database for all evidence in his/her custody.
3. Properly identify evidence to which copies of property receipts cannot be readily attached with FSIS Form 8200-2, "Evidence Tag" (See Attachment 2).

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Attachments

1--FSIS Form 8200-1, Property Receipt (Reference hard copy of this directive) 2--FSIS Form 8200-2, Evidence Tag (Reference hard copy of this directive)