

## ASTM-E-860 Check List

**E-860-07 Standard Practice for Examining and Preparing Items That Are or May Become Involved In Criminal or Civil Litigation<sup>1</sup>**

**E-860-1.1** This practice sets forth guidelines for the examination and testing of actual items or systems (hereinafter termed evidence) that may have been involved in a specific incident that are or may be reasonably expected to be the subject of civil or criminal litigation. This practice is intended to become applicable when it is determined that examination or testing of evidence is required, and such examination is likely to change the nature, state or condition of the evidence.

**E-860-1.2** This practice recommends generally acceptable professional practice, although the facts and issues of each situation may require specific considerations not expressly addressed herein. Deviations from this practice are not necessarily wrong or inferior, but such deviations should be justified and documented.

**E-860-2. Referenced Documents 2.1 ASTM Standards: 2**

**E-1188 Practice for Collection and Preservation of Information and Physical Items by a Technical Investigator.**

**E-1459 Guide for Physical Evidence Labeling and Related Documentation.**

**E-1492 Practice for Receiving, Documenting, Storing, and Retrieving Evidence in a Forensic Science Laboratory.**

**2.2 Other Documents: NFPA® 921 Guide for Fire and Explosion Investigations.**

**E-860-3-Terminology 3.1 Definitions: 3.2 destructive testing—** testing, examination, reexamination, disassembly, or other actions likely to alter the original, as-found nature, state or condition of items of evidence so as to preclude or adversely affect additional examination and testing.

**E-860-5. Procedure**

Section/Task	Yes	No	N/A	Pending
<p><b>E-860-5.1</b>The person, firm, or agency conducting examinations or tests of the evidence should document the nature, state, and condition of the evidence by descriptive, photographic, or other suitable methods prior to any test, examination, reexamination, disassembly, or alteration.</p> <p><b>E-860-5.1.1</b> Attempt to determine any change(s), alteration(s) or contamination of the evidence subsequent to the incident, and document those findings.</p> <p><b>E-860-5.2</b> It is recognized that certain characteristics cannot be determined without destructive testing. Non-destructive tests and examinations should be carried out prior to any destructive testing, and destructive testing should be kept to a minimum, and thoroughly documented. If exemplars can be used instead of the subject items, then exemplars should be used to minimize consumption of the subject item. If proposed tests, examinations, or other actions are likely to alter the nature, state, or condition of the evidence so as to preclude or limit additional examination or testing, the person, firm, or agency planning to perform the proposed action should take the following steps:  <b>Exemplar used?-----</b></p>				

Section/Task	Yes	No	N/A	Pending
E-860-5.2.1 Notify its client that the proposed action is likely to alter the nature, state, or condition of the evidence so as to preclude or limit additional examination or testing of the evidence.				
E-860-5.2.2 Recommend that its client notify other interested parties of the proposed action described in 5.2 (Above).				
E-860-5.2.3 Recommend to its client that other interested parties be given the opportunity to participate in the procedures described in 5.2 or to witness and record any such actions.				
E-860-5.3 If compelling reasons exist for performing the actions without notifying other parties, then the person, firm or agency planning the actions should draft and preserve documentation supporting the compelling reasons for such action.				
E-860-5.3.1 In some criminal cases, notification is superfluous, or would unnecessarily impede an investigation. Suspects or criminal defendants in drug possession cases, for example, can be presumed to be on notice that seized substances will be tested. If possible, the examiner should, however, leave a sufficient quantity of the substance intact to allow independent testing. [ ] Independent testing necessary or requested.				
E-860-5.3.2 Investigators or analysts working on evidence collected for criminal or civil cases should understand that there may be parties to a related potential civil or criminal case whose interests could be prejudiced if evidence is not handled properly.				
E-860-5.4 Upon completion of testing or examination, preserve and label each item in a manner that protects and maintains its identity and integrity.				
E-860-5.4.1 For handling evidence related to sexual assault, follow Guide E 1843.				
E-860-5.4.2 For handling evidence related to fires, and to avoid spoilation in such cases, follow NFPA® 921.				
E-860-5.4.3 For documenting the chain of custody, follow Practice ASTM-E-1492.				
E-860-6. Documentation 6.1 Document methods used and results obtained in tests, examinations, disassembly, or other actions conducted in compliance with this practice.				
E-860-6.2 Document the procedures used according to Practice ASTM-E-1188.				
E-860-6.3 Label any new items of evidence resulting from the testing according to the procedures set forth in Guide ASTM-E-1459.				
7. Keywords	--	--		----
7.1 evidence collection and preservation; forensic engineers; forensic sciences.				

Case/File# \_\_\_\_\_

Date: \_\_\_\_\_

Investigator  Technical Expert  Engineer  Technician  Other \_\_\_\_\_

Signed: \_\_\_\_\_

Name Printed: \_\_\_\_\_

Agency/Company \_\_\_\_\_

Attach additional documentation if necessary.

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