



Designation: E 860 – 97

## Standard Practice for Examining And Testing Items That Are Or May Become Involved In Litigation<sup>1</sup>

This standard is issued under the fixed designation E 860; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon ( $\epsilon$ ) indicates an editorial change since the last revision or reapproval.

### 1. Scope

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 is or is reasonably expected to be the subject of litigation. This practice is intended to become applicable when it is determined that examination or testing of evidence is required.

1.2 For additional standards promulgated by ASTM Committee E-30 on Forensic Sciences see Practice E 620, E 678, and E 1020.

1.3 *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the responsibility of the user of this standard to establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to use.*

### 2. Referenced Documents

#### 2.1 ASTM Standards:

E 620 Practice for Reporting Opinions of Technical Experts<sup>2</sup>

E 678 Practice for Evaluation of Technical Data<sup>2</sup>

E 1020 Practice for Reporting Incidents<sup>2</sup>

E 1188 Practice for the Collection and Preservation of Information and Physical Items by a Technical Investigator<sup>2</sup>

### 3. Significance and Use

3.1 This practice sets forth the guidelines for the examination and testing of evidence that is, or may become involved in litigation. It outlines procedures to be followed to document the nature, state, or condition of evidence. It also describes specific actions that are required if planned testing, examina-

tion, disassembly, or other action is likely to alter the nature, state, or condition of the evidence so as to preclude or adversely limit additional examination and testing.

### 4. Procedure

4.1 The person, firm, or corporation conducting examinations or tests of the evidence must document the nature, state, and condition of the evidence by descriptive, photo-graphic, or other suitable methods prior to any test examination, disassembly, or alteration. It should attempt to determine change(s), alteration(s) or contamination of the evidence subsequent to the incident, and report its findings.

4.2 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 and testing, the person, firm, or corporation planning to perform the proposed action shall:

4.2.1 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.

4.2.2 Recommend that its client notify other interested parties of the proposed action described in 4.2, and

4.2.3 Recommend to its client that other interested parties be given the opportunity to participate in the procedures described in 4.1 or to witness and record any such actions.

4.3 If compelling reasons exist for the performing actions without notifying other parties, then the person, firm or corporation planning the actions must draft and preserve documentation supporting the compelling reasons for such action.

4.4 Upon the completion of the actions, each component not returned to service must be preserved in a manner which protects and maintains its identity and integrity.

### 5. Documentation

5.1 Methods used and results obtained in tests, examinations, disassembly, or other actions conducted in compliance with this practice, shall be documented and preserved.

<sup>1</sup> This practice is under the jurisdiction of Committee E30 on Forensic Sciences and is the direct responsibility of Subcommittee E30.11 on Interdisciplinary Forensic Science Standards.

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<sup>2</sup> *Annual Book of ASTM Standards*, Vol 14.02.