



Designation: E860 – 07 (Reapproved 2013)<sup>ε2</sup>

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

This standard is issued under the fixed designation E860; 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.

<sup>ε1</sup> NOTE—Editorial corrections were made to 5.4 in March 2014.

<sup>ε2</sup> NOTE—Editorial corrections were made to 5.4.2 in October 2017.

### 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 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.

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.

1.3 *This practice offers a set of instructions for performing one or more specific operations. This document cannot replace education, training, or experience and should be used in conjunction with professional judgment. Not all aspects of this practice may be applicable in all circumstances.*

1.4 *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, health, and environmental practices and determine the applicability of regulatory limitations prior to use.*

1.5 *This international standard was developed in accordance with internationally recognized principles on standardization established in the Decision on Principles for the Development of International Standards, Guides and Recommendations issued by the World Trade Organization Technical Barriers to Trade (TBT) Committee.*

<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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### 2. Referenced Documents

2.1 *ASTM Standards:*<sup>2</sup>

E1188 Practice for Collection and Preservation of Information and Physical Items by a Technical Investigator

E1459 Guide for Physical Evidence Labeling and Related Documentation

E1492 Practice for Receiving, Documenting, Storing, and Retrieving Evidence in a Forensic Science Laboratory

E1843 Guide for Sexual Violence Investigation, Examination, and Evidence Collection Protocol

2.2 *Other Documents:*

NFPA 921 Guide for Fire and Explosion Investigations<sup>3</sup>

### 3. Terminology

3.1 *Definitions:*

3.1.1 *destructive testing*—testing, examination, re-examination, 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.

3.1.2 *spoliation of evidence*—the loss, destruction, or material alteration of an object or document that is evidence or potential evidence in a legal proceeding by one who has the responsibility for its preservation. Spoliation of evidence may occur when the movement, change or destruction of evidence, or alteration of the scene significantly impairs the opportunity of other interested parties to obtain the same evidentiary value from the evidence as did any prior investigator.

### 4. Significance and Use

4.1 This practice establishes procedures to be followed to document the nature, state, or condition of items of evidence. It also describes specific actions that are required if planned

<sup>2</sup> For referenced ASTM standards, visit the ASTM website, [www.astm.org](http://www.astm.org), or contact ASTM Customer Service at [service@astm.org](mailto:service@astm.org). For Annual Book of ASTM Standards volume information, refer to the standard's Document Summary page on the ASTM website.

<sup>3</sup> Available from National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, MA 02169-7471, <http://www.nfpa.org>.