

Idaho Department of Correction 	Standard Operating Procedure	Title: Custody of Evidence: Special Investigations Unit		Page: 1 of 5
		Control Number: 116.01.01.001	Version: 2.0	Adopted: 05-26-2009

Henry Atencio, deputy director, approved this document on 04/02/2015.

Open to the public: Yes No

Redacted version available: Yes No

SCOPE

This standard operating procedure (SOP) applies only to Special Investigations Unit (SIU) staff and designated investigators involved in the collection and preservation of evidence obtained during the course of administrative investigations and inquiries.

Revision Summary
Revision date (04/02/2015) version 2.0: Updated to be specific to the newly assembled Special Investigations Unit. Updated document to new format style.

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BOARD OF CORRECTION IDAPA RULE NUMBER 116

Custody of Evidence

POLICY CONTROL NUMBER 116

Custody of Evidence

PURPOSE

The purpose of this SOP is to (1) establish guidelines for maintaining the integrity of the evidentiary chain of custody, and (2) provide procedure for the processing, storage, and disposal of evidence used in administrative investigations and inquiries conducted by the Special Investigations Unit (SIU)

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RESPONSIBILITY

SIU Chief Investigator

The chief investigator (or designee) of the SIU is responsible for:

- Overseeing administrative investigations of department matters **and** complaints or allegations involving department employees, and
- Implementing and ensuring the procedures provided herein are followed (to include ensuring SIU investigators read SOP annually).

SIU Investigators

SIU investigators are responsible for practicing the procedures provided herein. In addition, all SIU investigators will be required to read this SOP annually.

SIU Evidence Technician

The SIU evidence technician is responsible for practicing the procedures provided herein. In addition, the evidence technician will be required to read this SOP annually.

In addition, and under the general supervision of the chief investigator, the evidence technician will be responsible for:

- Performing specialized clerical and routine technical work relating to securing, storing, and disposing of seized evidence and property according to federal and state law and department procedure;
- Evaluating the worth of adjudicated evidence in preparation for legal disposal and dispersal;
- Notifying investigators when evidence is to be destroyed or dispersed;
- Releasing evidentiary items to authorized personnel;
- Conducting an annual inventory of property and evidence storage lockers or facilities;
- Responding to subpoenas to bring evidence to court and to testify as needed; and
- Transporting evidence to the forensic services laboratory for analysis, and retrieve and return the evidence after the analysis is completed.

GENERAL REQUIREMENTS

The investigator seizing or obtaining an article of evidence will maintain custody of that evidence until it is placed in the evidence storage locker or facility. All items or articles seized during administrative investigations and used as evidence in disciplinary **or** criminal proceedings shall be maintained in a safe and secure manner until the completion of the proceedings. Evidence of criminal activity can be transferred to the law enforcement agency that has jurisdiction.

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1. Evidence Collection

Confiscated evidence is to be properly maintained at all times if it is to be admitted as evidence in legal proceedings. To prevent legal challenges in regards to how evidence is handled, only the investigator charged with collecting and packaging the evidence (normally the case investigator) shall handle the evidence.

To establish and maintain a chain of custody, any evidence collected and packaged must be stored in a secure and safe location to ensure against theft, damage, and unauthorized possession.

The investigator shall complete appendix A, *Custody of Evidence Form*, (or if applicable an Idaho State Police (ISP) evidence envelope) for each item of evidence seized. Each *Custody of Evidence Form* shall be attached to the package or container containing the evidence **and** the package or container shall be sealed with evidence tape. (Note: If using the ISP evidence envelope, the envelope shall also be sealed with evidence tape.) The investigator shall then write his initials and the date on the evidence tape. The fields that must be completed on the *Custody of Evidence Form* or ISP evidence envelope include:

- Description of the evidence;
- Location found and date found (if appropriate);
- Charge (e.g., the type of crime alleged or type of incident);
- Suspect (e.g., the identity of the involved staff member[s] or persons involved);
- Officer to contact, phone number (i.e., the printed name, telephone number, and signature of the investigator); and
- Date (i.e., the date the evidence was relinquished to the evidence technician).

The investigator shall also complete appendix B, *Evidence Log*, by listing each article of evidence seized in the investigation. The original *Evidence Log* shall be maintained in the investigative file. A copy of the log shall be made to submit (along with the evidence) to the evidence technician.

2. Evidence Preservation

The chief investigator designates the SIU administrative assistant to be the evidence technician, who is responsible for the chain of custody of the evidence for storage and disposition.

A copy of appendix B, *Evidence Log*, shall be maintained at the SIU evidence storage locker or facility. The *Evidence Log* will be maintained until all evidence for that particular case is properly disposed of in accordance with this SOP.

When the evidence technician receives evidence from an investigator for storage in the evidence storage locker, the evidence technician will log the evidence into the evidence log located on the Q: drive with the following information:

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- Location of the evidence,
- Destruction of the evidence, or
- Return of the evidence to the original possessor **or** third-party when evidence no longer needs to be held as evidence.

Note: When the evidence is no longer held, a note shall be placed in the investigative file.

3. Evidence Disposal

- 12 months after adjudication, unless a request is received from the court, etc. as noted below, other evidence (except contraband or illegal items) can be:
 - ◆ Returned to the original possessor when permitted by law (If the investigator seized firearms or controlled substances, they shall notify the proper law enforcement agency.); **or**
 - ◆ Released to a third-party who has a credible claim of ownership or is otherwise legally entitled to possess pieces of the evidence.

Note: Returned evidence shall be recorded on appendix C, *Property Receipt*. The *Property Receipt* shall indicate to whom the evidence was released and the date. If the evidence is in the form of a controlled substance, the controlled substance shall be relinquished only to the ISP for disposal.

Note: Third-parties must provide photo identification. A credible claim of ownership shall include documentation such as a sales receipt, a bill of sale or transfer, or other written evidence of ownership.

- Unclaimed or SIU-generated evidence (including audio and video recordings, photographs, and similar items) should be destroyed by the evidence technician seven years after adjudication unless a request is received from the court, Office of the Attorney General (i.e., Idaho Attorney General), or the Idaho Personnel Commission to continue possession or preservation of the evidence.

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DEFINITIONS

Chain of Custody: The unbroken trail of accountability that ensures the physical security of a sample or evidence, tracking its handling and storage from the point of collection to the final disposition.

Department: The Idaho Department of Correction.

Evidence: The means by which any matter of fact may be established or disproved. Such means include testimony, documents, and physical objects.

Evidence Technician: The person designated to receive, review, catalog, mark, document, and store submitted property and evidence for the purpose of safeguarding the integrity of the chain of custody.

Investigative File: A Special Investigations Unit (SIU) file containing the Investigative Report and other documents such as interview summaries, witness statements, evidence logs, and supporting documents of an approved investigation.

Special Investigations Unit (SIU): The designated unit under the Director's Office with primary responsibility for conducting administrative and criminal investigations involving allegations of staff misconduct, offenders who have absconded from probation or parole, investigate escapes and assist in the recapture of offenders, pre-employment background checks, gather intelligence and coordinate facility investigations.

– End of Document –

Custody of Evidence Form

LAB NO. _____
LAB EXHIBIT NO. _____

ISP Forensic Services
Headquarters Lab
(For Evidence Delivery Only)
700 South Stratford Drive
Meridian, ID 83642
Tel. No. 884-7170

1. Please complete all blanks below.
2. Seal the evidence into an envelope.
3. Deliver to the appropriate lab or send by UPS or registered mail to the appropriate address.
4. Please tape the completed envelope to a properly sealed evidence container.

Agency Submitting	_____ Date of Offense _____
Agency Case Number	Exhibit No. _____ DOB: _____ SS#: _____ SID#: _____
Suspect	_____
Victim	_____
Charge	_____ Court Date _____
Description of Evidence	_____ _____
Location Found	_____ Date Found _____
Examination Required	_____ _____
Officer to Contact	_____ Phone No. _____

From _____	To _____	Date _____
From _____	To _____	Date _____
From _____	To _____	Date _____
From _____	To _____	Date _____
From _____	To _____	Date _____
From _____	To _____	Date _____
From _____	To _____	Date _____
From _____	To _____	Date _____

Special Investigations Unit
Evidence Log

Case Number:	Case Name:	Investigator:
The following physical evidence, documents, statements and testimony was collected during the investigation:		
Exhibit #	Description	Control #
Investigator Signature:		Date:

Special Investigations Unit
Property Receipt

On (date) ____/____/____, at (time) ____:____ am / pm, the item(s) listed below were returned to:

Name: _____

Agency: _____

Address: _____

Description of Item(s):

Received by: _____ Received from: _____

Witnessed by: _____ Case No.: _____