

Idaho Department of Correction 	Standard Operating Procedure Division of Community Corrections General Administrative	Control Number: 116.04.02.000	Version: 2.2	Page Number: 1 of 4
		Title: Custody of Evidence: Community Corrections		Adopted: 10-9-2001 Reviewed: 2-8-2010 Next Review: 2-8-2012

This document was approved by Kevin Kemp, chief of the Division of Community Corrections, on 2/8/10 (signature on file).

BOARD OF CORRECTION IDAPA RULE NUMBER 116

[Custody of Evidence](#)

POLICY STATEMENT NUMBER 116

[Custody of Evidence](#)

POLICY DOCUMENT NUMBER 116

[Custody of Evidence](#)

DEFINITIONS

[Standardized Definitions List](#)

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.

Contraband: Any thing--of any kind--that is prohibited by Board, Department, or facility rules, policies, directives, or standard operating procedures. Contraband also includes any thing--of any kind--that a facility head has not approved (1) for possession by an inmate or (2) to bring into a facility or onto Department property.

Controlled Substance: A drug or substance restricted by law in respect of use and possession.

Offender: A person under the legal care, custody, supervision, or authority of the Board--including a person within or without the State pursuant to agreement with another state or contractor.

Photo Identification: A state issued driver's license, a state issued identification card displaying a photograph, a military issued identification card displaying a photograph, or a current valid passport.

PURPOSE

The purpose of this standard operating procedure (SOP) is to provide procedures for the proper processing, storage, and disposal of contraband and controlled substances used to support allegations of probation and parole violations.

Control Number: 116.04.02.000	Version: 2.2	Title: Custody of Evidence: Community Corrections	Page Number: 2 of 4
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SCOPE

This SOP applies to all Division staff members involved in the supervision and management of offenders who are under the jurisdiction of the Idaho Department of Correction (IDOC), Division of Community Corrections.

RESPONSIBILITY

Chief of the Division of Community Corrections

The chief of the Division of Community Corrections (or designee) is responsible for overseeing probation and parole services and for ensuring acceptable evidence collection and storing procedures are adhered to.

District Managers and Supervisors

District managers and supervisors are responsible for implementing this SOP and for ensuring probation and parole officers (PPOs) are practicing the procedures provided herein. In addition, all managers and supervisors will be required to read this SOP annually.

Probation and Parole Officers

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

Table of Contents

General Requirements2

1. Evidence Collection Procedure2

 Process Steps3

2. Seizure of Prescription (Rx) Medications4

3. Evidence Disposal.....4

References.....4

GENERAL REQUIREMENTS

All contraband confiscated from offenders and used as evidence in probation or parole revocation proceedings shall be maintained in a safe and secure manner until the completion of the proceedings. Evidence of criminal activity should be processed by the law enforcement agency that has jurisdiction.

1. Evidence Collection Procedure

Confiscated contraband 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 PPO charged with collecting and packaging the evidence (normally the supervising PPO) 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. Preferably, a staff member will be designated the evidence custodian and made

Control Number: 116.04.02.000	Version: 2.2	Title: Custody of Evidence: Community Corrections	Page Number: 3 of 4
---	------------------------	---	-------------------------------

responsible for the chain of custody of the evidence to include, but not limited to, storage and disposition. If a secure location is not available, arrangements shall be made with a local law enforcement agency to store and secure the evidence.

Process Steps

Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Probation and Parole Officer (PPO) (normally the supervising PPO)	1	<ul style="list-style-type: none"> Collect all confiscated contraband that is to serve as evidence of a probation or parole violation(s). Record the evidence on the Property Receipt. Package the evidence and make sure the Property Receipt is reflective of the evidence packed and vice-versa. Seal each package and write your initials over the seal. Document the seizure of the evidence in the Corrections Integrated System (CIS) as a case update.
		<p>Note: To prevent legal challenges to chain of custody, only the PPO charged with this step shall perform the above tasks.</p>
PPO	2	Distribute copies of the Property Receipt as follows: <ul style="list-style-type: none"> Original – Place in the offender's central file (C-file). Copies – Give one (1) copy to the offender, and secure a second copy to the package.
		<p>Note: The second copy must remain with the package throughout storage, the hearing process concludes, and the evidence can be destroyed in accordance with section 2.</p>
PPO	3	Surrender the packaged evidence to the evidence custodian.
Evidence Custodian	4	<ul style="list-style-type: none"> Document that you have taken custody of the packaged evidence. Store the packaged evidence in a safe and secure location (such as an evidence locker). Ensure the packaged evidence is only disposed of in accordance with section 2.
		<p>Note: Ensure that the packaged evidence is never handled by any other staff member who does not have a justifiable or allowable reason to do so. If the reason is justifiable or allowable, ensure that it is documented that the package changed custody from you to the other staff member.</p>

For further assistance with CIS, see your designated CIS super user.

Control Number: 116.04.02.000	Version: 2.2	Title: Custody of Evidence: Community Corrections	Page Number: 4 of 4
---	------------------------	---	-------------------------------

2. Seizure of Prescription (Rx) Medications

In most cases, medication(s) prescribed to an offender by a medical doctor should not be seized as evidence. Only if the PPO has probable cause that the offender is abusing the medication **or** is “doctor shopping” to obtain the medication(s) should the medication(s) be seized as evidence. Under either scenario above, the PPO shall report the seizure to the court **or** the Commission of Pardons and Parole in the form of a Report of Violation.

If an offender is suspected of committing fraud to obtain the medication(s) and probable cause has been established to seize the medication(s) as evidence, the PPO shall report the fraudulent act to the law enforcement agency that has jurisdiction for investigation, **and** the evidence shall be relinquished to that same law enforcement agency. If the law enforcement agency determines that there is not enough probable cause to pursue a criminal complaint, the PPO shall return the medication(s) to the offender.

Whenever Rx medications are seized, the PPO shall ensure that the offender receives any necessary medical care **or** schedules an appointment with his medical provider.

Note: Document the seizure and return (if applicable) of the evidence in the Corrections Integrated System (CIS) as a case update.

3. Evidence Disposal

- Unclaimed evidence can be disposed of 60 days after adjudication (to include the appeal process) unless a request is received from the court **or** the Commission of Pardons and Parole to assume possession of the evidence.
- 60 days after adjudication (to include the appeal process), evidence can be released to a third-party who (1) has a credible claim of ownership **or** (2) is otherwise legally entitled to possess pieces of the evidence. (**Note: The third-party must provide photo identification to prove who they are.** If the third-party is between the age of 16 and 18 years, a student ID card issued by his school (if not expired) will suffice. If contraband cannot be released to a relative of the offender or another person who has a credible claim of ownership, it may be disposed of 60 days [to include the appeal process] after adjudication.)
- 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.
- The Property Receipt shall indicate to whom the evidence was released and the dated. The Property Receipt shall also be signed by the district manager (or a section supervisor). (**Note: Ensure that the third-party produced photo identification.**)
- If the evidence is in the form of a controlled substance, the controlled substance shall be relinquished to the proper State agency for disposal.

Note: Document the disposal or release of the evidence in the CIS as a case update.

REFERENCES

Department Policy [116](#), *Custody of Evidence*

IDAPA 06.01.01, *Rules of the Board of Correction*, [Section 116](#), *Custody of Evidence*