

DEPARTMENT OF HUMAN SERVICES
DIVISION OF JUVENILE JUSTICE SERVICES
POLICY AND PROCEDURES

Policy No: 05-09
Subject: Evidence

Effective Date: 11/1/04

Revision Date: 8/7/17

I. Policy Statement

Staff in Division facilities/programs shall secure and temporarily hold any item identified as potential evidence until it can be retrieved by law enforcement personnel. In the event that law enforcement personnel declines to take custody of the item, staff shall manage the item in accordance with Division policy 05-10 Contraband.

II. Rationale

Maintaining the chain of custody of evidence and preventing tampering with evidence, allows the Division and/or law enforcement personnel to prove or disprove an issue, pursue disciplinary action for potential violations of policies or procedures, and/or pursue prosecution for potential violations of federal or state law.

III. Definitions

“Evidence” is any item that might prove or disprove an issue in question; or any item collected that may be used in the prosecution of a violation of federal or state law and/or Department or Division policy and procedures.

“Chain of custody” is the ability to establish possession of evidence at all times.

“Contamination” is the introduction of undesirable elements rendering a piece of evidence unacceptable for evidentiary use.

“Evidence custodian” is a Division staff member(s) assigned by the Division Director, Deputy Director, Program Director (PD), or Assistant Program Director (APD) to be responsible for maintaining the security and integrity of evidence at a specific facility/program.

“Administrative evidence custodian” is a Division staff member who is part of the Quality Assurance team and is assigned by the Division Director, Deputy Director, or Quality Assurance Manager, to be responsible for maintaining the security and integrity of evidence.

“Evidence log” (form 05-09B, attached to this policy) is the document used by staff when placing items into the facility/program evidence locker.

“Facility/program evidence lockers are secure repositories for the temporary storage of evidence on-site at a Division facility/program that:

A. Needs to be held for Division disciplinary matters; or

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- B. Needs to be held for Youth Parole Hearings and/or
- C. Needs proper disposal.

“Administrative evidence locker” is a secure repository maintained at the administration building.

“Administrative evidence log” (form 05-09C, attached to this policy) is the document used by the administrative evidence custodian when moving items from the facility/program evidence locker to the administrative evidence locker.

“Property form” (form 05-09A, attached to this policy) is the document used to inventory all evidence and shall be attached to the evidence for tracking purposes.

“Illegal Items” are identified as illegal under federal or state law and possession of them by a juvenile may result in criminal charges. These items include, but are not limited to: tobacco, illicit drugs, paraphernalia, alcoholic beverages, and weapons.

IV. Procedure: Collection

- A. All items that enter the facility/program and are illegal items or items that have the potential to be evidence shall be handled as evidence until it is determined by the administrative evidence custodian or law enforcement that it has no evidentiary value.
- B. All staff members who collect evidence shall complete the property form (05-09A).
- C. All evidence shall be packaged individually in an evidence bag provided by the Division in a manner as to preserve its condition at the time of collection.
- D. All individually packaged items of evidence shall be marked with:
 - A. The item number as listed on the property form,
 - B. The name of the person it was confiscated from.
- E. To ensure that evidence has not been tampered with staff shall date and initial both sides of the evidence bag seal.
- F. The staff member shall place the property form with the packaged evidence in the facility/program evidence locker or give it directly to the Evidence Custodian.
- G. The staff member shall also complete an Incident Report per Division Policy 05-15.

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V. Procedure: Evidence Logs

- A. An evidence log (form 05-09B) shall be completed and maintained by the evidence custodian at each facility/program and shall be made accessible for all staff members depositing evidence into the facility/program evidence locker.
- B. Evidence collected and deposited into the evidence locker shall be noted on the evidence log by the staff member depositing the evidence.

VI. Procedure: Administrative Evidence Logs (Maintained at Administration)

- A. An administrative evidence log shall be maintained by a designated Investigations staff.
- B. The administrative evidence log shall include :
 - 1. Incident report episode number.
 - 2. The name of the person evidence was confiscated from.
 - 3. Name of the staff member submitting the evidence.
 - 4. Total number of items placed into evidence.
 - 5. A description of the items placed into evidence.
 - 6. Date that the items were removed from the facility/program evidence locker.
 - 7. Date the items were destroyed or released.
 - 8. Name of the staff member who destroyed or released the item.
 - 9. Name of the person the items were released to.

VII. Procedure: Maintaining the Chain of Custody

- A. Evidence shall be processed in a manner that the chain of custody is preserved.
- B. The number of staff members handling the evidence shall be held to a minimum.
- C. Chain of custody shall be documented on the property form each time control of evidence changes.
- D. Keys to the program/facility evidence locker shall be issued only to an evidence custodian.

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- E. Keys to the administrative evidence locker shall be issued only to the administrative evidence custodian.
- F. After evidence has been placed in the program/facility evidence locker, only an evidence custodian can remove, transfer or release it.
- G. An evidence custodian is responsible for transferring evidence to the administrative evidence locker.
- H. Property in the program/facility evidence locker shall not be released to any third parties, including law enforcement, without proper authorization. Proper authorization includes, but is not limited to a search warrant, subpoena, court order or other valid authorization form the release of the evidence.
- I. Staff members are prohibited from destroying evidence or using it for training purposes unless authorized by the administrative evidence custodian or Division Director.

VIII. Procedure: Facility/Program Evidence Custodian Responsibilities

- A. Remove evidence that has been deposited into the evidence locker.
- B. Verify that the evidence placed in the evidence locker matches the items listed on the property form; if an evidence custodian cannot visually verify this; they can open the package and account for all of the items. All items must then be returned to the original bag and then placed in a new evidence bag. The evidence custodian shall seal the new evidence bag and shall initial and date across both sides of the seal. A witness shall be present during this process.
- C. The evidence custodian shall record the date the evidence was received, the evidence custodian's name and title on the property form.
- D. Record on the evidence log, the date the evidence was received and the evidence custodian's initials.
- E. After processing the evidence, place evidence into the evidence locker until evidence can be transferred to the administrative evidence locker.

IX. Procedure: Administrative Evidence Custodian Responsibilities

- A. Receive evidence that is to be deposited into the administrative evidence locker.

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- B. Verify that the evidence matches the items listed on the property form (05-09A attached to this policy); if the administrative evidence custodian cannot visually verify this, they can open the package and account for all of the items. All items shall be returned to the original bag and then placed in a new evidence bag. The administrative evidence custodian shall seal the new evidence bag and shall initial and date across both sides of the seal. A witness shall be present during this process.
- C. The administrative evidence custodian shall record the date the evidence was received, the administrative evidence custodian's name and title on the property form.
- D. Record on the administrative evidence log, the date the evidence was received and the administrative evidence custodian's initials.
- E. After processing the evidence, place evidence into the administrative evidence locker.

X. Procedure: Documentation

- A. All evidence shall be documented on the property form.
- B. The chain of custody shall be documented on the property form each time the evidence is transferred to another person.
- C. Final disposition of the evidence shall be noted on the bottom of the property form.
- D. The property form (05-09A) shall be completed and maintained in the administrative evidence locker by the administrative evidence custodian.

XI. Procedure: Destruction of Evidence

- A. Items that have no evidentiary value, and have been approved to be destroyed by the Division Director, can only be destroyed by the administrative evidence custodian and shall be destroyed in the presence of a witness by;
 - 1. Burning;
 - 2. Crushing; or
 - 3. Any method which renders the item as useless and harmless.

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- B. The administrative evidence custodian shall destroy the evidence in the presence of a Division staff member who has not been involved in the chain of custody.
- C. Once evidence had been destroyed, it shall be documented on the property form and also on the administrative evidence log (05-09C, attached to this policy).

XII. Procedure: Hazardous Materials

Hazardous materials shall be disposed of according to state requirements.

XIII. Procedure: Inventory of the Administrative Evidence Locker

Evidence contained in the administrative evidence locker and all corresponding evidence records shall be inventoried by the administrative evidence custodian and their supervisor:

- A. Every six months;
- B. upon the assignment of a new administrative evidence custodian; or
- C. at the discretion of the Division Director.
- D. All inventories must be documented in the administrative evidence log (05-09C).

XIV. Continuous Renewal

This policy shall be reviewed every three (3) years to determine its effectiveness and appropriateness. This policy may be reviewed before that time to reflect substantive change.

This policy has been reviewed by the Board of Juvenile Justice Services and is approved upon the signature of the Director.



H. Craig Hall, Chair
Board of Juvenile Justice Services

8/7/17

Signature Date



Susan V. Burke, Director
Division of Juvenile Justice Services

8/7/17

Signature Date