

IACP National Law Enforcement Policy Center

EVIDENCE CONTROL

Model Policy
October 1996

I. PURPOSE

The purpose of this policy is to establish guidelines for maintaining the integrity of the evidentiary chain of custody.

II. POLICY

It is the policy of this law enforcement agency to ensure that evidence in its custody is properly secured and stored, readily retrievable, and that any changes in its custody have been properly and fully documented.

III. DEFINITIONS

Chain of Evidence: The continuity of the custody of physical evidence—from time of original collection to final disposal—that may be introduced in a judicial proceeding.

Impounding Officer: The member of this law enforcement agency who initially receives the evidence and initiates the chain of custody.

Physical Evidence: Any substance or material found or recovered in connection with a criminal investigation.

Evidence Custodian: Agency member accountable for controlling and maintaining all evidence accepted by or stored in the agency's evidence room.

Evidence Room: Facilities used by this law enforcement agency to store evidence.

IV. PROCEDURES

A. Processing Evidence

1. Any member of this agency who has evidence to be placed in the evidence room shall make an inventory of that evidence at the location it was found or recovered. The inventory shall be witnessed and confirmed by a supervisor and shall include the following information for all items of evidence:
 - a. Description of the item (including make, model number, and serial number, if any);
 - b. Source (from whom or location obtained); and
 - c. Name of person primarily responsible for collecting the item or items.
2. The impounding officer shall properly handle, mark, and package all evidence, and transport all physical evidence to the evidence room, or other authorized secure location as soon as practical.
3. Evidence of a hazardous nature shall be appropriately packaged and stored in accordance with established agency policy and state and federal law. Such substances include but are not limited to items that may have been exposed to or contaminated by communicable diseases, hazardous chemicals or waste products, explosives or highly combustible products. Where appropriate, the evidence custodian will make arrangements and assume responsibility for storage and control of such substances outside the evidence room.

B. Impounding Evidence

1. The evidence custodian shall be responsible for receiving, storing, maintaining, releasing, and accounting for all evidence in compliance with established agency policy.
2. When evidence is deposited with the evidence custodian or in an approved holding facility, an evidence receipt shall be completed by the impounding officer. The evidence receipt shall include all information necessary to both document and ensure the integrity of the chain of custody. All drugs should be weighed and kept separately, and monies counted by the evidence custodian and recorded on the evidence receipt.
3. The evidence custodian shall be responsible for developing and maintaining a master file of all evidence invoices and evidence tags completed. This file may be either manual or automated, and shall be cross-indexed with the chain-of-evidence custody file.

C. Storage of Evidence

1. The evidence custodian shall assign a storage location to each item of evidence and record this information on the evidence receipt and evidence tag.
2. Evidence requiring added security, to include money, precious metals, jewelry, gemstones, furs, and related items, shall be stored separately. Weapons, narcotics, and dangerous drugs shall be placed in a separate secure storage area.
3. Perishable items shall be stored in a refrigerator or other suitable container.

D. Access to the Evidence Room

1. Only members of this agency authorized by the chief law enforcement executive may enter the evidence room.
2. A log shall be kept by the evidence custodian that identifies each authorized member entering the evidence room.

E. Inspections of the Evidence Room

1. On a monthly basis, the supervisor of the evidence custodian shall inspect the evidence storage facilities to ensure adherence to appropriate policies and procedures.
2. Unannounced inspections of evidence storage areas shall be conducted semiannually as directed by the agency's chief executive officer.
3. An annual inventory of evidence held by the agency shall be conducted by a commanding officer (appointed by the agency's chief executive officer) not routinely or directly connected with evidence control. Similar inventories shall be conducted whenever a new evidence custodian is assigned.

F. Recording Transfers of Custody

1. The evidence custodian shall be responsible for developing and maintaining a file that documents all changes in custody of physical evidence. The file shall be capable of readily identifying the individual or organization currently maintaining custody of all evidence.
2. A written record of all transfers of physical evidence shall be made.
3. Members of this law enforcement agency who assume custody of evidence from the evidence room bear full responsibility for ensuring its security, proper storage, and maintenance, and for the ready retrieval of such evidence upon demand.

G. Disposal of Evidence

1. When no longer needed for evidentiary purposes, all evidence, with the exception of firearms and contraband, shall be returned to its lawful owner unless title to the evidence is transferred to this or other jurisdictions by court order. If the lawful owner fails to claim the evidence, the agency may, as permitted under state law,
 - a. Destroy it
 - b. Dispose of it by public auction or
 - c. Retain it for use by the jurisdiction.
2. Firearms and other nondrug contraband shall be physically destroyed unless
 - a. Court order authorizes use of the item by this agency; or
 - b. The firearm is required by state law to be returned to its lawful owner.
3. The chief executive officer or his designee shall designate an investigator to monitor the entire drug destruction process. Prior to the scheduled date of destruction, this individual shall
 - a. Select a random sample of the items designated for destruction;
 - b. Have these items quantitatively and qualitatively tested by the agency's laboratory function;
 - c. Compare these results with prior testing conducted by the laboratory and, if no discrepancies are found, return the items to the property room.
 - d. If any discrepancies are found before the drugs are destroyed, immediately notify the commanding officer of the internal affairs function, who shall immediately initiate an appropriate investigation.
 - e. On the date of destruction, monitor the loading of the items to be destroyed, accompany the items to the destruction site, and observe the destruction process.
 - f. During the destruction process, select a random sample of items to be destroyed and have these items quantitatively and qualitatively tested by the agency's laboratory function, and compare these results with prior test results conducted by the laboratory.
 - g. If no discrepancies are found, return the items to the evidence room to include in the next planned destruction.
 - h. If any discrepancies are found, immediately notify the commanding officer of the internal affairs function, who shall immediately initiate an appropriate investigation.
 - i. After the completion of the destruction process, submit a report to the commanding officer of the internal affairs function that shall include:
 - (1) The date, time, and location of the destruction;
 - (2) An inventory of the items destroyed;
 - (3) A list of those present at the destruction; and the results of the random tests made before and after the destruction.

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community perspectives and customs, prerogatives and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities among other factors.

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