

## ILLINOIS STATE POLICE DIRECTIVE OPS-201, EVIDENCE - COLLECTING AND PACKAGING

<b>RESCINDS:</b> OPS-201, 2015-088A, revised 01-29-2016.	<b>REVISED:</b> 11-07-2016 <b>2016-036</b>
<b>RELATED DOCUMENTS:</b> ENF-040, ENF-042, OPS-200, OPS-202, OPS-203, Evidence Custodian's Manual	<b>RELATED CALEA STANDARDS:</b> 42.2.2, 61.2.3, 82.2.4, 83.2.1, 83.2.2, 83.2.3, 83.2.5, 83.2.6, 83.3.1, 83.3.2, 84.1.1

### I. POLICY

The Illinois State Police (ISP) will establish responsibilities to collect, preserve, package, document, and transfer evidence, property, and related items in a standard and consistent manner.

**NOTE:** Information found in this evidence directive includes information on collecting and packaging non-digital evidence and handling cash and hazardous materials. Directive OPS-202, "Evidence - Collecting and Packaging of Digital Evidence" covers collecting and packaging digital evidence. Directive OPS-200, "Evidence - Definitions and Responsibilities," provides definitions and delineates command, Evidence Custodian (EC), and Statewide Evidence Custodian (SEC) responsibilities. Directive OPS-203, "Evidence – Inspection, Inventory, Retention, and Disposal," contains information on inspection and inventory requirements of evidence and the retention and disposal of evidence.

### II. DEFINITIONS

Refer to directive OPS-200, "Evidence – Definitions and Responsibilities"

### III. AUTHORITY

- III.A. 415 ILCS 5/44.1, relating to forfeiture of property in hazardous waste cases
- III.B. 625 ILCS 5/4-107(k), relating to the seizure and disposal of vehicles in felony vehicle theft offenses
- III.C. 720 ILCS 5/24-6: Confiscation and disposition of weapons
- III.D. 720 ILCS 5/28-5: Seizure of gambling devices and gambling funds
- III.E. 720 ILCS 5/36-1: Seizure and Forfeiture of Vessels, Vehicles and Aircraft
- III.F. 720 ILCS 550/12, relating to forfeiture of property in cannabis cases
- III.G. 720 ILCS 570/505, relating to forfeiture of property in controlled substances cases
- III.H. 720 ILCS 600/1, et seq.: Drug Paraphernalia Control Act
- III.I. 725 ILCS 5/108, Search and Seizure
- III.J. 725 ILCS 5/108B-5: Electronic Criminal Surveillance
- III.K. 725 ILCS 5/116-4: Preservation of evidence for forensic testing
- III.L. 765 ILCS 1030/0.01, et seq.: Law Enforcement Disposition of Property Act

### IV. PROCEDURES

- IV.A. Collecting and packaging evidence

**NOTE:** The Division of Forensic Services, Forensic Sciences Command (FSC), will comply with the guidelines set forth in either the current accrediting body or the International Organization for Standardization (ISO) 17025 accreditation guidelines. Policies that reflect ASCLD/LAB or ISO 17025 requirements will be maintained in the Forensic Sciences Command Directives Manual. The Division of Forensic Services, Crime Scene Services Command (CSSC), will comply with policies contained within the Crime Scene Services Command Directives Manual.

- IV.A.1. Acquisition or control of evidence or property
  - IV.A.1.a. To ensure safekeeping and proper documentation of chain-of-custody, officers will provide a receipt to the person from whom articles were received or taken. When a suspect or victim is not available, items will be documented in an appropriate report.
  - IV.A.1.b. The first officer on the scene should ensure the safekeeping of the scene.
    - IV.A.1.b.1) Scenes will be protected from contamination.
    - IV.A.1.b.2) Items of evidence will be protected from contamination pending the arrival of a supervisor, crime scene investigator, or crash reconstruction officer.
    - IV.A.1.b.3) When directed to do so, officers may collect, mark, and package items of evidentiary value.
- IV.A.2. Evidence collection requirements
  - IV.A.2.a. Check all seized and recovered items with serial numbers through the Law Enforcement Agencies Data System (LEADS) and the National Crime Information Center (NCIC).
  - IV.A.2.b. Enter all guns in the LEADS gun file as seized or recovered. When entering firearms into the Evidence Management System (EVM) for the first time, an E-Trace number must be obtained and entered. E-Trace numbers may be acquired by Gun Liaison Officers (GL) or EC's; however, the primary evidence vault custodian will ensure E-Trace numbers are properly entered. Whenever possible, firearms will be unloaded before packaging.
  - IV.A.2.c. All drugs will include weight and/or number of tablets on the evidence bag. If the drug consists of residue, then the officer will write "residue" on the evidence bag in place of the weight. When collecting medical marijuana, the officer will write "medical marijuana" on the evidence bag and additionally follow procedures in Lost/Found/Personal Property (OPS-200).
  - IV.A.2.d. All drugs, firearms, and items related to sensitive cases, as well as articles with a value of \$500 or more, will be transferred to an ISP drop locker or ISP evidence vault prior to the end of the officer's tour of duty.
  - IV.A.2.e. Evidence other than drugs, firearms, items related to sensitive cases, and/or articles with a value of \$500 or more may be kept in temporary storage for no more than 24 hours.
    - IV.A.2.e.1) The supervisor may approve extending the time for other evidence/property held in temporary storage, not to exceed five working days, at which time the evidence must be transferred to an evidence vault or laboratory.
    - IV.A.2.e.2) Exceptions can only be granted by a supervisor. Such exceptions must be documented by the investigating officer by the end of his or her shift in the appropriate report and/or reported to communications for entry into the Computer Aided Dispatch (CAD) system. The time, date, rank, and ID number of the authorizing supervisor must be documented in the report and/or CAD system.
  - IV.A.2.f. Alcohol - If requested to be held as evidence by the local State's Attorney, alcohol seized pursuant to an arrest may be retained in temporary storage for a period not to exceed five working days, at which time it must be transferred to a drop locker or evidence vault.
    - IV.A.2.f.1) Photographic evidence of exhibits may be retained and the alcohol destroyed where approval for such evidence retention has been obtained from the State's Attorney.
    - IV.A.2.f.2) Destruction of all alcohol evidence, including on scene destruction, will be appropriately documented on the Evidence Inventory and Receipt, form ISP 1-10 (available from the Document Library at <http://maphome/documentlibrary/>) and Evidence Disposal Report,

form ISP 4-9, Code 1 (available from the ISP Quartermaster), and forwarded to the EC for retention in the alcohol seizure file for a period of two years. The form ISP 1-10 will include the signature of the officer responsible for the destruction, the officer's identification number, and the date of destruction.

- IV.A.2.f.3) The locked trunk of a squad car is hereby designated as an approved temporary storage facility for evidentiary seizures of alcohol.
- IV.A.2.f.4) Residential storage of alcoholic evidence is strictly prohibited.

IV.A.2.g. Other requirements:

- IV.A.2.g.1) Digital evidence - refer to directive OPS-202
- IV.A.2.g.2) Cash evidence - refer to paragraph IV.B.
- IV.A.2.g.3) Hazardous substance evidence - refer to paragraph IV.C.

IV.A.3. Evidence Packaging

The following general guidelines are offered to assist in collecting, marking, and packaging most types of evidence that will be handled by patrol and investigative personnel. The processing of major cases should be done by Crime Scene Investigators. Evidence packaging supplies are available at District/Zone/Metropolitan Enforcement Group (MEG)/Task Force Evidence Vaults that are supplied from the Statewide Evidence Vault (SEV).

IV.A.3.a. Packaging Materials (available at the District/Zone/MEG/Task Force Evidence Vaults)

- IV.A.3.a.1) Plastic bags will not be used for guns, anything subject to rust, anything damp or wet, or any item that requires processing for fingerprint evidence.

**NOTE:** An exception would be drug paraphernalia and other illegal metal contraband that will not be returned to the owner, i.e., smoking pipes, metal knuckles, metal throwing stars, etc.

- IV.A.3.a.2) Clean paper bags or cardboard boxes are the best packaging material for most types of evidence.

- IV.A.3.a.2)a) Some evidence may require a double bag due to the weight of the item.

- IV.A.3.a.2)b) Bags or boxes must be large enough to bear an EVM label without covering the information printed on the package.

- IV.A.3.a.2)c) If the packaging material is too small, it should be placed into a larger bag and marked accordingly.

- IV.A.3.a.3) Small items, such as paint chips, should be secured in a folded paper prior to being placed in an envelope to avoid loss of evidence. Small items, such as spent shell casings, should be packaged individually rather than as a combined exhibit.

- IV.A.3.a.4) Large items may be wrapped in rolls of butcher block paper with tape securing each seam.

- IV.A.3.a.4)a) Hospital sheets may be obtained, stapled along the seams, and gathered tightly at the top to secure large items.

- IV.A.3.a.4)b) When packaging large items, officers should initial each seam of the packaging material with their initials and ID number.

- IV.A.3.a.5) Special storage situations may be authorized by a supervisor for special storage problems, such as voluminous quantities of evidence, computer-related evidence, etc.
  - IV.A.3.a.5)a) The District/Zone Commander and the SEC will be notified the next working day when such authorizations are made.
  - IV.A.3.a.5)b) The SEC will reassess the authorization and make a determination as to a proper storage solution.
- IV.A.3.a.6) Original items of evidence should not be marked upon.
- IV.A.3.a.7) Evidence packages should be tamper proof. Tamper proof means that the package will show tears, holes, tape residue, etc., if it has been opened.
- IV.A.3.a.8) Evidence packages/labels will be marked with the:
  - IV.A.3.a.8)a) Collecting officer's name and ID number
  - IV.A.3.a.8)b) Case number/patrol report number
    - IV.A.3.a.8)b)(1) When a case number is not available until the next working day, evidence and property will be packaged without the case number and placed in an approved drop locker in accordance with paragraph IV.A.2.
    - IV.A.3.a.8)b)(2) Included with the exhibit will be a note of explanation and the name, ID number, and phone number of the responsible agent/officer.
    - IV.A.3.a.8)b)(3) The officer will arrange with the EC to mark the evidence with the case number within one working day, or provide the case number for the EC to fill in.
  - IV.A.3.a.8)c) Date of collection
  - IV.A.3.a.8)d) Exhibit number
  - IV.A.3.a.8)e) Adequate description of item
  - IV.A.3.a.8)f) County of offense
  - IV.A.3.a.8)g) Offense type or ILCS statute number
- IV.A.3.a.9) Transfers of custody will be noted on the package or evidence label with the officers' initials, ID number, and date of transfer. This will be noted in the chain-of-custody section on the evidence bag or the Chain of Custody Sticker, form ISP 4-78 (available from the SEV).
- IV.A.3.a.10) The officer sealing the evidence package will mark the seal with his/her name/initials and ID number.
- IV.A.3.a.11) Comparison standards are required for analysis of many items (latent prints, hair, blood, fibers, paint, handwriting, etc.). Contact a Crime Scene Investigator or the forensic science laboratory for instructions, if needed.
- IV.A.3.a.12) Pre-packaged evidence collection kits will be used by medical personnel for collection of blood and urine for driving under the influence (DUI) cases.

- IV.A.3.a.13) Sexual Assault Evidence Collection Kits will be used by medical personnel to collect evidence in sexual assault cases. Officers who have been properly trained in the administration of buccal swab kits will be authorized to collect buccal swabs.

#### IV.A.4. Evidence Documentation

- IV.A.4.a. For Investigative Reports, the complete chain-of-custody for each piece of evidence from the time it was received, collected, or seized until destruction must be included.
- IV.A.4.b. For patrol reports, transfers of evidence after complete documentation of the initial submission to a vault will be documented with a copy of an EVM evidence receipt, Evidence Inventory and Receipt, form ISP 1-10, or Division of Forensic Services Evidence Receipt, form ISP 6-36, and placed in the case file.
- IV.A.4.c. EVM evidence receipts should not be used to document the transfer of evidence from a drop locker to an EC.

- IV.A.4.c.1) Reporting the complete chain-of-custody includes:

- IV.A.4.c.1)a) The location evidence was found
- IV.A.4.c.1)b) Who found or handled the evidence
- IV.A.4.c.1)c) Who collected, processed and packaged the evidence
- IV.A.4.c.1)d) Who placed their initials and date on the seal
- IV.A.4.c.1)e) Who weighed/field tested the exhibit (if applicable)
- IV.A.4.c.1)f) The results of the field test
- IV.A.4.c.1)g) Information regarding when and by whom the evidence was placed in EVM may be obtained from EVM

- IV.A.4.c.2) Any field notes, sketches and/or photographs that document the location of evidence collected/seized should be forwarded to the patrol report/investigative case file.

- IV.A.4.d. Document the transfer of custody of evidence.

**NOTE:** Each time the custody of evidence is transferred, i.e., from officer to officer, officer to Lab, vault to Lab, vault to court, return to owner, etc., the appropriate investigative report shall be documented along with the appropriate receipt, i.e., EVM Evidence Receipt, Evidence Inventory and Receipt, or Division of Forensic Services Evidence Receipt. In patrol cases, a copy of the appropriate aforementioned evidence receipt shall be placed in the case file with the exception of owner transfers of custody.

- IV.A.4.d.1) Items that are returned to the owner will be documented on form ISP 1-10 and in a patrol report/investigative report with copies forwarded to the patrol/investigative file and the appropriate EC.
- IV.A.4.d.2) Items that are seized for evidence will be recorded on form ISP 1-10 or ISP 6-36 with a copy forwarded to the field report/investigative file and documented in an appropriate report.

- IV.A.4.e. Retention of patrol case records and investigative case files

- IV.A.4.e.1) Investigative case files will remain open and a copy of the case file maintained at the investigative office until all evidence is disposed. Exceptions are granted only for Code 13, Overhear tapes, or Code 14, Long Term Storage evidence.
- IV.A.4.e.2) District offices will maintain copies of patrol case records until all evidence is disposed.

## IV.B. Cash

Anytime cash is seized or submitted (including OAF) as evidence, a Cash Inventory Record, form ISP 5-273 (available from the Document Library at <http://maphome/documentlibrary/>) will be used.

IV.B.1. Immediately upon acquisition of cash, employees will notify their chain of command and provide an estimated currency count by visual examination of packaging materials, banding techniques, denominations, or any other investigative technique to estimate whether the currency is over or under \$15,000.00. IV.B.5. provides guidance for estimations under \$15,000.00. IV.B.6. provides guidelines for estimations over \$15,000.00.

**NOTE:** Found cash will be handled in the same manner as cash evidence.

IV.B.2. An ISP 1-10 will be completed and, where appropriate, will be provided to the person from whom the cash has been received or taken.

## IV.B.3. Cash Collection Requirements

IV.B.3.a. The location where each item was found will be recorded on form ISP 1-10 by the individual taking original custody of the cash exhibit. Photographs of currency in its discovered location are encouraged if applicable.

IV.B.3.b. When seizing currency, a minimum of two officers will perform an independent count of the currency to ensure accuracy.

## IV.B.4. Cash Packaging

IV.B.4.a. Upon completion of the financial institution count or when a manual count is conducted, the exact amount of cash will be recorded on the package label.

IV.B.4.b. Both officers will sign the seal of the evidence container/package with names/initials, identification numbers, and date.

IV.B.4.c. Names and identification numbers of both officers will also be documented in the appropriate report.

## IV.B.5. Cash Documentation and Storage

IV.B.5.a. The completed ISP 5-723 will be secured to the outside of the package containing the cash. A copy of the completed ISP 5-723 will be forwarded to the patrol report/investigative case file.

IV.B.5.b. If not immediately taken to a financial institution for a count, cash will be placed into a drop locker or provided to the EC prior to the conclusion of the officer's shift.

IV.B.5.c. Whenever possible, cash will be deposited into an ISP bank account rather than placed into evidence. The approval of the appropriate State's Attorney must be obtained prior to depositing cash into a bank account.

## IV.B.6. Cash Estimate less than \$15,000

IV.B.6.a. Upon discovery of currency that may be seized, officers shall make immediate notification to their supervisor or shift commander who will coordinate investigative resources and assist with processing the seizure if necessary.

IV.B.6.b. Officers shall immediately secure currency in proper evidence packaging materials or in the original container used for transportation.

IV.B.6.c. When seizing currency and a manual count is authorized, a minimum of two officers will perform an independent count of the currency to ensure accuracy. Final currency count will be documented on a Cash Inventory Record, form ISP 5-723 (available from the Document Library at <http://maphome/documentlibrary/>).

IV.B.6.d. Officers may transport currency to a financial institution for a machine count within 96 hours of the currency seizure.

## IV.B.7. Cash Estimate greater than \$15,000

- IV.B.7.a. Upon discovery of currency that may be seized, officers shall make immediate notification to their supervisor or shift commander who will coordinate investigative resources and assist with processing the seizure if necessary.
- IV.B.7.b. Officers shall immediately secure currency in proper evidence packaging materials or in the original container used for transportation.

When seizing currency as outlined in this section, an undetermined amount of currency will be noted on the ISP 1-10 as “Undetermined pending financial institution count.”

Bulk seizures require a minimum of two officers for transportation and observation during a count at a financial institution. The final count of the currency at a financial institution will be documented on a Cash Inventory Record, form ISP 5-723 (available from the Document Library at <http://maphome/documentlibrary/>).

- IV.B.7.c. Within 96 hours of the currency seizure, currency shall be transported to an authorized financial institution for a count. Final currency count will be documented on a Cash Inventory Record, form ISP 5-723 (available from the Document Library at <http://maphome/documentlibrary/>).

**NOTE:** Video recording a financial institution count is encouraged if applicable. Documentation from the financial institute which performed the official count of the seized currency should be included in either the patrol or investigative report to maintain the chain-of-custody of the currency seized.

## IV.C. Hazardous Materials

## IV.C.1. Collection of Hazardous Materials

## IV.C.1.a. Clandestine laboratories

- IV.C.1.a.1) Only certified clandestine lab personnel (Meth Response Team Agent, MEG or Taskforce Inspectors) will assess and direct the collection of potential evidence at a clandestine laboratory site, in accordance with the guidelines set forth in directive ENF-040, “Clandestine Drug Laboratories.”
- IV.C.1.a.2) The Drug Enforcement Administration or other appropriate investigating agency will be responsible for facilitating the disposal of apparatus, ingredients, and hazardous waste found at a laboratory site.

## IV.C.1.b. Hazardous materials incident

The nearest available Commercial Vehicle Enforcement Officer will be contacted to respond to all hazardous materials incidents, in accordance with the guidelines set forth in directive ENF-042, “Hazardous Materials Enforcement Program and Incident Response.”

## IV.C.1.c. Suspected terrorist activity

IV.C.1.c.1) If materials are discovered that an officer suspects are related to terrorist activities, the shift supervisor will be notified.

IV.C.1.c.1)a) If the suspected terrorist materials are in the form of written documentation, the Homeland Security Liaison will promptly be notified.

IV.C.1.c.1)b) If the suspected terrorist materials are weapons, the shift supervisor will promptly notify the Special Operations Command (SOCOM)/Statewide Weapons of Mass Destruction Team (SWMDT) Commander.

IV.C.1.c.2) Information on all suspected terrorist related incidents will be immediately relayed to the SOCOM/SWMDT Commander and the Homeland Security Liaison.

## IV.C.2. Packaging of Related Items

IV.C.2.a. Related items may be seized if not contaminated.

IV.C.2.a.1) Sales receipts or “shopping lists” indicating purchases of precursors and/or essential ingredients

IV.C.2.a.2) Apparatus consistent with the manufacture of a controlled substance

IV.C.2.a.3) Instructions, directions, recipes, or like materials describing methods to synthesize a controlled substance

IV.C.2.b. Items that are not a hazard in their present state may be discarded after proper documentation and photography.

IV.C.2.b.1) Intact lithium batteries, if not stripped

IV.C.2.b.2) Containers of starting fluid, camping fuel, or other solvents if in “as purchased” condition

IV.C.2.b.3) Any item not identified above that is in an “as purchased” condition and displays no evidence of contamination

## IV.C.3. Prohibited Items

A list of items that will not be accepted by an ISP forensic laboratory is located in Addendum 1, “Hazardous Materials Used in Clandestine Laboratories,” of ISP directive ENF-040, “Clandestine Drug Laboratories.”

## IV.D. Laboratory generated sub-exhibits

IV.D.1. Unless contained within the original exhibit packaging, laboratory generated sub-exhibits (i.e. DNA extract vials, test shots, etc.) when returned to an evidence vault from the laboratory should be made their own EVM exhibit.

IV.D.2. ECs shall notify the appropriate officer of the new exhibit creation for documentation.

| Indicates new or revised items.

**-End of Directive-**