

ILLINOIS STATE POLICE DIRECTIVE

OPS-203, EVIDENCE – INSPECTION, INVENTORY, RETENTION, AND DISPOSAL

RESCINDS: OPS-203, 2010-021, revised 02-22-2010	REVISED: 11-26-2018 2018-028
RELATED DOCUMENTS: EQP-015, OPS-200, OPS-201, OPS-202, Evidence Custodian's Manual	RELATED CALEA STANDARDS: 42.2.1, 42.2.3, 55.2.4, 61.2.3, 82.2.4, 83.3.2, 84.1.1

I. POLICY

The Illinois State Police (ISP) will establish procedures for inspecting, inventorying, retaining, and disposing of evidence within the Department's evidence vaults.

NOTE: The Forensic Sciences Command (FSC) laboratory evidence vaults are exempt from this directive and are instead covered by the FSC evidence handling policies that adhere to forensic accreditation standards.

II. DEFINITIONS

Refer to ISP Directive OPS-200, "Evidence - Definitions and Responsibilities."

III. PROCEDURES

NOTE: In locations containing the Evidence Management System (EVM), use of the system is mandatory.

III.A. Inspection and Inventory Requirements:

III.A.1. Change of Custodian Inventories

III.A.1.a. Inventories will be conducted when there is a change in Evidence Custodian (EC), Statewide Evidence Custodian (SEC), or appropriate alternate custodian.

III.A.1.b. When an inventory is conducted due to a change of personnel, the newly appointed custodian/alternate and the outgoing custodian/alternate will conduct the inventory to ensure the integrity of material and records.

III.A.1.c. The signatures of both the incoming and outgoing custodian/alternate will be entered in the Illinois State Police Evidence Vault Inspection Log, form ISP 4-161 (this form is available in the ISP Document Library at <http://maphome/documentlibrary/>), noting that an inventory was conducted.

III.A.1.d. An inventory conducted for a change in the EC or SEC will consist of the following:

III.A.1.d.1) At District/Zone/Metropolitan Enforcement Group (MEG)/Task Force (TF) Evidence Vaults or the Statewide Evidence Vault equipped with the EVM:

III.A.1.d.1)a) An inventory of 100 percent of all drugs, guns, and securities held in storage will be conducted using EVM.

III.A.1.d.1)b) An inventory of ten percent of all other items held in storage will also be conducted using EVM.

III.A.1.d.1)c) The EC will generate, from the EVM system under the Inspections tab, the exact number of items to be inventoried.

III.A.1.d.2) Facilities that do not have the EVM system also will conduct:

III.A.1.d.2)a) An inventory of 100 percent of all drugs, guns, and securities held in storage, including department approved storage facilities.

III.A.1.d.2)b) An inventory of ten percent of all other items held in storage.

- III.A.1.d.3) Command personnel must be present during the inventory. At the request of Command, the SEC/Assistant SEC may substitute for Command personnel during the inventory.
- III.A.1.e. An inventory conducted for a change in the alternate EC or assistant SEC requires the following:
 - III.A.1.e.1) At District/Zone/MEG/TF Evidence Vaults or the Statewide Evidence Vault an inventory of 100 percent of guns, drugs, and securities held in storage should be conducted using EVM, or manual methods **only** if the vault is not equipped with the EVM system.
 - III.A.1.e.2) The EC or SEC in charge of the vault inventoried will be present for change of alternate/assistant EC inventories.
- III.A.2. Quarterly Inspections
 - III.A.2.a. Command personnel will conduct inspections of evidence vaults at least once each quarter (quarters will begin at the start of each calendar year) fulfilling the following minimum requirements:
 - III.A.2.a.1) District/Zone/MEG/TF Evidence Vaults will conduct inspections of at least 20 percent of guns, ten percent of drugs, 100 percent of securities, and five percent of all other items using EVM.
 - III.A.2.a.2) The Statewide Evidence Vault will conduct inspections of at least ten percent of guns, five percent of drugs, 100 percent of securities, and five percent of all other items using EVM.
 - III.A.2.a.3) Computer Evidence Recovery Unit (CERU) will inspect a minimum of five items or ten percent of all items, whichever is larger.
 - III.A.2.b. Two of the quarterly inspections will be conducted by command personnel not in the chain of command of the respective District/Zone Commander or MEG/TF Director (i.e., District 1 personnel may not conduct the inspection of the District 1 Evidence Vault. However, they may conduct the inspection of the District 2 Evidence Vault.). This does not apply to unannounced inspections.
 - III.A.2.c. At least one quarterly inspection each year must be an unannounced inspection. It must be documented as unannounced and may be conducted by command personnel responsible for the evidence vault or higher authorities.
 - III.A.2.d. One quarterly inspection each year must be designated as an “annual audit” and must be conducted by command personnel not in the vault’s chain of command. The annual audit may be unannounced.
 - III.A.2.e. Division of Internal Investigation (DII) Commanders and Division of Operations (DOO) Regional Commanders will ensure that required inspections are properly completed for evidence vaults under their command.
 - III.A.2.f. The DOO Colonel will ensure that required inspections of the evidence, handling procedures, records, disposition, and facilities related to the Statewide Evidence Vault are completed on a quarterly basis each year.
 - III.A.2.g. Quarterly inspections will be stored in EVM and recorded on the form ISP 4-161.
- NOTE:** At the request of Command, the SEC/Assistant SEC may substitute for Command personnel in paragraphs III.A.2.a. through III.A.2.d.
- III.A.3. Additional Provisions
 - III.A.3.a. The Office of Inspection and Audits may periodically conduct inspections or inventories of evidence vaults, handling procedures, records, and evidence disposition.
 - III.A.3.b. The Director, DOO Colonel, Regional Commander, District/Zone Commander, or MEG/TF Director may direct, request, and/or conduct an inspection or inventory at any time.

- III.A.3.c. The Director or DOO Colonel may direct and/or conduct an inspection or inventory of the Statewide Evidence Vault.
 - III.A.3.d. In addition to the Change of Custodian Inventories and the Quarterly Inspections, the SEC/Assistant SEC may conduct a no-notice spot inspection or inventory of material, handling procedures, and records of any storage facility.
 - III.A.3.e. Inspections, other than those specifically required, may suffice for a quarterly inspection provided the minimum requirements of the quarterly inspection are satisfied, i.e., audit or Office of Inspection and Audits review.
 - III.A.3.f. A 100 percent inventory will be conducted any time there is a change of storage facilities.
 - III.A.3.f.1) Change of facility inventories will be conducted utilizing EVM and recorded on the form ISP 4-161. Vaults not on the EVM system will utilize the log book and the form ISP 4-161.
 - III.A.3.f.2) ECs will maintain change of facility inventory records at the new vault location.
 - III.A.3.g. Exhibits at the SEV in cases opened prior to 2004 2ill only be inspected for exhibit integrity, packaging and proper shelving location.
 - III.A.3.h. Additional provisions may be included in the Evidence Custodian's Manual.
- NOTE:** Integrity packaging, which is only authorized at the SEV, is exempt from inspection if packaging requirements are met. (Refer to ISP Directive OPS-200, "Evidence – Definitions and Responsibilities.")
- III.A.4. Inspectors
 - III.A.4.a. The appropriate EC will accompany all persons conducting authorized inspections or inventories.
 - III.A.4.b. An ISP Command Officer (hard rank of Master Sergeant or above) will complete all required inspections of evidence vaults, except those conducted by the Office of Inspection and Audits and/or the SEC/Assistant SECs.
 - III.A.4.c. The Command Officer conducting the inspection will be familiar with the requirements of ISP Directives OPS-201, OPS-202, and OPS-203 and apply all requirements to the items of evidence and storage facility under their review.
 - III.A.4.d. Persons conducting inspections will complete and sign an inspection report prepared by the EVM system.
 - III.A.5. Documentation
 - III.A.5.a. Detailed documentation, as generated by EVM, of all inspections, inventories, findings, and corrective action recommended/taken will be maintained at each facility. An EVM report will be generated and completed for each completed inspection or inventory and include the following minimum information (vaults not in the EVM system will provide this information on a memorandum):
 - III.A.5.a.1) Date of inspection or inventory
 - III.A.5.a.2) Storage facility inspected or inventoried
 - III.A.5.a.3) Type of inspection or inventory completed
 - III.A.5.a.4) Identity and signature of EC(s) present
 - III.A.5.a.5) Identity and signature of inspector(s) present
 - III.A.5.a.6) Amount and type of evidence and/or records inspected or inventoried
 - III.A.5.a.7) Findings
 - III.A.5.a.8) Corrective action taken and/or recommended will be documented in the directions/notes portion of the inspection report
 - III.A.5.b. The EC/SEC will generate report forms for inventories by uploading the shelf scans in EVM. If it is necessary to make corrections, the first form showing the

discrepancies will be forwarded along with the second form showing the corrected scan. Vaults without the EVM system will note this on a written report.

- III.A.5.c. The EC/SEC will forward the entire report to the respective District/Zone Commander, MEG/TF Director, or his/her designee, for review and signature.
 - III.A.5.c.1) The DOO Colonel will be responsible for reviewing and signing reports of the Statewide Evidence Vault.
 - III.A.5.c.2) The signed inspection report will be returned to the respective evidence vault for retention.
 - III.A.5.c.3) The report must be accessible for inspection for a period of five years.
- III.A.5.d. A copy of the entire report will be forwarded to the Statewide Evidence Vault within five working days.
- III.A.5.e. The EC or SEC will complete the form ISP 4-161 for each inspection/inventory that was conducted and maintained at their storage facility.

III.B. Retention

III.B.1. Retention locations

- III.B.1.a. The Statewide Evidence Vault will provide storage for:
 - III.B.1.a.1) Evidence
 - III.B.1.a.2) Forensic evidence that must be retained for an extended period of time
 - III.B.1.a.3) Related items requiring enhanced security over that normally available at District/Zone/MEG/TF Evidence Vaults
 - III.B.1.a.4) Related items that are bulky
 - III.B.1.a.5) Related items requiring special handling
- III.B.1.b. Vehicles, boats, and other large items that, due to their size, cannot be stored in an evidence vault may be stored in parking areas that are locked or may be parked at a District headquarters that is occupied 24 hours a day.
- III.B.1.c. Upon receipt from an officer, the EC will place evidence, property, high value items, audio and video recordings having probative value, and negatives of photographs having probative value into an approved evidence vault.
- III.B.1.d. Related items will be stored in a secured location.

III.B.2. Retention periods

III.B.2.a. Evidence

Evidence obtained during the course of an investigation will be retained at least until final adjudication of all litigation stemming from such investigation or until the investigation is otherwise closed.

III.B.2.b. Forensic evidence

- III.B.2.b.1) Before or after the trial in a homicide, attempt (homicide), sex offense, or attempt (sex offense) prosecution, forensic evidence will be retained along with sufficient documentation to locate that evidence.
- III.B.2.b.2) After a judgment of conviction is entered for a homicide offense, attempt (homicide) offense, sex offense, or attempt (sex offense), forensic evidence will be retained:
 - III.B.2.b.2)a) Permanently, if a sentence of death was imposed.

III.B.2.b.2)b) Until the completion of the sentence, including the period of mandatory supervised release for the offense.

III.B.2.b.3) After a judgment of conviction for any other felony for which the defendant’s genetic profile may be taken by a law enforcement agency and submitted for comparison in a forensic DNA database for unsolved crimes, forensic evidence will be retained for a period of seven (7) years.

III.B.2.c. Overhear tapes

Court ordered recordings of conversations resulting from the use of eavesdropping devices shall be retained for a period of ten years from the date the recording was made unless otherwise ordered by a court of competent jurisdiction.

III.B.2.d. Lost/Found/Personal property

Found property shall be retained until the person entitled to possession is located and claims or relinquishes the property, or for a period of six months, whichever is shorter.

III.B.2.e. Related items

Related items shall be retained until the completion of the investigation and a final decision on whether to bring charges has been issued or until final adjudication of all related criminal litigation.

III.B.2.f. In-car video recordings

In-car video camera media will be retained in accordance with ISP Directive EQP-015, “In-Car Video Camera Recording Equipment.”

III.C. Disposition methods

III.C.1. Evidence

III.C.1.a. It is the investigating officer’s responsibility to obtain court orders to dispose of articles:

III.C.1.a.1) Seized pursuant to a warrant regardless of whether the articles were used during any litigation

III.C.1.a.2) Seized pursuant to search without a warrant regardless of whether the articles were used during any litigation

Exception: If the person arrested is released without charges being brought against him or her, all items seized from that person, other than contraband, will be returned to such person upon his or her release.

III.C.1.b. The EC will:

III.C.1.b.1) Obtain the completed Evidence Disposal Report, form ISP 4-009 (available from the Document Library at <http://maphome/documentlibrary/> or the ISP Quartermaster), from the investigating officer.

III.C.1.b.2) Contact the SEC and request the evidence be picked up for destruction or request permission to destroy the evidence locally.

III.C.1.b.3) Place evidence in the appropriate destruction area only after a pick-up date has been scheduled with the SEV.

III.C.1.c. The SEC will:

- III.C.1.c.1) Receive the completed ISP 4-009 and the evidence scheduled for destruction from the EC.
- III.C.1.c.2) Ensure proper destruction of the evidence.
- III.C.1.c.3) Return signed copies of the completed form ISP 4-009 to the EC or investigating officer after the evidence has been destroyed (Form ISP 4-009 submitted for civil violations will not be returned).

III.C.1.d. If, after reasonable and diligent efforts have been made to obtain a court order, the appropriate court declines to issue an order disposing of the evidence, such declination shall indicate a lack of jurisdiction and such evidence may be disposed of pursuant to paragraph III.C.4. of this directive. Documentation demonstrating such efforts toward securing the court order is required and must be attached to the form ISP 4-009.

III.C.2. Forensic evidence

III.C.2.a. Articles, items, or objects that contain forensic evidence shall be disposed of in the following manner:

- III.C.2.a.1) After a case has been adjudicated, the case agent will prepare a form ISP 4-009 identifying the forensic evidence as Code 14 (long-term storage).
- III.C.2.a.2) For convictions where a sentence of death has been imposed, the words “permanent - death penalty” shall be inserted in the remarks section of the form ISP 4-009. The destruction date blank on the form ISP 4-009 will be marked 12-31-9999.
- III.C.2.a.3) For convictions of homicide offenses, sex offenses, or attempt of these offenses, the appropriate date, as determined pursuant to paragraph III.B.2.b.2) of this directive, shall be inserted in the destruction date blank of the form ISP 4-009.
- III.C.2.a.4) For convictions of other felonies for which the defendant’s genetic profile may be taken by a law enforcement agency and submitted for comparison in a forensic DNA database for unsolved crimes, the appropriate date, as determined pursuant to III.B.2.b.3) of this directive, shall be inserted in the destruction date blank of the form ISP 4-009.
- III.C.2.a.5) For cases requiring long-term storage due to a fugitive status, cases under appeal, unsolved cases, or evidence that is too large to store in field vaults, a form ISP 4-009 will be submitted as Code 14 with a destruction date of 12-31-9999. This date will be changed upon the case being adjudicated.
 - III.C.2.a.5)a) The evidence will be forwarded to the Statewide Evidence Vault.
 - III.C.2.a.5)b) The District/Zone/MEG/TF EC will ensure the correct Code 14 date is entered in EVM prior to this transfer.
- III.C.2.a.6) Statewide Evidence Vault personnel will stamp the form ISP 4-009 as received, make a photocopy of it, and return the original to the case officer so the case can be closed, if applicable.
- III.C.2.a.7) A copy of the form ISP 4-009 will be retained at a Statewide Evidence Vault until the destruction date.
- III.C.2.a.8) After the evidence has been destroyed, the SEC will sign the form ISP 4-009 and forward it to the appropriate custodian for filing.

III.C.3. Overhear tapes

- III.C.3.a. Overhear tapes and recordings shall be retained for a period of ten years from the date the recordings were made unless determined otherwise by court order.
 - III.C.3.a.1) When the case is ready to close, the officer will prepare a form ISP 4-009 identifying the overhear tapes as Code 13 (ten-year retention). The case agent will enter the destruction date. If recordings in a case were made on different dates, the destruction date for all recordings will be ten years from the date the last recording was made.
 - III.C.3.a.2) The overhear tapes, along with the form ISP 4-009, will be forwarded to the Statewide Evidence Vault for storage.
 - III.C.3.a.3) Statewide Evidence Vault personnel will stamp the form ISP 4-009 as received, make a photocopy of it, and return the original to the case agent so the case can be closed.
 - III.C.3.a.4) The copy of the form ISP 4-009 will be retained at the Statewide Evidence Vault until the destruction date.
 - III.C.3.a.5) After the overhear tapes are destroyed, the SEC will sign the form ISP 4-009 and forward it to the appropriate custodian for filing.

III.C.4. Found property

- III.C.4.a. An Evidence Inventory and Receipt, form ISP 1-010 (available from the Document Library at <http://maphome/documentlibrary/>), will be used to inventory and record receipt of property found by or surrendered to department employees.
- III.C.4.b. The ISP officer receiving the property shall make reasonable inquiry and efforts to identify and notify the last known owner or other person entitled to possession of the property. Reasonable efforts may include, but are not limited to, notification by certified mail, return receipt requested, newspaper publication or public posting.
- III.C.4.c. The EC/SEC/officer who submitted the property shall return the property after a person provides reasonable and satisfactory proof of ownership and/or right to possession.
- III.C.4.d. If the identity of the owner or other person entitled to possession of property has not been ascertained within six months of the property coming into the Department's possession or if the owner or person entitled to possession relinquishes his or her right to the property:
 - III.C.4.d.1) Property, other than weapons, shall be turned over to the SEC who shall transfer the property to the Illinois Department of Central Management Services (CMS) for public auction.
 - III.C.4.d.2) Property having monetary value of less than \$50 need not be transferred to CMS but may be destroyed by the SEC.
 - III.C.4.d.3) Weapons shall be transferred to the Department for use by the Department's crime laboratory system for training purposes or for any other application deemed appropriate by the Director. Weapons being used by the Department will be recorded on the work location inventory.
 - III.C.4.d.4) Money shall be transferred to the Public Safety Shared Services Center (PSSSC) for deposit into the State's General Revenue Fund.
- III.C.4.e. The EC disposing of property in accordance with this section shall complete a form ISP 4-009 and retain a copy of the form for a minimum of two years.

- III.C.5. Related items
 - III.C.5.a. The EC will make reasonable efforts to return related items to the person from whom they were taken.
 - III.C.5.b. If the person from whom the related items were taken cannot be located or indicates no desire for return of the related items, such items shall be turned over to the SEC who shall transfer the property to the CMS for public auction.
 - III.C.5.c. Related items having monetary value of less than \$50 need not be transferred to CMS but may be destroyed by the SEC.
 - III.C.5.d. The EC disposing of related items in accordance with this section will complete a form ISP 4-009 that will be retained for a minimum of two years.
- III.D. Employees will not solicit, accept, or retain for their personal use, any evidence, property, or related items. Evidence or property that is to be used for department purposes must first be transferred to the Department through court order or other legal means.
- III.E. In the event of a conflict between the terms of this directive and any statutory provision or case law, such statute or case law shall be controlling.

| Indicates new or revised items.

-End of Directive-