

# University of Chicago Police Department

## GENERAL ORDER

		<b>Effective Date:</b> March 30, 2018	<b>Number:</b> <b>GO 802</b>
<b>Subject:</b> <b>Property and Evidence Control</b>			
<b>References:</b> <i>CALEA Standards: 84.1.1, 84.1.2, 84.1.3, 84.1.4, 84.1.5, 84.1.6, 84.1.7, 84.1.8;</i> <b>Illinois State Police Evidence Packaging Procedures</b>			
<b>Reevaluation Date:</b> Annually			<b>No. Pages:</b> 16
<b>Amends:</b> 09 JAN 2017 Version		01 JAN 2013 (O.D.P.)	<b>Rescinds:</b>
<b>Approved By:</b> Kenton W. Rainey, Chief of Police		Signature: Original signed document on file in Accreditation Office	

### 802.1 PURPOSE

The purpose of this order is to establish and maintain standards for the intake and control of property in police custody; to ensure proper identification and preservation of property for use as evidence; to establish an uninterrupted chain of custody; and to protect the integrity of the Department.

### 802.2 POLICY

It is the policy of the University of Chicago Police Department to guarantee the property rights of owners, provide for the proper identification of evidence, define guidelines and establish records for the security of evidence and in-custody property.

### 802.3 DEFINITIONS

Chain of Custody: A record of persons having charge, control or possession of evidence from the time it is received until properly disposed.

Evidence: Property which may be related to a criminal or quasi-criminal offense, or which may implicate or clear a person of a crime.

Evidence and Property Control System (EPCS): A records system that reflects the location of property; date and time when the property was received or released; and chain of custody from the time the property was stored until its destruction or other final disposition.

Evidence and Property Custodian: An employee responsible for the Evidence and Property Control System, whose responsibilities include maintaining the control and custody of evidence and in-custody property.

In-custody Property: Anything that is held in police custody which has been found, turned in, abandoned, or held for safe keeping, and is not evidence.

#### **802.4 EVIDENCE AND PROPERTY CUSTODIAN**

The Department strives to maintain property in the same condition as when received and to preserve the evidentiary integrity of property which has been retained for forensic purposes. The Evidence and Property Custodian will be responsible for the following:

- A. All property held by the Department for evidentiary purposes after the initial intake procedure.
- B. Maintaining all records as outlined in this directive, complete and available.
- C. Reporting all discrepancies and problems within the Evidence and Property Control System (EPCS) to the Deputy Chief of Operations.
- D. Maintaining all property in the EPCS in such a state as to maintain its evidentiary usefulness and as close as possible to original state.
- E. Maintains the property storage areas in a clean and orderly manner.
- F. Returning property to legal owners in a timely and efficient manner and in compliance with all statutes and all directives.

#### **802.5 PROCEDURES**

- A. Evidence and In-Custody Property Procedures
  - 1. Temporary evidence storage areas shall be inspected each weekday morning, except holidays, by the Evidence and Property Custodian. A verification of both the items submitted and UCPD Incident Report accompanying the item(s) is completed.
  - 2. Officers will submit evidence and in-custody property and a copy of the applicable UCPD Incident Report into a temporary evidence/property locker prior to the end of their tour of duty. The Incident Report shall include the circumstances by which the property came into the Department's possession, and describe each item of property obtained. Under no circumstances will evidence or in-custody property be subject to personal use or stored in employees personal

desks, lockers, vehicles, homes, or other places that would permit the chain of custody to be interrupted.

3. Bicycles will be secured by the officer using a designated cable lock in the bicycle property area within the secure sally port. A copy of the UCPD Incident Report will then be submitted via a temporary evidence/property locker. Other large items which cannot be stored in a locker or secured with a cable lock, shall be stored in a secure location at the direction of the Shift Supervisor or Captain (see section D.1 below).
4. Each item of evidence and in-custody property will be included in the UCPD Incident Report under the property and/or evidence section. The following information will be supplied, whenever applicable:
  - a. Type of property, color, size, weight and/or other identifying characteristics.
  - b. Unique numbers and model numbers.
  - c. Firearms will be described by make, caliber or gauge, serial number and identifying characteristics.
  - d. Drug descriptions will include: color, physical state (liquid, powder, solid, gas), shape, size, weight, quantity, and identifying marks, if any.
  - e. The circumstances by which the property came into the Department's possession will be recorded on the UCPD Incident Report.

**B. Physical Security of Stored Evidence and In-Custody property**

1. The evidence and property room is a locked room with access control. Access is limited to the following:
  - a. The Evidence and Property Custodian is allowed full access to the room, which is used as a work area for the handling of property.
  - b. If it is necessary for any person to enter the evidence and property room they must be accompanied at all times by the Evidence and Property Custodian.

2. The Evidence and Property Custodian will maintain a log for persons to sign in and out of the property room. Any person entering the room will sign and enter the date and time of entry on the log. Upon exiting, each person will enter the date/time of their exit.

C. Evidence and Property Inventory

1. Any officer who seizes, recovers, or holds for investigation any property or evidence that is or might be related to any matter that is or might be adjudicated in a court of any jurisdiction, will inventory the property and/or evidence and fully complete a UCPD Incident Report documenting the property and/or evidence in compliance with policy, rules, and regulations. A supervisor may relieve an officer of this responsibility by clearly designating another officer to complete the inventory function.
2. Officers will be held fully responsible for completing property and any other forms in accordance with this order. Supervisors reviewing the forms must ensure that they are completed in compliance with this directive.
3. Prisoner's property and other found property shall be inventoried in the same manner as property with evidentiary value and documented in the appropriate UCPD Incident Report within the property section of the report.

D. Processing, Storing, and Handling of Property

1. All property will be submitted to a temporary evidence/property locker (or in accordance with section A.3 above) prior to the end of the officer's shift unless authorized by a supervisor (this includes property being returned from court). Any property that cannot be stored in accordance with this directive by virtue of its size, rate of decomposition or other consideration, will be secured in the best possible manner as determined by the Shift Supervisor or Captain. Storage in any non-approved area is prohibited. The personal use of any property under the control of the Department is prohibited.
2. All property will be logged into the EPCS in a timely manner and be maintained in secure facilities. The Evidence and Property Custodian will ensure that certain items are stored in a separate locked closure within the property room. These items are money, precious metals, jewelry, gemstones, firearms, drugs, and any other items of a sensitive nature.

3. For periods when the Evidence and Property Custodian(s) is not available to retrieve property, the Department will utilize the temporary evidence/property lockers to temporarily store property, or store bicycles as outlined in section A.3. The officers completing the property inventory will deposit the properly inventoried and packaged property and a copy of the corresponding UCPD Incident Report in a temporary storage locker and lock the locker. Only the Evidence and Property Custodian will possess keys for the storage lockers. If property is too large to be stored in the temporary storage lockers or require special storage the officer completing the inventory must notify the Evidence and Property Custodian or Shift Supervisor or Captain, who will make a determination on the proper handling of the property. Until the property is secured to the satisfaction of the Evidence and Property Custodian, the Shift Supervisor or Captain must secure the property in such a manner as to maintain the chain of custody, security, and safety.
4. The Department will maintain secure refrigerated storage, within the evidence and property room, for perishable items that would be deteriorate without refrigeration. The Evidence and Property Custodian will ensure that any perishable items are placed in the refrigerated secure storage if they cannot be transported to the appropriate laboratory in a timely manner. Items should not be frozen. Food items should be inventoried, photographed, and returned to the owner. The only exception would be a case in which the destruction of a particular food item would be damaging to the court case.
5. All property that is placed into the temporary evidence and property lockers and found to have discrepancies with the packaging or the paperwork will be returned to the officer to correct the discrepancies. The property will be secured in a designated temporary locker and the officer will be notified in writing with a copy going to their supervisor. The officer will have to contact the Evidence and Property Custodian to retrieve the property from the locker at which time the discrepancies will be corrected.
6. The Evidence Technician (ET) or any police officer who discovers, recovers, or receives physical evidence must be able to identify the specific exhibits in court. Recovered evidence is to be clearly marked or labeled in a manner that assures proper identification at a later date. Personnel will use their badge and/or employee number and initials to mark sealed evidence packaging. The container, sealed with tamper proof evidence tape, should be signed on the evidence tape across the seam of the sealed container or envelope.

7. Items must be placed in appropriate containers and/or packaging in accordance with other Department directives and the Illinois State Police Evidence Packaging Procedures. The package shall be prominently marked with the case number, case date, offense, item description and the name of the responding officer. When marking the package, care should be taken not to damage the contents. The Department will maintain a suitable selection of containers to meet foreseeable cases. These will include assorted paper bags and envelopes, plastic bags, cardboard cartons, plain wrapping paper, sheet plastic, metal cans, and plastic and glass jars with leak proof lids. The following guidelines should be used when selecting an appropriate container and packaging it:
  - a. Liquids must be placed in leak proof containers.
  - b. Fragile items must be packed to prevent damage.
  - c. In all cases, packaging materials should be new and clean.
  - d. Documents with indented writing must be cushioned from pressure outside the wrapping. Documents should not be stapled.
  - e. Several exhibits should not be placed in the same container since damage or contamination may result.
  - f. Bio-hazard stickers will be placed in the same container since damage or contamination may result.
  - g. Clothing or cloth items bearing blood, bloody fluid stains, or other liquid evidence should be allowed to air dry before packaging in a paper bag. Some objects with blood, body fluids and paint or other trace evidence should be individually packaged in wrapping paper or other bags and sealed with tamper proof tape.
8. All containers containing evidence to be introduced into the EPCS, which are not purpose-made for tamper-proof evidence storage, must be sealed with tamper-proof evidence tape. In addition, the officer inventorying the property will write their initials on the tape in such a manner as to preclude undetected tampering.
  - a. Any officer obtaining property from the EPCS for any purpose that requires the evidence package to be opened will submit a supplementary

report explaining the opening for lab work or other acts performed on the property.

- b. The officer will return the unsealed property to the Evidence and Property Custodian who will examine it to ensure the exhibit's integrity. If no discrepancies are noted, the officer will reseal the exhibit in the presence of the Evidence and Property Custodian. Both the officer and the Evidence and Property Custodian will date and initial the evidence package across the new sealing tape. If a discrepancy is noted, the Evidence and Property Custodian will immediately report the discrepancy to the Deputy Chief of Operations.
  - c. Prisoner property will be packaged with plain paper or plastic bags and sealed with staples and plain tape and the prisoner property identification label fully completed. Evidence tape will not be used on prisoner property.
9. Any officer who seizes or recovers any suspected drugs, will weigh and place the substance(s) into tamper proof packaging provided. The package will then be sealed by the officer in the presence of a supervisor using tamper proof sealing tape provided. The officer will then write their full name, star number and the date over the sealing tape to guard against tampering. The officer will ensure that the sealed item bears the case number, the date the substance was seized or recovered, from whom or where it was obtained, and name of the suspected substance, the printed name of the officer and their star number. The officer will then forward the evidence to the Evidence Property Custodian or lock it in temporary storage lockers as prescribed in this order.
10. Firearms recovered as evidence or seized, will be turned over to an Evidence Technician if any evidentiary processing of the firearm will be required. This should be accomplished with as little handling as possible to preserve any evidence on the firearm. If the firearm will not be processed, the officer should render the firearm safe, with all ammunition removed. Firearm safety rules shall be followed. If the officer is uncertain how to do this due to the many variations of firearms, he or she should request assistance through a supervisor. Firearms shall not be stored in evidence with any ammunition within them, or in the same package.

E. Evidence and In-Custody Property Record System

1. The Evidence and Property Control System (EPCS) will be utilized as the primary record system for maintaining the status of evidence and in-custody property held by the Department. The following information will be maintained in EPCS:
  - a. Current location of evidence and in-custody property.
  - b. Date and time when evidence and in-custody property were received.
  - c. Date and time when evidence and in-custody property were released.
  - d. Chain of custody for each item from time it was first stored until its disposition.
  - e. Dates and times of inspections and audits.
2. The Evidence and Property Custodian is responsible for ensuring that all records in the EPCS are maintained in a complete, accurate, up-to-date, and available state at all times so as to accurately reflect the status of property.
3. All records generated, as part of the EPCS will be maintained by the Department for a period of time consistent with Illinois Statute.
4. The following records will be maintained by the Evidence and Property Custodian:
  - a. A log book to record the entry of all persons entering and leaving the evidence and property room facilities.
  - b. Chain of custody records:
    1. The original copy of the UCPD Incident Report documenting the inventoried property, serves as the preliminary chain of custody record for each case. The officer who completes the incident report will submit a copy of the approved report along with the inventoried items to the Evidence and Property Custodian.
    2. The Evidence and Property Custodian will review the submitted incident report for completeness and enter all submitted property into the EPCS.



3. Once entered, the EPCS property inventory reports will serve as the permanent chain of custody for the entered property. EPCS reports for any case will not be removed from the EPCS except upon a duly issued and authorized subpoena, or upon the written instruction of the Chief of Police or their designee. If the record is to be removed by subpoena or written instructions, those duplicate records will be properly disposed of after those records have been returned.
4. It is the responsibility of the Evidence and Property Custodian to ensure that the chain of custody is maintained and that appropriate entries are made into the EPCS. No deletions of records will be allowed to ensure accurate dispositions of all property.
5. The Evidence and Property Custodian will be responsible for maintaining the EPCS. Whenever property is logged into the EPCS the Evidence and Property Custodian will enter the following information into the system for every item:
  - a. A property control number will be assigned to every item that is entered into the EPCS and an item tag/barcode number label will be placed on the package. A hard copy of the EPCS property record will be maintained in an archived log book for backup purposes,
  - b. Case number,
  - c. A brief description of the item,
  - d. The name of the reporting/recovering officer,
  - e. Name of the owner or responsible person,
  - f. Time of entry into the EPCS,
  - g. Electronic signature and star number of the Evidence and Property Custodian taking property into the EPCS,
  - h. Specific reason for entering property/evidence including:
    1. evidence

2. found or lost property
3. property storage
4. recovered property
5. seized/confiscated
- i. Chain of custody information;
- h. When appropriate, final disposition of property.
  1. auctioned
  2. department use
  3. destroyed
  4. released to other
  5. released to owner
  6. other – specify description
7. The Department will provide the Evidence and Property Custodian with copies of all written reports made by persons assigned to inspect the EPCS. The Evidence and Property Custodian will maintain these reports.
8. The Evidence and Property Custodian will maintain an up to date and complete file of all Department rules, regulations, directives, and instructions regarding the EPCS and its function.
9. Access to the EPCS program will be limited to the Evidence and Property Custodian(s), and assigned Department personnel who maintain and repair computer programs. Other employees will have read-only access to the system.
12. A file for each case to include any documents, correspondence, or records pertaining thereto including but not limited to, original or copies of any correspondence with owners, the State's Attorney's Office, laboratories and other

police agencies or government bodies will be maintained by the UCPD Records Division in the original case file.

## **802.6 EVIDENCE AND PROPERTY ROOM INSPECTIONS**

### **A. Semi-Annual Inspections**

The evidence and in-custody property storage areas will be inspected by the Evidence and Property Custodian or their designee to ensure:

1. Procedures and guidelines are adhered to.
2. Evidence and in-custody property areas are maintained in a clean and orderly fashion.
3. Department directives concerning the property management system are followed.
4. Evidence and in-custody property are protected from damage or deterioration.
5. Evidence and in-custody property having no further evidentiary value are disposed of properly and promptly.

### **B. Property Audit**

An audit of property occurs whenever the property and evidence custodian is assigned to and/or transferred from the position and is conducted jointly by the new property and evidence custodian and the Deputy Chief of Operations, to ensure that records are correct and properly annotated.

### **C. Annual Audit**

A police supervisor not routinely or directly connected with the control of evidence and in-custody property, as directed by the Chief of Police, will be annually assigned to conduct an audit of evidence and in-custody property held by the Department. The inspection does not require an accounting of every item in the system but a sampling to ensure the integrity of the EPCS. The inspector will make a random comparison of the records to property to accomplish this.

### **D. Random/Unannounced Inspections**

At the direction of the Chief of Police, the Commander over the Investigations Unit or designee, will conduct at least two unannounced inspections of the evidence and property storage areas each year. These inspections are in addition to other mandated inspections and should concentrate on a different area of concern in each unannounced inspection.

- E. Results of audits and inspections will be documented in writing and forwarded to the Chief of Police through the chain of command.
- F. Discrepancies discovered as a result of an audit or inspection will be brought to the immediate attention of the Deputy Chief of Operations, who will initiate an investigation and prepare a written report of the findings.

## **802.7 CONTROLLED SUBSTANCES, WEAPONS AND EXPLOSIVES**

Controlled substances, weapons, and/or explosives which have been taken as evidence or in-custody property shall not be used for investigative or training purposes.

## **802.8 DISPOSITION OF EVIDENCE AND IN-CUSTODY PROPERTY**

Final property disposition should be accomplished shortly after legal requirements have been satisfied. The disposition records of each item of evidence and in-custody property will be maintained in EPCS. The following guidelines for disposition or destruction of evidence and in-custody property will be followed:

- A. It is the responsibility of the officer and/or Investigator assigned to the case to report the results of court proceedings, in writing and to notify the Evidence and Property Custodian of any findings of the case.
- B. Evidence and in-custody property may be disposed of following:
  - 1. Authorization by the officer and/or Investigator.
  - 2. Expiration of statute of limitation for prosecution, if any.
  - 3. Court order.
- C. In cases of theft, retail theft, robbery and burglary, the property may be photographed for evidentiary purposes and the property returned to the rightful owner following established procedures. This procedure may be followed only if returning the property would not interfere with the successful pursuit of the case. Any such photos must meet the requirements of admissibility in court and bear the written signature and star number of the officer making the photos, and the date and time. The photographs will be inventoried and packaged as evidence and entered into the EPCS following the procedures established by this order.
- D. When property is returned to the owner by the responsible officer prior to entry into the EPCS, the officer will properly complete UCPD Incident Report and ensure that the

disposition of the property is properly noted in the report. The officer will forward a copy of the original report to the Shift Supervisor or Captain, who will route it to the Evidence and Property Custodian who will then in turn enter it into the EPCS.

E. When property is retained in police custody and the Evidence and Property Custodian is notified in writing of a final disposition, the Evidence and Property Custodian will hold the property in question for 30 days pending a notice of appeal. If a notice of appeal is received, the Evidence and Property Custodian will hold the property until a final disposition is received.

1. At the end of the 60 days, the Evidence and Property Custodian will notify the owner of record in writing, that the property is being held and the means of recovering it.
2. Until the property is returned to the owner, the Evidence and Property Custodian will re-notify the owner of record at 30 day intervals in writing that the property is being held and the means of recovering it, until 150 days have elapsed from the date the first notification was made.
3. After 150 days, if the owner has not recovered the property, the Evidence and Property Custodian will notify the Commander over the Criminal Investigations Unit in writing that the property has not been recovered and describe the nature of the property. The Commander over the Criminal Investigations Unit will notify the Deputy Chief of Operations, who will order in writing, the property destroyed or other dispositions deemed appropriate.
4. Items of evidence and in-custody property may be returned to their legal owner, after authorization, upon presentation of proof of ownership and proper identification. The release of property will normally take place Monday –Friday, 0800- 1600 hours, excluding holidays. After hour return of property will require prior arrangements with the Field Services Bureau.

F. Special Considerations:

1. Large items should be photographed and returned to the owner upon approval of the investigating officer or State's Attorney's office.
2. Perishable items in misdemeanor shoplifting cases can be released to the owner after being photographed.

3. Drugs will be disposed of/destroyed in the presence of at least two (2) witnesses, one of whom must be a sergeant or higher rank. Witnesses will sign a Verification of Destruction document.
  4. Hypodermic needles will be disposed of in a sealed sharps container. Biohazard materials will be disposed in biohazard bins. The Evidence and Property Custodian will be responsible for contacting the necessary disposal service when containers are filled. OSHA standards will be adhered to at all times when dealing with hazardous materials
- G. Whenever property is recovered, seized, or held, it is the responsibility of the officer assigned to the case to identify the owner of the property and initial notification to the owner regarding recovery of the property. The responsible officer will report the identification and initial notification in writing. If the officer is, after thorough efforts, unable to identify the owner, the Criminal Investigations Unit will be notified and will assign a follow-up investigator to identify and notify the owner.
- H. Police personnel checking out evidence or in-custody property for court will make the request in writing at least one business day in advance of the needed date. The transfer of evidence or in-custody property shall be recorded in EPCS. The evidence or in-custody property will be placed in a temporary storage locker if the Evidence and Property Custodian is unavailable. The locker and key will be available for the requesting police personnel in a sealed and marked envelope. The evidence and in-custody property will be returned to the evidence lockers with the original paperwork after court.
- I. **In cases involving weapons or contraband, officers appearing in court will obtain a Confiscate and Destroy Order, signed by the presiding judge and stamped with the court seal. The order will be submitted to the Evidence and Property Custodian.**
- J. Contraband and confiscated weapons will be destroyed, rendering the property useless.
1. **All property destruction will be witnessed. The witness will sign the chain of custody record.**
- K. Whenever property is disposed of by means other than destruction, complete and proper receipts will be obtained and retained by the Evidence and Property Custodian.
- L. When evidence or in-custody property is permanently released, the property report, evidence report and any additional paperwork associated with the evidence or in-custody property will be forwarded to the Records Division to be maintained with the case file.

## **802.9 FOUND PROPERTY**

### **A. Found Property - University**

1. Whenever an officer recovers or receives University property, not related to a criminal act, the officer will complete a miscellaneous incident report. The officer will attempt to identify the department or agency within the University that owns the item(s). If the officer is successful in identifying the owner, he/she will advise the party that the property must be picked up within ten (10) working days or the property will be turned over to surplus property management. The officer will secure the property in the evidence storage locker with a copy of the miscellaneous report. The officer will detail the notification in their report.
2. If the reporting officer is unable to identify the department or agency within the University that owns the item(s), they will detail their actions and attempts in the miscellaneous report. The officer will inform their supervisor and will follow the property submission procedures as set forth in this order.

### **B. Found Property - Non-University**

Found property is property which is taken into police custody for safekeeping until the owner can be identified and the property returned to that person. It is not related to a criminal act.

1. Any officer finding or receiving found property will complete a miscellaneous incident report and briefly describe the persons and circumstances involved in the recovery and description of the item(s) recovered to include make, model and any identifying serial numbers. The officer will submit the property in accordance with the procedures set forth in this order.
2. Once the property owner is notified, they will have 45 days to pick up the property. If the property is not picked up after 45 days, the property will be disposed of. The Evidence and Property Custodian may, at their discretion, make special arrangements beyond the 45 days in situations involving high-value property or extended absence due to hospitalization, travel, etc.

### **C. Found Property – Return During Shift**

Found property which has an identified (or identifiable) owner can be returned during the reporting officer's shift. An incident report will be completed describing the persons and circumstances involved in the recovery and description of the item(s) recovered to include make, model and any identifying serial numbers. The officer will verify the

identity of the owner before returning the property. If for any reason the property cannot be returned during the officer's shift, the property will be submitted according to the procedures in Section 5 of this order.

#### **802.10 DETAINEE PROPERTY**

Detainee property which cannot be taken to CPD District with the detainee, will be submitted to the Property function. Detainees will be advised that they have 45 days to pick up their property. Should the detainee be incarcerated or otherwise incapable of retrieving their property, the detainee may authorize someone to retrieve their property for them. They may send the authorized person with the Personal Property Receipt, to authorize retrieval of their property. After 45 days from the date of the arrest, the property will be disposed of.

#### **802.11 PROPERTY ACQUIRED THROUGH CIVIL PROCESS/FORFEITURE**

All property acquired through civil process or forfeiture shall be properly recorded by report including description, identification numbers, name of persons or corporations from whom the property was received. The property shall be stored for safekeeping until disposed of as prescribed by Illinois Statutes and current directives.