

# POLICE DEPARTMENT HANOVER PARK, ILLINOIS



DIRECTIVE: 513-S

REFERENCE STANDARDS: 83.2.1 83.3.2 84.1.1 84.1.2  
84.1.3 84.1.5 84.1.6 84.1.7

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SUBJECT: Recovered Property and Evidence Control

PURPOSE: The Hanover Park Police Department will ensure that property and evidence in its possession is properly received and recorded, securely stored, and proper disposition made according to law.

## I. PROCEDURE

### A. Submission of property and evidence (84.1.3)

1. All articles requiring submission to the Property and Evidence Unit are to be properly packaged, labeled, documented and submitted as soon as possible, and prior to the end of the employee's tour of duty. (84.1.1a) (84.1.1b)
  - a. Under exceptional circumstances, articles may be temporarily secured in a temporary evidence locker past the employee's tour of duty with a supervisor's permission and submitted thereafter as soon as is practicable. (84.1.1a) (84.1.1b)
2. An Incident Report shall also be completed, detailing the circumstances by which the article(s) came into the possession of the police department. (84.1.1c)
3. The computerized Bar-Coded Evidence Analysis Statistics & Tracking (BEAST) system shall be used to document the submission and transfer of each article of property and evidence. Employees shall report the circumstances of all property and evidence seizures fully in the BEAST system, to include all information related to the identity of the owner, victim and suspect if applicable. (84.1.1b) (84.1.1c)
4. The purpose for holding the submitted article shall be accurately recorded in the Items tab of BEAST system.
5. Articles that will be submitted to the Crime Lab for analysis must also have a BEAST lab request form completed, printed and the printed request shall be submitted to the Property Custodian.
6. All property to be submitted shall be secured in a locker of appropriate size. (84.1.3)

- a. If an article is too large to place in an available locker and property unit personnel are not available, the on-duty supervisor will be contacted, and the item shall be placed in an appropriate storage area and sealed.
  - b. Bicycles shall be secured in the bicycle storage area, properly tagged and secured.
  - c. Items of evidence or recovered property stored in the locker must be removed within a reasonable amount of time but no longer than five (5) business days.
  - d. Items that will require latent print processing are to be tagged with the appropriate evidence tag, i.e.: red tag, to ensure extra care when removed from the locker.
7. The following articles will not be accepted for storage in the Property Unit.
- a. Motor Vehicles (any device with a motor and can transport a person) are to be stored by either the Village's contractual towing company or the designated area on the Municipal grounds.
  - b. Street signs, signals, barricades, and other large articles belonging to Village, county, or state are to be deposited at the Village of Hanover Park Public Work's building unless the item has a direct link to an investigated criminal act.
  - c. Containers that have no evidentiary value are to be left with the owners. Evidence should be removed from the container and submitted as required. This includes coolers containing alcohol and pots containing dirt/plants.
  - d. Animals possessed by persons at the time of arrest will be released to a responsible person at the scene.
  - e. Containers storing flammable liquid accelerants, i.e.: gasoline or a petroleum-based product, shall have a sample retained as evidence with the remaining liquid disposed of at Fleet Services.
8. The Hanover Park Property Receipt form, (Appendix C), itemizes by item, quantity, and serial number, (if available), any property collected by the Hanover Park Police Department that will be placed into evidence. The investigating police employee will complete this form and provide the original to the individual associated with the property being taken into evidence upon request of that individual. A copy of the form will be placed into the case file.

## II. PACKAGING/MARKING PROPERTY (84.1.1d) (83.3.2b) (83.3.2c)

- A. Each property item record shall have the appropriate evidence/recovered property label affixed either to the item itself or the package the item has been stored in with as much detail as possible to indicate the exact location where the item was recovered, item description, case number, exhibit number, employee's name and I.D. number, etc.

- B. Articles shall be enclosed in a container to preserve their condition whenever possible.
- C. To provide for the most efficient use of storage space, all items shall be packaged in the smallest appropriate sized container, that will permit the article to be removed from the packaging for purposes of inspection and/or forensic testing and resealed in the original packaging without extraordinary measures such as vacuum sealing.
- D. Containers shall include a tamper evident seal applied by the employee sealing the container.  
The purpose of a seal is to accomplish the following:
  - 1. Prevent loss of evidence.
  - 2. Prevent cross-transfer of evidence or evidence samples.
  - 3. Prevent deleterious change or degradation resulting from exposure to air or ambient conditions.
  - 4. Render the package *tamper evident* to prevent access to the interior of the package without causing obvious damage to it.
  - 5. Identify the person who created the seal and the date it was sealed.
    - a. PLASTIC EVIDENCE BAGS shall be secured with a heat seal across the top of the bag. The sealing employee will mark the factory seal at the bottom of the bag and the employee applied heat seal at the top of the bag with the employee's initials and the date of the seal with indelible ink. Articles that will be submitted for forensic testing shall also include a strip of tamper evident evidence tape folded across the entire top of the bag with the employee's initials and the date of the seal extending onto both the tape and the bag, written with indelible ink.
    - b. RIGID CONTAINERS, such as boxes, cans, tubes, etc. shall be sealed with tamper evident evidence tape applied to the portion of the container that is capable of opening (such as the lid), in a manner that will break the tape seal if opened. The seal shall include the employee's initials and the date of the seal extending onto both the tape and the container, written with indelible ink.
    - c. PAPER ENVELOPES (except those containing recorded digital media discs) shall be secured by the factory applied adhesive or closure device. The flap or closure will then be sealed with tamper evident evidence tape with the employee's initials and the date of the seal extending onto both the tape and the envelope, written with indelible ink.
    - d. PAPER BAGS shall be secured by applying adhesive tape to the open edge of the bag, to securely seal the bag closed. The seal shall also include tamper evident evidence tape across the sealed portion of the bag with the employee's initials and

the date of the seal extending onto both the evidence tape and the paper bag (not totally on the adhesive tape used to close the bag), written with indelible ink. THE BAG SHOULD BE HELD SECURELY CLOSED BY THE ADHESIVE TAPE AND THE TAMPER EVIDENT SEAL SHOULD NOT BE AT RISK OF BREAKING DURING NORMAL HANDLING OF THE PACKAGE.

- E. The following listed items shall be packaged separately from other items of evidence or property seized under the same case number. They shall be assigned separate item numbers.
1. Checks and Paper Documents - Package in a sealed plastic evidence bag of the smallest appropriate size if the document will not be processed for fingerprints. If the document is to be processed for fingerprints, it should be packaged in a paper envelope.
    - a. If the document is a single sided document, the label should be affixed to the back side of the plastic bag, so that the document is visible for inspection and/or reproduction without the need to remove the document from the sealed bag.
  2. Money - Package in a sealed plastic evidence bag. Record the number of each denomination in the Currency Report tab of the BEAST and print a copy of the Currency Report and the Currency Denomination Label. A second employee is required to count and confirm the amount of money contained in the plastic bag. Affix the Currency Denomination Label to the back side of the sealed plastic bag. Both the sealing employee and the witness employee must sign the Currency Report and the Currency Denomination label. The Currency Report must be submitted along with the sealed plastic bag.
  3. Recorded Tapes - Package taped statements or transactions (cassettes, micro-cassettes, videotape) in a sealed plastic evidence bag of appropriate size.
  4. Drugs - Package in a sealed plastic evidence bag. All drugs shall be packaged separately from other dissimilar items recovered or seized and issued a separate Item Number. All drugs shall be weighed by the submitting employee, and in the event of pills, tablets or individually packaged drugs, an accurate count of the number of each pill, tablet or individual package shall be made. Weight shall be as packaged, and because the scale used is not a certified scale, the weight recorded shall be the approximate packaged weight.
    - a. EXCEPTION – All of the above shall apply, except organic (plant) material which is not fully dry shall only be packaged in paper and not sealed in plastic, to avoid the growth of mold during storage.
  5. Firearms and air guns — For purposes of this directive, firearm refers to weapons that discharge because of burning gunpowder or other combustible substance and air gun refers to a weapon that discharges because of the release of compressed air or spring action.

- a. All firearms & air guns shall be packaged separately from other items and issued a separate item number.
- b. Firearms and air guns shall never be submitted in a loaded condition or, in the case of semi-automatics, with the weapon's magazine in the weapon. In any extraordinary case where this may not be accomplished, the submitting employee shall first obtain permission from a supervisor and notify the Property Custodian prior to submitting the weapon into evidence.
- c. Firearm handguns are to be placed in a handgun box, appropriately sealed, with the exterior prominently marked near the label with the words FIREARM—UNLOADED.
- d. Firearm shotguns and/or rifles shall be placed in a long gun box or when appropriate, in a case or container produced for the purpose of securing the firearm, appropriately sealed with the exterior prominently marked near the label with the words FIREARM—UNLOADED. The submitting employee and a second employee, preferably a supervisor, will confirm that the firearm is unloaded and affix their signature and the date next to the word UNLOADED. The exterior of the box shall also have a black arrow drawn on it indicating the direction of the firearm's muzzle. Firearms that cannot be packaged as outlined above, with prior supervisor permission shall have an evidence tag affixed with a zip tie which contains the BEAST barcoded label.
- e. Air guns held for evidence in a criminal case requiring protection from loss or degradation of evidence may be packaged in the same manner as firearms when necessary.
- f. Air gun handguns held for local ordinance violations, destruction or safekeeping are to be placed in a sealed plastic evidence bag with the exterior prominently marked near the label with the words AIR GUN—UNLOADED. Air gun long guns and/or rifles held for local ordinance violations, destruction or safekeeping shall have an evidence tag affixed with a zip tie which contains the BEAST barcoded label prominently marked near the label with the words AIR GUN—UNLOADED. The submitting employee and a second employee, preferably a supervisor, will confirm that the air gun is unloaded and affix their signature and the date next to the word UNLOADED. A plastic tie may be placed through the cylinder of a revolver or through the ejection port and magazine well of a semi-automatic to render it safe. No plastic tie shall be placed through the barrel of any firearm submitted.
- g. All firearms submitted to the Property Evidence Room shall have complete owner information and the proper Collection Purpose entered into the BEAST computerized evidence management system (i.e., Confiscated, Forfeiture, For Destruction, Evidence, Safekeeping or Found Property). The employee submitting the firearm(s) shall check to determine if the submittal of the firearm is related to a criminal case where an arrest has been initiated. If the firearm is submitted for any reason related to a criminal arrest, including taken for safekeeping or surrendered pursuant to a Court Order, the submitting employee shall perform the following tasks:

- 1) The employee shall ensure that the Evidence box on the Court Folder Cover Sheet, (Appendix A), is checked and the box "FIREARM" is checked.
  - 2) The submitting employee shall complete the defendant's name and the HPPD Case Number on the Property Disposition Form, (Appendix B), and ensure that the completed Property Disposition Form is placed in the Case Jacket directly behind the cover sheet.
  - 3) If the firearm(s) are surrendered pursuant to a court order, A copy of the court order will be provided to the Records Section, to be scanned and attached to the case file and a copy will be provided to the Property/Evidence custodian with the firearm by the submitting employee.
  - 4) The employee making any follow-up arrest of a subject shall check the BEAST system to determine if any firearm(s) have been submitted for any reason related to the case, including taken for safekeeping or surrendered pursuant to a Court Order. If a firearm has been submitted for any reason related to the case, the arresting employee shall perform the tasks above.
  - 5) It shall be the responsibility of the Court Services Coordinator to ensure that a currently accurate BEAST Case Information Report is attached to the Property Disposition Form when the case file is taken to Court. It shall be the arresting officer's responsibility or in the absence of the arresting officer, the Court Services Coordinator, to ensure that the Property Disposition Order form and BEAST Case Information Report are provided to the Assistant State's Attorney handling the case at the trial or plea hearing, for the presiding judge to rule on the disposition of the firearm(s) and all other property/evidence held for the case and to complete and sign the Property Disposition Order Form.
  - 6) The arresting officer/Court Services Coordinator executing the Property Disposition Form shall ensure that the original form is provided to the Property/Evidence Custodian without delay and that a photocopy is placed in the case jacket.
  - 7) Firearms brought into the Department for safekeeping shall not be submitted to the Crime Lab for ballistic testing.
  - 8) Ammunition removed from the firearm shall be placed in a separate container.
6. Firearm ammunition - All ammunition shall be packaged separately from other items seized or recovered and issued a separate item number. The package exterior shall be marked EXPLOSIVES.
  7. Alcoholic beverages – In cases where alcoholic beverages are confiscated as evidence on a minor case (ex: possession of liquor by a minor, illegal transportation of alcohol, unlawful consumption by a minor, etc.), the alcohol should be photographed, and a print of the photo shall be submitted as an item of evidence. When necessary a small sample may be poured into a vial and the vial will then be sealed in a manner to prevent spillage and submitted in a separate sealed plastic evidence bag. The remaining alcohol will be poured down the evidence packaging area sink with a second person verifying the disposal and the container disposed of in the trash. The destruction procedure shall be documented in the employee's police report. In the

event of a serious violation or charge, the employee should consult with a supervisor and if the supervisor's decision is made to retain the alcohol in its original form, the evidence should be sealed in a manner that prevents spillage and inventoried.

8. Blood/Urine - Vials containing blood or urine shall be packaged in the kits provided for the collection of these materials. The appropriate documentation is to be completed.
9. Recorded digital media discs, (CDs, DVDs & Blue Ray discs) – Place in a CD/DVD envelope. Envelopes containing recorded digital media discs will be sealed by affixing the BEAST barcoded label upright over the flap or closure of the envelope on the side of the envelope with the flap. The label shall be oriented so that the barcode portion of the label extends to the top edge of the envelope and over to the other side. The envelope will be sealed with the employee's initials and the date of the seal extending onto both the label and the envelope, written with indelible ink.
10. Jewelry - All jewelry shall be packaged separately from other items seized or recovered and issued a separate Item Number. Jewelry shall be submitted in a sealed plastic bag whenever possible.
11. Latent fingerprint lifts — All latent fingerprint lifts shall be packaged in a plastic evidence bag separately from other items seized or recovered and issued a separate item number.
12. Fireworks and explosive devices — All fireworks shall be packaged separately from other items seized or recovered and issued a separate Item Number. The package exterior shall be marked EXPLOSIVES. All fireworks shall be placed in Flammables Cabinet located in the Main Garage and the submitting employee shall cause the Property Custodian to be notified.
  - a. Employees recovering explosives not deemed normal street fireworks, i.e. commercial grade fireworks or homemade explosives, shall notify the On-Duty Supervisor to determine whether the item should be placed in the flammables cabinet or if the appropriate County Sheriff Bomb Squad be notified. No military or construction grade explosives shall be placed into evidence. The appropriate County Bomb Squad shall be notified for disposal of the explosives. No fire-starting materials, such as matches or lighters, shall be packaged with flammable or explosive materials.
13. Prisoner personal property held for safekeeping – Prisoner personal property held for safekeeping pursuant to Directive 575-S shall be sealed in a plastic evidence bag or other packaging sufficient to securely contain the property. The employee seizing the property from the prisoner shall complete the Prisoner Property Form pursuant to the requirements of Directive 575-S and shall advise the prisoner that the property will be disposed of if not retrieved within 30 days. This employee will advise the prisoner that he/she may designate another person to retrieve the property if the prisoner completes the required information in the appropriate section of the Prisoner Property Form. The completed Prisoner Property Report shall be secured with the property. The property

will also be entered into the BEAST system and if more than one container is required to hold the articles, a separate BEAST item shall be created for each container.

- F. Articles shall be packaged in a manner to prevent injury of personnel who must handle and preserve evidentiary value. (84.1.1e)
1. Sharp objects shall be covered or packaged in cardboard in such a manner that the sharp edge cannot exit the container.
  2. Any possible biohazards shall be packaged in biohazard bags or packages marked with biohazard stickers.
  3. Exposed or used syringes shall be placed in syringe containers.
  4. Wet or bloody articles shall be secured in a drying area designated by the on-duty supervisor. Property tags are to be affixed to this designated area and the area secured.
    - a. **Unless a loaded gun has evidentiary value, guns shall be unloaded and secured.**
    - b. Due to the risk of fire, Electronic Smoking Devices, (Vape Cigarettes, etc.), shall have the battery/power source removed or disconnected prior to submitting the item into an evidence receptacle. A notation shall be made on the label or packaging by the submitting employee that states that the power source/battery has been removed or disconnected and the date and initials of the employee.
- G. Evidence that cannot be packaged shall be submitted in a manner that will not jeopardize evidentiary value. (84.1.1e)

### III. STORAGE/SECURITY (84.1.1h) (84.1.2)

- A. Property Unit custodian(s) will ensure that all articles are logged into the Evidence/Recovered Property room on a regular basis. (84.1.1e)
- B. Access to the Evidence/Property room shall be controlled by a computerized access control system utilizing proximity card readers and Personal Identification Numbers (PIN). Permission to access the Evidence/Property Room will be issued by the Deputy Chief of Support Services to the designated Property Custodian and one alternate/back-up Custodian. The Deputy Chief of Support Services or his designee shall maintain control over the computerized access system and issue the necessary credentials. No other personnel shall have access to the Evidence/Property Room storage areas. (84.1.1e)
- C. Drugs will be stored in the Drug Vault Room located within the Evidence/Property Room. (84.1.1e)



- D. Cash and expensive articles of jewelry will be maintained in a safe located in the Valuables Vault Room located within the Evidence/ Property Room. (84.1.1e)
- E. Guns will be stored in the Firearms Vault Room located within the Evidence/Property Room. (84.1.1e)
- F. Bicycles will be stored in a secure area with access limited to authorized personnel. This area shall be designated by the Deputy Chief of Support Services based on available space and department needs.
- G. Large articles that will not fit into a normal property storage location are to be stored in the Large Items Storage Room located within the Evidence/Property Room.
- H. All other articles will be stored in locations and containers within the Evidence/Property Room.
- I. Articles that require refrigeration shall be placed in a refrigerator in the property room area.
- J. Explosives shall be secured in the explosive cabinet maintained within the Evidence/Property room. All required hazmat placards/warning signage must be used, depending on the type and quantity of the materials.

#### IV. INSPECTIONS AND REPORTS (84.1.1h)

- A. The Sergeant of Support Services will conduct documented quarterly inspections to determine adherence to procedures used for the control of property and evidence. (84.1.6a)
- B. A documented audit of property shall be completed whenever the Property Custodian is transferred or discontinues employment with the Village of Hanover Park. (84.1.6b)
  - 1. The audit will be conducted jointly by the new Property Custodian and designee of Chief of Police. The purpose of the inventory is to ensure the continuity of custody, integrity of the system, and accountability of the property and evidence; not to require the accounting of every item. High risk items should be a focus of the inventory, and a sufficient number of property records relative to the total should be reviewed. The audit of property and evidence will be conducted in compliance with Appendix I of the CALEA Law Enforcement Standards Manual.
- C. The Deputy Chief of Support Services or other person not routinely or directly connected with control of property and evidence as directed by the Chief of Police shall conduct a documented annual audit of property and evidence. The annual audit of property and evidence will be conducted in compliance with Appendix K of the CALEA Law Enforcement Standards Manual. (84.1.6c)

- D. Unannounced, documented inspections of property and evidence storage areas shall be conducted as deemed appropriate by the Chief of Police, at least once a year. (84.1.6d)
- E. The BEAST records system utilized by the Evidence/Property Unit shall reflect the status for all property held by the department and shall include, at a minimum: (84.1.5)
  - 1. The specific location or container number where the property is located;
  - 2. Date and time the property was received and released;
  - 3. Character or description of property;
  - 4. Amount of property on hand;
  - 5. Chain of custody from time property was stored until destruction or other final disposition.
- V. EVIDENCE TRANSFER (83.2.1e) (84.1.1g) (84.1.1h) (84.1.5) (83.3.2d)
  - A. Property Unit personnel will record all transfers of articles in the BEAST records system. The documentation shall include date and time of transfer, receiving person's name, location of transfer outside (i.e. lab, court, or other) and the reason for transfer. (83.3.2a).
  - B. Requests for Evidence for Court or Review
    - 1. Employees requiring evidence for court or examination shall make a written request via SharePoint Tracker at least five (5) days prior to the date needed, which shall notify the Primary and Secondary Property Custodians as well as the Deputy Chief of Support Services. Exceptions may be granted when employees receive short notice notifications from the State's Attorney's Office or by approval of a supervisor.
    - 2. The employee receiving the evidence shall ensure that the person to whom the evidence is transferred signs for the receipt of the evidence on the Evidence Custody Receipt Form and that the completed form is returned to the Evidence Custodian.
  - C. State or DuPage County Crime Lab (83.3.2a)
    - 1. Property Unit personnel shall transfer articles to the appropriate Crime Lab on a weekly basis or as the need arises.
      - a. Property Unit personnel will utilize the BEAST system to document all transfers of articles transferred to and from the Crime Lab.

- b. The articles will be transferred to the appropriate Crime Lab during their normal working hours where the items are accepted, inventoried on the lab analysis request form, and turned over to their agency.
- c. Crime lab personnel will transfer evidence back to the Property Custodian or designee when analysis has been completed. Appropriate documentation will be completed, and items re-submitted to the Evidence/Property Room. (83.2.1e) (83.3.2c) (83.3.2d)
- d. Crime Lab personnel will submit results via written notification. (83.3.2e)

VI. DISPOSITION OF PROPERTY (84.1.1g) (84.1.1h)

- A. Personnel submitting articles to the Evidence/Property Room shall complete all necessary information in the BEAST system related to the owner or the person from whom the article was received, whenever such information is known. Property Unit personnel shall utilize this information to attempt to identify and notify the owner or custodian of property of its location and status. All guidelines established through the Illinois Compiled Statutes are applicable regarding Recovered and Found Property. (84.1.1f)
- B. For property release, the BEAST Custody Receipt form shall be used whenever a member of the Department releases property or evidence which had been taken into Department custody. The BEAST Custody Receipt form shall be submitted to the Property Evidence Custodian through the Evidence/Property Room window transaction tray upon completion of the release.
  - 1. Whenever possible, the member authorizing the release of the property shall be the member who releases the property. Under other circumstances, the Evidence Custodian, another member, or a supervisor may release the property.
- C. All requests for the release or disposal of firearms shall be directed to the Investigations Lieutenant.
  - 1. The Investigations Lieutenant shall determine if the firearm(s) are eligible for disposal or for release and to whom the firearms shall be released. The Investigations Lieutenant shall inform the Property/Evidence Custodian in writing of the authorization to dispose or to release firearm(s), including the specific item(s) to be released, to whom they shall be released and any requirements for release.
    - a. In cases where a request has been made and the firearm(s) are eligible for release, the Investigations Lieutenant will direct the person retrieving the firearm(s) to contact the Property/Evidence Custodian to arrange an appointment.

2. In cases where the firearm is in the custody of the police department pursuant to a court order, a subsequent court order will be required to dispose of or return the firearm.
    - a. It shall be the responsibility of the person requesting the return of the firearm(s) to obtain a Court Order for the return of the firearms and to deliver a copy to the police department.
    - b. A copy of the Court Order shall be provided to the Property/Evidence Custodian, to be scanned and attached to the BEAST case.
  3. The person retrieving the firearm(s) shall be required to present a valid FOID Card prior to taking possession of the firearm(s).
  4. In cases where the Investigations Lieutenant has determined that a firearm(s) is eligible for release, the above requirements have been met and the owner has not made a request for the return of the firearm(s), the Property Custodian will notify the owner by Certified Mail that the item(s) can be retrieved. If the owner has not retrieved the firearm(s) within six months of the issuance of the above notice, the firearm(s) shall be treated as Abandoned Property and will be disposed of pursuant to the disposal provisions of this procedure, after a Court Order for Destruction has been obtained, if required above.
  5. Any transfer of firearm(s) from the owner or Administrator of an Estate to another person within the State of Illinois requires a completed and valid Illinois State Police Person to Person Firearm Transfer form for each firearm. Both the owner or Administrator of the Estate and the person to whom the firearms are transferred must be present at the police department at the same time to complete the transfer. It shall be the responsibility of the owner or Administrator of the Estate to contact the Evidence/Property Custodian and set an appointment for the transfer/return of the firearm(s). It shall be the responsibility of the owner or Administrator of the Estate to coordinate with the person to whom the firearm(s) are being transferred to be present at the appointed time.
- D. The Property/Evidence Custodian shall ensure that reasonable efforts have been made to identify and notify the owner of the property in the agency's custody, in addition to any notifications made by members of the Department. It shall be the responsibility of the Property/Evidence Custodian to send written notice to the owner at the owner's last known address. (84.1.1f)
- E. In any case for which an Order for Preservation of Evidence has been entered, the evidence shall be preserved in its entirety pending further order of court. The Records Division shall provide a copy of the Court Order to the Property/Evidence Custodian and the Court Order will be scanned and attached to the BEAST case and the police case report.

VII. FINAL DISPOSAL/DESTRUCTION OF PROPERTY AND EVIDENCE (84.1.1g) (84.1.1h) (84.1.7)

- A. All Disposal/Destruction of Property and Evidence except return to owner, transfer to the Village Finance Department or destruction by a department approved crime laboratory, shall be conducted by the Property/Evidence Custodian or Backup Property/Evidence Custodian and witnessed by at least one other department member that has been assigned/approved by the Deputy Chief of Support Services.
- B. Property and evidence transferred to the owner or Village Finance Department shall be conducted by the Property/Evidence Custodian or Backup Property/Evidence Custodian and documented in writing. The owner or Finance Department employee taking custody of the property/evidence shall sign the document acknowledging receipt of the property/evidence.
- C. Destruction of evidence by a department approved crime laboratory shall be documented in writing by the laboratory.
- D. Items other than firearms inventoried for destruction by the employee shall be disposed of by the Property/Evidence Custodian without further authorization. All firearms and other evidence and property determined to be disposed of other than release to owner shall require a disposal request report generated by the Property/Evidence Custodian to the Deputy Chief of Support Services, requesting the specified items to be destroyed, auctioned, recycled, or kept for department use.
- E. Firearms held in relation to a criminal case or by Court Order, except those submitted by a citizen for destruction, shall require a Court Order for destruction.
- F. Upon final approval of the Disposal request form by the Deputy Chief of Support Services, (or his designee), evidence and property items shall be disposed of as follows:
  - 1. Narcotics shall be destroyed by incineration at a Department-approved disposal facility by the Property Custodian and a Supervisor.
  - 2. Unclaimed Currency shall be turned over to the Village Finance Department.
  - 3. Counterfeit Currency is to be turned over to the U.S. treasury department.
  - 4. Fireworks, ammunition and explosives shall be turned over to and destroyed by the County Sheriff's Police Bomb Squad.
  - 5. Firearms, weapons, contraband, or other items harmful to the public shall be disposed of in a manner to render the item inoperable or not harmful, including, but not limited to: incineration, crushing, torching, or disposal at a biohazard waste facility.
  - 6. Alcoholic beverages and foodstuff will be opened and placed in the trash.

7. All items not deemed to be narcotics, weapons, contraband or harmful to the public shall be disposed of through normal refuse procedures.
8. Items deemed eligible for auction shall be disposed of through the Village auction procedure.

#### VIII. CONVERSION INTO POLICE DEPARTMENT USE (84.1.1g) (84.1.1h) (84.1.7)

- A. Items unclaimed or ineligible for release that have a legitimate use as Police Department property may be designated as such by making a written request through the chain-of-command to the Chief of Police. After approval by the Chief of Police, the item shall be entered the Village/Department property inventory, in accordance with Village inventory procedures.
- B. Explosives, which have been collected and/or submitted as evidence or property, shall not be converted for Department use or used for training or investigative purposes.
- C. Weapons, including firearms, may be converted to Department use after they are ready for final disposition. Department use may include investigation, training, or display.
  1. The weapon shall be recorded in the BEAST system as turned over to the Department.
  2. All weapons converted to Department use shall be the responsibility of the Range Master, who shall ensure that all such weapons are securely maintained and inventoried.

#### IX. DISPOSAL BY AUCTION (84.1.1g) (84.1.1h) (84.1.7)

- A. Whenever property is approved for disposal by auction, the Evidence /Property Custodian shall compile a list of this property and notify the Deputy Chief of Support Services.
- B. Upon receipt of authorization from the Deputy Chief of Support Services, the Evidence/Property Custodian will coordinate with the Support Services Sergeant to dispose of the articles using the village designated auction service.
  1. Should any item up for auction be disputed, contested, or identified as property belonging to someone, the item shall be removed from the auction. A follow-up investigation shall be conducted to determine ownership.
  2. The Evidence Custodian shall maintain a record of all items released to a private auction service.

#### X. LOST/FOUND/ABANDONED PROPERTY (84.1.1g) (84.1.1h) (84.1.7)

- A. Property believed to be abandoned, lost or stolen or otherwise illegally possessed shall be retained in custody of the Department for a period of 6 (six) months. If the identity or location of the owner or other person entitled to possession of the property has not been ascertained within this time period, or if the owner fails to retrieve the property, the police department shall auction, dispose of, or retain for department/village use. The Department shall adhere to the requirements of (765 ILCS 1020/) Estrays and Lost Property Act and (765 ILCS 1030/) Law Enforcement Disposition of Property Act.
- B. Case Closed Without Prosecution
  - 1. In cases not covered by 725 ILCS 5/116-4 where the statute of limitations has expired and there has been no arrest made, the following will be sufficient notice to justify the disposal of evidence and/or property held.
    - a. Written documentation from an investigating employee to the Property Custodian indicating that the case is closed with no prosecution.
    - b. A police report prepared by an investigating employee indicating that the case has been closed or classified as inactive due to no further investigative leads.
    - c. A police report prepared by an investigating employee indicating that a Station Adjustment has been initiated and there is no further action documented within sixty (60) days of the termination date of the Station Adjustment.
- C. In cases where a refusal to prosecute has been initiated, the evidence may be returned to the owner upon request, except criminal sexual assault kits and accompanying evidence for the same case, which will be retained pursuant to the requirements of 725 ILCS 5/116-4. Sexual assault property/evidence will not be returned prior to the expiration of the statute of limitations, except by court order or by written authorization from the Chief of Police. It shall be the responsibility of the person requesting the return of the property/evidence to obtain a court order specifying exactly what items are to be returned and to whom.
- D. Evidence may be retained past the expiration of the Statute of Limitations at the discretion of the Lieutenant of Investigations, Deputy Chief or Chief of Police.
- E. Case Closed Following Prosecution
  - 1. Evidence shall be held longer than the time periods described below if requested by the State's Attorney's Office or order of court. Disposal may also be authorized earlier by the State's Attorney's office.
  - 2. Any evidence that was admitted at trial shall be retained by the Circuit Clerk's office until its transfer or disposal is authorized by court order.

3. For cases on appeal, evidence shall be retained by the Department until otherwise directed by the State's Attorney's Office or upon a final disposition of the court case.
4. Final disposition of a criminal court case shall be the dismissal of a case, or the termination of any period of supervision, conditional discharge, or probation.
5. If a case is dismissed for felony enhancement, the court order should reflect so and the evidence preserved for the felony prosecution.
6. Evidence in cases of driving under the influence of alcohol or drugs, (DUI), domestic battery and financial identity theft, shall be retained until sixty (60) days after the final disposition of any criminal case, if no post dispositional notices or motions are filed, not to exceed three (3) years from the date of conviction or acceptance of plea of Guilty.
7. Cannabis, controlled substances and firearms shall be retained until sixty (60) days after the final disposition of any criminal case, if no post dispositional notices or motions are filed, not to exceed three (3) years from the date of conviction or acceptance of plea of Guilty.

F. Evidence Not Admitted at Trial

1. For purposes of this procedure, "admitted at trial" shall be defined as tangible items physically presented at the trial.
2. In misdemeanor cases, evidence that was not admitted at trial may be disposed of without an order and without the prior approval of the State's Attorney's Office. Before disposing of the evidence, the Department shall wait sixty (60) days from the date of disposition and shall verify that no appeal has been filed or that the case is not going to be indicted as a felony. The State's Attorney's Office shall notify the Department in writing, of misdemeanor cases that were dismissed for felony enhancement. All evidence shall be retained for purpose of the felony prosecution.
3. In felony cases not covered by 725 ILCS 5/116-4, evidence that was not admitted at trial may be disposed of without an order and without the prior approval of the State's Attorney's Office. Before disposing of the evidence, the Department shall wait sixty (60) days from the date of disposition and shall verify that no appeal has been filed.

XI. EVIDENCE IN CASES ADJUCATED BY ADMINISTRATIVE HEARING (84.1.1g) (84.1.1h) (84.1.7)

- A. Final disposition of a case adjudicated by administrative hearing shall be the dismissal of a case, or the termination of any period of supervision, conditional discharge, or probation. If a case is dismissed for criminal prosecution, a written order should reflect so and the evidence preserved for the criminal prosecution.



- B. Prior to the date of each administrative hearing, the SEP unit officer shall provide a list to the Evidence/Property Custodian, of cases on the docket, to include the HP case number and defendant names. The Evidence/Property Custodian shall prepare BEAST Property Custody Receipt forms for each case for which evidence is held and provide the forms to the SEP unit officer.
- C. The SEP unit officer shall provide the custody receipts to the administrative hearing officer, for the administrative hearing officer to provide written direction as to the retention or disposal of the evidence held, following the adjudication of the cases.
- D. The SEP unit officer shall retain the completed custody receipt forms for a period of not less than forty-five (45) days. The SEP officer shall make inquiry no more than 60 days after the hearing and if there has been no lawful appeal filed, the SEP officer shall provide the completed custody receipts to the Evidence/Property Custodian. The evidence shall then be handled in accordance with the order of the administrative hearing officer. If an appeal has been filed, The SEP officer shall retain the custody receipt until a final disposition has been reached on the appeal and notify the Evidence/Property Custodian in writing that the case is under appeal and the evidence must be retained.
- E. The SEP unit officer shall notify the Evidence/Property Custodian when a final disposition is reached on the appeal and provide a copy of any court order or administrative hearing order pertaining to the disposal of the evidence held. The evidence shall then be handled in accordance with the order of the court or administrative hearing officer.
- F. Extended Evidence Retention Periods
  - 1. The Department shall adhere to the requirements of 725 ILCS 5/116-4 (Preservation of Evidence for Forensic Testing), which describes extended evidence retention periods for certain offenses, including:
    - a. All offenses defined by Article 9 of the Criminal Code (Homicide)
    - b. Sections 11-1.20, (Criminal Sexual Assault) 11-1.30 (Aggravated Criminal Sexual Assault), 11-1.40 (Predatory criminal sexual assault of a child), 11-1.50 (Criminal Sexual Abuse) , 11-1.60 (Aggravated Criminal Sexual Abuse), 12-13 renumbered to 11-1.20) , 12-14 (renumbered to 11-1.30), 12-14.1 (renumbered to 11-1.40), 12-15 (renumbered to 11-1.50), or 12-16 (renumbered to 11-1.60), of the Criminal Code.
    - d. An attempt in violation of Section 8-4, (Attempt of the Offense), of any of the above enumerated offenses.
    - e. Any 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 offenses.

- f. For clarification, the above statute requires the retention of criminal sexual assault kits beyond the timeframe of other evidence and does not automatically apply to all other evidence held for the same case. When prosecution has been refused by the victim or by the state's attorney office, or prosecution of the case has been stricken on leave by the state's attorney; evidence other than the criminal sexual assault kit may be returned to the owner or disposed of outside of the extended retention period.
- G. The Department shall retain evidence and property for three years in the following cases:
  - 1. Death investigations—not suspicious in nature.
  - 2. Suicide and attempted suicide investigations.
  - 3. Deployment of a conducted electrical weapon (CEW) and/or administration of Naloxone, (NARCAN), by a department member.
- H. The property inventoried as safekeeping or evidence may be disposed of on the above described cases following review of the case and written authorization by the Lieutenant of Investigations when both a final ruling by the medical examiner/coroner has been issued for cases involving death and the three-year period has lapsed and no prior request/demand has been made for the property.
- I. Exceptions
  - 1. On the above described death cases, property inventoried for safekeeping may be released pursuant to request, to the next of kin of the deceased or the administrator of the deceased's estate prior to three years, pursuant to a valid court order, or when both a final ruling has been issued by the medical examiner/coroner and when authorized in writing to the Property/Evidence Custodian by the Investigations Lieutenant.
  - 2. Property inventoried for safekeeping may be released pursuant to request prior to three years in an attempted suicide case, pursuant to a valid court order or when authorized in writing to the Property/Evidence Custodian by the Investigations Supervisor.