

Property and Evidence Division

802.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove or destroy property.

802.2 DEFINITIONS

Property - All items taken by and stored at the police department, including evidence, items taken for safekeeping, lost or found property, and abandoned property.

Evidence - Items taken or recovered in the course of an investigation.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping, such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

Lost or Found Property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

Abandoned Property - Includes property found by an employee or citizen that appears to be intentionally left or discarded by the owner.

802.3 COLLECTION OF EVIDENCE BY OFFICERS

While the detection of crimes and the apprehension of offenders are of primary importance, gathering the evidence for a successful prosecution is oftentimes a critical element of criminal investigations. Officers of the Urbana Police Department are encouraged to collect pertinent physical evidence whenever possible and practical. When collected, processed and analyzed properly, physical evidence becomes not only a crucial element of fact finding, but of law enforcement as a profession. The Department also realizes that the demand for police staffing resources exceeds the amount of time required to collect and process all possible physical evidence on every case.

1. Usefulness - The usefulness of the evidence and not the seriousness of the offense is the most important factor affecting the decision on what evidence will be collected, although the severity of the crime should be considered. Usefulness is determined by the likelihood of being able to identify an offender on the basis of the evidence collected and of the weight that such evidence might have on the determination of the guilt or innocence of the offender.

In most cases, the following items should be collected as evidence:

- fruits of the crime such as property taken from the scene by the offender
- items brought to the scene by the offender

Urbana Police Department

Urbana PD Policy Manual

Property and Evidence Division

- clothing worn by the victim or the suspect in a sexual assault or the clothing worn by the victim or suspect in an aggravated battery case where there may be blood or other bodily substances
- any item of contraband
- any item found in a squad car or in the station that may have been concealed by a subject in custody and that may have evidentiary value

2. Evidence Not Normally Collected - Due to limitations in storage space, staffing, department and laboratory resources, and other factors, officers may forego collecting evidence on misdemeanor cases for which no suspect is likely to be identified and for which no evidence that might subsequently identify the suspect is available. Further, evidence potential on misdemeanors and to a lesser extent, felonies, may become superfluous if the existence of other types of evidence is sufficient.

Shoplifting/retail theft cases present a problem to the police department in regards to consuming large amounts of storage space and having limited legal value in later proceedings. Therefore, in shoplifting/retail theft cases, it is recommended that a decent photograph(s) of the stolen merchandise (evidence) be taken in lieu of taking the actual physical item(s). Officers do retain the discretion, however, to seize the actual physical items if they determine it to be necessary, e.g. a very unique item, extensive criminal history of the offender, etc.

802.4 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage area. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for keeping and processing. The property receipt must be completed to document the release of property not kept, and the owner shall sign the form acknowledging receipt of the item(s).

802.4.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor and stored in a secured, temporary location. Items of evidence that are collected shall be secured in lockers available for that purpose, provided they are not too large for the lockers.

Oversized items may be secured in the Evidence Processing Room. Items too large for that may be stored in the Department storage garage at 704 S. Glover.

802.4.2 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Shift Supervisor. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Urbana Police Department

Urbana PD Policy Manual

Property and Evidence Division

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The evidence technician is responsible for transporting to the University of Illinois Police Department for disposal any fireworks, ammunition, or signaling devices that are not retained as evidence.

802.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

802.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded, it shall not be erased, deleted, or altered in any way, unless as described and noted below. All photographs taken will be preserved regardless of quality, composition, or relevance. Video and audio files will not be altered in any way.

802.5.2 SUBMISSION OF DIGITAL MEDIA

The following are procedures for the submission of digital media from cameras or other recorders:

- (a) The recording media shall be brought to the Evidence Processing Room (EPR) as soon as practicable for submission into evidence. Cameras shall be returned to the EPR so the evidence technician may download the digital photographs.
- (b) The evidence technician will transfer the data using appropriate media. Once they have verified that the data has transferred, the technician will erase and format the media for re-use.
- (c) Officers and investigators requiring a copy of the digital files may request them from the evidence technician.

802.5.3 PRESERVATION OF DIGITAL EVIDENCE

- (a) Only evidence technicians or other trained personnel are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

802.6 PACKAGING OF PROPERTY

Rules for packaging evidence may vary depending on the evidence itself. However, the following are basic guidelines that can be applied to all items seized as evidence:

Urbana Police Department

Urbana PD Policy Manual

Property and Evidence Division

- (a) Whenever practicable, evidence should be sealed in packaging. This may be plastic, paper bag, butcher block paper, or box. If an item is damp, it should always be secured in a paper-based container, not plastic, due to concerns regarding molding and other similar issues.
- (b) Evidence packaging should be initialed by the officer securing the item.
- (c) Tags should be secured to all property, with items of evidence receiving an evidence tag and safekeeping items receiving a property tag. Please note that tags are the 'gateway' to the ARMS database property record system, and they must be done in order to ensure proper storage and later retrieval.

802.6.1 PROPERTY PACKAGING - SPECIAL CONCERNS

Certain special guidelines are below:

- (a) Narcotics - Prior to packaging and if the quantity allows, a presumptive test should be made. The results of this test shall be included in the officer's report.
- (b) Firearms - Ensure they are unloaded and made temporarily inoperable by placing a zip-tie or other item through the barrel and breech. Firearms shall be booked separately from ammunition.
- (c) Flammable liquids/gases - Due to safety concerns, these items shall be photographed, an estimate made of the quantity, and then disposed of. Consult with the evidence technician in order to determine the most appropriate method of disposal.
- (d) Wet items - All wet evidence, including items with bodily fluids on them, such as blood or semen stains, shall be air dried prior to booking.
- (e) Recovered bicycles - recovered bikes shall be processed according to the procedure on the internal web.
- (f) Money - Currency collected by officers and seized as evidence (including suspected counterfeit currency) must be carefully counted in order to ensure accuracy and to protect the officers and the Department from charges of malfeasance. Prior to placing money into evidence, two officers, one being a supervisor, must count the money in the presence of the other. The two officers shall then initial the evidence bag and seal it. The money may then be placed into an evidence locker and the key dropped; both officers shall witness this entire procedure. Documentation of the counting procedure should be included in the officer's supplemental report. Money should be packaged in clear plastic, so it can be seen and verified to actually be money at later audits and inventories. Also, money should be packaged separately from other contents typically found in pockets, like keys and lip balm.
- (g) City property - Unless connected to a known criminal case, City property (e.g. street signs) should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

Other specialized procedures have been memorialized on the internal website; please refer to that resource for those procedures.

Urbana Police Department

Urbana PD Policy Manual

Property and Evidence Division

802.7 RECORDING OF PROPERTY

The evidence technician receiving custody of evidence or property shall record his/her signature, the date the property was received, and where the property will be stored on the property's evidence tag.

Any changes in the location of property held by the Urbana Police Department shall be noted on the evidence tag and in the ARMS property database.

802.8 PROPERTY CONTROL

Each time the evidence technician receives property or releases property to another criminal justice person or agency, he/she shall enter this information on the evidence tag and in the ARMS database.

802.8.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence tag shall be completed to maintain the chain of possession.

Requests for lab analysis for items shall be made via the Case Management System.

802.8.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date on the evidence tag. A corresponding entry will be made in the ARMS property database.

Any necessary lab forms will be completed as necessary and per procedures in place at the time as per the receiving lab.

The evidence technician will ensure that Illinois State Police Sexual Assault Evidence Kits are submitted to an approved laboratory in conformance with the rules set forth in 20 Illinois Administrative Code 1255.10 et seq.

802.8.3 STATUS OF PROPERTY

The temporary release and the subsequent return of property for justified purposes (e.g. investigation, lab, court, etc.) shall be documented on the evidence tags and in ARMS. Other receipts or forms may be used as needed.

802.8.4 AUTHORITY TO RELEASE PROPERTY

The evidence technician, working under the authority of the Criminal Investigation Division, shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

802.8.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon reasonable and satisfactory proof of ownership or right to possession.

Urbana Police Department

Urbana PD Policy Manual

Property and Evidence Division

With the exception of firearms and other property specifically regulated by statute (e.g. found money), found property and property held for safekeeping shall be held for a minimum of six months. During such period, department personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within six months after notification (or receipt, if notification is not feasible) may be disposed of. Items of significant value (more than \$100) should be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, the Chief of Police may donate property valued at less than \$100, and the donation is approved by the Department governing body, to a registered Illinois charitable organization. It may also be transferred to the government of which the law enforcement agency is a branch. If such property is not sold at auction or otherwise lawfully claimed, it may be offered or sold at a subsequent public auction without notice. The final disposition of all such property shall be fully documented in related reports or other documentation, including receipts and ARMS database entries (765 ILCS 1030/3).

Proceeds of the sale of the property at public auction, less reimbursement of the reasonable expenses of custody thereof, shall be deposited in the city/county treasury (765 ILCS 1030/4).

An evidence technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the property receipt.

802.8.6 DISPUTED CLAIMS TO PROPERTY

Occasionally, more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an Interpleader in court to resolve the disputed claim (735 ILCS 5/2-409).

802.8.7 RELEASE OF FIREARMS

Any firearm held for safekeeping shall be returned to the person from whom it was obtained or to the lawful owner upon presentation of a valid Illinois Firearm Owners Identification card (FOID) or concealed carry license, provided he/she is lawfully entitled to possess the firearm. Firearms seized as evidence shall only be returned when approved by the Criminal Investigations supervisor and the prosecutor's office or as otherwise ordered by the court. Seized firearms shall only be released to the lawful owner and only upon presentation of a valid FOID or concealed carry license, provided he/she is lawfully entitled to possess the firearm.

If the firearm or other weapon has not been retained as evidence, the Department is not required to retain the firearm any longer than 180 days after notice has been provided to the owner that it is available for return. At the expiration of such period, the firearm or other weapon may be processed for disposal in accordance with applicable law.

Urbana Police Department

Urbana PD Policy Manual

Property and Evidence Division

802.8.8 DOMESTIC VIOLENCE AND CONCEALED CARRY MATTERS

Any weapon seized in a domestic violence or concealed carry investigation shall be returned to the person from whom it was seized when it is no longer needed for evidentiary purposes, unless the court orders otherwise or the weapon was reported stolen. Weapons not returned shall be disposed of as provided in 720 ILCS 5/24-6 (750 ILCS 60/304(c)).

802.8.9 RELEASE OF FIREARMS IN MENTAL HEALTH COMMITMENT MATTERS

The Department shall maintain possession of any firearm received from a mental hospital that admitted a patient pursuant to any of the provisions of the Mental Health and Developmental Disabilities Code for a minimum of 90 days. After that time, the firearm may be disposed of pursuant to 720 ILCS 5/24-6(b).

802.8.10 OTHER MATTERS

A weapon seized and confiscated pursuant to court order under 720 ILCS 5/24-6 shall be retained for at least 90 days. At the expiration of such period, the firearm or other weapon may be processed for disposal in accordance with applicable law.

802.9 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws and current practices.

General rules for disposing of property seized as evidence are as follows:

- If the offender is found guilty, disposal is permitted 30 days after the finding and no appeal is filed. Consultation with the State's Attorney's Office records or personnel should be done prior to disposal.
- If there is a court order pursuant to a legal action as to the disposition of the property, then the evidence technician shall follow the court order. Once the case is completed, the evidence, unless it is contraband, may be returned to the owners. If the owner is unknown, it will be disposed of as unclaimed property.
- Illinois law allows police departments to photograph and release items of evidence prior to trial under certain circumstances. Those circumstances will be analyzed on a case-by-case basis with guidance coming from the State's Attorney's Office.
- Alcoholic beverages and food items will be disposed of appropriately.
- Firearms and other dangerous weapons will be destroyed by either a melting or cutting process until they are made unusable.
- Drugs will be incinerated. At least two persons shall witness the incineration of drugs and/or weapons and sign the release forms.
- All other property shall be disposed of by whatever method is appropriate, which may mean simply placing into the garbage or being destroyed before placement into the garbage, unless the property is realistically usable by the Department.

Urbana Police Department

Urbana PD Policy Manual

Property and Evidence Division

802.9.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Disposition of stolen weapons or upon conviction after a minimum of 90 days (720 ILCS 5/24-6)
- Weapons confiscated for being abandoned, illegally possessed or upon final court disposition may be transferred to the Department of State Police if no legitimate claim is made within 6 months (765 ILCS 1030/2(b))
- Weapons declared by a court for safekeeping, not to exceed one year (725 ILCS 165/2)
- Confiscated property or evidence obtained for violation of the Wildlife Code (520 ILCS 5/1.25)
- Confiscated property or evidence obtained for violation of the Fish and Aquatic Life Code (515 ILCS 5/1-215)
- Gambling devices (720 ILCS 5/28-5)
- Obscene matter ordered to be destroyed by the court (720 ILCS 5/11-20(g)(6))
- Vehicles, vessels, aircraft or component parts (625 ILCS 5/4-107)
- Narcotics/Drug seizure and forfeiture (720 ILCS 646/85; 720 ILCS 570/505; 720 ILCS 550/12; 210 ILCS 150/18)
- Drug paraphernalia (720 ILCS 600/5)
- Property seized for money laundering (720 ILCS 5/29B-1)
- Abandoned, lost, stolen or unclaimed property (765 ILCS 1030/1; 765 ILCS 1030/2; 765 ILCS 1025/17; 765 ILCS 1025/8.1)
- Preservation of evidence for forensic testing (725 ILCS 5/116-4)
- Counterfeiting equipment
- Destructive devices

802.9.2 UNCLAIMED MONEY

Money found or seized under circumstances supporting a reasonable belief that such property was abandoned, lost or stolen or otherwise illegally possessed that remains in the Departments possession for over 6 months may be deposited in the treasury of the City of Urbana. The Department shall make reasonable inquiry and efforts to identify and notify the owner or other person entitled to possession, prior to the conversion of money to the City (765 ILCS 1030/0.01 et seq.).

Urbana Police Department

Urbana PD Policy Manual

Property and Evidence Division

802.9.3 DISPOSITION OF COURT SEIZED PROPERTY

Evidence seized upon service of a search warrant or other court order shall be retained until final disposition of the investigation or upon further directions of the court.

802.9.4 UNUSED MEDICATIONS

Unused prescription medications of a deceased individual collected at the scene of a death investigation should be disposed of in compliance with 210 ILCS 150/17 or other state- or federally-approved drug disposal program (210 ILCS 150/18).

If an autopsy is performed as part of the death investigation, no medication shall be disposed of until after receipt of the toxicology report (210 ILCS 150/18(h)).

802.10 DISPOSITION OF BIOLOGICAL EVIDENCE

The evidence technician shall preserve, subject to a continuous chain of custody, any physical evidence in his/her possession or control that is reasonably likely to contain forensic evidence, including biological material secured in relation to a trial, and with sufficient documentation to locate that evidence (725 ILCS 5/116-4(a)).

802.10.1 RETENTION PERIODS

Biological evidence shall be retained for the following periods (725 ILCS 5/116-4):

- (a) Permanently, if a death sentence is imposed
- (b) Until the completion of the sentence for a homicide offense as set forth in 720 ILCS 5/9
- (c) Until the completion of the sentence, including any period of supervised release, for any conviction for an offense set forth in:
 - 1. 720 ILCS 5/11-1.20 (Criminal Sexual Assault)
 - 2. 720 ILCS 5/11-1.30 (Aggravated Criminal Sexual Assault)
 - 3. 720 ILCS 5/11-1.40 (Predatory Criminal Sexual Assault of a Child)
 - 4. 720 ILCS 5/11-1.50 (Criminal Sexual Abuse)
 - 5. 720 ILCS 5/11-1.60 (Aggravated Criminal Sexual Abuse)
- (d) Seven years following any conviction for any felony for which the defendant's genetic profile may be taken and submitted for comparison in a forensic DNA database (725 ILCS 5/116-4(b))
- (e) All other biological evidence shall be retained for the minimum period established by law or the expiration of any sentence imposed related to the evidence, whichever time period is greater.

802.10.2 REQUEST FOR DESTRUCTION OF EVIDENCE PRIOR TO END OF RETENTION PERIOD

After a judgment of conviction is entered but prior to the end of the statutory retention period, the Department may petition the court to allow destruction of evidence when the evidence:

Urbana Police Department

Urbana PD Policy Manual

Property and Evidence Division

- (a) Has no significant value for forensic analysis and should be returned to its rightful owner.
- (b) Has no significant value for forensic analysis and is of a size, bulk, or physical character not usually retained by the Department and cannot practically be retained.
- (c) Is no longer needed because of the death of the defendant (does not apply if a sentence of death was imposed).
- (d) The court allows the defendant the opportunity to take reasonable measures to remove or preserve portions of the evidence for future testing (725 ILCS 5/116-4(c)).

The Department shall give notice of any such petition to the defendant or his/her estate and the defendant's attorney of record.

No evidence shall be disposed of until 30 days after the entry of a court order granting the petition and until the time period for any appeal has lapsed, or any appeal has concluded, whichever is longer.

802.11 INSPECTIONS OF THE EVIDENCE ROOM

- (a) Periodically, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Audits of evidence held by the Department shall be conducted biennially by a Division Commander (as appointed by the Chief of Police).
- (c) Whenever a change is made in the evidence technician position, an inventory of all evidence/property shall be made.