

<b>UTAH DIVISION OF JUVENILE JUSTICE AND YOUTH SERVICES POLICY AND PROCEDURES</b>		
<b>Policy: 05-09</b>		<b>Page 1 of 4</b>
<b>EVIDENCE</b>		
<p><b>RATIONALE:</b> To provide direction to Division staff members to prevent contamination or tampering of potential evidence and maintain the chain of custody until law enforcement can retrieve potential evidence.</p> <p><i>Related Policies, Applicable Standards, Statutes: JJYS policy 05-15 Incident Reports</i></p>		
<b>Original Effective: November 01, 2004</b>	<b>Revision: August 14, 2024</b>	<b>Next Review Due: August 15, 2027</b>

**I. DESCRIPTION**

Established policy and procedure for the handling of evidence discovered in Division facilities and programs.

**II. DEFINITIONS**

The following terms are defined for this policy as:

- A. **Chain of custody:** The ability to establish possession of potential evidence at all times.
- B. **Contamination:** The introduction of undesirable elements rendering a piece of potential evidence unacceptable for evidentiary use.
- C. **Contraband:** An item for which possession by a juvenile is either illegal or prohibited by Division policy or a Division operations manual. Contraband items may include but are not limited to weapons, jewelry, money, electronic devices, cell phones, items capable of being used to effect an escape, or any item that might interfere with the treatment process.
- D. **Evidence/Contraband Custodian:** A Division staff member assigned by the Division Director, Deputy Director, Program Director (PD), or Assistant Program Director (APD) to be responsible for maintaining the security and integrity of evidence at a specific facility or program.
- E. **Evidence/Contraband Log (05-09B):** Tracks evidence and contraband going through the evidence/contraband locker and is maintained on-site and within camera view.

- F. **Evidence Release/Transfer (ERT) form (05-09A):** A document used by staff when placing items into the facility or program evidence locker.
- G. **Facility and program evidence/contraband lockers:** Secure repositories within camera view used for the temporary storage of evidence or contraband on-site at a Division facility or program for law enforcement retrieval.
- H. **Illegal Items:** Items identified as illegal under federal or state law and possession of them by a juvenile may result in criminal charges. These items include items that may have been used in a crime. Examples of such items include but are not limited to sexual images of a minor, tobacco, vaping devices, illicit drugs, paraphernalia, alcoholic beverages, and weapons.
- I. **Potential evidence:** An item that program staff has determined may be used in the prosecution of a violation of federal or state law.

### III. POLICY

- A. Staff in Division facilities and programs shall secure and temporarily hold an item identified as potential evidence until it can be retrieved by law enforcement personnel.
  - 1. An item that enters a facility or program that is deemed to be illegal contraband or potential evidence shall be handled as potential evidence until it is determined by law enforcement that it has no evidentiary value.
  - 2. Potential evidence shall be processed in a manner that the chain of custody is preserved.
  - 3. Staff members are prohibited from tampering with or destroying evidence.
  - 4. Potential evidence shall be documented on the ERT form.

### IV. PROCEDURE

- A. Collection
  - 1. An ERT form (05-09A) shall be completed by staff members who collect potential evidence.
  - 2. Potential evidence shall be packaged individually in an evidence bag provided by the Division in a manner as to preserve its condition at the time of collection.
  - 3. The staff sealing the evidence bag shall:
    - a) Mark the item number as listed on the property form;
    - b) Write the name of the person it was confiscated from;
    - c) Write the date the item was confiscated; and
    - d) Initial both sides of the sealed evidence bag.

4. The staff member shall place the ERT form with the packaged evidence in the facility/program evidence/contraband locker or give it directly to the Evidence/Contraband Custodian.
  5. The staff member shall also complete an incident report per *Division policy 05-15*.
- B. Evidence Release Transfer Form
1. An ERT form (05-09B) shall be completed and maintained by the Evidence/Contraband Custodian at each facility or program and shall be made accessible for all staff members depositing evidence into the facility or program evidence locker.
  2. Potential evidence collected and deposited into the evidence locker shall be noted on the evidence log by the staff member depositing the evidence.
  3. Chain of custody shall be maintained.
  4. The number of staff members handling the potential evidence shall be held to a minimum.
  5. Chain of custody shall be documented on the ERT form each time control of potential evidence changes.
  6. Keys to the program or facility evidence/contraband locker shall be issued only to the APD, Evidence/Contraband Custodian, or designee.
  7. After potential evidence has been placed in the program/facility evidence locker, it may only be removed when law enforcement comes to the facility to retrieve it.
  8. The APD or Evidence/Contraband Custodian shall document on the ERT form all attempts to coordinate with law enforcement for evidence retrieval.
  9. If more than two weeks have passed and law enforcement has not responded or has refused to collect the evidence, the APD will inform their chain of command to contact the assigned Division Assistant Attorney General (AAG) for a plan to address custody of the items.
  10. The Evidence Custodian shall inventory items in the evidence locker every 30 days and shall remove and destroy or return items, as appropriate, that have been in the locker for 90 days or longer. If items are considered contraband, they will be handled in accordance with JJYS Policy 05-10 Contraband.
  11. Exceptions to release of evidence to law enforcement shall be coordinated with the office of Internal Review.
- C. Documentation
1. The chain of custody shall be documented on the ERT form each time the potential evidence is transferred to another person.
  2. Final disposition of the potential evidence shall be noted on the bottom of the ERT form.

**VI. Continuous Renewal**

This policy shall be reviewed every three years to determine its effectiveness and appropriateness. This policy may be reviewed before that time to reflect substantive change.

This policy has been reviewed by the Division of Juvenile Justice and Youth Services Executive Management Team and is approved upon the signature of the director.



Brett Petersen, Director Signature  
Division of Juvenile Justice & Youth Services

08/14/2024

Date