

DEPARTMENT OF HUMAN SERVICES  
JUVENILE JUSTICE SERVICES  
POLICY AND PROCEDURES

Policy No.: 05-09  
Subject: Evidence

Effective: 11/01/2004

Revision Date: 07/13/2021

**I. Policy Statement**

Staff in Division facilities/programs shall secure and temporarily hold any item identified as potential evidence until it can be retrieved by law enforcement personnel.

**II. Rationale**

To allow the Division to prevent contamination or tampering of potential evidence and maintain the chain of custody until law enforcement can retrieve potential evidence.

**III. Definitions**

“Potential evidence” is any item that program staff has determined may be used in the prosecution of a violation of federal or state law.

“Chain of custody” is the ability to establish possession of potential evidence at all times.

“Contamination” is the introduction of undesirable elements rendering a piece of potential evidence unacceptable for evidentiary use.

“Evidence/Contraband Custodian” is a Division staff member(s) 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/program.

“Evidence Release/Transfer (ERT) form” (form 05-09A, attached to this policy) is the document used by staff when placing items into the facility/program evidence locker.

“Evidence/Contraband Log” (form 05-09B) tracks all evidence/contraband going through the evidence/contraband locker and shall be maintained on site.

“Facility/program evidence/contraband lockers” are secure repositories for the temporary storage of evidence or contraband on-site at a Division facility/program for law enforcement retrieval.

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“Contraband” items are those for which possession by a juvenile is either illegal or prohibited by Division policy or a Division facility/program operation 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.

“Illegal Items” are identified as illegal under federal or state law and possession of them by a juvenile may result in criminal charges. These items include any 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.

**IV. Procedures: Collection**

- A. All items that enter the facility/program that are 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.
- B. All staff members who collect potential evidence shall complete the ERT form (05-09A).
- C. All 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.
- D. The staff sealing the evidence bag shall:
  - 1. Mark the item number as listed on the property form,
  - 2. Write the name of the person it was confiscated from,
  - 3. Write the date the item(s) were confiscated, and
  - 4. Initial both sides of the sealed evidence bag.
- E. 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.
- F. The staff member shall also complete an incident report per Division policy 05-15.

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**V. Procedure: Evidence Release Transfer Form**

- A. An ERT form (form 05-09B) shall be completed and maintained by the Evidence/Contraband Custodian at each facility/program and shall be made accessible for all staff members depositing evidence into the facility/program evidence locker.
- B. Potential evidence collected and deposited into the evidence locker shall be noted on the evidence log by the staff member depositing the evidence.

**VI. Procedure: Maintaining Chain of Custody**

- A. Potential evidence shall be processed in a manner that the chain of custody is preserved.
- B. The number of staff members handling the potential evidence shall be held to a minimum.
- C. Chain of custody shall be documented on the ERT form each time control of potential evidence changes.
- D. Keys to the program/facility evidence/contraband locker shall be issued only to the APD, Evidence/Contraband Custodian or designee.
- E. 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.
- F. The APD or Evidence/Contraband Custodian will document on the ERT form all attempts to coordinate with law enforcement for evidence retrieval.
- G. If more than two weeks have passed and law enforcement has not responded or has refused to collect the evidence, the APD will go through the chain of command to contact the assigned Division Assistant Attorney General (AAG) for a plan to address custody of the items.
- H. Staff members are prohibited from tampering with or destroying evidence.

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**VII. Procedure: Documentation**

- A. All potential evidence shall be documented on the ERT form.
- B. The chain of custody shall be documented on the ERT form each time the potential evidence is transferred to another person.
- C. Final disposition of the potential evidence shall be noted on the bottom of the ERT form.

**VIII. Continuous Renewal**

This policy shall be reviewed every three (3) 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 Services Executive Management Team, and is approved upon the signature of the director.



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Brett M. Peterson, Director  
Division of Juvenile Justice Services

07/13/2021

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Signature Date