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| Idaho Department of Correction  | Policy | Title: Custody of Evidence | | Page: 1 of 2 |
| | | Control Number: 116 | Version: 2.0 | Adopted: 12/01/1982 |

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A. STATUTORY AUTHORITY

Idaho Code § 20-244, Government and Discipline of the Correctional Facility – Rules and Regulations

B. BOARD OF CORRECTION IDAPA RULE

IDAPA 06.01.01.116, *Custody of Evidence*

C. POLICY STATEMENT

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It is the policy of the Idaho Department of Correction (IDOC) that all evidence confiscated from employees, clients, residents, contractors, or witnesses which is to or may be utilized in administrative disciplinary proceedings or criminal proceedings shall be maintained in a safe and secure manner until completion of the case.

D. SCOPE

This policy applies to all procedures created under the authority of this policy and to all IDOC correctional facilities (to include community reentry centers [CRCs] and privately managed facilities) and probation and parole districts.

E. RESPONSIBILITY

None

F. POLICY

1. General Statement

- a. A proper chain of custody of evidence must be maintained at all times.
- b. Evidence must be stored in a safe location to ensure against theft or damage. If secure facilities are not available, arrangements must be made with the local police or sheriff.
- c. Upon completion of case action, all criminal evidence must be held until the case is adjudicated or prosecutors deem the evidence can be disposed of. Disposal shall only occur after IDOC has received written correspondence from the prosecuting attorney (letter or email) indicating the corresponding matter is resolved and that no appeals or other relevant cases are pending. All other evidence must be held for six months and if not claimed, disposed of immediately afterward.
- d. If evidence is in the form of marijuana, narcotics, illicit, or abusable drugs, the evidence must be turned over to local law enforcement authorities or the Idaho State Forensics Laboratory for disposal.
- e. Illegal items or property that cannot be returned because possession by the client or resident is illegal, must be destroyed or turned over to the state of Idaho for disposal.

G. REFERENCES

None

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