

<p style="text-align: center;">NORTH <b>Dakota</b> Be Legendary.™ Corrections and Rehabilitation</p> <p style="text-align: center;"><b>POLICY &amp; PROCEDURES</b></p>	<b>POLICY NUMBER AND SECURITY:</b> 3A-12 – This policy has no confidential or exempt information.	
	<b>RELATED STANDARDS (such as ACA/ACI/ACRS/PbS/PREA):</b>  ACA 4-APPFS-3B-11	
<b>RELATED REFERENCES:</b>  Appendices: <ul style="list-style-type: none"> <li>• Evidence Inventory and Receipt 1999 (Appendices Folder on the Intranet – Section 3A)</li> </ul> Manuals: None  Related DOCR Training: New Officer Training		
<b>DIVISION:</b> Division of Adult Services	<b>FACILITY/WORK GROUP:</b> Parole & Probation	<b>TOPIC:</b> Preservation of Physical Evidence

Effective Date: August 15, 2011 Revised: October 2, 2011 Revised: February 14, 2014 Revised: September 16, 2014 Reviewed: March 4, 2015 Reviewed: March 31, 2016	Reviewed: June 27, 2017 Revised: August 18, 2017 Revised: July 24, 2018 Revised: June 17, 2018 Revised: July 11, 2019 Revised: June 29, 2022
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### Summary of Revision(s)

<p><i>Revisions made by Pat Bohn and reviewed by the rest of the Administrative Policies Committee.</i></p> <ol style="list-style-type: none"> <li>1. This policy has no confidential or exempt information.</li> <li>2. Appendix: Evidence Inventory and Receipt 1999/</li> <li>3. No manuals.</li> <li>4. Related DOCR Training: New Officer Training.</li> <li>5. Added language relating to recording evidence seizure and disposal/return in the Docstars Search Module.</li> <li>6. Grammar and style changes throughout.</li> </ol>
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1. **AUTHORITY:** The authority for this policy with procedures is found in chapter 54-23.3 of the North Dakota Century Code.
2. **APPLICABILITY:** This policy with procedures is applicable to staff working for the Parole and Probation Division.
3. **DEFINITIONS**
  - A. Controlled Substances: Any drug regulated by the Drug Enforcement Act.
  - B. Evidence: Various items presented to a court, jury, preliminary hearing officer or parole board for the purpose of proving or disproving a question under inquiry which may include testimony, records, objects, documents, photographs, maps and electronic storage devices.
  - C. Inventory Control Officer: Employee appointed to be in charge of the evidence vault.
4. **POLICY:** The Department's Parole and Probation Division shall have written procedures for obtaining and preserving physical evidence. At a minimum, these procedures must include chain of custody, evidence handling and location, and storage requirements. **(4-APPFS-3B-11)**
5. **PROCEDURES:**
  - A. Officers shall record and label evidence as follows:
    1. Subject's name and state identification number, if applicable.
    2. Date, time, and location where evidence was confiscated.
    3. Name of officer who located the evidence.
    4. Description of the evidence with serial number, if applicable.
  - B. Officers shall provide a written report that includes information outlined in Subsection 5(A) above and any other pertinent details of how the evidence was obtained. All documentation relating to evidence, including the Evidence Inventory and Receipt form, must be attached to the written report.
  - C. The original Evidence Inventory and Receipt form must stay with the confiscated property. A copy must be given to the person the evidence was confiscated from or left at the premises where the evidence was confiscated if the owner is not there at the time of the search.
  - D. All evidence must be secured in a locked storage compartment or storage area.
  - E. Suspected controlled substances or paraphernalia requiring further analysis, as determined by the case officer, must be delivered to the State Toxicologist or the State Laboratory in a timely manner.
  - F. Evidence seized must also be recorded in Docstars using the Search Module.

- G. Evidence must be stored or disposed of in the following manner:
1. The regional Program Manager shall designate an inventory control officer to manage the evidence vault. The inventory control officer shall have exclusive access to the evidence locker. The inventory control officer shall maintain an inventory control log that includes access control, receipt control and chain of custody.
  2. An inventory of evidence must be conducted by the inventory control officer, at least annually and report submitted to the regional Program Manager.
  3. Final disposition of found, recovered, and evidentiary property may only be completed at the order of the court of record, the North Dakota Parole Board or by a directive of the Department.
    - a. Notwithstanding other provisions of N.D.C.C. Chapter 29-31.1, in the case of forfeitable property seized and held as evidence of the commission of a criminal offense, the court in which a criminal prosecution was commenced may issue its order upon motion and after hearing unless waived for disposition of property in accordance with N.D.C.C. Chapter 29-31.1.
    - b. For property that may be lawfully released to the owner, the investigating officer may attempt to notify the owner that the Department is holding their property. When the property is released to the legal owner, the Evidence Inventory and Receipt form must be completed noting the items that are being released. Individuals receiving property must sign for all property received before property may be released.
    - c. Evidence destroyed using landfills must be done in accordance with North Dakota Department of Health and Human Service guidelines.
    - d. Disposed or returned evidence must be removed from Docstars using the Search Module.
6. **SIGNATURE:** This policy with procedures and applicable manuals becomes effective when signed by the Director of the Department of Corrections and Rehabilitation.

***This copy has been approved by the Director with the original signature on file.***