

IDAHO STATE POLICE PROCEDURE

06.09 EVIDENCE AND PROPERTY

I. GENERAL

- A. The Idaho State Police (ISP) has an obligation to preserve property and evidence coming into its possession in the course of its official duties. All items must be entered into the Records Management System (RMS) and submitted to Evidence for proper tracking. These procedures preserve the value of seized evidence for use at trial and protect and safeguard non-evidentiary property while efforts are made to return it to its rightful owner or dispose of it properly.
- B. Property generally comes into ISP possession as a result of evidence seizure/collection, contraband seizure, seizure for forfeiture, or abandonment. Property is seized as contraband when possession of said property is illegal under the laws of the state of Idaho or the United States. Property is seized for forfeiture to remove proceeds of crime from the criminal participants and to disable criminal organizations.
- C. Employees must not keep for personal use any evidence or found property acquired during the course of employment. All such property must be managed according to the following procedures. The District Captain/designee must ensure any collection or seizure of real or personal property is in accordance with applicable state and/or federal statutes.
- D. Evidence collection and handling is in a manner most effective for investigation of the crime and as prescribed in training approved by Idaho's Peace Officer Standards and Training Academy.

II. DEFINITIONS

- A. "Digital media" includes but is not limited to flash drives, external or removable hard disc drives (e.g., solid state, magnetic), compact discs (CDs), digital versatile discs (DVDs), diskettes, and magnetic tapes or stored on a cloud-based platform.
- B. "Digital Evidence" includes but is not limited to videos, photographs, or audio recordings.
- C. "Axon Capture Application" is a Digital Evidence Management System (DEMS) for law enforcement. It provides a secure, centralized, cloud-based solution for storing, managing, investigating, and sharing digital evidence.

III. STANDARD PROCEDURES ON-SCENE

- A. Preserve the scene.

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- B. If large quantities of drugs could lead to a charge of possession with intent to deliver are involved, Patrol contacts Investigations to assume the case and assist as needed.
- C. Seizures of any amount of U.S. currency or of any type of conveyance (i.e., vehicles, trailers, boats, etc.) requires immediate notification to Investigations, who will determine additional on-scene activities.
- D. Identify, document, bag, and secure each item of evidence for transport to the district office.
- E. Photograph syringes, place in sharps container and dispose of appropriately, unless it meets the guidelines in C6 and C7 of this procedure to be submitted as evidence.
- F. Complete and leave a copy of the [EHF 06 09-01 Evidence/Property Receipt](#) with the owner for all seized items except body fluids.
- G. Drugs are disposed of at the scene only when it is impractical to maintain the evidence securely, there are unmanageable volumes or amounts, or there is danger in storing or maintaining the items pursuant to [Idaho Code § 37-2744\(f\)\(2\)](#). The determination of whether any of these conditions exist rests with the District Captain, as the Director's designee.
 - 1. collect a representative sample of the evidence;
 - 2. the District Captain delegates a detective and at least one other witness to oversee the destruction;
 - 3. a photographic record (video or still photographs) of the items to be destroyed is taken;
 - 4. each item is counted, weighed or measured;
 - 5. the detective and the witness complete an [EHF 06 09-10 Authorization for Destruction of Evidence/Drug Destruction Inventory](#) form;
 - 6. the items are burned at the scene with due care for fire hazards. If the items are not burnable, they are destroyed or disposed of in an appropriate manner.
- H. Firearms are seized solely as evidence in direct relationship to a criminal act or criminal activity. In all cases, the firearm must be handled to preserve evidence such as latent prints, firearm comparisons, and DNA, and to maintain safe control of it. The arresting trooper must work with the prosecuting attorney to comply with all provisions of [I.C. § 19-3807](#).
 - 1. Do not remove a firearm from a crash site, an arrest or abandoned vehicle for safekeeping; record the firearm on the [EHF 06 05-01 Towed Vehicle Inventory Notice](#), in accordance with ISP procedure [06.05 Vehicle Impound](#);
 - 2. Process seized firearms in the same manner as other evidence except:
 - a. record the position of the hammer;
 - b. unload the firearm and make it safe for handling and transport in a manner to prevent destroying or interfering with evidence of the crime;
 - c. note the number, position and condition of each round of ammunition;

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- d. have another person verify the firearm is not loaded;
 - e. package, seal, include both signatures, and label the firearm and ammunition separately;
 - f. complete a lab request to indicate desired examinations and submit to evidence;
 - g. DO NOT DRY FIRE OR TEST FIRE THE FIREARM;
 3. A National Crime Information Center (NCIC) check is performed for all seized firearms to verify any association to other criminal activity. The NCIC Gun File (QG), Wanted Person File and Protection Order File (QW), and Interstate Identification Index (QH/QR using purpose code F) are checked.
- I. Vehicles involved in crashes are seized only when directed by the county prosecutor or under exigent circumstances where evidence may be lost.
1. Vehicles involved in traffic crashes are generally not seized as evidence; crash measurements and photographs are adequate to document vehicle and undercarriage damage.
 2. Towing and wrecker storage fees should be approved by the District Captain or his designee before seizing vehicles as evidence.
 3. When vehicles are seized the trooper must:
 - a. complete the [EHF 06 09-01 Evidence/Property Receipt](#) form for all vehicle contents;
 - b. remove all personal effects, including license plates, registration forms which are not evidence and return them to the driver;
 - c. give the driver a receipt for the vehicle, for any personal items, and for any other evidence seized;
 - d. complete the EHF 06 05-01 Towed Vehicle Inventory Notice;
 - e. provide copies to the tow operator and the vehicle operator (if possible); and
 - f. store the vehicle at an ISP or other law enforcement facility impound lot.

IV. PACKAGING EVIDENCE AT THE DISTRICT OFFICE:

- A. Photograph all items seized.
- B. Properly seal all evidence by initialing and dating the top and bottom seals on Poly packaging and all non-manufacture seals on paper packaging.
- C. Package body fluid specimens in a Forensic Services toxicology specimen container sealed with evidence tape. Initial and date seal.
- D. Promptly refrigerate blood kits.
- E. Freeze urine samples as soon as possible.
- F. Package and seal the drug evidence:
 1. count or measure the gross weight of drugs, which may include the smallest package in which it was seized;

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2. measure the weight of the drug and evidence package after packaged and sealed (packaged sealed weight);
 3. each drug type must be packaged separately – do not combine different types in one evidence envelope or 4 mil or thicker Poly packaging ;
 4. each form of a particular drug should be packaged separately (example: BHO, joint, plant, etc.)
 5. packaging drug evidence is witnessed by another trooper whenever possible. The seal bears the initials of the witness as well as the person sealing the evidence container;
 6. “powder” and loose drug evidence is packaged in a plastic bag inside the poly tubing or sleeve package instead of directly in the poly tubing or sleeve;
 7. “green” marijuana, mushrooms or other moist drug evidence
 - a. must be dried before placing in the poly tubing or sleeve; or
 - b. packaged in breathable evidence packaging.
- G. Syringes with needles are not submitted to forensics services if other drug evidence or any other evidence is available which provides the same proof as the examination of the syringe would provide.
- H. Syringes with needles are accepted by Forensic Services for analysis in a very carefully controlled manner:
1. the syringe must be packaged in an appropriate biohazard safety tube, and in a multi-exhibit case packaged separately from other exhibits; and
 2. the evidence envelope must be clearly labeled as containing a syringe upon submission to the laboratory. Improperly packaged syringes will be returned without analysis.
- I. Syringes that have never had a needle attached may be submitted into evidence without going through the protective measures above.
- J. Vape devices used for smoking illegal substances should be disassembled if possible and only the cartridge portion should be submitted into evidence.
- K. Ignitable or explosive items are not submitted into evidence unless there is evidentiary value, including lighters, fireworks, torches, etc. Dispose of any non-evidentiary items after photographing.
- L. Sharp objects, including knives, must be confined within material or packaging such as a box that renders them safe to handle, and sealed with evidence tape.
- M. Other evidence must be placed in poly tubing or sleeve unless it is either not possible or causes evidence to be changed. Biological and DNA evidence should never be packaged in poly tubing or sleeve.
- N. Complete and place the [EHF 06 09-02 Chain of Custody](#) label or tag on the evidence

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package.

V. DRUG MEASUREMENTS

A. Grams or ounces are used for:

1. cocaine;
2. heroin;
3. methamphetamine;
4. marijuana;
5. more than 20 pills; and
6. fentanyl.

B. Dosage Units (DU) apply to:

1. LSD;
2. pharmaceutical-style drugs in tablet or capsule form;
3. vape cartridges that contain drugs;
4. consumables that contain marijuana;
5. pre-packaged dispensary items that do not have a weight listed on the packaging; or
6. any type of drug that is sold in a unit; and
7. 20 or fewer pills.

C. Liters or milliliters are used to measure liquids.

D. Plants apply to marijuana plants and the value is set by current DEA standards.

VI. TEMPORARY STORAGE OF EVIDENCE OR PROPERTY

A. Evidence and property must be submitted to the evidence room within five working days and before days off, training, vacation, etc.

B. If evidence cannot be submitted to the evidence room, the trooper must place the exhibits in approved temporary storage location and only the trooper using the location has access to the contents of the location.

C. Troopers using the temporary storage location must:

1. clean the location with a freshly prepared 10% bleach/water solution or a comparable substitute with disposable towels before storing evidence;
2. ensure the attached Temporary Evidence Location Log is signed with the trooper's name, case number/reason, date, time and location number.
3. ensure the property item(s) have been properly and completely secured within an authorized temporary storage location, preventing direct access by others.
4. after removing the evidence from the temporary location, clean the location with a freshly prepared 10% bleach solution or a comparable substitute with disposable towels.

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VII. SUBMITTING EVIDENCE AND PROPERTY TO THE EVIDENCE ROOM

- A. The evidence/property information must be entered into the Automated Reporting System (ARS), where a tag number is assigned; it is then transferred to the RMS prior to submitting the evidence/property to the evidence room.
- B. The trooper completes an entry on the [EHF 06 09-02 Chain of Custody](#) label reflecting the transfer of custody to the evidence custodian.
- C. The ILIMS Prelog is used for submission of evidence to Forensic Services.
 - a. Follow directions from the District Evidence Custodian for required documentation.
 - b. District Evidence Custodian completes Forensic Services online submission process.
- D. Evidence or property must be submitted directly to the evidence room through one of the following authorized evidence storage locations:
 - 1. evidence drop locker;
 - 2. evidence pass through locker;
 - 3. evidence refrigerator;
 - 4. evidence freezer;
 - 5. impound lot;
 - 6. deposited in the district suspense account or office safe; or
 - 7. directly to an evidence custodian.
- E. Using the evidence pass through locker:
 - 1. the trooper ensures the item(s) have been properly and completely secured within the storage locker, bin or cage, shutting and locking to prevent direct access by others;
 - 2. only the evidence custodian and their backup has access to the items in the locker;
 - 3. the evidence custodian cleans the pass through lockers with a freshly prepared 10% bleach/water solution or a comparable substitute each time evidence is removed.

VIII. SUBMITTING DIGITAL EVIDENCE

- A. Evidentiary photographs, audio, or video recordings can be obtained in two methods.
 - 1. Using the installed camera Axon Capture application to prevent exculpatory conflicts with the department issued phone. Digital evidence will be captured using the Axon Capture application and uploaded to Evidence.com through the application.
 - 2. Using the original camera on the department issued cell phone. Using this method will require the files to be uploaded to Evidence.com.
- B. Digital evidence obtained from other sources (typically for investigation cases, like videos, photographs, audio, point clouds, etc.) shall be uploaded to Evidence.com. The digital storage (thumb drive, CD, etc.) used to transfer the data will not be retained as the digital records will be considered the evidentiary copy. Upload records in their original format, unedited and unaltered. Exceptions to this are circumstances where the digital storage

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device contains original evidence (i.e., a thumb drive received from the public) Such devices will be submitted into evidence.

C. The assigned trooper must select the appropriate template in Evidence.com.

D. Digital evidence will be organized consistently.

1. ID is the Case Number—use the full case number with alpha identifier, for example D24001234.
2. Category—choose the most serious offense for the longest retention schedule.
3. All evidence added to Evidence.com will be uploaded to the appropriate folder.

E. Suspected child pornography shall not be uploaded to Evidence.com. Sharing evidence of this nature will be on a case by case basis after consultation with the appropriate prosecuting attorney's office.

XI EVIDENCE CUSTODIANS

- A. Follow the [ISP Evidence Room SOP](#);
- B. Follow the [Evidence Bar Coding Process SOP](#) to track the evidence/property;
- C. Ship with tracking or deliver the evidence for analysis when the submitting trooper requests the evidence to be analyzed or check the evidence out to a trooper to deliver the item(s) and make the appropriate entries to both the [EHF 06 09-02 Chain of Custody](#) form and the RMS.
- D. Provide a list of evidence held in the evidence room to each patrol case officer at least twice per year, and at least once per year for each detective.
- E. Update the EH 06 09-02 Chain of Custody label and the RMS each time evidence custody or control is changed.

XII AUTHORITY TO RETURN/DISPOSE OF EVIDENCE OR PROPERTY

- A. The case officer notifies the evidence custodian when all legal proceedings including appeals and any forfeiture actions are completed and the case is finalized;
 1. officers confirm with the appropriate court or prosecutor to ensure the case is adjudicated; and
 2. officers complete the Disposal of Evidence Authorization form [7.9 Evidence Report by Officer](#) or equivalent and give it to the evidence custodian.
- B. When all legal proceedings including appeals and any forfeiture actions are completed and the case is finalized, items may be returned to the rightful owner after notification

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using the [EHF 06 09-08 Property Notification](#) or [EHF 06 09-15 Postcard](#). The rightful owner or their designee, with proof of identification, signs the [EHF 06 09-09 Receipt for Property](#).

- C. Forfeited or released items are processed by the agency for sale, transfer to another law enforcement agency, retained for official use or destroyed if the item has little value in accordance with [Board of Examiners surplus property](#) disposal rules and regulations.
 - 1. the ISP Legal Services Office (Legal) provides the HQ designee with a copy of the court order;
 - 2. the HQ designee notifies the District Captain /designee of the court order;
 - 3. the District Captain /designee provides recommendations regarding disposal, and an [EHF 04 02-01 Property Transfer](#) form to the HQ designee;
 - 4. the forfeited item is retained in the district, sent to headquarters, or sent to another agency at the discretion of the Major; and
 - 5. the HQ designee forwards the paperwork with directions concerning agency disposition written on the EH 04 02-01 Property Transfer form to the Financial Services Office (FSO).
- D. FSO enters retained property into the ISP inventory as appropriately assigned.

XII DISPOSAL OF DRUGS SUBMITTED TO THE PROPERTY ROOM.

- A. Drugs are contraband and are not returned to their owners.
 - 1. When all legal proceedings including appeals and any forfeiture actions are completed and the case is finalized, the trooper checks with prosecutors or the appropriate court to confirm the case is adjudicated and notifies the evidence custodian.
 - 2. The evidence custodian and District Captain/designee verify destruction of drug evidence and document the destruction using the [EHF 06 09-10 Authorization of Destruction - Drug Destruction Inventory](#) form.
Upon approval, the evidence custodian or District Captain/designee makes the appropriate entries to the RMS and delivers the evidence to the destruction bin.
 - 3. A copy of the EHF 06 09-10 Authorization of Destruction - Drug Destruction Inventory is placed with the destruction bin and the original is placed in the case file.
 - 4. The District Captain/designee may appoint personnel to prepare and oversee the transportation and delivery of drugs to an off-site location for destruction of drugs as necessary.
 - 5. Other law enforcement agencies presenting drugs for destruction by ISP must complete the EH 06 09-10 Authorization of Destruction - Drug Destruction Inventory form or another agency's comparable form to accompany the listed evidence at the time of destruction.
 - 6. All the [EHF 06 09-10 coversheet](#) forms are signed by the ISP drug destruction designee.
 - 7. Copies of the completed EH 06 09-10 Authorization of Destruction - Drug Destruction Inventory forms or another agency's comparable form are maintained in the district office.

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XIV BIOLOGICAL SAMPLES

- A. Urine must be in an appropriate urine kit and stored in the evidence/property room freezer before it is submitted for analysis. Upon receipt of urine returned from the lab, depending on availability of freezers and/or refrigerators, storage of urine evidence is as follows (in order of preference):
 - 1. freezing;
 - 2. refrigeration;
 - 3. room temperature.
- B. Blood must be in an appropriate blood kit and stored in the evidence property room refrigerator before it is submitted for analysis. Upon receipt of blood evidence returned from the lab, depending on availability of refrigerators, storage of blood evidence is as follows (in order of preference):
 - 1. refrigeration;
 - 2. room temperature.
- C. DNA extracts and DNA packets containing extracts are stored as directed by the Forensics lab.
- D. Sexual assault kits must be in an appropriate sexual assault kit and stored in the evidence/property room refrigerator before it is submitted for analysis. Sexual assault kits returned after analysis are stored as directed by the Forensics lab.
- E. The case officer notifies the evidence custodian when all legal proceedings (including appeals and any civil forfeiture actions) are completed and the case is finalized. Officers then:
 - 1. confirm with the appropriate court or prosecutor, and in the case of civil forfeitures the ISP legal unit, to ensure the case is adjudicated;
 - 2. complete either the EH 06 09-12 Authorization for Non-Drug Evidence Destruction Inventory, the 7.9 EVIDENCE REPORT BY OFFICER or equivalent; and
 - 3. give the report to evidence custodian who will process the evidence appropriately as defined in the SOP

XV MONIES AND NEGOTIABLE INSTRUMENTS

- A. Negotiable instruments likely to have greater value than indicated by their face value such as coin collections, stocks, or similar items, are processed as property evidence.
- B. Found monies are processed the same as found property section A in this procedure.
- C. Currency is secured by the evidence custodian.
- D. Currency must be deposited within seven days.

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- E. FSO deposits any unclaimed money in the appropriate fund.
- F. Prior to seizing any currency, refer to Section III of this procedure.
- G. Seized monies not intended for forfeiture.
 - 1. Monies are not intended to be seized as evidence, however, recorded serial numbers may be of evidentiary value.
 - 1. If seized, the trooper, witnessed by another ISP employee, counts the money;
 - 2. The trooper enters the currency in the RMS as any other property;
 - 3. The trooper delivers the money to the District Captain/designee;
 - 4. The District Captain /designee deposits the money in a suspense account as follows:
 - a. The trooper uses a money counter or other means to make note of the number of bills and denominations, makes a photocopy, and uploads the serial numbers for intelligence purposes.
 - b. Completes a deposit slip for the "Suspense Account" in triplicate and deposits the funds;
 - c. One (1) copy of the deposit slip goes to the bank with the deposit;
 - d. One (1) copy of the deposit slip with a photocopy of the deposit receipt remains with the district office;
 - e. The third copy of the deposit slip, showing the appropriate case number and/or subjects, is retained in the case file with the original deposit receipt.
 - f. The District Captain/designee records the deposit in a ledger for the account;
 - g. The District Captain/designee updates the RMS database to reflect the deposit.
- H. Seized monies intended for forfeiture.
 - 1. ISP Forfeitures require a minimum of \$2,000 in U.S. currency for any filing for forfeiture allowed under the law. Deviation from the \$2,000 limit requires approval from the Major.
 - 2. Forfeitures are processed under Idaho Code §37-2744. Excluding established federal cases, approval to process forfeitures outside Idaho Code §37-2744 (e.g. federal adoption) require prior approval from the Major.
 - 3. All money forfeitures will be turned over to Investigations who will:
 - a. Initiate a new case; and
 - b. process forfeited monies.
 - 4. The District Captain/designee provides notification to HQ and ISP Legal within five (5) calendar days by sending the following information the [DL Seizures and Forfeitures](#) email address in Outlook:
 - a. e-mail specifics (list as high priority, case number, and seizure in e-mail subject line);
 - b. case number;
 - c. defendant;
 - d. charges;
 - e. officer;
 - f. county;

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- g. amount of money seized and
- h. corresponding tag and item number (as soon as available);
- i. scanned deposit slip and deposit receipt (as soon as available);
- j. request for federal adoption (if applicable);
- 5. Update the RMS to reflect the deposit (deposit slips are not submitted into evidence).
- 6. Reporting for forfeitures must be completed in accordance with ISP procedure 07.11 Patrol Operations Reporting or 08.02 Case Reporting
- 7. Photocopies of currency which are deemed to have evidentiary value shall be listed as an evidence item separate from the actual currency exhibit.
- 8. Buy money recovered within 14-days of it being expended should be entered into evidence, and then disposed out of property showing it was returned to the district rotary.
 - a. A check in the amount of the recovered buy money is issued to Idaho State Police and sent to FSO
 - b. FSO will deposit these funds to the appropriate account
- 9. Buy money recovered after 14-days of it being expended should be entered into evidence and processed through the forfeiture procedure.

I. Asset Sharing

- 1. Asset sharing must be approved by the Major prior to notifying an allied agency.
- 2. Asset sharing requests are submitted to the District Captain for review and approval. Each request must contain the amount seized, amount of suggested sharing, the allied agency's involvement in the case, the name of agency to share the asset, and the name of a contact person at that agency.
- 3. The District Captain routes the approved request to the Major.
- 4. All approved or denied requests are routed from the Major to the HQ designee.
- 5. The HQ designee ensures the asset is shared upon case adjudication.

J. Disposition

- 1. when a judgment from the court dictates the distribution of funds resulting from seizure/forfeiture, Legal provides the HQ designee and the District Captain with a copy of the court order;
- 2. the HQ designee notifies FSO and the district evidence custodian of the disposition;
- 3. FSO issues a check to the named account(s), outside agency sharing the asset, or individual(s) as stated in the appropriate documents; and
- 4. the district Captain/designee initiating the case updates the RMS database.
- 5. A copy of the court order or a memo from a Major or the Lieutenant Colonel is necessary to transfer the money from the suspense account.

F. FIREARMS

- A. Unload all firearms prior to submitting them to the evidence room.
- B. Troopers submitting firearms into evidence must:
 - 1. have another person verify the firearm is not loaded;

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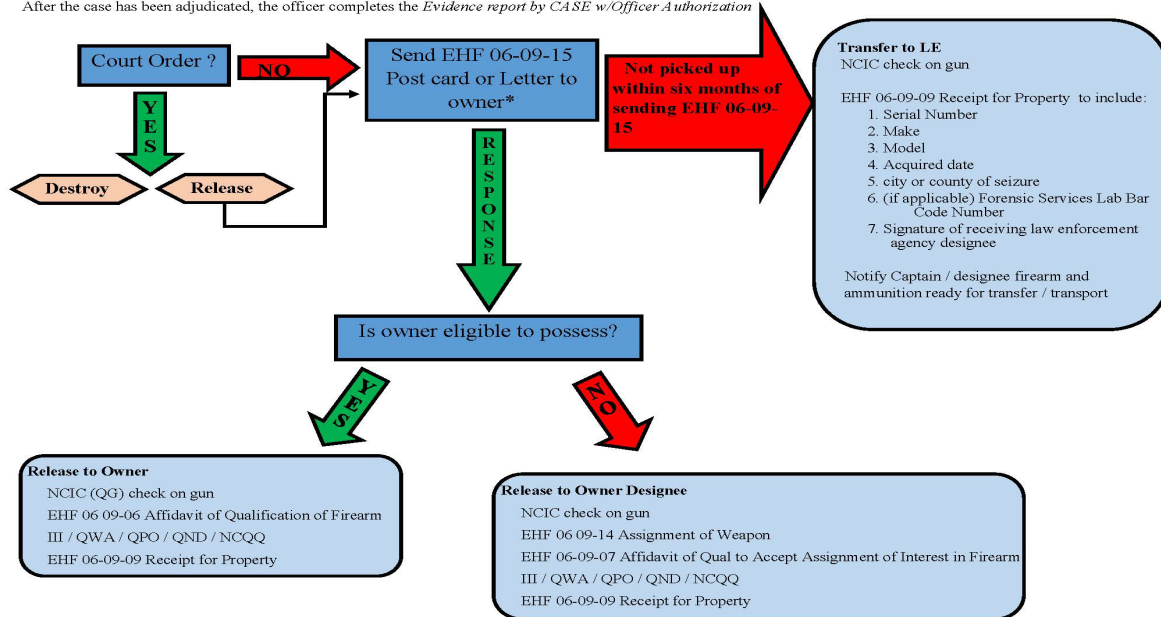
2. take clear, detailed photos of the serial number and any markings on the firearm and provide the photos to the evidence custodian;
 3. enter the firearm details into the firearms tab in the ARS database including:
 - a. make
 - b. model
 - c. caliber
 - d. serial number
 - e. description
 - f. importer (if applicable)
 4. package the firearm in a gun box, seal, date and label the box;
 5. package the firearm and ammunition as separate exhibits; and
 6. notify the evidence custodian if the firearm returned as stolen in NCIC.
- C. The evidence custodian verifies NCIC check (which includes criminal history) has been completed and runs an ATF trace using [eTrace](#),
- D. Found firearms:
1. the evidence custodian sends an [EHF 06 09-15 post card](#) or [EHF 06 09-08 Property Notification](#) to the last known owner, using the name and address provided by the ATF trace. A copy is kept in the evidence file.
- E. Seized firearms
1. All firearms forfeitures will be turned over to Investigations who will
 - a. initiate a new case; and
 - b. process forfeited firearms.
 2. seized firearms remain in ISP's custody until the case has been adjudicated;
 3. seized firearms are submitted to the forensic laboratory upon the case officer's request.

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6 Disposal:

Firearms retained by ISP are returned to the rightful owner unless precluded by *Federal Law, State Law* (whichever is most restrictive) or court order.

After the case has been adjudicated, the officer completes the *Evidence report by CASE w/Officer Authorization*



* For a "Found Firearm" correspondence should be sent to the last registered owner as indicated from an ATF Etrace.

7. Court ordered destroyed firearms:

1. if the firearm will be destroyed, it is delivered to the county sheriff's office or city police department in the county or city in which the confiscation took place in accordance with [I.C. 55-403](#);
2. the evidence custodian documents on the [EHF 06 09-09 Receipt for Property](#) form the following:
 - a. serial number;
 - b. make;
 - c. model;
 - d. acquired date;
 - e. the city or county in which it was confiscated;
 - f. the Forensic Services laboratory bar code number, and
 - g. the court destruction order number.
 - h. the signature of the receiving law enforcement agency designee.
3. the District Captain /designee delivers a copy of the court destruction order with the firearm and EHF 06 09-09 Receipt for Property form to the county sheriff's office or city police department.
4. ATF Industry Operations can answer questions regarding the disposal of firearms. The phone number is 208-334-1164.

G. VEHICLES

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- A. The officer submits a copy of the [EHF 06 05-01 Towed Vehicle Inventory Notice](#) to the evidence custodian when a vehicle is seized and stored at an ISP or other approved law enforcement facility impound lot, enters the vehicle as an evidence item in ARS, assigns a tag number, and transfers to RMS.
- B. Other agencies storing vehicles at ISP facilities must complete the EHF 06 05-01 Towed Vehicle Inventory Notice and submit it to the evidence custodian.
- C. Forfeiture: Generally, a minimum unencumbered value of \$5,000 is required for any filing for vehicle forfeiture. Deviation from the \$5,000 limit requires approval from the Major. Vehicle forfeiture must comply with all provisions of [Idaho Code § 37-2744](#) and be processed as follows:
 - 1. All vehicle forfeitures will be turned over to Investigations who will
 - a. Initiate a new case; and
 - b. Process forfeited vehicles.
 - 2. The officer of record notifies the District Captain/designee of the plan to file for forfeiture;
 - 3. The District Captain/designee provides notification to ISP Legal and the HQ designee within five (5) calendar days by sending the following information to the [DL Seizures and Forfeitures](#) email address in Outlook
 - a. case number;
 - b. defendant;
 - c. charges;
 - d. officer;
 - e. county;
 - f. vehicle year, make, model, VIN, mileage, accessories, and condition;
 - g. Kelley Blue Book or equivalent value of vehicle; and
 - h. if there are any known liens on the vehicle.
 - 4. the HQ designee continues to work with Legal through the conclusion of legal proceedings.
 - a. the HQ designee notifies the Business Operations Specialist(BOS);
 - b. the BOS increases ISP insurance coverage as appropriate;
 - c. when the property is permanently removed from ISP's possession, the District Captain/designee advises the Major so this process may be reversed.
- D. Disposal:
 - A. Evidentiary vehicles are returned to the rightful owner, by notifying the owner through a completed [EHF 06 09-08 Property Notification](#) or EHF 06 09-15 Postcard . The owner signs the EHF 06 09-09 Receipt for Property upon receiving the vehicle, if appropriate.
 - B. when a judgment from the court order awards the vehicle to ISP:
 - 1. Legal provides the HQ designee with the court order and a copy of the court order;
 - 2. The HQ designee forwards copies of the court order to FSO and coordinates with

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3. The Idaho Transportation Department (ITD) for title transfer;
4. Upon receipt of the appropriate documents, FSO enters the vehicle into the ISP inventory and processes it for sale, retained for agency use or transfer to another enforcement agency for official use;
 - a. the HQ designee notifies the District Captain /designee of the court order;
 - b. the District Captain /designee provides recommendations regarding disposal, and a [Property Transfer](#) form to the HQ designee;
 - c. the forfeited vehicle is retained in the district, sent to headquarters, or sent to another agency at the discretion of the Major;
 - d. Any vehicle transferred or sold to another agency must have prior Board of Examiner approval;
 - e. concurrently, the HQ designee forwards paperwork with directions concerning agency disposition written on the Property Transfer form to FSO;
5. vehicles for sale are assigned to the warehouse until the next auction pursuant to [Idaho Code § 55-403](#).
6. The district initiating the case updates the RMS database, and the [EHF 06 09-02 Chain of Custody label](#).

H. LICENSE PLATE(S)

- A. The evidence custodian sends an [EHF 06 09-15 post card](#) or [EHF 06 09-08 Property Notification](#) to the last known owner of license plate(s) seized, found, or turned in to the district office. If the owner does not respond within 30 days dispose of the plates.

I. REAL PROPERTY

- A. Forfeiture – Real property is not seized for forfeiture until all provisions of [Idaho Code § 37-2744A](#) are processed as follows:
 1. the officer of record notifies the district Captain /designee of the possibility of seizing for forfeiture purposes;
 2. the District Captain /designee notifies the HQ designee;
 3. After consultation with the District Captain /designee and the officer of record, the HQ designee determines whether to pursue forfeiture;
 4. upon approval by the HQ designee, the officer of record continues to work with Legal to initiate legal proceedings and statutorily required filings and postings;
- B. Asset sharing of real property
 1. Asset sharing must be approved by the Major prior to notifying an allied agency.
 2. Asset sharing requests are submitted to the District Captain for review and approval. Each request must contain the value of the property seized, amount of suggested sharing, the allied agency's involvement in the case, the name of agency to share the asset, and the name of a contact person at that agency.
 3. The District Captain routes the approved request to the Major.
 4. All approved or denied requests are routed from the Major to the HQ designee.
 5. The HQ designee ensures the asset is shared upon case adjudication.

IDAHO STATE POLICE PROCEDURE

C. Disposal:

1. when a judgment from the court dictates the award of real property resulting from forfeiture:
 - a. Legal provides the HQ designee and FSO with a copy of the court order;
 - b. the HQ designee notifies the District Captain /designee of the court order and the Captain /designee updates the RMS database accordingly.
 - c. upon receipt of the appropriate documents, FSO processes the real property for sale pursuant to Idaho Code.

J. PERSONAL PROPERTY

A. Found personal property

1. provide the finder with a copy of the [I.C. 55-405](#). If the finder does not want to go through the legally required process, ISP accepts the found property and attempts to find the owner pursuant to [I.C. 55-405](#). The finder is advised that they have relinquished any rights to the property;
2. found property is entered into ARS as property and a written synopsis must describe where the items were found and by whom;
3. pursuant to [I.C. 55-405](#), if found property has a value of \$100 or more the evidence custodian makes a reasonable attempt to determine the value and document the resources used in ARS;
4. the evidence custodian coordinates with the District Captain/designee to have a notice published in a newspaper of general circulation in the county of the finding once each week for two consecutive weeks, within 20 days of the finding. Each notice must state:
 - a. A general description of the money or goods found;
 - b. The ISP district address and telephone number;
 - c. The final date by which the property must be claimed.
5. pursuant to [I.C. 55-405](#), if no person establishes ownership of the property prior to the expiration of three (3) months from the date of the notice, ISP becomes the rightful owner;
6. Claimed property requires proof of ownership in the form of receipts, a card statement reflecting purchase, or other convincing proof other than verbal statements;
7. Dates and times for those who wish to claim property is to be coordinated with ISP and consideration is to be given for staffing availability;
8. For items of \$100 or more, disposition is coordinated with the ISP warehouse for final disposition with a [EHF 06 09-09 Property Receipt form](#) and the [Warehouse Notification form](#); document the transfer in RMS. The original Property Receipt is filed in the district office;
9. items valued at less than \$100 are donated to a charitable organization or destroyed in the district by the evidence custodian and disposition is documented in RMS.
10. FSO deposits found money in the appropriate fund and if claimed, issues a check to the owner or their designee.

IDAHO STATE POLICE PROCEDURE

B. Unclaimed personal property

1. personal property unclaimed six months after the date of initial notification via [EHF 06 09-15 Post Card](#) or [EHF 06 09-08 Property Notification](#), the evidence custodian makes a reasonable attempt to notify the owner, pursuant to [I.C. 55-403](#) is subject to auction; all items of \$100 or more are sent to the ISP warehouse with a [EHF 06 09-09 Property Receipt form](#) and a [Warehouse Notification form](#); document the transfer in RMS.
2. items valued less than \$100 are donated to a charitable organization or destroyed in the district by the evidence custodian, with the disposition documented in RMS.