



**POLICY:** EVIDENCE AND CHAIN OF CUSTODY

**EFFECTIVE:** December 10, 1993  
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**POLICY NUMBER:** 20

**GENERAL:**

The Imperial County Air Pollution Control District's (ICAPCD) successful prosecution of violators depends on evidence carefully collected, preserved, and presented in court. The integrity of evidence must be established on all material objects collected, and records must support the integrity of the evidence. This documentation explains the general requirements for collecting and handling evidence.

**DEFINITIONS:**

1. **EVIDENCE:** California Evidence Code Section 140 defines evidence as "testimony, writings, material objects, or other things presented to the senses that are offered to prove the existence or non-existence of a fact."
2. **CUSTODY:** As applied to evidence, custody means the care and keeping of writings and material objects.
3. **CHAIN OF CUSTODY:** According to the California Peace Officers Legal Sourcebook, Section 11.11, Rev. 11/88, a chain of custody is the combination of documented "links" between the moment a piece of evidence is seized and when it is offered into evidence at trial. These "links" are the individuals who handled the evidence and the times, places, and purposes of the handling.

**CHAIN OF CUSTODY REQUIREMENTS:**

To establish and maintain an effective chain of custody on evidence, the sample collector must follow four general rules:

1. All collection instruments or devices must be properly calibrated, maintained, and documented.
2. Evidence must be handled by as few persons as possible.
3. Evidence handling procedures must ensure the evidence is not contaminated or altered.
4. The names of all persons handling evidence, and the date and time of such handling, must be recorded to show continuous custody and control from collection to presentation.

## **SAMPLE COLLECTION:**

Collection or sampling methods vary depending on the type of evidence. Inspectors collect three basic types of samples: gases, liquids, and solids.

1. Gases are normally sampled with instruments or collected in glass containers or plastic bags. The sample collector must ensure that instruments are calibrated and maintained and collection containers are evacuated and clean to prevent possible dilution or contamination.
2. Liquids are normally collected in plastic or metal containers. Usually paints, solvents, and other reactive samples are collected in non-corrosive/non-metal jars. Reactive samples are collected in special metal cans. Paints are also collected (purchased) in one-gallon containers. Plastic containers are normally used for other liquid samples. The sample collector will discard metal containers after one use and will ensure that containers are clean to prevent possible contamination.
3. Solids and particulates may be collected on glass plates or in envelopes or plastic bags which have been cleaned. The sample collector must discard all reusable containers when they become damaged (etched, stained, etc.) and use clean containers only. The sample collector must protect plates, envelopes, and plastic containers to prevent crushing (example: place them in shock-absorbent bags).

## **DOCUMENTATION:**

Record must support the integrity of the evidence. Every person handling the evidence must be identified to show continuity of custody. All evidence must be clearly identified and labeled or tagged to show:

1. The date and time collected.
2. The name of the person collecting the evidence.
3. The name and address of the premises involved.
4. The specific location where the evidence was collected. If gas or liquid samples are drawn from equipment, the sample collector will specify the exact location of the equipment. Additionally, photo documentation, where possible, will strengthen the integrity of the evidence.

## **TRANSPORTATION OR INTERIM STORAGE:**

To maintain the chain of custody and the integrity of the evidence, the following procedures shall apply:

1. All evidence shall be delivered to the APC Compliance Division Manager or to ICAPCD laboratory on the day it is collected. When authorized or directed by the APC Compliance Division Manager, the inspector may deliver it the following normal working day.



IMPERIAL COUNTY AIR POLLUTION CONTROL DISTRICT  
ENFORCEMENT SECTION

**EVIDENCE CUSTODY FORM**

Sample I.D. Number: \_\_\_\_\_ Date Collected: \_\_\_\_\_ Sample Type: \_\_\_\_\_  
Source Name: \_\_\_\_\_ Permit Number: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_  
Collected by: \_\_\_\_\_ Section: \_\_\_\_\_  
Collected at (Specify exact location): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

EVIDENCE RECEIVED BY	EVIDENCE DELIVERED TO	DATE

Laboratory use only: \_\_\_\_\_ Lab Number: \_\_\_\_\_

Sample Condition:                      Unsealed                       Sealed                       Seal Broken

Seal broken by: \_\_\_\_\_ Date: \_\_\_\_\_

Analysis by: \_\_\_\_\_ Date: \_\_\_\_\_

Disposition:  
Unused portion stored                       Stored by: \_\_\_\_\_

Unused portion returned                       Returned by: \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_