



BEST PRACTICES MANUAL

Ohio Property and Evidence Room

OCTOBER 2018



Dave Yost
Ohio Auditor of State



MIKE DEWINE
★ OHIO ATTORNEY GENERAL ★

OHIO PROPERTY AND EVIDENCE ROOM Best Practices Manual

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Message from Ohio Attorney General Mike DeWine and Auditor of State Dave Yost

The efficient and secure management of a property and evidence room often makes the difference in the successful outcome of a criminal case. Law enforcement officials, prosecutors, victims and the residents of Ohio all depend on the integrity of property and evidence secured in the hands of law enforcement agencies.

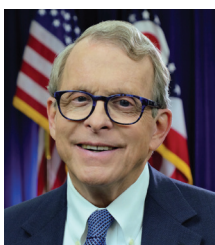
We sometimes see news stories across the country about theft or evidence missing from property and evidence rooms. In most cases, the evidence and property room was mismanaged or lacked suitable security and checks and balances.

In Ohio, we want to ensure that every law enforcement agency has the proper policies and procedures in place to effectively and efficiently manage their property and evidence room. Together, we have created this manual to provide a quick and easy resource of best practices in property and evidence room management.

We want to extend our gratitude to Joseph Latta, Executive Director of the International Association for Property & Evidence, Inc.; Jeffrey Scott, Chief of Police for Notre Dame College and President of the Ohio Association of Chiefs of Police; and Vernon P. Stanforth, Fayette County Sheriff and chairperson of the Ohio Peace Officer Training Commission (OPOTC), for their assistance with the creation of this manual. Their contributions were invaluable.

It is our hope that the Ohio Property and Evidence Room Best Practices Manual will prove to be an indispensable resource to the men and women who protect and serve the great state of Ohio.

Sincerely,



MIKE DEWINE
Attorney General



DAVE YOST
Auditor of State

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Introduction

Every law enforcement agency is responsible for the proper handling and disposition of property and evidence within its custody. The management, security and accountability of property and evidence rooms are critical functions of law enforcement. Yet often, property and evidence rooms lose out to competing agency priorities.

Prosecutors rely on a well-protected, well-documented chain of custody, and citizens expect secure storage of dangerous and valuable items. Therefore, mismanagement of a property and evidence room, and a lack of proper security and controls, are serious liabilities for any law enforcement agency.

Ohio's Auditor of State and Attorney General created this best practices manual for property and evidence room management. The purpose of this manual is to provide law enforcement agencies across Ohio with a quick-reference resource to use, along with consultation with their legal counsel, to organize and manage their property and evidence rooms.

The Ohio Property and Evidence Room Best Practices Manual is a guide to developing property and evidence room policies and procedures that address organization, record keeping, staffing, security, inventory, disposal, and accountability. Each area is broken down into easy-to-follow steps and checklists, with references to resources for in-depth direction and information. In preparing this manual, staff members worked with the Ohio Peace Officer Training Academy and the International Association for Property & Evidence, Inc., and researched best practices employed by several exemplary property and evidence rooms across the state.

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Property and Evidence Room Policy and Procedures

The integrity and security of a property and evidence room is not established by accident. It is not maintained by luck. It occurs when a law enforcement agency creates and follows policy and procedures designed to:

- Keep the property and evidence room secure.
- Preserve evidence and property according to existing laws, courtroom requirements, and agency retention schedules.
- Establish and maintain accurate documentation, including inventory and chain of custody documentation.
- Ensure the physical safety and legal compliance of all personnel.

A property and evidence room policy explains in general terms what agency personnel are required to do, and why. Procedures are step-by-step instructions that tell agency personnel how to implement the policy successfully.

The key to avoiding property and evidence room problems is ensuring that all personnel follow the proper policies and procedures all day, every day. Property and evidence room policies do not have to be complicated to be effective. However, they should include:

- A clear statement of purpose that defines why the policy exists.
- A commitment to trained, specialized property and evidence room staff.
- The recognition that the property and evidence room must be secure, with restricted access.
- The stated expectation that all agency staff will follow agency procedures about the proper acceptance, categorization, packaging, access, disposal, and record keeping of property and evidence submitted, seized, or otherwise received by the agency.
- Provisions for monthly inspections, random and yearly audits, and independent audits.

The sections that follow suggest best practices that address these policy areas. Please note that these are not one-size-fits-all suggestions. As of this writing, the Ohio laws that govern property and evidence rooms vary with the type of law enforcement agency involved. The Ohio Revised Code refers to property in the custody of law enforcement primarily in three different chapters: 505, 737, and 2981. Agencies must tailor policies and procedures to fit their individual needs and abilities. Please check with your legal counsel to ensure compliance.

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Staffing

Each law enforcement agency should have a policy that regulates the assignment of sufficient and qualified personnel to manage the property and evidence room.

Personnel selection

- The rotation of personnel should be avoided because it provides no ownership or motivation to correct deficiencies.¹
- The assignment to the property and evidence room should never be used as a PUNISHMENT assignment. The property and evidence room is a high liability assignment, and employees with discipline problems should NEVER be given the assignment.

Updated background investigation

Any civilian or sworn personnel newly assigned to the property and evidence room should have an updated background investigation completed prior to receiving access to the property and evidence room.²

This updated background investigation should include the following, where permitted by state or local laws and collective bargaining agreements:³

- Drug Screening
- Polygraph/ Computer Voice Stress Analyzer (CVSA)
 - Only related to thefts, substance abuse, financial issues, and truthfulness
- Financial screening/credit check

Separation of Duties

Whenever possible, the responsibility for the oversight of the property and evidence room should be assigned to a supervisor who is not involved in the following:

- Collection of evidence
- Property and evidence disposition decisions
- Decisions related to property seizures and forfeitures

Ideally the supervisor of the property and evidence room should serve as an independent and impartial caretaker of the property.⁴

In smaller departments where this separation of duties is not possible, the policy should include checks and balances for internal controls related to the acceptance and disposition of property.

¹ *Property and Evidence By The Book, 2nd edition (2011)*. p. 5.

² *Property and Evidence By The Book, 2nd edition (2011)*. p. 9.

³ *Property and Evidence By The Book, 2nd edition (2011)*. p. 6.

⁴ *Property and Evidence By The Book 2nd edition (2011)*. p. 3.

Civilian vs. Sworn

Every department needs to decide whether the person they assign to the property and evidence room is going to be a sworn officer or a civilian employee. The decision of whether to use sworn or civilian personnel is a management decision. However, here are some pros and cons to consider:

CIVILIAN PROS

- Typically, paid less than a sworn officer
- May see the job as a career, resulting in an increased sense of ownership and longevity in the position
- May bring training in logistics or administrative skills that benefit the agency

CIVILIAN CONS

- May need training in firearms safety, drug safety, in-house software usage, chain of custody

SWORN PROS

- Already trained in firearms safety, drug safety, and chain of custody

SWORN CONS

- Typically, a higher cost per hour than civilian personnel
- May only spend a short time in the property and evidence room because of promotions or other opportunities, resulting in lack of continuity and ownership

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Staffing levels and Workload

Management should determine adequate staffing levels for its property and evidence room based on the following vital information:

- Number of items in the property and evidence room at any given time
- Number of items entered into the property and evidence room each year
- Number of items purged from the property and evidence room each year
- Hours of operation

Staff training⁵

At a very minimum, the staff assigned to the property and evidence room should be trained in the following areas:

- Written policy on the storage, handling, and disposal of items in the property and evidence room
- Ohio Revised Code as it relates to their law enforcement agency
- Computer skills and evidence management software
- Firearms safety
- Drug exposure and decontamination
- Blood-borne pathogens

⁵ *Property and Evidence By The Book, 2nd edition (2011)*. pp. 21 – 25.

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Security

Each law enforcement agency should have a policy that addresses both the physical security of the property and evidence room and the access to the room.

Temporary Storage

Every law enforcement agency is familiar with the phrase “chain of custody.” In simple terms, chain of custody is the documentation that identifies where the property has been, who had it, and why. With that in mind, one of the often overlooked areas of chain of custody is where the evidence is kept between the time the officer obtains it and the time the property clerk takes control of it.

Since most property and evidence rooms are not staffed 24 hours a day and 7 days a week, law enforcement agencies should establish a policy that property and evidence seized during an officer’s shift shall be secured in a temporary locker by the end of their shift.⁶ Chain of custody is often attacked in court, and a well-written policy that is followed closely can help avoid evidence being deemed inadmissible.

The temporary storage section of an agency’s policy should specify exactly where the property is to be stored at the end of the shift, such as in a locker, and where the lockers are located. The policy should explicitly prohibit storing property in a personal locker, desk, file cabinet or vehicle. Policy also should cite how often the temporary storage lockers are to be emptied and by which personnel.

Special items requiring alternate storage locations should be addressed in the policy as well:

- Biohazards
- Bulk items
- Explosives
- Vehicles
- Items that need to be refrigerated or frozen
- Evidence being dried in an evidence drying cabinet

Agencies should address any specific requirements for temporary storage of guns, drugs, currency, and other valuables in their policies.

Property & Evidence Room Locking Devices

Securing the entry to the property and evidence room, as well as locked storage within the room, will involve either keyed locking devices or electronic keying systems. The security policy should include procedures for locking devices.

A majority of law enforcement agencies are likely to use “regular” keys that can be duplicated easily. To protect access to your room and locked storage, your policy should:

- Specify if keys to the property and evidence room are permitted to leave your agency premises.
- Specify the process for distributing keys.
- Specify who receives keys.
- Specify who is responsible for monitoring the keys that are issued.
- Require that locks be changed after a personnel change, especially if keys can be duplicated easily.

⁶ *Property and Evidence By The Book, 2nd edition (2011)*. pp. 32, 121.

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If an agency is using an electronic keying system instead of keyed locks, procedures should specify who has authority to grant access to the system. Periodic reports should be created verifying who was given access and whose access has been terminated.

If feasible, the head of the law enforcement agency should not have a key or key card to the property and evidence room. This official will be the person to oversee any internal affairs investigation should there be an issue with the property and evidence room. Having a key or key card would make this official a subject of the investigation, creating a conflict of interest.

Alarm Systems

If your facility and budget allow, it is recommended that every property and evidence room have an alarm system. At the very least, the alarm system should be an intrusion alarm system, but ideally should have a panic alarm and a smoke alarm as well. Your procedures should identify who responds to an alarm, how often the alarm system is to be tested, and who is responsible for the testing.

Video Surveillance

Video surveillance has become a normal part of our daily lives, and your property and evidence room should be no exception. With the price of technology becoming more reasonable and the systems becoming easier to install and operate, every agency should make video surveillance a priority. Things to consider when installing video equipment include placement of cameras, the retention of data, and the security of the equipment itself.

After-Hours Entry

In the event of an after-hours emergency, the best practice is to call the property officer into the office. If that is not possible, someone from the agency may need to have access to the property and evidence room. It is recommended that a key to the room be sealed in a tamper-evident envelope and located in a place accessible to the on-duty supervisor. The procedures for opening the emergency key should be written into the agency policy, and a copy of the policy should be attached to the envelope with the key. If the emergency key has to be used, entry can only be made with a witnessing officer, and both must sign the access log. If the agency policy is not followed, a complete and full inventory should be completed of the property and evidence room as soon as possible and before additional property is entered or removed from the room.

Access Logs

An access log should be used any time a person who is not authorized to be inside the property and evidence room enters the room with an authorized person. The date/time in and out, name, signature, reason for entry, and who accompanied them should be recorded on the access log. (see sample log on pg. 28)

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Guns, Drugs, Currency and Other Valuables

The importance of putting an extra layer of protection on guns, drugs, and currency cannot be stressed enough. Guns, drugs, and currency are the three types of property most likely to be tampered with or stolen from your property and evidence room.

Most law enforcement agencies take precautions to protect the property and evidence room from being physically breached. However, the most likely person to steal from your property and evidence room is someone your department gives access to it.

A simple Google search of “Ohio evidence room theft” will bring up articles about thefts from law enforcement property and evidence rooms, with the vast majority of them being committed by law enforcement employees.

A well-written, clear and concise policy covering the acceptance, storage, accountability, and disposal of guns, drugs, and currency will go a long way to avoid this sort of embarrassing publicity for your agency.

At the very least, your policy for guns, drugs, and currency should include:

- A second layer of security. For example, the property and evidence room is locked. Guns, drugs, and currency should be stored in a locked container within that locked room.
- Specific how-to-handle instructions. This protects staff members from property and evidence that is tainted with substances that are extremely dangerous in tiny quantities. For example, cash confiscated during a drug bust may have enough trace fentanyl – imagine five to seven grains of table salt – to cause convulsions.⁷
- A consistent, safe, and tamper-proof method of weighing, packaging and labeling drugs.
- A two-person requirement for disposing of guns, drugs, and money.
- Frequent inventories, so that discrepancies are discovered sooner rather later.
- A firearms return checklist to ensure that firearms are not returned to persons prohibited from owning them. (see **sample checklist on pg. 39**)

GUNS

Each law enforcement agency should have a policy that specifies the protocols covering the receipt, storage, and disposal of firearms.

In crafting procedures for dealing with firearms, each law enforcement agency should put safeguards in place to prevent theft and ensure the appropriate disposal of firearms. Firearms are a frequent theft item in property and evidence rooms and should be protected accordingly.

Procedures, at a minimum, should cover the following items:⁸

Submission

Capturing information about a firearm submitted to the property and evidence room is vital to tracking the firearm while it is in the department’s possession. Information such as the make, model, serial number, who recovered it and where is needed to run an ATF trace and to check the firearm through the National Crime Information Center (NCIC) to see if it is stolen. The more

⁷ *Fentanyl: A Briefing Guide for First Responders* (2017). p. 15.

⁸ *Property and Evidence By The Book, 2nd edition* (2011). pp. 219-221.

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information about the firearm that is recorded when the firearm is submitted, the less the firearm needs to be handled while in the custody of the property and evidence room personnel.

Temporary Storage

As part of the submission process, each department needs to determine how and where the firearm is going to be stored while waiting for the property and evidence personnel to take custody of it. Ideally, this should be in a locked container to which no one but property and evidence room personnel have access. This could be a locker in which there is a button that locks it when the door is closed, and it can only be opened by personnel with a key. It could be as simple as a locker with a lock and key, and the key to the lock is put into a drop box after submission.

Intake

As part of the intake process, each department should address the packaging of the firearm and determine how it will be indicated to the property and evidence personnel that the firearm has been made safe. Each department should consider using a firearm chamber flag to indicate the firearm is safe to handle. The intake process also should address a verification process in which the serial number has been checked by two people to verify it is correct. The department also should address what to do with the firearm if the intake guidelines are not followed.

Storage

All firearms in the property and evidence room should have a second layer of security. They should be stored in a safe, a fenced cage or locked cabinets that are keyed differently from the door.

Transfer

Any time a firearm is transferred to court or the lab there should be clear guidelines on who transfers it and how it is transferred. The agency's policy should require a followup to determine the whereabouts and status of the firearm if it is not returned in a specified time. The best practice is to have the investigating officer approve any transfer of the firearm.

Disposition

Firearms should not be released or destroyed without the investigating officer's approval. Each department should determine the method for returning a firearm to its owner, selling or trading a firearm to a federal firearms licensee, or destroying a firearm. Any time a firearm is destroyed, the department should have a rule requiring that two people sign off on the paperwork and validate descriptors, including serial numbers. Ideally, one of these people should be a disinterested third party who has no connection to the specific case or firearm.

Inventories

At a minimum, an inventory of the property and evidence room should be done every year to account for all of the firearms in the agency's possession. This accounting also should include the firearms that are checked out to the lab or court. Best practice calls for firearms to be inventoried several times a year, if possible.

Audits

Regularly scheduled audits should be conducted in which several firearms are randomly picked and inspected for compliance with submission and packaging standards. This allows the department to correct any deficiencies in the submission and storage process.

Safety/Training

Every employee assigned to the property and evidence room, civilian or sworn, should be trained in the safe handling of firearms. Additional training for employees could include training in firearms

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classification, serial number identification and proper disposition of released weapons. (see **Firearms Return Checklist** on pg. 39)

DRUGS

Law enforcement agencies should have procedures that direct the collection, storage, proper and safe handling, and disposal of drugs entered into the property and evidence room. Drugs are another likely item to be stolen from a property and evidence room and should be protected in the same manner as firearms.

Agency procedures should address the following, at a minimum:⁹

Submission

As part of the submission process, each department should have clear guidelines for the officers to follow that ensure accountability and safety.

Temporary Storage

As part of the submission process, each department needs to determine how and where the drugs are going to be stored while waiting for the property and evidence personnel to take custody of them. Ideally, this should be in a locked container to which no one but property and evidence room personnel have access. This could be a locker in which there is a button that locks it when the door is closed, and it can only be opened by personnel with a key. It could be as simple as a locker with a lock and key, and the key to the lock is put into a drop box after submission.

Intake

As part of the intake process, each department must address the packaging of the drugs. It is a best practice to package and seal the drugs and then weigh the total package. This total package weight should be written on the outside of the package so that it is clearly visible to the property and evidence personnel, so there is no need for them to open it or expose themselves to the drugs. Policy also should address what to do with the drugs if the intake guidelines are not followed.

Storage

All drugs in the property and evidence room should have a second layer of security. They should be stored in locked cabinets or a safe that is keyed differently than the door.

Transfer

Any time drugs are transferred to court or the lab, there should be clear guidelines on who transfers them and how they are transferred. The agency's policy should require a followup to determine the whereabouts and status of the drugs if they are not returned in a specified time. It is best practice to have the investigating officer approve any transfer of drugs.

Disposition

Drugs should not be released or destroyed without the investigating officer's approval. Each department should address the method for destroying drugs. Anytime drugs are destroyed, the department should require that two people sign off on the paperwork and validate each package against a drugs destruction list. Ideally, one of these people should be a disinterested third party who has no connection to the specific case or drugs.

Inventories

At a minimum, an inventory of the property and evidence room should be done every year to

⁹ *Property and Evidence By The Book, 2nd edition (2011)*. p. 189.

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account for all of the drugs in the agency's possession. This accounting also should include the drugs that are checked out to the lab or court. Best practice calls for drugs to be inventoried several times a year, if possible.

Audits

Regularly scheduled audits should be conducted of drugs in which several packages of drugs are randomly picked and inspected for compliance with submission and packaging standards. This would allow the department to correct any deficiencies in the submission and storage process.

Safety/Training

Every employee assigned to the property and evidence room, civilian or sworn, should be trained in the safe handling of drugs and what to do in the case of suspected exposure.

Drugs need to be packaged and weighed in a consistent manner. It is suggested that drugs be packaged and sealed in accordance with the lab your agency uses.

Property and evidence room safety is paramount when dealing with confiscated drugs. Fentanyl handling and safety training, along with personal protective equipment, should be provided to any agency employee who could be exposed to Fentanyl.

CURRENCY

Each law enforcement agency should have procedures in place that control the collection, disbursement, accountability, and safeguarding of currency that is entered into the property and evidence room.

To protect currency in a law enforcement agency's possession, best practices call for depositing money in a specified bank account as soon as practical. However, if an agency chooses to keep currency in its property and evidence room, even for a short period of time, there should be additional safeguards to protect against loss or theft. Again, best practice recommends that currency be deposited in a bank.

No matter where an agency stores currency, the agency procedures need to include the following:¹⁰

Receipt of currency

Every person from whom currency is received should be given a receipt. At a minimum, this receipt should include contact information for the case investigator or, in the case of found currency or safekeeping, the process to retrieve the currency.

Storage

All currency in the property and evidence room should have a second layer of security. Currency should be stored in locked cabinets or a safe that is keyed differently than the door. Currency should not be stored with firearms or drugs. Currency should be packaged so that it is tamper-evident upon inspection.

It is recommended that all currency be stored in a see-through bag that is labeled with a count by denomination of the contents. (see sample on page 33)

Frequency to transfer currency (if applicable)

Every department should make an effort to transfer to the bank money that doesn't need to be kept in the property and evidence room for a specific evidentiary purpose (ie. dye-pack stained currency, specific serial numbers). As part of this process, the department should set clear policy guidelines stating currency over a certain amount must be transferred to the bank and the frequency in which transfers take place.

¹⁰ *Property and Evidence By The Book, 2nd edition (2011)*, pp. 210-211.

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Transfer

Any time currency is transferred to court, the lab, or the bank, there should be clear guidelines on who transfers it and how it is transferred. The agency's policy should require a followup to determine the whereabouts and status of the currency if it is not returned in a specified time, if applicable. It is best practice to have the investigating officer approve any transfer of the currency. It is also best practice to have an armed employee transfer the currency or escort the employee making the transfer. All bank deposit information should be retained as with any other piece of evidence. A currency transaction log showing all movement of currency in and out of the property and evidence room also should be maintained.

Disposition

Currency should not be released or disposed of without the investigating officer's approval. Each department should address the methods for returning currency to the owner, completing a court-ordered forfeiture of the currency, and making bank deposits. Any time final disposition occurs for currency, each department should require that two people sign off on the paperwork. Ideally, one of these people should be a disinterested third party who has no connection to the specific case or currency.

Inventories

At a minimum, an inventory of the property and evidence room should be done every year to account for all of the currency in the agency's possession. This accounting should also include the currency that is checked out to a lab or court. Best practice calls for currency to be inventoried several times a year, if possible.

Audits

Regularly scheduled audits should be conducted of currency randomly selected and inspected for compliance with submission, packaging, and transfer standards. This would allow the department to correct any deficiencies in these processes and help ensure accountability.

Procedures for Bank Deposits

Segregated Bank Account

- A segregated bank account should be established solely for property and evidence room cash.
- Any personnel handling cash should have a surety bond.
- Year-end cash balances may need to be provided to the entity's fiscal officer for recording as an agency fund on entity-wide financial statements.

Cashbook

- To be maintained for all money received or expended.
- Upon receipt of any money, an entry should be made to include the date, amount, receipt/pay-in number, case number, from whom such money was received, or to whom it was disbursed when returned.
- All receipts must be posted in the cashbook to the appropriate case number.
- All returned money must be posted by case number and check number.
- The daily receipts recorded should be totaled and reconciled to the total amount of money collected and deposited to the bank.
- When possible, a separate person should make the bank deposit and verify the deposit slip with the amount recorded in the cashbook.

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- The cashbook columns must be totaled for each page if maintained manually. A month-to-date and year-to-date total also should be calculated
- This will assist in reconciling and uncover errors sooner rather than later.
- The cashbook must be reconciled monthly to the open item list and also to the bank balance upon receipt of the bank statement.
- A copy of the reconciliation and any corresponding documentation must be kept on file for audit purposes.

Open Item List

- An open item list is a periodic listing of all money held that has not been disbursed. The list should include sufficient information to permit the identification of individual amounts by ledger and page number.
- This should always be reconciled with the bank account since it represents money still being held as property or evidence and not yet returned.

Receipt/Pay-In Book

- A pre-numbered duplicate receipt/pay-in provides identity for each item received at the earliest point in the transaction process and enhances internal control. A record of pre-numbered receipts must be maintained. All receipts must be accounted for.
- The person receiving the money should sign the receipt/pay-in acknowledging the receipt and amount.
- A copy of the receipt should be given to the person delivering the money.
- If possible, a second person should sign the receipt/pay-in verifying the amount received.
- All receipts should be recorded promptly in the cashbook and deposited per agency policy.

Reconciliation

- Reconciliation is a comparison of two independent records. Monthly reconciliations will help ensure accuracy and prevent errors from going undetected over an extended period of time. All documents pertaining to reconciliations, including outstanding check lists and lists of reconciling items, must be retained.
- When possible, the reconciliation should be performed by personnel independent of other cash operations, such as receipting, disbursing, and making deposits.
- Supervisory review and documented approval of the reconciliation should be performed.
- When possible, duties of preparing receipts, posting receipts, preparing bank deposits, and posting to the cash book should be performed by different individuals. Segregation of duties should reduce errors, as well as fraudulent manipulation of these records.
- Deposits should be reconciled to cash receipts by an individual independent of the receiving and recording functions. Bank deposits should be made as soon as practical.
- Timely bank reconciliations should be prepared regularly, i.e. monthly, and reviewed by someone independent of the cash collection and recording function.
- There should be adequate physical safeguards (safe, locked doors, pay windows, etc.) for all cash transactions and all pre-numbered documents maintained for public record. Access to these items should be restricted to authorized personnel.

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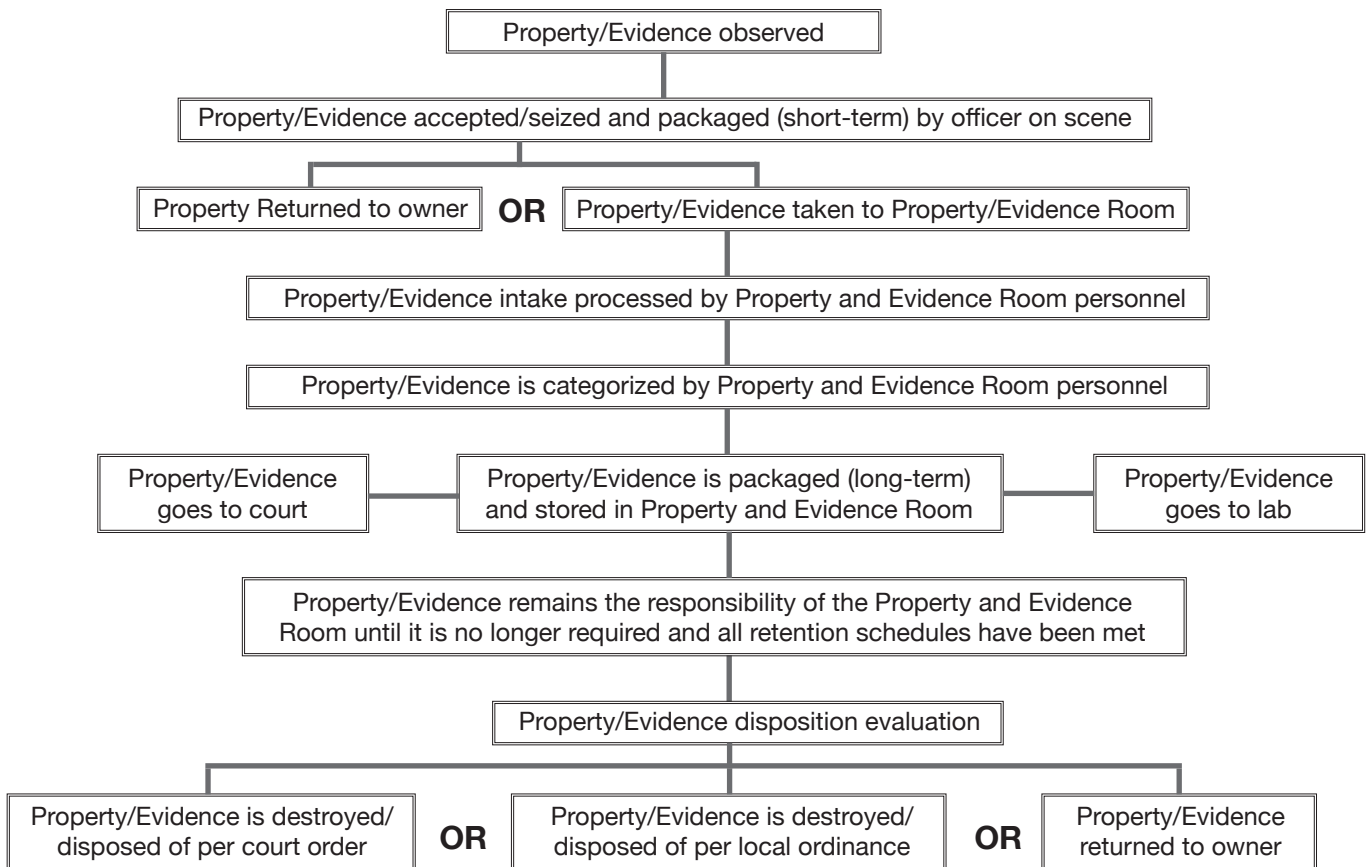
Property and Evidence Room Management

The Property and Evidence Life Cycle Flow Chart below includes the major stages in property and evidence room management. They are:

- Intake of items
- Categorizing items
- Packaging and storing items
- Releasing items as specified by law
- Disposing of items

As the flow chart indicates, the property and evidence life cycle begins before items reach the property and evidence room. The life cycle begins when items are seized or accepted by officers on the scene. So, a comprehensive property and evidence room policy should include procedures for front-line officers to ensure that items are properly seized or collected, packaged for the short-term, temporarily stored when necessary, and turned into the property and evidence room. Following these procedures will help prevent evidence from being compromised before it is turned into the property and evidence room.

Property/Evidence Flow Chart



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Record Keeping – Documentation Keeps It Defensible

Proper documentation at every stage is the key to maintaining a secure and defensible property and evidence room. An Evidence Room Management System can help you create and maintain that documentation. An effective Evidence Room Management System can be a high-end, online database or a simple, hand-written log. It depends on your agency's needs and legal responsibilities. However, all management systems must include at least the following:

- Intake log
- Chain of custody log
- Property and evidence room access log
- Inventory functions
- Archiving functions
- Release/return documentation
- Disposition documentation

(See the appendix for sample logs and documentation templates.)

Whatever your system, its archiving function should comply with your agency's retention schedules. Law enforcement agencies have two types of retention schedules. The first type is specific to the property or evidence. It answers the question "How long do we need to keep this specific item to comply with all legal needs and requirements?" This is discussed further in the Final Disposition section below.

The second type of retention schedule that law enforcement agencies must comply with is their document retention schedule. By law, all public entities must retain certain types of documents, recordings, dash-cam videos, etc. for specific amounts of time. Failure to do so can result in huge fines, job loss, and lost court cases. Document retention schedules answer the question "How long do we need to keep this type of item to comply with all public records, electronic discovery, and related requirements?"

Establishing and following comprehensive management system and documentation procedures prepares your agency for inventories, audits, and surprise inspections (discussed more in the Inventories and Audits section). Please consult your records manager and legal counsel, and be sure to include:

- Regular updates to records retention schedules
- Staff training on records retention
- Staff training on using the management system
- A requirement that all staff follow system and documentation procedures

Intake

"Intake" occurs when officers turn property and evidence over to the property and evidence room staff. Intake procedures should document:

- When an item is received
- From whom it is received
- Description of the item
- Who accepted it into the property and evidence room
- What documentation was turned in with the item

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Many items enter property and evidence rooms when suspects are booked or cars are impounded. To be defensible, a law enforcement agency should have a written policy that states that when suspects are booked or cars impounded, personal effects will be searched and inventoried to protect:

- The owners' property while it remains in government custody;
- The government against claims of stolen property; and
- Officers from potential danger posed by the contents.

The policy should be supported by procedures and documentation that demonstrate that any such search is part of an established routine, and not to further a criminal investigation.¹¹

Categorizing

Categorizing items early during the intake process can simplify packaging and storage decisions. Best practices suggest policies and procedures that answer the following two questions:

How was the property acquired?

- Was the property turned into the police department by a citizen who found it?
- Was the property seized with a search warrant?
- Was the property seized in a search incident to arrest or under the plain-view doctrine?
- Was the property on an arrestee and refused by the jail, making the law enforcement agency the caretaker of the property until the individual is released?

What kind of property is it?

- Is the property contraband? (Was the person from whom it was taken legally allowed to possess the property?)
- Is the property biological material that is evidence in a case?
- Is the property lost, abandoned, or stolen property?
- Is the property subject to criminal or civil forfeiture?
- Is the property money, drugs, guns, or anything else requiring special storage per policy?
- Is the property something, such as fentanyl, that requires special handling and storage for safety reasons?

A standard, consistent, and documented categorization process helps keep your property and evidence room defensible.

¹¹ South Dakota v Opperman (428 U.S. 364), discussed in *Federal Law Enforcement Training Centers (FLETC) Legal Division Handbook* 2017. p. 204.

Types of Property

Abandoned

— *any property over which the owner has relinquished all right, title, claim, and possession with the intent of never reclaiming or resuming ownership.*

In order for an abandonment to occur, two things must happen:

- 1) An intent to abandon
- 2) Acts or omission which implements this intent

Because the element of intent to abandon must be shown, even complete non-use of an item is not enough to show abandonment. Intent may be established by decisive acts, express declaration, or inferred from circumstances which indicate intention to abandon.

The property itself must be of a character to make it clear that it had been voluntarily abandoned by the owner. For example, since people generally do not abandon money, it will most always be considered lost property and must be handled accordingly.

Lost

— *property which the owner has involuntarily parted with through neglect, carelessness, or inadvertence. Lost property is not intentionally placed by the owner where it is found.*

Remember: Loss of property is involuntary; abandonment of property is intentional.

Mislaid

— *property which the owner voluntarily and intentionally laid down in a place where he or she could again return to it -- a location which the owner then forgot.*

Seized

— *necessarily comes from a "person arrested" or "person from whom" it was taken, and the state statutes direct how it must be disposed.*

Contraband

— *any property that is illegal for a person to acquire or possess under a statute, ordinance, or rule.*

Evidence

— *can mean different things legally depending on how it is used. This manual uses the following definition from Property and Evidence By the Book," 2nd edition: "Evidence: Property that may be related to a crime, and/or which may implicate or clear a person of a crime." (p. viii)*

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Packaging and Storage

If your agency does not already have a packaging manual, you can find some excellent examples on the International Association of Property and Evidence's website: <http://home.iape.org/evidence-resources/guides-and-manuals.html>. Packaging and storage best practices include:

- Following all safety and legal advisories for the handling and storage of high-risk/high-value items
- Creating a uniform inventory system based on case number or other unique identifier that will not change
- Storing like items together
- Using the lab-preferred packaging
- Select packaging to maximize efficient use of space
- Training all relevant personnel in the policy and procedures
- Documenting every step and every decision

For more detailed information about packaging and storing guns and drugs, please refer to your local forensic laboratory submission guidelines.

Releasing Items to Labs, Courts, etc.

During many cases, property or evidence is released to the custody of laboratories, courts, investigating officers or other organizations. Your agency's release/return policy and procedures should address the following issues:

- Acceptable reasons for release
- Who can request release
- What documentation is needed before release is authorized (**see sample form on page 29**)
- Who can authorize release
- How the hand-off from the property and evidence room actually occurs
- How items are transported
- If certain items have special handling requirements
- Follow-up procedures for checking on lab and court due dates
- Who can accept return of items to the property and evidence room
- The verification process to ensure that checked-in items are what they are supposed to be
- Staff training on the property and evidence release policies and procedures
- Staff agreement to follow the property and evidence release policies and procedures

Best practices suggest that agency procedures spell out how all of this is documented in the Evidence Room Management System. At the very least, documentation should include:

- Item identifier or item number
- Type of property
- Incident or crime
- Reason for release
- Destination
- Relevant dates tracking the movement of the property
- Personnel involved
- Any issues that arose (i.e.: car accident on way, fire, etc.)
- Signed chain of custody paperwork

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Purging and Final Disposition

Eventually, most items and records will be purged from the property and evidence room.

Sound policies and procedures will dictate the purging schedule. Ask your agency's Records Manager and legal counsel for help in writing a policy that includes:

- Retention schedules for any audio, video and records pertaining to the management of the property and evidence room
- A calendar-based purging schedule for property and evidence
- Special instructions for items that require special handling due to legal or safety concerns (guns, drugs, currency)
- Who can purge evidence and/or property and evidence room management records
- How many people are required to authorize it
- What documentation is required to authenticate final disposition (**see sample form on page 38**)
- Staff training on the property and evidence final disposition policies and procedures
- Staff agreement to follow the property and evidence final disposition policies and procedures

Once you have determined that it is time to purge an item, use the Sample Property and Evidence Final Disposition Review Checklist below as a guide for writing procedures.

Sample Property and Evidence Final Disposition Review Checklist

- Review the case/incident file.
- What exactly is the property or evidence?
- Is there a statute, retention policy, regulation or best practice that governs the final disposition of this type of evidence or property?
- Classify the crime or situation linked to the item being disposed. For example, is it a burglary, found property, theft, etc.? Is the incident a misdemeanor, felony, or non-criminal matter?
- Is disposition of this item governed by a statute of limitations? If so, what is it?
- If the item's disposition is not governed by statute, what regulation or policy governs it? (Note: Property and evidence room policies and procedures often list specific types of property and their disposition instructions.)
- What is the internal case/incident status (active, inactive, closed, under investigation, etc.)?
- Were charges filed in relation to this property or evidence?
- If charges were filed, what is the case's current status in court (active, inactive, closed, etc.)?
- Based on the answers to the checklist above, should the property or evidence be disposed of by:
 - ✓ Returning it to the owner
 - ✓ Destroying it
 - ✓ Auctioning it
 - ✓ Turning it over for departmental use
 - ✓ Retaining it for stated reasons
 - ✓ Other (state disposition method and reason)
- Based on statutes or local policies, is a court order required or advisable for disposal by this method?
- Dispose of the property or evidence appropriately.
- Complete required record-keeping actions.

FACT: If an agency continues to take in more property and evidence than it gets rid of, it **WILL** run out of space!

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Inventories and Audits

Each law enforcement agency should have a written policy that addresses when inventories and audits of the property and evidence room are conducted.

There are many horror stories about agencies never completing an inventory or an audit of the contents of their property and evidence room. Without an inventory, the agency will have nowhere to start in the event of a theft.

Since inventories and audits are often confused, the definitions below should be used as a reference for your agency policy.

Inventory: An inventory is a complete physical accounting of the contents of the entire property and evidence room.

A comprehensive inventory of the property and evidence room should be completed at least annually to account for all of its contents. For additional accountability, a second inventory should be completed in the same year or when personnel working in the property and evidence room change. Your policy should state when the annual inventory(ies) should be conducted and who should conduct it. When conducting the physical inventory, at least two people should be involved, with at least one party not associated with the property and evidence room. This gives the inventory more credibility. Any discrepancies should be investigated immediately.

Audit: An audit is a review of a selection of random pieces of evidence to ensure the agency's policies are being followed. An audit can be performed by internal personnel or an independent audit firm. When using an independent audit firm, an agency should ensure the property list is organized and easy to follow to locate items for those not familiar with the property and evidence room.

An audit of items within the property and evidence room should be conducted on a regular schedule, chosen by management, to check specific items of property to ensure they are present, in the location they are listed in the computer system, packaged properly, and documented in accordance with agency policy. When conducting an audit, at least two people should be involved, with at least one party not associated with the property and evidence room. This gives the audit more credibility. Any discrepancies should be investigated immediately.

An often overlooked part of an audit and/or inventory is accounting for any property or evidence that is currently checked out to the lab, court or for investigation. The agency is still responsible for that property or evidence. It is not only important to account for the property that is supposed to be in the property and evidence room, but it is important to account for items that are to be returned to the property and evidence room as well.

An audit also should address whether property and evidence is being disposed of within a reasonable amount of time after the case has been adjudicated. Property and evidence that is no longer needed for court or other purposes has higher incidents of theft than property and evidence that is still needed for court.

Inventory/Audit Recommendations

While a comprehensive inventory should be completed at least once a year, it is recommended that your agency complete two. Using a schedule such as the one below allows for a complete inventory to be conducted twice a year. It also allows for an audit of guns, drugs, and money to be conducted outside of the normal inventory schedule, two times for each category. These audits will determine if any guns, drugs, or money are missing. This schedule ensures that discrepancies will come to light relatively soon after they occur. For added accountability, you should consider periodic unannounced inspections in addition to those scheduled.

Sample Inventory Audit Schedule

January: Guns, Audit
March: Drugs, Audit
May: Money, Audit
June: Inventory
July: Guns, Audit
September: Drugs, Audit
November: Money, Audit
December: Inventory

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Resources

Your legal counsel and the Ohio Revised Code (chapters 505, 737, and 2981 at the time of this writing) are your primary resources. For additional information, see the resources listed below.

Best Practices Review: Property and Evidence Room Policies and Procedures Manuals by the State of Minnesota, Office of the State Auditor. 2011.

<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=2ahUKEwiWpZHG5OrcAhUB1oMKHRTjDKwQFjABegQICRAC&url=http%3A%2F%2Fwww.osa.state.mn.us%2Freports%2Fgid%2F2011%2Fbestpractices%2Fbestpracticespropertyevidencerooms.pdf&usg=AOvVaw2RNqz5qzTNC2-OjqMQEOMV> (Last accessed 08-14-18.)

“Controlling Occupational Exposure to Hazardous Drugs” by the United States Department of Labor, Occupational Safety and Health Administration. 2016. https://www.osha.gov/SLTC/hazardousdrugs/controlling_occex_hazardousdrugs.html#intro (Last accessed 08-14-18.)

Federal Law Enforcement Training Centers (FLETC) Legal Division Handbook by the U.S. Department of Homeland Security. 2017.

Fentanyl: A Briefing Guide for First Responders by the United States Department of Justice, Drug Enforcement Administration. 2017. https://www.iaclea.org/assets/uploads/pdfs/Fentanyl_BriefingGuide_June2017.pdf (Last accessed on 08-13-18.)

International Association for Property & Evidence (IAPE), <http://www.iape.org/> (Last accessed 08-14-18.)

IAPE Manuals and Guides pages. <http://home.iape.org/evidence-resources/guides-and-manuals.html> (Last accessed 08-14-18.)

Law Enforcement Evidence & Property Management Guide, 3d ed. by the California Peace Officer Standards and Training (POST): Management Counseling Services Bureau. <http://lib.post.ca.gov/Publications/Evidence-Property%20Management%20Guide.pdf> (Last accessed 08-14-18.)

“Lessons Learned in Evidence Management” by Georghegan, S. *Law and Order: The Magazine for Police Management*. 2014. http://www.hendonpub.com/law_and_order/articles/2014/06/lessons_learned_in_evidence_management (Last accessed 08-14-18.)

“Police Practice: Building an Effective Property Room” by Moore, C. *FBI Law Enforcement Bulletin*. 2001. <https://leb.fbi.gov/articles/additional-articles/police-practice-building-an-effective-property-room> (Last accessed 08-14-18.)

Professional Standards, version 2.6. by Latta, J. and Giles, R. IAPE. rev. 2016. Retrieve from IAPE website or http://home.iape.org/resourcesPages/IAPE_Downloads/IAPE_Resources/IAPE-Professional-Standards/IAPE_Stand_2_6-2016.pdf (Last accessed 08-14-18.)

Property and Evidence by the Book, 2d ed. by Latta, J. and Bowers, G. (2011, July 1). IAPE. 2011.

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“Property and Evidence Control -The Hidden (and Ticking) Time Bomb” by Latta, J. and Kiley, W. *CALEA Update Magazine*, Issue 94. The Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA). 2012. <http://www.calea.org/calea-update-magazine/issue-94/property-and-evidence-control-hidden-and-ticking-time-bomb> (Last accessed 08-14-18.)

“Property and Evidence Management: Best Practices, Inspections, and Audits” by Campbell, S. Public Agency Training Council, Legal Liability Risk Management Institute. 2011. http://www.patc.com/weeklyarticles/print/2011_sc_evmgt.pdf (Last accessed 08-14-18.)

“The Property Room: Important Considerations” by Kinman, B. *FBI Law Bulletin*. July 4, 2004. pp 28-31.

The Property Room: The Department's Black Hole by Wright, W. The Bill Blackwood Law Enforcement Management Institute of Texas. 2016. <https://shsu-ir.tdl.org/shsu-ir/handle/20.500.11875/2293> (Last accessed on 08-13-18.)

“You Collect It. We Protect It’ This Is Not the Whole Story” by Reaume, S. *Evidence Technology Magazine*. http://www.evidencemagazine.com/index.php?option=com_content&task=view&id=2572&Itemid=9 February 5, 2018. (Last accessed 08-14-18.)

Training Opportunities

The Ohio Peace Officer Training Academy (OPOTA) offers several Property and Evidence Room training classes a year. For a training schedule, visit their website at:

<https://www.ohioattorneygeneral.gov/Law-Enforcement/Ohio-Peace-Officer-Training-Academy>

Email specific questions to: OPOTARegistration@OhioAttorneyGeneral.gov or call OPOTA at 740-845-2700.

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Appendices

PROPERTY ROOM ACCESS LOG					
Entry into the property room shall be limited for official business only. Entry into the room shall be documented by any person entering the room, including the purpose for the entry. Failure to comply with this order may result in disciplinary action.					
Chief of Police					
Date/ Time In	Name / Serial Number	Signature	Date / Time Out	Reason for Entry Case Number	Accompanied By

The **Property Room access log** should be an integral part of the security system in the property room. All employees need to comply with this type of control, regardless of rank. This type of log discourages unofficial entry in the room and provides a tool for investigators if a theft ever occurs.

The log needs to be routinely forwarded to management for review and auditing. Sound property room policies and procedures should prohibit all entries into the property room by non-property room personnel. In the event the department doesn't wish to restrict employee access, the above form should be encouraged.

Property room personnel shouldn't be responsible for items in the property room when others in the organization have access. This type of process limits access and makes everyone accountable.

Property Room Access Log 2003

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DETECTIVE RELEASE AUTHORIZATION

Release Authorization Form	
Case Number	_____
Control Number	_____
Items Number(s)	Description: _____
Items Number(s)	Description: _____
Items Number(s)	Description: _____
Release to:	_____
Authorized By:	_____
Date:	_____

The Property Custodian is the keeper or guardian of property and evidence and not the decision maker. Any time a detective or officer authorizes any property or evidence to be released to the owner, court, lab or other jurisdiction, it should be documented with the Property Custodian and retained with the original property documentation for future reference.

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NOTICE TO CLAIM PROPERTY

POLICE DEPARTMENT

The Police Department holds the following items that may belong to you:

- Property /Evidence
- Found Property
- Property for Safekeeping
- Other _____

*Bring this card with you to the Police Department to claim the property

Centerville Police Department
123 South Main Street
Centerville, USA

If you fail to respond within 15 days after the date of notice the property will be disposed of in accordance to department policy.

Case Number: _____ Item(s) Number(s) _____
Date: _____ Release Approved By: _____

Hours: 8:00 A.M. to 4:00 P.M. Monday through Friday ONLY

Consideration should always be given to using postcards in lieu of certified mail. This decision should be determined after insuring that there isn't a statutory requirement to use certified mail.

Always insure that the notification card/letter places a final date to pick up property. Make the recipient responsible for following through.

Any time notification cards/letters are sent, make sure that a tickler file is in place to track the date you have placed on the card.

The above selected 15 days is an arbitrary number.

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CASE NUMBER _____	TAG NUMBER _____	
EVIDENCE REPORT / PROPERTY TAG		
Seized Pursuant to Search Warrant <input type="checkbox"/>		
<input type="checkbox"/> NAME OF OWNER <input type="checkbox"/> VICTIM <input type="checkbox"/> FINDER <input type="checkbox"/> SUSPECT		
Name: _____ Telephone: _____		
Address: _____		
City: _____ City: _____ Zip: _____		
Booking Number: _____		
Crime: _____ Misdemeanor Felony		
<input type="checkbox"/> EVIDENCE <input type="checkbox"/> FOUND PROPERTY <input type="checkbox"/> PROPERTY FOR SAFEKEEPING		
Description		
1. _____		
2. _____		
3. _____		
4. _____		
5. _____		
6. _____		
7. _____		
8. _____		
9. _____		
10. _____		
Recovered by: _____ Serial Number _____		
Date: _____ Time: _____		
Location: _____		
Chain of Custody		
Received From:	By:	Date/ Time:
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
Name _____		Serial Number _____
Date / Time Booked: _____		Approved by: _____

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PROPERTY FOR SAFEKEEPING

**POLICE DEPARTMENT
PROPERTY FOR SAFEKEEPING RECEIPT**

Name of Property Owner: _____

Address: (or notification address) _____

City: _____ State: _____ Zip: _____ Phone: _____

Date Property Received: _____ Time Received: _____

Description of Property

ITEM

DESCRIPTION (Brand, Model #, Serial #, Etc.

Item # 1 _____

Item # 2 _____

Item # 3 _____

The above described property has been stored for Safekeeping at the Police Department Property Room at 1234 North First Street, Anycity, CA. (555) 449-4273. The property may be claimed by contacting the Evidence Custodian at the above address or calling the above phone number to schedule an appointment. The Evidence Custodian will be available Tuesday, 8:30 a.m. - 11:30 a.m. and 1:00 p.m. - 3:00 p.m.

If the property is not claimed within 30 days it will be disposed of per Police Department policy and Municipal Code Statute 234 MC.

I have read the above notice and understand how I may claim the above listed property.

Signature of Property Owner: _____ Date: _____

Signature of Officer: _____ Date: _____

Release Information - I have received all of the above described property in good condition.

Signature of Property Owner: _____ Date: _____

Signature of Officer: _____ Date: _____

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CURRENCY ENVELOPE

Evidence
 Found Property
 Safekeeping

CASE # _____ PROPERTY TAG # _____

OWNER
 SUSPECT
 FINDER

_____ (Print - last name first)

CRIME STATUTE: _____

DATE FOUND: _____ TIME FOUND: _____

LOCATION FOUND: _____

FOUND BY: _____ EMPLOYEE NUMBER: _____

Currency	Coin
_____ X \$100.00 = \$ _____	_____ X \$1.00 = \$ _____
_____ X \$50.00 = \$ _____	_____ X .50 = \$ _____
_____ X \$20.00 = \$ _____	_____ X .25 = \$ _____
_____ X \$10.00 = \$ _____	_____ X .10 = \$ _____
_____ X \$5.00 = \$ _____	_____ X .05 = \$ _____
_____ X \$1.00 = \$ _____	_____ X .01 = \$ _____
Subtotal = \$ _____	Subtotal = \$ _____
TOTAL AMOUNT <input style="width: 100px;" type="text"/>	

Entered & Sealed By: _____ Employee Number _____

Date _____ Time _____ Verified By _____

PROPERTY UNIT USE ONLY:

Received By: _____ Date: _____ Sealed? Yes No

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Evidence Room Currency Received Log

Month _____
Beginning Balance _____

Date Received	Receipt #	Received From	Property #	Case #	Court	Reason	Amount	Officer	Storage Location

Month _____
Ending Balance _____

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Evidence Room Currency Disposition Log

Month _____
Beginning Balance _____

Disposition Date	Disposition Method	Check number	Paid to	Amount	Witness #1	Witness #2	Balance

Month _____
Ending Balance _____

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Evidence Room Intake Log

Date	Property #	Case #	Item #	Description	Storage Location	Entry Person



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Evidence Checked Out/Transfer Log

Date Out	Property #	Item #	Out to Location	Auth. Officer	Date Returned	Returned by



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Evidence Disposition Log

Guns Drugs Currency Alcohol
Misc. Found Safekeeping

Property #	Case #	Court	Felony or Misdemeanor	Description	Approving Officer	Destruction Method	Date Destroyed	Witness #1	Witness #2



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Firearms Return Checklist

1. Run a current OHLEG print out on subject
2. Run a current NCIC background check
 - a. Is there a domestic violence conviction for the subject?
 - b. Is there a current protection order for the subject?
 - c. Does the subject meet the criteria for weapons under disability?

(1) The person is a fugitive from justice.

(2) The person is under indictment for or has been convicted of any felony offense of violence or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been a felony offense of violence.

(3) The person is under indictment for or has been convicted of any felony offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse or has been adjudicated a delinquent child for the commission of an offense that, if committed by an adult, would have been a felony offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse.

(4) The person is drug dependent, in danger of drug dependence, or a chronic alcoholic.

(5) The person is under adjudication of mental incompetence, has been adjudicated as a mental defective, has been committed to a mental institution, has been found by a court to be a mentally ill person subject to court order, or is an involuntary patient other than one who is a patient only for purposes of observation. As used in this division, "mentally ill person subject to court order" and "patient" have the same meanings as in section 5122.01 of the Revised Code.

If Yes, has the person been granted relief from weapons disability per ORC 2923.14?

3. Has the firearm been sent to NIBIN if it meets NIBIN criteria?
 - a. NIBIN criteria – Any non-revolver or single shot firearm that automatically ejects a shell casing.
4. Has an E-Trace been run on the firearm through ATF?
5. Any other local or departmental requirements?

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