

# Property and Evidence

## 804.1 PURPOSE AND SCOPE

This policy provides for the proper, storage, security and disposition of all property and evidence. Additionally, this policy provides for the protection of the chain of custody and those persons authorized to remove, dispose of, or destroy.

## 804.2 DEFINITIONS

**Audit** – A review of the policies, procedures, and processes of the property and evidence function to determine if recognized standards, best practices, local statutes, and municipal codes comply.

**Biological Evidence** – Refers to samples of biological material, such as hair, tissue, bones, teeth, blood, semen, or other bodily fluids, or evidence containing biological materials.

**Chain of Custody** – The chronological documentation of the seizure, custody, control, transfer (temporary or permanent) and disposition of the property or evidence.

**Destroyed** – Property or evidence that is rendered inoperable or entirely unfit for its intended purpose or use.

**Evidence** - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes audio, video, photographs, and latent fingerprints.

**External Movement** - Any temporary location assignment of property or evidence items to another location outside of the Property Room.

**Found Property** - Non-evidentiary items, which, after coming into the custody of a law enforcement agency, have been determined to be lost or abandoned and not known or suspected to be related to any criminal offense.

**Inspections** - An informal form of internal audits that are intended to keep quality control consistent.

**Inventory** – An inventory is a process of individually validating the presence of all or a specified portion of the property/evidence items against the agency's records.

**Packaging Manual** - Specific directions on how items of property and evidence are to be packaged and documented.

**Key-Holding Personnel** - Individuals who have a key or unescorted access into the Property Room storage area.

**Personal Protective Equipment (PPE)** – Items used to prevent an individual’s direct contact with blood-borne pathogens and other hazards. PPE may include disposable gloves, coveralls, shoe covers, respirators, masks, and eye protection.

**Property** - Items that do not have evidentiary value and come into the possession of a law enforcement agency as found, safekeeping, or items for destruction.

**Property Procedures Manual** - A formal document that describes all the duties and tasks in the Property Room and how to complete those tasks.

**Right of Refusal** - Authority given to the Property and Evidence Officer to reject and notify the submitting officer that property or evidence is not correctly packaged or documented and needs to be corrected.

**Safekeeping** – Non-evidentiary items that are placed in the custody of a law enforcement agency for temporary protection on behalf of the owner.

### **804.3 PROPERTY AND EVIDENCE ROOM MANAGEMENT RESPONSIBILITIES**

The Administrative Division Lieutenant is responsible for the management of the Property and Evidence Unit, under the direction from the Chief of Police.

#### **804.4.1 PROPERTY AND EVIDENCE UNIT RESPONSIBILITIES**

The Property and Evidence staff is responsible for the management of all property and evidence submitted to and in the custody of the Property and Evidence Unit. This includes property and evidence stored in the Property and Evidence Unit and in any off-site storage locations. The Property Room is staffed with a Senior Evidence Technician and Evidence Technician.

#### **804.4 PROPERTY AND EVIDENCE UNIT SECURITY AND ACCESS**

The Property and Evidence Unit shall maintain secure storage of all property and evidence in the custody of the department. Proximity card access to the Property and Evidence Unit will be restricted to the Property and Evidence Technicians only. Policy regarding Key Control for the Property and Evidence Room can be found in the Property Procedures Manual. (Section #)

Individuals entering the Property and Evidence Unit other than the Property and Evidence Technicians or an authorized key card holding employee, must be escorted by a Property and Evidence Technicians.

Any visiting individual must sign in and out in an access logbook. The date and time of entry and exit, the purpose of the visit, escorting person, and the visitor’s name must be entered in the logbook. Historic logbooks shall be retained as designated by records retention laws.

## **804.5 PROPERTY HANDLING - SUBMISSION**

Any employee who comes into possession of any property or evidence in the course of their duties is responsible for the care of that property and evidence until it is submitted into the Property Room. Officers must never leave any property or evidence unattended.

All items of property and evidence shall be submitted to the Property and Evidence Unit before the end of the submitting employees shift unless an exception is approved by a supervisor. If approved by the supervisor, the property or evidence must be placed in a secure location to maintain the chain of custody.

## **805.6 PROPERTY BOOKING PROCEDURE– FOUND PROPERTY / SAKEKEEPING**

When ownership can be established for found property with no apparent evidentiary value, such property may be released to the owner without the need for booking the property into the Property and Evidence Unit. A case report detailing the release shall be completed by the employee who released the property.

A Property Release & Receipt Form must also be completed to document the release and the owner shall sign the form acknowledging receipt of the item(s). A copy of this Property Release & Receipt Form (insert name of form) will be released to the owner and the original document will be include with the case report.

A Property for Safekeeping Receipt shall be given to the owner of any Safekeeping items. It shall be the responsibility of the submitting employee to obtain the signature of the owner when taken. Any exception shall be documented on the Receipt.

## **804.7. PROPERTY BOOKING PROCEDURE – TEMPORARY LOCKERS**

All submitted property and evidence shall be submitted into a temporary storage locker or storage cage. See the Police Department Packaging Manual for specific submission requirements and procedures.

### **804.7.1 PROPERTY BOOKING PROCEDURE – RIGHT OF REFUSAL**

Property and Evidence submitted to the Property and Evidence Unit that is not packaged or documented in accordance with the Police Department Packaging Manual shall be refused by the Property and Evidence Technicians.

Items which are refused under the Right of Refusal policy shall be resubmitted to the Property and Evidence Unit by the submitting employee with the corrections made before the end of the employee's next scheduled shift following notice of the refusal.

## **804.8 SAFETY PROCEDURES**

Safety standards apply to all employees when handling property or evidence. Employees who could come into contact with blood, body fluids, and other potentially infectious materials must use extra caution to protect themselves and others against any exposure. Always assume that all items may be infected and handle the property

and evidence accordingly to protect themselves and others against any type of exposure.

Minimize or eliminate exposure to blood and other potentially infectious materials that could result in the transmission of blood-borne pathogens, which could lead to disease or death.

All items of property and evidence have the potential to carry disease, hazards, and safety risks. Always use appropriate universal precautions and Personal Protective Equipment (PPE).

#### **804.9 ADDITIONAL DOCUMENTATION & RESPONSIBILITIES**

The circumstances detailing how the property and/or evidence came into the employee's possession will be documented in a case report. The documentation shall be in accordance with department report writing procedures. Submission and chain of custody documentation reflecting all internal handling, transfers, releases, and final dispositions of property and evidence will be documented in the agency's electronic computer system.

Every reasonable effort shall be made to ensure that property and evidence can be returned to the rightful owner. Details regarding which property belongs to which person on a case must be carefully documented by the submitting employee in both the case report and in electronic computer system. Property or evidence that cannot be returned to its rightful owner shall be disposed of in a manner consistent with State Law, Municipal Ordinances, and Department policy.

#### **804.10**

#### **804.11 EXTERNAL MOVEMENT OF PROPERTY AND EVIDENCE**

Anytime property or evidence is removed from the Property and Evidence Unit for any reason (Court, Crime Lab, Investigations) it shall be the responsibility of the Property and Evidence Unit personnel to routinely track and query the items status. Any inquiries sent to the employee removing the item(s) officer shall be responded to immediately as to the status/location of the item(s). If the item(s) have been released to another agency or person, the associated transfer paperwork shall be provided to the Property and Evidence Unit. Any exceptions shall be approved by a supervisor.

##### **804.11.1 TRANSFER OF EVIDENCE TO CRIME LABORATORY**

The Property and Evidence Unit shall be responsible for coordinating with the requesting employee, as needed, for the preparation, transfer, tracking, delivery and/or pick up of evidence to and from the laboratory.

##### **804.11.2 TRANSFER OF EVIDENCE TO COURT**

Any employee who is subpoenaed to appear in court with case evidence shall notify the Property and Evidence Unit of the specific request for evidence required. Advance notification should be given at least 24 hours before court.

Any subpoenaed employee needing evidence for court will check out the evidence out by signing a Property and Evidence Transfer Form (Electronic) while comparing each item being removed from the Property Room.

The subpoenaed employee will take a copy of the Property and Evidence Transfer Form to court for possible later transfer to the court as a court exhibit. The Property and Evidence Transfer Form shall then be signed by a court representative verifying that they have custody of the item(s). It is the responsibility of the officer to obtain the signature from the court personnel that the item(s) have been transferred.

Item(s) of evidence that are checked out but are not retained by the court shall be returned to the Property and Evidence Unit by the end of the court day. Returned items of evidence shall be secured in one of the provided temporary lockers. Any exceptions to this policy must be approved by a supervisor.

#### **804. 11.3 TRANSFER OUT FOR INVESTIGATIONS**

Any Case Officer signing out evidence for investigative needs shall be returned to the Property Room by the end of the employee's end of shift. Any exception shall be approved by their supervisor.

Any evidence in the possession of the Case Officer needing to be retained longer outside of the evidence room shall be responsible for securing temporarily in a locked/secure area.

#### **804. 11.4 TRANSFER OF EVIDENCE TO COURT - APPROVAL**

Items being signed out for court may only be released to the Case Officer, submitting employee or other employee with a valid subpoena.

#### **804.12. RELEASE OF PROPERTY**

Any time any employees release an item to another agency, employees, or citizen there must be a concise documented release/transfer. Any items released by the Property and Evidence Unit shall have and approval from the case officer.

##### **804.12.1 RELEASE OF PROPERTY – FOUND PROPERTY**

When any employee has taken possession of any found property, all reasonable attempts shall be made to return to the owner, when possible, in lieu of booking into the Property and Evidence Unit. Any transfer to the owner shall be documented on a Property and Evidence Receipt and signed by the owner.

##### **804.12.2. RELEASE OF PROPERTY – EVIDENCE**

In certain instances such as retail store thefts, residential burglaries, other property crimes, it may be acceptable to return the item(s) to the owner so as not to further inconvenience them. This process may be predicated upon taking photographs, swabbing and fingerprint in field. This process may only be exercised with the approval of a supervisor or the Case Officer. All other releases shall be predicated on the guidance in Property Procedures Manual.

##### **804.12.3 RELEASE OF PROPERTY – COURT ORDER**

Any department employee being served with a court order to return, any property or evidence shall immediately advise the Case Officer for guidance. If

there is any question about the release the Case Officer shall contact the District Attorney for the approval.

#### **804.13 DIVERSION OF PROPERTY**

Property is not eligible for diversion until after all attempts, in accordance with department policy, have been made to identify and contact the property owner. No employee shall divert any property or evidence to their own use, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence in connection with an investigation or other police action, except in accordance with departmental policies and procedures.

Any request to divert property to department or city use must be requested with a Justification Memo articulating a reason for the diversion and include a description of the item, case number and item number. The Justification Memo shall be forwarded to the Chief of Police or their designee for final approval via the Chain of Command. As part of the approval process both the supervisor and the manager should evaluate the true need for the items.

The approved memo shall then be sent the City Manager's office or designee for final approval. Approved diversion paperwork shall be forwarded to the Property and Evidence Unit to document the final disposition of the property. See the Property Procedures Manual for additional information of the Diversion process.

#### **804.14 AUCTION OF PROPERTY**

When a case has been adjudicated and not claimed by the owner the item(s) can be auction. This process is defined in the Property Procedures Manual.

#### **804.15 DISPUTED CLAIMS TO PROPERTY**

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. The issue should be referred to the Case Officer for resolution. If not, resolution can be made the issue should be referred to the City Attorney for guidance.

#### **804.16 DISPOSITION OF PROPERTY**

Property and Evidence Unit personnel are responsible for generating items for review from evidence management computer and disseminating to the Case Officer for final review and authority to dispose of. The process for generating the review notices are memorialized in the Property Procedures Manual.

##### **804.16.1 DISPOSITION OF PROPERTY CASE OFFICER - Preferred)**

It shall be the responsibility of the Case Officer to research the status of each case and notify the Property and Evidence Unit within 10 days on what action to take with the items.

##### **804.16.1 DISPOSITION OF PROPERTY (Property and Evidence Unit)**

It shall be the responsibility of the Property and Evidence Unit to research the status of each case and notify the Case Officer of those findings for review and

disposition. Once the case has been reviewed and determined that it can be disposed officer, the information shall be forwarded to the case officer o

#### **804.16.2 FURTHER RETENTION OF PROPERTY AND EVIDENCE**

After the Case Officer reviews the case and it is determined that the item(s) must be retained longer for evidentiary use, the Case Officer shall ensure the information why the item(s) are to be retained longer are included in the record for the Property and Evidence Unit

#### **804.16.3 EARLY RELEASE OF PROPERTY AND EVIDENCE**

The Case Officer may make notification to Property and Evidence personnel when items are no longer needed for criminal investigations in order to facilitate the disposition process. The approval to release/destroy shall be made on a Evidence Release Form.

#### **804.16.4 RELEASE OF PROPERTY AND EVIDENCE WITH SEARCH WARRANT**

In those cases where the items were seized under the authority of a search warrant the Case Officer shall be responsible for obtaining approval for disposition with a Search Warrant Return.

#### **804.16.5 DISPOSITION OF FOUND AND SAFEKEEPING PROPERTY**

The Property and Evidence Unit is authorized to release or dispose and Found or Safekeeping property without the approval of a Case Officer. Anytime a firearm is included the approval much be sought by a Detective Bureau supervisor.

#### **804.16 UNCLAIMED MONEY**

The final disposition of money is outlined in the Property Procedures Manual

#### **804.17. INVENTORIES - FREQUENCY OF**

A full inventory of the Property and Evidence Unit to ensure that all property and evidence is accounted for shall occur annually, when a change is made in personnel, when evidence is missing, when a new Chief of Police is hired or at the discretion of the Chief of Police. Guns drugs and money shall be inventoried at least twice yearly.

All inventories will follow procedures detailed in the Property and Evidence Unit Procedure Manual.

#### **804.18 INSPECTIONS OF THE PROPERTY AND EVIDENCE UNIT**

The Property and Evidence Unit supervisor shall make a quarterly inspection of the evidence storage facilities and practices to ensure adherence to policies and procedures.

Unannounced inspections of evidence storage areas shall be conducted annually at the discretion of the unit manager or as directed by the Chief of Police.

The Property Procedures Manual provides guidance in the process of conducting any inspections.

#### **804.19 AUDITS OF THE PROPERTY AND EVIDENCE UNIT**

An annual audit of the Property and Evidence Unit shall be conducted by a Division Commander or designee, not routinely or directly connected with the Property and Evidence Unit. Topics for the annual audit are to include such things as: Access control and security.

- External movement records - Tickler files
  - Out to Court
  - Out to Court
  - Out for Investigations
- Missing evidence (UTL records)
- Inventory levels
- Purging ratios
- Previous Audit (recommendations made)
- Safety practices,
- Training Records
- Authorizations for release, transfer, and destructions
- Packaging Manual (up to date)
- Lexipol (up to date)
- Property and Evidence Procedures Manual (up to date)
- General cleanliness and housekeeping,
- Storage schemes
- Evidence beyond SOL be purged in a timely manner.
- Adjudicated cases be purged in a timely manner.

The exact procedures for conducting an audit are defined in the Property and Evidence Unit Procedure Manual.

#### **804.19. AUDITS EXTERNAL**

A comprehensive external audit shall be conducted every five years by an outside entity or at any other interval deemed necessary by the Chief of Police.

#### **804.20 REPORTING RESPONSIBILITIES**

Annual statistical reports detailing the movement and volume of property and evidence in the Property and Evidence Unit will be submitted to the Division Commander by the Property and Evidence Supervisor following the guidelines detailed in the Police Department Property and Evidence Unit Policy and Procedures Manual.

The Investigative Division Lieutenant will be required to evaluate the provided information for the purposes of recommending additional resources.