

**NEW SMYRNA BEACH POLICE DEPARTMENT
NEW SMYRNA BEACH, FLORIDA**

POLICY AND PROCEDURE DIRECTIVE

TITLE: EVIDENCE AND PROPERTY

NUMBER: 27-1

EFFECTIVE: 9/14

REFERENCE:

RESCINDS/AMENDS: 36-1

REVISED: 05/23

ATTACHMENTS: [FDLE EVIDENCE SUBMISSION MANUAL](#)
[FS 943.326](#)
[FDLE SEX ASSAULT WORK REQUEST FORM](#)
[FDLE DUI WORK REQUEST FORM](#)

A. PURPOSE

The purpose of this policy is to establish guidelines pertaining to handling of evidence/property by the New Smyrna Beach Police Department (NSBPD) personnel.

B. POLICY

The Evidence and Property Section is used for the secure and proper recording, storage, classification, transfer, retrieval and disposition of all evidentiary items and property items held under protective custody of the New Smyrna Beach Police Department. Evidence and property disposal/disposition shall be accordance with applicable law.

C. DEFINITIONS

ABANDONED PROPERTY – Tangible property having no identifiable owner, which has been disposed of on public property in a wrecked, inoperative or partially dismantled condition or which has no apparent intrinsic value to the rightful owner.

CHAIN OF CUSTODY – Written record of all individuals who have/had control/custody of property and/or evidence.

CONTRABAND – In general, any property which is unlawful to produce or possess. Things and objects outlawed and subject to forfeiture and destruction upon seizure.

EVIDENCE - Any species of proof, or probative matter, legally presented at trial of an issue, by the act of the parties and through the medium of witnesses, records, documents, exhibits, concrete objects, etc., for the purpose of inducing belief in the minds of the court or jury as to their contention.

EVIDENCE.COM- An online, web-based digital media storage medium accessed at www.evidence.com, that stores digitally encrypted data (photographs, audio and video recordings) in a highly secure environment. The recordings are accessible to authorized personnel based upon a secure log in.

EXAMINATION – The examination of records and activities to ensure compliance with established controls, policies, and operational procedures, and to recommend any indicated changes.

FOUND PROPERTY – An item discovered by a person who is not the owner

INSPECTIONS - The act or process of examining or looking at carefully

INVENTORY - The act or process of cataloging through a full or partial accounting, as defined by the agency of the quantity of goods or materials on hand.

PROPERTY - Everything which is the subject of ownership, corporeal or incorporeal, tangible or intangible, visible or invisible, real or personal; everything which has an exchangeable value or which goes to make up wealth or estate. Property that has been found or recovered that has no evidentiary value, but that which must be held for its rightful owner, sold at auction in accordance with Florida State Statutes, or destroyed. Property may also be defined as former evidence with no further evidentiary value that is to be disposed of by the New Smyrna Beach Police Department (NSBPD).

SAFEKEEPING – Non-evidentiary property impounded for temporary storage.

D. PROCEDURES

27.1.1 Evidence and Property Custody

1. The Quartermaster and Evidence Records Technician are accountable for control of all evidence and property placed within the protective custody of the NSBPD.
2. Members of the Evidence and Property Section may not, under any circumstances, circumvent any of the provisions of this directive without the expressed written approval of the Administrative Services Manager or the Chief of Police. If Evidence Personnel have any reservations relative to conveyance of any item or property, they must contact the Administrative Services Manager or the Chief of Police and document the occurrence on an inter-departmental correspondence.
3. Officers will assume responsibility for all evidence/property coming into their possession as part of their official duties. This responsibility will continue until the evidence/property is transferred pursuant to requirements of this Directive. As soon as possible, but not later than the end of their current tour of duty, officers will deliver or cause to be delivered and logged, all evidence and any found, confiscated, or recovered property coming into their possession, to the custody of the Quartermaster or Evidence Records Technician as outlined in this directive.
 - Any exception to the above shall require written authorization by a supervisor. The supervisor shall prepare a report that details the circumstance(s) of the exception. The report shall be submitted to the Administrative Services Manager before the supervisor ends their scheduled tour of duty.
 - No exception shall be made if the integrity of the evidence will be compromised in any manner.
4. Officers taking evidence/property into custody will complete a Property Control Report (PCR) in the records management system and any other appropriate reports describing each item of evidence/property and the circumstances by which the member took possession of the evidence/property, delivering them with the evidence/property to the Quartermaster or Evidence Records Technician.
5. The officers who takes custody of evidence is responsible for requesting any necessary laboratory analysis and noting it on the evidence PCR and item label.
6. Officers may temporarily withdraw evidence/property from the Quartermaster or Evidence Records Technician only for legitimate purposes and within the scope of their duties as set forth in this Directive. The chain of custody shall be properly documented.
7. Property not required as evidence may be returned to its rightful owner by the receiving member taking it into custody, if done within the officer's current tour of duty and noted appropriately and signed for by the owner. An Evidence/Property Form shall be completed once the officer takes possession and releases the item(s) to the rightful owner.
8. The officer who takes custody of the property is ultimately responsible for the determination of disposition. The Evidence and Property Section will attempt, within its procedures, to determine proper disposition of property. However, if they are unable to determine this, the member who took custody will be requested to

make such a determination consistent with the Final Disposition provisions of this Directive.

9. Only those members listed on the PCR may open sealed evidence or a Quartermaster or Evidence Records Technician with approval from the State Attorney's Office, U.S. Attorney's Office, or the Criminal Investigation Unit Sergeant or designee in furtherance of an investigation, or the sealing member.
10. Officers will not take custody of cash, travelers checks, or other negotiable instruments, from an individual unless the cash, travelers checks, or other negotiable instruments, is to be held as evidence, safekeeping, asset forfeiture investigations, or as found property. When cash, traveler's checks, or other negotiable instruments, are to be held for safekeeping, the officer must articulate and document, on an appropriate NSBPD report, a legitimate reason for confiscating the above said items. Officers shall list the quantity of each cash denomination, traveler check, etc. and total amount on the money count sheet and place a copy of the sheet in the tamper-resistant bag.
11. Officers will notify their NSBPD supervisor of all cash seizures.

27.1.2 Security of Evidence Area

1. Access to the secure areas of evidence is restricted to evidence personnel.
2. Members or other persons with a legitimate need to enter evidence (such as a supervisor, accreditation, or accreditation assessment team) must sign in and be escorted by evidence personnel.
3. Access is controlled by proximity card and a record of persons accessing the secure area is recorded and available for review and examination.
4. Access to stored vehicle areas is conducted under escort with entry documented.

E. EVIDENCE/PROPERTY SUBMISSION

27.1.3 Taking Custody of and Securing Evidence and Found Property

1. The collection, packaging and submission of all evidence will be performed in a manner that meets the standards set forth in the current FDLE Evidence Submission Manual.
2. Due care will be taken to preserve the condition and ensure the chain of custody for all potential physical evidence and property during collection, transport and storage.
3. Minimally, evidence/property prior to submission:
 - Shall be placed in to the appropriate container, plastic, paper, metal container, consistent with FDLE Evidence Submission Guidelines to prevent contamination of all evidence.
 - Shall be labeled with the case number, exhibit (pouch) number, type of offense (as applicable), description, suspect (as applicable), victim (as applicable), date & time of recovery, location of recovery, recovered by.
 - Evidence shall be properly sealed and initialed before submission.

27.1.4 Potential evidence will be:

1. Collected in a sufficient quantity to provide for laboratory testing and evidentiary review at trial; and,
2. Packaged, sealed and labeled consistent with FDLE requirements utilizing appropriate containers for liquids, sharps, firearms and bio-hazards.
3. If wet, dried in the Evidence Drying Room prior to final packaging. In the absence of the Quartermaster or Evidence Records Technician, wet evidence may be placed in the evidence processing lab until it can be accepted into evidence.
4. Perishables, such as blood samples or sexual offense evidence collection kits, must be preserved and timely delivered to the Evidence and Property Section evidence refrigerator for storage.
 - The Evidence and Property Section Refrigerators are located in the Narcotics vault, which is located behind two (2) doors that required keycard access to unlock. The location of the refrigerator is essential to maintain the security of the perishable evidence located inside.
 - The provisions for maintaining the integrity of perishable evidence in the event of a temperature change detrimental to the evidence located in the Evidence Refrigerators includes, alarms that

notify the Evidence Records Technician or Quartermaster of a change in temperature, automated building back-up generator, acquisition and use of dry ice.

27.1.5 When taking evidence/property into custody

1. Officers will:
 - Create the appropriate evidence/property entry into the records management system accompanied by an incident report, and
 - Properly seal, tag or mark the items;
 - Store in the secure storage lockers/refrigerators before the officer's tour of duty ends. A separate locker shall be utilized for each separate case.
2. The Quartermaster or Evidence Records Technician will enter all evidence/property received into the Property Tracking System (PTS). During normally scheduled work hours, evidence/property received by the Quartermaster/Evidence Records Technician will be entered into the PTS on the day of receipt. Evidence/property submissions made during weekends or on holidays will be entered into the PTS on the next work day. The PTS will be utilized to record:
 - Description of the evidence/property;
 - The date, time and method of transfer;
 - Receiving person's name and responsibility;
 - The reason for the transfer;
 - The name and location of where the evidence/property was transferred, synopsis of the event, and examination desired;
 - If other than a transfer person to person or into a receptacle, the method of transfer
 - Date and time of all transfers;
 - Current location of property;
 - Name and signature of person receiving evidence/property.
3. The Quartermaster or Evidence Records Technician will secure all evidence/property, firearms, drugs, valuables and money and/or negotiable instruments in the appropriate vaults.
4. Self-sealing, clear plastic, numbered tamper-resistant bags will be utilized whenever the size and nature of the item permits, for the packaging of all cash, drugs/suspected drugs, evidentiary items, and valuables (e.g. jewelry).

THE EVIDENCE AND PROPERTY SECTION WILL NOT ACCEPT CASH, DRUGS OR SUSPECTED DRUGS UNLESS SEALED IN A SELFSEALING, CLEAR PLASTIC, NUMBERED, TAMPER-RESISTANT BAG.

5. Any evidence or property taken into custody and/or transported which may contain body fluids will be properly packaged, secured and labeled with the appropriate biohazard label.
6. Evidence will be marked for future identification. Whenever possible, marking will be done so as not to:
 - Damage the evidence or property.
 - Impair its processing by technicians.
 - Allow the mark to be accidentally or readily removed.

Note: If marking would have a negative effect on the evidence, the evidence will be secured in a marked and sealed envelope or container.

27.1.6 Found property need not be marked for identification, except when found under suspicious circumstances.

27.1.7 All evidence/property will be kept in the Evidence and Property Section; however, evidence that needs

to be processed and wet evidence that needs to be dried may be secured in the Evidence Processing Lab. Such evidence must first be checked into the Evidence and Property Section as soon as is practical, and then signed out for transfer to the Evidence Processing Lab to preserve the chain of custody.

27.1.8 Evidentiary Drugs/Suspected Controlled Substance

1. Suspected evidentiary drugs will be field-tested using the NSBPD's approved narcotic identification methods. Officers will indicate the results of the field test in the description area of the item on the property custody report.
2. The officers will count drugs in tablet or capsule form, such as pills, unless they are in a manufacturer's sealed container. Members will indicate the amount in the quantity column of the item on the PCR.
3. All drugs or suspected drugs will be placed separate from all other evidence, in self-sealing, clear plastic, numbered, tamper-resistant bags in accordance with the current FDLE Crime Laboratory Submission Manual. The officers will note the quantity or weight of suspected drugs on the PCR as appropriate. The officers will record the serial number of the tamper-resistant bag on the PCR.
4. Officers will complete the evidence label on the tamper-resistant bag, seal again with evidence tape, and place their initials across the seal.

27.1.9 Drugs/Suspected Drugs at Death Scenes, the following procedures will be followed by officers at death scenes.

1. Suspicious, criminal, or those cases being investigated by the Medical Examiner's Office; The investigating officer will be responsible for seizing all prescribed (or suspected) medications, illicit drugs (or suspected), and/or controlled medications (or suspected) at the scene.
2. Officers shall fully describe and record complete descriptions of the pills, tablets, capsules that are contained within prescription containers. Loose pills and/or tablets shall be collected and packaged separately. The description will include the color, shape, identifying symbols (if present) as well as any medication name and dosage that may be recorded on the container. Example: "Pill bottle identified as containing 10mg OxyContin pills/tablets. The bottle contains 13 white, round pills/tablets bearing the number 1338. All medications as described above will be seized and inventoried in the manner for submission to evidence."
3. Prescribed or illicit liquids, such as morphine, shall be fully described with a notation as to the approximate amount of liquid remaining (half, three quarters full, etc.) labeled and packaged for submission to evidence.
4. If the death is not suspicious and the decedent's physician agrees to sign the death certificate, medications will be listed in the incident report; however it will not be seized.

27.1.10 Quantity Control and Container Inspection

1. Evidence custodians will inspect submitted drug item packages for tears, leaks, and/or tampering. During inventories, inspections, and examinations; the evidence bag will be examined to ensure the packaging and seals have not been tampered with or otherwise compromised. Any bag found in questionable condition during inspections will be documented and reported to the Administrative Services Manager.
2. Quartermaster or Evidence Records Technician will utilize the PTS (Property Tracking System) to record the transfer of property.

27.1.11 Cash, money orders, and negotiable instruments

1. All cash (including counterfeit, money orders, and negotiable instruments) will be separated from all other property/evidence in a self-sealing, clear plastic, numbered, tamper-resistant bag, with the number of the tamper-resistant bag indicated on the PCR.
2. The submitting officers shall count all money (US, circulated or uncirculated, paper or coins) by individual denominations, (e.g., number of pennies (\$.01), nickels (\$.05), dimes (\$.10), one-dollar bills (\$1), five-dollar bills (\$5), ten-dollar bills (\$10), etc.). Each denomination amount shall be recorded on the packaging and the total monetary amount shall be annotated on the package and recorded on the Money Count Sheet (MCS) which shall be scanned in with the incident report. The MCS shall be placed inside the evidence bag containing the money.

3. Officers shall document the money count by utilizing their Body Worn Camera (BWC).
4. When an officer seizes cash:
 - The officer will attempt to obtain a cash amount estimate from the owner/alleged owner; and
 - Conduct a cash count in the presence of the owner/alleged owner and a witnessing member; and
 - Ensure that the transaction is captured on the BWC.
 - When conditions are such that a cash count cannot be conducted at the scene, the cash will be sealed in a self-sealing, clear plastic, numbered, tamper-resistant bag in the presence of the owner/alleged owner.

Note: Conditions that may not warrant a cash count at the scene may include, but are not limited to, large amount of cash, poor condition of the cash, weather or environmental conditions and officer safety. Officers will document on the appropriate form the reason(s) why the count could not be conducted at the scene.

5. The cash and owner/alleged owner will then be transported in the same vehicle to the Processing Area or Interview Room, where the officer will remove the cash from the sealed tamper resistant bag in the presence of another officer and the owner/alleged owner. Officers will document incidents in which the owner/alleged owner(s), who are not under arrest, refuse to accompany the officer to the police department.
6. The cash will then be sealed and delivered to the Evidence and Property Section as outlined in this directive. The officer will record the serial number of the tamper-resistant bag on the PCR.

27.1.12 All property, other than evidence, removed from any towed vehicle will be handled as found property and will be secured for safekeeping as outlined in [Directive 18-13](#).

F. SEX OFFENSE EVIDENCE

27.1.13 A sex offense evidence kit or other DNA evidence shall be submitted to a statewide criminal analysis laboratory as defined in [FSS 943.32](#) and as required by [FSS 943.326](#).

27.1.14 Such evidence that is held by the police department shall be stored in a secure, environmentally safe manner until the prosecuting agency has approved its destruction.

G. DIGITAL EVIDENCE

27.1.15 Digital Computer Equipment Seizure Guidelines

1. When criminals employ digital computer technology as a means of communication, a tool for theft or extortion, a repository to hide incriminating evidence or contraband, members must take careful measures in searching and seizing such devices.
2. Officers, who are unskilled in computer technology and have not been adequately trained, will not attempt to analyze or search any computer file for potential evidence. The improper search of a computer file may result in altering, tampering or destroying evidence.
3. While collecting potential evidence, officers need to identify which item(s) possess evidentiary values for seizure. These item(s) of interest may include, but are not limited to:
 - Mainframe computers;
 - Personal computers, laptops or tablets;
 - Pocket sized personal data assistant devices;
 - Tape, floppy or CD diskettes, USB drives, memory cards;
 - Electronic images, audio bits/or text;
 - Printers and printing material; and/or,
 - Cellular telephones, wireless devices (iPods’).
 - Electronic Gaming Devices (Xbox, PlayStation, etc.).
 - Router devices (wired and wireless).

4. Prior to collecting any computer devices as evidence in those cases where data residing on computer systems, recording devices, and media are being sought as evidence in an investigation, members will:
 - Secure the scene;
 - Notify the Investigation Division Supervisor;
 - Preserve the area for fingerprints;
 - Restrict access to the computer; and
 - Isolate the computer from phone lines or other network connections.

5. If the computer is “OFF”, DO NOT turn it “ON” and follow procedure below.
 - If the computer is “ON”, DO NOT turn it “OFF” and if possible, consult with the Criminal Investigation Unit Supervisor who will consult with a computer forensic examiner before proceeding.
 - If a computer forensic examiner is unavailable, members will:
 - Photograph the screen if it displays any significant data.
 - Disconnect the power by unplugging the power cord from the back of the computer itself, then from any other power supply.
 - Place evidence tape over each drive slot.
 - Photograph and label the back of the computer components with existing connections.
 - Label all connectors and cable ends to allow for reassembly as needed.

 - When transporting, package components and transport/store components as fragile cargo.
 - Keep away from magnets, radio transmitters or otherwise hostile environments.

6. Computers seized in an investigation by officers as evidence of fruits of crimes, e.g., burglary, retail theft, will not normally require computer forensic examinations and will follow standard procedures in field evidence collections.

H. DEPARTMENT EVIDENCE PHOTOS

27.1.16 Department Evidence Photos

1. Photographs at scenes of crimes, accidents or unusual incidents will only be taken utilizing Department issued cameras and storage medium memory cards.
 - EXEMPTIONS - Digital evidence collected utilizing a non-department issued device such as a cell phone shall be taken using the applicable Axon mobile application and uploaded into EVIDENCE.COM for secure storage. Department personnel are not allowed to store digital evidence within their own personnel cell phone.

2. Department cameras may be used to photograph:
 - Property damage accidents involving City-owned or contracted vehicles and/or property, (i.e., street sign, fire hydrant).
 - Police vehicle accidents when another investigating agency cannot respond within a reasonable time period or when damage is minor, or there is need to show the lack of damage to vehicles or property,
 - Miscellaneous accidents which occur on City-owned property (i.e., sidewalks, playgrounds, etc.),
 - Location and scene of search warrant execution.
 - In any other situation not specifically prohibited by law or current directives.
 - Any photographs taken will be recorded on the Evidence & Photo Report.

3. In order to maintain the integrity of images captured by the use of a digital camera, members will ensure

that:

- Images taken are captured at the same resolution level.
 - Images taken remain on the storage medium until the images are processed.
 - Under no circumstances will an image be deleted, altered or enhanced in any way after it is uploaded into Evidence.com. In the event that an image is unacceptable due to lighting, out of focus or other issues, the image will remain on the storage medium and another image captured.
 - Captured images are processed as soon as possible.
 - Captured images are not downloaded or copied before processing on the Department's digital medium duplicator.
4. During evidence processing officers will:
- Download and save the images from the storage medium in their original format and burn the images onto a non-rewritable storage medium, (generally a CD-R).
 - Create a working copy of the evidence by copying from the newly created medium to a second non-rewritable storage medium.
 - After the images are downloaded and burned, erase the camera storage medium before reusing.
5. The non-rewritable storage medium will:
- Be labeled with name / signature and ID # of the person creating it, as well as the case number, date and location relative to where the images were taken.
 - Become the permanent original image archive and part of the respective case file, which will be maintained by the Evidence and Property Section.
 - The original non-rewritable storage medium will be placed in the appropriate package sealed and labeled and submitted as evidence pursuant to this Directive.
 - The working copy will be label with the case number, date, officer's signature and ID number. The words "Working Copy" shall also be written on the medium.
 - The Working Copy, separately packaged, shall be submitted with the original medium for filing in the Evidence and Property Section.
6. Enhancements to the images, such as color balance, brightness, contract, etc., will be made on a "working copy" of the original image. Any "working copy" will be clearly identified as such and burned to a second non-rewritable storage medium.
7. Any secondary non-rewritable storage medium will also become a permanent part of the case file. In the event an image is enhanced, the employee must document on a Supplemental Report what program and procedures were used to enhance the image.
8. Officers shall receive appropriate training in the use of cameras (still or video). Training shall include the proper transfer of digital images to the evidence section. Training shall be documented.

All digital evidence, including but not limited to cameras, video recorders, computer equipment and digital storage devices, shall be collected, processed and labeled in a manner to preserve its evidentiary value and ensure its authenticity.

I. SECURING EVIDENCE / PROPERTY

27.1.17 Securing Evidence and Property

1. The Evidence and Property Section locker/storage room will be used for all general evidence/property storage during non-business hours of the Evidence and Property Section. When utilizing the locker/storage room, officers will:
 - Follow the counting and sealing procedures outlined above for drugs and cash.
 - Utilize the Evidence and Property Section refrigerated storage locker for the storage of perishable

items to include blood samples and Sexual Assault Kits.

- After an officer places a perishable item in the refrigerated storage locker, the officer must lock the locker so that the evidence is secure and the chain of custody is maintained.
 - Provisions for maintaining the integrity of perishable evidence in the event of temperature change detrimental to the evidence located in the refrigerated storage locker includes, alarms that notify the Evidence Records Technician or Quartermaster of a change in temperature and automated building back-up generator.
- Unload all firearms and affix gun ties to render them safe. Secure ALL firearm/weapons (unloaded and safe) in the proper firearms container.
 - Secure property in the storage lockers. Long guns will be secured in the large upright lockers. Large bulk items will be left stored in the secure evidence processing lab. Items left in the lab will require an identification label (located in the property packaging room) affixed to each item indicating the case # and item #.
2. Under extenuating circumstances (such as critical evidence, unavailable gun lockers, large cash lots not suitable for storage in the Evidence and Property Section lockers, or large property lots not suitable for storage in the property storage room), the supervisor will notify the Commanding Officer on-call who may authorize the callback to duty of the Quartermaster or Evidence Records Technician to take custody of the property.
 3. At the start of each business day, the Quartermaster or Evidence Records Technician will remove all items from the property storage room and lockers and enter all property into the PTS.
 4. The Quartermaster or Evidence Records Technician will advise the Administrative Services Manager of any problems associated with the daily log-in process of property.

J. TEMPORARY RELEASE

27.1.18 Temporary Release of Evidence

1. Evidence and Property Section personnel will utilize the PTS (Property Tracking System) to record the transfer of property.
2. Items may be temporarily released from the Evidence and Property Section for court purposes, victim/witness viewing, evidence processing, or Lab analysis. Final release of property will be done only by the Quartermaster or Evidence Records Technician. Items will be released only to the employee(s) listed on the PCR with the following exceptions:
 - Investigative Supervisor or designee may sign out any property or evidence, except drugs, for identification, processing, or drying purposes only.
 - The Chief of Police may authorize the Investigative Supervisor to sign out evidence for investigations, analysis, and/or intelligence gathering as may be required.
 - The Chief of Police may authorize a member of the Professional Standards Section to sign out any property for the purpose of conducting examinations and/or investigations.
 - Traffic Homicide Investigation personnel may sign out physical evidence, except drugs and cash, specific to their investigations.
 - A supervisor or assigned detective may sign out property if the original officer(s) are not available.
3. When evidence is signed out of the Evidence and Property Section, the officer must sign for it on the Property Transfer Receipt, and the Quartermaster or Evidence Records Technician releasing the evidence will place their own signature and ID# on the line provided on the Property Transfer Receipt. The receipt shall be recorded and made a part of the tracking record. (Quartermaster/Evidence Records Technician ID Number is automatically recorded if the transfer is completed electronically).
4. All evidence signed out of the Evidence and Property Section will be inspected to ensure integrity. If the evidence has been tampered with, the Administrative Services Manager and the Chief of Police will be notified through the chain of command and an investigation commenced.

5. When cash is to be removed from the Evidence and Property Section, the removing officer must be accompanied by an on-duty supervisor from the officer's assigned Division.
6. When evidence is checked out of the Evidence and Property Section and the seal on the evidence envelope must be broken, the officer will secure the evidence and the old envelope, including the broken seal, inside a new secure envelope before turning the property back into the Evidence and Property Section. If the property involved is either drugs or cash, officers will follow the sealing procedures outlined in this Directive.

K. PROPERTY SUBMITTED FOR ANALYSIS

27.1.19 Sufficient samples of all items submitted to any crime lab shall be obtained. When collecting samples, officers shall follow the guidelines of their training, policies and the instructions on any evidence gathering equipment used during evidence collection.

27.1.20 When items require laboratory analyses as requested by the officer, the officer shall complete an FDLE Work Order that is submitted with the evidence. The Quartermaster or Evidence Records Technician shall complete an FDLE Prelog Request for Case Form online, which will be submitted with the work order to the FDLE laboratory for the requested analysis.

27.1.21 The Quartermaster or Evidence Records Technician shall deliver the evidence, in person to the FDLE laboratory. Any other transfer method must be approved by the Chief of Police or Command Staff. The member transporting the evidence and the FDLE Crime Laboratory Technician receiving the evidence at the laboratory shall complete the chain of custody portion of the FDLE Case Tracking Form indicating the following:

1. Date and time of any transfer of custody;
2. Receiving's person name and responsibility;
3. Reason for Transfer;
4. If other than a transfer person to person or into a receptacle, the method of transfer;
5. Name and location of the laboratory and examinations desired; and
6. Date and time of receipt in the laboratory.

L. FINAL DISPOSITION OR RELEASE OF EVIDENCE/PROPERTY

27.1.22 Final Disposition or Release of Evidence/Property

1. Evidence may be disposed of in the manner set forth below only after receipt of a written release from the States Attorney or US Attorney that indicates the evidence is no longer required for prosecution or appeal.
2. The Quartermaster or Evidence Records Technician will make reasonable efforts to identify, locate and contact the owner/custodian of property/evidence within their possession by reviewing any reports related to the incident and other research as deemed appropriate. Property returned/released to owners shall be properly receipted.
3. Property slated for destruction will be marked accordingly and held for 90 days to provide appropriate time for owner contact and redemption.
4. The Quartermaster or Evidence Record Technician will not return seized drugs, medicine, firearms or ammunition (except under conditions set forth by Directive 15-5, Risk Protection Order Act, subsection **15.5.17**) to any individual. All such items will be destroyed in accordance with the provisions of this Directive.
5. Claimants seeking the return of a firearm will be referred to the department's evidence section. In the absence of evidence personnel the claimant may be referred to the crime analyst who will initiate a background check which will be forwarded to the evidence section to expedite the return of the requested firearm(s).
 - Claimant must complete a Firearm Reclaim Transaction Form and present acceptable identification which will be recorded and used to propagate the required fields in the FES data-screen (Directive 27-3 Firearms Eligibility System (FES)). The FES application is a menu driven system. Users follow the prompts to enter the required information to conduct a background check.

- Claimant must submit proper documentation or sufficient evidence that the firearm(s) are owned by them or that they are acting as an agent on behalf of the person seeking return of the firearm(s). Acceptable forms include:
 - Sales receipt;
 - Photo of the serial number or other identifier;
 - Owner record of serial number or other identifier.
 - If the claimant is a resident of another state the member must ensure that the return of the firearm is allowed by the claimant's state of residence. ATF provides a reference guide of State Laws and Published Ordinances which is available through the internet. The most current listing may be found at <https://www.atf.gov/file/58536/download>.
6. Any release/disposition of evidentiary or non-evidentiary property shall be properly documented by evidence personnel.

27.1.23 Destruction/Disposal of Evidence/Property

1. When necessary and appropriate, the Quartermaster or Evidence Records Technician will destroy evidence and property in the manner that best assures the total destruction of the item without endangering members or the community.
2. The Quartermaster or Evidence Records Technician is responsible for obtaining Court authorization for destruction of firearms and drugs.
3. General property of value will be transferred to the control of city for sale and ultimate disposal.
 - The transfer and authorization to dispose of said property will be properly documented.
4. General property of no value or deemed inappropriate for outside disposal will be destroyed as set forth in this Directive.
5. Firearms, drugs and valuable property that is being destroyed will be marked for destruction, placed in the proper location, and listed on a court order pending a destruction date.
6. The Chief of Police will assign an officer not connected to the daily operation of the Evidence and Property Section to assist in the destruction process.
 - The Quartermaster or Evidence Records Technician and the designee will jointly review the destruction inventory, comparing same to the Court order, if appropriate; and
 - Inspect the packaging of the property/evidence items to ensure that the package has not been tampered with, and it contains the items listed on the inventory.
 - The packages may then be placed inside a tamper resistant container, which will be sealed with evidence tape.
 - The Quartermaster or Evidence Records Technician and the designee will sign the seals.
7. The Quartermaster or Evidence Records Technician and the designee will:
 - Continuously monitor the containers during transport to the facility of destruction and during the destruction process; and
 - Review and verify the integrity of the container seal(s) prior to transport and destruction; and
 - Arrange for appropriate security of the transport.
8. Upon completion of destruction, the designee will complete a report that details the process, both the designee and Quartermaster or Evidence Records Technician shall sign the report and submit to the Chief of Police via the chain of command.
9. The Quartermaster or Evidence Records Technician will complete the return of the Order with the Court. Filing the original, signed by the Judge, with the Office of the Clerk of Courts.

27.1.24 Purging by lawful methods

1. Purging by lawful methods of evidence, safekeeping, and found property, should always accompany documentation of the reason it is being disposed of.
2. The documentation could include:
 - Court Orders
 - Authorization for destruction by officer/detective
 - Court Disposition
 - Notification to Owners

M. EXAMINATIONS / INSPECTIONS & INVENTORIES

27.1.25 Annual Examination/Unannounced Inspection/Annual Inventory

1. An annual examination of the evidence/property function shall be conducted by a member designated by the Chief of Police. The purpose of the examination is to ensure compliance with established controls, policies and operational procedures of the evidence/property control function. The examination shall be conducted by the Accreditation Manager. A report of the completed examination shall be submitted to the Chief of Police in memorandum form.
2. As directed by the Chief of Police, an unannounced inspection of the evidence/property storage areas shall be conducted. The purpose of the inspection is to insure evidence storage areas are organized and orderly. The inspection shall be conducted by the Accreditation Manager. Minimally, such inspection will occur once every three years. A report of the completed inspection shall be submitted to the Chief of Police in memorandum form.
3. An annual inventory of evidence/property shall be conducted by the Quartermaster/Evidence Records Technician and a designee of the Chief of Police, the results of which will be reported to the Chief of Police via the chain of command. The designee will be a person not routinely or directly connected with the control of evidence.
 - 100% of weapons, drugs, jewelry, currency, traveler's checks and negotiable instruments held as evidence shall be inventoried. Additionally, a minimum of 40% of general evidence shall be inventoried.
 - Minimally, 40% of property held by the agency shall be inventoried.
4. Whenever a new property custodian is designated, the newly designated property custodian and the outgoing custodian or a designee by the Chief of Police will conduct an inventory jointly.
5. The Chief of Police may order an examination, unannounced inspection, and/or inventory at any time.

27.1.26 Property examinations, inventories, and inspections may be conducted concurrently with evidence functions, but **must** be documented as separate functions.

N. LOST, MISSING OR STOLEN EVIDENCE/PROPERTY

27.1.27 The following procedures will apply to any lost, missing, or stolen evidence/property from the evidence section including temporary storage areas.

1. Lost, missing, or stolen evidence/property shall be reported immediately to the Administrative Services Manager.
2. The Administrative Services Manager shall order an immediate search for any evidence/property that cannot be accounted for as reported by a member of evidence, officer, or resultant of any inspection, examination, or inventory. The Administrative Services Manager may assign any member to assist in the search for the property.
3. The Administrative Services Manager shall report the event to the office of the Chief immediately.

4. If items are stolen from the impound yard due to outside intrusion, the theft will be reported to a uniform patrol officer for investigation and/or referral to the Criminal Investigations Unit.
5. If the evidence/property is located a complete report documented in a memorandum shall be prepared and shall minimally contain;
 - Reason the evidence/property could not be immediately located (clerical error, storage location misidentified, etc.).
 - Corrective action taken/recommended to minimize future occurrences.
 - As appropriate, recommend disciplinary action.
6. If the property is not located FDLE shall be contacted to conduct the investigation.
 - The Chief of Police shall determine the duty status of members assigned to the evidence/property section.

Revised: BSS 05/23

**Approved: Signature on File
Chief Eric Feldman**