

	<h1>Garner Police Department</h1> <h2>Written Directive</h2>	
	Chapter: 500 - Evidence Control/Records	
	Directive: 510.01 - Evidence and Property	
Authorized by: Chief Brandon Zuidema		Effective Date: April 1, 2016
CALEA Standards: 83.3.2, 84.1.1, 84.1.2, 84.1.3, 84.1.4, 84.1.5, 84.1.6, 84.1.7. (5 th Edition)		Last Revision: January 1, 2013

510.1.1 - Purpose

The purpose of this directive is to establish procedures for the security, handling, submission, and regulation of evidentiary, found and recovered property and the maintenance of the chain-of-custody when appropriate and necessary.

510.1.2 - Policy

It is the policy of the Garner Police Department to maintain evidentiary, found and recovered property in accordance with federal, state and local statutes and court decisions relating to such properties. It is also the policy of this Department to return such property to its rightful owner(s) in a timely manner.

The Property Control System will be utilized to store all evidentiary, found and recovered property in a manner that protects the property from alteration, damage, deterioration, loss and/or theft.

510.1.3 - Definitions

- A. **Audit** – A review of the Property Control System where the assigned auditor examines a sampling of evidentiary and other property to verify that all procedures outlined in this directive are being adhered to. The purpose of the audit is to ensure the ongoing integrity of the Property Control System.
- B. **Confiscated Property** – Any item of property seized by or voluntarily surrendered to an officer that does not meet the criteria for contraband, evidence or found property.
- C. **Contraband** – Any item of property which is illegal for a citizen to possess but is not being held as evidence.
- D. **Evidentiary Property** – Any item of property seized by an officer that is directly related to a case under investigation. The seizure of this property is intended for use in the identification of suspects and/or in court presentations in that case.
- E. **Found Property** – Any lawful item of property, the control of which is assumed by the Department for the purpose of safekeeping and/or return to the rightful owner. This includes property found by citizens and surrendered to the Department. Items which have no value and appear worthless to a reasonable person are not considered found property under this directive.
- F. **Inspection** – A review of the Secure Property Storage Areas with the purpose of determining whether the storage areas are clean and orderly, the integrity of evidence is being maintained in accordance with the requirements herein, and that general guidelines are being adhered to.
- G. **Inventory** – a complete review of every item of property in the Property Control System to ensure that all items are accounted for.

- H. Property – for the purposes of this directive, any item defined as found or recovered property that is taken into custody by Department personnel.
- I. Property Control Officer – the Department employee designated by the Chief as the primary employee responsible for the Property Control System. (Note – any reference to the Property Control Officer in this directive is inclusive of any designated alternates unless otherwise noted).
- J. Property Control System – the Department’s system for receiving, maintaining and ultimately disposing of evidence and property taken into custody by Department employees in the performance of their duties.
- K. Recovered Property – property that meets the definition of confiscated property, contraband, property held for safekeeping and/or seized property that is taken into the custody of the Department for a non-evidentiary reason.

510.1.4 - Property Control System (84.1.1; 84.1.2)

- A. The function of the Property Control System is to serve as a secure repository and control center for all evidence and property taken into the custody of Departmental personnel. All evidence and property taken into custody will be submitted to the Property Control System, with the exception of property that is submitted directly for analysis or returned to the owner or owner’s representative.
- B. The Chief will assign Department personnel to serve as the Property Control Officer and up to two alternates.
 - 1. The assigned personnel are responsible for the Department’s Property Control System.
 - 2. Any personnel assigned as the primary or alternate Property Control Officer will be required to attend training approved by the Chief.
- C. The Property Control Officer and alternates will control access to secure property storage areas to prevent alteration, damage, deterioration, loss, theft or other compromise of evidence and property stored by the agency, and to maintain the chain of custody. Access to the property room is controlled by the building’s access control system and limited access as defined in this directive.
 - 1. The Property Control Officer and alternates are the only personnel authorized to enter the secure property storage areas unescorted.
 - 2. All other personnel are prohibited from these areas unless escorted by authorized personnel.
 - a. Access by others will be limited to inventories, audits, inspections, and/or other maintenance.
 - b. Any other personnel allowed access will be required to sign in to the access log prior to entering.
- D. All evidence and property submitted to the Property Control System must be properly tagged, labeled or otherwise packaged, and be accompanied by a *Garner Police Department Evidence and Property Voucher* (GPD Form 510.1-A) (hereafter referred to as an *Evidence Voucher*).
 - 1. All evidence and property is controlled by the case number assigned to that incident.
 - 2. Guidelines and requirements for proper packaging are outlined in the Department’s *Guidelines for Collection and Submission of Evidence Manual*.
 - 3. The officer submitting the evidence and/or property has the responsibility of ascertaining whether it should be in police custody, determining the correct property classification and completing all

required paperwork. A written report detailing the circumstances by which the evidence and/or property came into the agency's possession and a description of each item of evidence and/or property must be completed.

- E. All evidence and property taken into custody by Department personnel shall be submitted to the Property Control System as soon as possible after it is seized (unless it is returned to the owner or submitted directly for analysis in accordance with guidelines set forth in this directive).
 - 1. Under no circumstances will evidence or property be submitted later than the end of the officer's tour of duty when it came into his/her possession. If an officer is physically unable to submit impounded evidence or property, the officer's supervisor will be responsible for submitting it prior to the end of his/her tour of duty.
 - 2. When the Property Control Officer is unavailable, evidence and property will be placed in temporary storage as outlined in 510.1.7 below.
- F. The officer submitting evidence and property will also assist in the disposition of the evidence and property by attempting to identify and locate the rightful owner, by obtaining a release from the court if applicable, or by approving disposition under his/her own authority.

510.1.5 - Property Control System Records Management (84.1.5)

- A. When property is recovered, is determined to have no evidentiary value and is released to the owner prior to entry into the Property Control System, the following guidelines will be followed:
 - 1. The officer will complete a *Department Property Release* (GPD form 510.1-B) receipt, including a description of the returned property and to whom it was released.
 - 2. The officer will obtain the signature of the receiving person on the "Release Information" section of the receipt.
 - 3. The signed original receipt will be forwarded to the assigned investigator, or if not reassigned to another officer, will be kept in the original officer's case file. Property released absent an original criminal case file should be submitted to records for retention.
- B. All evidence and property impounded or otherwise taken into custody by the Department and entered into the Property Control System will be documented on an *Evidence Voucher*. The *Evidence Voucher* will be completed by the submitting officer using the following guidelines:
 - 1. All transfers of evidence and property prior to submission to the Property Control System must be documented for chain of custody using a paper Evidence Voucher.
 - 2. Complete an electronic Evidence Voucher in accordance with the procedures listed in the Department's *Guidelines for Collection and Submission of Evidence Manual*. (If the records management system is offline, complete a paper Evidence Voucher.)
 - 3. Provide sufficient information for identification purposes; indicate the condition of each item and a description to include, if applicable, the manufacturer, model, serial number and color or finish;
 - 4. The officer seizing the item, storing the item, and the officer submitting the voucher must be properly identified on the electronic or paper Evidence Voucher.
 - 5. Once complete, the electronic voucher must be printed, signed by the submitting officer, and submitted with the associated evidence or property in the temporary storage locker.

- C. The Property Control Officer will maintain a record keeping system (both hardcopy & electronic files) which reflects the status of all evidence and property held by the Department, to include:
1. The current location of each item;
 2. The date the item was received;
 3. The date the item was released or otherwise disposed of (when applicable);
 4. The chain of custody for each item; and
 5. The date and results of all inspections, inventories, or audits.

510.1.6 – Evidence and Property Packaging and Submission Guidelines (84.1.1)

- A. Evidence and Property submitted to the Property Control System will be packaged in accordance with the following general guidelines (note: controlled substances, currency, and firearms have special packaging and submission guidelines which are outlined in the Department's *Guidelines for Collection and Submission of Evidence Manual*):
1. Prior to submission to the Property Control System, inspect all bags, boxes, or other containers to ensure all property in those containers is properly itemized. Perishable items shall not be submitted into the Property Control System.
 2. Items of evidence and property should be submitted in as few packages as practical. The size of the package should be consistent with the type and size of the item(s) submitted:
 - a. All packages will be sealed with the case number listed on the outside surface of the package,
 - b. Open containers of liquid will be sealed completely,
 - c. Contraband should not be packaged with a victim's property, and
 - d. Indicate the category the item(s) falls under (i.e. evidentiary, found or recovered).
 3. Label and tag all property items and include the case number:
 - a. Evidence or property that cannot be marked directly for identification should be placed in a sealed container and the container marked. Items should be placed in separate containers when the possibility of contamination exists.
 - b. Containers and tags should be completed fully and the container sealed or tag attached to the item.
 4. Provide sufficient special instructions when necessary for the Property Control Officer to process the item(s) appropriately.
 5. Place the original *Evidence Voucher* with the evidence or property when submitting it.
 6. Evidence and property is to be submitted to the Property Control System by securing it in appropriate temporary property storage. Evidence and property is not to be left unsecured / unattended awaiting the return of the Property Control Officer.

7. If property is not to be used as evidence and is to be returned to the lawful owner, the impounding officer will note this information on the *Evidence Voucher*. The officer should authorize the release and notification of the lawful owner to pick up the property.

510.1.7 – Temporary Evidence and Property Storage (84.1.2; 84.1.3)

- A. The Department maintains temporary evidence and property storage to allow officers to submit impounded evidence and property in a timely manner while still maintaining the chain-of-custody.
- B. Secure temporary storage lockers are located in the Police Department. These lockers are to be used for the temporary storage of evidence and property prior to the Property Control Officer taking custody.
 1. Officers are to follow the guidelines set forth in the Department's *Guidelines for Collection and Submission of Evidence Manual* when submitting evidence and/or property to temporary storage.
 2. Only the Property Control Officer can unlock any of the temporary storage lockers once they are secured.
- C. Evidence and property that is too large to be placed in a locker shall be placed in the department's oversize evidence storage area.
 1. Officers are to follow the guidelines set forth in the Department's *Guidelines for Collection and Submission of Evidence Manual* when submitting evidence and/or property to the secure holding area.
 2. Only the Property Control Officer has access to the secure oversize storage area once it has been used for temporary storage.
- D. Vehicles that are impounded are to be taken to the Town Shop and secured there; a copy of the *Evidence Voucher* is to be left on the dash of the vehicle where it can be seen and read from outside the vehicle. Keys to the vehicle (if in the officer's possession) and the original *Evidence Voucher* are to be left in an evidence locker at the Police Department or in a location designated by the Property Control Officer.
- E. Additional guidelines for property submission:
 1. When extenuating circumstances exist such as bulk items, large quantities or critical evidence the supervisor in charge at the time may decide that the Property Control Officer should be recalled to duty to take immediate custody of the property.
 2. In the event flammable, explosive, or other volatile material is recovered, the Property Control Officer will be notified to take possession of and properly store such materials. Items matching this description will not be placed in temporary storage without the permission of the Property Control Officer.
 3. Department personnel are prohibited from recapping or extracting the contents of needle syringes. All recovered/confiscated hypodermic syringes, commercially manufactured or homemade, will be placed in a sharps container. (Caution should be exercised to prevent injury from the needle or contact with syringe contents).
 4. All evidence and property must be submitted directly to the Property Control Officer or secured in a locked container (temporary storage locker, holding area or secure refrigerator) by the submitting officer. If the available temporary containers are all full, the Property Control Officer must be contacted to secure the evidence.

- F. Under no circumstances will an officer destroy, fail to secure or hold evidence or property in his/her personal possession in violation of this directive.

510.1.8 - General Property Storage Requirements (84.1.2)

- A. All property will be stored in a manner to protect it from alteration, damage, deterioration, loss or theft.

Controlled substances, firearms, money, gemstones and precious metals are to be stored in designated rooms within the evidence control system that remain locked/secured at all times. Access to these rooms is controlled and monitored by the department's access control system to prevent unauthorized access

- B. .
- C. All evidence and property storage areas are to remain locked with the access control system activated when not in use. At no time will a Property Control System storage area be left unsecured and unattended.

510.1.9 - Refrigeration of Evidence and Property (84.1.2)

- A. All evidence requiring refrigeration will be packaged in accordance with the requirements outlined in the Department's *Guidelines for Collection and Submission of Evidence Manual*. A refrigerator is supplied in the temporary storage locker area for submission of refrigerated evidence or property.

510.1.10 - Submitting Evidence to a Crime Laboratory (83.3.2)

- A. It is the responsibility of the submitting officer to properly package and document all evidence to be submitted to the State Bureau of Investigation (S.B.I.) Crime Laboratory or the City County Bureau of Investigation (C.C.B.I.) Crime Laboratory.
- B. Evidence submitted to a crime laboratory shall be accompanied by the following:
 - 1. A Department *Evidence Voucher* completed by the officer submitting the evidence, and
 - 2. The appropriate laboratory examination request form completed by the officer requesting the examination.
- C. When submitting evidence to a laboratory for analysis, officers will package all items separately from any other evidence or property, including firearms.
- D. Evidence submitted to a laboratory must be packaged in accordance with their current protocol. The NC SBI Evidence Guide is available online from <http://www.ncdoj.gov/crime-lab.aspx>.
- E. When all requirements above have been met, it shall be the responsibility of the Property Control Officer to transport and submit evidence to the crime laboratory unless the case investigator or submitting officer requests to do the submission.

510.1.11 - Property Release and Disposition (84.1.4; 84.1.7)

- A. Once an item is entered into the Property Control System, the Property Control Officer must have authorization from the impounding officer, the assigned investigator, or another authorized person before releasing any evidence or recovered property.
 - 1. Any controlled substance which was found or where the owner is unknown shall require a disposition order from a judge for destruction (provided no charges were made).
 - 2. All seized firearms require a disposition order from a judge before being disposed.

- a. Firearms will not be released to persons who have a felony conviction, a misdemeanor domestic assault conviction or who currently have a Domestic Violence Protective Order or a domestic violence charge pending against them.
 - b. The Property Control Officer is responsible for ensuring that a Criminal Records Check is completed on any individual seeking the release of a firearm to ensure the person does not fall into the criteria listed above.
 3. Money (currency and/or coin) seized as evidence may be turned over to state or federal agencies who either assume jurisdiction for the criminal investigation and prosecution or who provide a court order or other legal document authorizing the transfer of the money into their custody.
- B. Officers are authorized to assume temporary custody of evidence from the Property Control System for court appearances.
1. The officer assuming custody is responsible for maintaining the chain-of-custody while in his or her possession.
 2. The officer will immediately return the evidence to the Property Control System following the conclusion of court. Under no circumstances will an officer maintain temporary custody of evidence beyond the day they assume temporary custody.
 3. If the courts retain any evidence, a *Department Property Release* shall be completed, signed, and returned to the Property Control Officer.
- C. When feasible, officers should consult with the District Attorney's Office to determine if evidence may be photographed and returned to the owner without jeopardizing the prosecutorial process.
- D. The Department maintains controlled substances and/or weapons that have been turned over via court order for use as training aids. This property can be signed out by officers for training so long as the following guidelines are adhered to:
1. The officer signing out the property is accountable for the property being returned to the Property Control System in the same condition it was received.
 - a. Any such property will be signed out and back in through the Property Control System Records Management System.
 - b. If the condition of the property changes prior to its return to the Property Control System, the officer shall complete a memorandum to the Property Control Officer to document the action(s) that resulted in the change.
 2. Property signed out for training purposes shall not be kept in the possession of the officer for longer than that officer's work day unless the officer has an approved means of securing and safeguarding the property in his or her vehicle or office. The Chief will determine "approved" means of securing training aids.
 3. Property signed out for training purposes that is maintained by the officer for longer than a single work day must be visually verified as in the officer's custody by the Property Control Officer at least once every 90 days. The officer maintaining the property must maintain a log of these inspections. The log of inspections shall be turned in with the training aids when the aids are no longer needed.
 4. Should the Property Control Officer see any undocumented damage to packaging, or if the training aid was not inspected within the 90 day limit, all training aids will be surrendered by the officer. The Property Control Officer will then issue a memo to the officer's supervisor detailing these findings.

This officer may not receive further training aids until authorized by the Chief of Police or his designee.

- E. Final disposition of all property shall be accomplished within six months after all legal requirements have been satisfied.

510.1.12 - Found Property Release and Disposal

- A. Found property which is unclaimed by the rightful owner will be held in the Property Control System for the specified amount of time required by NCGS 15-12:
 - 1. Sixty (60) days for unclaimed bicycles, or
 - 2. One hundred eighty (180) days for all other unclaimed property.
- B. Notice will be given to the public via an article in the local newspaper 30 days prior to the disposal of any property pursuant to NCGS 15-12.
- C. The Property Control Officer will dispose of the found property pursuant to one of the following options as outlined in NCGS 15-12:
 - 1. Destruction (destroyed beyond usefulness or value),
 - 2. Auction by the North Carolina State Surplus Property System, or
 - 3. Donation to a qualified charity (bicycles only), or
 - 4. In the case of firearms, sold to a licensed firearm dealer with the proceeds used as trade-in value for department needs.

510.1.13 – Storage and Disposal of Surrendered Pharmaceutical Drugs

Once requirements have been met for the collection of pharmaceutical drugs according to GPD Policy 850.07, items will be stored according to Departmental procedures for controlled substances. The Property Control Officer will arrange for the destruction of pharmaceutical drugs at their earliest availability, but no longer than a year after initial collection.

510.1.14 – Inspections and Audits (84.1.6)

- A. The supervisor responsible for direct supervision of the Property Control Officer shall conduct semi-annual inspections of the Property Control System to determine adherence to procedures used for the control of property. A memorandum detailing the results will be forwarded through the chain-of-command.
- B. The Administrative Captain or his designee will conduct at least one unannounced inspection of the Property Control System each year.
 - 1. Each inspection will address the following:
 - a. All storage facilities are maintained in a clean and orderly fashion;
 - b. Provisions of agency directives concerning the Property Control System are being followed;

- c. Evidence and property is being protected from alteration, damage, deterioration, loss or theft;
 - d. Proper accountability procedures are being maintained; and
 - e. Evidence and property having no further evidentiary value is being disposed of promptly.
2. The Administrative Captain will document the inspection results and any findings and/or recommendations in a memorandum to the Chief of Police.
- C. Whenever a new primary Property Control Officer is designated, an inventory of the Property Control System will be conducted jointly by the new Property Control Officer and the Administrative Captain or his designee. The results of the inventory shall be documented in a memorandum and forwarded up the chain-of-command.
- D. Whenever a supervisor in the Property Control Officer's chain-of-command changes, or any new personnel are permanently assigned to assist in property and evidence control tasks, an audit of the Property Control System will be conducted jointly by the Property Control Officer and the new personnel. . This audit will comply with Appendix I of the current CALEA Standards manual. The results of the audit will be documented in a memorandum and forwarded up the chain-of-command.
- E. The Administrative Lieutenant will conduct at least one (1) announced audit each calendar year of the Property Control System. This audit will comply with Appendix K of current the CALEA manual. The Administrative Lieutenant will document the audit results and any findings and/or recommendations in a memorandum to the Chief of Police.