



Approved:  
*Chief Marcia Harnden*

Subject:

# 610. Property and Evidence

Effective:  
September 10, 2018

Revised:  
November 10, 2021

CALEA Standards: 83.2.1, 83.3.1, 83.3.2,  
84.1.1, 84.1.2, 84.1.3, 84.1.5, 84.1.6, 84.1.7

Page:  
1

## 610.1: PURPOSE AND SCOPE

**This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.**

## 610.2: DEFINITIONS

**Property** – Includes all items of evidence, items taken for safekeeping and found property.

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

**Safekeeping** – Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

**Found Property** – Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

**Unclaimed Property** – Personal property that was seized by the Albany Police Department as evidence, abandoned property, found property or stolen property, and that has remained in the physical possession of the Albany Police Department for a period of more than 60 days following conclusion of all criminal actions related to the seizure of the evidence, abandoned property, found property or stolen property, or conclusion of the investigation if no criminal action is filed. ([ORS 98.245](#))

## 610.3: POLICY

**It is the policy of the Albany Police Department to ensure that evidence and property collected and stored are handled in accordance with law and best practices.**

**610.4: PROPERTY HANDLING**

- a. Any employee who first comes in possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room.
- b. Care shall be taken to maintain the chain of custody for all evidence.
- c. Collection and handling of all evidence and property should follow the guidelines established by the [State of Oregon Physical Evidence Manual](#) and the [Albany Police Department Property and Evidence Manual](#).
- d. To ensure the safety and security of department members, and the integrity of evidence stored in the property room, all closed containers will be opened for inventory purposes prior to booking into a property locker including perishable food items, wallets, purses, coin purses, fanny packs, personal organizers, backpacks, briefcases, or other closed containers capable of carrying money, valuables, sharps, weapons, or hazardous materials.
  - 1) Any of these items found will be packaged separately, appropriately identified, and stored, or disposed of, according to the Property and Evidence Manual.
  - 2) Any perishable food items that cannot immediately be returned to the property owner will be discarded or destroyed.
- e. Employees will provide a receipt for all items of property or evidence that are received or taken from any person. If no person is present, and the property or evidence is removed from private property or a vehicle, the employee will leave a receipt prominently placed on the private property or the vehicle.
- f. Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s) or the officer may document in their report the property was not entered into TRAQ.

**610.4.1: PROPERTY BOOKING PROCEDURE**

- a. All property and evidence collected shall be packaged and booked into the Property and Evidence Section according to the guidelines and procedures set forth in the Property and Evidence Manual prior to the end of the employee's shift, unless otherwise approved by a supervisor.
- b. License plates which are not stolen and have no evidentiary value shall be placed in the designated DMV mail slot in the Records Section to be returned to the Oregon Department of Motor Vehicles.
- c. All cash shall be counted in the presence of a supervisor and the envelope shall be initialed both by the booking officer and the supervisor.

- d. City property, unless connected to a known criminal case, should be released directly to the appropriate City department, and need not go through the formal booking process, except in cases where no appropriate City employee can be located.
- e. Needles and syringes should not be submitted into the Property and Evidence Section and should be disposed of in an appropriate sharps container unless they are required for evidence in a serious crime or major investigation. In cases where they must be booked, needles and syringes shall be packaged in a syringe tube.

#### **610.5: EXPLOSIVES AND HAZARDOUS SUBSTANCES**

- a. Explosives that are known or suspected to be armed or live, other than fixed ammunition, should not be retained in the police facility. All fireworks, railroad flares, or fuses that are considered safe should be transported to the Fire Department by the officer who seizes the item(s) and placed in the magazine. **If items must be retained, they shall be stored in the Firebox located in the back parking lot.**
- b. Officers who encounter an explosive device shall immediately notify their immediate supervisor and/or the Shift Supervisor. The Bomb Squad will be called to handle situations involving explosive devices and all such devices will be released to them for disposal. In the event of military ordnance, the closest military unit shall be notified, and they will be responsible for removal of the device.
- c. Flammable liquids, containers with gas, corrosive or caustic chemicals or other potentially hazardous materials may not be stored in the property room. In most cases, they should not be taken into custody. Disposal is the responsibility of the owner. If the substance is to be tested for evidentiary purposes, a small amount should be taken using supplied sample bottles, which should then be sealed in secondary containers.

#### **610.6: DNA EVIDENCE**

- a. Unless impractical to do so, officers should collect samples of all biological evidence that may reasonably be used to incriminate or exculpate any person as part of any criminal death investigation or a sex crime listed in [ORS 163A.005](#).
- b. The Property and Evidence Section will be responsible to ensure that biological evidence is preserved in an amount and manner that is sufficient to develop a DNA profile.

#### **610.6.1: SEXUAL ASSAULT FORENSIC EVIDENCE (SAFE) KITS**

- a. The Albany Police Department will collect and maintain the chain of evidence for all Oregon State Police Sexual Assault Forensic Evidence Kits (SAFE Kits) and any associated evidence collected by medical facilities when the alleged crime(s) occurred in this jurisdiction for victims of sexual assault.
- b. If the alleged crime(s) occurred in another jurisdiction, the medical facility should contact that jurisdiction for the investigation, collection, and preservation.

- c. If the other jurisdiction is unable to investigate, collect or preserve the evidence, the Albany Police Department will collect and preserve the evidence, but will only complete an investigation with supervisor approval.
- d. For SAFE Kits where no jurisdiction information is provided the Albany Police Department will collect and preserve the evidence. Under current law, victims of sexual assault may seek medical assessment and choose not to make a report to law enforcement, yet still have evidence collected and preserved. Victims who choose to remain anonymous and not make a report shall not be required to do so ([ORS 147.397](#)).
- e. SAFE Kits from named victims shall normally be handled by the Operations Division, which shall assign an officer to ensure their proper investigation, collection, and preservation. When a medical facility notifies this department that evidence of a named victim sexual assault has been collected and a SAFE Kit is available, the assigned officer shall be responsible for the following:
  - 1) Respond promptly to the medical facility to retrieve the evidence and investigate the incident.
  - 2) Provide a unique case number to the victim.
  - 3) The department classification for identified victims should be the most serious crime alleged.
  - 4) Prepare and submit an Evidence Report, Forensic Services Request, and Sexual Assault Form, and book the evidence in accordance with procedures set forth in the Property and Evidence Manual.
  - 5) Each SAFE kit has a serial number listed on the envelope that should be entered into TRAQ under the serial number field.
  - 6) Provide the victim with the investigating officer's name and phone number.
- f. Anonymous SAFE Kits shall normally be handled by the Operations Division, which shall assign an officer to ensure their proper collection and preservation. When a medical facility notifies this department that evidence of a sexual assault has been collected and an anonymous SAFE Kit is available, Communications will provide an event number to a responsible representative of the medical facility, which will be provided to the victim. The event number (call number) will be used to identify all associated evidence so that a chain of evidence can be maintained in the event the victim later decides to report the assault. The department classification for anonymous victims should be "SAFE Kit." The assigned officer shall be responsible for the following:
  - 1) Respond to the medical facility to retrieve the evidence. Collection of anonymous kits must occur within seven (7) days;
  - 2) Ensure that no identifying information regarding the victim, other than the case number, is visible on the evidence packaging;
  - 3) Prepare and submit an evidence report and book the evidence under a case number in accordance with procedures set forth in the Property and Evidence Manual;

- 4) Each SAFE kit has a serial number listed on the envelope that should be entered into TRAQ under the serial number field.
- g. Anonymous SAFE Kits should be maintained in the same manner as other SAFE Kits but should not be opened or submitted for testing until or unless the victim reports the assault. Opening SAFE Kits may compromise the admissibility of evidence in the event of a prosecution.
- h. The Property and Evidence Specialist is responsible for the following:
  - 1) Respond to the victim, or victim's designee with written authorization, inquiries concerning SAFE Kits in a manner designated by the victim without unnecessary delay and within 30 days of the inquiry, unless the disclosure interferes with the investigation or prosecution of a case;
  - 2) The investigator should provide victims with information concerning SAFE Kits including but not limited to, the location, testing date and testing results of a kit, whether a DNA sample was obtained from the kit, whether or not there are matches to DNA profiles in the state or federal databases and the estimated destruction of the kit.
  - 3) Submit SAFE Kits for identified victims for testing within 14 days after receiving an Oregon State Police Lab Processing Form ([OSP Forensic Services Request](#)).
- i. The Detective Sergeant or designee shall serve as the liaison between the Albany Police Department and the Department of State Police regarding contact with victims and providing victims with information concerning sexual assault forensic evidence kits. ([ORS 181A.325\(2\)](#))

#### **610.6.2: RETENTION OF BIOLOGICAL EVIDENCE**

- a. The Police Support Services Manager shall ensure that no biological evidence (as defined in [ORS 133.705](#)) held by the Department is destroyed without confirmation from the District Attorney's office that adequate notification of the following person(s) has been made, when applicable:
  - 1) The defendant and/or their attorney;
  - 2) The appropriate prosecutor;
  - 3) Any victim of a sexual assault and/or their chosen representative;
  - 4) The Oregon Department of Justice.
- b. Biological evidence shall be retained for a minimum period established by law ([ORS 133.707](#)), the Police Support Services Manager or the expiration of any sentence imposed related to the evidence, whichever time period is greater.
- c. Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

- d. Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of the applicable statute of limitations, the Operations Division Captain should be consulted, and the sexual assault victim shall be notified.
- e. All Sexual Assault Forensic Evidence Kits (SAFE Kits) shall be retained for no less than 60 years after the collection of the evidence.

#### **610.7: PACKAGING OF PROPERTY**

Employees shall package all property in a container suitable for its size. All packages will be sealed with evidence tape or heat-sealed, initialed, and dated across the seal.

#### **610.8: PROPERTY AND EVIDENCE RECORDING**

- a. Property and Evidence Specialists are responsible for the receiving, cataloging, and storage of property and evidence booked into the Property and Evidence Section by employees.
- b. Any changes in the location of property or evidence held by the Albany Police Department shall be documented in the Property and Evidence catalog system.

#### **610.9: PROPERTY AND EVIDENCE SECTION SECURITY**

- a. Access to the secured portion of the Property and Evidence Section should be limited to Property and Evidence Specialists, the Police Support Services Manager, and the Support Services Captain.
- b. Other visitors to the secured area of the Property and Evidence Section must be logged in and out, including date, time, and purpose of their entry.
- c. With the exception of the supervising roles indicated in this section, visitors to the secured area of the Property and Evidence Section shall be accompanied by a Property and Evidence Specialist.
- d. Periodic audits of the Property and Evidence Section shall be completed by the Police Support Services Manager and reports of those audits shall be forwarded to the Chief of Police.

#### **610.10: CHAIN OF CUSTODY**

- a. All employees coming into contact with property or evidence are responsible for ensuring that the property documentation of the chain of custody is maintained.
- b. Any employee needing to take custody of previously booked evidence for investigative purposes shall check the item out with the Property and Evidence Specialists.
- c. Any evidence transferred to a crime laboratory for processing and examination shall be checked out of the Property and Evidence Section via the Property and Evidence Specialists. The chain of custody of

the evidence will be maintained on the lab forms, and the transferring employee will ensure appropriate documentation is made of the receipt of the evidence by the laboratory.

### 610.11: RELEASE OF PROPERTY

- a. Reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.
- b. Found property not claimed within ninety (90) days is eligible for release and will be auctioned, destroyed, or disposed of in accordance with these procedures and existing law.
- c. Property held for safekeeping will be held for at least sixty (60) days.
- d. Property may be released to a verified owner at the discretion of the Property and Evidence Specialists without further authorization.
  - 1) A Property and Evidence Specialist shall release the property upon proper identification being presented by the owner for which an authorized release has been received.
  - 2) A signature of the person receiving the property shall be recorded in the evidence bar code system or on a hard copy from which is placed in the case file.

#### 610.11.1: DISPUTED CLAIMS TO PROPERTY

- a. In cases where the ownership of property held by this Department is under dispute, property shall not be released until one party has obtained a valid court order or other undisputed right to the property.
- b. Parties should be advised that their claims are civil in nature and, in extreme cases, the Department may wish to file an interpleader with the court to resolve the disputed claim ([Oregon Rules of Civil Procedure, Section 31](#)).

#### 610.11.2: DISPOSITION OF PROPERTY

- a. All property not held for evidence in a pending criminal investigation or proceeding and held for ninety (90) days or longer (60 days or more, plus 30 days after notice), where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. ([ORS 98.245 and ORS 98.336](#))
- b. The Property and Evidence Specialist shall request a disposition or status on all property which has been held more than 120 days, and for which no disposition has been received from a supervisor or detective.
- c. Unclaimed property will be disposed of in accordance with the provisions of ORS 98.245. Disposal may consist of:
  - 1) Destruction;

- 2) Sale at public auction;
- 3) Retention for public use;

### 610.11.3: DISPOSAL OF PROPERTY

Evidence, firearms, drugs, or money disposed of shall be verified by two employees to ensure accuracy. The verification can be made by another Property and Evidence Specialist or another department employee.

### 610.12: RELEASE OF EVIDENCE

- a. Evidence may only be released upon the authorization of the District Attorney or City Attorney, respectively, or the investigating officer or detective assigned to a case.
- b. Once a case has been adjudicated or passed the statute of limitations for prosecution, a Property and Evidence Specialist will request a disposition authorization from the DA's office and the assigned officer or detective.
  - 1) Care should be taken to ensure there are no outstanding warrants for suspects or additional defendants for the same case prior to authorizing release.
- c. Once evidence has been authorized for release and is no longer needed for any pending criminal cases, it shall be considered releasable property and released or disposed of in accordance with those procedures.
- d. Release of evidence shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released, as well as the specific items to be released.

### 610.13: INSPECTIONS

- a. On a semi-annual basis, the Police Support Services Manager shall inspect the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- b. An annual audit of evidence held by the department shall be conducted by a Division Captain appointed by the Chief of Police who is not routinely or directly connected with evidence control.
- c. Whenever the Property and Evidence Custodian (i.e., Police Support Services Manager) changes, an audit of evidence and property shall be made by the newly designated Property and Evidence Custodian and a designee of the Chief of Police.
- d. Whenever a Property and Evidence Specialist leaves their assignment, or a new Property and Evidence Specialist is appointed, an audit of evidence and property shall be made by the remaining Property and Evidence Specialist(s) and a designee of the Chief of Police. When practical, this audit will occur prior to the appointment of the incoming Property and Evidence Specialist.



- e. An unannounced inspection of property and evidence storage area will be conducted at the direction of the Chief of Police at least once per year.
- f. Monthly property and evidence inventory will be conducted by Property and Evidence Specialists with the goal of having all items inventoried each year.