

AURORA POLICE DEPARTMENT

DIRECTIVES MANUAL

08.09 PROCESSING, ENTERING, STORING, AND DISPOSITION OF EVIDENCE AND OTHER PROPERTY

Approved By:	Art Acevedo, Interim Chief of Police
Effective:	Sep-01-1998
Revised:	Apr-04-2023
Associated Policy:	DM 12.15, 15.15
References:	Officer's Property and Evidence Manual
Review Authority:	Property and Technical Services Section Lieutenant

8.9.01 PURPOSE

The purpose of this directive is to provide all sworn and non-members of the Aurora Police Department (APD) with clear and direct guidelines regarding processing, entering, storing, and disposition of evidence and other property.

8.9.02 SCOPE

This directive applies to all sworn and non-members of APD.

8.9.03 POLICY

The policy of the APD is that members will not, except in specified circumstances, retain in their personal possession or control any items of evidence, found property, items impounded for safekeeping, or recovered or seized items. These items will be packaged appropriately, sealed, and placed into the APD Property & Evidence Unit with an entry into the evidence system prior to the end of the member's shift.

8.9.04 EVIDENCE AND PROPERTY CLASSIFICATION

Evidence and property will be classified in the following ways for entry into the Records Management System (RMS):

- a. Status code "6" Seized. Use this code for all items of evidence, excluding DNA and potential DNA. These items are retained until the officer or detective releases the item(s).
- b. Status code "B" Found property. Use this code for found property that is not evidence. These items are subject to disposal after 30 days. If an owner is known, they must be listed to send a proper notice.
- c. Status code "A" Personal property. Usually, items for which the jail won't accept. These items are subject to disposal after 30 days. Owner information is required for all personal property so that proper notifications may be made.
- d. Status code "X" for known DNA evidence. For items of known DNA evidence for use by the lab, CSI, and detectives, this is also "evidence."
- e. Status code "Y" for possible DNA evidence. For items that might have DNA evidence, this is also "evidence."
- f. Status code "N" for NIBIN Found – for CSI use only; this is also "evidence."

- g. Status code "S" for NIBIN Seized – for CSI use only; this is also "evidence."

Any recovered stolen item placed into the Property and Evidence Unit must be stamped as recovered stolen property and properly documented in the member's report, including the agency which reported the theft or loss, and any owner information available, including the report number(s) if known. All evidentiary items placed into Property and Evidence need to be marked with a case number and officer initials/ID number.

8.9.05 RESPONSIBILITY FOR HANDLING OR DEPOSITING EVIDENCE AND OTHER PROPERTY

All personnel collecting evidence and other property will be held accountable for the proper preservation, safeguarding, handling, and depositing of same, according to training and instructions, until it has been released to the Property Custodian. The Property Custodian will be responsible for preserving and safeguarding all property which comes under the custodian's care and custody.

The Business Services Manager is responsible for the issuance of all necessary internal procedures within the Property & Evidence Unit, ensuring the preservation, safeguarding, and appropriate disposition of all evidence and other property held by the Property Custodian. At least once a quarter, the Property and Evidence Lieutenant will conduct an inspection of adherence to procedures used for control of property.

Prior to the end of the collecting member's tour of duty, all evidence and other property collected by members of this department will be deposited with the Property Custodian or placed in an approved holding facility (i.e., evidence drop box and lockers) unless specifically directed otherwise by a supervisor. The member must maintain the chain of custody for all evidence. Examples of this exception include large volumes of evidence, ongoing investigation, or major crime.

All evidence and other property must be properly marked using approved departmental procedures and tagged or placed into an evidence envelope. The property tag or evidence envelope will be completely filled out according to approved procedures as outlined in the "Officer's Property and Evidence Manual." Recovered stolen items will be stamped with "Recovered Stolen Property" on the item's packaging and either the property evidence tag or envelope.

8.9.06 ENTERING PROPERTY, EVIDENCE, AND OTHER PROPERTY

Prior to evidence or other property being deposited with the Property Custodian in an approved holding facility, the submitting member will complete an inventory of all items and enter these items directly into the Records Management System. The member's report will document the circumstances by which the property came under APD control.

All items must be entered into the RMS. Entry may be done either through the MRE / MDT system or directly into the RMS utilizing a desktop computer. The following are guidelines on how to complete these entries:

- a. Property Report Face Sheet: All entries require a face sheet entry. Each type of property should have its own face sheet, except that status code X, DNA, and status code Y, possibly DNA, may be entered with other evidence, status code 6. For example, there should be a face sheet for evidence and another for personal property items.
- b. Item entry: All items must be entered by category (i.e., articles, guns, bikes, jewelry, etc.).
- c. Evidence Continuity: This begins the chain of custody and must be completed for each item.
- d. Barcode label: A barcode label for each item must be printed and affixed to the package containing the item so that the barcode is secure and may be scanned.

Members will use the smallest evidence locker(s) available that will contain their items when appropriate. Items contained in evidence envelopes will be dropped into the slotted locker door that will accept the envelopes. Members may also deposit their envelopes into the evidence safes located at the District Stations.

Any person submitting evidence or other property, which requires refrigeration, will submit the evidence/property according to internal procedures to the Property & Evidence Unit or the Crime Laboratory Section.

All evidence/property submitted outside administrative hours that require refrigeration will be submitted to a Crime Scene Technician. Or if the biological evidence is able to be packaged by the officer and fits into the locked drawers of the HQ Property & Evidence refrigerator, it may be placed there. If a Crime Scene Technician is unavailable for an extended time, the submitting officer may have the Patrol Commander authorize the on-call Property Staff Member to come to headquarters to accept the evidence/property.

In the event property or evidence needs drying and a CSI Technician is not available, the Patrol Commander will notify the CSI Supervisor. The Property and Evidence Unit will **NOT** accept wet items.

All bicycles, potentially flammable evidence items, and oversized items (when recovered outside the Property Unit's hours of operation) will be stored in the temporary bicycle storage area at central shops. The item(s) will be tagged, and the location of the item(s) will be noted in the member's RMS report. If the item(s) is of a size that will not fit in the bicycle storage area, the evidence bays at the impound lot may be used, or the Patrol Commander may call the on-call Property staff member for assistance.

Before depositing documents with the Property Unit, members will make copies and turn the copies into the Records Section for scanning. In instances of a large number of documents (e.g., file cabinet of suspected forged documents), the member must copy sufficient documents to establish the elements of the crime.

Items not accepted:

The following items are not accepted unless it is necessary for the prosecution of a case and is directed by a detective. If there is a question, please contact the Property Supervisor or on-call staff member:

- a. Food
- b. Liquids
- c. Homeless Encampments
- d. Hazardous Items
 - Fireworks: Take a photo and deposit the item(s) at AFD for destruction.
 - Vape Pens
 - Lighters
 - Gasoline or equipment filled with gasoline.
 - Wet items must be dried through the crime lab.
 - Bug infested items should be photographed, documented, and disposed of.
 - Unexploded Airbags (see section 8.9.26)

The Property and Evidence Unit will send correction notices to members and their supervisors for improperly submitted evidence. If possible, Property and Evidence Staff may make the corrections within Versadex when it is a direct entry mistake. This will be completed after getting approval from the submitting officer.

Members receiving a correction notice will respond to the Property section within ten days to make corrections. Supervisors may designate another member to make the correction if the submitting member is unavailable for an extended period of time. If the member fails to correct the problem within ten days, the Property Unit will notify the next highest level in the member's chain of command.

Items of property requiring additional protection are designated as protected items. Protected items are categorized into one of the four (4) following groups:

- a. Firearms
- b. Jewelry, gemstones, and precious metal
- c. Money
- d. Controlled Substances

Protected items will be packaged separately from all other property. Additionally, protected items from one of the listed groups will not be placed in the same package as other items from any other group of protected items (e.g., money and controlled substances are designated as belonging to different protected item groups and require separate packaging). If money is utilized as a bindle for drugs, the member will enter the money as an item and the drugs as an additional item (i.e., \$1 bindle; suspected cocaine wrapped in the bill) within the RMS. The items will then be packaged together in a money envelope with two separate labels affixed to the envelope and then deposited with the Property and Evidence Unit.

8.9.07 PROCEDURES FOR FIREARMS

Firearms deposited with the Property Unit must be unloaded. To ensure safety, weapons will be secured using cable ties according to training and internal procedures. One empty magazine may be placed with the firearm if available so NIBIN testing can be accomplished. The member will zip-tie the magazine in the same box as the firearm. The magazine will be an additional item to the firearm and must be entered into the RMS and tagged separately on the firearm box. Ammunition will be packaged separately from firearms. Firearms need to be separated from gun cases and tagged individually.

When a firearm cannot be properly unloaded, the member will take it to the range to make the firearm safe prior to submitting the firearm to the Property and Evidence Unit. If the range is closed, the member, if possible, will package the firearm in the appropriate box, making the firearm as safe as possible. The member will place the firearm in a gun locker at Headquarters. An email will be sent to the Property Supervisors at APDPropertySupv@auroragov.org before the end of the member's shift.

All firearms requiring processing or that are a biohazard will be packaged in paper (envelopes or long gun wraps) and marked as such. Packing that contains recovered stolen firearms will be identified with the use of the "Recovered Stolen Property" stamp by the submitting member.

Members will notify the Records Section of all recovered firearms. The member will also make the Records Section aware if the Firearm is a recovered stolen firearm.

Specific procedures must be followed when collecting firearm evidence that requires further forensic examination. The UMFCL firearms examiner will examine firearm evidence after receiving a lab request. Only

cartridge cases from semi-automatic handguns and some long guns, on a case-by-case basis, will be included in the National Integrated Ballistic Information Network (NIBIN), a national database operated by the Bureau of Alcohol, Tobacco, and Firearms. These guidelines have been established to ensure the safekeeping of submitted firearm evidence and to facilitate the expedited processing and analysis of potential evidence into the NIBIN system. Only Firearms will be entered into the RMS as a FIREARM. All other related evidence will be entered as an ARTICLE. Firearms and casings must always be entered and packaged separately.

Firearm evidence that will be submitted for NIBIN analysis will be treated as a priority item and, as such, will be promptly documented and entered into evidence so that the Property and Evidence Unit can begin the notification process. Any member collecting any firearm evidence will, prior to the end of their shift, secure the seized evidence in any of the three districts' or headquarters' evidence lockers.

At the beginning of each shift, personnel from the NIBIN Detail will utilize Versadex to identify all guns submitted to the Property & Evidence Unit since their last shift. The NIBIN Detail will make a request to the Property & Evidence Unit to collect these guns for NIBIN processing and LIMS submission (see APD Directive [DM 08.47 - NIBIN Detail and Process](#) for further information).

8.9.08 LATENT FINGERPRINTS

Members who process and collect latent fingerprints from the scene will follow the following procedures when submitting the prints to the Property and Evidence Unit:

- a. The latent lifts will be placed into property envelopes.
- b. The property envelope will have the number of lifts recovered and where you got them from in the description (for example – 3 latent lifts LA1 – LA3 from 1234 Anywhere St).
- c. The same description will be used in your Versadex entry under the descriptions tab.
- d. Place the barcode on the evidence envelope just as you would any other evidence.
- e. Seal the envelope using evidence tape.
- f. Sign, put your identification number and the date on the tape.
- g. **NO OTHER ITEMS ARE TO BE PLACED INTO THE EVIDENCE ENVELOPE WITH THE LIFTS.** If you collect any other items of evidence, such as an ID card, tools, etc., those items need to go into a separate envelope.
- h. The member's report must reflect how many latent lifts were recovered and where from. This information is needed so the latent print examiners may submit a lab request for the prints to be examined.

8.9.09 AURORA MUNICIPAL COURT ORDER VOLUNTARY WEAPON STORAGE

Colorado State Law requires that a defendant in a domestic violence case relinquish control of all firearms and ammunition under their control after being served with a protection order. The person can meet the requirements of this statute in three ways:

- a. Sell or transfer the firearms and ammunition to a federally licensed firearms dealer.
- b. Sell or transfer the firearms and ammunition to a private party who is legally qualified to possess a firearm.
- c. Arrange for storage of firearms and ammunition by a law enforcement agency.

The citizen will receive a protection order requiring them to relinquish or transfer their firearms within twenty-four to seventy-two hours.

The citizen will receive a letter from the Court explaining the process for storing firearms with APD. APD will only accept firearms, not ammunition, on protection orders issued only by the Aurora Municipal Court.

All transactions related to this special order will occur during business hours for the Records Section Public Window, Monday, Tuesday, Thursday, and Friday from 8:00 a.m. (0800 hours) to 5:00 p.m. (1700 hours).

To keep the trust of the public and to protect the Department and its officers from claims of theft or damage, the following list of steps shall be followed to ensure the safe transfer of firearms:

- a. The citizen will report to the front desk at Headquarters, leaving the unloaded weapon(s) in a locked vehicle.
- b. Headquarters front desk personnel will obtain a valid identification and clear the party for warrants. If a full-duty officer is not available at the desk, an officer from the district where the original call occurred will be dispatched to handle taking custody of the weapon(s). It is important that the number and types of weapons to be turned over are discussed prior to moving to the citizen's vehicle. The front desk will provide a fee schedule form and waiver form for the citizen to read. The citizen must sign the waiver prior to the transfer of property. The officer or front desk personnel will check off the type of firearm and the number of firearms the citizen is relinquishing on the paperwork. The completed form will be provided to the citizen so they can pay the fees at the public window of the Records Section.
- c. The officer can direct the citizen to move their vehicle to the north doors of Headquarters to facilitate the movement of the firearms to the Property and Evidence Unit. The officer will advise the citizen not to touch or handle the firearms.
- d. The officer will take the firearms to the Property Section workspace to complete paperwork. The weapons will be secured in the lockers or turned over to Property Section personnel.
 - The original case number from the Domestic Violence case will be used.
 - The officer will examine the Records Section's receipt provided to the citizen to ensure all fees are paid.
 - The officer will make a copy of the property invoice, stamp it with the appropriate stamp and provide that copy to the citizen to indicate ALL items that were turned over to the Property Section. The officer will sign the waiver form and give a copy to the citizen.
- e. Photographs of the weapons will be taken and uploaded to the Digital Media Management System (DMMS).

8.9.10 PROCEDURES FOR JEWELRY, GEMSTONES, AND PRECIOUS METALS

Jewelry, gemstones, and precious metals will be packaged in a specified jewelry envelope and directly entered under the Jewelry Tab. The envelope will be sealed with the member's initials, employee number, and case number legibly printed across the seal. Costume Jewelry will be packaged in a regular evidence envelope and directly entered under the Article Tab.

8.9.11 PROCEDURES FOR MONEY

Money (including money with the residue of a controlled substance) will be packaged according to current procedures in a specified money envelope. The envelope will be sealed with the member's initials, employee number, and case number legibly printed across the seal. When a member's deposit is \$101.00 or more, a second member's signature is required for count verification purposes.

When a member is depositing over \$10,000 with the Property Unit after hours, and the VICE and Narcotics Unit is not involved in the investigation, they will notify the On-Call Property Member, who will ensure secure intake and storage.

If money requires a dog sniff, the money must be kept separate from controlled substances. The member will place this money in locker #2 at the HQ Property Unit. This locker will only be used for money requiring a dog sniff. Members will note that a dog sniff is requested on the outside of the packaging. If locker #2 is not available, the member will place the envelope containing the money inside a plastic bag and seal it after placing a note stating the money is for a dog sniff.

8.9.12 PROCEDURES FOR LARGE AMOUNTS OF MONEY INVOLVING NARCOTIC INVESTIGATORS

When APD Narcotics Investigators are involved or become involved in the seizure or confiscation of large quantities of currency, the Narcotics Supervisor or designee will make sure the following takes place:

- a. At a minimum, two Narcotics Investigators or a Narcotic Investigator and a sworn member from outside the Narcotics Section will be present when processing confiscated/seized money. A Narcotics Supervisor will also respond with the necessary Serialized Evidence Bag(s).
- b. Confiscated/Seized money will be photographed in the same location and position (if possible) it was discovered in and in the presence of another sworn member. A member's department-issued body-worn camera will be utilized by the personnel involved in collecting, processing, and packaging the confiscated/seized currency.
- c. The money will not be counted at the initial time of the seizure.
- d. The seized money will be placed inside the Self-Sealing Serialized Evidence Envelope/Package. Both Investigators, or one Investigator and one sworn member from outside the Narcotics Section, will sign the envelope/bag seal. The matching serialized tear-away tab will be removed from the bag and retained by the Narcotics Supervisor. Each sworn member will document the serial number of the envelope/package in their respective reports.
- e. When currency is seized during the course of either a consensual search or a search warrant, the sworn members will document the seizure of currency on an Aurora Police Department Narcotics Section Property Invoice and leave a copy at the location of recovery or serve it upon the person from whom the currency was seized.
- f. The Narcotics Investigators and a Narcotic Supervisor will transport the money as soon as possible to the City Cashier's Office to be counted and deposited into the Aurora Police Department's Interest-Bearing account. The Narcotics Supervisor will ensure the integrity of the Serialized Evidence Envelope/Bag, including a comparison of the serialized bag and tear-away tab.
- g. If the Cashier's Office cannot immediately count and deposit the currency, the Narcotics Supervisor and the Narcotics Investigator will transport the money to the APD Property and Evidence Unit at HQ and

place the currency in the safe located by the officer's window. This safe is specifically for use by the Narcotics Section, and no other property will be deposited within.

- The currency will stay locked in the safe until arrangements are made for it to be counted and deposited with the City Cashier.
 - When arrangements are made to have the currency counted, a Narcotics Supervisor and another sworn member will remove the currency from the safe and will take the currency to the City Cashier's Office to be counted and deposited. The Narcotics Supervisor will ensure the integrity of the Serialized Evidence Envelope/Bag, including the comparison of the serialized tear-away tab.
- h. After the cashier's office completes the official count of the money and makes the deposit into the Police Departments Interest Bearing account, the Narcotics Supervisor or designee will place the original copy of the cash receipt and the previously used serialized bag into the Property and Evidence Unit by Direct Entry.
- i. The Narcotics Unit will log the currency into the Records Management System and indicate via an Evidence Continuity Record entry that the currency was deposited into the Interest-Bearing account.
- j. The safe combination will be held by the Narcotics Section Command Officer to be disbursed to the Narcotic Section Sergeants.

If Narcotic Officers are not involved in the investigation/seizing of money or narcotics, the member will follow section 8.9.11 (Procedures for Money) of this directive.

8.9.13 PROCEDURES FOR CONTROLLED SUBSTANCES

Members who come across a substance believed to be cocaine, methamphetamine, MDMA, or heroin are encouraged to **use NITRILE gloves, eye protection, and a dust mask while handling the item.**

Controlled substances will be grossly weighed (in grams) and sealed with evidence tape in an approved container by the submitting member before depositing with the Property and Evidence Unit.

When preparing an item to be submitted to the Property Unit, members will remove all unnecessary original packaging material to reduce the size of the item that will be held in the controlled substance vault. For example, a baggie of Marijuana that is seized inside a shoebox will be submitted separately. Drugs that are packaged within money will be weighed together and placed together in a money envelope. There will be two entries into the RMS, one as a security entry and the other as a drug entry; then, two labels will be affixed to the envelope.

The controlled substance with the necessary original packaging will be sealed according to approved procedures. Once sealed, the item with all sealed materials will be weighed (in grams). This weight (in grams) is the gross weight. The item will then be placed inside an evidence envelope or paper bag entered into the RMS, and deposited with the Property Unit.

When a member is depositing a large amount of a controlled substance with the Property Unit after hours, they will notify the on-call Property Staff member, who will ensure secure intake and storage.

If wet, controlled substances must be dried before submitting to the Property and Evidence Unit.

All suspected controlled substances will be packaged separately from all other items except when money is used as the packaging material for the drug, as noted above.

Those items' gross gram weight and quantity will be recorded on the appropriate Laboratory Request form and RMS.

The Property Custodian or Property Technician will inspect the sealed container for evidence of tampering upon receipt.

8.9.14 PROCEDURES FOR HANDLING OF POSSIBLE FENTANYL

Members who come across a substance that is believed to be fentanyl are encouraged to use **nitrile gloves**, eye protection, and a dust mask while handling the item.

- a. The only instances a Narcotics Unit supervisor needs to be immediately notified regarding an encounter with suspected fentanyl are:
 - Gross contamination where the scene is unsafe to process without specialized PPE,
 - bulk seizures, pill press operations, and/or
 - clandestine laboratories.

In these instances, the scene shall be secured, and a supervisor shall be notified. The scene supervisor will contact the on-call Narcotics Supervisor for a consult and to determine if the situation necessitates a Narcotics Unit response.

- b. Suspected Fentanyl in any form will be double bagged in two APD-provided plastic bags and placed in any Property and Evidence locker. Members shall leave the suspected fentanyl packaged in the vessel in which it was seized. Most often, this will be plastic bag-type packaging material and will be consistent with other drug packaging practices. However, in the instances the fentanyl is seized in a container, other than a plastic bag/package/bundle, the fentanyl should remain in that vessel as well. This will cause inflated gross weights; therefore, photographs of the evidence prior to submission are required so the case filing investigator/detective can accurately estimate the net weight for charging purposes.
- c. The members shall list the substance as possible fentanyl in the description area of the property sheet, and send a courtesy email to property@auroragov.org.

8.9.15 MUNICIPAL DRUG DROP BOX

To provide a safe, responsible, and convenient way for Citizens of Aurora to dispose of prescription and non-prescription medications, the Aurora Police Department will provide a Drug Drop Box at the Headquarters Building, 15001 E. Alameda Pkwy.

Process

The Drug Drop Box will be placed in the Headquarters lobby area adjacent to the front desk. Citizens will be able to access the Drug Drop Box directly. Signs will be available to advise citizens of the types of medications accepted in this program. Front desk personnel will also assist citizens in using the Drug Drop Box properly.

Accepted Items:

- a. Prescription Drugs

- b. Over-the-counter medications
- c. Vitamins
- d. Patches
- e. Prescription Samples
- f. Pet Medications

Items not accepted:

- a. Needles or other sharps
- b. Inhalers
- c. Chemotherapy Medications
- d. Liquids or Ointments
- e. Aerosol Cans
- f. Thermometers
- g. Any Bio-Hazardous Material

Front Desk Responsibility:

Front desk personnel will advise the user that all medications must be in a closed, clear plastic zip-lock bag. If the citizen does not have a zip lock bag, one will be provided by the desk personnel. The citizen will show the desk personnel the zip-locked bag to ensure only acceptable items are in the bag. Unacceptable items will have to be removed by the user. The desk personnel will then have the citizen place the drugs into the chute of the locked green Drug Drop Box. The citizen will not be allowed to dispose of unacceptable items in any trash container located in the lobby area.

Responsibility of the Property and Evidence Unit:

- a. Property and Evidence will ensure that the front desk is stocked with the necessary zip lock bags that will be provided to the citizens.
 - There will be two locks on the Drug Drop Box, and the Property and Evidence Unit will maintain the custody of the keys.
 - Monthly, two Property and Evidence Technicians will inspect the Drug Drop Box to determine if the deposited items need to be collected for disposal. If the Drug Drop Box needs to be emptied, one of the below officers will be contacted to empty the Drug Drop Box and enter the drugs into Property and Evidence.
 - A sworn officer assigned to the Property and Evidence Unit, will be responsible for entering all Drug Drop Box items into Property and Evidence. If none of the above-sworn members are available, a patrol officer will enter all of the items into Property and Evidence. Property and Evidence Unit personnel will not be responsible for entering the items into the property room.

- b. After the discarded drugs are properly placed into Property and Evidence, they will be destroyed at the next drug disposal session in accordance with all applicable laws and department policy.

Officer Responsibility:

When asked by a Property and Evidence Technician, a sworn officer will do the following to empty the Drug Drop Box:

- a. Obtain a case number.
- b. Place all drugs from inside the Drug Drop Box into a large clear plastic bag(s).
- c. Seal the bag(s) containing the drugs.
- d. Weigh all the drugs in the sealed large plastic bag(s).
- e. Fill out the Property Form and place the total weight of all the drugs in the appropriate location.
- f. Write in the narrative of the Property Form: "Drugs recovered from Drug Drop Box. Destroy."

Officers are prohibited from using the Drug Drop Box for confiscated or found drugs.

Officers who recover medications from private citizens during the routine course of duty will adhere to this directive.

8.9.16 RELEASE OR DISPOSAL OF EVIDENCE AND OTHER PROPERTY

The Property Custodian or designee will email a Disposition of Property form (APD 016) to the primary officer/investigator of the case. When officers receive a Disposition of Property form, they should refer to the "Officer's Property and Evidence Manual" for direction and instruction. Special attention should be given to the "Evidence Retention Guidelines" recorded in Appendix A. Officers will complete and return the form within ten calendar days.

Officers may authorize the disposition of items by signing and electronically submitting the Disposition of Property form, responding to the Property Unit to sign the Disposition form, or providing email notification to the Property Unit. If the responsible officer is unavailable, their supervisor will complete this task.

Members will be notified via email of the conclusion of municipal court cases. Once notification is received, members may log into the Municipal disposal website to provide disposition. This website can be accessed from any computer, cell phone, or tablet (refer to the "Officer's Property and Evidence Manual" for direction and instruction).

8.9.17 RELEASE OF EVIDENCE FOR USE IN COURT

A Property and Evidence Technician will release evidence to a member for use in court to maintain its integrity in accordance with internal procedures. Members needing evidence for court will contact the Property Unit at least 48 hours in advance to facilitate the retrieval of the item. The member who signs for and accepts custody and control of evidence for use in court proceedings will be responsible for such evidence.

When custody and control of evidence have been transferred to a member for use in court, and such evidence is admitted as an exhibit at a hearing or trial or otherwise taken into custody by the Court, the member responsible for such evidence WILL complete the Property Transfer Form listing each item of evidence

retained by the court. The completed form must be signed by the court official accepting custody and control of the evidence. For the purposes of this directive, a court official must be either the clerk or reporter of the court, the prosecuting attorney or the presiding judge.

After signing the form, the court official will be given the yellow copy. The white (original) and pink copies WILL IMMEDIATELY be returned to the Property Custodian, SCANNED BY THE MEMBER INTO THE RMS, or placed into evidence. It is imperative that the member leaving the item with the court is able to show a continuous chain of custody and is responsible for documentation showing such. If the Property and Evidence Unit does not receive an email notifying the form has been scanned into RMS; or receive the form within five days, a notice will be sent out to the member who transported the item to court. If the form has not been received by the Property Unit or entered into RMS by the end of an additional five days (ten days total), Internal Affairs will be notified of the policy violation.

8.9.18 RELEASE OF EVIDENCE TO ANOTHER AGENCY

A member releasing evidence or property to another agency must obtain the information required and a signature from the receiving person on the Aurora Police Department Property Transfer Form (APD 520-729). The member will return the original signed form to the Property Unit as soon as practical and is responsible for the property until that time.

8.9.19 RELEASE OF FIREARMS TO CITIZENS

When members of the department take firearms into custody, the member MUST document ownership of the firearm, if known.

Due to State and Federal Firearm Laws regarding the ownership and transferring of ownership of Firearms, the Department must be cautious when releasing a firearm. The Department is not a Federally Licensed Firearm Dealer and cannot transfer ownership. Persons picking up firearms must go through CBI clearances unless they are a Federal Firearms Dealer. Clearances can take up to ten days.

No ammunition belonging to a citizen will be released on the same day as a firearm. Citizens may schedule a return after a minimum of three business days from the initial release. Cleared citizens may choose to have either the firearm or ammunition released first. However, the required three business day wait period will be enforced before they may return to claim the other items.

When a firearm is released, the following must occur:

Owner:

The owner of a firearm can be established by the following:

- a. Officer RMS documentation.
- b. Receipt or other indicia of ownership.
- c. E-trace through ATF.

Death:

Only the executor or an administrator of a victim's estate can determine what happens to this firearm. APD does NOT need to go through an FFL for a transfer. The executor comes to the window just like the owner;

- a. A relative/friend or whoever is representing the victim must be the executor or administrator of the will. If there is no will, they must go to court and have a court order stating the person is the executor acting in the interest of the deceased's estate.
- b. The person picking up the firearm must be cleared and approved to carry per CCIC/NCIC. If the firearm is going to be transferred to another individual, then that person also must be cleared per CCIC/NCIC.
 - The person picking up the firearm must also sign the waiver advising it is a felony to transfer a weapon to someone who is not allowed to possess a firearm.
- c. If ownership can be proven (or the party is the will administrator/executor) and the owner wants to give or loan the firearm to an immediate family member and has provided a notarized letter stating so, then the firearm may be released to the named person.
 - The person who is the firearm recipient must clear the CCIC/NCIC requirements to possess a firearm. Immediate family as defined by CRS: spouses, parents, children, siblings, grandparents, grandchildren, nieces, nephews, first cousins, aunts, and uncles.

Non-Family Member:

- a. The person must have a lawful ownership right to the firearm.
 - Non-blood relative must show ownership and possessory right to the firearm. If the claimant has a bill of sale or other documentation stating they have a right to the firearm, they must go through a Federal Firearm Licensed Dealer for a transfer. APD will release the firearm to the FFL with a notarized letter from the owner stating it is okay to do so.
- b. Lawyer
 - If a person has their lawyer obtain the firearm from APD Property, then the lawyer must be cleared through CCIC/NCIC, and so must the person to who the firearm is going. Both must pass the state's requirements.
 - The lawyer must have a notarized letter or court order stating it is ok for them to pick the firearm up.
 - Agree that the client will also need to be cleared because we know that the lawyer intends to return the firearm to the client.

The lawyer also must sign the waiver acknowledging that it is a felony to provide a firearm to somebody who cannot legally possess one.

8.9.20 RELEASE OF EVIDENCE FOR REVIEW

Items checked out for review will only be allowed to have them checked out for ten business days. After ten business days, the member will receive a notice that the item needs to be returned to the Property and Evidence Unit. If the Property and Evidence Unit does not receive the item within five business days of this notice, a second notice will be sent to the member and their supervisor. If the Property and Evidence Unit does not receive the item(s) within five days, an AIM entry may be entered with the possibility of a complaint being investigated by the Internal Affairs Bureau IAB.

8.9.21 NOTIFICATION OF RECOVERED PROPERTY

If an officer recovers property that is reported stolen from our jurisdiction, the officer will obtain the owner's information from the Records Section or the police report. The officer will attempt to notify the owner that their property has been recovered. If the officer contacts the listed owner, they will try to determine if they are the current owner due to an insurance settlement. The officer will document all attempts and information obtained in a report.

If an officer recovers property that is reported stolen from another jurisdiction, the officer will deposit the property with the Property Custodian. The officer will notify the Records Section, which will notify the originating agency of the recovery. It is the responsibility of that agency to notify the owner that their property has been recovered. The officer will document all attempts and information obtained in a report.

8.9.22 RETURNING FIREARM(S) TO OWNER

Upon the conclusion of the criminal case, the municipal court and/or the defendant will notify the APD Property Unit of the court's determination to return the firearms to the control of the citizen.

The Property Unit will notify the citizen via US Mail of the court's determination and the process to follow to retrieve their property. The citizen has 30 days to retrieve their property. Additional storage fees may be applicable and must be paid to the Records Section prior to the release of the firearms. A criminal background check will be completed to ensure that the owner is qualified under the law to possess a firearm.

At the conclusion of the criminal case, if the citizen is not legally qualified to possess a firearm, the citizen has three options:

- a. Transfer ownership to an immediate family member legally qualified to possess a firearm through a Federally Licensed Firearms Dealer.
- b. Transfer ownership to a Federally Licensed Firearms Dealer.
- c. Transfer ownership to the Aurora Police Department for disposal following current department policy.

Arrangements for the release or disposal of evidence after adjudication in court will be the responsibility of the Property Custodian. This release to its rightful owner or disposal of evidence will be done according to internal procedures, municipal ordinances, state statutes, or court orders.

8.9.23 INTER-DEPARTMENTAL TRANSFER OF CONFISCATED ITEMS

The requestor will submit any request to obtain seized or unclaimed property for departmental use on Transfer of Confiscated Items forms supplied by the Property & Evidence Unit. This form will be routed through the requestor's chain of command for approval.

Once the requestor's chain of command has approved the request, the form will be forwarded to the Chief of Police or designee for final approval. Upon final approval by the Chief of Police or designee, the property will be transferred from the Property & Evidence Unit to the requestor for departmental use.

If control of items obtained from the Property & Evidence Unit is transferred to another unit, the Property & Evidence Unit must be notified to update its record.

8.9.24 DESTRUCTION OR DISPOSAL OF CONTROLLED SUBSTANCES AND FIREARMS

Prior to the destruction or disposal of all semi-automatic pistols and revolvers that a detective or laboratory personnel requests be tested, the Property Custodian will ensure the weapon was sent to the Colorado Bureau of Investigations (CBI) or an acceptable laboratory for NIBIN testing and entry into the National Integrated Ballistics Information System (NIBIN). Firearms classified as personal property, taken for safekeeping, and for which the owner has an expectation of privacy should not be sent for NIBIN testing absent an appropriate exception to the Fourth Amendment to the United States Constitution.

The destruction or disposal of controlled substances and firearms will be the responsibility of:

- a. Property & Evidence Unit Custodian or Supervisor.
- b. Property and Evidence Lieutenant or Designee.
- c. Property Agent or higher.

The destruction or disposal of all controlled substances and firearms will be accomplished according to internal procedures, municipal ordinances, state statutes, and/or court orders. The above-listed personnel will sign the Property Disposal Form (APD Form 232) and witness the destruction of the items.

A representative of the Internal Affairs Bureau may be present to ensure compliance with this directive.

8.9.25 RESPONSIBILITY FOR REQUESTING LABORATORY EXAMINATIONS

The initial reporting officer will be responsible for requesting a laboratory examination on all cases which do not require further follow-up by an investigator.

If the case is a major crime scene or one that will require further follow-up, the investigator assigned the case will assume the responsibility for requesting laboratory examinations.

8.9.26 VEHICLE AIR BAG MODULES

Members dealing with airbag modules following automobile accidents or recovery of un-deployed modules as evidence should be aware of the hazards associated with these devices.

Airbag modules are essentially a directional high-pressure gas charge inserted into a vehicle's steering wheel or dashboard. They are designed to confine rapidly expanding gasses within a fabric container after a vehicle accident to minimize injury by vehicle occupants. These modules present an extreme hazard when removed from their mounts in the vehicle, as the explosive charge becomes omnidirectional without the steel-backing present when they are in their mounts.

Members recovering airbag modules that have been removed from a vehicle will treat them as an explosive device consistent with Aurora Police Department Directive [DM 12.01 - Bomb Threats, Explosive Devices](#). Manufacturers of the devices advise the modules are relatively stable and safe unless triggered by the conditions encountered in an automobile accident or static electricity charges under certain conditions. As such, members will request the Arapahoe County Bomb Squad to respond and dispose of the device.

CSI can obtain photographs of the devices as they are recovered and document the physical description and any identifying model numbers if they are visible prior to handling/destruction by the Arapahoe County Bomb Squad. The member recovering the device will document the circumstances of the recovery for the possibility of subsequent prosecution and to account for the destruction of property. Investigators / Detectives will note

in their felony filings that any recovered stolen property which is explosive in nature, such as airbag modules, were destroyed to minimize hazards pursuant to the Aurora Police Department Directives Manual.

8.9.27 COMPUTER SEARCH / SEIZURES

The laws of search and seizure extending to computers, software, hardware, data, electronic communications, etc., are numerous and complex. Members considering searches or seizures of a computer(s), related equipment, work products, or electronic communications need to be aware of the constitutional issues surrounding such an investigation.

Members preparing to search or seize a computer(s) or work products/communications contained therein will request a qualified member of the Investigations Bureau or Crime Lab Section to respond and assist with the process. Members of the Investigations Bureau or Crime Lab may request additional assistance from the Colorado Bureau of Investigation or other resources as needed to complete a search or seizure of computer-related material. Members are strictly prohibited from accessing or attempting to access materials contained within a computer(s) during an investigation without proper consent or issuance of a warrant.

Members also need to be aware that computer equipment or data contained therein may be lost or suffer significant damage due to improper examination or shutdown procedures. Suspects using computers to perpetrate, or further criminal activity may have pre-programmed their equipment to erase or destroy data if certain processes are not followed.

8.9.28 DIGITAL EVIDENCE

Digital evidence is not housed within the Property and Evidence Unit and will be handled in accordance with Aurora Police Department Directive [DM 15.15 - Digital Evidence](#).