



Clayton County Police Department

PROCEDURES

Subject EVIDENCE & PROPERTY CONTROL		Procedure # E3	
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I. PURPOSE

The purpose of this policy is to establish standardized procedures for receiving, processing, recording, storing, releasing, disposing of and documenting evidence and property acquired by personnel of the Clayton County Police Department (CCPD).

II. POLICY

It shall be the policy of the CCPD to process, store, maintain, account for and dispose of all evidence and property seized, found or possessed by personnel within state and federal guidelines. The disposition of all evidence and/or property seized by the CCPD shall be in accordance with applicable laws.

III. DEFINITIONS

Alternate Evidence Custodian: An officer of the CCPD assigned to act in the capacity of the Evidence Custodian in the absence of the Evidence Custodian.

Chain of Custody: A chronologically written record of those individuals who have or had custody of evidence/property from its initial acquisition until its final disposition.

Evidence: Anything that tends to assist in ascertaining the truth of a matter, or furnishes proof of a fact. Normally, evidence is classified as either physical or testimonial. Procedures for testimonial evidence will not be covered by this policy.

Evidence Custodian: An officer of the CCPD assigned the primary authority and responsibility for the Evidence Room and the control of all evidence and property accepted and/or stored by the CCPD.

Evidence Receiving Area: A secure area within headquarters that allows for personnel to transfer evidence/property to the Evidence Custodian during all hours of the day and night.

Evidence Room: The secure area, accessible to authorized personnel only, where evidence and/or property are maintained by the Evidence Custodian.

Item: A single article.

Outside Evidence Area: A fenced in area secured by a lock that contains oversized and/or hazardous items, to include but not limited to, motorized items that contain petroleum products, bicycles, or any item that is too large to be retained inside the Evidence Room.

Package: One (1) evidence bag or container that may contain one (1) or more items.

Property: Any item, not considered physical evidence, acquired/recovered by personnel which appears to have been lost, misplaced, stolen, or for which ownership cannot be established.

Property Receipt: The form used by personnel to record the acquisition of evidence and/or property, and maintain a chain of custody, during the performance of official duties.

Quantity (QTY): The total number or exact amount of a specific item.

Records Management System (RMS) Evidence (Evidence & Property Database): The database maintained by the Evidence Custodian, or designee, to provide double-accountability control through cross-referencing with *Property Receipts*.

Safe Keeping: The maintenance and protection of property acquired and/or recovered by personnel until the property can be released or disposed of lawfully.

Snail Trap: A device that a firearm is shot into, so the casing can be collected for ballistic testing.

IV. GENERAL PROCEDURES

A. Responsibility

1. All personnel are responsible for packaging, labeling and/or tagging; logging and/or documenting; establishing a chain of custody record for; and transferring to the Evidence Custodian, all evidence and/or property they find, obtain, receive and/or seize in the performance of their law enforcement duties, as soon as possible, but before the end of their shift and/or tour of duty. [CALEA 84.1.1(a) (b)]
2. Evidence/property will only be accepted by the Evidence Custodian, or Evidence & Property personnel, once all items and articles have been properly logged in RMS Evidence, a Property Intake has been completed, and each listed item has been properly packaged, labeled and/or tagged. In the event that RMS is inoperable or undergoing maintenance, personnel will utilize *Property Receipts* to document the items submitted and chain of custody, in accordance with Department procedures.
3. Personnel will respond in a timely manner to Evidence & Property Unit email notifications concerning discrepancies or needed corrections.

B. Packaging and Labeling

1. Evidence items and property items cannot be placed in the same package.
2. Generally, evidence and property tags (i.e., red tags for evidence and white tags for property) are only required for those items that are **not** placed inside an evidence bag or container (e.g., bicycles, firearms, license plates).

The adhesive Evidence Labels shall not be affixed directly to the exterior of any evidence or property items. Evidence Labels will be affixed to an evidence tag or

property tag, whichever is applicable, and the tag will be attached to the item using a zip tie or other connector.

3. Any time computers, computer equipment or other media storage devices are seized as evidence of a crime, or for the further investigation of a crime, due care shall be taken to ensure the safe transport and storage of such items. All computers, computer equipment and any other media storage device(s) shall be tagged, documented and transferred to the Evidence Custodian.
4. All glass items and articles (e.g., smoking pipes, drinking glasses) must be packaged securely, in a manner to prevent breaking or damaging, before being placed into an evidence bag or container.
5. All sharp objects (e.g., knives, needles) must be packaged securely in a manner to prevent injury to a handler, and placed in a transparent or clear evidence bag, before being submitted into evidence. If a sharp object is too large for any of the provided evidence bags, it may be placed in a paper bag or other non-transparent container; however, the paper bag or container will be marked with a warning indicating there is a sharp object inside.

C. Prohibited Items

Generally, the following items are prohibited from being transferred to the Evidence Custodian, and/or maintained in the Evidence Room as evidence and/or property, without authorization from the Evidence Custodian:

1. Perishable food items;
2. Waste of garbage;
3. Items damaged beyond use or repair, or no longer have a monetary value; and
4. Evidence/property solely related to a case and/or investigation of another agency. Such evidence/property will be returned and/or transferred to the concerned agency as soon as possible. This also applies to CSI personnel who processed a crime scene, and completed all analyses of the evidence, for another agency. Any exceptions are at the discretion of the Evidence Custodian or CSI Commander.

Photography of the prohibited items may alleviate the need to collect or maintain them. When processing such items, the retention of only vital pieces of evidence and/or property (e.g., serial number plate or label, identifying marks or documents) may satisfy evidentiary requirement(s) or establish proof of positive identification.

D. Reports Required

Personnel will complete a written report (e.g., *Incident Report*, *Supplemental Report*) describing each item and detailing the circumstances (e.g., who, what, when, where, why, how) by which all of the evidence and/or property was found, obtained, received or seized. [CALEA 84.1.1(c)] This is in addition to logging evidence or property in RMS Evidence through a Property Intake, or when utilizing a *Property Receipt*.

E. Property Intake through RMS

All items intended to be transferred to the Evidence Custodian shall be entered in the corresponding *Incident Report* or *Supplemental Report* through RMS. Upon entry in

the report, a 'Property Intake' action must be completed to establish chain of custody. During the Property Intake through RMS, the Evidence Receiving location (i.e. locker number, outside evidence area) must be selected. The submitting employee is required to select the correct secure location where the item will be placed for transfer to the Evidence Custodian.

F. Property Receipt

See *Appendix A* of this procedure for the Department-approved *Property Receipt* form.

1. Supervisors are responsible for maintaining an adequate supply of *Property Receipts* for their shift/unit, and making them available to all personnel under their command.
2. Though implementation of RMS has substantially reduced the requirement of traditional documentation on paper forms, the *Property Receipt* is still necessary for certain circumstances.
3. When RMS is unavailable, undergoing maintenance, or is inoperable for any reason, a *Property Receipt* will be required to document evidence and/or property being submitted to the Evidence Custodian. In these circumstances, the *Property Receipt* is submitted along with the items being submitted to the Evidence Custodian, in accordance with guidelines stated in this procedure.
4. When employees are accepting or transferring evidence and/or property to and/or from citizens or other agencies, the *Property Receipt* is required to document the chain of custody. In these circumstances, the *Property Receipt* is submitted to Central Records & Permits for record keeping.
5. When a *Property Receipt* is completed by an employee taking official custody of any evidence/property, all applicable data blocks/fields shall be completed.
 - a. It shall be legibly completed (typed or handwritten) and include the corresponding departmental case number.
 - b. The date when the employee assumed physical custody of the evidence and/or property shall be entered in the space provided for the "Date."
 - c. The victim, suspect, owner and complainant, to include their name, date of birth, address and phone numbers, shall be included in the designated spaces, if known.
 - d. The location (e.g., exact address, cross streets) where the employee assumed physical custody of the evidence and/or property is to be entered in the space provided for the "Location Obtained."
 - e. The purpose (e.g., safekeeping, evidence, found property, crime lab) of collecting/maintaining any evidence/property shall be indicated by checking the appropriate box. An item cannot be deemed evidence and found property, or evidence and safekeeping, simultaneously; only one (1) may be checked.
 - f. The type of incident or investigation shall be entered in the space provided for the "Case Type." CCPD police signals and/or codes (e.g., 38D, 44, 48, 6104) will not be used as the Case Type. Employees will use plain English.

- g. The involvement of a juvenile suspect or victim shall be indicated by checking either or both of the appropriate boxes.
- h. The employee who is ultimately responsible for submitting any evidence and/or property to the Evidence Custodian shall be clearly identified on the *Property Receipt* by including their typed or handwritten name, employee number and signature. [CALEA 83.3.2(a)]
- i. During incidents in which more than one (1) item of evidence and/or property are collected from one (1) person, place or at the same time, all items should be listed on the same *Property Receipt*.
 - 1) Each package of evidence or property listed on a *Property Receipt* will be identified by consecutive lettering (e.g., A, B, C), beginning with the letter A, in the space provided for the "Package Lettered." [CALEA 84.1.1(d)]
 - 2) Each item within a single package will be identified by consecutive numbering (e.g., 1, 2, 3), beginning with the number one (1), in the space provided for the "Item #." [CALEA 84.1.1(d)]
 - 3) The quantity of any specific item listed within a single package shall be reflected in the space provided for "Qty." [CALEA 84.1.1(d)]
 - 4) A detailed description of each item shall be documented in the space provided for the "Description of Article." Sufficient details (e.g., brand name, model name or number, serial number, condition, unique markings, color) shall be included to ensure ease and certain identification of the item described. [CALEA 84.1.1(d)]
 - 5) Employees will indicate at the end of the list, on the *Property Receipt*, that there is no other evidence/property to document or log. [CALEA 84.1.1(d)]

Examples of *Property Receipt* entries:

PACKAGE LETTERED	ITEM #	QTY	DESCRIPTION OF ARTICLE (INCLUDE MODEL, SERIAL NO., CONDITION, ECT.)
A	1	14	.38 caliber brass casings wadcutter "W-W SPEC." on base of each cartridge, each marked with "CLM 6-1-79"
B	1	1	Ring: gold in color, metal, plain band, green stone in setting, surrounded by eight (8) smaller white stones; "JMB" engraved inside band
	2	3	Necklaces: gold in color, rope-style chain
C	1	10	One-dollar bills (\$10.00 in U.S. currency)
D	1	1	Revolver: Smith & Wesson, Airweight, .38 caliber, bearing serial # 23J446; wooden grips marked with "CLM 6-1-79"
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- j. If there is not enough space or room on the *Property Receipt* to complete the list of evidence and/or property, the submitting employee will utilize a *Supplemental Evidence Form* to continue the list. There is no space provided for the submitting employee's signature on a *Supplemental Evidence Form*; therefore, the submitting employee will sign it on the bottom or last line of the "Description of Article" area.
- k. Establishing the chain of custody record is the responsibility of the employee who initially took possession of the evidence and/or property. As changes in custody occur, each new person or employee assumes responsibility for the maintenance of the chain of custody record.
 - 1) This begins with documenting the person, or other employee, who relinquished an item(s) to the employee. The relinquishing person or employee will print and sign their name.
 - 2) The receiving person or employee will print and sign their name.
 - 3) The purpose for the change in custody and the date of such will be notated in the space provided for "Purpose of Change and Date."
 - 4) If the relinquishing or receiving person is not an employee of the CCPD, a copy of the *Property Receipt* will be given to that person. Any additional copies of the *Property Receipt* may be maintained with the corresponding *Incident Report* and/or *Supplemental Report*.
- l. Upon transferring evidence or property to the Evidence Custodian, the original *Property Receipt* is to remain with the corresponding evidence or property.
- m. Employees who assume custody of evidence from the Evidence Room bear full responsibility for ensuring its security, proper storage, and maintenance, and for the ready retrieval of such evidence, upon demand.

G. Secure Submission of Evidence & Property

Secure facilities are provided for the transfer and storage of all evidence and/or property during and after normal business hours (0700-1700, Monday-Friday). [CALEA 84.1.3] The physical transfer of evidence and/or property to the Evidence Custodian may be completed using the following methods:

1. Transfer directly to the Evidence Custodian or Evidence & Property personnel.
2. Transfer via the Evidence Receiving Area by utilizing the evidence locker(s) or refrigerator.
3. Use of the Outside Evidence Area will require the assistance of Evidence & Property personnel, whether during or after business hours.

H. Found Property & Safekeeping

1. In order for any item(s) to be deemed "found property" or "safe keeping" the item(s) cannot have any evidentiary value.
2. Found Property

Prior to employees transferring any found property, as defined in the procedure, to the Evidence Custodian, the employee shall indicate and/or mark on the evidence

packaging, or on the *Property Receipt*, when applicable, that the property is being submitted as found property.

3. Safekeeping

Employees who recovered property for safekeeping will make every attempt to identify the rightful owner, or other custodian of the property, and notify them that the property is being held for safekeeping by the Department. [CALEA 84.1.1(f)]

Employees shall indicate and/or mark on the evidence packaging, or on the *Property Receipt*, when applicable, that the property is being submitted for safekeeping. Evidence & Property personnel will send out a notification postcard to persons who are identified as the rightful property owner(s).

4. If, for any reason, the personal property of an arrestee was not accepted by the authorized detention facility at the time of booking, the arresting officer shall handle the arrestee's property in the same manner as if it were found property, and will complete all required documentation, and transfer it to the Evidence Custodian for safekeeping. The arrestee will be informed of the location of their property.

I. GBI Division of Forensic Sciences (DOFS or State Crime Lab)

1. Packaging and transferring evidence to DOFS will be in accordance with GBI DOFS procedures. [CALEA 83.3.2(b)]

2. DOFS Evidence Submission Form

a. GBI DOFS has developed an online evidence submission form that agencies are required to use, when submitting evidence to DOFS. All employees responsible for submitting evidence will create their own account with the GBI DOFS by utilizing the GBI's DOFS Internet Case Entry website: <http://dofs.gbi.georgia.gov/> and following the prompts; phone contact for technical assistance, during normal business hours is 404-270-8607.

b. A *DOFS Evidence Submission Form* shall be completed by the submitting employee, online, for any item to be taken by Evidence & Property personnel, or Crime Scene Investigations (CSI) personnel, to DOFS for further examination and/or analysis. [CALEA 83.3.2(c)]

The completed *DOFS Evidence Submission Form* must either be printed and submitted, or saved as a PDF document and emailed to evidence.unit@claytoncountyga.gov, when the evidence items are submitted.

Simply completing the *DOFS Evidence Submission Form* on the GBI website is insufficient. In accordance with GBI requirements, the form must accompany all evidence transferred to the DOFS.

c. The *DOFS Evidence Submission Form* will be completed in addition to any other form or required documentation.

d. In the event the GBI DOFS Internet Case Entry website is inoperable or undergoing maintenance, employees will utilize the version of the *DOFS Evidence Submission Form* available in the departmental forms link on the CCPD's Intranet site.

3. Personnel transferring evidence to the State Crime Lab DOFS must ensure that the chain of custody is documented and maintained. [CALEA 83.3.2(d)]

4. Narcotics Identification

The DOFS will examine and analyze felony amounts and/or felony types of narcotics and/or dangerous drugs. Misdemeanor amounts of suspected marijuana may be examined and analyzed, if and when testing is requested by the prosecuting authorities, or when other felony narcotics criminal allegations or charges exist in the same investigation.

5. Biology & Trace Evidence

For all DOFS submissions involving biology and trace evidence (e.g. DNA/serology, sexual assault kits), a copy of the corresponding *Incident Report*, *Supplemental Report*, or case summary, is required by GBI DOFS and will accompany the *DOFS Evidence Submission Form*. The only exception to this report copy requirement pertains to submitted Gun Shot Residue (GSR) Kits.

6. DOFS Results

Obtaining the documented results of any forensic examination/analysis conducted by DOFS is the responsibility of the concerned/authorized CCPD personnel (e.g., assigned CSI personnel, case detective) who requested the examination/analysis. The results will be incorporated into the case file. [CALEA 83.3.2(e)]

V. EXCEPTIONAL, VALUABLE OR SENSITIVE ITEMS [CALEA 84.1.1(e)]

The CCPD will maintain the highest level of security and safety for handling exceptional, valuable, and or sensitive items. For protection, employees should wear rubber gloves, when processing and handling narcotics and/or dangerous drugs, bio-hazardous substances, or any other foreign or unidentifiable substances.

A. U.S. Currency and/or Coins

This procedure does not apply to counterfeit, foreign or novelty currency and coins.

1. U.S. currency and/or coins shall be packaged separately from any other items. All money, whether deemed evidence or property, to be transferred to the Evidence Custodian, shall be counted by a minimum of two (2) employees, to confirm the total, before it can be submitted. The proper evidence currency bag (which displays a money denomination inventory) designated and marked for currency storage must be used for all transfers of money to the Evidence Custodian. Both submitting employees must sign the evidence currency bag. It is recommended that a supervisor also count the money for confirmation prior to submission.

2. Regarding any currency or coins totaling ten thousand dollars (\$10,000) or more (in U.S. currency/coins only), whether deemed evidence/found property, a supervisor shall arrange for the Evidence Custodian, or designee, to take possession of the currency personally. If after normal business working hours (0700-1700, Monday-Friday), the Evidence Custodian, or designee, shall respond, take custody of the currency from the submitting employees and place the currency directly into the vault.

B. Narcotics & Dangerous Drugs

1. Narcotics and/or dangerous drugs are stored in designated locked/secured rooms/areas. Access is restricted to only the Evidence Custodian, and/or authorized designees, assigned to the Evidence & Property Unit.
2. Generally, narcotics and/or dangerous drugs shall be placed in a package within a package (i.e., sealed inner bag within the evidence bag), in accordance with GBI DOFS narcotics packaging requirements, by the submitting employee prior to transferring them to the Evidence Custodian. Narcotics and/or dangerous drugs in containers or packaging at the time of arrest or seizure cannot be placed directly into an evidence bag. Plastic, sealable bags (i.e., zip lock bags) are available for use in the Evidence Receiving Area.

Example: An officer seized suspected marijuana that was previously packaged by a suspect in small quantities for individual sale or use. Leaving the evidence in the state it was seized, the officer must place the suspected marijuana in its pre-packaged state, in a separate, **sealed** bag or container (i.e., zip lock bag) before placing it into an evidence bag.

3. Each type of narcotic and/or dangerous drug shall be packaged separately from each other and any other items, in accordance with GBI DOFS narcotics packaging requirements. Packaging each type separately prevents the contamination of the evidence prior to testing and minimizes the chain of custody.

C. Firearms

1. Ensuring Firearms are Safe

Employees will ensure all firearms are rendered safe by removing the ammunition from the weapon.

- a. If the condition of the weapon prevents an employee from removing the ammunition, the employee will notify their supervisor. Depending on the circumstances, the supervisor may request assistance from a Firearms Instructor.
- b. When necessary, firearms will be cleared in the clearing barrel located on the loading dock outside the Evidence Receiving Area.
 - 1) For pistols and revolvers, a plastic zip tie will be secured inside and/or through the barrel.
 - 2) For long guns, a plastic zip tie will be secured inside and/or through the magazine well or housing.

2. Labeling & Packaging Firearms

- a. All firearms will be tagged with the evidence (red) or property (white) tag, with the Evidence Label affixed to the tag. The tag may be attached to the same plastic zip tie used to make the firearm safe.
- b. Firearms will not be placed in a plastic evidence bag or container.
- c. Ammunition, magazines and detached accessories will be packaged separately and may be placed in plastic evidence bags.

- d. Generally, handgun boxes and long gun boxes will only be utilized by Crime Scene Investigations (CSI) personnel for packaging firearms. Should preservation of any possible forensic evidence on other firearms be needed, exceptions may be considered to package firearms in gun boxes.
3. Firearms are stored in the designated locked/secured room. Access is restricted to only the Evidence Custodian, and/or authorized designees assigned to the Evidence & Property Unit.

D. Damp or Wet Evidence & Property Items

Any evidence that is damp or wet (e.g., wet or blood-soaked clothing, bodily fluids on bedding, blood-covered firearms) shall be turned over to CSI personnel in order for the evidence to be placed in the drying tank. Chain of custody will be maintained using RMS Evidence. CSI personnel will ensure that the evidence is dry and properly packaged before it is transferred, if necessary, to the Evidence Custodian.

- E. In the event an employee must submit items when special security considerations are present, a supervisor may request that the Evidence Custodian, or designee, assist and/or be called in to secure the evidence and/or property.
- F. All oversized and/or hazardous evidence and/or property to include, but not limited to, motorized items that contain petroleum products, bicycles, or any item that is too large to be retained within the Evidence Room, shall be transferred directly into and maintained within the Outside Evidence Area. Employees must ensure that the *Property Receipt* is transferred to the Evidence Custodian via the Evidence Receiving Area and that the item(s) maintained outdoors is/are properly labeled and identifiable.

CCPD personnel transferring evidence may access the Outside Evidence Area by contacting Evidence & Property Unit personnel. This procedure will require a minimum of two (2) employees, or a supervisor, entering the Outside Evidence Area together.

VI. EVIDENCE & PROPERTY UNIT PERSONNEL RESPONSIBILITIES

- A. The Chief of Police shall designate an Evidence Custodian and Alternate Evidence Custodian for the management of all Evidence & Property functions. The Evidence Custodian shall have sole authority for the maintenance of evidence and property records, and shall be accountable for the control of all evidence/property stored in the Evidence Room and the Outside Evidence Area. In the absence of the Evidence Custodian (e.g., planned/unplanned leave, training), the Alternate Evidence Custodian shall be responsible.
- B. Evidence & Property personnel shall:
 1. Follow established procedures, which minimizes loss, theft or destruction of evidence/property or any other actions that might lead to a loss of evidentiary value.
 2. Ensure that all evidence and/or property received has been assigned a barcode number through RMS Property Intake by the submitting employee, and that it is stored and released in a timely, efficient and accountable manner, avoiding any unnecessary delay(s).
 3. Routinely transfer evidence from the Evidence Receiving Area to the Evidence Room, to include the timely updating of the storage location for each item in RMS

Evidence. In the event that circumstances dictate that a *Property Receipt* must be utilized by the submitting employee, adhere to the following:

- a. Upon the receipt of evidence and/or property, Evidence & Property personnel will date and sign the *Property Receipt* and place the submitted items into the proper storage area. A barcode number will be affixed to the evidence/property, or the packaging, and written on or affixed to the corresponding *Property Receipt*.
 - b. *Property Receipts* will be scanned into the CCPD's electronic document retrieval system and the original will be placed in the Evidence & Property active files.
4. Ensure that all evidence and/or property is stored within designated, secure areas, based on the priority of the incident or alleged crime, with access limited to authorized personnel. [CALEA 84.1.2]
 5. Ensure all procedures will be followed to maintain a proper chain of custody, maintain internal control and to document the transfer of property to the point of release from departmental control. [CALEA 84.1.1(h)]
 6. Make every legal effort to prevent the unnecessary accumulation of property in the Evidence Room. Unclaimed, found property will be disposed of after ninety (90) days.
 7. Ensure all received evidence and/or property is logged in RMS Evidence, to include the date of receipt, case number, barcode number and description(s) of the evidence and/or property, and the current storage location within the Evidence Room for each item. RMS Evidence reflects the status of all evidence and/or property maintained by the Evidence Custodian. [CALEA 84.1.5]
 8. Submit evidence maintained by the Evidence Custodian to the Georgia Bureau of Investigations Division of Forensic Sciences (DOFS or State Crime Lab). Evidence & Property personnel will obtain a date and time stamp on the *DOFS Evidence Submission Form (DOFS Form)* at the time of submission to DOFS. A copy of the *DOFS Form* will be maintained in Evidence & Property records.

C. Deposit of US Currency

Once the money is submitted, Evidence & Property Unit personnel shall ensure the following process occurs:

Deposit of Money Secured in the Evidence Vault Room

1. When the evidence currency bag is submitted, Evidence & Property personnel will ensure the currency has been properly packaged, labeled and signed by two (2) employees, and all required information has been written in all applicable fields.
2. The evidence currency bag will not be opened by any Evidence & Property Unit personnel.
3. The evidence currency bag is then secured in the Vault.
4. All U.S. currency and/or coin in the Evidence Vault Room shall be deposited into the CCPD's designated bank account once per week.

Exceptions: All money containing biohazard material (e.g., bodily fluids, blood) in it or on it, and any money seized as evidence for a murder/homicide investigation, shall remain stored in the Vault and never be deposited into the designated bank account.

5. All evidence currency bags containing money shall be photographed, front and back, using the Evidence & Property Unit's Department-issued body-worn camera (BWC), prior to bank packaging for deposit.
6. All currency bags to be deposited shall be placed in a courier deposit bag along with a completed bank deposit log. The bank deposit log shall list all corresponding case numbers, evidence barcodes and U.S. currency amounts.
7. Once ready for deposit, a designated courier will pick up the weekly deposit from the Evidence & Property Unit, sign the *Vault Log* to maintain chain of custody and transport the deposit to the Department's designated bank. Evidence & Property Unit personnel will ensure that the chain of custody is maintained at all times.
8. The CCPD's designated bank will notify the Evidence Custodian of any discrepancies with the money deposit. If no discrepancy exists, the final deposit receipt is sent to the Evidence Custodian for printing and filing.
9. All money deposit receipts will be placed in a designated file and maintained by the Evidence Custodian.

D. Snail Trap

The Evidence Custodian, and/or Evidence & Property personnel, are responsible for the use, care, maintenance, repairs and storage of the Snail Trap. The following procedures will be adhered to, when using the Snail Trap.

1. The Snail Trap will be stored and used in a well-ventilated area designated by the Chief of Police.
2. The Snail Trap requires the use of an oil-water mixture. When needing to be replaced, the used oil-water mixture will be taken to the County Fleet Maintenance Facility for proper disposal.
3. When conducting sample firing and collecting casings using the Snail Trap, personnel will adhere to the strict safety procedures outlined within the Snail Trap manufacturer's instruction manual. Personnel are responsible for familiarizing themselves with the manual. The manual will be maintained by the Evidence Custodian for quick reference.
4. Recovered casings will be packaged, labeled, and submitted in accordance to the specifications outlined by the ATF.
5. The employee conducting the test firing shall complete a *Supplemental Report* using the corresponding case number. Upon approval, the report will be submitted through RMS.

E. Evidence Training Task Checklist

Upon appointment to Evidence & Property, personnel will be trained in the procedures of Evidence & Property. An *Evidence Training Task Checklist* will be completed and

reviewed by the Evidence Custodian to ensure the new personnel understands the internal procedures and continuity of the procedures is maintained. [CALEA 84.1.1(h)] See *Appendix C* of this procedure for the *Evidence Training Task Checklist*.

VII. EVIDENCE ROOM SECURITY & ACCESS

- A. The CCPD shall maintain a secure Evidence Room for the purpose of storing all evidence and/or property recovered and/or found. The cardkey entry doors will be closed and locked at all times. All internal Evidence Room doors will be locked at the end of the workday. Keys to the Evidence Room will be maintained by assigned Evidence & Property personnel and will only be accessible to those personnel.
- B. The Evidence Custodian is not responsible for maintaining or accounting for controlled substances, weapons or explosives used for training purposes. Such items used for training purposes will be maintained and accounted for by the concerned specialized or tactical units, or designated personnel, who utilize them, regardless of whether or not the items are stored within the Evidence Room.
- C. Access to the Evidence Room will be limited to the following:
 - 1. Evidence & Property personnel;
 - 2. CCPD personnel who are escorted by Evidence & Property personnel; and
 - 3. Those persons authorized by the Chief of Police who are escorted by Evidence & Property personnel.

VIII. DISPOSITION OF EVIDENCE AND/OR PROPERTY [CALEA 84.1.1(G)]

- A. Release of Evidence Related to Pending Criminal Court Cases
 - 1. Evidence seized as part of any investigation involving a formal criminal charge, either through warrant or arrest, shall not be disposed or released without written authorization from the concerned prosecutor's office. Requests to dispose or release such evidence will be made by the Evidence Custodian and directed to the assigned prosecutor and investigator from the prosecuting office.
 - 2. Once a formal criminal charge is obtained, the involved sworn personnel do not have the authority to authorize the disposal or release of such evidence.
- B. Release of Evidence to Other Employees or Other Agency Representative
 - 1. Evidence will not be released for any reason to any employee, or other law enforcement agency representative, without written authorization from both the primary reporting officer, case detective and/or lead CSI personnel, along with that employee's direct supervisor. This applies to all circumstances where an employee is assisting the primary reporting officer, case detective and/or lead CSI personnel.
 - 2. Possession of an applicable search warrant for specified evidence overrules this requirement.

C. Return or Release to Rightful Owner

The return or release of evidence, property and/or articles to the rightful owner shall be in accordance with OCGA § 17-5-50 et seq.

D. Release of Firearms

The release of firearms to the rightful owner shall be in accordance with Federal law 18 USC § 922[g] (1-9), in addition to OCGA § 17-5-50 et seq.

1. Firearms shall not be released by the Evidence & Property Unit, if prohibited by court order or law.
2. Firearms shall not be released to any third party, regardless of consent given by the rightful owner, if the rightful owner is prohibited by court order or law from possessing a firearm. In such circumstances the firearm will be maintained by the Evidence Custodian, and is/are not eligible for destruction or disposal, or transfer to a federally-licensed gun dealer, until court order or law dictates otherwise.
3. Firearms that are considered evidence in any criminal investigation shall not be released to the rightful owner, until a final disposition for the case(s) has been reached. Firearms that are not considered evidence in any criminal investigation shall be released to the rightful owner, unless court order or law prohibits the rightful owner from possessing a firearm.
4. Firearms shall not be released to the rightful owner when they have a pending criminal charge that could be in violation of law, if convicted. The firearm(s) shall not be released until a final disposition for their case has been reached.

E. Weapons Used for Historical or Instructional Purposes

The use of weapons for historical or instructional purposes shall be in accordance with OCGA § 17-5-53.

F. Retention of Evidence or Property for Official Use

The retention of evidence or property by the Department for official use shall be in accordance with OCGA § 17-5-52, 17-5-54.

1. In addition to the requirements of OCGA § 17-5-54, and before CCPD personnel can utilize evidence and/or property for official use, the CCPD must obtain approval from the Clayton County Board of Commissioners (CCBOC) accepting the property.

The division commander within the Evidence Custodian's chain of command is responsible for completing a *CCBOC Legislative Request Form* and forwarding it to the CCPD's Legal Advisor for review and submission to the Chief of Police. The *CCBOC Legislative Request Form* is available for use on the County intranet: <http://ecompass.claytoncountyga.gov>.

2. Once approval has been obtained from the CCBOC, the CCPD may allocate and distribute the retained property for official use by adhering to the following procedures:
 - a. Once the aforementioned requirements are met, CCPD personnel may acquire retained evidence and/or property for official use from the Evidence Custodian, or designee, by utilizing the *Official Use of Retained Property Request Form*.

See *Appendix B* of this procedure for the *Official Use of Retained Property Request Form*. This is the only authorized departmental form that can be

utilized to for obtaining retained evidence and/or property from the Evidence Custodian.

- 1) The form shall be completed by a supervisor of the rank of lieutenant or higher and submitted to the concerned division commander within the requesting supervisor's chain of command.
 - 2) Upon approval and signature, the concerned division commander shall forward the form to the division commander within the Evidence Custodian's chain of command.
 - 3) Upon approval and signature, the division commander shall forward the form to the Evidence Custodian for processing.
- b. Upon receipt and acknowledgement, the Evidence Custodian shall notify by person, phone or email, the requesting supervisor of the approval to obtain the retained property for official departmental use.
 - c. The requesting supervisor, or designee, shall make arrangements with the Evidence Custodian, or designee, in advance, to meet and obtain the retained property. The requesting supervisor, or designee, who meets with the Evidence Custodian, or designee, to obtain the retained property, shall sign the form, and any other documentation (i.e., *Property Receipt*) deemed necessary, to maintain accountability for said item(s).
 - d. The Evidence Custodian shall file and maintain the form and all related documentation (e.g., superior court order, CCBOC resolution, *Property Receipt*) using the corresponding departmental case number.
 - e. When retained property utilized for official use is damaged, inoperable, no longer needed or is in need of disposal, it shall be returned to the Evidence Custodian prior to any further action (i.e., disposal, repair, storage) being taken. Property accountability will be maintained and documented.

G. Evidence Used in Criminal Cases

Criminal evidence shall be handled in accordance with OCGA § 17-5-55.

H. Biological Material Maintained as Evidence

In all criminal cases, the maintenance of any physical evidence containing biological material shall be in accordance with OCGA § 17-5-56.

I. Return of Evidentiary/Non-Evidentiary Money to a Citizen

In the event a citizen comes to the Evidence & Property Unit to recover money that is considered evidence, safekeeping or found property in a departmental investigation or case; the following procedures shall be followed:

1. The citizen will complete an IRS Form W-9, if more than five hundred dollars (\$500) is being sought, and submit it to the Evidence Custodian, or designee. Additionally, any related court documentation, or documentation that ensures the release of property to the rightful owner, will be provided to accompany the IRS Form W-9 and begin the process of recovering the money.

2. The Evidence Custodian, or designee, then completes a memorandum addressed to the Chief of Police, and/or designee, requesting the release of specified funds. The memorandum, along with the IRS Form W-9 and any related documentation, will be submitted to the Chief of Police and/or designee.
3. The aforementioned documents are uploaded into the finance system as a check request.
4. The Accounts Payable Manager then authorizes the release of the specified amount of money to the specified citizen. The payment method and/or arrangements will be made by and/or through the County Finance Department.
5. The Evidence Custodian then updates RMS Evidence.

IX. INSPECTIONS, INVENTORIES & AUDITS

A. Inspections

1. Semi-annual inspections of the Evidence Room will be conducted by the Evidence Custodian, or designee, to ensure that departmental procedures concerning evidence and/or property are being followed. [CALEA 84.1.6(a)] Semi-annual inspections will:
 - a. Ensure that the Evidence Room is maintained in a clean and orderly fashion;
 - b. Ensure that all evidence/property is protected from damage or deterioration;
 - c. Ensure that accountability procedures are being maintained; and
 - d. Ensure that any property with no evidentiary value is being disposed of in a timely manner.

Semi-annual inspection reports shall be maintained by the Evidence Custodian, or designee. Copies of the semi-annual inspection reports shall be forwarded to the Accreditation Manager.

2. Unannounced inspections of the Evidence Room and records will be conducted as directed by the Chief of Police, or designee, at least once per year. [CALEA 84.1.6(d)]

Such inspections may be brief and may include cleanliness, orderliness and accuracy of records. Unannounced inspection reports shall be maintained by the Evidence Custodian, and copies of the unannounced inspection reports shall be forwarded to the Accreditation Manager.

B. Audits

1. Annual Audit [CALEA 84.1.6(c)]

An annual audit of the evidence/property held by the CCPD will be conducted by the Chief of Police, or authorized designee not directly associated with Evidence & Property Control function. A report of the annual audit will be maintained by the Evidence Custodian. A copy of the annual audit shall be forwarded to the Accreditation Manager.

2. Audit when a new Evidence Custodian is Appointed [CALEA 84.1.6(b)]

When a new Evidence Custodian is appointed, an audit of the evidence/property held by the CCPD will be conducted jointly by the outgoing Evidence Custodian and the newly-appointed Evidence Custodian to ensure that records are correctly and properly annotated. A report of the audit will be maintained by the Evidence Custodian. A copy of the report shall be forwarded to the Accreditation Manager.

X. DIGITAL EVIDENCE INVESTIGATIONS

For information regarding the seizure, protection and storage of digital evidence on mobile devices, refer to CCPD SOP *E14: Digital Evidence Investigations*.

XI. CANCELLATION

This procedure amends and supersedes the following standard operating procedure: *E3: Evidence & Property Control*, dated August 12, 2022.