




Cocoa Beach Police Department

Standard Operating Procedure



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Approving Authority: Chief of Police Kris Kuehn		
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1. PURPOSE

The purpose of this standard operating procedure is to establish guidelines for the collection, storage, control and handling of all property and evidence submitted to the Cocoa Beach Police Department.

2. SCOPE

This standard operating procedure shall apply to all members of the Cocoa Beach Police Department.

3. POLICY

It is the policy of the Cocoa Beach Police Department to ensure strict accountability for all property and evidence collected and to maintain proper chain of custody.

4. DEFINITION(S)

- A. CHAIN OF CUSTODY – the sequential documentation or trail accounting for the custody, control, transfer, analysis, and disposition of physical or electronic property/evidence.
- B. EVIDENCE – any item(s) that has value in either proving or disproving the commission of a crime or the identity of a suspect pursuant to an official criminal investigation.
- C. EXAMINATION – an annual check of the Property and Evidence function to ensure compliance with established controls, policies, and operational procedures and to recommend any indicated changes.
- D. FIREARM ELIGIBILITY SYSTEM (FES) – FDLE’s web-based application available for criminal justice agencies to submit background check transactions prior to firearm returns to Florida residents.
- E. FOUND PROPERTY – non-evidentiary item(s) that has been lost and is not suspected of relating to a criminal offense.
- F. INVENTORY – an annual full or partial accounting of items stored by the agency as property and evidence.
- G. NIBIN – National Integrated Ballistics Information Network
- H. PROPERTY AND EVIDENCE CUSTODIAN – The Property and Evidence Supervisor is the Property and Evidence Custodian who is accountable for all property and evidence stored in the Property and Evidence Room and in offsite storage areas. (CFA 27.13M)
- I. SAFEKEEPING PROPERTY – any property of non-evidentiary value taken into custody for temporary protection on behalf of the owner.

5. PROCEDURES

The Property and Evidence Unit is responsible for the handling, storage, and release or disposal of all property and evidence held by the Cocoa Beach Police Department.

- A. Submission of Property/Evidence by an Officer

1. The officer collects item(s) and completes the appropriate incident report describing the circumstances by which the property/evidence came into their possession. (CFA 27.15MD)
 2. The officer shall search all backpacks, bags, luggage, and like items for narcotics, paraphernalia, currency and/or perishable items. Currency, narcotics, and paraphernalia shall be bagged separately according to policy/procedure. Perishable items shall be disposed.
 3. All property/evidence taken into custody shall be packaged utilizing Department supplied packaging material and labels to ensure its preservation and integrity. (CFA 27.15ME)
 4. Item(s) shall be placed in the appropriate container consistent with the [FDLE Crime Laboratory Evidence Submission Manual](#). (CFA 20.01)
 5. The container shall be labeled with the case number, type of offense, description, date of recovery and submitter's name and badge number.
 6. The container shall be properly sealed with evidence tape and the taped seals shall be initialed.
 7. All submissions shall be accompanied by a completed Cocoa Beach Police Department Property Receipt. (CFA 27.15MD)
 8. All evidence and found/safekeeping property shall be locked in a secure Evidence Intake Room locker. If the item is too large to fit in a secured intake locker, it shall be placed in the Bike Impound area and secured with a cable lock. Automobiles, boats, and other larger items are to be stored in the gated vehicle storage area at Public Works.
 9. Property or evidence requiring refrigeration shall be locked in a designated refrigerated locker. (CFA 27.08MA)
 10. The officer will complete an entry in the Master Property Book to include case report number, list of items(s), suspect/victim info, date and time of submission and officer name and badge number.
 11. Twenty-four-hour accessible secured storage areas include lockers and lockable refrigerated storage units located in the Evidence Intake room as well as secured outdoor impound areas. (CFA 27.09M)
 12. The officers shall submit and log all property/evidence in their possession as soon as practical but no later than the end of their shift. (CFA 27.15MB) In an emergency, such as the officer is injured on duty, the On-duty Shift Supervisor shall collect the item(s) in the officer's custody and submit it before the end of their shift. (CFA 27.15MC)
- B. Receiving Property/Evidence by Property and Evidence Unit Members
1. The Property and Evidence Custodian, or designee, accepts and logs all incoming property/evidence into Department records within 3 business days by removing the item(s) from locker, signing the Cocoa Beach Police Department Property Receipt, and signing the Master Property Book. (CFA 27.15MA)
 2. All items submitted into Property and Evidence will be inspected to ensure tape and seal are intact and that the packaging/evidence label and the CBPD Property receipt are completed accurately.
 3. The Property and Evidence Custodian, or designee, assigns a location in the Property and Evidence storage room or appropriate extra security-controlled areas to include refrigerated storage and freezer storage. In the event of a power failure/outage, the Evidence Room refrigerator and freezer are protected by a back-up generator as well as temperature sensors that alert the Property and Evidence Custodian, or designee, when temperature rises above 14 degrees Fahrenheit (freezer) or 42 degrees Fahrenheit (refrigerator). (CFA 27.08MB)
 4. The Property and Evidence Custodian is accountable for the Property and Evidence records system which provides the following information at a minimum: (CFA 27.10M)
 - a. Current location of property/evidence. (CFA 27.10MA)
 - b. Date and time property/evidence was received or released. (CFA 27.10MB)
 - c. Description of property/evidence. (CFA 27.10MC)
 - d. Chain of custody from time of receipt until final disposition. (CFA 27.10MD)

5. Items requiring extra security including currency/negotiable instruments, precious metals, jewelry, weapons, and narcotics, will be stored with extra security measures. (CFA 27.15MF) Verification of narcotic weights and currency counts will require signatures or initials from two Property and Evidence members confirming the value, weight(s) or description of the item(s). (CFS 27.07M)

6. ENTRY AUTHORIZATION (CFA 27.06M)

- A. Access to the Property and Evidence storage room and other secure areas is strictly controlled to prevent the alteration, unauthorized removal, theft, or other compromise of property/evidence and to maintain chain of custody. All others, when entering the Property and Evidence storage room, must sign the paper entry log and will be escorted by a Property and Evidence member.
- B. Twenty-four-hour access to the Bike Impound drop cage can be made by obtaining a key from the On-duty Shift Supervisor.
- C. All persons entering the outdoor vehicle storage area at Public Works will be escorted by a Property and Evidence member.

7. PROPERTY

All property and evidence must be documented on a property receipt. All items should be listed in property modules in the offense report. (CFA 27.15M) No property or evidence will leave the custody and control of a Property and Evidence member without a signature, reason, date, and time being noted on the property receipt.

A. Firearms, Weapons and Explosives

1. All firearms/ammo shall be stored in the Property and Evidence Room Extra Security Items Storage Room B.
2. All firearms and weapons will be unloaded. If an impounded firearm cannot be unloaded for any reason, it shall be conspicuously labeled "loaded and unsafe." The officer and/or the Property and Evidence Custodian will notify an armorer/firearms instructor who will attempt to render it safe. If the weapon cannot be rendered safe, it shall remain conspicuously labeled "loaded and unsafe."
3. The magazine will be removed from the firearm and emptied of ammunition. The magazine will be secured next to firearm in the weapons box. Ammunition will be packaged separately.
4. The officer completes the [Bureau of Alcohol, Tobacco and Firearms National Tracing Center Trace Request](#) (ATF Form 3312.1) and submits it with the firearm.
5. The officer will submit clear and legible printed photos of the firearm and all its markings with the ATF form.
6. Persons who have had a firearm confiscated for any reason shall be informed by the officer that confiscated the weapon to contact the Property and Evidence unit for information on retrieving the item.
7. No explosives or volatile liquids are to be stored in the Property and Evidence room. These items may be temporarily stored at the Bike Impound.
8. All bomb-related cases require contact with the Communications Center for notification to the proper agency for destruction.
9. Owners retrieving their firearms at the PD shall be escorted to their vehicle by an officer who shall carry and place the item(s) securely inside. The officer will complete a supplemental report to include the FES control number supplied by a Property and Evidence member.

B. Narcotics/Controlled Substances – Evidence (CFA 27.07M)

1. All narcotics/controlled substances shall be stored in a designated area in the Property and Evidence Room Extra Security Items Storage Room A.
2. Officers submitting suspected controlled substances are responsible for examining, field testing, weighing, packaging, and requesting laboratory analysis. NOTE: If the substance is suspected of

- containing Fentanyl, extreme caution should be taken. The package shall be marked with a Suspected Fentanyl Compound sticker.
3. All controlled substances shall be packaged separately from other items and from each other.
 4. Per FDLE requirements, any tablet/capsule, powder, or solid substance(s) shall be packaged inside a small clear plastic bag which shall then be sealed inside an outer bag intended for evidence submission. Outer bags shall have a minimum of 3 mil thickness and a minimum size of 4 ½ x 7 inches. All openings must be properly sealed with red frangible evidence tape in accordance with the [FDLE Crime Laboratory Evidence Submission Manual](#).
 5. Drug paraphernalia shall be packaged separately.
 6. Liquids – Refer to the [FDLE Crime Laboratory Evidence Submission Manual](#).
 7. Pills/tablets/capsules shall be removed from pill bottles or other packaging. Description of pills on packaging and property receipt shall indicate type (tablet/capsule), shape, color, and markings (must indicate if no markings exist). Indicate if fragments or crushed materials are present.
 8. The officer shall weigh controlled substance(s) prior to and after packaging. The initial and total package weights shall be indicated on the package and the property receipt.
 9. Field test kits are not to be logged into evidence. The officer shall document their use and findings in the offense report.
- C. Narcotics/Controlled Substances - Death Cases
1. When the Medical Examiner's Office accepts the remains or if the remains are retrieved for an autopsy due to a death that may become a criminal case, all the deceased party's medications shall be collected, packaged, and stored as evidence as described above in section B.
 2. If the ME's Office refuses the remains and the remains are released to a funeral home after a doctor signs the death certificate, medications shall be collected and packaged in the same bag and sealed with non-frangible evidence tape. These medications DO NOT need to be identified by color/shape/markings, instead the officer shall list them as miscellaneous medications of deceased person on packaging and property receipt. Total package weight shall be listed on the packaging and property receipt.
 3. Pill bottles or other packaging shall be packaged separately.
- D. Narcotics/Controlled Substances – For Destruction/Safekeeping/Non-Evidentiary Items
1. Item(s) shall be packaged and stored as listed above in Section B and sealed with non-frangible evidence tape.
- E. Currency/Negotiable Instruments
1. All currency shall be stored in the Property and Evidence Room Extra Security Items Storage Room B safe.
 2. All currency will be broken down into denominations and packaged separately from all other property and evidence.
 3. If the amount collected is higher than \$3000, the Property and Evidence Custodian will be contacted by email/phone to remove from locker expeditiously.
 4. An automatic money counter located at the Evidence Processing Station may be used to count large amounts of currency.
- F. Jewelry
1. Any precious metal or jewelry appearing of value shall be stored in the Property and Evidence Room Extra Security Storage Room B safe.
 2. All jewelry items should be packaged in plastic or paper bags separately from all other property and evidence.
 3. Each item of jewelry should be listed individually with as much detail as possible. No words like diamond or gold shall be used to describe the item, instead use white or yellow metal, clear or red stones.
- G. Bicycles

1. All bicycles will be transported and placed into the drop cage at the Bike Impound and secured with a cable lock. Bicycles will be tagged with case number and case information at a minimum.
- H. Knives/Sharp Instruments
1. Knives/sharp instruments shall be placed in an evidence tube or box supplied by the Department. If the item is too large to fit, every effort shall be made by the submitting officer to cover any sharp edges with cardboard or other suitable cover. When collected for laboratory analysis, the sharp edges or points must be covered in a manner so as not to contaminate or disturb the evidence.
 2. Hypodermic syringes shall be packaged in the appropriate plastic tube with needle inserted in the Styrofoam plug. A biohazard label shall be attached to the outside of the tube.
- I. Motor Vehicles
1. Motor vehicles and vehicle keys will be listed on a CBPD Property Receipt.
 2. Keys are to be submitted into evidence, never left inside the vehicle.
 3. Motor vehicles requiring retention may be transported to the THI Bay at Public Works to facilitate vehicle examination/evidence processing.
 4. Access to the THI Bay can be made by obtaining a key from the on-duty shift supervisor.
 5. Once the item has been processed, the officer must arrange with a Property and Evidence member to have the item removed.
- J. Fingerprints
1. Latent fingerprints and a completed [Brevard County Sheriff's Office Identification Unit Latent Print Submission Form](#) shall be placed in a *latents envelope*.
 2. The officer will complete the information on the stamped exterior section of the envelope.
 3. The description field on the CBPD Property Receipt will document both the prints and the form.
 4. A detective may review the quality of the print(s) to determine if further analysis is required.
- K. Sexual Assault Kits and DNA Evidence
1. A victim can have a forensic exam up to 120 hours (5 days) following an assault. The following requirements are pursuant to [§ 943.326](#), Florida Statutes, pertaining to the timely submission and testing of sexual offense evidence kits.
 - a. The request to have the evidence tested can only be made by the alleged victim, the alleged victim's parent, guardian, or legal representative, if the alleged victim is a minor; or the alleged victim's personal representative if the alleged victim is deceased.
 - b. The Property and Evidence Custodian, or designee, shall submit the sexual offense evidence kit, or other DNA evidence if a kit is not collected, and the [FDLE Toxicology Services Sexual Assault Work Request Form](#) for submission to the FDLE lab for forensic testing within 30 days after: (CFA 27.14MA)
 - (1) An officer or detective receives evidence from a healthcare provider at the completion of an examination.
 - (2) An officer or detective collects and submits all evidence pertaining to court orders or voluntary suspect submissions that accompany the sexual offense evidence kit, or other DNA evidence if a kit is not collected.
 - c. The officer or assigned detective must inform an alleged victim of the purpose of submitting evidence for testing and the right to request testing of a sexual offense evidence kit, or other DNA evidence associated with the sexual offense. (CFA 27.14MBC)
 - d. The member submitting a blood/urine kit or a sexual offense evidence kit as evidence must complete in full a [FDLE Toxicology Services Sexual Assault Work Request Form](#) to be submitted with the evidence.
 - e. The outer packaging of the kit must include the following information:
 - (1) Agency case report number,
 - (2) Item number,

- (3) Date/time of collection,
 - (4) First, middle, and last name and date of birth of the individual the specimen is from.
- f. Once the blood/urine (toxicology) kit is properly sealed and marked it shall be secured in one of the four refrigerated storage lockers. If the evidence is too large to fit or if temporary storage is not available, the Property and Evidence Custodian, or designee, shall be contacted.
- g. Testing of sexual offense evidence kits must be completed no later than 120 days after submission to a member of the statewide criminal analysis laboratory system and compared to DNA databases.
- h. For FDLE to process evidence from a kit there must be an accompanying law enforcement report. Sexual offense evidence kits for a non-reporting victim should not be submitted to the FDLE laboratory.
- i. Once received, the Property and Evidence Custodian, or designee, shall retain and store all collected sexual offense evidence kits in an environmentally safe manner withing the Unit's secured storage area until the State Attorney's Office has approved its destruction. Only evidence is to be stored in the refrigerated storage unit. (CFA 27.14MD)
- j. Sexual offense evidence kits for non-reporting victims
 - (1) A non-reporting victim's kit shall be stored in the secured Property and Evidence room and will not be sent to any lab for any test until notification to do so has been received.
 - (2) If a non-reporting victim changes their status to a reporting victim, the evidence kit will be sent to FDLE within 30 days of the status change.
 - (3) The sexual offense evidence kit will be disposed of in accordance with [§ 943.326](#), Florida Statutes.
- k. Track-Kit cloud-based application for tracking sexual assault kits
 - (1) An amendment to [§ 943.326](#), Florida Statutes, effective July 1, 2021, required FDLE to create and maintain a statewide database to track the location, processing status, and storage of each sexual offense evidence kit collected. The statute requires the database to "track the status of the kits from the collection site throughout the criminal justice process, including the initial collection at medical facilities, inventory and storage by law enforcement agencies or crime laboratories, analysis at crime laboratories, and storage or destruction after completion of analysis." It also requires that victims be notified of the existence of the database and be entitled to access to information regarding the offense evidence kit. This includes tracking information, testing status, and any DNA matches to a person deemed by investigators to be a suspect or person of interest. The notification of a DNA match may be delayed for up to 180 days if such notification would, in the opinion of investigators, negatively affect the investigation. FDLE has procured the cloud-based application software Track-Kit for this purpose. This tracking database does not replace chain of custody procedures or our existing notification processes. Entering information into the Track-Kit database is something that will be done in addition to our normal procedures.
- l. Digital Evidence
 - (1) Officers may utilize body worn cameras, digital still cameras and vehicle mounted cameras in the course of their duty provided they have completed training in the use of such equipment.
 - (2) Officers shall never use personal cell phones, tablets or other handheld devices equipped with a camera for capturing evidence.
 - (3) To ensure its authenticity, the officer collecting evidence from a digital camera, in-car camera or body worn camera shall transfer it to the Department's cloud server over an approved device connected to the designated network.

- (4) Digital evidence received by an officer via any physical storage medium (including USB drive, CD, DVD, hard drive) shall be logged into Property and Evidence in the state that it was received.
 - (5) In the event the Department's cloud server is not operational, digital evidence will be transferred to CD/DVD or USB and logged into Property and Evidence.
 - (6) Digital evidence shall never be edited or altered once submitted unless being redacted as required by [§ 119.07](#), Florida Statutes.
 - (7) Digital evidence which contains material of an explicit nature shall never be uploaded to digital evidence storage providers. Instead, this type of material shall be burned onto a CD/DVD or uploaded to a USB drive and entered into evidence according to physical evidence procedures.
- m. Found Property/Safekeeping
- (1) The officer shall attempt to contact the owner or custodian of property if one can be identified. (CFA 27.15MG) This does not include firearms or prescription medications. If the officer can return the property, the owner shall sign a property receipt, and the officer will notate RTO (return to owner) as reason and indicate date and time of return on property receipt. For all other cases, the officer shall provide instruction for the owner to contact Records for property retrieval.
 - (2) If item has a serial number, the officer shall check FCIC/NCIC to see if it has been reported stolen.
 - (3) The officer shall inform the finder that they may claim the property after 90 days if no owner is identified per [§ 705.103\(2\)\(b\)](#), Florida Statutes. This does not pertain to firearms/vehicles/narcotics.
 - (4) If the officer is unable to contact/identify the property owner, the Property and Evidence Custodian, or designee, shall attempt to make contact. (CFA 27.15MG) All attempts will be documented on the property receipt. Upon notifying the owner, the following will occur: (CFA 27.15MH)
 - (a) An appointment will be made for the owner to claim the property.
 - (b) Before the release of any property, the owner must provide valid identification (driver's license, state-issued picture identification, passport). A DAVID inquiry will also qualify. A copy of the ID shall be made and stapled to the property receipt.
 - (c) A property owner can designate someone else to pick up their property. The designee must provide a signed, notarized letter from the owner authorizing permission to release the property to the designee.
 - (5) Department members, their families or other City of Cocoa Beach personnel may not make a claim on property found while conducting official Department business.
- n. Prescription Medications
- (1) Return of prescription medication must meet the following conditions: (CFA 27.07M)
 - (a) The name on the ID must match the name on the prescription label.
 - (b) A printout from the pharmacy or correspondence from the prescribing doctor on letterhead must be provided.
 - (c) If the medication cannot be identified, it will not be returned and will be set for destruction in the next scheduled drug destruct.
- o. Wet Items
- (1) Wet property or evidence will be dried utilizing the drying cabinet. If this is not possible the Property and Evidence Custodian shall be contacted. Biohazard labels shall be affixed to all qualifying submissions.

- (2) Drying cabinet keys shall be packaged and submitted to Property and Evidence with a property receipt once the cabinet is locked and running.
- (3) A property receipt shall not be submitted for any item(s) in drying cabinet until item is removed, bagged, and secured in a locker.
- p. Decedent's Property
 - (1) Property and Evidence members shall not release a decedent's property to a claimant unless the claimant can provide documentary evidence of their appointment as a personal representative of the estate or a court order directing the release of the property.
 - (2) Detectives may identify the decedent's Next of Kin and notify Records of their authority to retrieve the decedent's property via email to Records@CityofCocoaBeach.com.
- q. Bodily Fluids
 - (1) Packaging containing wet or dry bodily fluids shall have a biohazard label affixed by the submitting officer. (CFA 27.01MF)

8. CRIME LABORATORY SUBMISSIONS

A. FDLE Crime Lab

1. Evidence requiring laboratory analysis shall be packaged separately in paper and/or plastic bags and sealed with lab tape (red frangible sawtooth evidence tape) by the submitting officer.
2. A completed [FDLE Request for Examination of Physical Evidence Form](#) stating the analysis requested shall be submitted with the item(s).
3. Evidence requiring submission to the FDLE lab shall be removed from its assigned location and processed for delivery by Property and Evidence staff.
4. The following shall be documented, in the appropriate fields, on the property receipt:
 - a. Date and time of transfer. (CFA 27.02MA)
 - b. Reason for transfer. (CFA 27.02MC)
 - c. Name and location of the laboratory and examination(s) requested. (CFA 27.02ME)
5. The Property and Evidence Custodian, or designee, shall be responsible for mailing or hand-delivery of the evidence and the [FDLE Request for Examination of Physical Evidence Form](#) to the lab. The *FDLE Case Tracking Form* shall include the receiving person's name and title, date and time of receipt in the lab. (CFA 27.02MBF)
6. If the transfer method is not person to person or into a receptacle, the method of transfer must be documented on the property receipt. (CFA 27.02MD)

B. BCSO for NIBIN Entry

1. Firearms requiring NIBIN entry through BCSO shall be swabbed for DNA & processed for fingerprints by patrol officer prior to P & E submission.
2. All items shall be packaged separately and sealed with lab tape (red frangible sawtooth evidence tape) by the submitting officer.
3. A completed [BCSO NIBIN Test Fire Entry Worksheet](#) shall be submitted with the item(s).
4. Evidence requiring submission to BCSO for NIBIN entry shall be removed from its assigned location and processed for delivery by P & E staff.
5. The following shall be documented, in the appropriate fields, on the property receipt:
 - a. Date and time of transfer (CFA 27.02MA)
 - b. Reason for transfer (CFA 27.02MC)
6. The Property and Evidence Custodian, or designee, shall be responsible for coordinating hand-delivery of the evidence and related paperwork to BCSO.
7. If BCSO Crime Scene processes the scene, they will complete all steps.

9. REFUSAL OF SUBMISSIONS

- A. All items submitted to the Property and Evidence Unit are expected to be packaged in a safe, complete and thorough manner consistent with the guidelines set forth in this standard operating procedure as well as the [*FDLE Crime Laboratory Evidence Submission Manual*](#).
 - 1. Property and Evidence members shall not accept any property/evidence that is not properly packaged or items that do not match the Property Receipt.
 - 2. Property and Evidence members shall, as soon as practical, notify the submitting officer and their supervisor by email of the issue(s) and the correction(s) to be made. During normal business hours, the officer shall contact a Property and Evidence member to rectify the issue. After hours, the item(s) and property receipt(s) will be secured in either Locker 23 or 24. The numbered locker key will be secured in the lockbox on the wall next to the drying cabinet. The combination of the lockbox will be included in the email sent to the officer and their supervisor. The officer shall sign the chain of custody. After correction is complete, the item(s), property receipt(s) and locker key shall be secured in a regular intake locker.
 - 3. All corrections should be made within 3 days, unless authorized by a supervisor.

10. CHECK OUT AND RETURN OF PROPERTY/EVIDENCE

- A. Authorized Persons include Property and Evidence members, patrol officer or detective assigned to the case, supervisor (within the chain of command for officer or detective), State Attorney, Assistant State Attorney or by court order, other law enforcement agencies.
- B. Upon request from authorized member(s), the item will be retrieved by the Property and Evidence Custodian, or designee.
- C. The following information shall be documented on the property receipt prior to transfer of custody:
 - 1. Date and time of transfer
 - 2. Reason for transfer
 - 3. Signature of authorized member
- D. The item shall be returned to the Evidence Unit by either securing in an evidence locker or by person-to-person transfer.
- E. Item(s) that have been opened will require the requesting authorized member to complete a supplemental report documenting the circumstances necessitating the opening of said item(s). The officer will reseal and initial the evidence package.
- F. The Property and Evidence Custodian, or designee, shall inspect all seals and verify the item(s) submitted against the property receipt for accuracy and return item to its assigned storage location.
- G. The following shall be documented on the property receipt by the Property and Evidence Custodian, or designee:
 - 1. Date and time received
 - 2. Reason for transfer
 - 3. Signature of the Property and Evidence Custodian, or designee
- H. Property/Evidence signed out for Court shall follow the above steps B-C and a copy of the property receipt shall be provided to the requesting member.
- I. Evidence not retained by the court shall be promptly returned to the Evidence Unit. If the trial is continued or postponed, evidence shall be promptly returned to the Evidence Unit.
- J. If any evidence is retained by the court, it is the officer's responsibility to obtain the signature of a court officer on the copy of the property receipt to include reason, date and time of transfer. This copy shall be forwarded to the Evidence Unit during the officer's next shift.

11. DISPOSAL

- A. Property seized as evidence, unless turned over to the appropriate court, will be purged in accordance with applicable Florida State Statutes. (CFA 27.13 ME)
- B. Unclaimed found/safekeeping property shall be purged in accordance with applicable Florida State Statutes.

12. PROPERTY RETURNS

A. Firearms Release

1. The Property & Evidence Supervisor or designee will first perform a qualifying background check of the owner or designated recipient of the firearm(s) pursuant to [Chapter 790](#), Florida Statutes, by using the Firearm Eligibility System (FES) via FDLE, and if determined by the Property & Evidence Coordinator as necessary, using ELVIS in-house.
 - a. The Property & Evidence Supervisor or designee will first perform a qualifying background check of the owner or designated recipient of the firearm(s) pursuant to [Chapter 790](#), Florida Statutes, by using the Firearm Eligibility System (FES) via FDLE, and if determined by the Property & Evidence Supervisor as necessary, using ELVIS in-house.
 - b. If a “Research Pending (RP)” decision is populated, the Property & Evidence Supervisor or designee will notify the owner of the status and hold the property for a decision. Calendar reminders may be set for once per week to check on decisions. No firearms will be released without the successful completion of the FES check.
 - c. If a “Prohibitor(s) Found (PF)” decision is populated, the person requesting to retrieve the firearm must obtain a court order pursuant to Section B below.
 - d. See the [Federal Categories of Persons Prohibited from Receiving Firearms](#) page on FBI.gov for prohibition guidelines.
 - (i) Each background check will be submitted through the FES.
 - (ii) Once a background check has cleared, the owner or other designated recipient will be contacted to retrieve the property in accordance with Department policy. If a recipient retrieves or is scheduled to retrieve a firearm(s) after a 2-week period from the date of each qualifying background check, they must undergo and pass another check.
 - (iii) All firearms returned to owners shall remain in the gun box, sealed with Evidence tape.
 - (iv) Firearms returned to owners not taken in under a Baker Act may be released with ammunition, with the ammunition packaged separately from the firearm.
 - (v) The Property & Evidence Custodian or designee shall request a sworn officer to assist with the return. The sworn officer shall carry the boxed firearm(s) to be returned out to the recipient’s vehicle and place the firearm(s) in a safe location within the vehicle.
 - (vi) The officer shall complete a supplemental report which includes the FES control number supplied by the requesting Records & Evidence member.

B. Baker Act and Marchman Act Firearms Release

1. If a person is Baker Acted or Marchman Acted and a firearm is taken in to the care and custody of the Cocoa Beach Police Department, it will be properly packaged and submitted into Property/Evidence. The person can pick up the firearm without a Court Order ([Chapter 394](#), Florida Statutes & [AGO 2009-04](#)) as long as FES provides no prohibitors.
2. Ammunition will not be returned to the owner of the firearm.
3. For firearms related to RPO cases, please refer to SOP [207.50 – Risk Protection Orders](#).

C. Firearm Shipping

1. Individuals who live within a 50-mile radius of the Cocoa Beach Police Department must travel to the Department to pick up the firearm(s). Exceptions may be made by the Property & Evidence Supervisor on a case-by-case basis.

2. Individuals who live outside of a 50-mile radius will first be given the option of coming to the Cocoa Beach Police Department to pick up the firearm(s).
3. If the individuals are unable to travel from outside of a 50-mile radius, the firearm(s) can be shipped to the nearest law enforcement agency (LEA) or authorized firearms dealer, to be provided by the property owner. The property owner will be required to pay for all shipping costs in advance of the shipment.
4. The Property & Evidence Custodian will verify with the receiving agency that they will approve the receipt of the firearm(s) for return to owner. If an agency declines the receipt of the firearm, the Property & Evidence Custodian will notify the property owner to make other arrangements.

13. EXAMINATIONS, INSPECTIONS, AND INVENTORIES

- A. The Property and Evidence Custodian is accountable for all property and evidence within their control. Accountability shall be verified through the following:
 1. An annual examination of all property and evidence maintained by the Property and Evidence Custodian will be conducted by a department member not routinely connected with the property and evidence function. This person will be assigned by the Chief of Police, or designee. The purpose of the examination is to ensure compliance with established policy, controls, and operational procedures. (CFA 27.13MA)
 2. An annual inventory of property and evidence is conducted by the Property and Evidence Custodian and a designee appointed by the Chief of Police, or designee. The inventory will include cases from the previous ten (10) years and will include 10% of general evidence and 25% of evidence requiring extra security. (CFA 27.13MC)
 3. A full inventory is conducted whenever the Property and Evidence Custodian is assigned to and/or transferred from the position.
 4. The results of all examinations, inspections and inventories will be documented in memo form by the designated member and submitted to the Chief of Police. After review, a copy will be provided to the Accreditation Manager.

14. LOST, MISSING OR STOLEN PROPERTY/EVIDENCE

- A. Any lost, missing, or stolen property/evidence discovered as a result of any examination, inspection, inventory or by any other means of discovery shall be investigated as follows: (CFA 27.13MD)
 1. Immediately report the item believed to be lost, missing, or stolen to the Property and Evidence Custodian. In the event the Property and Evidence Custodian discovers a lost, missing, or stolen item, they shall notify a major.
 2. The Major will order an immediate search for the item and may assign any member to assist in the search.
 3. If the item is located, a memo shall be prepared by a major, or designee, that will contain the reason the item couldn't be immediately located, the corrective action taken to minimize future occurrences and if appropriate, a recommended disciplinary action.
 4. If the item cannot be located and is determined not to be stolen, a memo shall be prepared by a major, or designee, documenting the known chronological timeline of the item, names of all involved in the search, resources used for the search, the corrective action taken to minimize future occurrences and if appropriate, a recommended disciplinary action.
 5. If the item is determined to be stolen, the Chief of Police shall be notified immediately, and the subsequent investigation shall follow typical criminal investigative and/or internal investigative procedures.

15. APPENDIX

- A. [FDLE Crime Laboratory Evidence Submission Manual](#)
- B. [FDLE Request for Examination of Physical Evidence Form](#)
- C. [Brevard County Sheriff's Office Identification Unit Latent Print Submission Form](#)
- D. [FDLE Toxicology Services Sexual Assault Work Request Form](#)
- E. [FES Prohibitor\(s\) Found Letter](#)
- F. [Property Return Letter](#)
- G. [BCSO NIBIN Test Fire Entry Worksheet](#)