

COLUMBIA POLICE DEPARTMENT

Policy and Procedure Manual

PROPERTY AND EVIDENCE

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804.1 PURPOSE AND SCOPE

This policy provides guidelines for employees of the Columbia Police Department (CPD) who are responsible for the control of property and evidence, to include the following.

- A. Property/Evidence Control System (84.1.1)
- B. Property/Evidence Storage and Security (84.1.2)
- C. Property/Evidence Temporary Security (temporary storage lockers) (84.1.3)
- D. Security of Controlled Substances and Weapons turned over to the Department for Training (84.1.4)
- E. Property/Evidence Records, Laboratory Submissions and Status of Property (83.3.2; 84.1.5)
- F. Property/Evidence Room Inspections, Inventory, Audits and Reports (84.1.6)
- G. Disposition of Property/Evidence (84.1.7)
- H. Forfeited Property (84.1.8)

804.2 POLICY

The Columbia Police Department is entrusted with several different kinds of property which include evidence, found property, abandoned property and items for destruction. Regardless of the type of property, the Department will provide a secure and accountable property management system in compliance with all existing laws and mandates.

804.3 DEFINITIONS

Definitions related to this policy include the following.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case.

Evidence Custodian – Job role that includes the Evidence Unit Supervisor and other civilian employees assigned to the Evidence Unit.

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

Safekeeping - Includes the following types of property.

- Property obtained by the Department for safekeeping, such as a firearm.

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- Personal property of an arrestee not accepted by the jail and not taken as evidence. The arrestee shall sign a form acknowledging the property will be disposed of within 90 days if not collected. The signed form will accompany the arrestee with a copy forwarded to the Evidence Custodian.
- Property taken for safekeeping under the authority of a law.

804.4 PROPERTY CONTROL SYSTEM (84.1.1)

The CPD property management system consists of paper documentation and a computerized records management system that provide for accountability of property and evidence from point of intake to final disposition.

The Assistant Chief of Special Services serves as the CPD property officer and oversees the CPD Evidence Unit.

The Lieutenant of Special Services supervises the civilian evidence custodian supervisor and reports directly to the Assistant Chief of Special Services.

The civilian Evidence Unit Supervisor is in charge of the main operations of the Evidence Unit and is the direct supervisor for all civilian Evidence Custodians.

804.4.1 PROPERTY CONTROL

- A. Each time an Evidence Custodian receives property or releases property to another person, he/she shall enter this information on the property form and in the Records Management System.
- B. Officers desiring property for court shall contact an Evidence Custodian at least one day prior to the court day.

804.4.2 PROPERTY HANDLING RESPONSIBILITIES

- A. Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly packaged, tagged and placed in the designated property locker, evidence chute or storage room, along with the property form. Care shall be taken to maintain the chain of custody for all evidence.
- B. Where ownership can be established as to found property that has no apparent evidentiary value, excluding contraband, it is preferable that such property is released to the owner without the need for submission to the Evidence Unit. A property receipt must be completed to document the release of property not submitted to the Evidence Unit. The owner shall sign the appropriate form acknowledging receipt of the property.
- C. Property that has no obvious evidentiary value should not be seized unless there is clear intrinsic monetary value. In general, abandoned property should not be collected and entered into evidence. Items without obvious evidentiary value may be deemed unacceptable for storage in evidence.

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Examples include abandoned property or items located within a recovered vehicle with no evidentiary value.

804.4.3 RESPONSIBILITIES OF OTHER PERSONNEL

A request for analysis of items shall be completed on the appropriate forms and submitted to the Evidence Custodian. This request should be filled out at the time of booking the property or evidence.

804.4.4 PROPERTY BOOKING PROCEDURE

All property must be submitted to the Evidence Unit prior to the employee going off-duty. Exceptions may be granted by supervisors only in extraordinary circumstances. Employees submitting property shall observe the following guidelines.

- A. Complete the property voucher within the Records Management System describing each item separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.
- B. A report shall be entered into the Records Management System detailing the circumstances by which the property came into the Department's possession.
- C. The employee shall mark each item of evidence with initials and date.
- D. Items too small to mark, or that will be damaged, degraded or devalued by marking, should be individually packaged, labeled and the package marked with initials and date.
- E. Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- F. Place the case number in the upper right corner or in the appropriate field of the evidence/property tag.
- G. The original property form shall be submitted with the evidence.
- H. When the property is too large to be placed in a property locker, the item may be temporarily stored in any Department supply room or other location that can be secured from unauthorized entry. The location shall be secured to prevent entry and a completed property form placed into the property form box. (84.1.3)
- I. When applicable, all evidence/property should be clearly labeled with the owner's name prior to submission.

804.5 PACKAGING OF PROPERTY

Packaging of property will conform to instructions outlined in the Evidence Packaging Manual. The Evidence Custodian may reject evidence incorrectly packaged and/or labeled. Certain items require special consideration and shall be packaged separately as follows.

- A. Controlled substances
- B. Drug paraphernalia
- C. Firearms (ensure they are unloaded, rendered safe and booked separately from ammunition)
- D. Explosives
- E. Currency

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- F. Stolen or embezzled property
- G. Property with more than one known owner
- H. City property
- I. Biohazards

804.5.1 PACKAGING CONTAINER

- A. Employees shall package all property in a suitable container that is appropriate for its size. The correct packaging as outlined in the Evidence Packaging Manual should be used.
- B. A property tag shall be securely attached to the outside of all items or group of items packaged together.

804.5.2 PACKAGING NARCOTICS/DANGEROUS DRUGS AND PARAPHERNALIA

- A. The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in the evidence chute or locker.
- B. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances, excluding substances that pose a serious health risk, such as fentanyl . When conducted, the result of this test shall be included in the officer's report.
- C. All narcotics and dangerous drugs shall be packaged separately and submitted to the Evidence Unit using a separate property record. Drug and narcotics paraphernalia shall also be submitted separately.
- D. Narcotics and dangerous drugs shall be packaged in a way that conforms to instructions outlined in the Evidence Packaging Manual. Controlled substances shall not be packaged with other property.
- E. The officer shall weigh the suspected narcotics or dangerous drugs in the container in which it was seized. A full description of the item, along with packaging and total weight of the item as seized, will be placed in the case report and on the property form. After packaging and sealing as required, the entire package will be weighed and the Gross Package Weight (GPW) will be written on the outside of the package, initialed and dated by the packaging officer.
- F. A completed property tag shall be attached to the outside of the container. The chain of custody shall be recorded on the tag or property form.
- G. The officer seizing the narcotics and dangerous drugs shall place them in a property locker or evidence chute.

Narcotics and dangerous drugs shall be stored within the locked Drugs Room and constantly monitored by closed circuit video surveillance. Access to this room shall be limited via a locking mechanism.

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804.5.3 PACKAGING FIREARMS

- A. All seized firearms shall be rendered safe prior to entering the building. If the employee is unfamiliar with the weapon, they shall seek guidance from a supervisor. Employees will conform to instructions outlined in the Evidence Packaging Manual when submitting firearms into Evidence.
- B. As allowed by law, firearms seized by the Department should be test-fired to allow cartridge casings to be entered into the National Integrated Ballistic Information Network (NIBIN) for comparisons.
- C. Firearms shall be stored in a secure manner within the locked Gun Room and constantly monitored by closed circuit video surveillance. Access to this room shall be limited via a locking mechanism.
- D. A firearm shall not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922 (d).

804.5.4 EXPLOSIVES

- A. Officers who encounter a suspected explosive device shall promptly notify an immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.
- B. Explosives, with the exception of ammunition, will not be retained in the police facility.

804.5.5 PACKAGING CURRENCY EVIDENCE

- A. Currency should only be collected and submitted to the Evidence Unit as a last resort. When feasible, photographs should be taken of the currency for evidence, leaving the funds with the owner. Reasons for collecting currency and submitting to it the Evidence Unit include but are not limited to:
 - 1. The currency has probative evidence (*e.g.*, handwriting, DNA, drugs, color from a dye pack, etc.);
 - 2. Forfeiture purposes;
 - 3. Safekeeping; and
 - 4. Lost property.
- B. Prior to processing the currency, a supervisor shall be notified if the amount exceeds \$1,000.
- C. Any time currency is involved in a criminal matter or should be documented by law enforcement, it should be photographed. This includes both when the currency is collected and when it is left with the owner. Found property need only be photographed if the total exceeds \$100. At a minimum, photographs of currency should consist of the following:
 - 1. The state it was located in (*e.g.* bundled in a wallet, sorted in a money bag, etc.);
 - 2. Separated into like denominations (and nationality, if applicable) and fanned out to show quantity;
 - 3. Separated individually to show serial numbers (as needed for court purposes); and
 - 4. If collectible items, photographed individually, front and back.
- D. Collected currency to be submitted to the Evidence Unit must be verified. The original collecting employee shall separate the currency into denominations, count each quantity, record the number on

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the currency envelope and determine the total. This shall be done in the presence of a second employee. The second employee shall then count the quantity of each denomination and initial next to the appropriate number, including the total, on the envelope verifying its accuracy. Photographs should then be taken, if required. The currency shall then be placed in the envelope and sealed. Both employees shall initial on the seal along with the date.

- E. If currency from multiple nationalities is collected at the same time, it shall be packaged in the same manner using separate envelopes for each nationality. The nationality shall be written on the envelope. If the currency qualifies and is for forfeiture purposes, the employee should write "Forfeiture" on the envelope.
- F. If the currency is considered collectible and/or has a value higher than face-value, it shall be photographed and packaged separate from any other currency. The same packaging process for normal currency shall be followed with the addition of writing "Collectible" on the envelope.
- G. Currency shall be stored in a secure manner within the locked Gun Room and constantly monitored by closed circuit video surveillance. Access to this room shall be limited via a locking mechanism. The Evidence Custodian should deposit all US Currency deemed not to contain probative evidentiary value into an account specifically designated to hold such monies every week.

804.5.6 STOLEN OR EMBEZZLED PROPERTY

Stolen or embezzled property that is in the custody of this Department shall be restored to the legal owner upon receipt of a court order (§ 542.301.1(2), RSMo).

Property wrongfully taken from a mercantile establishment may be returned to the owner when (§ 490.717.3, RSMo):

- A. Photographs of the property signed by the arresting officer have been taken that depict the owner of the property and the date and time of the photograph.
- B. A written affidavit has been signed by the arresting officer that includes:
 - 1. A written description of the property including the retail price of the property and, if available, the manufacturer's number, the style, the color and the size of the property.
 - 2. The name and address of the mercantile establishment.
 - 3. The name, address and signature of the owner, agent or representative of such mercantile establishment.
 - 4. The name and PIN number of the arresting officer and his/her signature indicating the date of signing.
 - 5. The name and address of the photographer and the date and time that the photographer signed the photograph.

804.5.7 EVIDENTIARY DOCUMENT CONSIDERATIONS

Any document that is collected during the course of a criminal investigation and is to be kept for court purposes shall be submitted to the Evidence Unit for storage. Such items include but not limited to:

- A. Miranda warnings;
- B. Loss prevention statements;
- C. Affidavits; and
- D. Property receipts.

Collected documents should be placed into an 8x12 plastic bag so that the title page of the document is readable through the back of the package. Documents should not be folded in the packaging. The plastic bag shall be properly labeled and sealed.

If the items are evidence for court and/or investigative purposes, do not submit multiple documents in the same package unless they are like items. The following are some examples and how to package the items.

- A. Multiple forgery affidavits may be packaged together in a single plastic bag.
- B. Printed photographs of the stolen and recovered merchandise and the respective receipt may be packaged in the same plastic bag.
- C. Loss prevention statements should be packaged in a separate bag from printed photographs of the items and receipt.
- D. Safe-keeping and found items may be packaged together in the same plastic bag if the documents have the same owner.

804.5.8 CITY PROPERTY

- A. City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required.
- B. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

804.5.9 STORAGE OF EVIDENTIARY VEHICLES AT THE CPD TRAINING CENTER

Any officer or crime scene investigator (CSI) wishing to preserve or protect an evidentiary vehicle at the Columbia Police Department Regional Training Center will follow this procedure for storage of the vehicle until it can be processed and/or released.

- A. Follow all policies on towing and inventory.
- B. Accompany the vehicle to the training center.
- C. When possible, position the evidentiary vehicle inside the garage area in such a way as not to prevent the removal of other vehicles, equipment or prevent the use of entrance or exit doors.
- D. If a vehicle is leaking fluids other than gasoline or diesel fuel, try to position the vehicle over a drain either on the north or south end of the garage, if possible.
- E. If a vehicle is leaking gasoline it cannot be stored in the training center and must be processed for evidence that day.

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- F. If the evidentiary vehicle is to be left in the garage and processed at a later time, an Evidentiary Vehicle Information Sheet (located on a clipboard in the garage) will be completed before leaving. The following information is required.
1. Case number.
 2. Date and time of entry into the facility.
 3. Color, year, make, body and license plate of the vehicle (C.Y.M.B.A.L.).
 4. Towing officer.
 5. Seizing officer and cell phone number.
 6. Investigating detective or CSI responsible for vehicle and cell number.
 7. Nature of crime being investigated.
 8. Registered owner, if known.
 9. Person from whom vehicle was seized, if known.
- G. The completed Evidentiary Vehicle Information Sheet will be left on the clipboard for Training and Recruitment Unit (TRU) employees to locate.
- H. Cleaning of any leaks, spills, powders and other dirt or debris will be the responsibility of the processing officer or CSI.
- I. It is the responsibility of the investigating officer/detective to coordinate the release of the vehicle to the appropriate person. For the safety of employees and the training facility, TRU civilian staff shall not be involved in any plans regarding the release of vehicles.

804.5.10 EXCEPTIONAL HANDLING (84.1.1e)

Certain property items require a separate process. The following items shall be processed in the described manner.

- A. Any evidence collected which may contain DNA should be properly labeled as such.
- B. Property stained with bodily fluids such as blood or semen shall be air-dried prior to submission.
- C. All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame.
- D. All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the property form.
- E. Items that are potential biohazards shall be appropriately packaged and marked to reduce the risk of exposure or contamination.
- F. Items may be packaged together only if they have the same owner. Likewise, items may not be packaged together if they have different owners.

804.5.11 RIGHT OF REFUSAL

The Evidence Custodians have the right to refuse any piece of property. Items that are hazardous or that have not been properly documented or packaged may be refused. Items without obvious evidentiary value

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may be deemed unacceptable for storage in evidence. Should an Evidence Custodian refuse an item of property, he/she shall maintain secure custody of the item in a property locker or other safe location and inform the submitting member why the property was refused. The Evidence Custodian may also inform the officer's chain of command up to and including Lieutenant. If required, the original submitting employee shall correct any issue(s) with a refused item(s) and resubmit the item(s) as soon as practicable upon return to duty, no later than the end of his/her shift.

804.6 EVIDENCE UNIT STORAGE AND SECURITY (84.1.2)

The Evidence Unit shall maintain secure storage and provide temporary secure storage for the control of all property necessitating custody by the Department. The Evidence Custodians are responsible for the security of the Evidence Unit.

- A. Evidence Unit keys are maintained only by the Evidence Custodians and the Assistant Chief of Special Services. The Evidence Custodians and Assistant Chief of Special Services shall not loan Evidence Unit keys to anyone and shall maintain keys in a secure manner.
- B. Any individual entering the Evidence Unit other than an Assistant Chief of Special Services must be accompanied by an Evidence Custodian or the Assistant Chief of Special Services and must sign in and out on the logbook, giving the date and time of entry and exit, and the purpose, including a specific case or property number. The entry shall be initialed by the accompanying individual.

804.7 CONVERSION OF NARCOTICS AND WEAPONS FOR TRAINING PURPOSES (84.1.4)

In lieu of property and evidence being destroyed in accordance with policy, the Evidence Custodian may retain only narcotics for Department use to train police canines. The Chief of Police shall authorize the conversion of such property.

Firearms will not be retained by the Department for training purposes.

804.7.1 PROCEDURE FOR CONVERSION OF NARCOTICS

If the Evidence Custodian has narcotics set for destruction that the Canine Sergeant wishes to convert for use by the Department, he/she is to research that item, print copies of all reports and court orders concerning that item and solicit approval of the Chief of Police. Upon approval by the Chief of Police, the Evidence Custodian is to take the following steps.

- A. Check the narcotic item to ensure it is appropriate for use (no biological contamination).
- B. All narcotics will be packaged, weighed and sealed.
- C. The Records Management System will be updated indicating the property has been issued to the Canine Sergeant.
- D. When not in use the training narcotics should be secured in a locker within the evidence intake area and constantly monitored by closed circuit video surveillance. This locker will be clearly marked "Canine Storage Locker."

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- E. The Evidence Custodian will maintain a file with all documentation concerning the narcotics converted for police use.

804.7.2 RESTRICTIONS

- A. No narcotics/drugs shall be removed from Evidence for training without a destruction order.
- B. No narcotics/drugs shall be removed from Evidence and converted for use by any other agency or department other than the Columbia Police Department.
- C. No narcotics/drugs shall be removed from Evidence and given to any person who is not a Department employee.
- D. No narcotics/drugs shall be removed from Evidence and given to any person for personal use.
- E. No other type of evidence or property should be used for Department purposes.

804.7.3 REGULATION OF CANINE TRAINING

- A. The Canine Supervisor will control all training drugs and keep appropriate records.
- B. The Canine Supervisor will issue all training drugs to the canine handler and keep appropriate records.
- C. All training drugs will be immediately returned to the Canine Supervisor after use, inventoried and secured.
- D. Any loss or destruction of training drugs will be explained in a detailed report and forwarded to the Assistant Chief of Operations/Patrol, Assistant Chief of Special Services, Evidence Custodian and Chief of Police.

804.8 RECORDING OF PROPERTY

- A. An Evidence Custodian receiving custody of evidence property shall indicate such on the property form and in each property field in the Records Management System.
- B. The property form will be kept in the Evidence Unit until the property is returned, destroyed or otherwise no longer to be retained by the Evidence Unit.
- C. The Evidence Custodian will record his/her signature, gross package weight (GPW) if it is a controlled substance to be used as evidence, the date and time the property was received and where the property will be stored on the property form and in the Records system.
- D. Any changes in the location of property held by the Columbia Police Department shall be noted on the property form and in the Records Management System.

804.8.1 LABORATORY SUBMISSIONS

A. RESPONSIBILITY

The employee collecting evidence is responsible for packaging and preparing the evidence for submission to a crime lab as outlined in the Evidence Packaging Manual.

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The collecting employee is responsible for completing all documentation, forms and crime lab requests concerning the collected evidence. A request for analysis of items shall be submitted to the Evidence Custodian. This request should be filled out at the time of booking the property or evidence.

This responsibility may be deferred to the case investigator in some instances including, but not limited to when:

1. A civilian crime scene investigator collects evidence;
2. More investigation is required to determine what types of tests are required; or
3. Known samples for comparison or elimination are needed to be collected at a later date to accompany the recovered evidence.

B. EVIDENCE CUSTODIAN RESPONSIBILITIES

The Evidence Custodian is responsible for the security and control of all property and evidence within the Evidence Unit. All property submitted to Evidence will be reviewed by an Evidence Custodian upon receiving it. The Evidence Custodian will check the submitted evidence/property for the following.

1. Appropriate and complete documentation.
2. All property received into the CPD Property Room will require at least a complete property voucher with the Records Management System.
3. Appropriate and complete packaging as outlined in the Evidence Packaging Manual.
4. Any evidence not suitable will be returned to the officer for correction.

The Evidence Custodian will enter all evidence/property received into the Department's Records Management System and assign it a position within the property room. The Evidence Custodian will be responsible for making arrangements for the secure transportation of any evidence to and from the Missouri State Highway Patrol Crime Lab or any other facility deemed necessary.

Prior to transporting evidence to the Missouri State Highway Patrol Crime Lab, the Evidence Custodian will complete the necessary entries into the state database outlining the evidence to be submitted and the analysis requested. A minimum of two employees shall transport any evidence to any off-site facility deemed necessary.

C. RECEIVING LAB REPORTS

The Department will stipulate that all analysis completed by any crime lab or facility deemed necessary will be reported in writing.

804.8.2 STATUS OF PROPERTY

- A. Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property form, stating the date, time and to whom it was released.

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- B. An Evidence Custodian shall obtain the signature of the person to whom property was released and the reason for release. Any employee receiving property shall be responsible for such property until it is returned to the Evidence Unit or released to another authorized person or entity.
- C. The return of the property should be recorded on the property form, indicating date, time and the person who returned it.

804.8.3 AUTHORITY TO RELEASE PROPERTY

- A. The Evidence Custodian shall not release any property without authorization from an appropriate authorized member of the Department.
- B. For property in custody of the Department for investigatory or prosecutorial purposes and owned by a victim or witness, an Evidence Custodian shall, upon the request of the owner:
 - 1. Provide a list describing the property, unless such release would seriously impede an investigation;
 - 2. Return the property expeditiously, unless the property is contraband or required as evidence; and
 - 3. Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner.

804.8.4 RELEASE OF PROPERTY

- A. A reasonable attempt shall be made to identify the rightful owner of found or stolen property or evidence not needed for an investigation.
- B. Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or investigator and must conform to the items listed on the property form or must specify the specific item to be released. Release of all property shall be properly documented.
- C. In cases of found property, safekeeping or other property which is deemed no longer to be of evidentiary value, it will be the responsibility of the Evidence Custodian to contact the owner and arrange for them to retrieve their property.
- D. The Evidence Custodian shall release the property to the owner or finder, upon valid identification and proper documentation presented by the owner or finder, for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the appropriate form.
- E. Upon release or other form of disposal, the proper entry shall be recorded in all property documentation and in the Records Management System.
- F. If the owner is known, or has been identified, a letter will be sent to the last known address of the owner outlining that any unclaimed property will be disposed of if not claimed within sixty (60) days. After 60 days any unclaimed property will be disposed of. Any unclaimed property with a clear

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intrinsic monetary value will either be auctioned or sent to the State Treasurer. Any proceeds from said auction shall be forwarded to the State Treasurer.

- G. If the owner is unknown, reasonable steps shall be taken and documented within the Records Management System to identify and locate the owner of the property. After one (1) year any unclaimed property will be disposed of. Any unclaimed property with a clear intrinsic monetary value will either be auctioned or sent to the State Treasurer. Any proceeds from said auction shall be forwarded to the State Treasurer.

804.9 INSPECTIONS AND AUDITS OF THE EVIDENCE UNIT

On a random and regular basis, the Assistant Chief of Special Services or designee shall pull a test sample (2-3 items of evidence) from the evidence storage facilities to ensure adherence to appropriate policies and procedures. The results of the test samples will be relayed in a memorandum to the Chief of Police and Accreditation Manager.

804.9.1 VISUAL INSPECTIONS

Unannounced visual inspections of evidence storage areas shall be conducted quarterly as directed by the Assistant Chief of Special Services or designee. The objective of these inspections will be to determine that:

- A. Processing and storage areas are being maintained in a clean and orderly fashion;
- B. The integrity of property/evidence is being maintained;
- C. Policy and procedures concerning property and evidence are being followed;
- D. Property/evidence is being protected from damage or deterioration;
- E. Proper accountability procedures are being maintained; and
- F. Property/evidence having no further evidentiary value is being disposed of promptly.

804.9.2 ANNUAL AUDIT

An annual audit of evidence held by the Department shall be conducted by an Assistant Chief, or designee who is not routinely or directly connected with evidence control, as assigned by the Chief of Police. The results of such audit will be relayed in a memorandum to the Chief of Police and Accreditation Manager. The annual audit should assess whether or not the Department's policies and procedures reflect best business practices, professional standards and statutory requirements.

- A. Are tasks and duties adequately defined to ensure personnel are aware of their job responsibilities?
- B. Are policies and procedures up to date?
- C. Are personnel properly trained?
- D. Are security issues adequately addressed?
- E. Is policy clear about where specific items of evidence are to be stored?
- F. Does policy fully define the responsibilities and tasks as related to purging?
- G. Is property disposition documented thoroughly, including authorizations and witnesses?

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804.9.3 PAPER AUDIT

Select cases to include selections from the categories of Guns, Currency, Narcotics and Biological Evidence in addition to General Evidence items, Found Property and Safekeeping.

- A. Pull paperwork from 10-15 random active cases and reconcile it with the evidence.
- B. Pull paperwork from 10-15 random closed cases and reconcile it with detective approvals, court orders, destruction lists, auction lists, money transfers, release approvals, and owner signatures when claimed.
- C. Pull 10 random pieces of evidence and other property from the shelf and reconcile with Case Files.
- D. When reviewing older cases determine:
 - 1. Has case been adjudicated?
 - 2. Is the item still needed?
 - 3. Why is it being retained?
- E. Check Evidence Out files
 - 1. Out to court
 - 2. Out to Crime lab
 - 3. Out for investigations
 - 4. Out to other agency
 - 5. Have notices been sent to recover overdue items?
 - 6. Check UTL (unable to locate) files
- F. Compare total inventory numbers from current year to past years and determine if numbers have increased or decreased.
 - 1. If numbers have significantly changed, attempt to determine the reason; *i.e.*, staffing or crime rates
- G. Check total number of items taken in and compare to prior years
- H. Check total number of item dispositions and compare to prior years.
 - 1. Are firearm disposals current?
 - 2. Are narcotic disposals current?
 - 3. Are money transfers current?
- I. Packaging procedures

1. Is there a packaging manual and is it up to date?
2. Does the Evidence Unit have “right of refusal” for improperly packaged items?
3. Are improperly packaged items being returned for correction?
4. Are shelved items properly packaged, sealed and documented?

J. Facility: Is the facility safe for employees?

1. Is the necessary property and evidence security provided?
2. Is the property room laid out in a manner that allows retrieval and storage to be done in a timely and efficient manner?
3. Are temporary lockers provided?
4. Are all facility and locker keys accounted for?
5. Are guns, money and narcotics each stored with enhanced security?
6. Is biological evidence stored in a safe manner that ensures items are not commingled and protected against degradation?

K. Staffing and training

1. Is there sufficient personnel assigned to the Property and Evidence Room to allow staff to perform their duties?
2. Is all of the data required for an annual report to the Chief’s office available and being tracked?
3. Are civilian staff members being trained in safe firearm handling procedures?
4. Are all employees being trained in the safe handling of biological evidence and in compliance with MSHP Crime Lab directives?
5. Is there regular computer software user training, and are there regular updates for the Records Management System in relation to property and evidence?

Whenever a personnel change is made to the position of Evidence Unit Supervisor, an inventory of all evidence/property shall be made by an individual not associated with the Evidence Unit or function to ensure that records are correct and all evidence property is accounted for.

804.10 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law or by a court of competent jurisdiction. Said manner shall ensure traceability of all destroyed property and the manner used shall be an accepted standard.

- A. Weapons declared by law to be prohibited.
- B. Firearms where a lawful owner cannot be identified will be relinquished to an approved contractor for destruction. Said contractor will provide accurate and complete records detailing the firearms destroyed.
- C. Counterfeiting equipment.

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- D. Child pornography, or any other pornographic material ordered to be destroyed by the court. Electronic devices that contain child pornography shall not be released to the owner unless it can be guaranteed that all child pornography is removed via formatting of the device.
- E. Altered vehicles or component parts.
- F. Narcotics shall be incinerated in the presence of at least two witnesses. The witnesses shall ensure accurate and complete records are kept detailing the narcotics destroyed.
- G. Unclaimed, stolen or embezzled property.
- H. Destructive devices.
- I. Biohazardous material.
- J. Any other item as ordered by the court.

804.10.1 RETENTION OF BIOLOGICAL EVIDENCE

The Evidence Unit supervisor shall ensure that no biological evidence is destroyed without adequate notification to the following persons, when applicable.

- A. The defendant.
- B. The defendant's attorney.
- C. The appropriate prosecutor.
- D. Any sexual assault victim.
- E. Assistant Chief of Special Services.

Biological evidence shall be retained for a minimum period established by law or the Assistant Chief of Special Services, whichever time period is greater.

Biological evidence related to sexual crimes shall not only be retained for a minimum period established by law but also with a philosophy adhering to a victim-centered investigation.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

804.11 SEIZURE OF CASH FOR FORFEITURE PURPOSES

A cash asset may be seized for forfeiture purposes under the following circumstances.

- A. An arrest is made.
- B. The cash asset is possessed by the person arrested.
- C. The asset totals more than \$500.
- D. The asset can reasonably be associated to the Trafficking/Manufacturing/Distribution of Controlled Substance(s) through articulable facts.

804.11.1 SEIZURE APPROVAL

Any time an officer has a situation that meets the requirements for a cash asset seizure, he/she shall contact a supervisor and provide all details surrounding the arrest and facts related to the asset. If the supervisor

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does not approve proceeding with the forfeiture process, the officer is to treat the asset the same as any other property belonging to the arrestee. If the supervisor approves proceeding with the forfeiture process, the officer should seize the asset and enter it into evidence as a forfeiture. The officer shall contact their Lieutenant prior to end of shift, if possible, but within 72 hours of making the seizure and prior to submitting the forfeiture request to the Prosecutor for approval.

804.11.2 PROCESSING SEIZED CASH ASSETS FOR FORFEITURE PROCEDURE (84.1.8)

- A. All cash assets seized for forfeiture shall be entered into evidence.
- B. The cash should be packaged in the same manner as any other currency entered into evidence.
- C. The package should specify it is for forfeiture purposes (*e.g.* write "Forfeiture" in a conspicuous place on the envelope). The evidence routing form should say "Forfeiture" under "Evidence Disposition."
- D. After receiving Lieutenant approval, the officer is to complete a Forfeiture Request form and fax it to the Prosecuting Attorney's office prior to the end of shift, if possible, but within 72 hours from the time of seizure.
- E. The original form shall be affixed to the evidence voucher.
- F. The officer shall contact the person listed on the form and notify them of the fax. Leaving a voicemail is sufficient for this purpose.

Officers assigned to a federal task force or other agency working an investigation in conjunction with those agencies will follow their policies concerning seizures.