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35.1 EVIDENCE AND PROPERTY HANDLING (CALEA 84.1.1)

The proper collection, preservation, and handling of physical evidence is extremely important. The chain of custody from recovery, to the time of court presentation is carefully scrutinized by the courts. Thus, the proper handling of physical evidence may be a determining factor in the successful prosecution of criminal cases. To insure that the physical evidence collected by Charleston Police Department personnel will meet the requirements of the courts, it is necessary to have standard procedures that permit the proper collection and preservation of evidence. Found property and confiscated property, while not as critical from a judicial standpoint, must be handled with equal diligence to insure its proper disposition.

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All evidence/property will be the responsibility of the officer accepting the evidence/property until it is delivered to an evidence custodian or secured at a designated evidence storage location at department headquarters, at the Forensic Services Division or at Special Investigations. Subsequently, all evidence will be delivered and secured into the custody of Evidence and an evidence voucher created before the end of the officer's tour of duty. Officers and members of the Forensic Services Division can be exempt from this requirement only during an exceptional circumstance (i.e. hurricane) and with approval from the Chief of Police, or designee. The Chief of Police, or designee, may give his/her approval during any emergency incident, weather condition, civil disturbance, disaster, or other qualifying situation where it would better benefit the officer, the citizens of the City of Charleston, and/or the department in delaying normal evidential log-in procedures but would not endanger, cause destruction of, prevent the necessary notification of an owner where time is paramount, or create a loss in the value of the evidence/property whether by damage to the evidence/property itself or to the case due to a break in the chain-of-custody. In all circumstances where this exception is enacted, the seizing officer, prior to the end of his/her tour of duty, will secure the evidence/property at a departmentally approved location that will be designated by the Chief of Police, or designee, at the time of the exceptional circumstance. The officer will then note such action in his/her incident report in addition to all required evidence/property procedures and submit a copy of such when the item(s) are submitted to Evidence. This policy does not grant any department employee the ability to hold evidence/property at any other location while in an off-duty status. In addition, the exemption will not be granted if the evidence/property has exceptional value or worth. Police officers or civilian members of the Forensic Services Division may collect evidence. Both will be referred to as officers throughout this general order.

1. **Evidence:** Any item of property seized by an officer that is directly related to a case under investigation, the seizure of which is intended for use in the identification of a suspect, and/or in court presentations.
2. **Found Property:** Any lawful item of property, control of which is assumed by an officer for the purpose of returning the property to its rightful owner, whether the owner is known or unknown.
3. **Confiscated Property:** Any item of property seized by an officer that does not meet the criteria above for evidence or found property.

### 35.2 EVIDENCE HANDLING PROCEDURES (CALEA 83.2.1; 84.1.1)

Officers involved in the evidence collection process will use discretion in collecting evidence items. Evidence storage space is critical; therefore, only items of sound evidentiary value will be collected.

The evidence will not be accepted if the proper guidelines are not followed and notification will be made to the Team Lieutenant or Supervisor for correction.

After the collection of any evidence/property, the officer is required to complete and submit an incident report detailing the circumstances by which the evidence/property came into the department's possession. Additionally, the officer will list in the report each item of evidence/property and provide any available identifying marks, numbers, and/or description.

The following policy will be followed for evidence handling:

#### **Liquids**

Flammable liquids will be collected by Forensic Services. Forensic Services will separate the liquid from its container, take a sample of the liquid as evidence and dispose of the remainder. The sample and its container will be submitted to Evidence and sample will be stored in a flammable storage cabinet.

All other liquids will be collected, packaged, sealed, labeled and submitted by the officer that collected it. Each piece of evidence will be packaged in a separate container to prevent any form of contamination of the evidence.

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### **Drugs**

Officers will exercise caution when handling drugs, as some may be absorbed through the skin.

Drug evidence will be packaged separately from all other evidence. Different types of drugs must be placed in different bags to prevent cross contamination. If pharmaceutical tablets or capsules are collected, the officer must separate by type. If illicitly manufactured tablets or capsules are collected, the officer must separate by color and shape. Do not handle any items that you suspect contain fentanyl based on the circumstances of the seizure or information provided to you.

### **Tools**

Tools should be marked with the officer's initials, in a place that will not interfere with other markings that might be important as evidence. If tools cannot be packaged in plastic tubing, package the tool by wrapping in Kraft paper.

### **Firearms**

Firearms will not be handled more than necessary to render them safe and package them properly. Confine contact to the checkered or grooved parts of the weapon, to avoid damaging latent prints. Gloves must be worn when handling a firearm. If the firearm is a revolver, remove the ammunition from the cylinder and place in plastic tubing. If the firearm is a semi-automatic, the officer should remove the magazine, unload the weapon, and place the chambered round in plastic tubing. If the gun is jammed or it cannot be unloaded for some other reason, notify an evidence custodian for further instruction. Place the gun, magazine and ammunition in a gun box. If the charge is Unlawful Carry, photograph the serial number and the box with its contents. Secure the firearm to the box with a plastic zip tie. Remove the SD card from the camera and place it in a sealed envelope marked with the case number. Do not package the SD card with the evidence, but place it in the same storage location as the firearm.

Seal gun boxes by affixing evidence tape along each opening. Place your initials on the seals. The officer must run an NCIC check on the firearm and obtain a NIC#, then enter the information in the evidence voucher and incident report.

### **Clothing/Fabrics**

An officer should not collect wet or bloody clothing. Instead, Crime Scene should be dispatched to collect the evidence. Bloody clothing will be marked as **BIOHAZARD**. Do not staple or tape the evidence label to any type of cloth. It should be placed on the outer packaging.

### **Documents (checks, notes, etc.)**

Wear gloves and handle evidentiary documents at the edges. Documents should be placed in a paper envelope in a sealed plastic sleeve. Do not staple or tape the document to anything.

### **Jewelry**

Jewelry must be packaged separately from all other evidence. Each piece of jewelry must be on a separate evidence voucher and assigned its own bag and item number.

### **Perishable Evidence**

Perishable evidence such as meats, live plants, etc., will not be retained as evidence. Photograph the item and return it to the owner or dispose of it. The photo will be placed in evidence and noted on the evidence voucher.

### **Biological Evidence**

DUI kits should be refrigerated as soon as possible after collection. During normal business hours, submit the evidence to an evidence custodian. Outside of normal business hours, place the DUI kit in the refrigerator in the Evidence packaging area.

Contact Forensic Services for collection of all biological materials and sexual assault evidence. Sexual assault kits are picked up

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from the hospital by Evidence personnel.

### **Money**

An evidence custodian must be notified immediately when an officer seizes a sum of money equal to or greater than \$5000.00. Money will be enumerated into denominations. For Example: two (2) twenty dollar bills = \$40.00; five (5) one dollar bills = \$5.00; ten (10) dimes = \$1.00. Total \$46.00. Money will be packaged, labeled and vouchered separately from all other evidence. Any unusual markings on the money will be recorded in the NOTES field on the evidence voucher.

All seizures of money will be counted by two officers. The officers counting the funds will verify the amount on department issued BWC. The seizing officer should record the count and the name of the verifier in the incident report. The name of the verifier should also be recorded on the evidence voucher.

Forensic Services Division personnel also seize large sums of money. The policies for enumeration, verification and preparation of the evidence voucher are the same as those followed by officers. Instead of BWC footage, photographs of the money will be uploaded to Veripic.

### 35.3 FIELD TRANSFER OF EVIDENCE (CALEA 83.2.1; 84.1.1)

Under most circumstances, evidence remains in the custody and control of the person who collected it until it is submitted to the CPD Evidence Unit. Evidence should not be transferred from the custody of one person to another until an evidence voucher has been created and accepted at which point the Record Management System (RMS) begins to record the chain of custody for all subsequent transfers. Every effort should be made to avoid transferring evidence from one person to another prior to creating an evidence voucher.

The Charleston Police Department recognizes that there are exigent circumstances that may justify the transfer of evidence in the field. These cases require prior command approval and thorough documentation of the exchange. Specific procedures are outlined below for both parties involved in the process.

The person who collected the evidence (collector) and would like to transfer it to the custody of another person in the field, must first get the approval of an officer of the rank of lieutenant, or above, or the Forensic Services Director. Approval will be granted only if transferring the evidence in the field is required to preserve its integrity or make it available for immediate examination. The collector must document the date, time, location and reason for the transfer in a supplemental report. The name of the commander who authorized the transfer and the name of the person the evidence was transferred to must also be included in the report.

The person who the evidence is transferred to (receiver) should confirm that approval for the transfer has been granted. The receiver will be responsible for creating the evidence voucher and recording the date, time, location and reason for the transfer in the Notes field on the voucher. The name of the commander who authorized the transfer and the name of the person who collected the evidence must also be included in the notes on the voucher. The receiver should also document the transfer in a supplemental report. If the evidence was transferred for examination, the lab report will take the place of a supplemental report.

Clear communication must take place between the two people involved in the field transfer to ensure that the date, time, location, reason and commander approving the transfer is shared and recorded. It is essential that this information is complete, accurate and identical. Both the collector and the receiver must conduct a complete inventory of the evidence prior to a field transfer. If it is impossible or impractical to conduct an inventory, a field transfer is prohibited. The evidence does not need to be packaged or sealed prior to transfer. It should be transported securely and submitted into evidence as soon as possible and on the same shift that it was received.

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### 35.4 SEIZURE OF DIGITAL/VIDEO DEVICES (CALEA 83.2.5)

As digital technology proliferates in our society, so does the use of those devices in conducting criminal activities. Technology is employed by criminals as a means of communication, a tool for theft and extortion, and a repository to hide incriminating evidence or contraband materials. Law enforcement must possess up-to-date knowledge and equipment to effectively investigate today's criminal activities.

The law enforcement community is challenged by the task of identifying, investigating, and prosecuting individuals and organizations that use these and other emerging technologies to support their illicit operations. To that end, it is imperative that proper techniques are employed when seizing digital devices in order to preserve the integrity of the data contained therein.

#### **Operating Equipment**

Cell phones must be protected from remote wiping and loss of power. If a device is ON when collected, it should remain on, placed in airplane mode then connected to a power source. If the device cannot be placed in airplane mode, the SIM card should be removed before connecting the device to a power source. Charging lockers are available in Evidence for maintaining power to a cell phone.

If the device is a computer, do not turn it off.

Record all actions taken (power on/off, charging, removal of SIM card) to secure a digital device in the incident report.

Contact the Forensic Services Division if further technical expertise is needed.

#### **Non-Operating Equipment**

As in the case of operating equipment, the operators must be separated from the digital device. Officers should take every precaution to be certain no person has access to the equipment in question, either physically, or remotely. Do not turn on any device that is or appears to be off.

#### **Storage Media**

Extreme care will be taken not to damage storage media during collection. Exposure to weather, dust, physical jarring, static electricity, and electromagnetic forces all could cause loss of data.

#### **Peripheral Equipment**

Printers, scanners, multi-function devices, and other hardware devices supporting a computer operation generally do not store data capable of being retrieved, but this is not always the case. If seizure of peripheral equipment is under consideration, contact Forensic Services for further guidance.

#### **Supporting Equipment**

When seizing computers, tablets and peripherals, collect all associated manuals, software, cables and power supplies/cradles as well.

#### **DVR surveillance system**

Photograph the monitor showing the DVR date/time and record the actual date and time of the seizure because oftentimes they do not match. Photograph the back of the device to record the connections. Power down the system via the on screen menu (requiring mouse clicks or selecting on screen options). Once powered down, disconnect and collect all cables, power cord and remote control (if applicable). Contact Forensic Services with any questions or for further guidance.

### 35.5 PACKAGING AND MARKING OF EVIDENCE (CALEA 84.1.1 d)

**Different Packaging Materials:** There are several different types of packaging materials that can be used such as heat sealable plastic tubing, paper bags, envelopes, Kraft paper and boxes. All of these come in different sizes. The packaging materials should come as

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close to fitting the object as possible. This makes the evidence look professional when it is taken to court and it can be stored easier. All the packaging materials are in the evidence packaging room or in designated evidence storage locations. If there is some type of problem in packaging the evidence, notify an evidence custodian, or the Forensic Services Division who can assist the officer in packaging the items. Additional information concerning guidelines for packaging and labeling of evidence/property is located in the Evidence Field Guide in the packaging room.

**Evidence Vouchers:** The name of the first person that collects the evidence is recorded in the SEIZED BY, STORED BY and SUBMITTED BY fields in RMS on the evidence voucher. The officer creating the voucher in RMS must be the same person who seized, stored and submitted the evidence unless a field transfer has been approved and documented according to policy.

Do not sign anyone's name to an evidence label or voucher other than your own. The evidence voucher should be completely filled out and include the appropriate court in which the case will be heard.

All evidence vouchers will have the case number of the incident report notated appropriately. The evidence voucher will be saved and submitted electronically.

### 35.6 TEMPORARY STORAGE OF EVIDENCE (CALEA 84.1.3)

Twenty-five (25) storage units have been designated for the temporary storage of evidence not meeting the criteria for deposit in the mailbox on the second floor. The storage units are located on the second floor of police headquarters. Each storage unit is separately numbered with a padlock.

The following guidelines will be used concerning the placement of evidence in the storage units:

1. No perishable items (perishables must be photographed and disposed of);
2. Each item will be properly packaged;
3. The item will be placed in the storage locker by the officer entering the evidence;
4. The storage unit will be locked. The master key is only available in the Evidence Unit and will be maintained by the evidence custodians;
5. No paperwork will be placed in the storage units.

Items will not be accepted without the proper packaging and evidence voucher.

A mailbox has been designated for the temporary, secure storage of small items of confiscated property, found property, and evidence. The only personnel who will have access into the storage lockers are the evidence custodians

The following guidelines will be met concerning the placement of items into the mailbox:

1. No liquids;
2. No breakable or glass items;
3. No perishable items;
4. No unusually heavy items;
5. No guns;
6. Each item will be properly packaged;
7. The item will be placed in the mailbox by the officer entering the evidence/property.

Items will not be accepted without the proper packaging and evidence voucher;

The only personnel who have access into and keys for the mailbox, cell phone charging lockers and evidence lockers are the evidence custodians.

The following areas are designated for evidence:

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1. Rooms located on the second floor of headquarters are designated as the primary evidence storage location. All money, precious metals, jewelry, gemstones, seized drugs and firearms will be in locked storage locations within Evidence. The keys are stored in a secure area of Evidence. Entry into Evidence is primarily limited to evidence custodians. In the event that someone needs to enter Evidence, an evidence custodian will be present at all times. This is to ensure that entry to Evidence is controlled to prevent the alteration, unauthorized removal, theft, or other compromise of evidence. An Evidence Room Log Sheet (Form #152) will be signed when personnel enter Evidence. The date, reason for entering, time in, time out, name printed and name signed will be noted on the log sheet. Evidence facilities are secured by an alarm. Access to the facilities and each evidence storage location is limited and controlled.
2. Evidence vaults, evidence lockers, refrigerators and personal evidence storage locations throughout the Forensic Services Division. The Forensic Services Division is secured by an alarm.
3. A locked and secure storage facility at 62 Brigade Street Charleston, South Carolina.
4. SIU bay, secured open lot and storage rooms. Access to the facility itself and each evidence storage location is limited and controlled.
5. Locked desk drawers in Central.

### 35.7 SEPARATING EVIDENCE

1. All juvenile evidence will be separated from other types of evidence.
2. All seized drug evidence will be separated from other types of evidence.
3. All General Sessions evidence will be separated from other court evidence.
4. Different types of seized evidence will not be put in the same evidence bag as this may cause cross-contamination of the evidence. Laboratory testing cannot be performed on evidence that has been contaminated by other substances.

### 35.8 SUBMISSION OF EVIDENCE TO LABORATORY (CALEA 83.2.7 d, 83.3.2 e)

When a number of personnel are involved in the investigation of a crime, a false assumption may be made that someone else has taken action to get evidence to the lab for examination. It will be the responsibility of the assigned investigator to insure that an electronic request for the examination is submitted to the Crime Scene Supervisor (for SLED/outside laboratory submissions), the Forensic Services Division (for digital examinations and latent print comparisons), or Evidence (all other types of examinations) who will insure that the examination is conducted. The request should identify the type of exam requested. (i.e. body fluid identification, DNA analysis, firearms examination, toxicology, etc.). Requests should be submitted with all pertinent information, (i.e. victim, subject, and material(s) to be tested, exam(s) requested). Certain types of evidence will always be submitted for examination and do not require a specific request. All seized drugs, latent prints, firearms and cartridges casings will be routed to the Forensic Services Division for examination.

Investigators should request that sexual assault kits be submitted for laboratory analysis unless the case is unfounded. Sexual assault kits can and should be submitted even if a suspect has not been identified. If there is a suspect, a buccal swab must be collected and submitted along with the kit. Evidence should be submitted to the laboratory in a timely manner and with the appropriate comparison samples when available.

Procedures for the submission of evidence to a laboratory will be as follows:

1. Requests for laboratory analysis are submitted by officers or investigators to the Forensic Services Division. Forensic Services Division personnel will conduct the examination if the request is for analysis in one of the division's accredited disciplines. If not, the Forensic Services Division will be responsible for submitting the evidence to an outside laboratory.

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2. Property Connect is used to make requests for laboratory examination by the Forensic Services Division. Requests for latent recovery, latent examination, comparison requests, drug analysis, fire debris analysis, serology and serial number restoration are submitted via Property Connect.
3. Form #412 Evidence Processing Request is used to make requests for laboratory examination by outside laboratories, Requests for analysis of DNA, firearms, gunshot residue, blood alcohol, gunshot residue and impression evidence should be submitted to the Crime Scene Supervisor via Form #412.
4. Requests for examination of digital evidence are made by completing Form #007 Forensic Work Request. The form is available on the city intranet.
5. Forensic Services Division personnel are responsible for transporting evidence to the appropriate laboratory and returning it to the Evidence Unit when the examination is completed.

All laboratory results will be provided via a laboratory report. Information provided verbally is presumptive, subject to confirmation and/or verification and provided for investigative purposes only. If an examination request does not meet a laboratory's submission guidelines that evidence will remain in the custody of Evidence until the guidelines are met or destruction is authorized. In such cases, the requesting officer will record the submission request and reason for rejection in a supplemental report. Destruction of evidence is noted on an evidence destruction form.

### 35.9 FORENSIC SERVICES DIVISION TERMS OF SERVICE

Submitting evidence to the Forensic Services Division indicates that the submitting agency agrees to the terms and conditions of the Forensic Services Division. The Forensic Services Division determines the examination(s) to perform, the appropriate test method(s) to use, the scope of the analysis, the items of evidence to analyze, the sampling plan to follow and the structure and content of the examination report. Deviations from policy and procedure may occur but will be documented in Resource Manager, technically justified, and receive prior authorization from management. The Forensic Services Division will seek the prior approval of the customer if a significant deviation from policy and procedure is required to address casework anomalies.

Discipline-specific special conditions are as follows:

- Evidence collected by members of the Charleston Police Department is retained by the Charleston Police Department.
- The Forensic Services Division retains CPD latent lift evidence and stores it in the vault. All other CPD evidence is returned to CPD Evidence and stored at headquarters or the warehouse.
- Evidence submitted by any other agency is returned. Release of the lab report indicates that the evidence is ready to be picked up from the Forensic Services Division.
- AFIS quality latent prints are searched in the South Carolina AFIS Database and/or the FBI Database without qualifiers.
- Every attempt is made to protect the integrity of evidence; however when conducting a digital examination, there is a risk of rendering the device inoperable.

The Forensic Services Division is committed to providing the following services to customers

1. Offering examinations in the following disciplines: crime scene investigation, biology, digital and video analysis, fire debris, friction ridge examination, latent recovery, serial number restoration and seized drugs.
2. Developing and maintaining good working relationships with customers
3. Clarifying requested examinations when the request is ambiguous
4. Discussing requested examinations and suggesting possible changes in the request to provide more relevant and/or more probative information



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5. Maintaining contact with the customer during lengthy examinations to report progress or delays, as appropriate
6. Providing technical advice, guidance, and assistance in matters related to examinations, e.g., the proper packaging of evidence or suggestions for questions to be posed during court testimony
7. Providing explanations, clarifications, elaborations, and interpretations of the results presented in laboratory reports, and the examinations performed to support those results
8. Proactively seeking feedback from customers that may be used to improve the quality system and technical operations
9. Ensuring confidentiality

### 35.10 DNA EVIDENCE

At the scene of a violent crime, or in the case of a minor offense in which body fluids are visible on the scene (i.e. blood on a broken window) Crime Scene personnel should be contacted to collect biological evidence. Since DNA evidence is not always obvious or visible, every officer should be aware of important issues involved in the identification, collection, transportation, and storage of DNA evidence. DNA evidence can be collected from virtually anywhere and can be valuable on evidence that is decades old. The first responding officer at a crime scene should quickly assess the potential evidence and take steps to protect it until it is collected. Evidence should be protected from contact with victims, suspects, witnesses, emergency personnel or other officers at a crime scene. It should also be protected from movement or disturbance until its location can be documented. Finally, it must be protected from loss and degradation from environmental factors.

Remember that just because you cannot see a stain does not mean there are not enough cells for DNA typing. Since only a few cells can be sufficient to obtain useful DNA information, the list below identifies some common items of evidence that may need to be collected, the possible location of the DNA on the evidence, and the biological source containing the cells.

<b>Evidence</b>	<b>Possible Location of DNA on the evidence</b>	<b>Source of DNA</b>
Baseball bat or similar weapon	Handle, end	Sweat, skin, blood, tissue
Hat, bandanna, or mask	Inside	Sweat, hair, dandruff
Eyeglasses	Nose or earpieces, lens	Sweat, skin
Facial tissue, cotton swab	Surface area	Mucus, blood, sweat, semen, ear wax
Dirty laundry	Surface area	Blood, sweat, semen
Toothpick	Tips	Saliva
Used cigarette	Cigarette butt	Saliva
Stamp or envelope	Licked area	Saliva
Tape or ligature	Inside/outside surface	Skin, sweat
Bottle, can, or glass	Sides, mouth piece	Saliva, sweat
Used condom	Inside/outside surface	Semen, vaginal or rectal cells
Blanket, pillow, sheet	Surface area	Sweat, hair, semen, urine, saliva
Bullet that penetrated skin	Person's skin or clothing	Blood, tissue
Bite mark	Person's skin or clothing	Saliva
Fingernail, partial fingernail	Scrapings	Blood, sweat, tissue

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It is also important to keep in mind the limitations in the utility of DNA evidence. Several factors can affect the DNA left at a crime scene, including environmental factors (e.g., heat, sunlight, moisture, bacteria, and mold). Therefore, not all DNA evidence will result in a usable DNA profile. Further, just like fingerprints, DNA testing cannot tell officers when the suspect was at the crime scene or for how long. Lastly, as with fingerprints, the effective use of DNA may require the collection and analysis of elimination samples. It often is necessary to use elimination samples to determine whether the evidence comes from the suspect or from someone else and to differentiate profiles in mixtures.

Safety precautions must be exercised because biological material may contain hazardous pathogens. In addition, greater attention to contamination issues is necessary when identifying, collecting, and preserving DNA evidence because extremely small samples of DNA can be used as evidence. Officers must guard against the potential of cross-contamination of the evidence with their own DNA while engaged in collection of evidence. To avoid contamination of evidence that may contain DNA, always take the following precautions:

1. Wear gloves. Change them often.
2. Use disposable instruments or clean them thoroughly before and after handling each sample.
3. Avoid touching the area where you believe DNA may exist.
4. Avoid talking, sneezing, and coughing over evidence.
5. Avoid touching your face, nose, and mouth when collecting and packaging evidence.
6. Air-dry evidence thoroughly before packaging.
7. Put evidence into new paper bags or envelopes, not into plastic bags. Do not use staples.

Once the evidence is collected, it is important to keep it dry and at room temperature. Evidence believed to contain body fluids should always be thoroughly dried first. The Forensic Services Division has drying lockers for this purpose and should be called to collect items that need to be dried before packaging. Paper bags or envelopes should be used for storage. Never place evidence that may contain DNA in plastic bags because plastic bags will retain damaging moisture. The evidence should be packaged prior to transporting it to minimize the risk of contamination or cross-transfer. The containers should be sealed, labeled, and marked with an evidence tag that properly records the circumstances of the recovery and the chain of custody. Keep the evidence out of direct sunlight and warm conditions while transporting because these conditions can be harmful to DNA. Turn the evidence over to Evidence as soon as is practical.

Refer to CPD General Order on Submission of Evidence to Laboratory for the proper procedure to follow for submission of DNA evidence to a laboratory.

### 35.11 ACCOUNTABILITY AND INSPECTIONS (CALEA 84.1.5; 84.1.6)

Evidence personnel are accountable for control of all items accepted for storage as evidence until final disposition. Evidence personnel are responsible for all found and confiscated property as well as recovered property not to be used as evidence. Supply personnel are responsible for all department property.

Evidence records are maintained in the Records Management System (RMS). A server functions as RMS backup.

The Forensic Services Director, or designee, will have the responsibility to conduct documented monthly inspections of evidence at headquarters. The inspection will determine if evidence is being maintained in an orderly fashion, that general orders and/or other directives concerning the evidence section are followed, and that evidence/property is being protected from damage or deterioration.

The Forensic Services Director, or designee, will ensure that proper procedures are being followed for a limited sample of drugs, firearms and cash seizures.

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It is the responsibility of the Office of Compliance and Policy to hold a documented unannounced annual audit of property and evidence storage areas, as directed by the Chief of Police. The purpose for this audit is to ensure that the property and evidence areas are clean and orderly, and to check the integrity of the system by tracing a small amount of property and evidence to assure they are in the proper place as stated in the evidence records. This inspection is not an accounting for every item of evidence.

A documented annual audit of the property and evidence storage will be conducted by a person not routinely or directly connected with control of property and evidence as directed by the Chief of Police. This responsibility is assigned to the Commander of Internal Affairs. This inspection focuses solely on high risk items. The inspector will randomly select a number of cases. The evidence associated with these cases will be compared with the RMS records to insure the items are present. All seized drug evidence will be checked to insure that the containers are sealed properly.

An audit of Evidence will be conducted by the outgoing Evidence Custodian, the newly designated Evidence Custodian and a designee of the Chief of Police when a staffing change occurs. The audit will be sufficient to ensure the integrity of the system and the accountability of the evidence. The audit will include a review of policy and procedure, inspection of evidence storage areas, an accounting of high risk evidence items, a reconciliation of a representative number of evidence items and associated documentation and a review of personnel records.

Records will be maintained on all inspections, audits and inventories of evidence with discrepancies noted.

### 35.12 CONFISCATED PROPERTY HANDLING PROCEDURES (CALEA 84.1.7)

Confiscated property items will be handled with the same care as evidence. In general, collection, packaging, preservation, and storage of confiscated property will follow the same procedures as in this order for evidence. The assigned investigative division will insure that a follow-up investigation is conducted and that proper disposition of the confiscated property items occurs. Within a six (6) month period after the seizure, the property will be:

- a. Retained as evidence under an active case number;
- b. Returned to its rightful owner;
- c. Disposed of by sale or destruction.

### 35.13 FOUND PROPERTY HANDLING PROCEDURES (CALEA 84.1.7)

Found property items will be handled with the same care as evidence. In general, collection, packaging, preservation, and storage of found property will follow the same procedures as in this order for evidence. The following procedures should be followed:

1. A case number will be obtained, an evidence voucher created and a report prepared in RMS.
2. A follow-up investigation should be conducted concerning found property by a team investigator. Every effort possible should be made to identify the rightful owner. The results of the investigation should be recorded in a supplemental report. If the owner cannot be identified, notify an evidence custodian via an Evidence Disposition Status Request Form. If the owner can be identified, he/she should be directed to contact evidence to claim their property.
3. If found property is recovered and ownership can be determined, Evidence will provide notice to the owner within fifteen days by registered mail. The notice will describe the property including an identifying serial number if available; and advise the owner that the property may be sold at auction pursuant to Section 27-21-22 if not reclaimed within sixty days of mailing of the notice.
4. If the owner of the property cannot be determined or if the property is not reclaimed or sold at public auction, Evidence may dispose of any recovered stolen or abandoned property.

### 35.14 PROCEDURES FOR REMOVING EVIDENCE FROM STORAGE (CALEA 84.1.1 g)

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Officers may remove evidence from storage for court purposes and/or investigation purposes. Officers removing evidence for any purpose will sign for the evidence in the Evidence Module of RMS and indicate the purpose of the removal.

Checked out items should be returned to Evidence as soon as practical. Returns can either be directly to an evidence custodian or via an evidence locker

In the event it is necessary to leave the evidence with the court, the officer or employee who brought the evidence to court will secure a signed receipt from an official of the court and return it to an evidence custodian.

In the event that evidence will not be returned for any reason, the officer that removed it must send an email to [cpd\\_evidence@charleston-sc.gov](mailto:cpd_evidence@charleston-sc.gov). The email should include the case number, bag and item number(s) and the reason the evidence will not be returned. Acceptable reasons include that the evidence was returned to its owner or transferred into the custody of another law enforcement partner. If evidentiary documents need to be included in a case record, a copy can be made and the original returned to Evidence.

35.15 DISPOSAL OF EVIDENCE (CALEA 84.1.7)

Officers/investigators have the ultimate responsibility for authorizing disposal of the evidence items collected by the officer/investigator. This includes the responsibility for reviewing court dispositions and receiving authorization for disposal from the prosecutor when they are involved in the case. In cases that do not reach judicial authority, the officer may authorize disposition. The officer/investigator authorizing the disposal is required to complete and sign the Evidence Disposition Status Request Form, attach it to the case record in RMS and forward the hard copy to Evidence.

The following procedures must be adhered to for the timely and proper destruction of evidence:

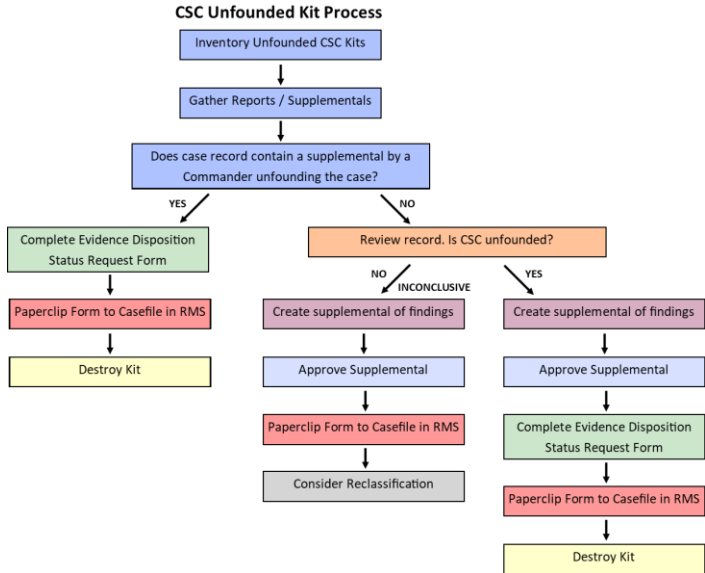
1. In Municipal Court cases, evidence will be disposed of once the case is adjudicated and the appeals process has expired.
2. In General Sessions Court cases, evidence will be disposed of once the case is adjudicated and the appeals process has expired. In addition, an attorney from the Office of the Solicitor must authorize the disposal of the evidence.
3. In instances where a case has been unfounded, it is the responsibility of the investigating detective or officer working the case to recommend that the evidence be destroyed when there is no potential use of the evidence in future criminal cases. The recommendation for destruction will be reviewed by the Central Commander of the Investigations Bureau. If disposal is approved, the commander will complete the Evidence Disposition Status Request Form and forwards the form to the investigator. The investigator will attach the form to the case record in RMS and forward the hard copy to Evidence. He/she will write a supplemental that records the review and recommendation for destruction or retention of the evidence.
4. Evidence associated with inactive cases should be retained according to the schedule below:

<b>Incident Type</b>	<b>Retention Period</b>
Armed Robbery/Strong Armed Robbery	Six (6) years
Arson	Six (6) years
Arson (property damage only)	Three (3) years
Assault/Aggravated Assault	Six (6) years
Breaking and Entering	One (1) year
Burglary – 1 <sup>st</sup> degree	Seven (7) years
Burglary – 2 <sup>nd</sup> and 3 <sup>rd</sup> degree	Three (3) years
Death Investigation	Three (3) years
Drug Overdose	Three (3) years
Drug Seizures	Three (3) years
Hit and Run	One (1) year
ICAC	Six (6) years
Suicide	Six (6) years

Vandalism	One (1) year
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Inactive cases with evidence items stored past their retention time should be disposed of after investigative review. If disposal is approved, the investigator will complete the Evidence Disposition Status Request Form, attach it to the case record in RMS and forward the hard copy to Evidence.

5. A workgroup will review unfounded sexual assault cases according to the process summarized below:



6. In all General Sessions cases, when it is determined that the evidence in that case can be destroyed after adjudication, the investigating officer will make a recommendation to the commanding officer of the respective unit to destroy the evidence. The commanding officer of that unit will review the recommendation, including the involvement and authorizations obtained from the Office of the Solicitor, in order to make the final determination regarding the evidence destruction and authorize accordingly.

7. All guidelines outlined within the Evidence Preservation Act will be followed before any evidence is disposed of or returned.

**Disposition of Evidence and Property**

Items will be disposed of by one of the following methods:

1. By returning the property to its rightful owner or to an authorized representative;
2. Public auction;
3. Donation to charitable organizations;
4. Confiscated for City or departmental use;
5. By destruction;
6. Introduced into court as evidence and the court maintains the evidence;
7. After being photographed.

In any cases where evidence/property is disposed of by sale or auction, or when funds are forfeited to the city, such funds will be deposited in a City of Charleston bank account by an evidence custodian. The record of the deposit and associated documentation is forwarded to City Finance. These receipts are subject to the same auditing procedures established for other departmental funds. Disposition of evidence items is mandated by statute, specific court order, or departmental policy. Items of no value and unlawful items will be destroyed. Items of value will be returned to the rightful owner if the determination of ownership can be established.

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Items of value for which rightful ownership cannot be established will be sold at public auction.

Evidence items should be disposed of within six (6) months after legal requirements have been satisfied depending upon the type of case. In major cases, officers should review their cases and determine if there is a need for continued retention. If there is no need for further retention, officers must complete the Evidence Disposition Status Request Form, paperclip the form to the case record in RMS and forward the hard copy to Evidence.

1. In misdemeanor cases where no arrests have been made, evidence items will be disposed of after ninety (90) days.
2. Liquor evidence collected in cases of arrests for illegal consumption or similar simple liquor offenses will be disposed of sixty (60) days after its collection without notifying the officer.
3. License tag evidence collected in arrest for improper registration and/or other minor traffic offenses will be destroyed after the date the tag expires without notifying the officer.
4. Found unlawful items such as alcoholic beverages and controlled substances turned in as confiscated property will be disposed of after ten (10) days without notifying the officer.

### **Procedure for Disposal of Drug Evidence**

Drug evidence will be disposed of by the following the following procedures:

1. A complete inventory of the drugs to be destroyed will be prepared by Evidence.
2. Seized drugs will be incinerated by the Charleston Police Department or SLED.
3. The supervisor of Evidence and one or more evidence custodians will witness the incineration.
4. BWC footage will begin when the drugs are removed from the Evidence storage facility through the final destruction. The BWC footage is uploaded per CPD policy.
5. All records associated with the destruction of drugs will be permanently maintained in Evidence.

### **Procedure for Disposal of Digital Evidence**

Digital Evidence will be disposed of by the following methods:

1. There are several methods of disposing of digital devices/media. It may be sold at public auction, donated to charitable organizations, repurposed for City or departmental use, returned to owner or destroyed.
2. Any digital media containing contraband must be wiped of all information before it can be disposed. Form #007 Forensic Work Request must be completed and submitted to the Forensic Services Division to request to request removal of the data.

## 35.16 TAKE-BACK PRESCRIPTIONS

A CVS prescription drop box for citizen's unwanted prescription medication is located in the lobby of police headquarters and is available for use twenty-four (24) hours a day. The take-back box is secured with a key padlock. The following procedure will be followed when accessing the take-back box for removal of the prescription drugs:

1. The evidence custodians maintain keys to the drop box and are responsible for removing and evaluating its contents for destruction. An additional staff member must be present to witness removal and packaging of the contents of the drop box.
2. Once accessed, entry will be logged in the provided log. The contents of the take-back box will be inspected for unacceptable items (not limited to needles, aerosol cans or inhalers, peroxide, and thermometers), which will be separated from the prescription medication. The prescription medication will be transferred from the plastic storage container into a plastic bag suitable for incineration and an evidence seal will be placed across the bag opening. Both the evidence custodian and the witness must affix their initials on the seal. Items which are deemed unacceptable for incineration will

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be disposed of appropriately.

3. Periodically, the contents of the drop box are transported to Columbia for destruction by a private contractor.