



Colorado Springs Police Department General Order

1400 Evidence Submissions

Section 1400 – Evidence Functions

Effective Date: 10/8/2024

Supersedes Date: 3/28/2016

.01 Purpose

The purpose of this directive is to define the role of evidence in the investigative and judicial process and to outline the process for proper packaging, submission, and handling of physical evidence.

.02 Cross Reference

[GO 1120 National Integrated Ballistic Information Network \(NIBIN\) Program](#)

[DL-1010-01 Holding Cell Operations](#)

[DL-1056-01 Extreme Risk Protection Orders](#)

[DL-1100-01 Initial Investigation Procedures](#)

[DL-1100-03 Crime Scene Assessment](#)

.03 Discussion

Every item submitted as evidence has the potential to be used in the investigation and prosecution of a crime. It is imperative that items collected and submitted as evidence are handled and packaged in ways that best protect the evidence, ensure the safety of personnel, reduce the potential for tampering or cross-contamination, and maintain an accurate chain of custody for each item.

Evidence packaging guidelines and policies are to be adhered to unless there is an underlying safety issue. In those situations, the officer should consult with a supervisor and the Evidence Unit (EU) to determine the best solution.

.04 Policy

The Colorado Springs Police Department (CSPD) Evidence Unit (EU) strives to maintain all items submitted to the EU in the condition received to the best of their ability.

Employees are prohibited from keeping department evidence, personal property, lost and found, or items for destruction for personal possession and will not delay the submission of such items to the EU except for valid investigative purposes.

All items collected and submitted to the EU must be entered in the EvidenceOnQ (EoQ) evidence tracking system as outlined in specific directives.

All items submitted as *evidence* require a CSPD case number.

All firearms (*evidence* or *property*) and shell casings (*evidence* only) require a CSPD case number to facilitate NIBIN processing.

Photos and videos are uploaded into the Digital Imaging Management System (DIMS) and managed by the Metro Crime Lab (MCL). These do not require entry into EoQ and are not administered by the EU.

.05 Definitions

Chain of Custody: Chronological documentation of the sequence of movement for an item of evidence from initial submission to final disposition; to include the tracking of an item's whereabouts at all times, including all individuals having access to, or control of, the item.

Drugs: For the purposes of this policy, a drug is defined as any type of narcotic, controlled substance, prescription drug or medication, over-the-counter drug, chemical and synthetically manufactured item meant to have a physiological effect when ingested or introduced into the body. Physical forms include, but are not limited to powder, plant, liquid, gel, patch, chemical, and pill. Drugs may be located in various items including pill capsules, bottles, foil, plastic bags, and syringes. Illicit drugs can be produced to look like other legal products. Drugs in any form and containment must be handled with caution and require supervisor approval regardless of whether they are believed to be over-the-counter medication, supplements, or vitamins.

Sensitive Items: Sensitive items only include firearms, money, jewelry of value and all drugs (as defined in this policy). These items require special processing and handling, including very specific destruction procedures. They must be packaged separately per policy and visually verified by a supervisor prior to submission. Supervisors will enter their initials/IBM in the "Supervisor Approval" field in EvidenceOnQ.

Tamper Evident Seal: All packages must be properly sealed, taped, and marked for identification by the submitting officer. When marking a taped package, the officer will initial/IBM and date the tape seal, so the writing partially covers both the tape and the package. This creates a tamper-evident seal.

.10 Evidence vs. Property

When determining whether to submit an item as *evidence* or *property*, the distinguishing factor is whether the item has evidentiary value to the case. In addition, consideration should be given to

what can be returned without further depriving the victim if it is not necessary to physically retain the item as evidence. The EU is not authorized to make this determination.

The below considerations can help in evaluating whether an item should be submitted as evidence:

- Can the item be submitted as an administrative hold (*admin hold*)?
- Is the item probative?
 - Does it supply proof that will assist in the investigation?
 - Can it be submitted for testing (prints, DNA, ballistics, etc.) to provide additional evidence?
- Is it necessary to retain the original as evidence? Can the item be photographed and returned to the owner?
- For large items, could a sample or portion be taken?
 - CRS § 18-1-1104 (2) states: “If DNA evidence is of such a size, bulk, or physical character as to render retention impracticable, the law enforcement agency shall remove and preserve portions of the evidence likely to contain DNA related to the offense in a quantity sufficient, based on the best scientific practices at the time of collection, to permit future DNA testing. The preserved DNA evidence shall, whenever possible, include a sample sufficient to allow for independent testing by the defendant. After preserving the necessary amount of the DNA evidence, the law enforcement agency may dispose of the remainder of the evidence.”
 - Examples include recovered/stolen vehicles, couches, refrigerators, etc.
- Potential length of hold
 - Items submitted as evidence require a valid written release from the investigating officer/unit or prosecuting agency depending on the case. In some cases, a court order is required to release items back to the owner.

This list is not exhaustive. If questions persist, a supervisor, the appropriate investigations unit, the District Attorney’s Office (DAO), or the MCL should be consulted.

.15 Property Types

Admin Hold

Vehicles and Digital Devices may be submitted for Administrative Hold (*admin hold*) to establish evidentiary value or facilitate processing.

Officers are required to respond to *admin hold* status requests within 14 days (unless there is an authorized exception).

These items may be released by an officer assigned to the case and do not require release from the prosecuting agency.

Destruction

Items submitted as *destruction* are not required to be retained by the department and do not require a holding period.

Destruction items are disposed of by the EU per city Code §§ 9.1.201 – 9.1.208, and in compliance with applicable directives regarding destruction of items.

Firearms are not to be submitted as *destruction*. All firearms will be held for a minimum of 60 days if they are non-evidentiary.

ERPO Hold

Firearms surrendered or seized as part of an Extreme Risk Protection Order (ERPO), or Temporary Extreme Risk Protection Order (TERPO) will be held in accordance with applicable agency directives for ERPO, and statutory requirements.

CSPD is **not** required to hold firearms ordered to be relinquished by the court as part of a DV or civil case per C.R.S. § 18-1-1001(9)(d), which is different from an ERPO firearm seizure. Personnel should seek guidance from a supervisor or the EU supervisor/manager regarding firearm holding requirements if there are questions.

Evidence

Items submitted as *evidence* are determined to have evidentiary value to a criminal case and are subject to various holding timeframes depending on the offense, case status, holding authority, and DNA relevance. Certain items of evidence are required to be held indefinitely. Items held as *evidence* will only be released per agency evidence release directives and guidelines.

Property

Items submitted as *property* have no evidentiary value and will be held and subsequently disposed of in accordance with city Code §§ 9.1.201 – 9.1.208. Submitting personnel will document known owner information in EoQ to ensure prompt return of all personal property. Items submitted as personal property may be released by the EU or Impound Facility with valid proof of ownership and are not subject to additional holding requirements. If no owner information is included upon submission, ETs may require additional follow up from submitting personnel regarding ownership claims.

.20 Chain of Custody

The formal and unalterable chain of custody of evidence begins upon entry of an item into the department's digital tracking systems.

Procedures for collecting, packaging, submitting, and processing evidence have been designed to keep the chain of custody as concise and accurate as possible.

.25 Packaging Directives

Certain types of evidence require special collection and packaging procedures due to physical characteristics or special requirements for evidence. Directives for packaging and submitting various categories of items are provided in subsequent directives.

Additional information and photo examples can be found in the Evidence Packaging Manual located on the Evidence Intranet page. Further inquiries should be directed to the EU or the MCL.

.30 Packaging Requirements

Supplies

Each division should establish an individual to monitor the supply level and notify the division office specialist when supplies are low. Each division should assign someone to obtain all evidence packaging from Supply. The divisions are responsible for providing items such as tape, butcher paper, zip ties, etc. as well as printer supplies.

The Evidence Packaging Manual provides further guidance on who provides additional supplies.

Packaging Basics

All items submitted must have an EoQ barcode.

All items must be placed in an appropriately sized evidence envelope, gun box, paper bag, or other appropriate container, with the barcode attached to the outside. If the item cannot fit in a package, it must have an evidence/property tag with a barcode label attached. Vehicles must be accompanied by an Impound Car Card. *Admin Hold/Evidence* vehicles must be entered into EoQ (Impound will affix the barcode label to the vehicle).

As some evidence must be held indefinitely, all evidence must be packaged in a way to reduce the likelihood of being damaged or destroyed over time.

Each separate item requires a separate barcode label. Similar items with the same owner may be packaged together if they fit within appropriate packaging.

Exceptions: Sensitive items, biohazard items, or items that require any lab processing require separate packaging and submission. See directives for specific categories of evidence.

Tamper-Evident Seal

All packages will be properly sealed, taped, and marked for identification by the submitting officer.

The EU and CBI will not accept packaged evidence for processing if the package is not taped and marked with a tamper-evident seal.

Supervisor Approval

Sensitive items require supervisor approval to ensure proper packaging and entry into EoQ. Questions about whether an item requires supervisor approval, a supervisor or ET should be contacted to review the item.

When approving sensitive items, supervisors will:

- Verify firearms, money, jewelry (of value), and drugs are properly packaged and sealed.
- Verify the EoQ entry is complete with accurate money amounts, drug weights, and firearm information (serial #, NCIC/CCIC, unloaded status, owner information, etc.).
- For money in excess of \$5,000, a lieutenant or above must:
 - Verify the count and initial/IBM/date the seal of the money envelope.
 - Send an email to evidence@coloradosprings.gov to ensure awareness of the submission and prompt collection.
- Indicate approval in the “Supervisor Approval” field of EoQ using initials/IBM.

Evidence Discrepancies

When evidence is not properly packaged and/or entered in EoQ, a discrepancy notice will be sent to the submitting employee describing the required correction, which must be corrected as soon as possible so the evidence can be processed and will be reflected on the chain of custody audit history. If personnel fail to respond to the notice in a timely manner, it will be forwarded up the chain of command.

Questions concerning packaging and submission of evidence may be referred to the EU during normal business hours, and to shift commanders after hours.

If not urgent, officers may lock an item in an evidence locker and send the EU an email requesting assistance. The EU can then assist and replace the evidence lock with a combination lock for the officer to complete submission of the item.

The evidence supervisor/manager may be contacted after hours for emergencies after all resources have been exhausted.

.30 Evidence Submission Delays

Under exceptional circumstances, as defined below, submission of property and evidence items may be delayed for a reasonable time to conduct investigations and evidence processing.

Sensitive Items

At no time will sensitive items be delayed. If further processing is necessary, the item will be secured in an evidence locker with an EU lock and entered into EoQ. If additional processing is needed, personnel will submit a request in EoQ for “follow up” and the EU will transfer the item to the requestor for proper chain of custody.

Crime Lab Personnel

The MCL will submit items entered in EoQ within one week. If additional processing is required, MCL personnel will submit a request in EoQ indicating the item will be retained for further processing. The EU will send a notice to MCL personnel for items exceeding a week that do not have an extension. The MCL maintains an internal chain of custody for all items in MCL custody using the Laboratory Inventory Management System (LIMS).

Investigative Personnel

In the event investigations collects property/evidence near the end of a shift and is not able to complete submission prior to going off shift but does not need the item for further investigation or follow up, personnel will ensure items are properly entered into EoQ and submitted to the EU as soon as possible. Any delay must be approved by an investigation supervisor.

Temporary storage will not be utilized for long term storage. Once items are identified for retention as property or evidence, they will be entered into EoQ and submitted to the EU per current directives without delay.

There are two types of temporary lockers utilized by investigations personnel at the POC and divisions. These are:

Investigation Lockers/Rooms

- Investigation units occasionally collect items with a legitimate investigative need for additional follow-up or with the intent to research owner information and return items to rightful owners instead of retaining them.
- All items collected for this purpose that are not entered into EoQ will be inventoried by the unit processing the items and documented in a supplement.
- The items will be maintained in a secure location at the POC or division with designated locks, and in a location with secure access. Access will only be provided to investigations personnel.
- Items submitted in Investigation Lockers/Rooms will be secured with locks/keys that must be signed out from the sergeant or above. The sign out sheet will be maintained by the sergeant or above for at least one year from the latest date notated on the sheet.
- All temporarily stored items released to an owner without EoQ entry will be documented in the case report by the investigation employee releasing them.

Temporary Evidence Submission Lockers

- There are temporary evidence rooms with lockers for items not yet entered into EoQ (still being investigated), as well as items already entered into EoQ awaiting EU collection. The EU will have access to temporary evidence rooms holding items awaiting collection.
- A locker slip will be placed on any locker containing items not yet entered into EoQ to include the name and contact information of the detective responsible for the items and the date the lock was placed on the locker.
- Items entered into EoQ awaiting collection by the EU will be submitted in lockers with an EU specific lock.
- Items entered into EoQ but returned to an owner by the officer/detective require a Receipt for Return of Property be completed and forwarded to the EU for proper chain of custody tracking (not submitted as evidence).

Division Evidence Lockers

Evidence lockers are provided at each division and are the usual channel for submitting items to the EU.

Evidence items should never be left in the open area of a temporary evidence intake room as this does not maintain evidentiary integrity.

Evidence or case-related items (including duplicates and items no longer needed in the case file) will never be sent to the EU in interoffice mail. Items will never be left in lockers (including flammable lockers) without being entered into EoQ.

Flammable Lockers

See [DL-1400-08 Hazards, Flammables & Liquids Evidence](#) for specific direction regarding Hazardous, Explosive, and Volatile materials.

POC Annex Lockers

The following items **must** be transported to the POC Annex lockers. See specific directives and the Evidence Packaging Manual for additional guidance regarding proper submission of the following items:

- Loaded Firearms (submit only in exceptional circumstances per firearms directive)
- Suspected Synthetic Fentanyl Powder (Does not include medical grade patches, or pill forms)
- Wet/Bloody Items
- Marijuana (wet and/or large amounts, and potted plants as well as large grow equipment)
- Large Evidence that cannot fit in a division locker, or a large amount of evidence that would fill up several lockers. May also transport to the POC, or the Impound (if necessary).

Refrigerators and Tox Kit Refrigerators

Each division has refrigerators and toxicology kit refrigerators for items requiring cold storage. Items placed in temporary cold storage will be stored by the EU in accordance with the *Biological Evidence Preservation Handbook provided by the National Institute of Standards and Technology*.

The EU maintains the temperature in these refrigerators and must be notified immediately if not operating correctly.

Weapons in Holding Cell Area

Weapons are prohibited in the holding cell areas. All weapons (including firearms, knives, swords, etc.) must be submitted in division evidence lockers by transporting them through the areas of the substation which do not require passing through the holding cell area. Refer to [DL-1010-01 Holding Cell Operations](#) for further direction.

A separate weapon locker section is provided in the Falcon division equipment room for securing all weapons (whether property, evidence, destruction).

Attachments

[Evidence Packaging Manual](#)