



CONCORD POLICE DEPARTMENT GENERAL ORDER

EVIDENCE AND PROPERTY CONTROL

GENERAL ORDER: 07.05

CREATED: December 1, 2000

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CALEA STANDARD: 83.2.1, 83.2.6, 83.3.2, 84.1.1, 84.1.2,
84.1.3, 84.1.5, 84.1.6

NCLEA STANDARD:

EFFECTIVE DATE: January 1, 2026

ACTION: Amends general order dated October 1, 2022.

07.05.0 **PURPOSE**

The purpose of this general order is to establish guidelines to maintain evidence in a manner designed to preserve its investigative and prosecutorial value in accordance with State and Federal regulations.

07.05.1 **POLICY**

It shall be the policy of the Concord Police Department to only seize and store property that is found or has evidentiary value.

07.05.2 **DEFINITIONS**

A. CHAIN OF CUSTODY

The documented possession and control of an item from the time of collection to final disposition.

B. EVIDENCE

Any item seized by a coworker that establishes that a crime has been committed, which may assist in the identification of a suspect and is intended for use in judicial proceedings.

C. EVIDENCE CUSTODIAN(S)

Coworker(s) accountable for controlling and maintaining all items accepted by or stored in the Property Control Division area(s).

D. EVIDENCE CUSTODIAN SUPERVISOR

Coworker accountable for controlling and maintaining all items accepted by or stored in the Property Control Division and the day-to-day supervision of the Division.

E. FOUND PROPERTY

Property that has been abandoned or lost by its rightful owner.

F. INMATE PROPERTY

Personal property belonging to an arrestee that Cabarrus County Jail refuses to store. The property is not considered evidence.

G. ITEMS

For the purposes of this general order, "item(s)" is defined as any piece of evidence or property that is collected with the intent to be entered into the Property Control Division.

H. NARCOTICS

Items seized that are classified as controlled substances under the North Carolina Controlled Substances Act.

I. VEHICLE

For the purposes of this general order a "vehicle" is, but not limited to cars, trucks, motorcycles, scooters, mopeds, golf carts, go carts, riding mowers and trailers.

07.05.3 PROPERTY CONTROL DIVISION

The Property Control Division shall operate as a component of the Operations Bureau and under the direct oversight of the Operations Bureau commander. This Division shall consist of evidence custodian(s) and an evidence custodian supervisor.

A. CUSTODIAN OF ITEMS

The Property Control Division shall be responsible for the following:

1. Proper storage and preservation of evidence;
2. Maintaining documentation of the chain of custody of items once they come into the possession of the Property Control Division.
3. Submission of evidence for laboratory analysis;
4. Final disposition of evidence per North Carolina General Statutes (NCGS);
5. Maintaining and keeping accurate records of all items in possession of the Property Control Division;
6. Release and disposal of items in accordance with departmental policy and all applicable State and Federal laws;
7. Providing courtroom testimony as needed under subpoena;
8. Security of the Property Control Division areas.
9. Enter all property and evidence into the department-approved evidence management software-

B. RECORDS OF ITEMS

1. The Property Control Division shall be responsible for ensuring that all items submitted to the Property Control Division are recorded in the department-approved evidence management software.

2. Department-approved evidence management software shall be updated when any item within the custody of the Property Control Division is removed or returned to a different storage location or sent for forensic processing or examination.
3. Records shall be retained for the period of time that is stated in the NC Municipal Records Retention and Disposition Schedule.

07.05.4 AUDITS AND INSPECTIONS

Audits and inspections shall be utilized to ensure the integrity and accountability of the Property Control Division.

A. AUDITS

1. A documented annual audit of the Property Control Division shall be conducted by a person who is not routinely or directly connected with control of the items as directed by the Chief of Police or designee. This shall include the amounts set forth by the accreditation standards and if no amount is set then then amount shall be at the discretion of the Chief of Police or designee. The audit shall:
 - a. Ensure the continuity of custody and not require the accounting of every single item.
 - b. Be sufficient to ensure the integrity of the system and the accountability of items.
 - c. If the audit is to be used as an accreditation proof, accreditation standards shall be used to determine the minimum sampling of property, including high-risk items.
2. A documented audit of the Property Control Division shall occur whenever an evidence custodian/supervisor is assigned to and/or transferred from the position and ~~is~~ shall be conducted jointly by the newly designated evidence custodian/supervisor and the Chief of Police or designee to ensure that records are correct and properly annotated. This audit shall be in compliance with accreditation standards to determine the appropriate sample size for high-risk items. An error rate that exceeds four percent shall require a full inventory of high- risk items.
 - a. For general property, the audit shall be sufficient to ensure the integrity of the system and accountability of the property.
 - b. All discrepancies should be recorded before the assumption of property accountability by the newly appointed evidence custodian.
3. A report shall be prepared and forwarded through the chain of command to the Chief of Police.

B. INSPECTIONS

1. The Chief of Police or designee shall conduct documented biannual inspections to assess the Property Control Division's compliance with department written directives by completing the Property Control Division Inspection Form EV-5 and conducting an audit of 1% of each storage area to include any related paperwork.

The inspections shall be conducted to ensure that:

- a. The Property Control Division areas are being maintained in a clean and orderly fashion;
 - b. Procedures, orders and directives concerning the Property Control Division are being followed;
 - c. Property is being protected from damage or deterioration;
2. A documented unannounced inspection of the Property Control Division areas shall be conducted at least once a year as directed by the Chief of Police. The inspection shall include the following:
 - a. A random selection of items from each storage area and associated paperwork shall be reviewed to show proper accountability of the items and that procedures are being followed.
 3. All documentation of an inspection shall be completed on the Property Control Division Inspection Form (EV-5) and forwarded to the Chief of Police.

07.05.5 ACCESS AND SECURITY

A. KEY CONTROL/CARD ACCESS

1. Access to the Property Control Division shall be restricted to minimize any breach of security as well as to preserve the integrity of all items in storage and the chain of custody.
2. Proxy card and hard key access to evidence storage areas shall be limited to the Property Control Division coworker(s) and the Chief of Police.
3. Circumstances that require the need for unauthorized personnel to access any secured area under the control of the Property Control Division (e.g., HVAC maintenance), the individual(s) shall be required to sign in and out on the Property Control Access Log (Form EV-1) and shall be accompanied by a Property Control Division coworker. Quarterly, the security logs shall be turned in to the Police Administration Manager for filing and shall be retained in accordance with the NC Municipal Records Retention and Disposition Schedule.

B. SECURITY

1. The Property Control Division coworker(s) shall ensure that secured storage areas are locked and secured at all times.
2. Pass through storage lockers and refrigerator lockers shall remain unlocked and available for use, once an item(s) are placed in the lockers they shall be secure except when evidence is being transferred out and into the custody of the Property Control Division.
3. Any security violations or deficiencies shall be reported to the Operations Bureau Commander as soon as practicable.

07.05.6 EVIDENCE AND PROPERTY GUIDELINES

- A. Specific training in departmental procedures and policies shall be accomplished in new officer orientation by the evidence custodian supervisor and the by the assigned Field Training Officer (FTO) during the Field Training Program in accordance with General Order 04.02 – Field Training Program.
- B. Items seized by coworkers shall be packaged, entered into the department- approved evidence management software and then placed into the approved storage location in accordance with SOI – 6 Property and Evidence Procedures before the end of the coworker's shift in which the item is seized or collected.
- C. Once an item is submitted, the Property Control Division shall be responsible for the custody, control, and accountability of all items.
- D. FOUND PROPERTY
 - 1. Coworkers finding or receiving found property shall attempt to locate the owner before entering the found property into the Property Control Division.
 - a. If the coworker releases the found property to the owner, the coworker shall use an Evidence and Property Report (Form EV-4) (located in Bag & Tag and Power DMS) as a receipt and obtain the owner's signature at the time of release.
 - b. Once Form EV-4 is completed, it shall be turned into the Property Control Division to be entered and attached in the department-approved evidence management software.
- E. VEHICLES / TRAILERS

Vehicles shall only be towed to and stored at the department if involved in a criminal investigation and has been approved by a supervisor. Otherwise, the vehicle shall be towed and stored by a rotation wrecker service.
- F. SEXUAL ASSAULT NURSE EXAMINER (SANE) KIT

Upon being notified that a SANE kit is ready for pick up, the officer will immediately respond to the medical facility to pick it up and store it in accordance with SOI – 6 Property and Evidence Procedures.
- G. PERISHABLE ITEMS

Perishables, such as food items, shall not be submitted or accepted into the Property Control Division, unless approved by the Operations Bureau Commander.
- H. ELECTRONIC DEVICES

Devices collected as part of an investigation may contain vital evidence and may be examined by the digital forensic detective.
- I. FIREARMS

Firearms shall only be authorized to be returned to the rightful owner by the Chief of Police or designee.

07.05.6 REMOVAL OF ITEMS FROM THE PROPERTY CONTROL DIVISION

- A. Coworkers may remove items from the Property Control Division for court or other investigative purposes. Coworkers shall sign the necessary chain of custody reports associated with the item and the purpose for the removal.
- B. Upon removing the items, the coworker assumes responsibility for maintaining the security and integrity of the items.
- C. If a coworker removes evidence from the Property Control Division for investigative purposes, the evidence shall be returned by the end of the coworker's shift.
- D. Coworkers responsible for retrieving evidence for the court should attempt to notify the Property Control Division via email at least one (1) day before the scheduled court date. Coworkers should include the defendant's name, OCA, and which items are needed for court.
- E. If evidence is retained by the clerk of court during a judicial proceeding, the coworker shall provide documentation that the clerk of court retained the property. The documentation should be submitted to the Property Control Division by the end of the coworker's shift.
- F. Upon returning property to the Property Control Division:
 - 1. During regular operating hours, if a Property Control Division coworker is available, the coworker shall meet with them to complete the appropriate annotations for chain of custody and turn over the evidence.
 - 2. If after operating hours, the coworker shall place the property in an evidence locker located in the bag and tag area of police headquarters and make the appropriate entry into the evidence log book;

NOTE: The coworker shall not complete another evidence submission voucher.

07.05.8 SUBMISSION AND ANALYSIS

- A. SUBMISSION OF EVIDENCE TO AN ACCREDITED LAB
 - 1. Processing that cannot be performed by the forensic unit coworkers shall only be submitted to an accredited lab.
 - 2. Any evidence submitted to the North Carolina State Crime Laboratory for examination shall follow the procedures outlined in the NC State Crime Lab Policy and Procedures for Evidence Submission (location in PowerDMS/Guides):
 - a. The evidence shall be accompanied by Request for Examination of Physical Evidence Form SBI-5. It is the submitting officer's responsibility to ensure this form is completed.
 - 3. The Property Control Division coworkers shall arrange for the submission of the evidence to the laboratory and make sure items are properly packaged.

B. ANALYSIS OF EVIDENCE TO AN ACCREDITED LAB

A written report for items processed by the department or the North Carolina State Crime Lab shall be forwarded to the requesting coworker and their supervisor via email. A copy of the processing report shall be attached to the item in the evidence module in RMS. Verbal reports from the North Carolina State Crime Lab may be accepted, but the agency shall request a written report.


C. SUBMISSION OF ELECTRONIC ANALYSIS

Before any examination is performed on an electronic device the following shall be completed and forwarded to the Forensic Unit supervisor.

- a. Form EV-2 (Digital Forensics Examination Request);
- b. A copy of the evidence voucher listing the item number and OCA;
- c. A form of legal authorization authorizing the search (court order, search warrant or Form CS-2 (Consent to Search)).

07.05.9 PROJECT LAZARUS DRUG BOX

A secured drug collection receptacle, or "Drop Box", shall be maintained by the department in a location for the public to deposit unwanted or unused over-the-counter and prescription medications.


JAMES S. HUGHES
CHIEF OF POLICE