

1.06-1

**DAYTON POLICE DEPARTMENT
GENERAL ORDER
PROPERTY ROOM, EVIDENCE, AND
IMPOUNDED PROPERTY**



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POLICY STATEMENT

The collection, preservation and presentation of crime scene evidence is an important element of the criminal justice process. Cooperation between the various representatives of this process is necessary to affect the correct handling and presentation of evidence. The purpose of this policy is to discuss the collection and maintenance of evidence. Furthermore, the relationship of evidence and the Property Room is presented. By following the information contained in this policy, police officers will have a guide which will enable them to collect, maintain, and present evidence in a manner conducive to successful prosecution.

TABLE OF CONTENTS

- I. HANDLING EVIDENCE AT CRIME SCENES**
- II. SUBMISSION OF EVIDENCE OR PROPERTY**
- III. HANDLING MONEY, NARCOTICS, JEWELRY, WEAPONS, AND AMMUNITION**
- IV. HANDLING FIREARMS SEIZED AND IMPOUNDED BY DAYTON POLICE OFFICERS**
- V. HANDLING EVIDENCE PROPERTY NOT REQUIRING EXAMINATION BY A CRIME LABORATORY**
- VI. PRESERVING EVIDENCE TAKEN FROM PRISONERS BOOKED INTO THE MONTGOMERY COUNTY JAIL**
- VII. COLLECTION OF KNOWN STANDARDS / TRACE EVIDENCE**
- VIII. REMOVING A VICTIM OR SUSPECT TO A HOSPITAL FOR EXAMINATION**
- IX. REMOVING PROPERTY FROM THE PROPERTY ROOM**
- X. IMPOUNDED / SEIZED PROPERTY RECEIPT FORM**
- XI. DETECTIVE'S RESPONSIBILITY WHEN EVIDENCE IS NOT NEEDED**
- XII. DISPOSAL OF EVIDENCE STORED IN THE PROPERTY ROOM**
- XIII. EVIDENCE AND COMMUNICATION WITH BCI**

I. HANDLING EVIDENCE AT CRIME SCENES

A. Crime Scene Responsibilities

1. Always remember the rule: Major crime scenes will never be left unsecured until a FST (Forensic Services Technician) arrives to process / evaluate the evidence.
2. At major crime scenes (i.e., homicide, rape, serious assaults child endangerment situations, or any crime, which will require the presence of a FST), the first officer(s) on the scene will secure the scene and not handle or move any item that could be evidence. Do not walk unnecessarily through the scene, or SMOKE, DRINK, or EAT. Careful conduct at the scene of a crime is necessary to avoid contaminating the scene and negating all the collection and evidentiary preservation efforts to follow. Any personnel that are not necessary for processing or securing the crime scene should not be within the crime scene area or loitering at the crime scene.
3. It is the investigating officer's responsibility to carefully examine all crime scenes for physical evidence and property pertinent to the crime. If the crime scene requires specialized processing for physical evidence, a FST will be summoned. If no specialized processing is required, officers will recover the evidence themselves, permitting the FST to remain available for serious crime scenes (i.e., homicides, serious assaults, rapes, robberies, burglaries, etc.).

**A FST WILL NOT BE USED FOR THE COLLECTION AND TAGGING OF FOUND PROPERTY.**

4. The investigating officer or FST, who processes a crime scene or accident scene, will make an accurate record of events occurring at the scene. Patrol Division and/or Investigations Division personnel should include the following in their Incident / Supplementary Report:
 - a. Date and time of arrival at the scene
 - b. Location of the crime
 - c. Name of victims, if known
 - d. Name of suspect, if known
 - e. Action taken at the scene, including the number of photographs taken, measurements taken, etc.
 - f. A listing of physical evidence recovered.
5. **The investigating officer is in charge of the crime scene and is responsible for crime scene security. At major crime scenes, the scene must be secured as soon as possible. Pertinent information on what specific persons did at a crime scene will be forwarded to the investigating unit in the form of a Supplementary Report.**
6. Any scene resulting in a call out of any specialized detective unit (Homicide, Special Victims Unit, etc.) will be required to have a Crime Scene Log maintained and submitted to the investigative supervisor or case detective for inclusion in their case file. The investigative supervisor, or their designee, will have the final determination of which personnel are afforded access to the crime scene.

The on-scene Patrol Division supervisor will be required to assign an officer to keep the log and accurately record all personnel entering and leaving the crime scene.

7. The FST is responsible for photographing, preserving, collecting, processing, marking, tagging, and transporting all physical evidence collected. All other personnel will not disturb, touch, or handle physical evidence unless there is a danger of evidence being lost or destroyed prior to processing by a FST. Should a situation arise where the investigating officer must take charge of physical evidence, it becomes the officer's responsibility to mark, tag, and submit the evidence.
8. In any serious offense against persons and/or property in which the crime scene is not located, the crime does not contain physical evidence, or the victim does not possess or have physical evidence, the investigating officer will report the lack of and reasons for the lack of such physical evidence in the Incident Report and Supplementary Report. In the event a FST is summoned to the scene of a serious crime against persons or property and no photographs or physical evidence are involved, the FST will complete a Supplementary Report, listing the reasons for the lack of evidence.

B. Using Forensic Services Technicians (FSTs)

1. Officers will request a FST immediately following the initial examination of a crime scene in which it is determined the need for a more thorough and technical examination exists. When a timely request for FST is made, often the technician will arrive while the investigating officer is still on the scene. This allows the investigator to give the technician a **verbal synopsis** of the investigation, far superior to written FST instructions. While the investigator is in charge of the crime scene, the technician specializes in the search for and collection of evidence and information, permitting both officers to work together as a team.
2. Officers may leave the scene of a non-serious crime and enter an Evidence Processing Request Form via MDC (Mobile Data Computer). This electronic form will take the place of leaving a paper form at the scene with a few exceptions. Officers will still leave written instructions on the RF-27 Field Report for rape kits and narcotics cases. The technician will enter the information into an electronic format upon processing.
3. If the officer is required to leave the scene prior to the arrival of the FST, they will explain to the



complainant or **whoever** is present the reason for the delay in the arrival of the FST and instruct that person **not to disturb or remove anything** from the crime scene until the FST has arrived and completed their investigation.

4. When the FST arrives while the investigator is on the scene, the investigator will **summarize** their investigation for the FST and may assist the technician if necessary. Otherwise, the investigator should leave to complete reports or other duties, and become available for calls, **unless they are required to remain on the scene for security reasons.**
5. **When responding to a deceased person call, if the circumstances are anything other than an obvious natural death, officers are to have a Forensic Services Technician (FST) respond to photograph the scene and collect any relevant evidence.**
6. In natural death cases where a Coroner Investigator does not respond and releases the body to a family member, an FST will not be required. In certain natural death cases, due to indigent circumstances or an inability to locate family members, a Coroner Investigator may respond and remove the body. In these instances, an FST will not be required to respond.
7. A Forensic Services Technician **will be required** to respond to deceased person calls involving:
 - a. Homicides
 - b. Suicides - suicide by any means, even if a note is present
 - c. Overdose Deaths – overdose deaths involving legal or illegal substances
 - d. Accidental Deaths – unattended deaths where circumstances indicate the death may have been work related or inadvertent (does not apply to traffic crash deaths that are investigated by the Traffic Services Unit)
 - e. Unexplained Deaths – persons found in a decomposed state, human bones/remains, auto-erotica deaths, or any other unusual circumstances death
8. While the above list denotes circumstances when an FST will need to be utilized, it should not be considered an exclusive list. Officers or Supervisors needing guidance on whether or not an FST should be utilized on a deceased person call should contact the Homicide Unit Supervisor

C. POSSESSION AND CONTROL OF PHYSICAL EVIDENCE FROM A CRIME SCENE

Occasionally, FSTs and patrol officers respond to a crime scene involving other jurisdictions. Which jurisdiction takes possession of evidence is determined by the following:

1. Anytime FSTs respond to a request for assistance at a crime scene, **they will take complete charge of all physical evidence** gathered.
 - a. If a FST or patrol officer is utilized to assist another law enforcement agency, any physical evidence gathered will be turned over to that agency's custody.
2. The FST or patrol officer will not permit evidence custody to be shared.

D. EVIDENCE CONTAINING BODILY FLUIDS

1. All personnel must use rubber or vinyl gloves when handling evidence suspected of containing blood or other bodily fluids. Evidence containing bodily fluids, whether they are wet or dry, must be identified by an orange colored "BIOHAZARD" label prior to being placed into the Property Room.
2. Evidence containing body fluids that **have not** dried must be taken to the currently contracted crime laboratory and dried prior to being placed into the Property Room. Officers encountering evidence containing body fluids that have not dried must contact a FST for proper handling.
3. Evidence containing body fluids that **have** dried do not require the services of an FST. Such items must be placed in a property envelope or wrapped in brown Kraft wrapping paper.

E. EVIDENCE DEALING WITH EXPLOSIVE DEVICES OR HAZARDOUS MATERIALS



1. A supervisor must first contact a member of the Bomb Squad prior to handling or disturbing any evidence that may be an explosive device or contain explosive materials or be a hazardous material (i.e., pipe bombs, grenades, explosive devices, hazardous materials containers, bank die packs, etc.).
2. These materials will be disposed of or handled in a manner as prescribed by the Bomb Squad.

II. SUBMISSION OF EVIDENCE OR PROPERTY

A. Property Room Records Management System Data Entry

The Dayton Police Department utilizes a computerized information system for tagging property into the property room.

Officers are to complete the property tag in RMS (Records Management System) PRIOR TO STARTING the DIBRS (Dayton Incident Based Reporting System) report. This will ensure the property tag information populates onto the DIBRS report.

ALL PROPERTY / EVIDENCE SUBMITTED INTO THE POLICE PROPERTY ROOM WILL BE DOCUMENTED IN A DIBRS REPORT, OR, IN THE CASE OF FOUND MARIJUANA, DESIGNATED "OK TO DESTROY" AND A FIC (Field Interview Card) WILL BE COMPLETED. FOUND MARIJUANA DESIGNATED "OK TO DESTROY" IS SUBJECT TO COURT ORDERED DISPOSAL WITH NO HOLDING PERIOD.

PROPERTY TAGS ARE STILL REQUIRED FOR ALL ITEMS PLACED INTO THE PROPERTY ROOM.

1. Officers are required to enter property room cards directly into RMS. Hand-written property room tags, Form F-462 and supplement F-470, are no longer acceptable except in the event of failure of the computer system.
2. Officers will make property room submissions directly into RMS and property tags will then be printed and attached to the property being deposited. The RMS printout will take the place of the hand-written property card. Lab requests will also print from this system, eliminating that hand-written form. Officers should ensure that their city e-mail address is listed on the lab form.
3. A computer terminal and printer are available for use in the property room vestibule. Officers will also be able to access the RMS system and print the forms from any police terminal, including MDCs.

B. Submitting Evidence Property

All property and lab requests must be turned in prior to the end of the recovering officer's tour of duty.

1. The investigating officer or whoever recovers, handles, moves, disturbs, or takes possession of any item of evidence, will record their initials and the date on the item or the package containing the item. Ensure the officer's initials and date are written across the clear taped sealed opening on the envelope, package or wrapping.
2. Any evidence, which will be submitted to the currently contracted crime laboratory for analysis, MUST be secured in a container or package with a properly marked, TAMPER PROOF SEAL. The use of transparent tape is sufficient to meet the required standard. The officer's initials and the date must be written across the tape or seal. The initials must be written in such a manner that they extend past the seal or tape onto the container, envelope, or package.
 - **All gun envelopes are to be sealed with clear tape and properly dated and initialed.**
 - Long guns being submitted for latent print search are to be wrapped in brown paper, taped securely and initialed with the gun envelope tied to the wrapping. Gun bags should be used if available.
 - Firearms being submitted for latent print search that fit into the gun envelope will be sealed and



initialed.

- On ALL firearms, the **WEAPONS TAB** on the RMS property tag will be completely filled out with all available information on the submitted firearm.
 - All gun envelopes must be completely filled out with available information.
 - **All forms MUST be stapled to the outside of the gun envelope including the RMS generated Property Tag.**
3. The investigating officer or whoever submits evidence to the currently contracted crime laboratory for examination will complete a Request for Laboratory Examination Form including the DIBRS number. All copies **must** contain a description of the evidence and how it came into the officer's possession; what it tends to prove; and the nature of the crime.
 4. Defendants and co-defendants' names must be included. Narcotics or liquor cases involving Permit Holders must include the name of the bar.
 5. The REQUEST FOR LABORATORY EXAMINATION Form must always accompany the EVIDENCE PROPERTY, whether left at the Property Room or the currently contracted crime laboratory. When stapling property tags / lab sheets to envelopes, staple in upper left-hand corner. Do not write or staple in the upper right corner.
 6. Alcohol samples being submitted to the lab must be placed into a small plastic container and then placed in a brown envelope. The envelope must be sealed and initialed across the taped opening by the submitting officer. Clear tape is sufficient to seal the package.
 7. **THE ONLY EVIDENCE THAT GOES DIRECTLY TO THE LAB IS LATENT PRINTS, WET BLOOD, SEMINAL FLUID, SKIN, and BODY FLUIDS, WHICH REQUIRE REFRIGERATION.** These items **are NOT** placed in the Property Room.
 - During normal business hours (0800 - 1600 hours, Monday through Friday), blood and urine specimens will be taken directly to the currently contracted crime laboratory.
 - After normal business hours, blood and urine specimens will be deposited in the Bureau of Identification refrigerator located in the Bureau of Identification room. Contact the on-duty Bureau of Identification detective for access
 8. All evidence in the Dayton Police Department's custody is to be thoroughly described in the investigating officer's Report of Arrest, Supplementary Report, or any other reports required by the investigation.
 9. Whoever submits evidentiary photographs to the currently contracted crime laboratory will complete a film envelope.
 10. All items placed in the Property Room should either be placed in a 12" x 9" or 6" x 9" envelope, or wrapped in brown wrapping paper, except for obvious large items (TVs, stereos, bikes, etc.).
 11. When using wrapping paper, clear tape or string will be used to secure the package and the property tag will be attached to the string or stapled. Do not tape the property tag to any package. Due to space limitations, all items should be placed / wrapped in the smallest available package. Use cardboard boxes if necessary, and then only the smallest box which will accommodate the property.
 12. Electronic devices, particularly cell phones, that may contain digital evidence should be placed in disposable faraday bags. This will prevent signals from reaching the device and make it more difficult to remotely alter the data on the device.
 13. Officers that need to access "stored communications" data maintained or stored out of state as part of an investigation will need to get a search warrant from a "court of competent jurisdiction". "Stored communication" is any data that is transmitted by wire or electronic means, and includes such things as cellphone records, cash apps, and social media apps. A "court of competent jurisdiction" is defined as a federal court or a court of general criminal jurisdiction of a State, such as a common pleas court.



14. Officers should always use proper safeguards in tagging knives, or other sharp implements, to ensure that property room personnel, lab personnel, or other persons handling the package are not injured by implements protruding through it. Small knives may be placed in syringe tubes; folding knives should be folded shut and taped (except to preserve biological evidence or being submitted to the lab). The Property Room and FSTs have knife boxes for large and small knives and cardboard is provided to wrap around blades of knives at the property room.

- The position of the blade point must be clearly marked on the outside of the package.

15. For safety reasons, the Property and Evidence Unit cannot accept the following items:

- Property that is not of evidentiary value, such as prisoner belongings contaminated with unknown substances, from COVID-19 infected individuals, or infested with insects / bugs cannot be accepted in the Property Room. You will follow the same procedure for storage as "Lawnmowers or construction items that have gasoline or kerosene in the fuel tank", further down in this General Order. The items will be taken to [REDACTED].
[REDACTED] The only exception will be that the contaminated items will be placed into a red plastic biohazard bag, which are available and can be obtained at the Property Room in the supply locker located within the After-Hours Locker area. You will still need to complete a property tag prior to storing the item inside and attach it to the property. In addition to completing a property tag for the item, the investigating officer will send an e-mail to **DPD – Property Room** indicating the item has been stored there. There is no way to store these items safely without contaminating the Property Room / Safety Building and they represent a health hazard. Make sure you utilize proper PPE (Personal Protective Equipment) to handle these items for your personal safety.
- **Food** (except unopened canned goods) cannot be accepted, even if such items are prisoner belongings or evidence. There is no way to store these items and they represent a health hazard when they deteriorate. Submitting personnel should photograph the items to be submitted to the Property and Evidence Room where appropriate and make arrangements to dispose of the food items.
- **Mini-bikes, go-carts, or other motorized recreational vehicles** cannot be accepted. One of our contractual tow companies should be contacted to store the item(s).

[REDACTED] **Lawnmowers or construction items that have gasoline or kerosene in the fuel tank** cannot be accepted. Gasoline / kerosene creates a fire hazard (fumes) and can endanger everyone inside the Safety Building. The fuel tank must be empty and sealed to prevent the escape of any fuel vapors. Submitting personnel should make arrangements with the City Garage to drain these tanks before submitting them to the Property and Evidence Room. ****After hours, weekends, and on holidays, these items will be taken to the** [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] ****You will still need to complete a property tag prior to storing the item inside and attach it to the property.** In addition to completing a property tag for the item, the investigating officer will send an e-mail to **DPD – Property Room** indicating the item has been stored there to have the gasoline purged. This facility is for temporary storage ONLY.

- **Containers holding gasoline, kerosene, or other flammable liquids** cannot be accepted (for same reasons listed above). In the case of arson evidence, the Arson Squad supervisor must give approval for both the type and the amount of the sample to be submitted to the Property and Evidence Unit. Such approval must be noted on the property tag by the submitting officer.
- **Hazardous devices** (such as explosive materials, liquids, or devices) cannot be submitted to the Property and Evidence without approval from the Bomb Squad supervisor. This also includes packages of unknown content, which might be a hazardous device (based on the circumstances



surrounding the incident). Approval of the Bomb Squad supervisor must be noted on the property tag by the submitting officer. See Section I.E.

- **Hazardous materials, or suspected hazardous materials** (i.e., suspicious powder contained in an envelope), may not be submitted to the Property and Evidence Unit without the approval of a Hazardous Materials (Fire Department) supervisor. Such approval must be noted on the property tag by the submitting officer. See Section I.E.

16. GUIDELINES FOR DIGITAL PHOTOGRAPHS AND VIDEO

- Evidence.com will be the primary storage and sharing site for officers submitting digital photographs as evidence. Digital photographs can be transferred from a digital camera to Evidence.com via District computers, or personnel may utilize the Axon Capture Application on a smartphone. The Axon Capture Application only uses a smartphone's camera and doesn't save the image to the device itself. This process is not applicable to Forensic Service Technicians who utilize other digital photograph technology.
- Officers may also ask citizens to submit digital photographs or video footage evidence via Evidence.com. The Community Requests feature enables citizens to share larger data files that might otherwise be limited by standard email protocols.

17. GUIDELINES FOR HYPODERMIC NEEDLE SUBMISSIONS

- For the safety of Property Room staff, crime laboratory personnel, and other officers, it is essential that ALL NEEDLES be packaged according to these guidelines.
 - Failure to properly package needles may result in disciplinary action.
- All hypodermic needles will be individually sealed in a plastic syringe tube prior to submission to the property room.
- Tubes are available in the Property Room vestibule, inside of the cabinet located under the wrapping paper roll.
 - If the supply has been exhausted, contact the property room personnel, or if after hours, an FST.

C. Submitting Found Property - DO NOT LIST YOURSELF AS THE COMPLAINANT

All police personnel will work together to assure that property is promptly returned to the rightful owners whenever possible.

1. Found property should be carefully examined to determine the possible owner of the property. If the owner can be determined, attempt to return the property to them prior to submission into the Property Room. If not, the name, complete address including zip code, phone number and any other pertinent information if known, will be listed in the Complainant section of the Property Tag. **DO NOT LIST YOURSELF AS THE COMPLAINANT.**

Registrations are to be checked on all found license plates and the registrant's name listed on the property tag. Attempt to return the property to the registrant prior to submission into the Property Room. The person(s) finding and turning property over to police personnel are to be listed in the narrative section on the back of the Property Tag. **A DIBRS information memo will be completed for all items placed into the Property Room.**

2. Bicycles are to be tagged separately from all other items including other bicycles. Each bicycle must have a separate Property Tag. The Property Tag must have the bicycle's make, model, serial number, size, color, and number of speeds.
3. The Property and Evidence Unit, the Investigations Division, and Patrol Division personnel will adhere to the following delineation of responsibilities with regard to Property and Evidence Unit submissions:



- The owner notification of "found property", once placed into the Property Room, is the responsibility of the Property and Evidence Unit. The Property and Evidence Unit will send a written notification to the owner of any found property that has been stored in the facility. After 30 days, without a response from the owner, found property is available for destruction. If the owner appears within 30 days, the property will be returned to them whenever possible.
 - Evidentiary property that is submitted to the Property and Evidence Unit as evidence becomes the responsibility of the Investigations Division and the assigned case detective. The case detective is in charge of all owner notifications, releases, or orders to destroy retained evidence relating to their cases. The detectives have forms available for these types of notifications.
 - Patrol Division personnel will attempt to return all found property to their rightful owners immediately. If unable to do so, Patrol personnel should assure that all available owner information is included on the Property Tag when the property is submitted to the Property and Evidence Unit. Patrol personnel should also assure that all evidence placed into the Property and Evidence Unit is properly documented in the accompanying DIBRS report. Proper documentation will allow the case detective to quickly evaluate and process the available evidence.
4. Found property that appears to be junk or trash, in particular bicycles, which do not have any type of owner identifying information, or cannot be linked to a crime, will be taken to the Police Property Room Temporary Storage area. This is located at [REDACTED]. This also applies to all found broken or old TV's, junk lawn mowers or similar equipment, and junk tools. When these items are stored there, attach the property tag to the item and send an e-mail to **DPD – Property Room** advising them the items are stored there.

III. HANDLING MONEY, NARCOTICS, JEWELRY, WEAPONS, AND AMMUNITION

Whenever MONEY, NARCOTICS, JEWELRY, or AMMUNITION are turned in to the Property Room, **they are to be packaged and tagged separately, NEVER TOGETHER.** This is especially true with ammunition; ammunition wrapped with any item destined to be destroyed in the incinerator could physically ENDANGER those persons destroying the items. ONLY narcotics, money and jewelry are to be sealed with clear tape, the same as any package submitted into the Property Room.

- A. Each item of property taken into possession is to be **thoroughly searched** for ammunition. When ammunition is found, it is wrapped SEPARATELY and clearly marked "**AMMUNITION**". If confiscated with a weapon, ammunition is placed in a SEPARATE envelope inside the Gun Envelope with the weapon. If the weapon is too large to fit into a gun envelope, the envelope is attached to the weapon with the ammunition placed inside the Gun Envelope. Wrap any large weapon that will not fit inside a gun envelope with brown kraft paper or contact a FST for a long gun bag or box, if available, when it is being submitted to the lab.
- B. Police officers submitting money, narcotics, or jewelry to the Property Room are responsible for placing the items in a manila envelope of the appropriate size (**DO NOT** use coin envelopes for narcotics – the currently contracted crime laboratory will not accept packages in this manner), coin envelope, or smallest available package and sealing the outermost package with the clear tape provided. This will be done in ALL situations, whether the item is evidence, found property, confiscated, et cetera.
1. Loose pills, or pills in an unsealed container, will always be counted.
 2. Crack cocaine, cocaine powder, heroin, marijuana, etc., will be weighed and the weight listed on the Property Tag. This will be done regardless of whether the property is evidence, found, confiscated, et cetera. The part of the tape that covers the opening of the envelope / package **will** then be initialed and dated by the officer sealing the package.
 3. The Property Room provides plastic bags for any powdered and/or suspected drug evidence (fentanyl, etc.), loose pills, and/or other drugs that can be crushed or deteriorate into powder. Any and all drug evidence submitted to the lab will be packaged and sealed in the plastic bags before placing them into an envelope, box, or container. The evidence will then be submitted to the currently contracted crime laboratory in the usual manner.
 - a. In cases where suspected fentanyl or fentanyl analogs are present, the following precautions should be taken to prevent accidental exposure.




4. Officers should refrain from performing field testing.
 5. Gloves and dust masks should be worn when sampling evidence.
 6. Powdered substances should be packaged and submitted in a leak proof container which can then be placed in an envelope for submission to the Laboratory.
 7. The submitting officer should list suspected fentanyl or a fentanyl analog on the laboratory submission sheet.
 - a. These substances should not be handled any more than is absolutely necessary. Anyone who handles these drugs would risk toxic exposure through inhalation or absorption. Carfentanyl often resembles powder cocaine or heroin but has also been seen in counterfeit pharmaceutical preparations and sprays. You can expect to encounter this drug in any of these forms.
- C. Money, jewelry, and narcotics are always stored in the Property Room safe. Money requires additional procedures as follows:
1. **ALL** Money, including foreign currency, must be counted, and the total amount in the package must be listed on the Property Tag and a Property Receipt Form F-468 (Appendix A) will be completed as well.
 - a. A currency counter is located [REDACTED] Officers will always use the currency counter when submitting currency to the property room. Instructions for the use of the currency counter are posted on the bulletin board next to the drop-safe.
 - b. A printer is attached to the currency counter that will print a receipt of the currency counted by the machine. The printer will produce a receipt once it senses that all currency placed in the counter has been counted and removed. Multiple printer receipts are acceptable, if the currency being counted is too large to fit in the counter all at once and has to be split into smaller bundles for an accurate count. The printed sheet will be checked against the officer's manual count. Once both totals agree, the receipt will be initialed by the submitting officer and placed inside the envelope with the money being submitted.

****For any amount of currency, a supervisor must be called to the scene or the Property Room to verify the amount and sign the property receipt form prior to submittal.**
 - c. Officers are required to attach the white copy of the Property Receipt Form F-468 to the outside of any envelopes or packages containing currency along with the property tag. The yellow copy of the form and the money counter receipt (bills only) will be placed inside the envelope or package with the currency, sealed with clear tape, and then initialed and dated across the taped opening by the submitting personnel.
 2. Currency should be placed in a medium or large envelope that will allow it to lie flat without curling. Currency should **NOT** be folded or "stuffed" into envelopes. **DO NOT** use a coin envelope for bills. Bills of the same denomination should be placed together and turned the same way.

Counterfeit Money, once packaged and tagged, should be placed in the evidence lockers (not the safe) since counterfeit money is technically not currency.
 3. Prior to submitting any currency to the Property Room, the following determination must be made:
 - a. Are the cash items (bills, coins, etc.) in their current form, an integral part of a specific case and likely to be needed as evidence? An example would be a bill marked as part of an undercover purchase, or bills that will need forensic testing.
 - If the cash items fall into category (a.) above, the currency will be properly packaged as specified in section C.2. above and the envelope will be clearly marked with the word "HOLD" on the front of the package before being submitting into the property room.
 - b. Are the cash items, in their current form, not crucial to the case? Examples of this would be found currency and seized money that may not be returned to the suspect.



- If the cash items fall into category (b.) above, the currency will be counted by denomination and packaged with the denominations accurately listed on the front of the envelope before submitting to the drop-safe. The officer, detective, or other police employee submitting money to the Property Room is required to complete a Property Receipt Form F-468, which will be verified and signed by a police supervisor, no matter the circumstances involved.
 - 1) Weekly money counts will be conducted. Property Room and Fiscal Office personnel will count and verify cash items held as evidence and deposit the monies into a special account with the City of Dayton until a legal determination can be made for disbursement.
 - 2) If an officer cannot decide about which category applies, they should contact the Prosecutor's Officer as soon as possible for a determination on whether it is needed for evidence or not.
 - 3) Undecided currency evidence may be handled under the procedure in category a. above, until a determination can be made.
4. Release of money
- a. All releases of money / currency will be initiated and approved through the Currency Release Online Application.
 - b. Most monies / currency submitted to the Property Room are deposited weekly to the Property Room holding account at 5th/3rd Bank. When contacted, the citizen will be instructed of the money release process either by the Property Room staff, who will also provide the case detective's contact number, or by the case detective. The case detective or designee, with approval from their supervisor will then initiate the currency release application process through the online portal. The approval process is set up for multiple review and approval steps.
 - c. After the case detective initiates the online currency release application, the most important information to obtain and verify before initiating and entering the information into the Requestor Section of the portal is the citizen's correct name and address. This information is critical since a check will be mailed to the citizen by the City's Finance Department.
 - d. The next step will be to enter the tag number and amount into the Entering / Editing Tags section. The Property Room staff and/or Police Fiscal Office will add the PHA number, deposit date, and FOAPAL (Fund, Organization, Account, Program, Activity, Location) information. You will receive a separate e-mail reference the aging card for the associated tag from the Property Room, which will need to be electronically signed and returned. The Property Room staff will attach the electronic aging card when received to the online currency release.
 - e. The last step in the process will be adding your supervisor's name to the approver box on the Creating / Editing Approvals screen. DO NOT add yourself to the approval page if you create the currency release. The list of the Reviewers and Approvers after you put your supervisor's name into the portal are preset and you DO NOT need to add or change anyone.
 - f. After review by the Property Room staff, and approval from the Police Fiscal Office and listed Command Staff personnel, the citizen will receive a check from City Finance within 7-10 business days after they receive notification from the Police Fiscal Office to disperse the funds.
 - g. Click on the below link to go to the Police – Currency Release Application:

- 2) Once on the page, click the Home icon.
5. Monies Seized / Taken from Arrested Persons or Prisoners
- a. Monies seized and/or taken from arrested person(s) / prisoners will NOT be placed in the Property Room as Prisoner Effects.
 - b. If monies are seized and/or taken from an arrestee, they must meet some justifiable criteria such as evidence in a crime (the arrestee denies ownership, the jail refuses to take the money / currency, etc.).



- c. In any case, justification is required to be documented in a DIBRS report listing the circumstances of the seizure and/or confiscation of an arrested person(s) / prisoners' property if it is taken from them.
- d. If monies or other property are seized, confiscated and/or received from an arrestee, a Property Receipt form F-468 is required to be completed prior to any property being submitted to the Property Room. The PINK (3rd page) copy will be provided to the arrestee.

IV. HANDLING FIREARMS SEIZED AND IMPOUNDED BY DAYTON POLICE OFFICERS

- A. All police officers are to be concerned with the SAFETY and PRESERVATION of evidence when handling FIREARMS. Some investigations may require proof that a firearm had been in possession of a suspect. A FST or an officer / detective trained in latent print processing, will process the firearm for **latent prints** on the magazine or ammunition at the same time the weapon is **unloaded**.

NEVER PLACE FIREARMS TAKEN INTO POLICE CUSTODY IN A GUN ENVELOPE OR IN THE PROPERTY ROOM OR LABORATORY, LOADED! A clearing barrel is available [REDACTED] to clear weapons.

- B. Whenever a felony arrest is made and a firearm is seized in conjunction with the felony charges, the police officer making the arrest must complete the REQUEST for LABORATORY ANALYSIS form. This is the responsibility of the arresting officer, not the follow up investigator. The lab will test each seized weapon to determine its capability of firing a projectile. Other specialized test requests (i.e., cartridge case comparisons) should be made by the follow up investigator.
- C. To test the operability of firearms confiscated in all MISDEMEANOR arrests, including **Discharging Firearms in City Limits arrests, etc.**, proceed as follows:
 1. Check weapon out of the Property Room fifteen (15) minutes prior to the time indicated on the subpoena.
 2. The firearm will be taken to the currently contracted crime laboratory. Complete a REQUEST for LABORATORY EXAMINATION form, which is given to the Firearm Examiner.
 3. Once the firearm has been test fired, retain the fired cartridge for court testimony by placing it in the gun envelope.

D. Impounded Firearms

When a firearm has been impounded, and an Impounded / Seized Property Receipt Form F-468 has been completed, the **original WHITE** copy of the form is to be placed **inside the gun envelope** with the weapon when it is turned in to the Property Room. The PINK copy of the Impounded Property Receipt is given to the person from whom the firearm was taken. If the firearm is not claimed within 90 days, it will be scheduled for disposal.

E. Court Ordered Weapons Confiscation, Form 10-F

1. The Dayton Municipal Court requires the Dayton Police Department and Property Room personnel to use the Notice of Receipt Form 10-F as a receipt for persons ordered by the court to have deadly weapons, including firearms and ammunition, confiscated, and placed in protective custody until the conclusion of the case and disposition of the confiscated items is documented by the judiciary official.
2. The charges listed on the order include ex parte or full hearing on civil or criminal protection orders issued pursuant to Ohio Revised Code:
 - a. §2151.34, (Juvenile Court) Protection order against a minor;
 - b. §2903.213, (Homicide and Assault) Motion for and hearing on protection order;
 - c. §2903.214, (Homicide and Assault) Petition of protection order in menacing by stalking cases;



- d. §2919.26, (Offenses Against the Family) Motion for and hearing on protection order;
 - e. §3113.31, (Neglect, Abandonment, or Domestic Violence) Hearings.
3. Police Officers and Property Room staff encountering situations where an individual is ordered to surrender listed items in the court order will complete Notice of Receipt Form 10-F and obtain a copy of the court order. Form 10-F is a two-page (duplicate) form, white is original, yellow is copy.
- a. On the form, ensure that the weapon information, make, model and serial number are written in the narrative section of Form 10-F before providing a copy to the defendant.
 - b. Make sure to legibly print your name, badge number (PDA number to be used as badge number), "Dayton Police" for Law Enforcement Agency, and the date weapons were confiscated in the applicable section at the bottom of the form.
 - c. The yellow copy of Form 10-F will be provided to the defendant on scene as receipt.
 - d. A copy of the court order and the original white copy of Form 10-F will be attached to the outside of the gun envelope with the property tag when submitted to the Property Room.
4. The Property Room supervisor will return the completed Notice of Receipt Form 10-F to the Dayton Municipal Clerk of Court for entry into the case docket.
5. All items confiscated for protective custody will be properly tagged and placed into the Police Property Room until notified by the courts to their disposition.

F. Marking Firearms for Identification

Each District, the Special Investigations Bureau Detectives, Forensic Services Technicians (FST), and the Property Room have been provided with a **permanent metallic marker** to mark firearms and any other metal items for identification. If the item is returned, the owner can remove the marks with commercially available chemicals. The scribe method (scratching the metal) is no longer authorized.

1. Proper marking is as follows:
- a. **Revolvers:** Mark the inside of the frame under the cylinder or remove the grips and mark the metal frame and replace the grips; or mark any other location not readily visible to the casual observer. The mark should be placed to minimize the difficulty in exposing the mark during trial testimony.
 - b. **Automatics:** Pull back the slide and mark it on the inside and the barrel, so the mark is covered when the slide is in place. Other places may be used, if the mark does not deface the weapon or detract from its value.
 - c. **Shotguns / rifles:** Mark almost any inside surface where the mark is not visible to the casual observer, nor detracts from the value or appearance of the weapon.
2. Police officers will include information in the narrative portion of the Report of Arrest and/or Supplementary Report concerning how and where they marked the firearm.

G. Preparing the Gun Envelope, F-537

In addition to a computer-generated Property Tag, a Gun Envelope must be completed for each firearm turned in regardless of whether the gun is evidence, confiscated, or found. Indicate whether the firearm was LOADED or UNLOADED when it was seized. BB guns, starter pistols, and pellet guns are NOT firearms and must be recorded through the use of a property tag; all other firearms just require the gun envelope.

1. **LOADED:** For revolvers, make a **diagram** of the cylinder on a plain card and indicate the loading arrangement when it was seized in relation to the firing pin of the weapon. Indicate which shells were SPENT and which were LIVE. Place the diagram card in the Gun Envelope. If the weapon is an **Automatic or Semi-automatic**, indicate whether a round was in the CHAMBER and the NUMBER of rounds in the MAGAZINE.



2. **UNLOADED:** Indicate whether ammunition for the weapon was ON or ABOUT the person from whom the weapon was seized.
3. Indicate the number of ROUNDS of ammunition seized, whether from the firearm or in the possession of the person arrested; and indicate the CALIBER of the ammunition.
4. If possible, Property Room personnel will check each firearm received to verify the make and serial number of all firearms turned in and to verify that the firearm is unloaded. If a firearm needs to be checked for fingerprints, staple the crime lab sheet to the front of the Gun Envelope advising of this so that Property Room personnel can take proper precautions.
 1. After the weapons return from the lab, they are entered into E-Trace.
 2. Do not use rolled up paper, pens, pencils, etc. to keep the action / cylinder open as it damages the firing pins.
5. All firearms recovered by the Dayton Police Department will be CHECKED through NCIC (National Crime Information Center) by the officer who recovered the weapon. If the recovering officer / detective is unable to do so, Property Room personnel will do so.
6. All officers will notify the currently contracted crime laboratory when they have received notice of a TRIAL DATE pertaining to a firearms-related offense, to ensure the case will be properly prepared for the forthcoming trial.
7. If a firearm is found to be stolen, a notation to this effect will be incorporated in the narrative on the gun envelope. The Radio Information Officer will e-mail hit confirmations on stolen firearms to 'DPD - Property Room'.
8. All submitted firearms **EXCEPT Prisoner Effects or Voluntary Impounds** (these must be justified in writing by the investigating officer / detective establishing probable cause or reasonable suspicion for submission) must have a Lab Request for "Operability" attached.

V. HANDLING EVIDENCE PROPERTY NOT REQUIRING EXAMINATION BY A CRIME LABORATORY

Most evidence seized does not require immediate laboratory examination or requires drying out at the lab before turning the property / evidence into the Property Room. Such evidence is to be properly **marked, tagged, packaged**, and turned over to the Property Room or deposited in the night storage lockers depending on the time of day or day of week.

THIS PROPERTY MUST BE TURNED IN PRIOR TO COMPLETION OF THE OFFICER'S TOUR OF DUTY!

A. Preparation of Property for Deposit

1. Mark, tag, wrap, and where possible, check property through NCIC before submitting the evidence to the Property Room.
2. Loose clothing must be wrapped or bagged.

B. Property Room Storage

1. Accountability for all property and evidence placed in the property room is the responsibility of the Property and Evidence Storage Unit supervisor.
2. **ONLY** employees assigned to the Property and Evidence Storage Unit are authorized access to the Property Room facility. Any other person desiring access to the Property Room will do so upon approval of the Property Room supervisor and will be escorted by Property Room personnel during the duration of their visit.
3. Officers submitting property to the Property Room will be guided by the following:
 - a. Take all property, except property taken to a crime laboratory, to the Property Room, ground floor,



Monday through Friday, between 0800 and 1600.

- b. Take property transported to the Safety Building between 1600 and 0800, Monday through Friday, and on weekends, to the After-Hours storage locker area. [REDACTED] after completing the evidence deposit process and complete the appropriate ledger entry (One ledger for drugs, which is located in [REDACTED] and the other ledger, located inside the After-Hours locker storage area for all other property).
- c. Bulky items that will not fit into a locker will be placed [REDACTED] Bicycles or other items that can be chained are to be secured [REDACTED] The chain should be inserted through the spokes of both wheels or through the frame.
- d. The Property Stores Clerks will carefully check all PROPERTY TAGS and PROPERTY INVENTORY SHEETS, to ensure they have been properly completed before the property is accepted for custody.

ANY PROPERTY IMPROPERLY MARKED, TAGGED, OR WRAPPED, WILL NOT BE ACCEPTED!

- All property tags must have the DIBRS number listed on them (except property from drug buys).
 - **DO NOT** write anything in the upper left or right corners of the property tag.
 - **DO NOT** tape a property tag to any item, it must be tied or stapled to the property.
 - Ensure that the Property Tag notes the appropriate charge as a Felony, Misdemeanor or Minor Misdemeanor.
- e. All property turned in when the property room is closed MUST be entered in the General Ledger books maintained in the night storage locker area or by the drop-safe, depending on where the property is being stored.
- Each property tag must have a separate entry in the ledger book.
 - After making the entry the property will be placed in the smallest locker, which will hold the item.
 - The locker number used will also be recorded in the ledger book.
 - If chained [REDACTED], it will be recorded in the after-hours locker area ledger book as "Hallway".
 - If the drop-safe is used, indicate this fact in the "drop-safe" ledger book.
 - If the locker is equipped with an individual key, the officer must lock the locker, remove the key, and drop the key in [REDACTED]
 - All other lockers will be secured with the attached padlock.
- f. Money, jewelry, and narcotics are to be deposited in the drop-safe [REDACTED]
- g. After the property deposit has been completed [REDACTED] must be closed and secured.
- h. Property room personnel taking custody of any property MUST enter their name, time and date custody was taken on the property tag. Property room personnel must validate the entry in the ledger book by initialing the entry.



- i. The Property Room supervisor will have the final authority to determine if submitted property has been packaged and marked properly. Officers will be required to respond to the property room to repackage any incorrectly submitted property / evidence. In the event that the officer's work schedule does not occur during the hours of the Property Room, their supervisor will be notified to adjust the officer's schedule to return to the property room to properly submit the evidence.
3. Officers with bulky or large amounts of property should contact their supervisor to contact the Property Room supervisor to ensure the best way to submit the property.

C. Disposition of Vehicles Towed to be Processed as Evidence

1. Vehicles that cannot be processed at the crime scene and are involved in a serious felony (homicide, rape, and aggravated robbery) are to be towed to [REDACTED] for processing. If the FST is not at the scene of recovery, the investigating officer must follow the tow truck and ensure such vehicles are placed in [REDACTED] DO NOT store any vehicles in any of the garages on the ground floor of the Safety Building. If an officer has any questions about processing a vehicle, they are to contact an on-duty FST.
2. The investigating officer or detective will enter an Evidence Processing Request Form via MDC. This request should list the suspect's name and address, if known, and type of crime. Officers should contact the Regional Dispatch Center and ensure a FST will be sent. In serious or complicated cases, the investigator may want to contact the technician in person, to discuss the case and vehicle involvement. The investigator or detective will obtain a search warrant, if necessary, prior to a FST processing the vehicle.
3. The investigator or detective responsible for having a vehicle towed for evidence processing, will complete a Complaint Memorandum, directed to the Investigations Division Commander's Office, containing:
 - a. Name of the tow company
 - b. Vehicle make, model, color
 - c. License number
 - d. Location of the tow
 - e. Statement, if the owner of the vehicle is a victim or crime suspect.

D. Handling Evidence Property in Custody

1. Only the officer who sealed evidence should open a sealed property package. If that officer cannot be located, or is not on duty, the follow up investigator may open the package, if necessary, for the defense's right to discovery (Court Rule 16) or for review with the Prosecutor's Office. When necessary, opening of evidence occurs, the follow-up investigator is responsible for resealing the package, and Property Room personnel are responsible for recording the reason the package was opened, the date, time, and name of the persons who opened and reviewed the package. No other person will open sealed property packages. Investigators or prosecuting attorneys will NOT open evidence property packages containing narcotics. This is to be done only by a chemist from a crime laboratory.
2. Property Room staff will not open sealed evidence to remove items for return to individuals. The assigned case detective needs to open the evidence if only some of the contained items are being released unless all items packaged are no longer needed as evidence.
3. Property Room staff are to be notified by the assigned detective / detective supervisor when Evidence Property is no longer needed (no more than within 30 days of the end of the trial or file of an appeal). This notification alerts the Property Room staff that the evidence will not be needed in Court and permits them to release the property to its true owner, prepare it for auction, or otherwise dispose of it. This allows more storage space in the Property Room for items needed for Court. Property should **not be disposed of** in cases where there are co-defendant cases **still pending**.

**E. Property Room at the County Prosecutor's Office**

When notified by the county prosecutor's office property room or the DPD Property Room supervisor to pick up evidence, the appropriate detective(s) are responsible for picking up the evidence to maintain the chain of custody within five (5) days of notification and returning the evidence to the Property Room. Before returning the evidence to the Dayton Police Department's property room, the detective will determine the case status for evidence disposition and complete an evidence disposition card / form.

4. DPD Property Room staff need to be informed when evidence is being permanently retained by the Court Property Room.

F. Items Found on Search Warrants and/or Items Deposited as Possible Stolen

Items found on search warrants or deposited in the property room as possible stolen will be treated as found and/or unclaimed property. It will be disposed of in 90 days. It is the responsibility of the assigned detective (not Property Room personnel) to:

1. Locate an owner that can provide the necessary documentation to show ownership.
2. Investigate the association of the property to past or current crimes. When at all possible, the property will be released to an owner and photographs will be taken of the property that may be used for future prosecution.
3. An Aging Card will be sent to the assigned detective for a response. If an owner with proper identification cannot be located, the items will be destroyed / discarded / auctioned / etc. at the end of 90 days.

VI. PRESERVING EVIDENCE TAKEN FROM PRISONERS BOOKED INTO THE MONTGOMERY COUNTY JAIL

A. Persons who are arrested and may later be placed in a show-up are processed as follows:

- Any clothing worn by these suspects when arrested, that may contribute to their appearance, or contain trace evidence, is to be taken and processed the same as the evidence.

B. Police officers, booking the above-mentioned persons, will proceed as follows:

1. **Photographs:** Request a FST or Bureau of Identification officer to respond to the Jail to take a digital photograph of the suspect while dressed exactly as they appeared when arrested. The requesting officer must complete a LABORATORY REQUEST FORM when any photographs are taken.
2. **Clothing:** Confiscate all outer clothing from the suspect, mark it as evidence, wrap it, and place it in the Property Room. Complete a CONFISCATION OF INMATE PROPERTY FORM, provided by jail personnel, and note in detail the clothing taken.

VII. COLLECTION OF KNOWN STANDARDS / TRACE EVIDENCE

A. When the following types of physical evidence are collected from a crime scene, a known standard sample will be collected, if possible.

- | | | | |
|-----------|----------|---------------|--------------|
| 1. Blood | 4. Paint | 7. Metal | 10. Footwear |
| 2. Hair | 5. Glass | 8. Soil | |
| 3. Fibers | 6. Wood | 9. Tool marks | |

B. The locations from which the above types of physical evidence is collected will be documented in the crime laboratory report and investigating officer's report.

VIII. REMOVING A VICTIM OR SUSPECT TO A HOSPITAL FOR EXAMINATION

A. When a victim or suspect is taken to a hospital for an examination, likely to produce **physical evidence**, the investigating officer proceeds as follows:

1. Complete a PROPERTY TAG and print a thorough SYNOPSIS of the case on the back under



"ADDITIONAL DETAILS".

2. When appropriate, request the Emergency Department staff use the "SEXUAL ASSAULT EVIDENCE COLLECTION KIT" supplied by the currently contracted crime laboratory to obtain necessary evidence from **rape victims**. Advise the Emergency Department staff of the circumstances of the assault so they know what samples to collect.
 3. Leave the completed Property Tag (including DIBRS number) and a written listing location of offense, date / time of the offense, the victim's name, and DIBRS number, etc., with the doctor, nurse, or hospital security on duty. Advise the doctor that as soon as the tests are completed, the hospital is to notify the Regional Dispatch Center that the evidence is available and request that a FST is to pick it up.
 4. Do NOT take rape suspects to the hospital to collect a **pubic combing** or a **pubic hair standard**. Officers will contact the Forensic Services Unit or Bureau of Identification officer for a pubic combing envelope. The arresting officer or another officer of the same sex as the suspect then supervises the pubic combing or pulling the pubic hair standards, **BY THE SUSPECT**. After the combing, the **CONTENTS** and **COMB** are placed in the appropriate envelope, **sealed, marked as evidence**, and placed in the Property Room by the officer.
- B. If the FST initiates an examination near the end of their tour of duty, they are to follow the above procedure so his relief will have sufficient information to tag all evidence and complete reports. The technician should **VERBALLY COMMUNICATE** the stage of the investigation to their relief so that they can finish effectively.
- C. FSTs and officers placing a Sexual Assault Kit into the Property Room will use the field created in the RMS for creating a property tag and tagging evidence. When entering property items into the RMS or MIS (Management Information System) Property Room module, "INPUT TXT" has been added for Sexual Assault Kits. Sexual Assault Kits must be entered as a separate property item from other Rape Evidence.
1. Detectives assigned a Sexual Assault complaint will ensure that the Sexual Assault Kit was tagged and entered properly.
 2. The Property Room and/or the case detective will ensure that any untested Sexual Assault Kit is sent to the Crime Lab for testing within 30 days.
 3. FSTs may continue to take Sexual Assault Kits directly to the lab but must ensure that the kits are properly entered in the property room module.

IX. REMOVING PROPERTY FROM THE PROPERTY ROOM

- A. When removing Evidence Property from the Property Room, be **CAREFUL** not to break the **Continuity of Possession** process, by adhering to the following procedures:
1. Provide Property Room staff with your PDA number and where the evidence property is being taken. Once entered, the Property Room's computer will generate two receipts for articles from property room cards. The officer signing out the package is to sign both copies of the receipt card. One copy accompanies the property; the other copy is attached to the property master card in the Property Room.
 2. If the evidence is retained by either the Court or the Prosecutor, the reverse side of the Receipt for Articles card is to be signed by the retaining authority and returned to the Property Room the same day the property is checked out. The property and/or the receipt card will be returned to the property room the same day as checked out.
 3. If the court causes a narcotic package to be opened, the officer who removed the evidence from the Property Room will transport the evidence package to the Crime Lab to be retested, have the contents verified, resealed, and returned to the Property Room by the officer or by lab personnel.

If only the outer package is opened, and the inner package containing narcotics has remained sealed, the evidence package can be returned to the Property Room, resealed in the presence of the Property Officer, and placed in the Property Room.



4. Whenever an officer / detective removes confiscated / received / impounded currency from the Property Room that is to be opened, a minimum of two (2) officers / detectives will be present. Both will count and verify the amount of currency removed. If there is any discrepancy between the amount of currency noted by the confiscating officers, property tag, etc. and the amount counted by the officers / detectives, a supervisor will immediately be notified, and a Special Report will be submitted documenting the incident. The report will then be forwarded through the proper chain of command.
 5. When Evidence Property is returned to the Property Room, fill in the back of the RECEIPT FOR ARTICLES FROM THE PROPERTY ROOM where it says, "DISPOSITION OF PROPERTY".
 - RETURNED TO THE PROPERTY ROOM: Date and time evidence property was returned to the custody of the Property officer.
 - BY PDA: Signature and PDA of officer returning the evidence property.
 - PROPERTY STORES CLERK RECEIVING RETURNED PROPERTY: Signature of the Property Stores Clerk receiving the evidence property, and the time and date they received it.
 - If the officer returns to the Property Room after it has closed, the signed Receipt for Articles Card will be deposited in the after-hours property room lockers. If the property is also to be returned, the returning officer will sign the appropriate space on the Receipt for Articles Card and staple the card to the Property Tag accompanying the property. The property will also be deposited in the after-hours property room lockers. An entry in the Property Ledger will not be made on property being returned from court.
 6. Follow this procedure EVERY TIME property is REMOVED from the custody of the Property Room, until the relative case is disposed of. If custody of Evidence Property is challenged in court, the "Receipt for Articles from the Property Room" Card in this file and the Property Custodian's testimony can reveal a complete custody profile of the **Continuity of Possession**, through the life of the case in question.
- B. Property Room personnel will report any breach of this procedure to their immediate supervisor. The Property Evidence Storage supervisor will report any breach of this procedure to the officer's or detective's Division Commander.
- C. Firearms tagged into the Property Room that are related to a criminal offense, regardless of arrest or ongoing criminal court cases, will not be released to an individual without the approval of the relevant unit Supervisor, and only when legal possession of the firearm can be established. To verify if an individual can possess a firearm that is being released from the property room, the relevant unit Supervisor will perform a thorough check of the individual's criminal history. A thorough check of an individual's criminal history may include but is not limited to performing a Computerized Criminal History (CCH) search and searching law enforcement databases such as OHLEG, LEADS, and JusticeWeb.

X. IMPOUNDED / SEIZED PROPERTY RECEIPT FORM (AKA Money Form)

The Impounded / Seized Property Receipt Form F-468 is used for officers' protection in situations where impoundment or seizure of property is deemed necessary in certain situations, (i.e., family disputes, handling mentally ill persons, confiscation of money, or other property). When used in compliance with this order, the form authorizes officers' responses in this area.

A. Utilization of Impounded / Seized Property Receipt

1. When responding to calls where a WEAPON, or property, of ANY KIND is a potential hazard to officers or other persons, officers are encouraged to attempt to gain VOLUNTARY permission from the owner to have it impounded in the Police Property Room for a period of 48 hours. Officers will inform the owner that firearms will be scheduled for disposal at the end of 90 days.
2. If VOLUNTARY PERMISSION from the owner is denied, the officer is to execute a DIBRS INCIDENT MEMO reporting the existence of such property. This is to protect the officer from possible accusation if violence erupts after they have left the scene. This memo is not necessary when other reports are made as a result of the call, (e.g., assault complaint) where a weapon is accounted for.



3. The Impounded / Seized Property Receipt Form is NOT NECESSARY in situations where arrests are made and a weapon is a part of the Corpus Delicti.
4. When confiscating currency or other property, completely describe the currency or other property in the space provided.
 - a. For **any** amount of currency, a supervisor must be called to the scene to verify the amount and sign the property form.
 - b. Place the confiscation paperwork in the envelope with the currency and staple the F-468 to the envelope noting on the F-468 that the paperwork is inside the envelope.

B. Completing the Impounded / Seized Property Receipt Form

Officers are responsible for being familiar with Form F-468 and should completely and accurately enter all information on the Impounded / Seized Property Receipt Form and obtain the signature of the owner or other person from whom the property was impounded. This includes Prisoner Effects.

1. When the Impounded / Seized Property Receipt form has been completed, the impounding officer is to give the person from whom the property is impounded, the PINK Copy. The original WHITE copy will go to the Property Room with the property and the YELLOW Copy will be forwarded to detectives or the appropriate investigating work unit. The officer is to explain to the person, that they **MUST KEEP** this receipt and present it at the Property Room after 48 hours (Excluding Saturdays and Sundays) to reclaim the property.
2. Officers should READ THE ENTIRE PROCEDURE to the person and ascertain that they UNDERSTAND what it says, especially the HOURS and DAYS the Property Room is open for return of the property, PROVIDING it is NOT STOLEN and is NOT an instrument that has been USED IN A CRIME.
3. Officers must completely fill out the form, including printed name, signature, PDA and date.

C. Impounding / Seizing Officer's Responsibility

1. The impounding / seizing officer is to retain the Original Copy of the Impounded / Seized Property Receipt and place it with the impounded property in the Police Property room. The following items are to be handled as follows:
 - a. ALL IMPOUNDED WEAPONS are to be marked for identification and described thoroughly, using serial numbers, brand numbers, colors, etc., to identify them to the exclusion of all others of like and similar type.
 - 1) FIREARM – The ORIGINAL WHITE COPY of the receipt is to be placed INSIDE THE GUN ENVELOPE with the weapon and FIREARMS REPORT. *Officers will inform the owner that firearms will be scheduled for disposal at the end of 90 days.
 - 2) OTHER TYPE WEAPONS – Require a Property Tag and must be WRAPPED before being placed in the Property Room. The ORIGINAL WHITE COPY of the receipt is to be STAPLED to the Property Tag.
 - b. CURRENCY – There are lines on the form to specifically mark each denomination of currency / coins. Any amount requires that a supervisor be notified to verify the amount and sign the form.
 - c. Other items can be described on the lines in the "Other Property" section.
2. Forfeiture Property
 - a. The officer requesting forfeiture of the property must complete a forfeiture memo every time property is seized for forfeiture purposes.
 - b. On seizures where a DIBRS report was completed the memo can be very basic.



- c. On cases where no DIBRS report is generated and the memo is the only report made, it needs to be more comprehensive. It must identify the suspects by name, date of birth, and social security number, and completely describe the property and the probable cause for the seizure.
- d. Money or property that is seized for forfeiture should **never** be tagged into the property room as **confiscated**. It should always be tagged in as **evidence**. The reason for this is that the suspect without a court order or detective release can immediately reclaim confiscated property.

XI. DETECTIVE'S RESPONSIBILITY WHEN EVIDENCE IS NOT NEEDED

The follow-up investigator will immediately notify the Property Room and the Crime Lab when charges are dropped or will not be filed in any case where evidence is held. This ensures that the lab does not conduct unnecessary tests and enables the Property Room to release, or dispose of, evidence not needed for prosecution.

XII. DISPOSAL OF EVIDENCE STORED IN THE PROPERTY ROOM

A. Categories of Cases:

1. Homicide Cases: In homicide cases disposed of in court, the County Prosecutor's Office and/or detective(s) will advise the Property Room supervisor of those cases that are Death Penalty and/or Aggravated Murder. Aging Cards sent for review will be handled in the same manner.
 - In all criminal homicide cases, all evidence shall be held for not more than 10 years from whichever of the following occurs latest in time:
 - The journalization of the final entry issued by the court; or
 - If the matter is appealed, from the journalization of the final entry as issued by the Court of Appeals or the Supreme Court of Ohio or the United States; or
 - The completion of the sentence by the convicted party.
 - It is the responsibility of the assigned detective / supervisor and/or the County Prosecutor's Office to make the necessary inquiries with pertinent parties to determine disposition.
 - In all Aggravated Murder and Murder cases that do not contain Death Penalty specifications, all evidence shall be held for not more than 15 years from whichever of the following occurs latest in time:
 - The journalization of the final entry issued by the court; or
 - If the matter is appealed, from the journalization of the final entry as issued by the Court of Appeals or the Supreme Court of Ohio or the United States; or
 - The completion of the sentence by the convicted party.
 - It is the responsibility of the assigned detective / supervisor and/or the County Prosecutor's Office to make the necessary inquiries with pertinent parties to determine disposition.
 - In all Aggravated Murder cases that contain a Death Penalty specification, all evidence shall be kept in the Property Room permanently.
 - In all Unsolved Aggravated Murder cases, all evidence will be kept permanently.
2. Sexual Assault Convictions: In sexual assault cases which have resulted in a conviction, evidence in the Property Room will be retained for three (3) years after the conviction and sentencing. At the conclusion of the three (3) years, the evidence may be disposed of only after confirmation is obtained from both the case detective and the prosecutor's office that there are no pending appeals in the cases. If an appeal has been filed in the case, the evidence shall be retained for three (3) years following affirmation of the conviction by the Court of Appeals.



3. Cases in Which Warrants are Issued: In any case in which filing has been approved and a warrant has been issued for the defendant's arrest, the evidence will be held indefinitely in the Property Room until the defendant is arrested and prosecuted. The assigned detective / supervisor, upon receiving an Aging Card, will document the warrant number on the card and Evidence Review Form.
4. Acquittals: In cases which result in the acquittal at trial of a defendant, the assigned detective / supervisor will immediately determine the disposition of the evidence and contact the Property Room supervisor for disposition and note if the evidence is not needed to prosecute a co-defendant or co-conspirator.
5. Cases Nollied or Dismissed: In cases nollied or dismissed without prejudice, the assigned detective / supervisor will immediately determine the disposition of the evidence and contact the Property Room supervisor for disposition and note if the evidence is not needed to prosecute a co-defendant or a co-conspirator.
6. All Other Felony Convictions: In all other felony convictions, evidence will be retained in the Property Room for three (3) years, but no more than five (5) years after the defendant pleads guilty to the same crime or pleads guilty to a lesser crime or is convicted. The evidence can be disposed of thirty (30) days after the time limits for appeal have expired and/or whichever of the following occurs latest in time.
 - The journalization of the final entry issued by the court; or
 - If the matter is appealed, from the journalization of the final entry as issued by the Court of Appeals or the Supreme Court of Ohio or the United States;
 - The completion of the sentence by the convicted party; or
 - Diversion or Treatment in Lieu of Conviction time limits have passed.
 - It is the responsibility of the assigned detective / supervisor and/or the County Prosecutor's Office to make the necessary inquiries with pertinent parties to determine disposition.
7. Upon the expiration of the time guidelines previously noted, notice to the Prosecutor's Offices and/or detectives shall be given concerning any evidence. If the Property Room is not advised in writing for disposition of evidence within 30 days from the date of notification, the evidence will be destroyed or discarded. Notification will be done via e-mail and/or Aging Cards.
8. Civil Cases: The Property Room will no longer store items from civil cases that have been disposed for a civil case or a potential civil case. The exception is city liability and money forfeiture. Property will be held ninety (90) days past the two (2) year anniversary date on city liability cases. If a civil case has not moved forward within the stated time frame the property will be discarded. Detectives that desire a release of the property or to store it in their case files can do so, otherwise it will be discarded.
9. Misdemeanor Drug Guilty Pleas: In cases in which defendants pled guilty to reduced drug misdemeanor charges, the evidence will be retained by the Property Room for sixty (60) days, at the conclusion of which it will obtain confirmation from the detective and the Prosecutor's Office that the case has been definitely closed and the evidence may be destroyed.
10. The Property Room supervisor will review the Retention Schedule of evidence with the Court of Common Pleas when changes in the Retention Schedule are necessary and submit a Special Report to their Major recommending changes if necessary.
11. Areas of Specific Retention Schedule: The following areas not listed above will be covered under the listed evidence retention schedule.
 - Felony cases with no pending legal action – six (6) years or until Diversion or Treatment in Lieu of Conviction time limits have passed.
 - Suspicious Death if the Coroner's Office has ruled a non-criminal cause of death – Two (2) years.
 - Misdemeanors with no pending legal action – Two (2) years.
 - Minor Misdemeanors with no pending legal action – Six (6) months.



- B. The investigating detective is responsible for advising Property Room personnel when and how evidence property should be disposed of, and for obtaining confirmation from the Prosecutor's Office. It is the responsibility of the assigned detective / detective supervisor to follow up within thirty (30) days after court conclusion pending appeals on the case.

The Property Room will process older evidence cards and send them to the appropriate division for review to determine evidence disposition. The Property Room will process the evidence cards of all other property on a two (2) year cycle and send them to Investigations Division and Special Investigations Bureau for review to determine evidence disposition. Evidence cards for narcotics and/or evidence related to the case will be processed on a yearly cycle for review by Special Investigations Bureau. The appropriate investigator will review the property master cards and then each attached disposition card is to be marked with instructions to destroy, hold, dispose of, or release to the owner.

The card must be signed and dated by the reviewing detective. The investigator will supply the names and addresses of the owners. Evidence cards are to be reviewed and returned to the Property Room within thirty (30) days of receipt by the appropriate division. The property room supervisor will notify the appropriate detective's bureau commander of the failure to respond.

C. Aging Cards

1. Cases that are assigned to an employee (detective / officer) to investigate become the responsibility of that employee throughout their career. If the employee is promoted or re-assigned, the cases will still be their responsibility, unless re-assigned to another investigator by the bureau commander or unit supervisor responsible for the case. Aging cards will remain the responsibility of the assigned employee to make a determination as to the disposition of the property and/or evidence.
2. The Property Room will issue Property Room Aging Cards using electronic documents. The RF-57 form is being discontinued. The goal is to help track the issuing of Aging Cards and reduce items being held in the property room that are no longer needed.
 - a. Aging Cards will be generated by the Property Room personnel using the digital form found on the Police Resource Center.
 - b. Aging Cards are sent to the responsible employee via e-mail in order to get permission to dispose of property, release property, or hold property still needed as evidence.
 - c. Usually, Aging Cards will be sent when space is of the essence and is in dire need.
 - d. Aging Cards MUST be responded to within thirty (30) calendar days of being sent. The employee's response will be automatically sent to the Property Room e-mail group when the electronic form is completed.
 - e. Employee Responsibilities
 - 1) Employee assigned an Aging Card will receive a seamless document e-mail to sign the Aging Card. They will then review the property and reply to the seamless document within thirty (30) days of being issued. Any cards not returned will be reviewed monthly and a second notice will be sent. If the card has not been responded to, they appropriate unit supervisor will be notified of the pending Aging Card.
3. Holds placed on evidence by detectives must be justified and supported by an explanation and documentation on Evidence Revision Form (e.g., an appeal listing a case number, prosecutor assigned, DIBRS number, and conviction date).
 - a. If a warrant was issued, note the case number, prosecutor and co-defendants.
 - b. If there is a co-defendants case still active, note the name(s) and other pertinent information.
 - c. Items needed for justification will include case number, warrant number, prosecutor assigned to appeals, co-defendant's names and any other pertinent information.
4. Property Room personnel are required to audit all holds placed on evidence. If a hold is unsupported, the



Property Room supervisor will notify the detective's bureau commander.

5. Detectives are required to make to necessary inquiries on case status.
6. Detectives will petition the ruling magistrate on the case for firearms destruction when a firearm falls outside of the Ohio Revised Code for destruction.
7. Certain Misdemeanor Case Aging Cards will be sent via e-mail to the Patrol Operations Division personnel that placed the property into the Property Room. These Aging Cards will be handled in the same fashion as detectives.

XIII. EVIDENCE AND COMMUNICATION WITH BCI

- A. The Ohio Bureau of Criminal Investigation (BCI) provides laboratory and evidentiary services utilized by the Dayton Police Department. To avoid overwhelming their office with phone calls and emails from individual employees, and to streamline the communication process, any requests for information on evidence, laboratory reports, or other services provided by BCI, will be forwarded to the Violent Crimes Bureau Commander as the primary point of contact.
- B. In instances where the Violent Crimes Bureau Commander is not available, any inquiries will be forwarded to the CARE House Supervisor. If employees have any issues or questions regarding a case BCI is handling, refer to these points of contact who will then initiate contact with BCI. Employees assigned to the Property Room, who are routinely required to communicate with BCI, are exempt from this process.
- C. On occasion, specifically on expedited requests for analysis, the BCI laboratory employee may reach out to a detective directly to provide a verbal synopsis of the analysis or to ask questions to assist them with processing of the evidence. In these cases, DPD personnel may contact the specific laboratory personnel.



Appendix A

F-468 (10-09)

DAYTON POLICE DEPARTMENT
335 West Third Street Dayton, Ohio 45402
937-333-2677

PROPERTY RECEIPT

Location _____ DIBRS _____ TAG _____

On _____ at _____ a.m./p.m., the item(s) listed below were:

() Received From () Found () Seized From* () Impounded From**

(Full Name) _____

(Street Address) _____

(City/ State/ Zip) _____

(Telephone Number - cell, home, work) _____

CURRENCY

of \$100.00 bills = \$ _____
 # of \$ 50.00 bills = \$ _____
 # of \$ 20.00 bills = \$ _____
 # of \$ 10.00 bills = \$ _____
 # of \$ 5.00 bills = \$ _____
 # of \$ 1.00 bills = \$ _____
 # of \$ _____ bills = \$ _____
 # of quarters _____ = \$ _____
 # of dimes _____ = \$ _____
 # of nickels _____ = \$ _____
 # of pennies _____ = \$ _____
 # of _____ coins _____ = \$ _____
TOTAL \$ _____

**NOTE: A SUPERVISOR MUST VERIFY
ANY RECEIVED/SEIZED AMOUNT.**

*** Seized Property:**

Seized pursuant to various forfeiture laws including but not limited to O.R.C. 2981.01 through 2981.14. As the possessor of the property, you may have certain rights pertaining to the disposition of the property. You will be notified about the date, time and place of court hearings scheduled for the disposition of the property.

For inquiries about property seized for forfeiture (including money), please contact the recorder line at 333-8689 and leave a message with your name, telephone number and address where the property was taken from. Only calls from owners will be returned. Call only once a week.

**** Voluntary Impoundment:**

I have voluntarily given my permission for the listed duly sworn police officers of the City of Dayton, to impound the listed property. I understand that my property will be checked as to my legal possessor rights and if found NOT to be stolen, or evidence of a crime, it will be returned to me within FORTY-EIGHT (48) hours, providing this does not fall on a SATURDAY or SUNDAY. Presenting this receipt, along with other valid identification at the PROPERTY ROOM, Room 16, Ground Floor, Safety Building, 335 West Third Street, Monday through Friday, 8:00 A.M. to 4:00 P.M. will be sufficient action to obtain release of my property.

Impounded items not retrieved within 30 calendar days (90 days for firearms) will be disposed of pursuant to state law.

OTHER PROPERTY - DESCRIBE COMPLETELY

OTHER _____

Printed name, PDA/ASN, signature of officer, and date:

OFFICER: _____ Date: _____

OFFICER: _____ Date: _____

SUPERVISOR: _____ Date: _____

Printed name, signature, and date of person involved with the item(s):

Date: _____

White copy to the Property Room, **Yellow** copy to the Bank, **Pink** copy to the person the property came from.