



GENERAL ORDER

DURHAM POLICE DEPARTMENT
DURHAM, NC

NUMBER:

4058 R-8

PROPERTY & EVIDENCE

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Introduction

The Durham Police Department will collect and maintain property and evidence according to state and federal regulations. All employees will follow guidelines found in this general order and the specific procedures found in the property and evidence packaging areas on how to properly submit evidence/property to the Property and Evidence Unit (PEU). All property and evidence items collected by DPD employees shall be recorded and submitted to the control of the PEU by the end of the submitting employee's tour of duty. The PEU is charged with the receipt, logging, tracking, security, and disposition of all property and evidence items for the DPD. A chain of custody is maintained by the PEU for every item collected and turned into the PEU until the final disposition of each item. In conjunction with this policy, the DPD uses the current North Carolina State Crime Laboratory Evidence Guide as a resource for the proper handling and storage of evidentiary items.

Definitions

Chain of Custody – The documented possession and control of a physical item from the time of collection to final disposal.

Evidence - Any item of property seized by an employee that could be used to establish or disprove criminal conduct.

Note: All drugs shall be categorized as Evidence.

Found Property - Any lawful (non-contraband) item of no evidentiary value that is controlled by an employee for the purpose of returning the property to its rightful owner. This includes property found by citizens.

Safekeeping – Any property without evidentiary value surrendered to a department employee for temporary custody. Examples are personal items from accident victims, unwanted weapons, and personal items not stored by the jail.

Evidence Technician (ET) – Employee accountable for controlling and maintaining all evidence/property submitted, accepted and stored in the department's property and evidence facilities.

Official Seal- The closed portion of the package containing property and/or evidence where a long strip of clear tape is placed across the fold or edge, overlapping at least two sides of the package, thus creating a seal. On this strip of clear tape, the submitting employee must write:

- Employee's initials and employee number,
- the time and date it was sealed,
- the IR number and,
- the corresponding item number.

***An *official seal* is required on all envelopes, boxes, and/or specialized containers submitted to the PEU. The tape will be placed over the opening once the box or container is closed. All taped openings require an official seal.

Voucher – formerly known as the Property Report. This is the electronic form completed within the Records Management system that contains all of the known information about the item being submitted to and stored by the PEU.

Package Label – color-coded, pre-printed, self-adhesive label that contains case information including case number, item number and description, offense, name of owner, and other identifying information. The label shall be completed and applied to the corresponding package by the submitting employee. The color codes are used by the PEU for storage organization. The color coded labels are identified as:

White Label – Items classified as evidence and not containing DNA for testing (ex. Clothing without body fluids, unfired bullet, documents, GSR kit)

Blue Label – Items classified as found property with no evidentiary value (ex. Keys, monies, documents, jewelry).

Green Label – Items classified as evidence and containing or suspected of containing DNA for further testing (ex. buccal swabs, blood samples, rape kits, clothing soiled with body fluids, items containing touch DNA).

Yellow Label – Items classified as non-evidence property that are temporarily held for safekeeping purposes (ex. certain weapons, purse of accident victim, lighter from arrestee)

Note: All items except those packaged in drug bags and currency envelopes require a package label.

FSD – Forensic Services Division. The PEU is a unit within this division, under the Investigative Services Bureau.

NCSCCL – North Carolina State Crime Laboratory (formerly SBI Laboratory).

RESPONSIBILITY FOR SUBMISSION OF PROPERTY AND EVIDENCE

All employees are responsible for any property/evidence that comes into their custody during the performance of their official duties. All evidence and found property will be properly packaged and submitted to the Evidence Technician on duty during normal business hours, or secured in a property locker, safe, or cage after hours. Personal property that is not evidence and taken from a subject who has been arrested, and is to be incarcerated, will be identified and stored in accordance with Durham County Jail Procedures.

No employee is authorized to hold in his or her possession (or in his or her desk, office, locker, vehicle, briefcase or residence) any evidence or found property unless the exception is described in department policy (see FSD QM, FSD CSIM).

All evidence and found property will be submitted to the PEU prior to the end of the employee's work shift, except for evidence that is in the custody of the Crime Lab Unit (CLU) or Crime Scene Unit (CSU) which requires special processing that cannot be completed by the end of shift. In such cases, any employee who has custody of such an item shall follow the procedures outlined in FSD QM, FSD CSIM.

The Evidence Technician is responsible for the custody, control and accountability of all evidence and found property submitted to the PEU.

IN-CAR CAMERA RECORDINGS

All In-Car Camera (ICC) recordings shall be placed into the custody of the Digital Files Coordinator and not one of the standard property lockers. See GO 4064 for further ICC submission procedures.

COLLECTING, MARKING AND PACKAGING

Members involved in the evidence and property collection process should use discretion in collecting items. Property and evidence storage space is critical; whereby, only items of sound evidentiary value should be collected. Prior to submitting physical evidence or property, the employee will:

- obtain an Incident Report (IR) number (and)
- complete a Voucher and a package label for each individual package submitted. All information on the Voucher, packaging, and label must be identical.

If evidence is submitted in reference to a traffic investigation, a separate incident number is needed for the Voucher, as the wreck report number is from a different series than other IR numbers.

The original voucher is to be submitted with all PEU submissions except when an electronic signature is recorded. Incomplete or inaccurate documentation of evidence/property submitted will be returned to the employee or his/her supervisor for immediate correction.

The member submitting the evidence/property will make appropriate notes on the voucher as to nature, condition, and exact original location of the item collected. All items capable of being packaged shall be placed in a 9 x 12 envelope, box, paper bag, drug bag, plastic bag, or supplied specialized container. Items too large or bulky to be packaged (i.e. bicycles) shall be submitted to the Evidence Technician on duty during business hours or an appropriate-sized locker or cage after hours. If no such storage space is available after hours, the on-call Evidence Technician shall be notified to handle.

Information printed on the evidence/property packaging, package label, and voucher must correspond *exactly*. Please verify all information before submission to the PEU.

Specific guidelines for the proper packaging and submission of items are posted at the PEU processing area on the first floor of 921 Holloway Street and listed in this general order. ***All packages must include an official seal.***

PERISHABLE ITEMS

Perishable items such as urine samples, blood tubes, and blood/alcohol kits will be submitted directly to an Evidence Technician or placed by the submitting employee in one of the designated refrigerators located in the PEU processing area at 921 Holloway Street. Only one evidence item shall be stored in any evidence

refrigerator at any given time. If there are no available evidence refrigerators, the on-call Evidence Technician shall be contacted to respond.

To store *perishable* items after normal business hours, the submitting employee will:

- Transport the item to the PEU processing area at 921 Holloway Street.
- Package the item in an appropriate-sized container, seal, and then place in a clear plastic envelope. Place an official seal on the envelope then complete and apply the correct package label, and complete the voucher.
- Choose an empty refrigerator, place the perishable item inside and lock the refrigerator door.
- Place the Voucher in the designated report box that is located on top of the property/evidence safe; and,
- Place the refrigerator key in the key Drop Box Locker #33.
- Complete the evidence/property log.

Sexual Assault Evidence – Rape Kits

The Sexual Assault Evidence Collection Kit (NCSBI-200) is a white box with contents and shall be sealed and signed by the SANE or exam physician when the item is collected at the medical facility. The chain of custody on the box top shall also be completed when receiving the kit from the medical facility. The victim name, DPD IR# and DPD Item number shall be written on the box top before submission to the PEU (except in cases of a blind report). The submitting employee shall affix clear tape over the medical examiner's seal and complete an official seal prior to submission to the PEU. This kit box shall be submitted with its own item number. This box shall be turned over to an Evidence Technician directly or placed in a locker. *The kit box does NOT go into a refrigerator.*

A medium-sized manila envelope is attached to the box bottom. Inside of this envelope should be four small envelopes of hair and DNA evidence from the exam, possibly inside a plastic envelope. Either the plastic or manila envelope should be sealed and signed by the SANE/Physician. After collection from the hospital, this envelope with contents shall be removed from the kit box bottom and placed in a DPD 9x12 envelope; sealed, and submitted as a separate item to the PEU.

If a urine container and/or blood tube have been collected from the victim, the SANE/Physician should turn these items over to law enforcement in a clear plastic bag. These items shall be placed in a pilfer can or equivalent for submission to the PEU as a separate item. The two may be packaged in the same container and listed as one item. *These items are the only two pieces of evidence which must be refrigerated until sent to the NCSCL.*

Any clothing not included in the sexual assault kit box should be placed in paper bags and sealed by the SANE/Physician. DPD employees shall then place these bags into the properly-sized PEU bags or envelopes, seal, label, and turn into the PEU as separate items. If either of these items are wet, contact CSU personnel for assistance (see page 9 of this G.O. for further).

The pink copies of the exam paperwork should be turned over directly from the SANE/Physician to law enforcement or the facility may use their own envelope and attach it to the kit box for transport purposes. The pink copies shall be turned over to the lead CID Investigator. If the lead is unknown at the time of submission to the PEU, the employee shall submit the paperwork to the PEU as a separate evidence item (DO NOT submit the paperwork attached to the kit box or package it with other evidence).

Foodstuffs

There are no facilities available in the PEU for the storage of perishable foodstuffs (consumable goods such as meats, baked goods, vegetables, crackers, etc.). If ownership is known, upon direction of the District Attorney's Office, perishable items shall be photographed and released to the owner. If ownership is unknown, a court order shall be sought authorizing the disposal of the items to a charitable organization. Upon receiving the items, a representative from the organization shall sign the PEU chain of custody. The disposition of perishable items shall be documented by the responsible employee within the incident report.

NON-PERISHABLE ITEMS

After normal business hours, for *non-perishable* items that require a locker, the submitting employee will:

- Transport the item to the PEU processing area at 921 Holloway Street.
- Select the appropriate-sized, available locker. Employees shall use the smallest locker available that will accommodate the item(s) they are submitting;
- Package the item, complete and apply the correct package label, and complete the voucher (ensure the locker number is placed on the voucher and the package label);
- Place the item and voucher inside the locker. Close and lock the door.
- Place locker key in Drop Box Locker #33;
- Sign the property/evidence log

PROPERTY/EVIDENCE SAFE

The Property/Evidence Safe is located in the PEU processing area at 921 Holloway Street. The safe will be used to temporarily store small, single items such as currency, checks, and any other item that may be properly packaged in a 9 x 12 envelope or drugs submitted in a properly packaged drug bag. To submit items into the safe, the employee will follow the same protocol stated in the non-perishable locker section, except:

- The submitting employee shall write "SAFE" as the locker number on the package, voucher and package label. A copy of the Voucher shall be placed in the tray that is located on top of the property/evidence safe.
- At the safe, open the flap door and place item into the safe. Close the flap door and make sure the item has fallen into the safe by opening the flap again.

Bulky or fragile items should not be placed in the safe. No items will be forced into the safe. If an item becomes lodged in the safe opening, an Evidence Technician shall be notified immediately.

PROPERTY/EVIDENCE CAGES

Items that are too large to be stored in the lockers or the safe shall be placed in a numbered cage in the PEU processing area at 921 Holloway Street. To store items temporarily in a cage, the employee will follow the same protocol for the locker and safe submissions except:

- The submitting employee shall write the cage number as the locker number on the package, voucher, and package label.

- A copy of the voucher shall be placed in the tray atop the property/evidence safe.
- No drugs, guns or monies are to be stored in the cages.

If an item is too large for the cages and it is after normal business hours, on-call PEU personnel shall be contacted and arrangements made for proper storage. Authorization for the call-back of the on-call personnel must be obtained from an FSD supervisor or Watch Commander.

CHEMICALS, FLAMMABLES AND EXPLOSIVES

Under no circumstances will any container housing volatile or explosive materials be submitted without clearance from a member of BCERT. During normal business hours, the BCERT Investigator shall be contacted. After normal hours, the on-call BCERT officer shall be contacted via the Watch Commander. Once cleared for storage, an ET shall be contacted to respond with the submitting employee, and small items will be placed in the PEU flammable cabinet at the rear entrance of police headquarters. See General Order 4041 BCERT-WMD for additional information pertaining to policies regarding the short term storage of chemicals, flammables and explosives.

Liquid and powder items deemed evidence must be submitted in sample-sized glass containers. The original container shall be processed for evidence, cleaned, and submitted separately from the chemical or flammable material.

Before submitting items containing known flammable liquids such as gasoline or motor oil (lawnmowers, chainsaw, etc.), the item shall be taken by the submitting employee to City Fleet to be emptied of all flammable liquids. The Fleet Supervisor on-duty will ensure the item and materials are handled and the flammable liquids are disposed of properly. Officers will ensure that empty items and containers submitted PEU. After City Fleet business hours, CSU personnel shall be contacted to coordinate storing of the item at the DPD lot at 213 Broadway Street. During normal business hours employees shall contact PEU personnel to coordinate the submission of flammable items.

After PEU business hours the submitting employee will:

- Affix the proper label to the item(s).
- Complete the property/evidence log at 921 Holloway Street, noting the item is stored at Broadway.
- Complete the Voucher and place in the tray on top of the property/evidence safe located in the PEU processing area.
- Transport the item to 213 Broadway for storage.

ARSON/FIRE SCENE EVIDENCE

Evidence collected from fire scenes and scenes of suspected arson that may contain accelerants shall be placed in specially designed arson cans, glass jars, or nylon bags to preserve possible accelerants. Labels are placed directly on the items and the cans and jars are not placed into plastic bags.

FIREARMS & BALLISTICS EVIDENCE

All firearms will be carefully inspected and unloaded prior to submitting them to the PEU. During this process, the recovering employee shall handle the firearms and ammunition with clean gloves and on surfaces that do not normally yield fingerprints (checkered grips, edges of the trigger guard, or any rough surface). The slide or

the cylinder of the weapon must be secured in the open position with a gun tie provided at the evidence packaging area (DO NOT PLACE THE GUN TIE INSIDE OF THE BARREL OF THE FIREARM). All firearms will be packaged in provided envelopes. On firearms that are loaded by magazine, carefully remove the magazine, but leave any live ammunition in the magazine. Use precautions to preserve latent and DNA evidence. The loaded magazine shall be placed inside a 9 x12 brown paper envelope. Live ammunition that is not contained inside a magazine shall be placed inside the same envelope. Long guns will be packaged in the same manner using the long plastic tubing at the evidence packaging area. All fired ammunition shall be packaged separately from the live ammunition, in a 9x12 paper envelope and handled appropriately to preserve latent and DNA evidence. Additional items (holsters, belts, etc.) shall be packaged separately.

All seized firearms must have an ATF Tracing Center Trace Request Form.

Firearms Terminology

- *Cartridge* - A unit of ammunition, made up of a cartridge case, primer, powder, and bullet. Also called a "round", or "load."
- *Cartridge case* - Commonly known as "shell casing." This is the container for all the other components that comprise a cartridge.
- *Bullet* - A non-spherical projectile for use in a rifled barrel.
- *Projectile* – An object propelled by the force of gases produced by rapidly burning gunpowder. An "expended round."
- *Fragment* – any piece or particle of a cartridge.

During normal working hours, if an employee is unable to unload a weapon to render it safe for submission, the employee shall contact the department Armorer or Firearms Examiner for assistance. If after hours, a warning tag shall be placed on the locker advising of a loaded weapon. These tags are available in the PEU packaging area. If a loaded weapon is submitted and emptied by the Armorer or Firearms Examiner, the submitting employee must return to the PEU to submit the recovered ammunition as a separate item.

Weapons submitted to the PEU are subject to forensic testing, required function tests, and Integrated Ballistics Identification System (IBIS) testing, either by the FSD or NCSCCL. The following is a list of items that are suitable for IBIS entry:

- All handgun calibers with the exception of .22 rimfire
- Rifles with the following calibers:
 - .223 Remington
 - 7.62X39mm (SKS/AK type rifles)
 - .30 Carbine

Items that are not currently suitable for IBIS entry include:

- .22 caliber rimfire, including rifles
- Shotguns and shot shells

Items being submitted for IBIS testing must be packaged separately from items that will not be analyzed by the FSD or the NCSCCL. A NCSCCL request form shall be submitted with all items suitable for IBIS testing.

*Note: All firearms deemed legally eligible to be returned to their rightful owner will have ownership verified by the PEU using criminal background checks and ownership paperwork submitted by the lawful owner **prior to a firearm being released.***

KNIVES

Pocketknives and knives with cases that can be made safe are to be packaged in the appropriate sized brown envelope with an official seal. All other knives are to be made safe by wrapping a brown paper bag or cardboard sheath around the knife and taping it securely, or by utilizing a suitable sized box or plastic Sharps container. Precautions should be used to preserve latent and DNA evidence when necessary. *Do not leave an exposed blade in a property/evidence locker.*

PHOTO ARRAYS

Photo Arrays shall be placed in a properly-sized envelope with a package label attached. No other property or evidence will be placed in the envelope with the array.

CURRENCY

Currency will be counted by the submitting employee and a supervisor. The currency shall be placed in a special currency 9" x 12" white envelope, separate from any other property or evidence, and must be officially sealed. The form pre-printed on the currency envelope must be properly completed (no package label). A supervisor must verify the amount of currency, initial the official seal, and complete the verification on the bottom front of the money envelope prior to submission to PEU. On the corresponding Voucher, the dollar amount submitted shall be entered in the "value" box as well as in the text box description field.

PEU will only open and verify the currency amount when the currency is being counted for bank deposit. The currency envelope will be destroyed after the bank deposit.

Checks, Financial Records, And Other Legal Documents

Checks, financial records, and other assorted legal documents shall be placed in a 9 x 12 manila envelope and listed as "documents" on the Voucher (not currency). An affidavit of forgery is to be included, when applicable. A package label listing the entire contents of the envelope shall be completed and attached to the officially sealed envelope.

Counterfeit Currency

All counterfeit currency shall be packaged in a manila 9x12 envelope with an official seal. Counterfeit currency is of no monetary value and does not belong in a white currency envelope. A supervisor must be notified of the counterfeit currency and sign the official seal before submission to the PEU.

LICENSE PLATES

License plates from any state collected as found property or as evidence shall be packaged and submitted to the PEU in an 8x10 envelope with an official seal and label. In addition, the submitting officer needs to complete the License Plate Log at the PEU Packaging area. The following information shall be recorded for each license plate submitted to the PEU:

- License plate number and/or letters;

- State of Issuance;
- Owner's Information (if known);
- Date of Submission;
- Submitters Initials and Employee Number.

License plates held as evidence or found property shall be returned to the rightful owner unless subject to lawful detention or ordered disposed of by the court. The PEU will transport eligible plates to the NCDMV.

Employees submitting license plates which may be claimed by the registrant shall make a determined effort to locate the rightful owner. An Owner Notification Letter shall be sent by the Case Officer to the owner of the license plate eligible for release. The officer shall notify the PEU when there is a plan to release the item to the owner.

License plates/licenses seized for suspension or revocation per N.C.G.S. 20-45 shall have the appropriate NCDMV suspension/revocation notice (Form DL-53A) attached and shall be submitted to DPD Headquarters desk officer for return to the NCDMV within 48 hours of the tag seizure.

Officers will complete a DL-53A form for each NC plate seized. The yellow copy will be taped to the back of the tag allowing both the tag and the form to be read. The white copy of the DL-53A will be turned into DCI with the completed tag seizure form.

The PEU does not accept these items unless they are evidence in a criminal proceeding.

TRACKING DEVICES

Dye packs, electronic tracking devices, and the like, are sometimes used at banking institutions and collected during robbery investigations. Employees who are trained shall disable the devices before collection or submission to the PEU. The items shall be packaged in such a way as to prevent the device from being activated while in the PEU storage. The packaging depends on the device. PEU personnel shall assist when necessary.

NARCOTICS AND CONTROLLED SUBSTANCES

Only sworn officers will seize and submit drug evidence to the PEU. Crime Scene Investigators should refer to the Crime Scene Investigation Manual for processing drug evidence once submitted to the PEU.

Narcotics and other controlled substances, with the exception of marijuana plants (see *Suspected marijuana plants, leaves, stems, and/or seeds*), will be counted and weighed by the submitting officer and a supervisor. The controlled substances must first be weighed with designated DPD scales and placed in a clear plastic bag and officially sealed. Controlled substances are to be packaged separately in designated drug bags containing a bar code. The pre-printed form on the top of the bag shall be completed (no package label affixed). Controlled substances seized from different persons or locations shall be placed in separate drug bags. *Only DPD-issued scales shall be used to weigh narcotics evidence.*

If DNA or Latent processing of drug packaging is requested, the submitting officer must separate the original packaging from the drug evidence prior to submission to the PEU. The original packaging evidence shall be placed in a 9x12 paper envelope and the proper label affixed. The FSD request form (Attachment 1) shall be completed and submitted to the FSD Supervisor.

The clear plastic bag will be placed inside of a drug bag. Two (2) different sized bags are available; 5" x 8" and 8½" x 10½". *Drug bags are only to be used to package narcotics.* Up to three (3) items can be placed in the large drug bags.

The information side of the drug bag must be filled out completely, to include:

- the DPD IR number,
- suspect/owner name,
- location recovered,
- seizing officer,
- date and time of offense,
- date and time the officer sealed the evidence,
- weight,
- chain of custody information (if PEU is not the first location transfer),
- a thorough description of the items within the package, and;
- the corresponding Voucher item number.

The drug bag must be closed, the attached tamper proof seal affixed, and an official seal put in place. A supervisor must initial the official seal of the drug bag. (Note: This is to be completed each time the drug bag is opened and sealed).

The seal of the drug bag shall be inspected for tampering when being accepted or released by any member of the Department. In the case of any suspected tampering, the PEU shall be immediately notified.

The Voucher and the drug bag must correspond exactly. The number that is pre-printed on the drug bag shall be entered on the Voucher in the serial number box, and the NCSCL request form.

In the event that the item will be analyzed further, a NCSCL request form shall be completed by the submitting officer for ***all*** controlled substance submissions.

Suspected marijuana plants, leaves, stems, and/or seeds

Due to the nature of the residual moisture, fresh cut marijuana plants, leaves, stems, and/or seeds will be packaged in an appropriate sized manila envelope, paper bag or brown box available in the PEU packaging area. A plastic drug bag shall be attached to the exterior of the packaging. All other procedures will remain the same for submitting the plant evidence.

In *all* instances of excessively large amounts of a controlled substance, PEU personnel shall be notified to help package and secure these items immediately; i.e. marijuana bales or plants, which cannot be placed in an evidence locker. **Drugs are not to be stored in any PEU cages.**

VEHICLES

The PEU does not accept vehicles other than bicycles, mopeds, or go-carts. Motor scooters, dirt bikes, motorcycles, and all-terrain vehicles are classified as motor vehicles and need to be towed and stored according to the DPD Towing General Order 4044.

Note: All bicycles submitted as non-evidence will be held for 60 days and then disposed of according to the law.

BIOHAZARDOUS EVIDENCE OR MATERIALS

NOTE: Under no circumstances will any improperly packaged contaminated materials or evidence be taken into Headquarters or other DPD buildings.

Anyone collecting contaminated evidence or materials for submission to the PEU are required to follow those guidelines stated in General Order 4049, “*Communicable Diseases*,” as well as the following:

Note: Bio-Hazardous material is defined as bodily fluids in this General Order.

Dry Contaminated Evidence or Material(s):

Dry contaminated materials collected at crimes scenes will be placed in a paper envelope, paper bag or box with the packages clearly marked “BIO-HAZARD” using the provided BIO-HAZARD stickers.

For evidence that contains DNA to be preserved for testing, a green property label shall be completed and affixed to the package. If no DNA is to be preserved, affix the proper label to the exterior of the package.

Turn packaged items into the PEU. Include NCSCCL request form, if necessary. If the PEU is closed, place items in a properly sized property locker or cage and tag the locker or cage as containing a “BIO-HAZARD.”

Wet Contaminated Evidence or Material(s):

Collect and package wet contaminated evidence or material(s) in a leak-resistant package and clearly mark the package “BIO-HAZARD” using the provided BIO-HAZARD stickers.

During CSU working hours, transport the wet contaminated item(s) to the DPD Crime Lab at 516 Rigsbee Avenue and request an on-duty Crime Scene Investigator (CSI) for assistance with processing. Once dried, the collecting employee is responsible for submitting the items to the PEU.

The employee is responsible for following established procedures:

- Secure the wet item(s) in a sterile Bio-Hazard Cabinet(s) to dry,
- Complete the cabinet chain of custody,
- Monitor the drying process,
- Upon completion of the drying process, follow the directions for dry material previously stated.

During any CSU stand-by hours, officers shall contact the Watch Commander for authorization to have the on-call CSI meet the officer at the DPD Crime Lab at 516 Rigsbee Avenue.

NOTE: All contaminated materials or evidence will be properly processed and secured prior to the end of the submitting employee’s work-shift. There are no exceptions to this requirement.

ELECTRONIC/DIGITAL EVIDENCE OR ITEMS

Computers, laptops, cell phones, iPads, thumb drives and other similar devices shall be handled with care and packaged to preserve and protect the item from damage.

Assistance with the proper collection and handling of digital devices shall be directed to the Forensic Services Division’s Digital Forensics Section.

All mobile devices shall be placed into “Airplane Mode” or powered off by using the device power button and/or removing the battery.

Chargers and other accessories (monitors, keyboards, etc.) that do not store data typically do not need to be collected. All parts of the same device shall be packaged together and labeled accordingly.

Items small enough shall be placed in a 9 x12 envelope, affixed with an official seal and label, and placed in a locker or handed directly to an Evidence Technician. **Do not drop digital evidence into the safe as the item could be damaged.**

If no latent or DNA processing is necessary, the make, model and serial number shall be recorded prior to packaging and entered on the Property Report. CPU’s and other large hardware shall be wrapped in paper or plastic, sealed, and the proper label attached.

Fragile devices that require additional protective insulation may be wrapped in paper, plastic or foam padding and placed in a properly sized envelope, box or wrapping.

Devices requiring DNA processing shall be wrapped in paper. An FSD request form with the proper legal authorization shall be submitted to the FSD for additional processing/examination of electronic items.

MISCELLANEOUS ITEMS

If there is no evidentiary value or menu description for an item(s) being submitted to the PEU, the label of “miscellaneous item” can be used. A description of the items shall be written on the item packaging and also typed in the voucher notes. For disposition purposes it is important for the PEU to know what exactly is inside all packages.

LABORATORY ANALYSIS REQUIRED

Special care should be taken to avoid contamination of any evidence requiring laboratory analysis. This evidence must be placed in separate packages, and separate property labels filled out and affixed on each package. When collected evidence requires further laboratory examination, the lead investigator or officer, regardless of the assigned division, is responsible for making the request by completing the appropriate FSD request form or NCSCL request form. All request forms must be properly completed with all pertinent information known to the submitting officer to ensure proper processing. A summary of the incident must be included. The Evidence Technician, upon receipt of the lab request, will log and prepare the evidence for transport to the NCSCL. FSD requests for latent, DNA, digital or firearms examinations shall be immediately submitted to the DPD FSD by the requesting officer. The PEU makes trips on a regular basis to the NCSCL and will submit and retrieve items for the DPD. Officers with court cases that require evidence be submitted to facilities outside of the Department should coordinate with the District Attorney’s office and allow enough time for the analysis and return of the evidence.

All evidence requiring in-house forensic processing must have a Forensic Services Division Request for Service Form (FSD-9) submitted to the FSD by the lead investigator or officer.

FOUND PROPERTY

Found property will be handled with the same care and procedures as evidence.

A receipt will be filled out by the employee assuming custody of any found property. A copy of the receipt will be given to the person from whom the property was received. The submitting employee retains the original copy. If such property is lost or damaged due to an employee's negligence, that employee may be subject to disciplinary action or may be required to make restitution for the property.

REMOVAL OF ITEMS FROM THE PEU

Evidence/property may be removed from the PEU by authorized personnel for the following reasons:

- Court
- Evidence Review
- Evidence analysis or processing
- Official copies/research
- Lab Submission
- Final Disposition

When employees remove evidence or property from the PEU, they must sign the appropriate receipt form for chain of custody. The employee removing the evidence or property shall return all items to the PEU on the same working day or provide notice to the PEU if additional time is necessary. Note that the chain of custody of items signed out from the PEU is the responsibility of the employee who removed the items. The chain of custody must be documented on the item packaging and/or using a department approved form such as FSD-CSIF18 Chain of Custody.

In the event it is necessary to leave evidence with the court, the employee removing the evidence will have the Property Receipt from an official of the court and return the white copy to the PEU within 48 hours.

Packages of evidence returned from the laboratory facilities outside of the Department (FBI, NCSCCL, etc.) are sealed and should not be opened by anyone unless directed by the court.

EVIDENCE REVIEWS

An investigator, district attorney, or defense attorney may request an evidence review at any time. The reviews will be held in the PEU viewing room at 921 Holloway Street. A defense attorney must provide the appropriate documentation showing their legal representation in the case, as well as any court orders pertaining to discovery. Evidence reviews are scheduled through the CSU, lead officer, and the PEU. Evidence should only be handled by authorized DPD personnel and may be viewed and recorded by defense personnel under the supervision of DPD personnel. Discovery documents from the DPD should only be submitted to the defense via the District Attorney's office. The PEU shall receive a minimum of 48 hours' notice to have the evidence ready for pickup or viewing.

DEFENSE LAB TESTING

In the event that the defense is granted an order for independent testing of DPD evidence items, the defense shall make arrangements with the DPD PEU to transport the items to and from the chosen lab via personal ground transportation or FedEx shipping.

EVIDENCE AND PROPERTY DISPOSITION

Disposition of all property and evidence will be in accordance with state statutes and orders of the court issued pursuant to these statutes. The Police Evidence Supervisor is responsible for the timely and legal disposition of

General Order 4058 R-8

all property and evidence in the custody of the PEU in accordance with law (N.C.G.S. Article 2 Chapter 15). The supervisor of the Property and Evidence Unit shall contact the police attorney for assistance with drafting any necessary court motions and orders.

The Property and Evidence unit is responsible for retaining copies of court orders directing the disposition of property for a minimum of 20 years.

Officers' Disposition Responsibility

All officers have the responsibility of obtaining legal authorization for disposal of the evidence submitted in their cases. In arrest cases, officers are responsible for requesting court disposition of evidence items that are involved in their court proceedings. *A Court Order takes precedence over any other authorization.*

Storage space is critical; evidence and property shall be released as soon as legally possible. Officers shall work closely with the District Attorney's Office to determine the earliest date of disposition in their cases.

Officers who have state charges dismissed because of pending or active federal charges shall notify the PEU, in writing, to ensure that the evidence status is updated and the items are maintained as long as the court deems necessary.

Online Public Auction

For items legally eligible for public auction, a notice will be printed in the newspaper at least 30 days in advance of the online auction. Any proceeds from the auction, after all expenses are paid, are turned over to the Durham County School Board.

Donations

All items legally eligible to be donated by the DPD PEU will go to locally qualified charitable organizations.

Return to Owner

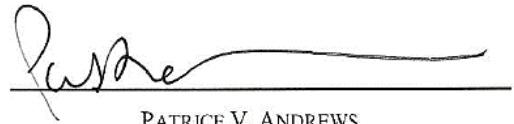
All citizens with the legal authority to pick up their property/evidence must schedule an appointment with the PEU after securing the proper paperwork (i.e. court order, ownership papers) to have their item(s) returned. All citizens requesting return of property and evidence must report to the PEU at 921 Holloway Street with a photo ID and paperwork at their scheduled date and time.

Conversions

No property seized by law enforcement, found, or received as found by the Department shall be converted for personal ownership or use by any member of the department.

Some items received into the PEU may be eligible for conversion to law enforcement use. Any member of the department seeking to have eligible property converted to official use by the Department shall make a written request to his or her Division Commander. The request must specifically describe the property sought and the official use to which the property will be used. The Division Commander shall obtain written approval of the request from his or her Assistant Chief. The Division Commander will provide written approval to the Police Evidence Supervisor. The police attorney will assist in drafting any necessary court motions and orders. The PEU will not release the property to the requesting member until the appropriate order has been obtained.

Upon appropriate approval, the item(s) and responsibility will then transfer to the inventory for the unit assigned the item. Under no circumstances will property received under the conversion process be used in a manner that is not consistent with official use.

A handwritten signature in black ink, appearing to read "Patrice", is written over a horizontal line.

PATRICE V. ANDREWS
CHIEF OF POLICE