

**FORT MYERS POLICE DEPARTMENT
GENERAL ORDER 14.2**

TITLE: Property and Evidence Section (PES)

INDEXING: Preservation, Submission, Storage, Disposition, and Release of Property/Evidence and Contraband, Property/Evidence Security, Inspections and Audits, and Court and Attorney Guidelines.

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PURPOSE

The purpose of this general order is to establish procedures for the proper preservation, storage, security and disposition of property and evidence; and to establish a system for inspections and audits.

SCOPE

These procedures shall apply to all Fort Myers Police Department (FMPD) personnel.

SECTION I: PRESERVATION OF PROPERTY/EVIDENCE (C.A.L.E.A. 84.1.1d)

- A. The employee packaging any evidence shall adhere to the Florida Department of Law Enforcement (FDLE) standards. Employees will always wear gloves and carefully handle all items in order to preserve evidence such as latent prints. When handling any substance that may contain fentanyl employees must wear gloves and a mask. Evidence containers and technical assistance are available from the Property & Evidence Section (PES) or Crime Scene Unit (CSU) personnel. Refer to G.O. 14.1 and FMPD packaging manual for further instructions.
- B. Involvement type (evidence, found, or safekeeping shall be entered in the FMPD Record Management System (RMS) for each item. Both the status and reason for police custody must be the same involvement type **for found and safekeeping items. For evidence, the status must state evidence, and the reason for police custody should consist of one of the five options: Capital Felony, 1st, 2nd, or 3rd-degree felony, or misdemeanor.**
- C. The following precautions shall be taken to preserve all evidence in its original state and ensure it is not contaminated:
1. Solid evidence shall be packaged to prevent damage.
 2. Items of evidence should be packaged separately to prevent cross-contamination. Items that require fingerprint processing must be packaged separately in paper or cardboard.
 3. Liquids shall be placed in sealed, leak proof containers to prevent leakage, evaporation, or intrusion of foreign substances.

- D. All property should be packaged using the following FDLE standards:
1. Controlled substances shall be weighed, and field tested, preferably in the presence of two Officers. Pre-packaged weight shall be recorded in RMS.
 2. Tablets/pills, capsules, powders, or other solid substances being submitted to FDLE for analysis must be removed from containers which prevent visual inspection and carefully placed into a clear plastic evidence bag. Items should be placed in small clear plastic bag and then sealed in a 6" x 10" or larger clear plastic bag. Provide a full description of the powder color and weight.
 3. Tablets/pills and capsules must be counted, and the RMS entry must include the total count, color and shape of the tablet, and a full description of markings on both sides, in the description field. If the container contains more than 10 tablets, DO NOT COUNT, weigh the tablets/pills or capsules.
 4. Liquids in a syringe being submitted to FDLE for analysis must be removed from the syringes and discharged into a sealed vial. ALWAYS hold the vial using a clamp when inserting the syringe to avoid an accidental needle stick. Place all glass vials in a crush proof container and place the container in a plastic bag and place the syringe in a sharps container in a separate package. If available, Officers should seek assistance from (PES).
 5. Live plant material shall only be placed in a paper evidence bag and properly sealed to prevent the plant(s) from decomposing and molding.
 6. Employee's initials, ID, and date shall be written on both the top and bottom of evidence tape overlapping the package.
 7. A printed bar code label shall be attached to each item (one bar code per item).
 8. All bodily fluids must include the source's full name in the description field in RMS. A biohazard label shall be attached to the container.
- E. Wet or bloody clothing must be completely dried utilizing the dry tanks prior to submitting to the Property & Evidence Section. The following procedures apply to utilization of the dry tanks:
1. The drying room, containing 2 dry tanks, is located within the night shift sergeant's office.
 2. The drying room door shall remain closed and locked at all times when not in use. Only Crime Scene personnel, Detectives and patrol Supervisors have access to open the drying room.
 3. Officers who need to place evidence into a dry tank must obtain access into the drying room from a Supervisor.
 4. Officers/Detectives placing evidence into a dry tank shall complete the Dry Tank Sign in Sheet for each case. The form must be completely filled out and witnessed, initialed, and verified by a Supervisor. Officers/Detectives must ensure they secure the dry tank door with a serialized zip-tie lock located in the drying room. The serial number for the zip-tie lock must be entered on the Dry Tank Sign-in Sheet.
 5. Officers/Detectives shall follow the directions posted in the drying room detailing the procedures to properly use and sanitize the dry tanks.

6. PPE (gloves, sleeve covers, masks) are provided in the cabinets to wear while submitting/removing items and cleaning the dry tank(s).
 7. The submitting Officer/Detective is responsible for retrieving all items from the dry tank and properly submitting them to the (PES).
 8. Supervisors may ONLY authorize entry into the drying room for the placement or retrieval of evidence from a drying tank. All other access into the drying room must be coordinated by Crime Scene Unit Personnel Only.
 9. The Crime Scene Unit is responsible for conducting a daily check of the drying room to ensure evidence is secure and supplies are stocked. These checks shall be entered on a separate entry/exit log maintained by the Crime Scene Unit.
- F. If sealed evidence must be opened, an unopened edge must be used, NEVER cutting, or removing the original seal. The evidence package must be properly resealed as described above. An explanation must be entered into RMS.
- G. The investigating Officer is responsible for requesting analysis of evidence, except narcotics, using FDLE request form. Evidence requiring laboratory analysis shall be submitted to the laboratory by the (PES) within ten working days.
- H. A receipt for all evidence submitted to the laboratory shall include the following:
1. The name of the submitting employee.
 2. The date and time the evidence is submitted to the laboratory.
 3. The method used to transmit the evidence to the laboratory (mail, in-person, etc.)
 4. The date and time received by the laboratory.
 5. The name, and signature of the receiving person at the laboratory.

SECTION II: SUBMISSION OF PROPERTY/EVIDENCE (C.A.L.E.A. 84.1.1d)

Fort Myers Police Department Evidence Packing and Submission Procedure:

<https://powerdms.com/link/FMPOLICE/document/?id=1659177>

- A. All non-department property and evidence taken into custody by Department members shall be immediately brought to the (PES). (PES) technicians shall record, index, and store all submitted property and evidence in a secured location. The submitting employee shall enter a description of the non-department property or evidence into the FMPD RMS. A bar code shall be generated that will be attached to the evidence/property package. If the bar code printer is not operating the submitting employee shall fill out a blank label, located next to the bar code printer, and attach it to the evidence/property package. **(C.A.L.E.A. 84.1.1a,b & 84.1.5)**
- B. All firearms shall be properly unloaded and made safe prior to being submitted to the (PES) using the appropriate firearm box. An “unloaded” sticker must be initialed by the submitting Officer and affixed to the box. NO live rounds will be submitted in the gun box. Magazines and ammunition are to be placed in a separate paper evidence bag. Firearms shall be secured in a handgun/rifle box and a plastic tie is to be placed through the barrel, ejection port, or cylinder rendering the firearm safe. If the firearm cannot be safely unloaded, it is the Officer’s responsibility to contact a department armorer. Firearms recovered in a liquid will be placed in a sealed water-tight container filled with **same** the liquid. The name of the person the firearm was recovered from, if the firearm was fired during the reported incident, the make, model, and serial number of the firearm must be recorded on the box. Firearms and ammunition will be placed in a locker. An FMPD Crime Scene Unit Request for Services form will be **completed for** all firearms **and electronically sent to the Crime Scene Unit via Laserfiche.**

1. If the firearm cannot be safely unloaded, the Officer shall place the firearm in a firearms box with a "LOADED" sticker on it and place it in a locker outside the PES. The firearms box shall be placed in a locker by itself with the barrel of the gun facing away from the locker door. The Officer will also place a "LOADED" magnet on the outside of the locker door. The Officer will send an email to PES notifying them that a loaded firearm is in the specified locker.
 2. It is the PES responsibility to contact a department armorer to retrieve the firearm and attempt to make it safe.
 3. Under no circumstances will anyone, other than a department armorer, handle the loaded firearm box.
- C. Property subject to forfeiture shall be handled in accordance with general order 23.1 Forfeiture Unit.
- D. All foreign and domestic currency (cash and coins) will be submitted as (evidence, found, or safekeeping) in a department currency plastic envelope. The label must be filled out completely by denomination and signed by a witness. The envelope must be sealed with evidence tape and include the employee's initials, ID, and date.
1. All U.S. Currency/Cash submitted as (evidence, found, or safekeeping) must be completely counted and itemized by denomination and listed by the submitting officer/detective in the RMS reports. The witness officer and supervisor (if applicable) must be listed in the RMS report.
 2. Officers will utilize their body worn cameras to the fullest extent possible to capture all aspects of the recovery/seizure/processing of U.S. Currency. Any officer/detective who is not issued a body worn camera will photograph the currency recovery and processing.
 3. The below thresholds require supervisory validation of the currency count prior to submission to the Property & Evidence Section.
 - a. \$5,000 to \$10,000 (Sergeant)
 - b. \$10,000 to \$50,000 (Lieutenant)
 - c. \$50,000 or more (Captain or above)
- E. Suspected counterfeit currency will be photographed (front and back) and uploaded to Evidence.com. The item will be submitted as (evidence, found) in a department currency *manila* envelope *separately*. The label must be filled out completely by denomination and signed by a witness. The envelope must be sealed with evidence tape and include the employee's initials, ID, and date. **Submitting officers will complete the SSF 1604 Form in Laserfiche for each piece of counterfeit money submitted. All suspected counterfeit currency will be sent to FDLE to process for latent prints. Once the suspected counterfeit currency is returned from FDLE, confirmed counterfeit currency** will be submitted to the Fort Myers Secret Service Field Office for examination.
- F. All items of evidence and non-department property shall be documented using RMS. The circumstances by which the property came into the agency's possession and the following information shall be documented in a written report: **(C.A.L.E.A. 84.1.1c)**
1. Report number.
 2. Date/Time.

3. Complainant's name and address.
 4. Owner's name and address, if known.
 5. Suspect's name, if known.
 6. Officer's name and identification number.
 7. Detailed list of evidence/property.
 8. Location where item was recovered/seized.
9. Officers shall run all firearms (evidence, found, or safekeeping) through NCIC/FCIC and document the results of the inquiry in their incident report. Officers must apply RMS priority code 1 to their report to ensure the firearm status is properly entered into NCIC/FCIC by Communications.
- G. During the hours of operation of the (PES), Monday-Friday 0700 to 1900 hours, all items of evidence and property shall be turned into a (PES) technician.
- H. When the (PES) is closed, all items shall be properly tagged and securely placed in (PES) temporary storage lockers located next to the (PES) or the (PES) drop chute. Large items will be secured in the appropriate temporary (PES) bike compound job box/lockers, vehicle impound compound, or vehicle holding facility. **(C.A.L.E.A. 84.1.1e & 84.1.3)**
- I. When utilizing the (PES) temporary storage lockers:
1. All items must be properly packaged and documented.
 2. When property is put into a storage locker or chute, the employee shall enter submitted items into RMS. **(CALEA 84.1.3)**
 3. Items shall be stored in a compartment of appropriate size.
 4. Items related to the same case should be placed in the same compartment when possible.
 5. Items shall be properly and securely locked in a locker or compound. Only (PES) personnel can open locked temporary property-evidence storage lockers and the (PES) compound. **(CALEA 84.1.1a)**
- J. During an active investigation, employees may place evidence and/or property in a locked temporary evidence locker overnight. The following business day, the employee shall contact (PES) to gain access to the secured locker. CSU personnel may place evidence they are processing in their assigned locked temporary evidence locker overnight. CSU lockers are located in the CSU office and only CSU personnel can open locked lockers.
- K. Blood and urine shall be placed in the (PES) temporary evidence refrigerator. Items will be properly and securely locked in the refrigerator and only (PES) personnel can open the locked compartment.
- L. Items such as cars and boats shall be secured in the Vehicle Impound Compound (4200 Martin Luther King) or the Vehicle Holding Facility (2238 Cleveland). Vehicles placed in the Vehicle Holding Facility will be secured inside the chain link fence located inside of the facility. Vehicle keys and/or fobs will not be left in the vehicle. Key/fobs will be submitted as a separate item. The employee shall enter the vehicle into RMS. The original Tow Log will be submitted to the Records Section and a copy of the Tow Log shall be submitted to the PES. Access to these facilities is gained by contacting an on-duty Supervisor. **(CALEA 84.1.3)**
- M. Bicycles shall be tagged with a bar code and placed in the secured bicycle cage. The submitting employee is responsible for securing the bike cage door. The item shall be checked-in, in RMS. **(CALEA 84.1.3)**

- N. ShotSpotter casings will be submitted as evidence. Each spent casing of the same caliber will be placed in a small manila envelope and sealed in a small paper bag. Do not put multiple calibers into the same bag. INTEL will image all ShotSpotter casings into NIBIN.
- O. If the owner of property can be identified but the property is not evidence it can be taken into custody for safekeeping:
1. The employee shall properly package the property and enter the information into RMS as safekeeping.
 2. The employee shall enter submitted items into RMS.
 3. The employee who takes safekeeping property into custody shall complete a FMPD property safekeeping receipt.
 4. The employee shall give the yellow copy of the safekeeping receipt to the property owner.
 5. The original receipt shall be submitted to Records. Records shall scan the receipt into RMS.
 6. The employee shall submit the property to the (PES).
 7. Safekeeping property shall be considered abandoned after 90 days and shall be disposed of in accordance with Chapter 705, Florida Statutes.
- P. If the owner of property cannot be identified the property can be taken into custody as found property:
1. The employee shall properly package the property and enter the information into RMS as found.
 2. Found property, if unclaimed, will be considered abandoned after 90 days and shall be disposed of in accordance with Chapter 705, Florida Statutes.
- Q. When entering drugs into RMS:
1. All narcotics are located under the 'Drugs' tab in RMS.
 2. Paraphernalia is located under the 'Other' tab; category is 'Drug/ Narcotic Equipment'.
 3. Description: Describe what the narcotic/paraphernalia is (i.e., White Rock like Substance.
 4. Quantity: This is the weight of the narcotic ONLY.
 5. Identifier Type needs to be 'Total Package Weight'; then Identifier will be the total package weight in grams.
 6. Add the person's name in the description field.
 7. Enter appropriate status, (evidence, found). The status and reason for police custody must both be the same. Enter status date and value.
 8. Enter the location where the narcotic/paraphernalia was located.

9. Narcotics will ALWAYS be submitted a clear plastic bag in a plastic bag. The bag is placed inside a larger clear plastic bag and sealed.
10. If narcotics are located in multiple bags or can be transferred into a small evidence bag (i.e., safely, and easily transfer crack; not able to easily transfer powder), separate the narcotics from the bag. Submit the outer sandwich bag as a separate piece of evidence in a paper bag. If an item may have latent prints, complete as Crime Scene Unit Request for Service form electronically and send it to the Crime Scene Unit via Laserfiche.
11. Separate the dime bag, place in small evidence plastic bag, then place that bag into a larger plastic bag. If an item may have latent prints, complete as Crime Scene Unit Request for Service form electronically and send it to the Crime Scene Unit via Laserfiche.
12. Liquid must be transferred into a glass vial using a syringe and clamp. Place the vial into a plastic tube, and then submit the item in a plastic bag.

SECTION III: STORAGE OF PROPERTY/EVIDENCE

- A. Prior to placing evidence/property in the (PES) temporary evidence storage lockers or compounds, all items must be properly packaged and documented. Items shall be stored in a compartment of appropriate size. After item(s) are placed in the compartment, the door shall be closed and locked. Once the compartment is locked it can only be opened by (PES). **(C.A.L.E.A. 84.1.1a,b & 84.1.5)**
- B. At the beginning of each duty day, a member of the (PES) shall remove all items from the temporary (PES) storage lockers, (PES) evidence compounds, and the (PES)refrigerator. All items shall be checked-in using RMS and secured into one of the secured locations. **(CALEA 84.1.1a)**
- C. Firearms, narcotics/controlled substances, currency, and precious metals/stones and items high in value shall be stored in secured areas within the (PES) (minimum of two layers of security). **(C.A.L.E.A. 84.1.1e)**
- D. When custody of evidence is transferred, the transfer shall be recorded in RMS using an electronic signature. **(CALEA 83.3.2d)** All evidence temporarily checked out for processing or inspection shall be recorded in the RMS using an electronic signature. Upon completion, the receiving employee shall immediately return the property to the (PES) and sign an electronic resubmission receipt. **(CALEA 84.1.1g)**
- E. The following procedure will be used for all items submitted for processing:
 1. For all latent prints or evidence being submitted for processing of latent prints or DNA, the submitting employee shall complete an FMPD Crime Scene Unit-Request for Service form electronically and send it to the Crime Scene Unit via Laserfiche. An FMPD Crime Scene Unit-Request for Service form will be completed for all latent print cards and all evidence submitted for latent print or DNA processing.
 2. Private lab testing must be pre-approved and the submitting employee shall follow procedure outlined by the laboratory. (PES) personnel shall be responsible for transporting evidence to and from private labs.
 3. Drugs will be processed at the request of the State Attorney's Office. For other processing requests, the submitting employee shall complete a request for FDLE analysis form OR complete a FDLE Prelog submission form for evidence being

submitted to FDLE. The requesting employee will submit the FDLE Prelog form to the PES for processing.

4. (PES) shall transport the item from FMPD to the appropriate FDLE Lab for processing.
5. FDLE will generate an electronic packing slip and a case tracking form.
6. Pursuant to analysis, a (PES) technician shall transport item back to FMPD.
7. A (PES) technician shall sign a FDLE laboratory evidence release form.
8. The submitting employee will be notified via email when analysis results are posted on FDLE Prelog. **(C.A.L.E.A. 84.1.1e & 84.1.3)**

F. Employees shall link police reports/investigations in the Records Management System (RMS), and/or place a hold on property/evidence related to cases/investigations in the RMS under the following conditions.

1. Felony Cases (Report in Progress):

- a. When the Officer/Detective/CSA writing the report knows, or is made aware, their case is linked to another case/investigation, the cases need to be linked in RMS. The Officer/Detective/CSA writing the report is responsible to ensure the cases are linked.
- b. When the Officer/Detective/CSA, writing the report knows, or is made aware, that a specific item within their report is linked to another case/investigation, a HOLD must be placed on that item in RMS. After requesting a disposition, the Officer/Detective/CSA will have the option to select HOLD.

2. Felony Cases (Report Previously Approved):

- a. The assigned case detective shall be responsible for linking the cases in RMS.
- b. If property needs to be retained, a HOLD MUST be placed on that specific item within RMS by the case detective. After requesting a disposition, the Officer/Detective/CSA will have the option to select HOLD.

3. Misdemeanor Cases (Report in Progress or Previously Approved):

- a. When the reporting officer/CSA knows, or is made aware their case is linked to another case/investigation, the cases need to be linked in RMS. The Officer/CSA writing the report is responsible to ensure the cases are linked.
- b. When the reporting officer/CSA knows, or is made aware that a specific item within their report is linked to another case/investigation, a HOLD must be placed on that item in RMS. After requesting a disposition, the Officer/Detective/CSA will have the option to select HOLD.

SECTION IV: DISPOSITION OF PROPERTY/EVIDENCE (C.A.L.E.A. 84.1.1f,g)

A. The final disposition of evidentiary property from cases filed by the State Attorney's Office or reviewed by the State Attorney's Office will be disposed of in accordance with Evidence Destruction guidelines issued by the State Attorney's Office of the 20th Judicial Circuit. Cases with codefendants will be based upon the disposition date of the last defendant prosecuted.

B. The final disposition of evidentiary property from cases that are not filed or reviewed by the State Attorney's Office will be eligible for disposal when the crime has met its statute of limitations for prosecution. Final disposition of found and safekeeping property shall be accomplished a minimum of three (3) months after legal requirements have been satisfied. Evidence may be released to the owner at the scene, with the approval of the Case Officer/Detective and the approval of a Supervisor.

1. The exceptions to the above policy are Homicide cases which shall require approval from the Detective Division Bureau Commander prior to any evidence disposal.

C. Evidence may be released to the owner at the scene, with the approval of the Case Officer/Detective and the approval of a Supervisor.

D. Photographs in connection with the return of evidence to its owner shall be taken by the investigating employee and shall include the following documentation:

1. A written description of the property, including make, model, and serial number (if any).
2. Owner's name.
3. Location of offense.
4. Name of investigating Officer/Detective.
5. Photographer's name and signature.
6. Date of photograph.

The employee taking the photographs is responsible for uploading the photographs into Evidence.com.

E. Employees shall return evidence to its lawful owner once photographs have been taken unless there is a compelling law enforcement reason to retain the evidence. Reasons for retaining evidence include:

1. The evidence is contraband such as illegal narcotics, counterfeit money, etc.
2. Evidence to be held for civil forfeiture proceedings.
3. When the property itself is better evidence than a photograph.
4. When the employee is unable to process evidence on scene.

F. For property taken into custody (PES) personnel will make an effort to identify and notify the owner or custodian of property being held by the agency.

G. When evidence can be released to its owner without jeopardizing a case, the Officer or Detective in charge of the case shall arrange for its proper disposition.

H. Personnel requesting to have items of evidence in criminal cases released to individuals must obtain the approval of a Supervisor.

I. The (PES) will notify the owner and arrange for the return of the property or evidence, after receiving written approval from the case Officer/Detective with approval from a Supervisor.

J. Any sealed evidence shall be opened in the direct view of the owner and in view of a recording camera. Each item will be visually inspected to ensure that the bag contains all of the items of evidence listed on the original evidence submission form. In the event an item may be missing the (PES) Supervisor shall be immediately notified. The property owner will electronically sign the receipt of release form and submit a photograph confirming that the property was returned to the owner.

K. If a Court Order is issued for the return of property, the property shall be released in accordance with Florida Statutes and Department procedures.

- L. Property from cases which involve pawnbrokers' claims shall be disposed of pursuant to current Florida Statutes.
- M. **Firearms:** The (PES) will receive approval through the FDLE Firearm Eligibility System, an ATF Firearm Trace Report, and a Convicted Felon check on all firearms before being returned to their owner.

Firearms recovered as evidence, safekeeping, or found may be released to the rightful owner if **one** of the following circumstances exist:

1. The Officer has authorized the release of the firearm with the Homicide Unit Supervisor approval and the agency Risk Protection Order (RPO) Investigator verifies the firearm is not related to an active or on-going RPO inquiry.
 2. Court order
 3. The firearm was taken as safekeeping or found, and the rightful owner has been positively identified.
 4. Any firearms or ammunition seized or voluntarily surrendered under F.S.S. 394.463, within 24 hours after the person taken into custody can document that he or she is no longer subject to involuntary examination and has been released or discharged from any inpatient or involuntary outpatient treatment provided or ordered, unless they are the subject of a Risk Protection Order (RPO) under F.S.S. 790.401 or other law prohibiting possession. By statute, the process for returning seized or voluntary surrendered firearms and/or ammunition may not take longer than seven (7) days. The (PES) Supervisor or designee will be responsible for the return of these items.
- N. If the requesting party is convicted of violating F.S.S. 790.07 (committing a Felony involving the use of weapons, electronic weapons, or firearms), the weapon or firearm is forfeited to the state.
 - O. (PES) personnel shall ensure that any final disposition of property/evidence is in compliance with Florida Statutes and is accomplished within six months after legal requirements have been satisfied. **(C.A.L.E.A. 84.1.7)**
 - P. PES personnel do not have the capability to verify the contents of prescription bottles. Therefore, in order to avoid the release of potentially dangerous or even deadly substances to the public, PES personnel will not release the contents of prescription bottles to the public. Empty prescription bottles may be returned upon request. Sealed labelled prescription bottles containing medicine may be returned to the owner.

SECTION V: CONTRABAND

- A. Following the disposition of a case involving contraband, the contraband shall be destroyed in accordance with Florida Statutes.
- B. Items of contraband may be used in covert operations after being transferred to FMPD with written approval of the Investigative Service Bureau Commander.
- C. Contraband used in covert operations shall be checked out of the (PES) using the following procedures: **(C.A.L.E.A. 84.1.4, 84.1.1g)**
 1. Contraband used for covert operations may only be checked out by the Investigative Services Bureau Commander.

2. All contraband shall be weighed and/or counted and recorded on a property checkout receipt in the presence of the Investigative Services Bureau Commander and (PES) Supervisor. The same procedure shall be in effect when the contraband is returned to the (PES).
3. Controlled substances shall be presumptively tested by using a Nark II Test Kit in the presence of the Investigative Services Bureau Commander and (PES) Supervisor. The same procedure shall be in effect when the contraband is returned to the (PES).
4. Should contraband be required for an operation not be available, they may be requested from another law enforcement agency with the approval of the Investigative Service Bureau Commander.
5. Requests from outside agencies for use of contraband held by the Fort Myers Police Department may be honored based on availability and approval of the Chief of Police or designee. The requesting agency must agree to comply with the above procedures before approval is granted.

SECTION VI: INSPECTIONS AND AUDITS

- A. In order to ensure the integrity of the property and evidence storage systems, the following inspections and audits shall be conducted: **(C.A.L.E.A. 84.1.1h, 84.1.6a,b,c,d)**
1. The Administration Bureau Commander or designee shall conduct semi-annual inspections of the (PES) to evaluate:
 - a. Cleanliness
 - b. Orderly storage of items
 - c. Security of the stored property/evidence
 - d. Compliance with General Orders and other directives
 - e. Compliance with property/evidence disposal procedures
 2. Whenever there is a change of the (PES) Supervisor, an audit shall be conducted jointly by the incoming Supervisor and a designee of the Chief of Police. A specific sample size of "High Risk" items (currency, jewelry, firearms, and drugs) will be audited according to Appendix I of the CALEA Standards Manual for proper documentation and accountability. If an error rate of 4 percent or greater is discovered when conducting the audit, a complete inventory of the high-risk property must be performed.
 3. An annual audit and inventory of property and evidence shall be conducted by a Supervisor appointed by the Chief of Police. The audit Supervisor shall be someone not routinely or directly connected with control of property or evidence. The annual audit shall include a significant representative sampling of items held in the (PES) and offsite storage areas, including high risk items. (Sampling size for the inventory shall in accordance with Appendix K in the CALEA Law Enforcement Standards Manual)
 4. At least once a year, the Administrative Bureau shall conduct an unannounced inspection of property storage areas. The inspection shall evaluate:
 - a. Cleanliness
 - b. Orderly storage of items
 - c. Security of the stored property/evidence
 - d. Compliance with General Orders and other directives
 - e. Compliance with property/evidence disposal procedures

SECTION VII: SECURITY OF PROPERTY/EVIDENCE (C.A.L.E.A. 84.1.2)

- A. Access to the (PES) bicycle compound, vault or vehicle impound compound is authorized as follows:
1. All (PES) personnel.
 2. Supervisors have access to the Vehicle Impound Compound and the Vehicle Holding Facility for entry, inspection, or processing of vehicles only.
 3. Prior to entering the Vehicle Impound Compound, the Supervisor or (PES) personnel will notify communications that the Vehicle Impound Compound is being entered using Admin Status EC. The employee will link the vehicle to the report number associated with the vehicle seizure. Communications is able to monitor the vehicle impound compound via cameras.
 4. The employee will unlock the gate and have the vehicle placed into an open space and the space number will be entered into the FMPD RMS.
 5. Once the vehicle has been properly parked and tarps put into place as necessary, the employee shall secure the lot and notify communications using Admin Status EC. Communications will record the date and time of all entries and exits into the Vehicle Impound Compound.
 6. Only (PES) personnel are authorized to release vehicles from the vehicle impound compound. All released vehicles will be towed by the authorized towing service to their facility.
 7. Vehicles may be placed temporarily in the Vehicle Holding Facility for processing. A vehicle submission form must be completed in RMS. The submission form and tow slip must be immediately submitted to the Property & Evidence Section. The vehicle keys/fob if available will be submitted to the (PES) as a separate item.
 8. Vehicles may be released from the Vehicle Holding Facility with Supervisor approval. Only (PES) personnel are authorized to release vehicles from the Vehicle Holding Facility.
 9. (PES) personnel may transfer a vehicle to the Vehicle Impound Compound using an authorized towing service. The vehicle will be kept in sight until it is secured in the Vehicle Impound Compound. A vehicle may be released to another law enforcement agency.

SECTION VIII: RELEASE OF VEHICLES

The purpose of this section is to establish specific guidelines for the release of vehicles from the Vehicle Impound Compound or the Vehicle Holding Facility. Towing procedures are outlined in General Order 24.6, Towing and Storage of Vehicles.

- A. Control of Stored Vehicles: Vehicles stored within the Vehicle Impound Compound or the Vehicle Holding Facility shall be under control of the (PES). Release of these vehicles will be determined by the investigating Officer/Detective with the approval of a Supervisor. The release of forfeiture vehicles will be authorized by the City Attorney. The investigating Officer/Detective will notify (PES) via email that the vehicle release has been approved. (PES) will print a Receipt of Release form that must be signed by the towing company driver.

B. Release of Evidence Vehicles:

1. The Case Officer or Detective shall email the (PES) that a particular vehicle has been approved for release. All vehicle releases must be approved by a Supervisor.
2. The (PES) will ensure the vehicle owner has been notified that the vehicle will be released and provide contact information. Vehicle transfers to the designated tow agency facility will not take place until the agency has notified the owner.
3. An In-Kind letter may be issued by an Investigator Supervisor if the vehicle is owned or operated by a victim or a witness. The City of Fort Myers will be responsible for storage and towing fees. All released vehicles will be towed by the authorized towing service to their facility. The driver will sign a Receipt of Release form and given a copy of both the original tow slip and the In-Kind letter. The vehicle will be towed as outlined in VIII. B. 2.

SECTION IX: COURT AND ATTORNEY GUIDELINES

- A. Officers will make every effort to give two (2) hours advance notice via email to the (PES) for evidence needed for court.
1. The requesting Officer will sign a Receipt of Release form and be issued a re-submission form.
 2. All items retained by the court will be noted on the re-submission form. The Officer will ensure the re-submission form listing all retained items is signed by a court official.
 3. (PES) personnel shall scan the Receipt of Release form, and the re-submission form into RMS and make notations in RMS. **(CALEA 84.1.1g)**
- B. Defense Attorneys: Defense attorneys wanting to view evidence must coordinate with the State Attorney's Office and the investigating Officer to make an appointment with the (PES) prior to the viewing. The attorney may have a copy of their "DEMAND FOR DISCOVERY," which will be left with the (PES) so it can be scanned into RMS. A representative from the City of Fort Myers and/or a representative from the State Attorney's office must be present during the viewing.
- C. Expungement Orders: All Expungement Orders will be processed in accordance with the provisions of the order/notice. All associated property with the individual will be destroyed. If there is a co-defendant, all associated evidence with that individual will remain in custody. The court order # will be the authorizing authority in RMS. The Records Unit will be notified of completion of the order via email.
- D. Seal Orders: All Seal Orders will be processed in accordance with the provisions of the order/notice. A hold will be placed on all property and the court order # will be the authorizing authority in RMS. The Records Unit will be notified of completion of the order via email.
- E. Spoliation Notice: All Spoliation Notices will be processed in accordance with the provisions of the order/notice. A hold will be placed on all property and a copy of the Spoliation Notice will be scanned into RMS. The Records Unit will be notified of completion of the notice via email.

APPROVED:

[DIGITAL SIGNATURE ON FILE]

**Jason Fields, Chief of Police
Fort Myers Police Department**

01/28/2025

Date