



FAIRBURN GEORGIA POLICE DEPARTMENT OPERATIONS MANUAL



CHAPTER 13 **Property and Evidence**

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**STANDARD OPERATING PROCEDURE
EFFECTIVE: 05/19/2008**

S.O.P. 13-1 PROPERTY AND EVIDENCE MANAGEMENT

I. PURPOSE

The purpose of this policy is to establish continuous security measures and procedures for receiving, storing, releasing, and disposing of all in-custody and evidentiary property obtained by employees into agency control.

II. POLICY

The policy of this department is to provide for the safekeeping of all property and evidence (P&E). A detailed report shall be completed whenever property and evidence is taken into custody, including an explanation of the circumstances by which the property came into the agency's possession and a clear description of each item of property obtained. The exact location where evidence was submitted shall also be documented (temporary storage locker, property drop, agency impound lot, etc.). This agency shall maintain a proper, documented chain of custody and secure property in a manner that will ensure safekeeping and that evidence is available and admissible in court. All property acquired through the criminal and civil process shall be accounted for in agency records and disposed of pursuant to legal authority.

III. PROCEDURE

A. Collection, Preservation, and Presentation of Physical Evidence

The investigation of crimes and the prosecution of offenders require that information be obtained through the application of scientific knowledge and methods. To effectively use laboratory support services, physical evidence must be identified, collected, preserved properly, and transmitted to the laboratory. Physical evidence is of major importance in all cases, particularly in those cases that have no witnesses. The successful prosecution of a case often depends on the quality of the evidence (physical and digital) that is collected and the manner in which it is presented.

The Fairburn Police Department will diligently follow forensic methods of obtaining and protecting evidence in order to carry out the functions of the department. All officers and investigators are responsible for the collection and preservation of evidence in a proper and timely manner. All items shall be properly packaged and labeled with the case number, item number, and brief description. Additionally, they are responsible for maintaining and documenting the chain-of-custody for all evidence collected.

1. Processing Evidence in the Field:

- a. Evidence collection is usually accomplished after the search of the crime scene has been completed. A rough sketch, photographing, and/or videotaping shall be completed based on the seriousness of the crime.
- b. Before collection, gloves will be worn and all evidence/property will be photographed in place.
- c. The investigating officer's first priority during the collection of evidence is to collect and preserve any evidence that may be contaminated during the search or has a potentially limited life span.

- d. When collecting evidence at the crime scene for laboratory analysis, the amounts needed will depend upon the type of evidence and the tests to be conducted.
- e. For proper evaluation of stains by laboratory technicians, control samples must be submitted in addition to the collected stains. For example, a stain on a waxed surface should be collected by scraping beneath the stain. In addition, unstained portions should be collected and identified as control samples. The integrity (unimpaired condition) of the control sample must be preserved as carefully as that of the evidence.
- f. An investigator (or Crime Scene Technician if available) will process and gather physical evidence when needed.

2. At the Scene:

- a. It is the responsibility of the first officer at the scene of a crime to secure that scene from all nonessential personnel as soon as possible and protect the integrity of potential evidence. The officer securing the scene should initiate a log listing the time, name, and reason for all personnel who enter the crime scene.
- b. All personnel at the scene will not disturb, touch, or handle evidence unless a danger exists that the evidence will be lost or destroyed prior to processing by a crime scene technician, investigator, or if an accident scene, a uniformed officer. Should such a situation arise, it becomes the responsibility of the officer to photograph, mark, seal, and submit a completed property and evidence record and preserve the evidence.
- c. The person taking possession of property will document receipt in agency records as soon as possible. All collected property and evidence will be placed under the control of the property and evidence unit before the end of his/her shift.
- d. Whenever crime scene technicians/investigators respond to a crime scene or incident, they will be responsible for photographing, collecting, preserving, transporting, and submitting all evidence to the property room.
- e. Whenever a scene is processed by an officer, all evidence obtained will be marked and sealed, a property and evidence record completed, and placed in the property and evidence function by that officer as soon as possible, but no later than the end of the shift.
- f. The GBI form will be completed for all evidence that requires comparison or analysis that cannot be conducted internally (ex: marijuana, latent prints, cell phones, etc.). This request will be submitted with the evidence as it is turned over to the GBI Crime Laboratory. The procedures used for the collection and preservation of all evidence will be in conjunction with procedures established by the GBI Crime Laboratory.

3. Unsecure, Potentially Dangerous Materials

- a. Officer and Crime Scene Technicians (CSTs) are not trained to identify clandestine laboratories, and/or equipped to handle, stabilize, transport, or store large amounts of unsecured dangerous narcotics, and/or potentially dangerous materials. It is imperative that interaction with potentially dangerous items have

an outlined protocol for the safety and wellbeing of all personnel assigned to the scene.

- b. Unsecured dangerous narcotics, substance, and/or materials defined: any substance or material that could adversely affect the safety of the public, handlers, or carriers during transportation. This includes, but is not limited to clandestine laboratories, large marijuana grow operations, fentanyl, pill press machines, liquid Gamma-hydroxybutyrate (GHB), any other hazardous liquid materials, etc. Unsecured dangerous narcotics, substance, and/or materials will be marked with a biohazard label.
- c. Notification
 - 1) Maintain a safe distance from the scene and/or potentially dangerous material.
 - 2) A CST, or investigator, will notify their direct supervisor.
 - 3) CST, or an investigator, will contact the Fulton County Sheriff's Office at their direct supervisor's discretion.
 - 4) Should communication with the Fulton County Sheriff's Office be unsuccessful, further advisement will go up the chain of command to the Division Commander.
- d. Transport
 - 1) Two shift officers shall return to the scene with one of the Fairburn Police Department's pickup truck.
 - 2) The property shall be placed in a secure container and securely fastened to the bed of the pickup truck for transport.
 - 3) Potentially dangerous materials shall not be transported inside any city issued vehicle.
 - 4) Potentially dangerous materials shall result in immediate notification to the Property and Evidence Manager, who shall respond and physically check-in and secure the materials.

4. Collection of Blood and/or Urine for DUI Investigations:

- a. In any arrest or investigation for driving under the influence (DUI) of alcohol and/or drugs, the appropriate DUI kit for collecting blood or urine will be utilized.
- b. Piedmont Hospital (Newnan or Fayetteville locations) are available to collect blood and urine samples.
- c. Blood draws will only be conducted through documented (written or recorded) consent or a valid search warrant and must be collected as soon as possible after the violation.
- d. Blood and/or urine specimen containers must be sealed with a label that displays the following information:
 - 1) Name, gender, and date of birth of the suspect
 - 2) Date and time of collection
 - 3) Name of person(s) collecting and/or sealing the sample

- e. All samples will be submitted and secured in the evidence unit, along with a property record by the arresting officer, and a completed GBI submission form as soon as possible thereafter, but no later than the end of shift.

5. Collection of Blood and/or Other Bodily Fluids at Crime Scenes:

- a. Blood, urine, semen, and other body fluids will be collected at a crime scene by personnel trained in collection procedures.
- b. All specimens collected will be securely packaged, sealed, labeled, submitted, and documented on JusticeOne RMS.

6. Latent Prints:

The following general guidelines will be followed when processing a crime scene for latent prints:

- a. Officers shall attempt to process all entering autos and burglaries for latent prints.
- b. Latent impressions developed with fingerprint powder should be photographed on the original object with and without a scale. Additionally, the overall, midrange, and close up of the object being printed will be photographed. After being photographed, they may be lifted. The lifted print is to be placed on a latent backing card and the following information recorded:
 - 1) Date
 - 2) Case number
 - 3) Offense/victim
 - 4) Incident location
 - 5) Location prints lifted from
 - 6) Collected by (employee name)
- c. Latent prints shall be sent to a departmental latent fingerprint examiner. If necessary, prints may go to the GBI Crime Laboratory.
- d. When requesting a comparison of latent prints with fingerprints of a known suspect, the requesting officer will include finger and palm prints and/or the fingerprint classification number of the suspect when possible.

7. Photography/video/audio. Digital storage devices (flash drives, SD cards, DVDs, etc.) received from the victim, witness, or other involved parties will be submitted into evidence after the receiving officer/investigator has uploaded it to Evidence.com. Officers shall upload digital evidence that is collected from victims, witnesses, or other involved parties as soon as possible but no later than the end of shift. When possible, this digital evidence shall be collected on city issued flash drives.

- a. Emails with digital information - download the link and screenshot the email.
 - 1) The officer shall screenshot the email (with the date, time, and sender displayed) and upload the screenshot and digital evidence content (video/photos attached to the email or downloaded from a link in the email) to Evidence.com.

- 2) If the officer is unable to upload the video for any reason, they will forward the email to evidence with the case information and the Property and Evidence Manager will upload the video and screenshot of the email.
- b. The following guidelines shall be adhered to:
- 1) Digital evidence shall not be stored long term in personal phones, emails, cameras, or other unauthorized locations.
 - 2) Access to digital evidence on Evidence.com shall remain limited to ensure security and integrity.
 - 3) The original reporting officer, or investigator on the case, are responsible for scanning and uploading all unsealed paper documents with trace evidentiary value to Evidence.com.

8. Other Items Collected as Evidence:

- a. **Wet Items:** If items are wet and unable to be dried before submission to the P&E function, items will be placed, not sealed, in an impermeable and nonporous container or plastic and then sealed in porous packaging. This procedure secures all the evidence and temporarily protects the evidence from mold growth. The Property and Evidence Manager should be immediately notified of any wet item submission. Wet items shall be dried in a secure area by P&E personnel. As soon as the evidence is dried, it will be sealed. Documents that are wet for any reason will be handled in the same manner as wet items.
- b. **Firearms:** All firearms must be unloaded when submitted to the P&E function, with the ammunition packaged separately. If the submitting officer is unable to unload a firearm or make a weapon safe before submission, they must notify their immediate supervisor and the Property and Evidence Manager prior to submission. If the submitting officer fails to unload a firearm or make a weapon "safe" prior to submission, the Property and Evidence Manager shall notify the officer and the officer's immediate supervisor. All firearms will be checked for stolen through GCIC/NCIC by the submitting officer and this check must be noted on the property and evidence record.

In addition to all of the normal steps taken to package a firearm, the following additional steps must be completed for firearms requiring GBI submission/testing (also refer to the Evidence Packaging Manual):

- 1) Package the firearm(s) in a GBI approved, clear gun box.
 - 2) Complete GBI and NIBIN submission forms.
- c. **Drugs:** Drugs (including, but not limited to, narcotics, hallucinogens, and narcotic implements) submitted to the property room will be counted and/or weighed, if appropriate, by the submitting officer. Each separate container of the material will be marked with the weight, the count, the officer's name performing the weighing/counting, and the date. Drugs shall be packaged in accordance with GBI State Lab guidelines.

All drugs submitted to the property room will be packaged and submitted with a property and evidence record. All drugs submitted to the property room will be

placed in the P&E function by the submitting officer. Paraphernalia should be packaged separately from drugs; when possible. An example of an instance where this would not be possible is if the suspected drug is in liquid form.

Unsecured dangerous narcotics, substance, and/or materials defined: any substance or material that could adversely affect the safety of the public, handlers, or carriers during transportation. This includes, but is not limited to clandestine laboratories, large marijuana grow operations, fentanyl, pill press machines, liquid Gamma-hydroxybutyrate (GHB), any other hazardous liquid materials, etc. Unsecured dangerous narcotics, substance, and/or materials will be marked with a biohazard label.

- d. **Cash:**
 - 1) All money submitted into Property and Evidence will be counted by the submitting officer and an employee witness. Once counted, the amount will be recorded by bill quantity and coin quantity in the JusticeOne RMS fields. The money will be sealed in a plastic evidence bag and both the officer and the witness will initial and date over all created seals of the packaging. This includes international currency, counterfeit currency, etc.
 - 2) All currency shall be separated from wallets, purses, backpacks, and all other property or evidence for storage in the Property Evidence Room. Money not properly submitted will not be accepted into the Property Evidence Room and will be returned to the submitting officer. Recovery location and amount of currency shall always be notated in the JusticeOne property field.
 - 3) Money should be separated into the following categories before sealing:
 - a) U.S. Currency
 - b) Counterfeit Currency
 - c) International Currency
 - d) Currency containing drugs
 - e) Currency containing biohazards
- e. **Explosives:** No explosives, dangerous chemicals, nuclear material, biohazard material, or ammunition greater than .50 caliber will be submitted to the Property/Evidence Room. Fulton County Sheriff's Office Bomb Squad will be notified in circumstances where dangerous chemicals, flammables, and nuclear material need collection for evidence or safety reasons.
- f. **Perishable Items:** Food or perishable items not properly sealed will not be accepted into evidence unless authorized by the Property and Evidence Manager under special circumstances (such as edible drugs).
9. When collecting perishable evidence from a crime scene, all items containing possible trace evidence shall be packaged individually according to GBI submission standards. The following procedures will be used:
 - a. **Fresh Blood (Wet Specimen)**
 - 1) Fresh (wet) blood will be collected using a sterile swab, sealed in a paper sack or envelope and submitted with a property and evidence record by trained persons.

- 2) Blood samples taken from living victims and suspects will be conducted by a doctor or medical technician.
- b. **Dry Blood:** Whenever possible, the entire object that has the blood stain on it should be submitted. When the bloodstain is located on a wall, floor, or other object that cannot be submitted, one of the following procedures should be utilized:
- 1) Investigators will generally be utilized for bloodstains appearing on fixed objects or on an object too bulky to transport to the laboratory. The investigator will cut off that portion of the object bearing the stain, if possible. Bloodstains on objects which cannot be cut, for example, concrete floors or metal safes, may be scraped and the scrapings placed into a pillbox or onto a clean piece of paper. The paper will then be folded carefully and placed into a container.
 - 2) When a large amount of stained material is present, the easiest technique is to scrape several large flakes into a small box or bottle.
 - 3) When the stain is small, the swabbing technique should be used. Moisten the swab with sterile water. Swab the bloodstains, concentrating the stain on the fibers as much as possible. The fibers should be air dried in a paper sack before sealing, marking, and tagging the container.
 - 4) For bloodstains appearing on porous objects such as wood or earth, the bloodstain as well as a portion of the material upon which the stain appears should be placed in a clean, porous container (paper, cardboard, or Styrofoam), labeled on the outside, and sealed to prevent loss through leakage.
- c. **Bloodstained Materials:** Bloodstained articles should not be packed for submission to the State Crime Lab until they have been thoroughly dried at normal room temperature. Clean paper should be placed under the drying object to catch any falling trace evidence. Wet items shall be submitted and sealed in nonporous material to be dried by P&E personnel. When the object is dried and ready for packaging, the paper should be carefully folded to secure the trace evidence and placed in the wrapping with the article in a paper bag. Multiple items must be packaged individually to avoid contamination.
- d. **Other Stains, Tissues, or Biological Material:**
- 1) Other types of stains can be collected using the same procedures as previously described for wet and dry blood.
 - 2) All other bodily fluids, including saliva, urine, perspiration, pus, human milk, nasal mucous and tears will be handled with the same precautions as blood and semen.
- e. **Body Tissue:** Body tissue must be collected by trained personnel.
- f. **Other Biological Material:** If not air-dried it must be refrigerated after being marked, sealed, and submitted with a property and evidence record.

g. Other Bodily Fluids:

- 1) Saliva samples may be collected by swabbing by trained personnel.
- 2) Should the need arise for fluid samples of saliva, collection shall be conducted by medical personnel. Close the container so that leakage cannot occur. Properly seal and label the container with the suspect or victim's name, date, name or initials of the investigator and doctor or medical technician obtaining the sample.

h. Hair: Hair samples will be collected according to GBI standards and placed in a porous material (i.e. paper bag, envelope, cardboard box, etc.). Pubic hair should be treated in the same manner.

- 1) Hair evidence submitted for analysis should include the answers to the following questions:
 - a) What is the purpose of the examination?
 - b) Was the hair shed naturally or does it have a root?
 - c) What type of hair is it (ex. Real, artificial, dyed, etc.)?
- 2) Hair examinations will not be performed on evidence collected in a sexual assault evidence collection kit. Hair examinations may be conducted on clothing or other evidence items in a sexual assault investigation when DNA testing does not generate results and the hair examination could provide further support to the investigation.
- 3) Hair examinations will not be performed on evidence collected during investigation of non-violent offenses, e.g. burglary (special circumstances may apply).

i. Perishable Evidence

- 1) In the event perishable evidence is delayed in submission to the GBI Crime Lab for any reason, it will be documented on the lab report and/or evidence report.
- 2) Due to the seriousness of life-threatening diseases being transmitted through bodily fluids and the risk involved with handling these fluids, any time evidence or containers containing bodily fluids is handled, latex or rubber gloves will be worn.

10. Collection of Known Standards for Comparison: All standards for comparison will be collected in accordance with procedures established by the GBI Crime Laboratory.

11. Responsibility for requesting laboratory examinations: Personnel working a case will be responsible for requesting laboratory examinations by submitting a paper GBI Submission Form to the Property and Evidence Room. The requesting officer will be responsible for completing the online GBI Submission Form in its entirety. The form and evidence will be forwarded to the GBI Crime Lab. Documentation will be maintained on the chain of custody.

12. Submitting evidence to the state crime lab: Evidence will be packaged and submitted in accordance with the GBI Crime Lab requirements. The GBI Crime Laboratory provides a written report of laboratory findings as standard procedure on all requests for laboratory examination.

13. Investigator's Availability: Detectives are on-call 24 hours per day for response and use at major crime scenes.

14. Evidence and Property Records: All property and evidence acquired (through criminal or civil process function) will be documented and accounted for in agency records.

B. Property Record: An agency record of each item of property (or set of items) submitted to the property room shall be maintained in JusticeOne RMS. All items or packages of items submitted to the property room will have a barcode affixed to the packaging or barcode affixed to a tag and attached to the property.

1. The officer/investigator originally taking custody of evidence or property is responsible for completing required documentation (property record) on the items. Items of evidence/property collected from different persons or at different times or places should be documented on separate property record. The chain of custody shall be maintained and documented at all times.

2. **Collected evidence or property will NOT be stored in vehicles, desks, offices (including supervisor offices), personal lockers, case files, the front desk, Records Division, or other unauthorized places. All property and evidence collected shall be submitted to an authorized location the same day of collection, no exceptions.**

3. All items submitted to the property and evidence room, including temporary locations, shall be retrieved by the Property and Evidence Manager, properly stored in the evidence control function, and documented in agency records, as soon as possible.

4. At the time property/evidence is released to the owner, the owner will sign acknowledging receipt of the property and a copy of their government ID will be placed in the agency record.

5. The temporary release of property/evidence (to the Crime lab, court, detective, etc.) also requires the chain of custody to be maintained.

a. **Crime Lab** - Any time evidence is sent to the crime lab for testing, the chain of custody shall be maintained. The Property and Evidence Manager, or Crime Scene Technician, is responsible for recording the date and time stamp on a copy of the GBI Submission Form to be submitted at the time of lab submission. Documentation of the submission shall be kept in agency records.

b. **Crime Scene Lab** - When trained computer specialists are imaging or processing a computer or other electronic evidence, the Crime Scene Lab may be used as an extension of the evidence room for such evidence when the process will exceed normal working hours. The following procedures will occur:

1) The chain of custody for the electronic item shall reflect the storage and processing of the item and the person responsible.

- 2) The person processing the item will check out a key for the Crime Scene Lab from the CID Commander or designee.
 - 3) Once the processing is completed, the key will be returned, and the item will be placed back into the evidence function.
- c. **Departmental Testing** – At times, it may be necessary for officers/investigators /crime scene technicians to temporarily check out evidence to further process/test it. The chain of custody shall be documented. Items checked out must be returned the same day to ensure the security and integrity of property.
- d. **Transfer to Court** - Any time an officer/investigators/DA Investigator needs to take evidence to court, he/she will sign the evidence out. The original record is retained in the property room. The requesting officer will take the item and a copy of the property and evidence record to court.
- 1) If the court retains the property, the bailiff or court clerk will sign the form which the officer brought to court. The form is then returned to the property room.
 - 2) When items are returned to the property room after court, the original requesting officer returning the item will sign, indicating the property was returned.
 - 3) When items are returned directly by the court, the court employee will sign acknowledgment. A record will be maintained to document the transfer of custody of property and/or evidence and will include the following information, where applicable:
 - a) Name of person from whom property was obtained
 - b) Victim/owner
 - c) Suspect
 - d) Location where property was obtained
 - e) Quantity and description of all property
 - f) Reason for impound
 - g) Officer name
 - h) Chain of custody including:
 - i. Date and time of transfer(s)
 - ii. Receiving person's name(s)
 - iii. Relinquishing person's name(s)

6. Reporting Requirements - In addition to inventory requirements, the individual that processes a scene/collects evidence will complete a report or supplemental that details the circumstances by which the property came into the agency's possession and describes each item of property obtained. Documentation shall include:

- a. Date and time of arrival at the scene
- b. Location of the crime
- c. Name of the victim(s), if known
- d. Name of the suspect(s), if known
- e. Narrative of the reporting person's actions at the scene

- f. Action taken at the scene, including the number of photographs taken and measurements.
- g. Report case number.

If a specialist from outside the department is used, the date and time of request and the requesting officer's name will be added to the officer's report. All information obtained by the specialist will be documented. If the specialist has his/her own report, a copy should be obtained to include in agency records. The same responsibilities for accurate crime scene reporting also apply to traffic officers when completing an incident report/accident report supplemental on a fatal or serious accident investigation.

- 7. Right of Refusal** - The Property and Evidence Manager has the right to refuse any item submitted improperly. The Property and Evidence Manager will notify the submitting officer, their supervisor, and the Division Commander and make arrangements for the necessary corrections. Corrections shall be made by the end of the officer's next working shift. If deemed unsecure or unsafe, the Property and Evidence Manager shall contact their chain of command and request immediate resolution. All documentation of a refusal shall be stored by the Evidence Unit.

IV. PROPERTY ROOM MANAGEMENT

The purpose of this section is to provide for the management and control of found, recovered, and evidential property which comes into the custody of the Fairburn Police Department and to establish an evidence management system which will ensure a traceable chain of custody and strict accountability with respect to the handling, security, and disposition of evidence/property.

- A.** It is the responsibility of the Property and Evidence Manager to manage and control all evidential property directed to him/her for safekeeping. As a part of this responsibility, accurate records will be maintained. Property will be stored, released, and disposed of in accordance with all applicable laws/rules.
 - 1.** The agency shall designate, in writing, one person as the primary Property and Evidence Manager, who will be responsible for the day-to-day control of the property and evidence function.
 - 2.** Property room security - All property stored at the Fairburn Police Department will be within designated, secure areas, with access limited according to the need for access and security. Persons not assigned to the Property and Evidence function shall sign in upon entering the property room.
 - a.** The property room will be kept closed any time authorized personnel are not physically in the room. The door automatically locks itself upon closing.
 - b.** The alarm system will be set after hours to provide additional security for the primary property and evidence room. Upon P&E Alarm activation, a light in the Communications Center is automatically activated and an operator shall:
 - 1)** Immediately enter the alarm into the CAD system and document actions taken in the narrative.
 - 2)** Dispatch an officer to check the security of the P&E storage areas.

- 3) Once an officer is dispatched, an operator shall attempt to make contact with the Property and Evidence Manager to respond and advise when the alarm has been reset.
- 4) Once the alarm is reset, the call will be cleared using the appropriate clearance code.

B. P&E Holding Areas – The Property and Evidence areas for short and long-term storage for all in-custody and evidentiary property received are in a combination of secured locations, rooms, and/or containers. Locations approved to store property and evidence have safety measures such as alarms, padlocks, key locks, card swipes, and/or cameras to limit access to only authorized personnel assigned to the function. Property and evidence will be submitted to the P&E function via the Property and Evidence Manager or to the designated/authorized, secured temporary storage areas as follows:

1. **Lockers** – Property, secured storage lockers located in the hallway next to the evidence/property room.
 - a. Physical property/evidence placed in the storage locker must conform to the same standards and procedures as outlined in this procedure for the receipt of property or evidence. Some form of a property record must accompany any and all items placed into a storage locker (i.e., barcode or JusticeOne RMS P&E Record Sheet).
 - b. When property is stored in storage lockers, the locker will be securely locked. The Property and Evidence Manager will retrieve the evidence/property as soon as possible to transfer to the Crime Lab or the main Property Room.
2. **Crime Scene Lab** - secondary location within the police department with a secured FOB access point, which can be used for temporarily submitting oversized property and evidence that cannot fit into a locker. Gas-powered items should not be placed in this location.

Physical property/evidence that is too large to place into the lockers can be placed in the crime scene lab. All items placed in the crime lab must conform to the same standards and procedures as outlined in this procedure for the receipt of property or evidence. Some form of a property record must accompany any and all items placed into the crime lab (i.e., barcode or JusticeOne RMS P&E Record Sheet).

3. **A+ Plus Towing**- this tow yard company location is the primary service utilized by the Fairburn Police Department. The yard should only hold large items, such as vehicles, motorcycles, ATV, etc. Use of this fenced in facility shall only be used for temporary use. If the evidence or seized property is going to be held for a longer period of time due to criminal/civil court processing, the CID Commander is responsible for obtaining a mutual aid agreement with another nearby agency to store the large piece of property (such as the use of Fayette County Sheriff's Office impound lot). The securing of any property outside of the Fairburn Police Department building will be annotated within the original incident report, as well as the property evidence function.

C. High liability P&E - Extra security is required within the P&E for storage of high liability items. This may include the caged area, locked safes, etc. within the evidence room. High liability items include (at a minimum) drugs, money, jewelry, guns, and precious metals.

D. Prohibitions - The following items/materials are prohibited from submission to the Property and Evidence Room:

1. Dangerous materials - In the event dangerous materials (chemicals, explosives, flammables, etc.) need to be handled and/or disposed of an appropriate specialist (bomb squad, fire department, etc.) will be contacted. This does not include gasoline powered equipment with fuel tanks containing gasoline.
2. Hypodermic needles, syringes, and razor blades will not be accepted due to the State Crime Lab's policy to rarely test these items. Officers shall dispose of unused and empty hypodermic needles in the Sharps Container located in the officer Packaging Area.
 - a. Syringe contents that must (and are eligible to) be sent to the State Crime Lab for testing will be submitted to P&E in the following manner:
 - 1) The syringe will be placed in a syringe tube with the needling facing down.
 - 2) The tube shall be sealed with tamper proof tape and initialed by the submitting officer.
 - 3) The submitting officer shall submit the sealed tube with a completed GBI Submission Form.
 - 4) The receiving Property and Evidence Manager, or crime scene technician, will break the seal, transfer the contents of the syringe into a plastic vial, seal with tamper proof tape and initial, and package the tube in accordance with GBI submission standards. At this time, the syringe will be placed in a Sharps Container for destruction.
 - b. Razor blades with evidentiary value (blood, drugs, etc.) needing to be sent to the State Crime Lab for testing will be submitted to P&E in the following manner:
 - 1) The razor blade will be placed in a syringe tube. Larger blades and/or sharps shall be placed in a clear cylinder container with a top.
 - 2) The tube shall be sealed with tamper proof tape and initialed by the submitting officer.
 - 3) The submitting officer shall submit the sealed tube with a completed GBI Submission Form.
 - 4) The receiving evidence technician will break the seal, use a swab to collect the evidence, and package the swabs in accordance with GBI submission standards.
3. Alcohol – Alcohol shall only be collected if it is to be tested or processed for prints. Otherwise, it should be photographed, and the digital evidence submitted to Evidence.com.
4. **Property belonging to inmates of the Fulton County Jail will not be accepted into the property and evidence room.** All inmate property must be returned or stored at the detention center. The only exceptions are weapons, drugs, and

anything with evidentiary value which shall be submitted to P&E in accordance with this policy. It is the responsibility of the owner of the property to contact the Fairburn Police Department's P&E section for return of their items.

- E. Identifying Rightful Owner** - Officers will make every reasonable effort to identify and contact the rightful owner of lost and found property. All efforts and results will be documented by the officer. Property (other than contraband and illegal substances) may be immediately released by any officer to the rightful owner once all police use of the property is satisfied. Prior to release of property, photos should be taken and submitted to agency record if it could be deemed useable in court. This section does not completely remove the responsibility of P&E personnel attempting to locate proper owners.
- F. Removal or release of property** - Items being held as evidence/property may be removed or released by one of the following methods:
- 1. Lost and Found or Abandoned** - Any article of found or recovered property which is determined to be unclaimed after diligent efforts to locate the proper owner proves unsuccessful will be considered abandoned. If not claimed by the victim/owner within ninety (90) days of notification, lost and found property will be approved on a court order to be transferred or auctioned to a third party, converted to city use, donated to charity, or destroyed after ninety (90) days in accordance with Georgia law.
 - 2. Contraband/Forfeited Property** - Property that is forfeited to the police department pursuant to State or Federal law or any other municipal ordinance will not be released to its owner or finder. The Property and Evidence Manager will request that court orders are prepared describing such forfeited property and outlining its disposition. Contraband will be handled the same as forfeited property and disposed of in accordance with State or Federal law and local ordinance.
 - 3. Firearms** - Firearms held as evidence may only be released after the court case is disposed of or dropped and with documentation of a court disposition form.
 - a. Firearms must be checked through GCIC/NCIC by the submitting Officer and again by the Property and Evidence Manager before disposal.
 - b. A firearm trace shall be submitted to the ATF National Tracing Center (NTC) by the Property and Evidence Manager, or Crime Scene Technician, upon receiving the firearm.
 - c. A criminal history shall be run on the requestor to check for federal firearm prohibitions by the Property and Evidence Manager before release of a firearm. Should the requestor be a convicted felon or a status of any of the firearm prohibitions, as outlined under State law, he/she shall be advised the firearm cannot be released to them.
 - d. Proof of ownership must be provided before release. Special circumstances may apply.
 - 4. Money** - Upon releasing money, the releasing Property and Evidence Manager, or Crime Scene Technician, will open the sealed package in the presence of the owner or finder and count the contents together with the owner/finder. If there is any discrepancy, a supervisor shall be notified immediately. The person receiving the money must sign acknowledging receipt. Money that is found and unclaimed, or

forfeited under the provisions of law, will be disposed of in accordance with this procedure and provisions of law.

G. Property Evidence Retention - Property and evidence items may be destroyed, auctioned off, or converted to city property only after an officer disposition has been submitted and signed, attempted communication has been made to the owner (if applicable), items have been reviewed by either Fulton County District Attorney's Office or Fulton County Solicitor General's Office, and items have been authorized to be disposed of by the appropriate judicial circuit, items have been placed on a court order, and if a presiding Fulton County Superior Court Judge has signed the court order with said items on it.

H. Training - All personnel assigned to the Property and Evidence function will receive training commensurate with their duties.

I. Emergency Access to P&E Room - In the event of an emergency, and the Property and Evidence Manager is not available, the Investigations Commander shall be notified. The Investigations Commander only will access the P&E room for emergency purposes where the need for such is time sensitive.

J. Inspections of the Property and Evidence Function: In order to maintain a high degree of evidentiary integrity over agency-controlled property and evidence, the following documented inspections, inventories, and audits shall be conducted and presented to the Chief of Police:

1. **Semi- annual inspection:** The person responsible for the property and evidence control function or his/her designee will conduct a semi-annual inspection to determine adherence to procedures used for the control of property. The inspection will be a formal written review and will address the following, at minimum:
 - a. The ability to maintain the integrity of the property.
 - b. Agency compliance of policies, procedures, and/or other directives concerning the property management system.
 - c. Ability to protect property and evidence from damage and/or deterioration.
 - d. Proper accountability procedures are being maintained.
 - e. Property having no further evidentiary value is being disposed of promptly.

All corresponding documentation will be attached to the review and submitted to the Chief of Police through the chain of command for review and signature of approval. A signed copy shall be provided to the Certification Manager.

2. **Transfer of custody audit:** An inventory of property will occur whenever the person responsible for the primary control of the property and evidence function is assigned to and/or transferred from the position and is conducted jointly by the newly designated property custodian and a designee of the Chief of Police to ensure records are correct and properly annotated. An inventory requires a 100% listing and accountability of all high liability items maintained by the property and control function. The inventory shall also include a random sampling of 10% of all other property and evidence maintained by the agency and a review of this policy.

3. Annual Audit: The Chief of Police shall appoint an auditor who is not routinely or directly connected with control of property and evidence to conduct an annual audit of the Evidence Room to ensure that the security, accuracy, and integrity of all evidence is being maintained. The purpose of this audit is to ensure the continuity of custody and not require the accounting of every single item of property. This audit shall be a significant random sampling of all property, including high-risk items, to satisfy the Chief of Police that all items are properly accounted for. The minimum sample size for an audit shall be 10% or 250 total pieces (whichever is lower) of all property. This audit will be conducted in the presence of the Property and Evidence Manager. Upon completion, the assigned auditor will submit a report to the Chief of Police and will include the following:

- a. Documentation of items inspected and inspection of the property log; ensuring property and evidence received have been properly logged.
- b. An examination of the property receipts to ensure chain of custody and that property and evidence have not been lost or checked out for an unreasonable length of time.
- c. An examination of the disposition files and property log to ensure property and evidence is being disposed of properly and in a timely manner.
- d. The Certification Manager will be provided a signed copy of the completed report.

If any items are found to be missing, the Chief of Police or designee shall initiate a written action plan to correct the deficiency. The plan will be implemented and submitted to the Chief of Police. At any time where inspections indicate a need, or at the discretion of the Chief of Police, a 100% audit may be ordered.

**STANDARD OPERATING PROCEDURE
EFFECTIVE: 05/19/2008**

S.O.P. 13-2 VEHICLE INVENTORY/IMPOUND

I. POLICY

When the driver/owner of a vehicle is arrested, and if the vehicle is subject to a lawful impound, the arresting officer will make an inventory of the vehicle for valuables.

II. CIRCUMSTANCES WARRANTING

- A According to state law, law enforcement officers may impound a motor vehicle under the following circumstances:
1. An officer may impound and remove a vehicle from a public highway when the motor vehicle poses a threat to the public health or safety;
 2. An officer may impound a motor vehicle that has been left unattended on a public street, road or highway, or other public property for the amount of time prescribed by law if it appears to the officer that the individual who left the vehicle unattended does not intend to return and remove the motor vehicle;
 3. All motor vehicles registered in Georgia must display a current license plate and revalidation sticker. Any motor vehicle that fails to comply with this requirement may be impounded and stored at the owner's expense, however an expired revalidation sticker alone is not sufficient grounds to impound a vehicle;
 4. If the driver of a motor vehicle has been arrested, the vehicle may be impounded when:
 - a) There is no one present who is authorized and capable of removing the vehicle;
 - b) The driver has made no specific request about the disposition of the vehicle;
 - c) The driver has made no request to use a specific towing service;
 - d) The driver of a vehicle has made a specific request for the disposition of the vehicle or has requested a specific towing service and the law enforcement officer has made a reasonable, but unsuccessful effort to comply with this request; or
 - e) The driver of a vehicle has been removed from the scene and is either physically or mentally unable to make a request for the disposition of his/her vehicle. An officer may impound a vehicle for the protection of the vehicle and its contents under the provisions above.
- B If the driver of a vehicle is arrested on private property, and the driver either owns, has control of, or permission from the owner of the property to be there, the vehicle should not be impounded except upon the request of the driver.

- C When inventorying a vehicle before impoundment, the officer and Agency are protecting three distinct needs. These needs are:
 - 1. Protection of the owner's property while it remains in Agency custody;
 - 2. The protection of the Agency from potential danger; and
 - 3. The protection of the Agency against false claims of stolen or lost property.
- D If the officer is questioned concerning reasons for inventorying a vehicle which is being lawfully impounded, the officer should state that the vehicle is being inventoried for the above three reasons. The justification for an inventory of an impounded vehicle is based on the validity of the impoundment, not the arrest of the driver. If the impoundment was improper, any items seized during an inventory will not be admissible as evidence in court.

III. INVENTORY PROCEDURES

- A On the inventory form, the officer shall list all personal property and vehicle accessories. Further, the inventory form shall contain a description of the vehicle's condition.
- B Upon completion, the inventory form will be signed the impounding officer.
- C The motor vehicle impound form (refer to Appendices) will be completed and included with the incident report or added to the RMS system digitally. A duplicate copy will be given to the wrecker driver.
- D In all cases where an impound is made, there will be an incident report completed except when a traffic accident report is made.

IV. RELEASE OF VEHICLE

Once a vehicle is impounded, it will not be necessary for the owner or authorized operator to secure a release slip at the agency unless an investigative hold is placed on the vehicle.