

<b>GREENVILLE POLICE DEPARTMENT POLICY AND PROCEDURES</b>		
<b>Chapter 84</b>	<b>Property and Evidence Control</b>	
<b>Date Initially Effective: 07/30/1994</b>	<b>By the Order Of:</b>  <b>Richard Tyndall, Chief of Police</b>	
<b>Date Revised: 11/20/2023</b>	<b>Date Reissued: 01/08/2024</b>	<b>Page 1 of 8</b>

The purpose of this directive is to establish procedures for the receipt, handling, security and disposition of property and/or evidence in the custody of the Greenville Police Department after it has been seized, recovered, abandoned, lost, or found.

It is the policy of the Greenville Police Department to maintain and/or dispose of found, recovered, or evidentiary property in accordance with federal, state, and local statutes, and court decisions relating to such properties.

### **84.1.1 PROPERTY AND EVIDENCE MANAGEMENT AND CONTROL**

CALEA Standard: 84.1.1 (Evidence/ Property Control System)

The Property and Evidence function is responsible for management activities relating to found, seized, recovered, or evidentiary property in custody of the Department. It is the responsibility of officers to log all property and evidence into agency records as directed by policy. Property and evidence personnel update each entry to document the location of each item. The Property and Evidence Unit is a component of the Logistics Division and is under the direct supervision of the Logistics Division Commander.

#### **PROPERTY AND EVIDENCE SUBMISSION**

The Property and Evidence Unit serves as a secure facility and control center for the receipt, storage, and release of property and evidence. All evidence or property received by the Property and Evidence Unit is assigned an initial case (OCA) number by the Communications Center. Property and evidence may be received in the following categories:

- Arrest evidence
- Investigative evidence
- Found evidence
- Decedent’s evidence
- Disposal evidence
- Other evidence

Improperly packaged evidence will be held in a secondary location within the evidence room and shall not be logged in the evidence room until properly packaged. Officers should exercise discretion when seizing property. If possible, photographs should be taken of property which has little or no chance of being presented in court at trial. These digital still images should be retained in electronic format in lieu of submission of the evidence. Chapter 83 provides guidelines for the submission and storage of audio, video or digital images.

Officers utilize the Property & Evidence packaging manual which is available for reference in the Property & Evidence packing room. The manual provides detailed information on the packaging process and best practices for property and evidence packaging.

Departmental personnel who recover or seize property or evidence shall:

- Determine whether the property and evidence should be in police custody
- Place all property, evidence and corresponding paperwork under the control of the property and evidence function before ending his/her tour of duty unless exceptional circumstances exist and approval is granted by an on-duty supervisor.
- Collect, package, and label the property and evidence as outlined in the Property & Evidence Packaging Manual and the Greenville Police Department Policy and Procedures Manual, Chapter 83.
- Enter the property and evidence on the case report in the agency records management system before ending his/her tour of duty unless exceptional circumstances exist and approval is granted by an on-duty supervisor. Property entry must include the details of how the property and evidence came into the agency's possession as well as a detailed description of the property: to include make, model, color, serial number, owner applied number and any unique characteristics.
- Attempt to identify and notify the rightful owner of found or recovered property when appropriate
- Under no circumstances will personnel destroy, hold, or convert to their personal use any seized, found, or recovered property and evidence, with the exception of perishable items noted below.
- Perishable items are not allowed into the property and evidence room and therefore must either be returned to their rightful owner or destroyed. Items returned to their owner should be documented as transferred property. Items that need to be destroyed must be documented with either photographs or video and the destruction noted in the case report. Destruction must be conducted in the presence of a supervisor.

### **84.1.2 SECURITY AND ACCOUNTABILITY**

CALEA Standard: 84.1.1 (Evidence/Property Control System), 84.1.2 (Storage and Security)

To ensure accountability, all property and evidence stored by the Department shall be maintained in a designated secure area. Access to the property and evidence room shall be limited to the Logistics Division Commander and authorized Property and Evidence personnel. A visitor log shall be maintained by the Property and Evidence Specialists of all persons who enter the Property and Evidence Room. All visitors must be accompanied by the Property and Evidence Custodian, a Property and Evidence Technician, or Logistics Division Commander.

#### **ITEMS REQUIRING ADDED SECURITY**

Property and evidence items that require added protection shall be stored in safe, separate, locked, secure areas within the Property Room. These items include:

- Money
- Jewelry
- Weapons
- Controlled Substances

#### **SEIZED MONEY**

US Currency that is seized is submitted to Property & Evidence and will be held for thirty (30) days. After the thirty (30) days, the currency will be deposited in a non-interest-bearing account. If the actual currency needs to be held for the case, the Officer/Detective must notify Property & Evidence in writing within those thirty (30) days.

The following types of cases/currency that will not be deposited and will remain in the Property & Evidence room:

- Found US Currency
- Safekeeping US Currency
- Homicide
- Bank Robbery
- Money for NCDOR Tax Warrant (BD-4)
- SIU Investigations Pending Seizure
- Buy Money
- Foreign & Collectable Coins/Bills

The following will be decided on a case-by-case bases:

- Armed Robbery

Once the thirty (30) days has passed, the money from each of the cases will be deposited into the account by Property & Evidence personnel who will be accompanied to the bank by sworn personnel. The deposit will be recorded in the City of Greenville finance and accounting software. A spreadsheet will also be maintained in Property & Evidence to record deposit amounts and what cases/items were included in that deposit. The money will remain in this account until the case is adjudicated and the Property and Evidence personnel receives an order from the court with directions on how to distribute the case's seized funds.

When the Property & Evidence personnel receives the order, they will issue a check request as specified by the City Finance Department for the exact amount to be made to the owner or designated entity. Once the check is received by Property & Evidence personnel, it will be signed out through chain of custody just as any other item of evidence. This will also be recorded on the spreadsheet maintained by Property & Evidence.

The account will be reconciled monthly by the Property & Evidence Custodian and submitted to the Administrative Services Bureau Commander for verification. The monthly reconciliation will also be reviewed during the Property & Evidence Semi-Annual Audits and the Annual Unannounced Property & Evidence Inspection.

#### **ACCEPTANCE AND RELEASE OF CONTROLLED SUBSTANCES**

All controlled substances accepted into, and released from, the custody of the Department shall be controlled by the following systems:

##### **Quality and Quantity Control**

The investigating police officer shall weigh and/or, count seized controlled substances prior to packaging. The police officer shall record the weight and number of each controlled substance on the property report. The police officer shall store the controlled substances in Department approved packaging materials and seal the package in an approved manner. The sealed package will then be submitted to the Property & Evidence Unit for storage and/or processing.

##### **Controlled Substance Container Inspection**

All property packaging materials to be used for controlled substances shall be approved by the Department prior to use. The inspection of evidence containers being used to store narcotics or dangerous drugs should be included in the inspection process outlined in this directive.

#### **PERISHABLE ITEMS**

Refrigerated storage is available within the property and evidence unit for perishable items such as blood samples, DWI kits, urine specimens, etc. Three dorm size refrigerators with locks are located in the property and evidence packing area and shall be used in the same manner as the lockers when evidence is seized after the Property and Evidence Unit is closed. Property placed in these refrigerators will be collected by Property and Evidence personnel upon their return to work. At no time, should these refrigerators be used to store food or beverage items. Refrigerators are marked with appropriate biohazard symbols. All property and evidence requiring refrigeration shall be packaged and sealed in a property and evidence envelope or container as outlined in Chapter 83 of the Greenville Police Department Policy and Procedures Manual, and submitted to the Property and Evidence Unit for secured storage in the Property and Evidence Unit refrigerator.

#### **84.1.3 PROPERTY AND EVIDENCE STORAGE AFTER BUSINESS HOURS**

##### **CALEA Standard: 84.1.3 (Temporary Security)**

When the Property and Evidence Unit is closed, property (size permitting) shall be placed in a storage locker. The evidence lockers are located in the hall next to the evidence room and are to be used for the temporary storage of all found, seized and evidentiary items. Police officers shall process evidence or property in accordance with

departmental policy. Once the evidence or property is placed in an evidence locker, the officer should ensure the locker door is closed and the padlock is secured.

#### **ITEMS UNABLE TO BE STORED IN THE EVIDENCE LOCKERS**

For any over-sized evidence, vehicles, or mechanical equipment that cannot be stored in evidence lockers require specific procedures are required for maintaining proper documentation and chain of custody. Officers shall follow the procedures outlined below. In the event the property is recovered property; the officer shall first make every effort to contact the owner. If an owner is unable to be contacted or respond in a reasonable amount of time, the officer shall take the necessary steps to have the property secured.

#### **RESPONSIBILITIES OF THE INVESTIGATING OFFICER:**

1. Make contact with Communications personnel and sign out the keys for the sallyport.
2. Place evidentiary items inside the sallyport.
3. Secure all access points to the sallyport.
4. Post "Evidence Lockdown" signs so that they are visible from the hallway access doors.
5. Notify communications that the sallyport is on lockdown.
6. Ensure that the door you exit from is secured behind you.
7. Place sallyport keys inside the evidence drop-box (Locker #21).

#### **EXIGENT CIRCUMSTANCES**

- Multiple items from the same incident can be secured in the sally-port together.
- In the event the sallyport is already on lockdown, the first two bays of the Public Service Annex (PSA) can be used for non-DNA related property/evidence storage.
- A vehicle or other evidence requiring DNA processing will need to be stored in the Forensics Bay at the Hooker Road property and evidence storage location since it is climate controlled. The on-call forensics personnel will be required to respond to secure the facility.
- High value items (guns, controlled substances, etc.) should not be stored at the PSA.
- Large items can be transported by utilizing the Property & Evidence truck. The truck keys are available in the communications room.

#### **84.1.4 SECURITY OF CONTROLLED SUBSTANCES/WEAPONS USED AS TRAINING AIDS**

CALEA Standard: 84.1.4 (Security of Controlled Substances, Weapons for Training)

Any property in custody of the department, whether seized, forfeited or procured in compliance with regulations of the City of Greenville Finance Department, may be utilized for training aids under specific guidelines.

#### **CONTROLLED SUBSTANCES**

Controlled substances seized as a result of violations of state or federal law may be utilized as training aids, provided a Court Order specifies the drug type, amount, purpose, and receiving agency. A Court Order, signed by the presiding judge shall be maintained on file by the Property and Evidence Custodian as documentation of the transfer of the controlled substance to agency use. The removal and return of training aids shall be documented on a training aid accountability log maintained for that purpose. Controlled substances removed from the Property and Evidence room for training purposes should be measured/counted by the property technician and the receiving officer when the package is checked out and when it is returned as part of the routine quality control required for controlled substances. Any discrepancies in the weight/quantity should be reported to the Logistics Division Commander immediately.

#### **WEAPONS**

Firearms and other weapons seized as a result of violations of state or federal law may be utilized as training aids once a Court Order has been issued in accordance with N.C. General Statute. A Court Order, signed by the presiding judge, shall be maintained on file by the Property and Evidence Custodian as documentation of the transfer of the weapon to agency use. An electronic signature representing the chain of custody to authorized

personnel will serve as proof that the firearm was released from the Property and Evidence Unit. The property will be logged into agency property inventory and maintained in a secure area in accordance with other agency-owned firearms and weapons.

### **84.1.5 DOCUMENTATION OF PROPERTY AND EVIDENCE ROOM CONTENTS**

CALEA Standard: 84.1.5 (Records, Status of Property) 84.1.6 (Inspections and Reports); 11.4.1 (Administrative Reporting Program)

#### **PROPERTY AND EVIDENCE MANAGEMENT RECORDS**

The Property and Evidence Unit of the Greenville Police Department shall maintain a records system reflecting the status of all property and evidence held by the Department. This system shall include a list of properties for each case, original chain of custody reports and court orders involving property and evidence which will be maintained by the Property and Evidence Specialist.

The Property and Evidence Unit shall maintain a record keeping system that reflects the status of all property and evidence held by the Department to include:

- The current location of the property and evidence
- The date and time the property and evidence was received and released or disposed of
- The chain of custody for each item

#### **INSPECTIONS**

At least semi-annually, the Commander of the Logistics Division or a designee will conduct an inspection of the property/evidence room to ensure all property control procedures are in compliance. The inspection shall consist of a formal review with a careful and critical examination of all components of the property and evidence function and shall ensure that:

- Provisions of agency directives on property and evidence control procedures are being followed
- The property and evidence room is maintained in a clean and orderly fashion
- Property and evidence are being protected from damage or deterioration
- Property and evidence accountability procedures are being maintained
- Property having no further evidentiary value is being disposed of according to established procedures

#### **CHANGE OF PROPERTY AND EVIDENCE SPECIALIST**

Whenever a new Property and Evidence Custodian is designated, an audit of property and evidence will be conducted jointly by the newly designated Property and Evidence Custodian, and a designee of the Chief of Police, to ensure that records are correct and properly annotated.

Whenever all Property and Evidence personnel are out of service for vacation, training, or other scheduled or unscheduled absences, the Chief of Police will issue a directive transferring the functions and accountability for Property and Evidence Unit to the Logistics Division Commander. This directive will include the beginning and ending dates and times for the transfer.

#### **ANNUAL AUDIT**

The Chief of Police shall designate a supervisor, not connected routinely or directly with the property and evidence control process, to conduct an annual audit of property and property management records. The audit shall consist of a significant representative sampling of property and evidence and shall follow the sample specifications recommended in the current version of Appendix K of the CALEA Law Enforcement Standards manual.

#### **UNANNOUNCED INSPECTIONS**

In addition to, and in support of other regularly scheduled inspections, unannounced inspections of the property and evidence storage areas will be conducted randomly, at least once during every calendar year. The date of the inspection and designated inspector will be determined by the Chief of Police. The unannounced inspection may consist of a brief observation of the facility for cleanliness and orderliness, and an abbreviated audit of a few items compared with documentation for those items.

All records pertaining to and any inspection, audit and inventory conducted of the Property and Evidence function as directed in this policy, shall be maintained in the office of the Logistics Division Commander.

## **DISPOSITION OR DESTRUCTION OF PROPERTY AND EVIDENCE**

CALEA Standard: 84.1.7 (Final Disposition)

### **PROPERTY AND EVIDENCE REVIEW AND RELEASE**

Property and Evidence personnel must have proper authorization before releasing any seized or recovered property in accordance with North Carolina General Statute Chapter 15, Article 2. When removing evidence from the Property and Evidence Unit for court, the Property and Evidence technician and the police officer receiving the evidence must complete electronic signatures for the chain of custody.

Items not held by the court will be returned to the Property and Evidence Unit by the police officer not later than the end of the officer's tour of duty after leaving the courtroom. Whenever items are returned to the Property and Evidence Unit, the Property and Evidence technician and the police officer returning the property must complete electronic signatures for the chain of custody.

When evidence taken from the Property and Evidence Unit is held by the court

- The police officer shall complete the "Acknowledgement of Demand and/or Release or Other Action Form" and return it to the property and evidence specialist. Once completed, it will be scanned into the records management system and the original will be filed by the Property and Evidence personnel.
- The Property and Evidence Specialist shall document the release of property.

### **FINAL DISPOSITION OF FOUND, RECOVERED, AND EVIDENTIARY PROPERTY**

For all cases, upon seizure of property, a property disposition form must be completed and submitted to the Magistrate. The property disposition case must contain a detailed description of all items seized.

Final disposition of recovered and evidentiary property will be accomplished as soon as possible after legal requirements have been satisfied in accordance with North Carolina General Statute.

### **DESTRUCTION OF PROPERTY AND EVIDENCE**

#### **Annual Destruction**

Police personnel are required to complete a review of stored property annually in conjunction with their performance appraisal. Each year, the Administrative Bureau Commander will designate specific parameters for the property review. Property and Evidence personnel will provide an inventory sheet to all personnel based on those specific parameters. Officers should designate each case to be held, destroyed or returned.

Property and Evidence personnel may also contact a police officer periodically and request a review of property and evidence relating to an investigation assigned to the police officer, or property and evidence submitted by the police officer. The police officer shall be responsible for responding to requests for review of property and evidence in a timely manner. The police officer may authorize the release or destruction of the property and evidence in some cases or request the Property and Evidence Unit retain the property and evidence with an explanation for why the property should be retained. Some cases may require a court order to dispose of or return property.

#### **Designated Destruction Schedule**

In cases where items no longer have evidentiary value and no arrest has been made, property and evidence personnel may destroy items after a specific period of time. In cases designated as closed/leads exhausted, prosecution declined or those unsolved cases where the victim refuses to co-operate, there is no need to retain evidence indefinitely. Destruction of evidence may occur as follows:

- In felony cases older than five (5) years, and
- Misdemeanor cases older than three (3) years.

Property in the following cases will be exempt from the above designated destruction schedule:

- Homicide
- Sexual Assaults
- Bank Robbery
- Missing persons who have not been found
- Kidnapping

Additionally, the following property is eligible for disposition by property and evidence personnel immediately after a period of 6 months:

- Beer/liquor/wine
- Found/confiscated property
- Found/unlawful property

The Property and Evidence Specialist will attest to the destruction of property and evidence by recording the date and place of destruction in the agency records management system. The manner of destruction will be as follows:

- Firearms and other dangerous weapons shall be disposed of, traded or converted to Police Department use in accordance with the court ordered disposition. A court order shall be required for destruction of evidence in which someone has been charged and adjudicated through the court system.
- The Property and Evidence Specialist shall insure the proper disposal of property or evidence in cases where no charges have been filed and the officer indicates that the property is no longer of evidentiary value
- Appropriate methods of disposal shall include returning the item to the rightful owner, sale through propertyroom.com, incinerating, crushing, shredding, trade or other approved method of destruction.
- Destruction of any property in departmental custody will be conducted by the Property and Evidence Specialist and shall be witnessed and documented by the Logistics Division Commander or selected designee.

Quarterly, the Property and Evidence Custodian shall be responsible for documenting all funds received through all sales from propertyroom.com and shall submit the reconciliation to the Administrative Services Bureau Commander for verification.

#### **RECOVERED OR FOUND PROPERTY (NON-CONTRABAND)**

Recovered or found property (non-contraband) is property in the custody of the Department's Property and Evidence Technician that can be legally possessed by a U.S. or naturalized citizen. Disposal of this type of property will be accomplished in the following manner:

- Provisions of North Carolina General Statute 15-11 through 15-17 shall be met.
- Property believed to be abandoned, lost, stolen, or otherwise illegally possessed shall be returned to the rightful owner upon reasonable and satisfactory proof of ownership.
- The property must remain unclaimed by the person who may be entitled to it for at least hundred-eighty (180) days (sixty (60) days for bicycles) from the date of receipt by the law enforcement agency maintaining custody.

The Department must also advertise the sale of unclaimed property, as well as, the notice of the disposal of unclaimed property. The two (2) notices may be combined for publication. The notice of sale must be published at least one (1) time in a newspaper published in the county; be posted at the courthouse door; be posted at three (3) other public places in the county (generally the lobby of the Police Department, Public Works and the local library); and be specific that the items sold will be sold through propertyroom.com, traded or donated and the remaining items destroyed. The rightful owner of such property may claim the property and take possession within thirty (30) days of the date of the publication or notice.

**SPECIAL CIRCUMSTANCES: FIREARMS**

Officers may take custody of firearms for safekeeping purposes in certain circumstances. Once any firearm has been entered into property, certain requirements must be met before it can be released. Documentation of each step of the process must be included with the case report in the records management system.

When a firearm is seized in association with an involuntary commitment, additional paperwork is required. The petition for release form from the Administrative Office of the Courts will be completed by the Property and Evidence Technician and submitted to the Assistant City Attorney. The Assistant City Attorney will be responsible for processing the paperwork, attending any related hearings on the matter, and forwarding any disposition to the Property and Evidence Technicians. The firearm will be maintained in custody of the Police Department until its release is mandated by the court system.

Any firearm seized that is not related to a court case, will also require a court order before it can be released. Property and Evidence Technicians will be responsible for completing the required paperwork from the Administrative Office of the Courts and presenting it to a judge. Disposition will be as directed by the court order.