

## **8.00.000 EVIDENCE AND PROPERTY, HANDLING OF**

### **8.00.005**

#### **POLICY STATEMENT:** 07/06

It is the policy of the Sheriff's Office to establish procedures for handling the various types of evidence and properties its members seize or acquire. With the consideration of future advancements in forensics and scientific possibilities the value and potential of items as testimonial or exculpatory evidence is too large to disregard, members shall retain evidence recovered during investigations until such time has elapsed that the evidence has no further value for prosecution or investigation. Included in this policy are guidelines to ensure the release of evidence, property, especially firearms, is properly done.

### **8.00.010**

#### **DEFINITIONS:** 02/21

For the purposes of this policy:

**"Custodial Property Summary"** is the property report in Mark43, on which members document all evidence, SKO, Found Property, surrendered property and contraband for disposal that comes into their custody.

**"Disposition Status"** means the status of a property item in regard to its retention, i.e. ready for release to owner, retain, dispose of per department policy and RCW, etc.

**"Evidence Room"** means any room that receives and stores evidence and property at a Precinct, Section, or the Property Management Unit.

**"Firearm"** means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

### **8.00.015**

#### **EVIDENCE ROOMS:** 03/06

No item of evidence or property shall enter or leave the confines of any Sheriff's Office Evidence Room without proper documentation.

### **8.00.020**

#### **SUBMITTING EVIDENCE OR PROPERTY:** 06/10

Once a member has taken possession of evidence or property, the evidence or property shall be submitted to PMU or other authorized evidence storage area as soon as possible, but no later than the completion of the member's shift.

### **8.00.025**

#### **EVIDENCE RETENTION:** 02/21

Evidence retention shall be governed by this policy in conjunction with RCW 9A.04.080.

1. Any evidence secured during the investigation of a felony crime may not be disposed of prior to the statute of limitations for the crime being investigated has elapsed or a conviction of the accused has been achieved.

2. Any evidence of sexual assault and violent crimes against persons shall not be released without notice to the legal advisor and specific authorization from the assigned DPA or the DPA assigned as the unit chair of the unit responsible for prosecuting the crime.
3. Any evidence involving death shall be retained indefinitely.
4. Any evidence in cases of missing persons shall be retained until the person is safely located.
  - If the person is not located or the investigation turns into a death investigation the evidence shall be retained indefinitely.
5. Evidence items that are exceptionally large or cumbersome such as vehicles, walls, or structures may be assessed on a case by case basis. For example, if the car was taken for evidence but the only evidence was blood on the interior, the interior may be removed and retained allowing the return or disposal of the remaining car.
6. Evidence items of high monetary value or essential need for the citizens may be assessed on a case by case basis for early return.
7. In circumstances other than those listed above, biological material that has been secured in connection with any criminal case may not be destroyed prior to the statute of limitations for the case being investigated.
8. The determination to release any evidence is the responsibility of the case investigator.
9. If an evidence item is to be retained beyond its normal retention period, the assigned deputy/detective shall note the reason when updating the disposition status.
10. Any exceptions to this policy must be approved by a captain or above and documented in the follow-up report.

**8.00.030****FIREARMS:** 02/21

Firearms come into the possession of the Sheriff's Office through a variety of means. It is the goal of the Sheriff's Office to return firearms to their original owners in a responsible manner consistent with federal and Washington State law.

1. Firearms to be turned in either by court order or voluntarily will be accepted at the RJC, all precincts, substations and PMU.
2. All firearms taken by Sheriff's Office members shall be listed in an incident report. A Custodial Property Summary shall be completed including a recommended disposition.
  - Firearms shall not be listed on the SKO Form (KCSO #A-142).
3. All legally releasable firearms, held by the Sheriff's Office, shall be released by the PMU, Gun Compliance Unit (GCU) detective.
4. When a deputy/detective determines that a firearm can be released to the true and legal owner, the deputy/detective shall update the firearms status on the Custodial Property Summary and submit for approval.
  - a. The GCU detective shall conduct the full background investigation including a federal/state check on the owner.
  - b. In mental health cases the incident shall be reviewed by the Sheriff's legal adviser to approve release or demand a court order of return.
  - c. When a court issues an order in a criminal case directing the person to surrender firearms to the Sheriff's office, the firearm may be released to the owner without a new order directing the Sheriff's office to return the firearms under the following circumstances:
    - The owner is otherwise eligible to possess a firearm; and,
    - The case was declined or dismissed, or the person was acquitted (except by reason of insanity), or

- The person was convicted of other charges that do not disqualify possession and there is not a current court order prohibiting possession.
- d. When a court issues a civil protection order or other civil order that prohibits a person from possessing a firearm, the firearm may be released to the owner without a new order directing the Sheriff's office to return the firearms under the following circumstances:
  - The owner is otherwise eligible to possess a firearm; and
  - The protection order has expired by its terms or is dismissed and is no longer in effect;
  - The order was a temporary order that has expired and the court denied a motion for a permanent order; or
  - The order has been modified by the court and the person is no longer prohibited from possessing firearms.
- e. If the owner is eligible to possess but our office has knowledge the owner lives with a person who is ineligible to possess firearms (felon, disqualifying DV convictions, no-contact and protection orders), the firearm may not be released without a court order. Felons and others disqualified from possession are prohibited from actual or constructive possession.
- f. The GCU detective shall make arrangements for release of firearm.
  - In certain circumstances, firearms may be released at other worksites instead at PMU.
- 4. All questions regarding procedures, ownership, release, etc., of firearms shall be directed to the GCU detective.

**8.00.035****DRUGS, MONEY, AND OTHER PROPERTY:** 02/21

1. Department members shall deliver all seized or acquired drugs, money, and other property to either a Precinct/Section Evidence Room or the PMU.
  - a. All property shall be itemized on a Custodial Property Summary and a report shall be made using an incident report.
  - b. The word "MISCELLANEOUS" shall not be used to describe property.
2. All property shall be packaged in accordance with GOM 8.02.000.
  - When evidence is no longer needed, the investigating deputy/detective shall update the Disposition Status in the Custodial Property Summary.
3. Department members shall not dispose of property in any other manner.
4. When a deputy/detective takes custody of cash totaling over \$10,000, a supervisor shall be notified. The supervisor will arrange a two person escort (at least one commissioned as an armed escort) to either the PMU or a department Street Crimes Unit where the cash will be secured in a limited access safe. In the event neither of these steps is possible the supervisor shall personally see that the cash is secured in a locker within a precinct evidence room and the PMU supervisor is notified.

**8.00.040****PROPERTY, SAFE KEEPING ONLY (SKO):** 02/21

When the jail facility refuses a suspect's property, deputies shall comply with the SKO procedures in GOM 8.05.000.

**8.00.045****AMMUNITION:** 02/21

1. Deputies should only accept ammunition from citizens when they wish to dispose of the item(s).
2. Deputies will accept the ammunition and document it as a FCR 354 Disposal-Explosive/Ammunition.
3. A Custodial Property Summary will be generated and given the status of "Voluntary Surrender".
4. Place the ammunition along with the Custodial Property Summary in the ammunition/fireworks locker to await pickup by the Bomb Disposal Unit.
5. If the amount of the surrendered ammunition is beyond what the deputy can manage, is so corroded, or contains reloading powders, as to be considered a hazard, the citizen will be directed to contact the Bomb Disposal Unit, during business hours, and arrange to have the items picked up at a scheduled date and time.
6. If bullets are taken as evidence in a crime they will be processed as any other evidence to secure their chain of custody.

**8.00.050****FIREWORKS:** 02/21

Deputies will respond to fireworks incidents involving a forfeiture of fireworks (owner does not want them) or there or when there is a misdemeanor violation or civil infraction where a citation is issued.

1. Deputies will accept only common commercially sold fireworks.
2. Deputies accepting forfeited fireworks by a citizen shall:
  - a. Document as a FCR 354 Disposal, Explosive/Ammunition on a Summary Report.
  - b. A Custodial Property Summary will be generated and given the status of "Voluntary Surrender".
  - c. Place the fireworks along with a copy of the Custodial Property Summary in the ammunition/fireworks locker to await pickup by the Bomb Disposal Unit.
  - d. The Bomb Disposal Unit will take custody and hold the fireworks for sixty (60) days after the date the authorization is approved and then dispose.
3. Deputies issuing a citation for an infraction or filing misdemeanor charges with seized fireworks shall:
  - a. Document as a FCR 355 Fireworks-Confiscated/Violation on a Summary Report.
  - b. A Custodial Property Summary will be generated indicating the fireworks are evidence.
  - c. Place the fireworks in the ammunition/fireworks locker to await pickup by the Bomb Disposal Unit.
  - d. The Bomb Disposal Unit will take custody and hold the fireworks until the case is adjudicated.
4. Due to the possible appeals and return of confiscated fireworks, no mass seizures of fireworks under a one master case number should be conducted.
5. If the amount of the seized fireworks is beyond what the deputy can manage the Bomb Disposal Unit will be notified to render assistance in transportation.
6. Deputies should consider any "Firework" that appears modified, or is unfamiliar, as an Illegal Explosive Device and immediately notify the Bomb Disposal Unit.
7. Deputies should not accept wet fireworks, or accept or place any firework in water.

**8.00.055****GIFTS OR DONATIONS:** 02/21

1. When citizens donate personal property that has value to the Sheriff's Office, deputies shall comply with the following procedures:
  - a. Complete a Summary Report using the title "Civil Problem - Donated Property" and the FCR Code "555".
    - The report shall state the reason for the donation.
    - The deputy shall ensure the property is not reported lost or stolen.
    - The deputy shall ensure the donor has legal authority to make the donation.
  - b. A Custodial Property Summary will be generated.
    - List the property in detail.
    - The property status shall be "Voluntary Surrender".
2. Deputies should not accept property that has no value to the Sheriff's Office.
  - Deputies should advise the property owners to donate the property to charities or to dispose of the property themselves.
3. When deputies are personally requested to accept articles, they shall respectfully decline per GOM 3.00.015 (2)(g) Gratuity.

**8.00.060****OWNER NOTIFICATION:** 08/10

Member shall attempt to locate and notify the owner(s) of any found property or property that has been recovered by the department.