 Kinston Police Department	<u>POLICY: Property & Evidence Control</u>						<u>POLICY #:</u> 600-5
	<u>NCLEA Standards: 11.01; 11.03; 11.04; 11.05; 11.06; 11.07; 11.09</u>						
	<u>CALEA Standards: 83.2.1; 83.3.2; 83.3.3; 84.1.1; 84.1.2 84.1.3; 84.1.5</u>						
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I. PURPOSE

This policy provides guidelines for the proper processing, storage, security, and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and identifies those persons authorized to remove and/or destroy property.

II. DEFINITIONS

Property – All articles placed in secure storage withing in the Property and Evidence Section, including the following:

- Evidence – Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.
- Found Property – Items found by officers or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping - Items received by officers for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence, and items taken for safekeeping under authority of law.
- Court Order - Items received by the Office pursuant to court order, such as a firearm that has not been taken as evidence, and items taken pursuant to court order under authority of law.
- Prescription Drug Disposal- The Kinston Police Department participates in the disposal of discarded prescription drugs. These materials may be stored in the Property Evidence Section prior to disposal.

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III. POLICY

It is the policy of the Kinston 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. It is also the policy of this Department to return such property to its rightful owner(s) in a timely manner, unless otherwise directed by the court.


PROPERTY AND EVIDENCE SECURITY (CALEA 84.1.2)

The Crime Lab Unit is responsible for management activities for all property in custody of the department. An Evidence Custodian shall be appointed by the Crime Lab Supervisor. The Evidence Custodian is supported by Evidence Technicians in the Crime Lab Unit. The Crime Lab Unit is a component of the Investigations Division and is under the direct supervision of the Investigations Division Captain.

ACCESS (CALEA 84.1.2) (NCLEA 11.04)

Only authorized members assigned to the Crime Lab Unit shall have access to property storage areas. The main property room and offsite bulk storage lot are two areas that require escort by evidence custodian. Any individual who needs to enter a property storage area (e.g., maintenance or repair contractors) must be approved by the Crime Lab Supervisor or designee and must be accompanied by an evidence technician. Each individual must sign the Property and Evidence Section access log and indicate:

- a. The date and time of entry and exit.
- b. The purpose for access, including the specific case or property number.

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Each access log entry shall be initialed by the accompanying evidence technician.

Items of high risk/value are secured with additional measures. Additional locking mechanisms shall be used to secure firearms room, drug room, and money / precious metals vault all contained within the main property & evidence room. **(NCLEA 11.05)**

Non-escorted area for property and evidence is the temporary storage locations where evidence is stored in designated lockers and secured with either padlock or mechanical door lock on the pass-through evidence chamber.


KEY CONTROL (CALEA 84.1.3)

Property and Evidence Section keys should be maintained by the Crime Lab Unit. An additional set of key(s) should be kept in a secured key box located in the Police Administrator’s office. Property and Evidence Section keys shall not be released to anyone except in emergency situations. Anytime the emergency key is taken, all attempts of contact shall be made to those responsible for the evidence section.

If a Property and Evidence Section key is lost, all access points shall be re-keyed and new keys issued as necessary. Any after-hours access to the Property and Evidence Section via the additional set of keys must be documented in a memorandum and submitted to the Investigation Division Commander as soon as practicable.

PROPERTY HANDLING (CALEA 84.2.1 a) (NCLEA 11.01) (NCLEA 11.03)

The officer who first comes into possession of any property is responsible for the custody and control of such property until it is transferred to an evidence technician or secured in a temporary property locker or storage area. Officers shall maintain the chain of custody of all items of evidence.


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Whenever property is taken from an individual, an evidence collection report will be completed. The report shall describe the property and contain a notice on how to retrieve the property from the Office. A copy of the evidence collection form shall be given to the individual from whom the property was taken.

PACKAGING AND SUBMISSION (CALEA 84.1.1 a-b) (CALEA 84.1.1 d) (NCLEA 11.01)

Before the end-of-shift, all seized property and evidence must be packaged and stored into Property and Evidence.

1. Officers shall package and store property as follows:
 - a. An evidence collection form shall be completed in its entirety with all known information.
 - b. Property shall be packaged in a suitable container.
 - i. Each item should be individually packaged and labeled. Labeling shall at a minimum include:
 1. Date
 2. Case Number
 3. Item number and Description of it
 4. Location item found
 5. Date and time of collection
 6. Collecting officer's name
 - c. All items which are packaged shall have an integrity seal. This seal will utilize tape and shall bind all openings of the package. The submitting member shall ensure their initials extend from the integrity seal to the packaging.

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EVIDENCE PROCEDURES (CALEA 84.1.1 e)

The Kinston Police Department’s Evidence Procedures contains an in-depth guide for storing all types of evidence and property.

RECORDING OF PROPERTY (CALEA 84.1.1 c) (CALEA 84.1.5)

The evidence technician receiving custody of property shall ensure an Evidence Collection Form has been completed for each item. The Evidence Collection Form will be the permanent record of the property in the Property and Evidence Unit. The evidence technician will record the date and time the property was received, and where the property will be stored.


A unique property number will be automatically generated by the department’s RMS Evidence Management System. This number shall be recorded on the evidence barcode sticker. The property log shall document the following (N.C.G.S. § 15-11):

REFUSAL OF PROPERTY

The evidence custodian has the obligation to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the evidence custodian refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting officer's supervisor of the reason for refusal and the action required for acceptance into the Property and Evidence Section.

PROPERTY CONTROL (CALEA 83.2.1 b, d) (CALEA 83.3.2 a-e)

If the evidence custodian temporarily relinquishing custody of property to another person, the property record shall document the date and time the property was released, the name and signature of the person accepting custody of the property, and the reason for release.

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Any officer receiving property shall be responsible for such property until it is returned to Property and Evidence, or released to another authorized person or entity.

Requests for items of evidence needed for court proceedings shall be submitted to the evidence custodian at least one day prior to the court date.

Requests for laboratory analysis or examination shall be completed on the appropriate lab form and submitted to the evidence custodian. This request may be submitted any time after the property has been processed.


The return of items to Property and Evidence should document the date and time, the name, and the signature of the person who returned the property, and the name and signature of the person to whom the property was returned.

LABORATORY TESTING (CALEA 83.3.2 c-e)

An evidence technician within the Crime Lab Unit will be responsible for transporting any evidence to a laboratory outside of the department. The evidence technician will be accompanied by a secondary officer or technician to ensure custody of the evidence is maintained at all times in the event of an emergency.

All evidence submitted to the State Crime Laboratory will comply with the "Policy and Procedure for Evidence Submissions North Carolina State Crime Laboratory Manual." Evidence submitted to an approved private laboratory will be delivered using the agreed upon procedures to maintain care/custody and control of the evidence.

The evidence technician will receive a copy of the evidence transfer receipt, which will be maintained with the Evidence Collection Form. Any laboratory reports returned with the processed evidence shall be submitted to the case file.

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RELEASE OF PROPERTY (CALEA 84.1.1 f-g) (NCLEA 11.07)

The Crime Lab Unit shall authorize the release of all property coming into the care and custody of the Kinston Police Department.

Release of property shall be made upon receipt of an authorized property release form, listing the name of who the property is to be released. The property release must be authorized by an appropriate supervisor or investigator and must conform to the items listed on the Chain of Custody Report or must specify the specific items to be released. Release of all property shall be documented on the Chain of Custody Report.


Firearms or ammunition should only be released upon presentation of valid identification and authorized documents showing that the individual may legally possess the item, and a criminal background check will be performed for all firearms being released.

All reasonable attempts shall be made to identify the rightful owner and notification to them of found property and items held for safekeeping.

Found property and property held for safekeeping shall be retained for the period of time required by law. During such period, evidence technicians shall attempt to contact the rightful owner by telephone, email, or postings, and/or mail when sufficient identifying information is available. The final disposition of all such property shall be fully documented on the Chain of Custody Report.

An evidence technician shall release such property when the owner presents proper identification and an authorized property release form has been received. The signature of the person receiving the property shall be recorded on the Evidence Release Form.

If any item listed on an Evidence Collection Form has not been released, the Evidence Collection Form will remain with the Property and Evidence Section. When all property listed on the Evidence Collection Form has

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been released, the Chain of Custody Report shall be maintained in Crime Lab Unit for the case, and the release of all items shall be documented in the property log.

DISCREPANCIES

The Supervisor shall be notified whenever a person alleges that there is a shortage or discrepancy regarding his/her property. The Crime Lab Supervisor will interview the person claiming the shortage. The Crime Lab Supervisor shall ensure that a search for the alleged missing items is completed and shall attempt to prove or disprove the claim.

DISPUTED CLAIMS TO PROPERTY

Occasionally, more than one party may claim an interest in property being held by the department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or establishes an undisputed right to the property.


All parties should be advised that their claims are civil. In extreme situations, the city attorney should be contacted.

DESTRUCTION OR DISPOSAL OF PROPERTY (NCLEA 11.06)

The Crime Lab Supervisor or designee shall approve the destruction or disposal of all property held by the department.

All property not held for evidence in a pending criminal investigation or proceeding may be destroyed or disposed of in compliance with existing laws upon receipt of proper authorization from a supervisor. The disposition of all property shall be entered on the **property log**.

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by

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law, unless a different disposition is ordered by a court:

- Weapons or devices declared by law to be illegal to possess
- Controlled substances declared by law to be illegal to possess without a legal prescription


BIOLOGICAL EVIDENCE

The Property and Evidence Section supervisor shall ensure that any physical evidence, regardless of the date of collection, that is reasonably likely to contain any biological evidence collected in the course of a criminal investigation or prosecution is preserved in a manner reasonably calculated to prevent contamination or degradation of any biological evidence that might be present, subject to a continuous chain of custody, and securely retained with sufficient official documentation to locate the evidence (N.C.G.S. § 15A-268).

Biological evidence includes the contents of a sexual assault examination kit or any item that contains blood, semen, hair, saliva, skin tissue, fingerprints, or other identifiable human biological material that may reasonably be used to incriminate or exculpate any person in a criminal investigation, whether that material is catalogued separately on a slide or swab, in a test tube, or some other similar method, or is present on clothing, ligatures, bedding, other household materials, drinking cups, or cigarettes, or any other item of evidence.

Biological evidence shall not be destroyed without complying with laws relating to the destruction, including the provision of proper notification to the requisite individuals (N.C.G.S. § 15A-268).

The Kinston Police Department will participate in the Statewide Sexual Assault Evidence Collection Kit Tracking System (N.C.G.S. § 114-65). Any sexual assault evidence collection kit shall be submitted for testing or storage in compliance with the requirements established by N.C.G.S. § 114-65 and N.C.G.S. § 15A-266.5A and shall be handled in compliance with all applicable protocols, rules, and guidelines established by the State Crime Laboratory and the Department of Public Safety.

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INSPECTIONS OF THE EVIDENCE ROOM

Inspections and audits shall be conducted in conformance with the CALEA standards manual Appendix I and Appendix K.

INSPECTIONS (CALEA 84.1.1h) (CALEA 84.1.6 a, d) (NCLEA 11.08)

The Investigations Division Captain shall ensure an inspection of the Property and Evidence Unit operations and storage facilities are conducted semi-annually to ensure adherence to appropriate policies and procedures.

The Chief of Police or designee shall ensure that at least annually, unannounced inspections of the Property and Evidence operations and storage facilities are conducted by a member who is not routinely or directly connected with Property and Evidence to ensure adherence to appropriate policies and procedures.

AUDITS (CALEA 84.1.1h) (CALEA 84.1.6 b, c) (NCLEA 11.09) (NCLEA 11.10)

The Investigations Division Captain shall ensure that an audit is conducted annually, or as directed by the Chief of Police. Audits shall be conducted by a member of the Kinston Police Department who is not routinely or directly connected with Property and Evidence operations.

Whenever the Evidence Custodian or technician is assigned to and/or transferred from their assignment, an audit shall be conducted jointly by the newly designated Crime Lab Unit personnel and a member of the Kinston Police Department who is not routinely or directly connected with Property and Evidence operations to ensure that records are correct and properly annotated. Additionally the department shall also conduct a similar audit of high-risk items when a new CEO is assigned to lead the Agency.