

P.O. 404 Evidence

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D. P.O. 404 – Evidence

1. REFERENCE

- i) The following procedures conform to LRS 14:402, LRS 15:41, 32:1700 et seq., 40:2601 et seq., CCRP 166, the International Association for Property & Evidence, LSP Forensic Lab Services Guide, Louisiana Administrative Code Title 55, Public Safety, and shall form the basis for the confiscation, storage, transfer, release, disposal of evidence or contraband, and property accepted for safekeeping.

2. DEFINITIONS

- i) Bin – Any shelf, cabinet, table, section of floor, or similar structure, located within a particular safe or vault, and used for the storage of evidence, property, or currency. In some cases, the terms bin and storage facilities are interchangeable. All bins are to be numbered or contain an alphanumeric sequential system and maintained in the Evidence Management System (EMS). The alphanumeric or number shall be permanently and clearly marked on the exterior of the bin.
- ii) Chain-of-custody – The chronological documentation of the seizure, custody, control, transfer (temporary or permanent), and disposition of evidence.
- iii) Convenience Container – A uniform size envelope, bag, or box that contains several smaller size individually packaged evidence items from one case and groups them together for ease of storage and retrieval.
- iv) Evidence – refers to material that has probative value in either tending to prove or disprove a material fact in a criminal or civil case.
- v) Evidence Container – A uniform size evidence envelope, bag, box, or metal can provided by the Department for the packaging, storage, and safekeeping of evidence.
- vi) Evidence Control Number (Bar Code Label) – A sequentially numbered label placed on all evidence located within an evidence storage facility or submitted to any crime lab, and which provides a permanent identification and source of that item or package of evidence. This number shall be the same number as the case file number followed by sequential numbering.
 - a) BOI case numbers are obtained through the approved electronic Records Management System.
 - 1) Example: If the case number is 19-415 then the Evidence Log Number would be 19-415-1 for the first piece of evidence and 19-415-2 for the second piece of evidence and so on.
 - b) Patrol case numbers are obtained by using the approved electronic Records Management System and placing the Troop designation in front of the number.
 - 1) Example: If the Desk Log number is 190407D008 then Troop B would add the Troop designation in front of the number B-190407D008. The evidence log number would then be B-190407D008-1 for the first piece of evidence and B-190407D008-2 for the second piece of evidence and so on.
- vii) Evidence Custodian – Officers who are charged with the responsibility of accepting, securing, safekeeping, transferring, and disposing of evidence or property.
- viii) Evidence Management System (EMS) – The electronic system used by LSP for documenting all evidence. It will track the Chain-of-custody from intake, laboratory examination, and disposition of all evidence in LSP custody.
- ix) Evidence/Property Receipt (DPSSP 4731)/Computer Generated Receipts/etc.:
 - a) When DPSSP 4731 is utilized, copies shall be distributed as follows:
 - 1) Original - Maintained in the investigating officer's case file.

- 2) Receipt Copy - Provided to individual from whom evidence/property is seized/received, or to whom evidence/property is transferred/released.
 - b) DPSSP 4731 does not have to be utilized by Evidence Custodian if using the EMS to transfer evidence.
 - x) Property – refers to the generic term for personal property that does not have evidentiary value and comes into the possession of a law enforcement agency as found, safekeeping, or property for destruction. These items shall be treated in the same manner as evidence.
 - xi) Safe/Vault – Any facility for the storage of evidence that is accessible only through combination, key, or security device such as a key fob or access card and rated against fire and burglary.
 - xii) Seals – Tamper-evident tape that secures an evidence container. All seals must be initialed by the person sealing the evidence with a single inscription written on and off the tape.
 - xiii) Temporary Evidence Storage Location – a secure safe/vault location used to temporarily house evidence until it can be transferred to the Evidence Custodian. The temporary storage of evidence should not exceed 14 days unless permission is granted by a supervisor.
3. RESPONSIBILITIES OF INVESTIGATING OFFICER
- i) The investigating officer, or designated officer, in each case shall have primary responsibility for the collection, packaging, and preservation of all evidence, with the advice and consent of his supervisor, as needed. The LSP Crime Lab Forensic Lab Services Guide and LSP Evidence Packing Guide serve as the official guidance on appropriately collecting, packaging, and preservation of evidence.
 - ii) All evidence shall be packaged with regard to the integrity of the individual case. Commissioned officers should seek the advice of an on-duty forensic scientist or Evidence Custodian if needed.
 - iii) Before submitting found property into the evidence control function, an officer must make reasonable efforts to identify and contact the owner or custodian of the property.
 - iv) The investigating officer, or designated officer, while following the guidance of the LSP Crime Lab Forensic Lab Services Guide and LSP Evidence Packing Guide, shall:
 - a) Ensure the appropriate supervisor is notified of the fact that evidence has been confiscated.
 - b) Ensure each item seized is properly identified, marked, secured, and sealed in an appropriate evidence container.
 - c) Complete an Evidence/Property receipt anytime an item is seized and ensure all copies are properly distributed.
 - d) Ensure all hazardous or dangerous items and substances (syringes, fentanyl, weapons, etc.) are packaged safely, marked appropriately as such on the evidence container, and reported before submitting.
 - e) Complete all informational blanks on the evidence container.
 - f) Complete a written report detailing the circumstances by which the evidence came into their possession along with a description of each item (e.g. arrest report, incident report, or intelligence report). The investigating officer, or designated officer, is to detail the chain-of-custody in the investigative report until turning over the evidence to the custodian).
 - g) Send an email to the Evidence Custodian notifying him that evidence has been placed in temporary storage and is ready for collection.
 - v) All evidence seized by an officer shall be placed in a Department-approved temporary evidence storage location by the end of the officer’s tour of duty. If the evidence seized is not able to be placed in temporary storage by the end of the officer’s tour of duty because time and distance may be a factor, supervisory approval is required. The officer shall provide a descriptive inventory of the evidence seized and how it will be safeguarded which shall be entered into the desk log or sent via email to their supervisor.

- vi) If an officer from another agency who is conducting a joint or parallel investigation makes a written request, evidence seized by the State Police may be released to that officer only after approval is obtained by an LSP supervisor who deems it in the best interest of the case. The evidence must first be entered into the EMS by the Evidence Custodian to record the transfer and proper chain-of-custody before releasing the evidence.
4. DRUG SEIZURES
- i) Proper collection, packaging, storage, and submission of drug evidence help ensure the integrity of the evidence. Officers should adhere to the following guidelines:
 - a) Minimize the layers of evidence packaging.
 - b) Like drugs should be combined in the same evidence container.
 - c) Ensure all syringes and bio-hazards are properly packaged and labeled.
 - d) The Crime Lab must be contacted for prior approval before any syringes are submitted for analysis.
 - ii) As a general rule, major narcotic seizures should not be stored in a temporary evidence storage location. The investigating officer should call their Evidence Custodian to discuss and assist in the storage of large narcotic seizures.
 - a) Whenever possible, investigative personnel shall attempt to secure court orders allowing for the destruction of large narcotic seizures.
 - b) Prior to destruction, all pertinent documentation necessary for the prosecution of the case will be obtained by the Crime Lab, Evidence Custodian, or Case Officer. The prosecutorial authority shall be consulted as to what is necessary in the case. This may include photographs, representative samples, official weight, etc.
 - iii) When it becomes necessary to store large seizures of drug contraband in a temporary evidence storage location, the following guidelines shall be adhered to:
 - a) Evidence shall be placed in the smallest approved container as practicable according to the LSP Evidence Handling Guide.
 - b) The Evidence Custodian, the seizing officer, and at least one witness shall confirm the placement of all applicable seals and that the information is accurate.
 - c) All seals shall bear the initials or signatures of all parties involved.
5. FIREARMS SEIZURES
- i) General procedures for collecting, packaging, and submitting firearms
 - a) Handle and treat all firearms as if they are loaded even when they have been cleared and rendered safe.
 - b) If the firearm is to be processed for latent fingerprints or DNA, gloves and mask should be used when handling and packaging the weapon.
 - c) Do not stick any object in the barrel of the firearm for any reason.
 - d) Unloaded ammunition that is seized with the firearm can be packaged in a separate envelope, sealed, and put inside the evidence container (gun box) containing the firearm. Per the Crime Lab, do not seal this envelope with evidence tape.
 - e) When possible do not download the magazines, they are to be placed in the box with the unloaded firearm. Exact bullet counts are not needed when submitting firearms. The lab will provide exact counts in their report.
 - f) After packaging the firearm, verification that the firearm has been rendered safe and the officers who rendered the firearm safe must be written on the outside of the evidence container.
 - g) If arresting a felon in possession of a firearm and DNA testing is requested, a reference swab from the suspect must be obtained.

6. CURRENCY SEIZURES

- i) All currency shall be counted twice by two different officers; a supervisor shall confirm the count. Once an accurate count has been made and verified, the officers shall seal the currency in an evidence container and sign and document the count in the "Additional Information" section of the evidence container. The names of both officers shall be clearly printed.
- ii) Generally, the Department shall not maintain seized currency in its original form, unless it has evidentiary value beyond its financial value. When currency is seized, and has no evidentiary value beyond its financial value, it shall be photographed and converted into a cashier's check. All documentation shall become a permanent part of the case file.
- iii) If the currency is subject to forfeiture, the cashier's check shall be delivered to the District Attorney's Office. A representative of the District Attorney must sign a receipt for the cashier's check.
 - a) If the District Attorney's Office does not accept the funds or cannot accept the funds within four (4) working days, the cashier's check shall be forwarded to the Asset Forfeiture Unit within two (2) working days for deposit into the Louisiana State Police Forfeiture Escrow Account. The Asset Forfeiture Unit will ensure that the funds are handled in accordance with applicable law.
 - b) If the Forfeiture Escrow Account is unavailable, the cashier's check shall be placed into the Section's currency bin.
 - c) If the currency is seized subject to the execution of an arrest warrant or search warrant, the cashier's check shall be maintained by the Evidence Custodian in the currency bin until such time as the case has been adjudicated, has been ordered released by a court of competent jurisdiction, or seized pursuant to a warrant for forfeiture.
 - d) If the appropriate prosecuting attorney requests that currency be maintained in its original form, every attempt shall be made to relinquish custody of the currency to that agency.
 - e) If the appropriate prosecuting attorney refuses to accept custody of currency not subject to forfeiture, the Evidence Custodian may, at his discretion, maintain custody of the currency in the Section's Safe/Vault.
 - f) Any expenses involved in the purchase of a cashier's check shall be paid from either the Investigative Expense or Petty Cash fund. Under no circumstances shall any seized/safekeeping funds be utilized for these expenses.

7. BLOOD/URINE KIT SEIZURES

- i) Blood From Live Subjects
 - a) An officer must personally observe the blood being drawn from the subject by a physician, physician's assistant, emergency medical technician, nurse practitioner, chemist, registered nurse, certified phlebotomist, or any other qualified technician.
 - b) The Department-approved kit shall be used to draw blood for the purposes of determining the alcoholic content and/or presence of drugs.
 - c) Seals and forms supplied with the kit are to be used in accordance with the instructions included in the kit. The consent form, although desirable, is not necessary if the person is being tested under the Implied Consent Law.
 - d) Under no circumstances should other types of blood tubes be substituted for the tubes in the Department approved kit.
 - e) Officers must ensure that the blood tubes are gently inverted 5 (five) or more times to mix the anticoagulant with the blood to prevent clotting.
 - f) Refrigeration of the sample is not necessary; however, it is desirable to prevent the degradation of certain drugs when a drug screen is being requested. Officers should not expose the sample to excessive heat where solidification and degradation may occur.

- ii) Blood From Deceased Subjects
 - a) Officers should make every effort to witness the taking of the sample by a physician, physician's assistant, emergency medical technician, nurse practitioner, chemist, registered nurse, certified phlebotomist, or any other qualified technician.
 - b) The Department-approved kit shall be used to draw blood for the purposes of determining the alcoholic content and/or presence of drugs.
 - c) Seals and supplies in the kit are to be used with no substitutions.
 - d) Refrigeration of the sample is not necessary; however, it is desirable to prevent the degradation of certain drugs when a drug screen is being requested. Officers should not expose the sample to excessive heat where solidification and degradation may occur.
 - iii) Urine From Live Subjects
 - a) For purposes of drug determinations, a urine sample obtained in addition to a blood sample is highly desirable. Urinalysis for the purpose of determining alcohol levels is not presently recognized in Louisiana.
 - 1) Samples must be given voluntarily.
 - 2) The officer must personally observe the sample being provided by the subject.
 - 3) The sample must be collected with the urine specimen container provided in the Blood Kit No. 4000 or similar Department-approved kit.
 - (i) In situations where the investigation is not related to traffic enforcement (i.e. rape, murder), other containers may be substituted. Officers should contact the Crime Lab to discuss exceptions.
 - 4) Refrigeration of the specimen is not necessary; however, it is desirable to prevent the degradation of certain drugs.
 - iv) Urine From Deceased Subjects
 - a) The officer should witness the taking of the sample by qualified medical personnel.
 - b) The urine container or blood tubes from the Department approved kits may be used for the collection of the urine specimen.
 - c) Refrigeration of the specimen is not necessary; however, it is desirable to prevent the degradation of certain drugs.
 - v) For any case where there is a fatality, and a blood kit is generated, denote this fatality on the Crime lab submittal form "Request for Scientific Analysis" (DPSSP 4606).
 - vi) Expired kits shall not be used for the collection of either blood or urine samples for the purposes of determining alcohol content and/or the presence of drugs.
 - vii) A lab permitted by the Department shall perform the analysis of blood for alcohol content.
 - viii) Any sample obtained for analysis shall be submitted to a permitted lab within ten (10) days following the shift during which the sample was taken.
 - ix) Blood samples taken for analysis shall be maintained at room temperature, and shall not remain in the custody of the investigating or collecting officer beyond the end of the shift during which the sample was taken, unless time and distance is a factor and prior approval is obtained from the shift supervisor. A desk log entry shall be made.
 - a) The officer may deliver the sample directly to the State Police Crime Lab; however, prior notification to the Crime Lab must be given or it may be delivered to the Evidence Custodian.
 - b) If blood kits are not hand delivered to the Crime Lab, shipping must be via a carrier that can track the shipping status. This may be USPS certified mail, Fed-Ex, UPS, etc. They must be shipped using an option that requires a signature upon receipt.
8. SUBMITTING EVIDENCE TO THE CRIME LAB
- i) The investigating officer is ultimately responsible for deciding what evidence is submitted for forensic examination and should complete all forms requesting analysis. If a designee is used, the investigating officer should still review the request being made.

- ii) Only items of evidentiary value that actually need scientific analysis should be submitted to the Crime Lab. Extraneous items should not be submitted as part of the request for analysis.
- iii) All evidence submitted to the LSP Crime Lab for examination must be accompanied by a completed "Request for Scientific Analysis" (DPSSP 4606) or an electronic equivalent. A reasonable supply of these forms is to be maintained by each command and is available from DPS Supply (forms are available at http://lsp.org/pdf/Lab_Evidence_Submittal_Form.pdf). If DNA analysis is requested, a "DNA Consumption Form" and "DNA Submittal Form" must be submitted.
- iv) All items of evidence must be prepared in a manner such that material will arrive at the lab in a condition conducive to performing the analysis desired. Advice in a particular instance may be obtained from the Crime Lab. Each item submitted must bear:
 - a) A statement of the type of material enclosed and the place from which it was collected.
 - b) The time and date the material was secured for evidence purposes.
 - c) The signature of the officer collecting the evidence.
- v) The chain-of-evidence shall be carefully preserved.
- vi) Evidence is typically submitted to the Crime Lab by an Evidence Custodian on an appointment basis.
- vii) Evidence may also be collected directly by LSP Crime Lab personnel at the scene of an incident.
 - a) If the Request For Scientific Analysis (DPSSP 4606) is completed by the forensic scientist collecting the evidence, a submittal number will be obtained and it will be provided to the investigating officer along with a copy of the Request for Scientific Analysis Form.
 - b) The investigating officer or his designee shall obtain the necessary Evidence Control (Bar Code) Number labels from the Evidence Custodian and attach to each piece of evidence submitted directly to a crime lab.
 - c) All other forms and evidence not submitted to a crime lab, are then to be delivered to the Evidence Custodian for proper placement.
- viii) In special circumstances such as cases with, blood, body tissue, body fluids, or cases of an exigent nature, evidence may be taken directly to the Crime Lab. However, the Crime Lab and Evidence Custodian must be made aware that this submission will be coming in off-schedule, and agree to accommodate the investigation.
 - a) Upon receipt of the Crime Lab submittal number, the officer shall deliver a copy of the Request For Scientific Analysis to the Evidence Custodian within two (2) working days.
- ix) When evidence is submitted directly to the State Police Crime Lab, the Evidence Technician shall ensure that the following procedures are followed:
 - a) A State Police Crime Lab file number shall be assigned to the evidence being submitted.
 - b) An official State Police Crime Lab Evidence Control Number (Bar Code) shall be attached to each package of evidence submitted under that file number.
 - c) The evidence submitted should already bear an Evidence Control Number issued by the Evidence Custodian submitting the evidence.
- x) If necessary to divide a package of evidence, thereby creating another package, it will be labeled with appropriate crime lab evidence labels. When the evidence is returned to the Evidence Custodian, it will be issued a separate Evidence Control Number.

- xi) The Evidence Technician at the Crime Lab shall ensure placement into a vault, bin, storage cabinet, or other form of containment deemed appropriate by Crime Lab personnel and conforming to the guidelines set forth in this order. Due to the overall mission of the Crime Lab, it may be deemed inappropriate to separate packages of drugs and other evidence associated with an individual case. In such instances, the Crime Lab shall be permitted to maintain evidence in the manner best suited to preserve integrity, as well as the overall safety of the evidence once it has been submitted to the State Police Crime Lab.
9. RESPONSIBILITIES OF THE EVIDENCE CUSTODIAN
- i) Each Evidence Custodian shall:
 - a) Ensure that incoming evidence is packaged in accordance with agency guidelines.
 - b) Ensure that all information on the evidence container is correct and that it accurately describes the evidence in question.
 - c) Ensure that all items are properly packaged, sealed, and prepared for secure storage within the vault or safe. All evidence must be of type and packaging to allow storage inside the vault/safe without posing a hazard to personnel.
 - d) Enter necessary data into the EMS and maintain the chain-of-custody.
 - e) Assign Evidence Control (Bar Code) Numbers to each item of evidence and ensure that the labels are affixed to the proper item. Once affixed, this label shall not be removed or mutilated.
 - f) When practicable, direct that several small, similar items be packaged together and labeled accordingly.
 - g) Ensure that all release and dispositions of evidence are legal and accurately documented.
 - h) Arrange and document interim releases and returns of evidence for court, crime lab analysis, or investigative use.
 - i) Serve as the liaison for property and evidence matters between the agency and other local, state, and federal law enforcement agencies.
 - j) Provide for maintenance of the storage facility.
 - k) Inventory evidence based on the policy demands of the agency.
 - l) Store evidence in the designated storage area
 - m) Limit access to the evidence vaults to only authorized individuals and maintain access logs for non-custodial personnel.
 - n) Ensure that there is adequate security for the evidence vault.
 - o) Maintain evidence packaging stations and supplies.
 - p) Evidence Custodians shall provide assistance with collecting evidence during warrant services and crime scene investigations when requested.
 - q) Each Evidence Custodian shall inventory all evidence for which he is responsible each March and September. The March inventory will be for the time period of September 1st through February 28th. The September inventory will be for the time period of March 1st through August 31st. He shall prepare an inventory report that shall be forwarded to the Deputy Superintendent of Support through his chain-of-command. Completed inventory reports should be submitted no later than April 30th and October 31st respectively.
 - ii) Evidence Custodians shall contact the ECU Lieutenant to:
 - a) Add or remove personnel from the EMS.
 - b) Add or remove bins from the EMS.
 - c) Add or discontinue the use of safes, vaults, or temporary storage locations.
10. SECURITY OF EVIDENCE STORAGE FACILITY
- i) Only the Evidence Custodian, or his designee, may enter any storage facility, vault, or safe alone. Any other person must be accompanied by the Evidence Custodian, and shall be in sight and under the direct supervision of the Evidence Custodian at all times while in the evidence facility.

- ii) The Evidence Custodian shall maintain a log of all non-custodial persons entering any storage facility. This log shall reflect the time in/out, date, and signatures of all persons entering any storage facility.
- iii) Only Evidence Custodian, or his designee, shall have knowledge of combinations and/or possess any unsecured keys to any storage facilities, safes, or vaults.
- iv) Emergency access to combinations and keys:
 - a) Each Evidence Custodian shall keep a wall-mounted combination box safe in a secure location with restricted access (i.e. the Custodian's locked office).
 - b) The Section Commander with evidence under his command shall maintain, in a secure location, an envelope containing the combination to the box safe. The envelope shall be sealed with evidence tape and signed by both the Section Commander and the Evidence Custodian.
 - c) The box safe will contain keys and combinations to access all evidence vaults at the facility. The safe shall also be sealed with evidence tape and signed by both the Section Commander and the Evidence Custodian.
 - d) A Section Commander who is responsible for an evidence vault which is located at a facility under the command of another LSP Commander, may provide an emergency set of combinations and keys used for access to all storage vaults. These will be maintained in the same manner described above in part (a), (b), and (c). However, all seals shall be signed by both Commanders and the Evidence Custodian.
 - e) If there is any change in personnel having knowledge of the access code to the box safe, the Evidence Custodian shall change the code to the safe and repeat the process in parts (b), (c) and (d) if applicable.
 - f) In the event any access is required to the box safe containing the emergency set of combinations and keys, the person gaining access shall immediately notify their Commander or Command Inspector and the Evidence Custodian of the reason of the emergency and entry into the vault. After notification, the person gaining entry shall complete an incident report detailing the circumstances for entry. If necessary, a complete inventory should be conducted by the Evidence Custodian.
 - g) The storage and access of emergency combinations and keys shall be reviewed as part of the normal required inspection process.
- v) In the event of an emergency or in the long-term absence of the Evidence Custodian, the Section Commander/ECU Lieutenant, or their designee, shall assume all duties of the Evidence Custodian until a replacement Evidence Custodian is appointed.
- vi) In the event of an emergency or in the long-term absence of the Evidence Custodian, an interim Evidence Custodian may be appointed by the Section Commander, Patrol Region Major, or ECU Commander. The incoming Evidence Custodian shall complete this inventory prior to acceptance of the evidence stored by the section in question.
- vii) In the event that any commissioned officer suspects that any evidence or evidence storage facility, safe, or vault has been tampered with, he shall immediately notify his immediate supervisor. The officer and his supervisor shall then ensure the immediate notification of the:
 - a) Evidence Custodian.
 - b) Section Commander.
 - c) Section Command Inspector.
- viii) In the event of suspected evidence tampering, the Command Inspector shall immediately begin an investigation, including a complete audit of all evidence housed by that Evidence Custodian, coordinating with the Commander. All findings shall be reported to the Deputy Superintendent of Support. If merited, the appropriate Commander may appoint an interim Evidence Custodian. In any case, all combinations and locks shall be changed.

- ix) Section Commanders, their designee, or Evidence Custodians shall contact the ECU when adding or changing evidence storage facilities. The ECU will provide recommendations for compliance and security of the facility.

11. COLLECTON AND STORAGE OF EVIDENCE

- i) Evidence should only be packaged in a Department-approved evidence container.
 - a) The ECU is responsible for supplying approved evidence packaging material to all officers.
 - b) Louisiana State Police Evidence Envelope form number DPSSP 6750 is to be used whenever practical. Officers should refer to the LSP Evidence Handling Guide for details on packing of evidence.
 - c) Use of the LSP Evidence Envelope and EMS negates the LSP Evidence Tracking Forms.
 - d) Intact manufacturer seals do not need to be resealed with evidence tape.
 - e) Like items from multiple suspects should not be packaged together.
 - f) Potential evidence that can be returned after analysis should be packaged individually (e.g. cell phones).
- ii) Evidence Custodians shall ensure that evidence too large for the evidence storage facility, (e.g. vehicles), is transferred to the LSP Crime Lab or other approved crime lab, as soon as possible. In the event of unusual or exceptional circumstances, the investigating officer, supervisor, or Evidence Custodian may request a Crime Lab Technician to respond to the location of the evidence to assist. If storage space is a significant issue, the appropriate District Attorney should be consulted regarding the ability to sample and destroy.
 - a) If the evidence is not transferred immediately and a Crime Lab Technician is unable to respond, the evidence shall be secured in the Troop/Region garage.
 - b) Security of the evidence shall be maintained until the chain-of-custody transfer is completed.
 - c) If the evidence is not transferred immediately, a desk log entry shall be made indicating its placement into the garage and its final disposition.

12. COMMAND RESPONSIBILITIES

- i) Section Commanders, or their designee, will ensure a joint inventory is conducted whenever the person responsible for the evidence control function is assigned and/or transferred from the position. The inventory shall be conducted by the newly designated Evidence Custodian to ensure that records are correct and properly annotated.
- ii) Section Commanders or their designee shall be responsible for direct supervision of the Evidence Custodian to ensure compliance with the provisions of this order.
- iii) Commanders shall contact the ECU Lieutenant when changing Evidence Custodians. The ECU Lieutenant is responsible for updating and issuing permissions to the custodians in the EMS.
- iv) Command Inspectors shall be responsible for ensuring complete compliance with the provisions of this order within their respective commands. They shall be responsible for the general supervision of the Commander of each Evidence Custodian under their command. Command Inspectors shall report any issues of concern pertaining to evidence to the Deputy Superintendent of Support.
 - a) Unannounced inspections are the responsibility of each Command Inspector and must include an inspection of evidence storage facilities under his command; however, the duty may be delegated.
 - b) Unannounced inspections should be performed biannually. Ideally, these inspections should be performed during quarters (April to June or October to December) that do not conflict with the custodians' biannual inventories.
 - c) Full audits are not required, but a number of randomly-selected items should be checked.

- d) Following an unannounced inspection, a letter specifying the items checked is to be sent to the Deputy Superintendent within each Command Inspector's chain-of-command.

13. **RELEASING, TRANSFERRING, OR DESTROYING EVIDENCE**

- i) In the event the transfer or release of evidence becomes necessary, the investigating officer shall make the Evidence Custodian aware of the pending transaction and together they will affect the release. The Evidence Custodian shall make a physical inspection of the evidence to ensure that all seals, labels, or tags are intact on both the accepting and returning of evidence.
- ii) If an officer is returning evidence to an owner, he shall fill out an Evidence/Property Receipt, have it signed by the owner, and turn in a copy of the receipt to the Evidence Custodian.
- iii) In the event that evidence is deemed by the courts to be destroyed, the Evidence Custodian shall coordinate with the investigating officer and, if necessary, Legal Affairs to obtain a court order prior to carrying out the destruction of the item. The Evidence Custodian shall be present when evidence is destroyed to ensure proper disposal in accordance with law.
- iv) The Evidence Custodians shall prepare appropriate destruction motions and orders for those items no longer needed for court purposes or when the necessary time limitations have expired.
- v) Evidence shall be destroyed by the seizing/storing Evidence Custodian.
 - a) All destruction of evidence shall be fully documented (i.e., videos, still photos, etc.) and witnessed by at least one other commissioned officer.
 - b) Before destroying large amounts of narcotics or firearms, Evidence Custodians can confer with the Crime Lab to see if they need these items for K-9 training aids or reference firearms; however, court orders stating such use need to be obtained.