

THE RALEIGH POLICE DEPARTMENT

1108-04

EVIDENCE, FOUND AND ARRESTEE PROPERTY

PURPOSE

To establish procedures for the collection, storage, and release or destruction of evidence and found property.

VALUES REFLECTED

This directive reflects our values of Service and Integrity. By following these procedures, we not only demonstrate our adherence to the rule of law but also our search for justice. It is vital to our community that we gather, process and store evidence and property in a manner that enables us to demonstrate utmost honesty. Following these procedures will help convict those guilty of crimes and will help maintain community trust.

UNITS AFFECTED

All Divisions/Sworn Officers
Evidence Control Unit
Information Response Technicians

REFERENCES/FORMS

DOI 1104-5 Malfeasance

DOI 1110-08 Searches and Seizures: Investigative Stops and Frisks

N.C.G.S. 8-C, Rules 1001-1008 "Contents of Writings, Recordings and Photographs"

N.C.G.S. Chapter 15-11 to Chapter 15-16, "Records and Disposition of Seized Articles"

N.C.G.S. 14-269.1 "Confiscation and Disposition of Deadly Weapons"

Attachment A: Property Owner Notification Form Letter

Attachment B: Evidence Disposition Court Order

Attachment C: Currency Reconciliation Form

Attachment D: Buccal Swab Instruction Sheet

May be Released to the Public

Effective Date: 09-27-2022
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GENERAL POLICIES

All officers must collect and handle evidence in a manner that ensures the "chain of custody," so that the evidence may be properly introduced in court.

Officers shall submit evidence and found property to Evidence Specialists as soon as possible and prior to the end of the officer's shift. Any evidence that is submitted shall be documented on the Incident Report for which the evidence was collected. They are prohibited from converting evidence or property to their own use or disposing of evidence or property in any manner contrary to established procedures (refer to DOI 1104-5 "Malfeasance").

Officers should use good judgment when making the initial decision to place an item into evidence. Once property has been admitted into the evidence room, then it becomes the officer's responsibility to keep track of the property and the case. When evaluating a piece of property in an effort to determine the feasibility of keeping the property, the officer should consider the elements of the crime under investigation and think carefully about what evidence is necessary to prove the elements of the crime and the identification of the suspect.

The Evidence Control Supervisor is responsible for the security and care of all evidence, found or recovered property, or confiscated property held by the Department. In the supervisor's absence, one of the Evidence Specialists or the Administrative Services Division Lieutenant may be designated to function as Evidence Control Supervisor. The Evidence Control Supervisor will report directly to the Administrative Services Division Lieutenant.

The receipt of all money collected through auctions of found property or evidence, disposed of by the courts, is to be coordinated through the City of Raleigh Finance Department.

SECURITY OF FACILITIES

Unauthorized Access

Evidence Specialists will not permit access by unauthorized officers or personnel into the secured areas of property storage rooms. They will deactivate the alarm system for the rooms and storage lockers at the beginning of their shift and activate the alarm at the end of the shift. Alarms are tested quarterly during the staff inspections conducted by the Office of Professional Standards/Inspections Unit.

All keys associated with evidence control will be accounted for and assigned. No duplicates will be made without authorization from the Administrative Services Commander or the Internal Affairs Captain. Evidence Specialists will verify that keys for the temporary storage lockers are properly logged out.

COLLECTION AND PACKAGING

Use of Wake County Bureau of Forensic Services

Officers may request the assistance of Wake County Bureau of Forensic Services (WCBFS) technicians in collecting latent evidence or where photographs, to be used in court, are required. In those instances, WCBFS will be responsible for packaging and submitting evidence that they collect.

Although WCBFS may be called to assist, the individual officer remains in charge of the crime scene. The officer is responsible for determining whether significant evidence is present and for deciding whether WCBFS should be called. The officer is also responsible for any crime scene sketches, and notations concerning the location from which evidence was collected.

Packaging Evidence

Each separately identifiable item or items must be individually numbered and packaged so as to avoid confusion or contamination with other items.

- Clothing or other items containing blood or fluids must be dried properly, packaged in paper bag, and labeled with biohazard labels. These items should be turned over to WCBFS for drying before being submitted to the Evidence Unit. Evidence personnel will ensure the items are properly packaged before accepting them.
- Items submitted as evidence or found property such as suitcases, book bags, purses, etc. should be searched and contents itemized. Items such as drugs, money, weapons, valuables, etc. should be packaged in separate envelopes unless doing so would unnecessarily expose the officer to a dangerous substance.
- Firearms must be unloaded prior to submission into evidence. When a firearm cannot be cleared due to a malfunction, notations should be made under "evidence description" on the Evidence Control Form that the weapon is loaded. The weapon is to be tagged with a RED "Danger" evidence tag. An exposed hammer that is cocked should be secured to prevent it from falling. It should then be handled as any other loaded weapon.

Firearms are not to be placed in sealed packages prior to inspection by an Evidence Specialist.

- Drug samples and evidence must be packaged in separate containers so as to avoid contamination unless doing so would unnecessarily expose the officer to a dangerous substance. This includes drug paraphernalia, pipes, money, etc.

Samples should be counted and weighed. A notation must be made on the evidence control card indicating the kind of wrapper the substance was in at the time of weighing (i.e., aluminum foil wrapper). Samples are then to be securely sealed in an evidence envelope. The envelope should be taped across the bottom of the flap and then the two sides of the flap should be taped. The officer should then initial across the tape and the envelope so that if the seal is broken it will be apparent.

- Forged checks or other documents are occasionally sent out to be fingerprinted. Documents should be protected by double-sealing them inside another envelope.

Money Totaling \$10,000 or More

All money, evidence or found property, totaling \$10,000 or more will be hand-delivered to an Evidence Specialist. If an Evidence Specialist is not on duty, one will be notified by the Downtown District Police Desk Officer. Officers whose tour of duty ends at 7:00 A.M. will have an Evidence Specialist called at 5:00 A.M. in order to meet the officer prior to the officer's end of tour. The officer may secure the money in an evidence locker at the Downtown District Station until the Evidence Specialist arrives.

- Both the officer and the Evidence Specialist will count the money. A Currency Reconciliation Form (Attachment C) will be completed by the officer/investigator submitting the currency and signed by both the officer/investigator and the receiving Evidence Specialist.
- The money and the Currency Reconciliation Form will be placed in an envelope, sealed, initialed, and dated by both the officer and Evidence Specialist.
- The Evidence Specialist will verify that the correct amount of money is recorded on the evidence envelope and the evidence control form.
- After signing for the money, the Evidence Specialist will secure it in the vault.
- When money is checked out for court or other purposes, the officer and Evidence Specialist will open the envelope and verify that it contains the correct amount.
- If the money is returned, it will again be counted by the officer and Evidence Specialist, sealed, initialed by both, and returned to the vault.

Money Totaling Less Than \$10,000

All money, either evidence or found property, totaling less than \$10,000 will be counted by the officer and an on-duty supervisor prior to being placed into evidence.

An officer may place money totaling less than \$10,000 in a district evidence locker.

- The money will first be counted by the officer and a supervisor. A Currency Reconciliation Form will be completed and signed by both the officer/investigator and the supervisor verifying the amount being placed into evidence.
- Both the officer and the supervisor will initial and seal the evidence envelope verifying the amount of money. The evidence and the Currency Reconciliation Form will then be placed in an Evidence Locker as usual.
- Once the currency is received into evidence, the envelope will be secured appropriately in the evidence vault. Any discrepancies will be referred to the Internal Affairs Unit.
- If the money is checked out for court or other purpose, it will be handled the same as for money totaling more than \$10,000 as described above.

OPIOIDS and SIMILAR DANGEROUS DRUGS

When seizing a dangerous opioid or suspected opioid such as fentanyl, carfentanyl, and heroin, the following steps should be taken:

Evidence Packaging

All items will be handled with protective gloves and/or clothing as feasible. Precautions should be taken to properly secure the container without exposing the contents.

- The evidence should be left in its current packaging and then double bagged in a separate ziplock bag, which should then be taped.

- The evidence will then be placed into a CLEAR evidence envelope.
- The evidence container shall be clearly marked "CONTAINS SUSPECTED FENTANYL/OPIOID" and labeled with "Fentanyl/Opioid" symbols.
- If the evidence is placed into an evidence locker, a locker magnet marked "FENTANYL/OPIOID SEIZURE" will be placed on the outside of the locker. **BIO-**

HAZARDOUS MATERIALS

When the situation dictates the seizure of evidence that has been exposed to human body fluids, excretions, or secretions, the following steps will be taken:

Evidence Packaging

All contaminated items will be handled with protective gloves and/or clothing as feasible. Precautions should be taken to properly secure the container without exposing the contents.

- Tangible evidence items such as knives, bricks, guns, etc. which have been exposed to body secretions and/or body tissue must be decontaminated prior to packaging and storage unless the body secretions or tissue have evidentiary value. The cleaning solution will be provided by the Quartermaster and available when needed. The officer should indicate on the evidence card whether the evidence has been decontaminated.

(Note: Emergency use of one part Clorox diluted with nine parts of water will destroy the AIDS virus).

- All evidence exposed to blood, semen, or other body fluids shall be packaged and clearly marked with biohazard labels. These containers must be sealed with evidence tape rather than stapled.
- All needles and syringes will be packaged in puncture-resistant containers and clearly marked. Knives and other sharp instruments are to be packaged in a manner that will protect the handler(s) from exposed blades or sharp edges.

Labeling Contaminated Evidence with Biohazard Symbols

A completed identification tag must be affixed to evidence containers containing contaminated evidence.

- The evidence container shall be clearly marked "CONTAINS POSSIBLE CONTAMINATED ITEMS" and labeled with fluorescent orange or red "Biohazard" symbols.
- The Evidence Specialist will be notified of the location of this evidence.

BIOLOGICAL EVIDENCE (DNA)

DNA or biological evidence that is collected from a crime scene can be pivotal in linking a suspect to a crime scene. In addition, DNA can be used to identify a victim. Extreme care should be taken when collecting, transporting or storing DNA evidence.

Buccal Swab Collection

Buccal swab collection shall only be performed under the direction of or in cooperation with a Detective Division Supervisor.

All officers who collect evidence in the form of a buccal swab shall utilize a buccal swab collection kit. Officers shall follow the instructions contained within the kit, including procedures for collection and storage of the evidence.

Unopened buccal swab test kits will be stored at the Main Headquarters Front Desk and can be signed out as needed. Completed kits should be placed into an evidence envelope, labeled with a biohazard sticker and submitted into Evidence.

Biological Evidence (other than buccal swabs)

Biological evidence shall be packaged in a paper bag or paper envelope for each submission. Seal the bag with evidence tape and properly label, using biohazard stickers on the bag.

Once the evidence has been secured in paper bags or envelopes, it should be sealed, labeled and transported in a way that ensures proper identification of where it was found and proper chain of custody.

The biological evidence should be stored in dry conditions and at room temperature. Biological evidence should not be placed in plastic bags as moisture can cause damage. Sunlight and warm conditions can also damage potential DNA evidence, so it should not be stored in a room or police car that does not have air conditioning.

All personnel who collect or handle biological evidence will be trained in proper techniques for the collection and preservation of DNA evidence during basic recruit training.

COLLECTING FOUND PROPERTY

Property Retained by the Finder

A person who reports found property to the police may elect to retain the property for a reasonable period of time (180 days on most items, 60 days for bicycles), provided they make it available for inspection during that time and agree to release it to the owner, if located. The officer should indicate the storage location on a case report and instruct the complainant to notify the Detective Division if an owner is found.

Property Collected by Officers

Officers should attempt to locate the owner and return found property prior to storing it at police facilities. Officers will not retain property beyond their tour of duty.

The finders of property may request that unclaimed property be returned to them after an appropriate period of time (60 days on bicycles and mopeds, 180 days for everything else). Officers should so advise complainants and refer them to the Evidence Control Unit.

SUBMITTING EVIDENCE, FOUND OR ARRESTEE PROPERTY

Officers will log evidence and found property into agency records and place it under the control of the Evidence Specialist prior to the end of the officer's shift. The officer will complete an Evidence Control Form for each case, detailing the property being stored into evidence.

During Normal Working Hours

During normal working hours, officers will complete a property/evidence control form and submit the items directly to an Evidence Specialist or place the items into a secured district evidence locker.

After Normal Hours

After normal business hours or anytime an Evidence Specialist is unavailable, officers will complete a property/evidence control form and store the evidence or found property in one of the secured district evidence lockers.

- The locker for storing flammable items is located in the rear of the Downtown District Station. Officers will sign out the keys, for the flammable locker, from the Police Desk Officer and return them to the key drop on locker #9 in the hallway.
- The large room for temporary bicycle storage is located in the Downtown District station. Officers will use the back entrance when bringing bicycles to this storage room and will not bring bicycles into the lobby area. The key to this room will be available for sign-out from the Police Desk Officer. The officer must then return the key to the Police Desk Officer after securing the room.
- Mopeds or other large items (i.e., motorcycles, vehicles, large gas-powered equipment, etc.) will be stored inside the secure evidence storage area at 1210 Corporation Parkway. An evidence custodian will be contacted by the Downtown District Desk Officer for storage of these items regardless of the time of day. The evidence or found property control form is to be turned over to the evidence custodian.
 - Vehicles will not be stored outside of the secured vehicle storage area located at 1210 Corporation Parkway.

Items too large to be placed in the evidence lockers, but not requiring off-site storage, may be secured in one of the Downtown District evidence or found property rooms. Keys to the found property room will be signed out and returned to the Downtown District Desk Officer. The large evidence storage room will be closed and secured after placing the items in the room. Once the door to this room is closed, only the Evidence Unit staff can re-open it. The supervisor in charge may contact an off-duty Evidence Specialist when items of high value dictate that they not be placed in an evidence locker. An Evidence Specialist should be notified in instances involving drugs or property having an estimated value totaling \$10,000 or more. Toxic, flammable, or explosive substances are not to be placed in the district evidence lockers.

Toxic and flammable materials will be stored in the flammable storage locker behind the Downtown District Station if not immediately disposed of by the Fire Department. An Evidence Specialist will make arrangements for proper disposal of any stored flammable material.

Explosive materials will be disposed of by Hazardous Devices Unit personnel.

Refrigerated Lockers

Blood samples and other perishable forms of evidence will need to be stored in one of the refrigerated lockers pending lab analysis. During normal hours, the evidence should be submitted directly to an Evidence Specialist after indicating that the evidence is perishable. After normal hours, officers will utilize evidence lockers 18-23 in the Downtown District Station which contain 6 refrigerator units for items that need to be refrigerated.

District Evidence Lockers

District evidence lockers are equipped with an automatic locking system. Once items are placed into the evidence locker, the officer will remove the carabineer, place it inside the locker and secure the evidence locker door. Personnel are authorized to secure evidence using the drop box in cases where the size of the evidence is small enough to fit through the drop box. Additionally, the Districts are equipped with a locker capable of holding long guns. This locker will remain unlocked until an officer places an item in the locker and closes it; at which time it will automatically secure. When an officer places evidence or found property in the district evidence lockers, a copy of the evidence card or found property card will be faxed to the Evidence Unit.

Downtown District Evidence Lockers

Evidence lockers located in the Downtown District are equipped with a "key drop" on each locker. Once items are placed into these evidence lockers, the key will be removed, the locker secured, and the key dropped into the "key drop" assigned to that locker. Personnel are authorized to secure evidence using the drop box in cases where the size of the evidence is small enough to fit through the drop box.

Items Required to be Stored in Downtown District Evidence Lockers

- Firearms that cannot be unloaded.
- Blood or any item that requires refrigeration.
- Evidence or found property that is to be released to the owner or investigator on the same business day.
- Toxic, flammable, or explosive substances.

Evidence in Alcohol Possession Cases

Officers will not be required to submit opened or unopened containers of alcohol seized as a result of underage possession (GS 18B-302, GS 20-138.7) or similar state laws or city ordinance violations where mere possession is prohibited. Opened containers may be disposed of by pouring out the alcohol at the location where seized. Unopened containers may be opened, and the alcohol may be poured out at the location where seized. Officers should specifically describe the type and amount of alcohol disposed of in their notes.

STORING EVIDENCE, FOUND PROPERTY, OR ARRESTEE PROPERTY

Initial Receipt

Evidence Specialists will receive evidence, found or arrestee property directly from officers or remove it from the temporary storage lockers. They will then check the property control form information, labels, and packaging for accuracy and completeness.

Notice will be sent to the officer for immediate corrections on any incomplete items. Narcotics must be sealed in tamper proof packages. Any indication of tampering will be reported immediately to Internal Affairs.

Logging in Evidence, Found Property or Arrestee Property

Evidence Specialists will assign a sequential control number to the property/evidence control form and a storage bin location for the items. They will note the bin location and case number on the items and property/evidence control form. Money, jewelry, precious metals, weapons, and narcotics require additional security and therefore will be stored in secured vaults. Information from each property/evidence control form is entered manually into the computer system and then filed in active officer's files according to the control number (red number).

Storage of Evidence Needing Processing

Occasionally, Wake County Bureau of Forensic Services may be unable to process pieces of evidence at a crime scene. The officer may place such items in an evidence storage locker with the required WCBFS Lab Request paperwork and tape a note with instructions on the outside of the locker. An Evidence Specialist will submit items to WCBFS on the next lab day.

SEIZED VEHICLES

Officers will complete a property/evidence control form and submit the keys of the seized vehicles that are being held as evidence or are subject to forfeiture. These vehicles will be stored at the Raleigh Police Department secured vehicle storage area at 1210 Corporation Parkway. Only after WCBFS has shown up to process the vehicle, will the officer contact an Evidence Specialist for storage of the vehicle regardless of the time of day. Vehicles will not be stored outside of the secured vehicle storage area located at 1210 Corporation Parkway.

Officers will complete the Seized Vehicle Inspection and Review Form (see DOI 1110-08, Attachment A) whether the vehicle was seized as evidence or for forfeiture. A Vehicle Inventory List and photographs of the interior and exterior of the vehicle will also be submitted into evidence. Items which are inside the vehicle and have a substantial monetary value (i.e., jewelry, computers, cell phones, currency, etc.) shall be removed and placed into Found Property or returned to the owner prior to vehicle storage. Items documented on the Vehicle Inventory List, which are not being used as evidence or stored into Found Property, will remain inside the vehicle when being stored in the secured vehicle storage area. The vehicle's keys will be packaged in an evidence envelope and submitted with the copies of any towing bills. The officer will complete a separate evidence control form for only the vehicle.

The officer will check the status of the court case at least every sixty (60) days and document this on the form. Upon final disposition, the officer will provide copies of the court orders pertaining to the vehicle to the Evidence Control Unit.

Vehicles Subject to Forfeiture

(See 1110-08 Searches and Seizures for additional information on vehicles subject to seizure).

The Evidence Control Unit will forward a copy of the Seized Vehicle Inspection and Review Form to the Administrative Services Division Lieutenant on all vehicles subject to forfeiture. The Administrative Services Division Lieutenant will confirm the vehicle's lien status and will have it inspected by the Police Service Center to determine its mechanical condition. The Administrative Services Division Lieutenant will then consult with the Drugs and Vice Lieutenant to determine if the vehicle should be kept for police use. If not, the officer seizing the vehicle will be contacted to immediately obtain a court order returning the vehicle to the owner.

If the forfeiture is due to drug violations, before obtaining a court order to return the vehicle, an agent from the NC Department of Revenue should be contacted regarding any outstanding controlled substance taxes owed by the vehicle owner or defendant. The State may confiscate the vehicle and sell it at auction to pay the controlled substance taxes.

Vehicles Seized Pursuant to Drug Violations

Vehicles seized pursuant to drug violations must be inspected by a member of Drugs and Vice who has specialized training in the detection of hidden compartments. The Drugs and Vice Lieutenant will coordinate the movement of the vehicle to the Police Service Center and the use of a vehicle lift for the inspection.

PROCESSING EVIDENCE

Evidence that requires laboratory analysis or special processing should be boxed or packaged separately from other evidence in the same case. These items should be sealed and initialed prior to submitting to evidence.

Laboratory Analysis

Prior to submitting evidence for analysis, Evidence Specialists will verify that the laboratory request for examination forms have been properly completed and signed. Evidence that is improperly packaged will not be submitted for analysis and the officer's supervisor will be notified.

Evidence Specialists will carry drugs, DWI evidence, fingerprints, and raised firearm serial numbers evidence, requiring analysis, to the WCBFS laboratory. All other evidence requiring analysis (i.e. DNA, IBIS, etc.) will be carried to the State Bureau of Investigation (SBI) laboratory. All evidence being taken to the SBI laboratory must be electronically entered into the SBI database by RPD Evidence Staff for a "barcode" to be generated prior to submission to the SBI laboratory.

- The officer requesting lab analysis must complete either a WCBFS "Laboratory Examination Request" form or a SBI "Request for Examination of Physical Evidence" form requesting written results of the laboratory analysis. The form must be completed using the same item numbers that appear on the evidence control card.

- Any officer who personally collects spent ballistic shell casings from a scene will submit this evidence along with an SBI-5 "Request for Examination of Physical Evidence" form and notate **"IBIS Only"** on the completed form and evidence envelope. This activity will then be documented in the accompanying incident report for investigative purposes. Shell casings collected at a scene, whether by WCBFS or a Raleigh officer should be documented in the property tab section of their report.
- IBIS submitted spent ballistic shell casings will be maintained for a minimum of 36 months and can only be destroyed via the assigned detective's authority.
- Only the following calibers of spent ballistic shell casings can be uploaded into IBIS:
 - .22
 - .25 auto
 - .32 auto
 - .380 auto
 - .40 auto
 - 9 mm
 - 10 mm
 - .45GAP
 - .45 ACP
 - .38 Super
 - 5.7 x 28 mm
 - .357 Mag
 - .300 Blackout
 - 7.62 x39mm
 - .223
 - 5.56 x 45mm
 - 12 Gauge
- Occasionally, processed evidence is returned by mail in a sealed envelope. Under no circumstances is this envelope to be opened prior to returning the evidence to an Evidence Specialist. If the lab report needs to be examined, this will be done after returning the evidence to the Evidence Control Unit.

Evidence is to be returned immediately upon receipt. If an Evidence Specialist is not available, evidence may be secured in one of the evidence lockers. A new evidence control form is not necessary.

Processing of Recovered Stolen Vehicles

The preferred procedure is to have WCBFS process recovered stolen vehicles at the scene of recovery and to then release the vehicle directly to the owner so as to avoid towing. Inclement weather or other conditions may dictate that the vehicle be towed prior to processing by WCBFS. Under such circumstances, the investigating officer will instruct the towing contractor to tow the vehicle either to the Raleigh Police Department's secured vehicle storage area at 1210 Corporation Parkway, where the officer will remain with the vehicle until the processing has been completed or to the WCBFS secure storage area until the vehicle can be processed. When the vehicle or its contents are considered to be of possible evidentiary value, the investigating officer must accompany the towed vehicle so as to maintain the chain of custody. The officer may follow the tow truck keeping the towed vehicle under

continuous observation or the officer may ride with the tow truck driver. The investigating officer remains responsible for advising the owner and noting on the Towing Form when the vehicle may be released.

If the vehicle is suspected of being involved in a felony hit and run, it will be necessary to examine the tires, undercarriage, bumpers, and lights for evidence prior to moving the vehicle.

CHECKING OUT EVIDENCE

When checking out evidence for presentation in court or lab analysis, Evidence Specialists will ensure that appropriate notations are made on the property control cards to ensure the chain of custody.

Officers Authorized to Check Out Evidence

Evidence Specialists will only check-out evidence to officers whose names appear on the property/evidence control form or to an investigator assigned to case follow-up. Any other release will require authorization by the requesting officer's supervisor.

Carrying Evidence to Court

Any officer needing to obtain evidence for court or other purposes must sign out the items on the property/evidence control form. The signed-out items must always remain in the officer's possession or be secured in the lockers provided in the Court Liaison's office. If the case is not tried in court, the evidence must be checked back into the Evidence Room immediately.

Presentation in Court

Sealed evidence envelopes or packages are not to be opened unless directed by the court. If the case is not tried in court, the Evidence Specialist will inspect the evidence container to ensure it is still intact. A receipt from the District Attorney or Clerk of Court must be obtained for evidence turned over to the courts.

The District Attorney must be notified when evidence is a dangerous opioid or suspected of same. If the District Attorney requests that the evidence envelope be opened in court, Officer's should don proper PPE gear to include gloves and a mask.

Out of Town Court

If the officer attends an out-of-town court, the officer will obtain a copy of the property/evidence control form. When the officer stores the evidence at the out-of-town location, the printed copy of the property/evidence control form must be signed by the Evidence Specialist receiving the evidence. The officer will maintain possession of the signed control form until the officer returns to the Raleigh Police Department. The signed copy of the evidence card will then be turned over to the Raleigh Police Evidence Specialist who will attach it to the original printed control form.

Returning Evidence

Evidence must be returned immediately upon completion of court or return from lab analysis. If one of the Evidence Specialists is unavailable, evidence may be placed in one of the temporary evidence storage lockers. A new evidence control form is not necessary.

DISPOSING OF EVIDENCE, FOUND PROPERTY OR ARRESTEE PROPERTY

All evidence, found, or arrestee property will be disposed of according to a court order or Departmental procedure. At no time will evidence, found, or arrestee property be disposed of in garbage cans or dumpsters.

Evidence may be disposed of after 180 days of a final disposition of the case unless legalities prevent such disposition. Officers must also complete an evidence review/purge every twelve months. Found or arrestee property may be disposed of after 180 days, according to G.S. 15-12.

Property Turned Over to the Courts

When evidence or other property is turned over to the courts, the officer or Evidence Specialist must receive a receipt from the District Attorney, Clerk of Court, or other court official who receives the property. This receipt is to be attached to the property/evidence control form.

Property Returned to the Owner

Once a case is disposed of, evidence may be returned to the owner. Officers must authorize the release of the evidence prior to notifying the owner. When evidence or found property is returned, the owner must sign the control form or a police supplement acknowledging receipt of the property. Property may be returned at court by having the owner sign and the Clerk of Court witnessing the court order.

The owner will be sent a certified letter (Attachment A) which includes a description of the property and indicates the deadline for retrieving the property. If the owner cannot be located, or if the owner will not come to retrieve the property, then the Department will treat the property as "found property" and dispose of it according to policy and applicable law. All efforts to locate the owner must be documented. Safe and unaltered firearms will be sold according to NCGS 15-11.

Release of Weapons from Evidence

Due to safety issues for Evidence Staff and the Downtown District the following protocol for the release of all weapons (firearms, knives, air pistols) from Evidence and Found Property will be adhered to:

- The owner or other authorized recipient must present to the Evidence Unit a court order or authorization for the release of a firearm.
- The owner must complete a Firearm Release Packet providing the following documentation:
 - Valid photo ID
 - Social Security Verification
 - Proof of Ownership (if available)
- Evidence Staff shall complete a background check prior to release of all firearms. The background check is to be completed within 2 (two) business days after documentation for release has been provided. Background checks will consist of:

- Criminal History Report
- ATF Trace Check
- Insurance Verification (if reported stolen)
- IBIS test completed
- Evidence Staff and a uniformed officer shall be present at the time of release of the weapon to the owner.
 - Contact the Desk Officer or any other Officer available within the Downtown District,
 - Verify the case number, make, model, and serial number,
 - The recipient signs for the property that is being released,
 - A gun tie shall remain on the weapon for safety,
 - Magazines and bullets will be packaged separately in clear plastic bags,
 - The recipient shall pull into the circle drive in front of the Downtown District.
- Safety Instructions (to be given at time of release)
 - Provide the recipient with instructions to safely transport a weapon in their vehicle
 - ✦ Leave the gun tie in the firearm for safety
 - ✦ Secure in trunk of vehicle or in plain view if vehicle has no trunk
 - ✦ Immediately notify Law Enforcement that you have a weapon in the vehicle if stopped

Release of Other Weapons (knives, air-pistols/rifles, etc.) from Evidence

- Evidence Staff and a uniformed officer shall be present at the time of release.
 - Contact the Desk Officer or any other Officer available within the Downtown District:
- Safety Instructions (to be given at time of release)
 - Provide the recipient with instructions to safely transport a weapon in their vehicle
 - ✦ Secure in trunk of vehicle or in plain view if vehicle has no trunk.
 - ✦ Immediately notify Law Enforcement that you have a weapon in the vehicle if stopped.

Disposal of Evidence

Firearms that need to be destroyed in accordance with G.S. 15-11.1(b1) will require a Petition and Order Disposing of Firearm upon Prosecutor's Petition which can be found on RPDnet (RPD Forms). Any other deadly weapon needing to be destroyed in accordance with G.S. 14-269.1 will require a Petition and Order Disposing of Deadly Weapon upon Conviction which can also be found on RPDnet (RPD Forms).

Evidence personnel should refrain from opening evidence packages containing Fentanyl/Opioids. Verification of Opioid evidence should be done visually through the clear evidence envelope and then destroyed without opening the package. Office of Professional Standards personnel will periodically conduct spot checks of evidence containing controlled substances to ensure compliance with evidence packaging protocols. Office of Professional Standards personnel will accompany evidence personnel for disposal of firearms, drugs, or currency.

Disposal by Public Auction

Found property held by the Police Department in excess of 180 days (with the exception of bicycles) may be advertised for sale at auction and disposed of 30 days after posting of the advertisement. Confiscated property held by the Department may also be sold if specifically approved by court order. The officer is responsible for obtaining the court order on evidence that the officer has confiscated that is to be sold at public auction. Funds derived from such sales will be turned over to the Wake County Public School System (G.S. 15-15).

Unclaimed Bicycles

- Pursuant to G.S. 15-12(b), unclaimed bicycles that have been in the Department's possession for a period of 60 days will be donated to a charitable organization exempt under section 501(c)(3) of the Internal Revenue Code. A public notice will advertise that the bicycles will be donated if unclaimed. This notice will be advertised two weeks prior to the date of donation.
- The Evidence Supervisor will maintain the list of eligible charitable organizations that wish to receive donated bicycles.

Bicycles will be donated to these agencies on a rotational basis as bicycles become available for donation after the 60-day waiting period. Agencies will be allowed 48 hours to pick up the available bicycles after notification by the Evidence Supervisor. If the bicycles have not been picked up within 48 hours the next agency will be notified.

- All bicycles disposed through the donation process will be receipted by the accepting agency. The Evidence Supervisor will keep the receipt on file.

Property Retained for Use by the Department

Upon specific court order, confiscated property may be released to the Department for use in its official duties. Any such requests to the courts will originate from the Chief's Office. Any officer who seizes evidence that may be of use to the Department should forward a memo through the usual channels describing the particulars of the case and the intended use of the property. The Evidence Control Supervisor will prepare a list of any such property and submit it to the Internal Affairs Captain. Following issuance of the court order, the Internal Affairs Captain will maintain a file listing property

turned over to the Department. The Evidence Specialist will have the Evidence Control Supervisor sign for receipt of the property. The Evidence Control Supervisor will then arrange to have the property added to the Fixed Assets Inventory, if required.

Due to the considerable amount of evidence that the Department uses for training, the Office of Professional Standards/Inspections Unit will be present when drugs, cash and/or weapons are turned over for use by any Unit. A baseline audit will be conducted at the time the items are released for training.

Each Unit who maintains drugs, cash and/or weapons will be responsible for ensuring that the items are stored in a locked safe at all times unless being used for training. A ledger will be maintained when the items are removed and returned to the safe. The Unit Supervisor will sign each ledger entry. The Unit Supervisor will be responsible for all evidence assigned to the Unit.

The Office of Professional Standards/Inspections Unit will conduct announced and unannounced quarterly audits and inspections of any Unit of the Raleigh Police Department that uses evidence in the form of drugs and/or weapons for training. This will be done in conjunction with other audits such as Evidence & Found Property, Informant Funds, Police Property and Cash Fund audits.

The audit and inspection will consist of the following:

- Accounting for drugs, weight of drugs and proper storage of the drugs
- Accounting for weapons and proper storage of the weapons
- Accounting for cash and proper storage of cash
- Proper ledger keeping and data entry

Unclaimed found property may be released to the Department for use by submitting a memo up the chain of command.

Responsibility for Disposition of Property

Officers are responsible for seeing that the evidence they collect receives proper disposition. Officers will review evidence submitted to ensure prompt disposition. This review will occur every twelve (12) months. An Evidence Specialist will update the electronic spreadsheet on Polshare, that the annual review has been completed.

- A case report will be completed on all cases involving seizure of physical evidence or found property. The reverse of the property control card is to be completed once the appropriate disposition has been made.
- To expedite the disposition of the evidence, officers are encouraged, when attending court, to have a prepared court order for the particular case, available for the judge to sign for disposal (see Attachment "B").
- When an investigator assumes responsibility for a case, the investigator also assumes responsibility for seeing that evidence receives the correct disposition once the case is disposed of.
- Evidence should receive a disposition immediately upon completion of the trial. This is to ensure that excessive quantities of property are not retained in storage.

- Officers should use the guidelines below when evaluating cases to determine disposition of evidence.

Evidence personnel are responsible for the proper disposition of found and arrestee property.

Separation from Employment with Department

- Prior to separation from the Department, officers should meet with the Evidence Supervisor or designee at least one month before leaving to review each evidence card. The officer should then utilize an available computer terminal to review each case to determine if the case has been disposed of in court. The officer should obtain an order to dispose of the evidence in the cases that are no longer open.

The officer should evaluate each of the remaining cases using the guidelines set forth below to determine if, and when, the case is going to be prosecuted. If a case cannot be disposed of prior to leaving the Department, the evidence in the case will be transferred to the officer's present supervisor who will assume responsibility for disposition of the property at the appropriate time.

- If an officer fails to dispose of evidence as indicated above, then the evidence will be transferred to the officer's present supervisor.

Guidelines Used to Evaluate Cases for Evidence Disposition

Officers will use the following guidelines when evaluating open cases upon retirement, resignation, termination, transfer, or during annual evidence reviews.

- Evidence will be maintained indefinitely in certain serious cases. These cases include:
 - Murder
 - Rape or sexual offense
 - Assault with a deadly weapon with intent to kill inflicting serious physical injury
 - Armed robberies
 - Kidnapping
- If evidence is seized in other felonies (not including drug cases), then it will be the responsibility of the initial officer to meet with the investigator assigned to the case to determine the feasibility of keeping the case open. If necessary, supervisors and the District Attorney's Office can be contacted for guidance. If after two years, there does not appear to be the possibility of obtaining a warrant for the suspect, then the officer who placed the items into evidence and the investigator assigned to the case may consent to a disposition of the items seized.

- If a misdemeanor amount of drugs has been seized but a criminal process has not been issued for a suspect within six months of the seizure, then the drugs can be destroyed at the request of the officer who placed the drugs into evidence.

If a felony amount of drugs has been seized but a warrant has not been issued for a suspect within six months of the seizure, then the drugs can be destroyed at the request of the officer who placed the drugs into evidence or the investigator assigned to the case. If the officer/investigator believe that there are facts that justify maintaining the drugs in evidence, then an explanation should be attached to the evidence card and initialed by the officer's supervisor.

Even though there is a two-year statute of limitations for misdemeanors, the time stops running once criminal process has been issued. For those cases where a warrant or criminal summons has been issued, but not yet served, the evidence will be maintained until such time as the warrant/summons is dismissed or recalled.

Officers should review their misdemeanor cases carefully. If at least twelve months has passed and it is clear to the officer that a case cannot be developed, then the officer should request disposal of the associated evidence. Because the case has been assigned to an investigator, it is imperative that the officer meets with the investigator who will also need to sign off for the disposition of the evidence.

INSPECTIONS

Quarterly Inspections

At least quarterly, the Administration Division Captain will conduct a spot check of the Evidence Control Unit to ensure that storage facilities are properly maintained and that evidence procedures are being followed.

Unannounced Inspections

Unannounced inspections of the Evidence Control Unit will be conducted by the Office of Professional Standards/Inspections Unit at least semiannually as directed by the Chief of Police. These inspections will include a random comparison of records with physical property.

Annual Audit

The Office of Professional Standards Inspections Unit will audit the evidence control function annually. The audit does not require a physical count of every item on hand but should be sufficiently detailed to ensure the system's integrity.

Audit Upon Exchanges of Custody

Whenever a new Evidence Control Supervisor is appointed, an audit will be conducted jointly by the incoming and outgoing supervisor. The audit does not require a physical count of every item on hand, but a sufficient number of property records should be examined to the satisfaction of the newly appointed Evidence Supervisor.

REPORTING ERRORS

It is to the Evidence Specialists' advantage to promptly report any inaccuracies or discrepancies in the handling of evidence or found property.

Clerical Errors

Mere clerical errors in labeling or filling out forms should be reported to the officer's supervisor. If the errors are corrected within a brief period of time, no further action is necessary.

Mishandling of Evidence

Instances of improper handling or contamination of evidence are to be reported to the officer's commanding officer. Evidence Specialists should log the error for future reference.

Breaches in Security

Instances of lost or stolen evidence or found property are to be reported directly to the Internal Affairs Unit. Similar incidents would include indications of evidence tampering or substitution.

EVIDENCE CONTROL RECORDS AND RETENTION

Evidence Specialists will maintain sufficient records to establish the status of all evidence, found or arrestee property held by the Department.

Record of Disposition

A case report will be completed on all cases involving seizures of physical evidence, found or arrestee property. The Evidence Specialists will verify that property/evidence control forms are properly completed. Property/evidence control forms will be retained for a period of 20 years after disposition of the case in court.

Disposition of Property

Evidence Specialists will maintain a computer log displaying the disposition of all evidence, found or arrestee property held by the Department. These records will be held for a period of three years from the date of the last annual audit.

DOI 1108-04: Attachment A



**CERTIFIED
MAIL**

<Date>

<Name>

<Address>

<City, State & zip code>

Dear <Name>:

RE: <Property description>

According to Raleigh Police Department records, you are listed as the owner of the above referenced property. This property is now available for you to reclaim. Please come to the Raleigh Police Department Evidence Control Unit between the hours of 9:00 AM and 4:00 PM during normal business days. You must come in person and produce a photographic identification, such as a driver's license, to take possession of this property. The Evidence Control Unit is located at the Raleigh Police Department Downtown District, 218 W. Cabarrus Street, Raleigh, NC.

If you have any questions you may contact the Evidence Control Unit at:

ATTN: Evidence Control Unit
Raleigh Police Department
Post Office Box 590
Raleigh, North Carolina 27602
(919) 996-3395

If you do not reclaim this property within 180 days from the date of this letter, then the Department will dispose of it in accordance with governing legislation or court order.

Sincerely,

<Evidence Supervisor>

Evidence Control Unit

Raleigh Police Department

Case Number: P_____

Evidence Number: _____

DOI 1108-04: Attachment B

Evidence Disposition Court Order

**STATE OF NORTH CAROLINA
COUNTY OF WAKE**

**IN THE GENERAL COURT OF JUSTICE
DISTRICT / SUPERIOR COURT**

STATE OF NORTH CAROLINA

File / CR #

VS

Raleigh Case #

The defendant stands charged with the offense of:

And a disposition of the case has been entered:

(If convicted, state the crime)

IT IS ORDERED:

That the evidence:

() be destroyed according to the law and Departmental policies [Illegal contraband such as drugs, drug paraphernalia, fireworks, etc.]

() be used by Raleigh Police Department for training or internal use,

() sold at police auction with revenue generated forwarded to Wake Co. Public Schools

() be retained by the court for _____

() be returned to _____

If not claimed after 180 days, dispose of according to the law and Raleigh Police Departmental policies.

() be destroyed pursuant to successful completion of a deferred prosecution

() other (describe) _____

This the _____ day of _____, 20____

DA's Consent

() District Judge () Superior Judge _____

Officer's Name & Code #:

City Mobile #:

Officer's Signature:

Supervisor's Office #: _____

**RALEIGH POLICE DEPARTMENT
CURRENCY RECONCILIATION FORM**

OFFENSE:		CASE #:		DATE:	
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COIN CURRENCY: (A)	PAPER CURRENCY: (B)
\$0.01 x _____ = _____	\$1.00 x _____ = _____
\$0.05 x _____ = _____	\$2.00 x _____ = _____
\$0.10 x _____ = _____	\$5.00 x _____ = _____
\$0.25 x _____ = _____	\$10.00 x _____ = _____
\$0.50 x _____ = _____	\$20.00 x _____ = _____
\$1.00 x _____ = _____	\$50.00 x _____ = _____
	\$100.00 x _____ = _____
TOTAL COIN AMOUNT \$ _____	TOTAL PAPER AMOUNT \$ _____

TOTAL AMOUNT COLLECTED (A + B) \$ _____

INSTRUCTIONS: Multiply the total number of coin currency and/or paper currency by the corresponding denomination. Add Column A to Column B in order to determine the total amount of currency collected.

SIGNATURE VERIFICATION	
OFFICER/INVESTIGATOR:	
REVIEWING SUPERVISOR:	
EVIDENCE SPECIALIST:	
<p>INSTRUCTIONS: If the total amount of currency is under \$10,000, then the submitting officer/investigator and the reviewing supervisor must sign this form. If the amount is \$10,000 or greater, then the submitting officer/investigator and the receiving evidence specialist must sign the form. In both cases, the completed form should be placed into the evidence envelope along with the currency.</p>	

DOI 1108-04: Attachment D

Buccal Swab Instruction Sheet

THIS PROCEDURE IS TO BE COMPLETED BY RPD OFFICER

Buccal Swab Instructions

1. Open package.
2. Remove gloves and put them on.
3. Remove swab from the kit.
4. Place swab in the mouth of the person to be swabbed, moving it up and down one cheek while rolling the swab.
5. Repeat with the second swab on the opposite cheek.
6. Allow swabs to air dry before placing in the air-dry box.
7. Place the swabs into the air-dry box included in the kit.
8. Seal the swabs, air dry boxes, and original Buccal Swab Kit envelope inside an evidence envelope and place biohazard sticker on the envelope.
9. DO NOT PLACE SWABS FROM MORE THAN ONE PERSON IN AN EVIDENCE ENVELOPE. ONE EVIDENCE ENVELOPE PER PERSON ONLY.
10. Submit evidence envelope into evidence as required by DOI 1108-4.