

<b>YORK-POQUOSON SHERIFF'S OFFICE</b>	<b>GENERAL ORDERS</b>
<b>SUBJECT: Evidence Procedures</b>	<b>NUMBER: GO 2-15</b>
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## **INDEX WORDS**

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## **POLICY**

Proper documentation, collection, preservation and submission of physical evidence to forensic laboratories may provide the key to successful investigations and prosecutions. Through evidence located at the scene, suspects are developed or eliminated, investigative leads are established and theories concerning the crime are substantiated or disproved. It is imperative, therefore that each deputy/investigator carefully process crime scenes being sure not to overlook, contaminate or destroy evidence. Physical evidence appears in many shapes, sizes and forms, thereby requiring various recovery and preservation techniques. The deputy/investigator shall be prepared to identify, document, collect and package evidence so that it will not be changed in form and value before it reaches the forensic laboratory. Deputies/investigators collecting physical evidence shall maintain a chain of custody of that evidence in order to ensure that the evidence is admissible in court in accordance with the law.

## **PURPOSE**

To establish responsibilities for deputies/investigators that respond to and process crime scenes, establish guidelines for proper documentation of crime scenes, and the collection and handling of physical evidence. To establish procedures for the receipt and safekeeping of all property that comes into the custody of deputies/investigators.

## **DEFINITIONS**

- Chain of custody
  - Chain of custody is the series of documented links showing who handled the evidence from the time the evidence was obtained until it is presented in court. The custody link is formed by deputies who document the evidence they handled, and when they did so.
- Crime scene search
  - Deputies/Investigators are reminded that there is **no crime scene exception** to the search warrant rule. Prior to conducting any crime scene search, other than a cursory officer protective search, or to render emergency aid to an injured party, either consent from the owner of the property to be searched or a search warrant **must** be obtained. NOTE: If a suspect lives at a residence where a crime scene search is to be conducted or there is a belief of the same, deputies/investigators shall obtain a search warrant or obtain verbal or preferably written permission from someone who also reside at the residence and can legally give such permission. Under no circumstances shall a person, who has or is believed to have a reasonable expectation of privacy at the location to be searched, be removed from the scene in order to deny them a right to refuse consent to the search.
  - Written consent to search is preferable to verbal consent to search.
  - Use of body worn video is sufficient to document verbal permission to search.
  - If verbal permission is obtained and recorded on body worn camera or if and body worn video is unavailable, the date, time, location where permission is given, name of individual and believed legal authority to grant permission to search and any stated restriction by the person consenting to the search shall be documented in the report narrative.
- Evidence
  - Any, object, substance or material found or recovered in connection with a criminal investigation.
- Found property
  - Any object, substance or material found, recovered or turned over to Sheriff's Office that is not related to any criminal activity.
- Property and Evidence custodian
  - The Property and Evidence custodian is the employee designated by the Sheriff to have administrative oversight over all found, recovered or seized property, which comes into Sheriff's Office possession.

- Property and Evidence personnel
  - Either sworn or civilian personnel, other than the Property and Evidence custodian, assigned to the Administrative Services Division, either permanently or temporarily, to assist the Property and Evidence custodian.

## **PROCEDURES – GENERAL CRIME SCENE PROCESSING**

- Responsibilities of the first deputy at a crime scene:
  - Arrive at the scene promptly and safely.
  - Treat injured persons on the scene within the deputy's level of medical training and/or summons EMS personnel.
  - Secure the scene to prevent the destruction or contamination of evidence.
  - Identify and interview complainant, witnesses, victims and suspects in cases where no investigator is called to respond.
  - Initiate a scene log containing the identity of all persons entering the crime scene to include:
    - Name
    - Reason for entering the scene
    - Time entered and time departed.
  - Collect and package evidence in cases where no investigator is to respond.
  - Submit evidence, to the Property and Evidence custodian or his/her designee, via electronic or paper voucher/property receipt.
  - Prepare initial crime incident report.
- Responsibilities of investigators at a crime scene
  - Arrive at the scene safely and promptly. On-call investigators should be prepared to respond ASAP, not to exceed 1 hour from notification.
  - Determine the scope, type and location of crime scene and arrange for the delivery of specialized equipment needed to process the crime scene.
  - Notify the Investigations Division Commander, Investigations Division supervisor or on-duty supervisor, if additional investigative personnel are needed.
  - Document pertinent conditions through the use of notes, sketches and photographs.
  - Examine and process the crime scene for Physical evidence.
  - Collect, package and preserve all evidence recovered from the crime scene.
  - Submit evidence to the Property and Evidence custodian or his/her designee via electronic or paper voucher/property receipt or
  - Secure evidence at the Sheriff's Office prior to going off-duty with permission of the Investigations Division supervisor or Commander.
  - Conduct follow up interviews of witnesses, victims and suspected offenders.
  - Prepare Request for Laboratory Examination Forms, or coordinate the preparation of the (RFLE) with the Property and Evidence custodian, for evidence to be analyzed by the Virginia Department of Forensic Science.
- Death Investigations

- In death cases that fall under the purview of the [Office of the Chief Medical Examiner \(OCME\)](#), notify the Eastern District of the OCME, prior to moving or processing the body.
- The OCME will determine if a Medical Examiner or Medicolegal Death Investigator from their office will respond to the scene or the OCME will contact a Local Medical Examiner to respond to the scene or the OCME may direct that the body be processed and sent to the OCME for autopsy with no medical examiner personnel to respond to the scene.
- In homicide investigations, or other death investigations that fall under the purview of the OCME and when directed to do so by the OCME, contact [Amory's Funeral Home](#), to have the body transported to the Office of the Chief Medical Examiner or the Eastern District.
- Attend autopsy and document pertinent findings by Medical Examiner. Collect evidence from medical examiner and submit to Property and Evidence custodian or his/her designee for submission to the forensic laboratory as necessary.
- Deaths as a result of law enforcement use of force
  - In the case of a death following any Law Enforcement use of force, the Sheriff shall designate in writing to the Office of the Chief Medical Examiner the Sheriff's Office investigator(s) and personnel authorized to:
    - Attend the Autopsy,
    - Receive from the OCME evidence related to the case,
    - Discuss reports from the OCME regarding the death.
  - The OCME will retain and submit any evidence, recovered during the autopsy, and submit that evidence to the Department of Forensic Science for analysis.
  - The designated investigator(s) may request through the OCME any additional testing to be done to evidence recovered during autopsy in accordance with OCME policy.
  - Once evidence submitted by the OCME has been analyzed and tested, the evidence will be returned to the Sheriff's Office for safe keeping.
- Crime scene processing
  - Crime scenes should be processed using a systematic and logical approach to ensure no evidence is overlooked and all information regarding the scene is documented.
- Documentation
  - Crime scenes are best-documented using:
    - Notes,
    - Photos and
    - Sketches.
  - This enables investigators to reconstruct crime scenes and allows witnesses to accurately point out or describe information relative to the crime scene.
- Crime scene notes
  - Crime scene notes should contain at a minimum the following:

- Pertinent conditions of scene. Date, time, temperature, weather conditions, location of scene, time arrived on scene, deputies/officers on scene.
  - Any measurements taken at the scene.
  - Narrative description of evidence identified to include location, description of evidence.
  - Names, times of people contacted to respond such as the medical examiner, funeral home, wrecker etc. and their departure times.
  - Name of Funeral home driver(s) and time the body departed the scene to the medical examiner's office.
  - Date and time scene is released and to whom released.
- Crime scene sketches/Computer generated renderings
    - Crime scene sketches/renderings are the most accurate way to document a crime scene.
    - Sketches/renderings used in conjunction with notes enable crime scenes to be reconstructed with a high degree of accuracy.
    - Two types of sketches are most commonly used:
      - Rough sketch
      - Court presentation sketch.
    - Crime scene sketches can also be used as a valuable tool in court.
    - Crime scene sketches are not required at all scenes, but shall be prepared at the request of Commonwealth Attorney.
    - Crime scene sketches or computer generated renderings shall contain the following information:
      - Date,
      - Case number,
      - Address,
      - The words "To Scale",
      - The Scale used, or
      - The Words "Not to Scale",
      - Arrow depicting North,
      - Name of person preparing sketch.
  - Rough sketch.
    - The rough sketch should at a minimum contain the following:
      - Date,
      - Case number,
      - Address.
      - Birds eye view of scene diagram.
      - Symbols, letters or numbers identifying pertinent items of evidence.
      - Measurements placing items of evidence in scene using either a baseline measurement or triangulation measurement.
      - Name of investigator/deputy preparing sketch.
      - Any other information deemed necessary by the person preparing the sketch.
      - An arrow indicating north.

- Rough sketches do not have be drawn to scale.
- Court presentation sketches.
  - Court presentation sketches/renderings shall only be completed at the request of the Commonwealth Attorney. The Court presentation should contain at a minimum the following:
    - Date
    - Case number
    - Address and/or location
    - Name of investigator/deputy preparing sketch
    - Arrow indicating north
    - Scale indication if sketch is to scale ~~or~~
    - The words “Not to Scale” if the sketch is not a scale drawing.
    - Legend.
- Crime scene photographs
  - Crime scene photographs will be taken in digital format and are useful in allowing investigators, witnesses, judges and juries to visualize the crime scene and evidence located within the scene.
  - Crime scene photographs shall be taken at the following scenes:
    - Death scenes involving homicide, suicide, sudden unexplained deaths, infant deaths, any other death occurring under suspicious circumstances or that falls under the purview of the Office of the Chief Medical Examiner.
    - Robbery scenes where a weapon was discharged.
    - Violent sexual assault scenes.
    - Scenes containing impression evidence such as footprints, tire impressions, or other impression evidence that cannot be preserved any other way.
    - Any crime scene when deemed necessary by the investigator, Sheriff, Command Staff member, Investigations Division Supervisor, or on-duty shift supervisor.
  - Crime scene photographs will consist of the following:
    - Overall photographs
      - ❖ Photographs depicting the overall crime scene from a natural perspective.
      - ❖ Usually taken with a standard (50mm) lens.
    - Mid-range photographs
      - ❖ Photographs taken of one or more items of evidence, showing those item(s) in relation to a fixed object such as a door jam or window casing for indoor photos or a telephone pole or other immovable object when photographing outdoors.
    - Close-up photographs
      - ❖ Photographs taken of individual items of evidence.
      - ❖ When taking close-up photographs, two close-up photographs shall be taken of every item of evidence collected.

- ❖ One close-up photograph will be taken without a scale (ruler), and one close-up photograph will be taken with a scale (ruler).
- ❖ Close-up photographs of items collected, except for body fluids, do not have to be taken at the scene in certain case.
- Supplemental photographs
  - ❖ Photographs taken that do not fall under the previous listed such as aerial photos, photos showing the height from ground, or any photograph not taken from a natural perspective.
- A photograph log, which may be incorporated into the crime scene notes, may be maintained and if used will consist of the following:
  - ❖ Date
  - ❖ Camera make and model
  - ❖ Photo number
  - ❖ F-Stop used
  - ❖ Shutter speed used
  - ❖ Flash Setting if used
  - ❖ Image File number
  - ❖ Brief description of photo
- Photography equipment
  - The following camera equipment is approved for use for crime scene photography:
    - Any department issued digital camera.
    - Digital cameras issued for the documentation of domestic assaults and evidence in misdemeanor cases.
    - Cameras issued to patrol deputies for documenting domestic abuse cases will not be used as the primary means to photograph impression evidence at crime scenes.
    - Personal Cell Phone Cameras shall not be used at any crime scene for any reason.
    - Department issued cell phones with cameras shall not be used to photograph or document evidence or crime scenes. However, department issued cell phones with cameras may be used to photograph an individual or item that needs to be sent via text messaging or email for immediate identification purposes. The Deputy/Investigator shall document in the incident report the reason the image was sent via text messaging or email.
- Photograph developing and handling procedures
  - The following procedures will be used for the development of digital crime scene/evidence photographs:
    - Crime scene/evidence photos taken with digital cameras will be taken in the best or highest quality [JPEG](#) mode and [TIFF](#), [RAW](#) or [JPEG+RAW](#) for impression evidence.
    - Digital camera media from patrol shall be processed by the patrol Supervisor or designee. Digital camera media from investigators may be processed by the individual investigator.

- 312       ▪ Digital images will be moved from the media card to the designated Image Drive
- 313       on the Sheriff's Office Computer Network in the folder Labeled "Case Images" in
- 314       the folder representing the appropriate year.
- 315       ▪ A New sub folder will be created and labeled as follows:
- 316       ❖ Case Number
- 317       ❖ Offense Description
- 318       ❖ Victim's Last Name.
- 319       ❖ Example: (1300001 Burglary Smith)
- 320
- 321       ○ Once processed, digital media will be formatted and returned to the submitting
- 322       investigator/deputy.
- 323       ○ Under no circumstances will evidentiary or crime scene photos be emailed from any
- 324       device without prior supervisor approval.
- 325       ○ Deputies who receive approval to email evidentiary or crime scene photos will
- 326       document in the incident report the reason the image needed to be emailed and the
- 327       name of the supervisor who approved emailing the image.
- 328       ○ Digital images taken of crime scenes, vehicle accident scenes, evidence or for any
- 329       other official Sheriff's Office purposes are the property of the York-Poquoson
- 330       Sheriff's Office and will be maintained in the official case file.
- 331       ○ These photos/images may not be distributed, published or used for any other purpose,
- 332       other than official purposes for which they were intended for without the prior
- 333       permission of the Sheriff or his designee.
- 334       ○ The Commonwealth's Attorney has access to the Sheriff's Office network Image
- 335       Drive and will obtain any images needed for court or in response to motions for
- 336       discovery from the image drive.
- 337       ○ In the event an Investigator/Deputy receives a motion for discovery from an attorney
- 338       in a case that the Commonwealth Attorney's Office is not involved in, The
- 339       Investigator/Deputy do one of the following:
- 340       ▪ Make or have created a CD/DVD or Flash/Thumb drive of the images requested
- 341       and provide the CD/DVD or Flash/Thumb drive to the attorney in question.
- 342       ▪ The attorney filing the motion for discovery shall provide the CD/DVD or
- 343       Flash/Thumb drive.
- 344       ▪ Contact Sheriff's Office Computer Support personnel to have images uploaded to
- 345       the Sheriff's Office video cloud storage software so a link can be sent to the
- 346       requesting attorney to view or print the images.
- 347
- 348       • Collecting physical evidence
- 349       ○ The following shall be adhered to when collecting physical evidence:
- 350       ▪ All evidence will be collected, handled and packaged using standards approved by
- 351       The Virginia Department of Forensic Science
- 352       ▪ Avoid touching the evidence with his/her bare hands or anything that might
- 353       contaminate the item.
- 354       ➤ In collecting evidence, deputies shall remain mindful about the possibility of
- 355       communicable diseases, if the crime scene contains body fluids.
- 356       ➤ Refer to [GO 2-34](#), Communicable Diseases.



➤ Further, some evidence may consist of hazardous chemicals or waste products, explosives, or highly combustible materials.

- If a loaded firearm is present at the crime scene, it must be properly documented prior to unloading.

- Proper order of collection

- Unless conditions dictate otherwise or directed by a supervisor, evidence should be collected in the following order:

- Collect perishable evidence first. Perishable evidence such as fresh blood, blood-stained objects, physiological stains and tissue, or biological material shall be collected only by deputies/investigators trained in the collection and preservation of such evidence.

- If the immediate destruction of evidence is not a concern, work through the scene systematically, collecting evidence in a logical progression into the scene to avoid disrupting or overlooking other items of evidence.

- Collect control samples and known exemplars.

- ❖ The forensic laboratory can only compare known items with those showing similar characteristics. Sufficient specimens or controls must be submitted for comparisons of such items such as but not limited to:

- Hairs

- Fibers

- Paint

- Glass

- Soil

- Tool marks

- Tire impressions

- Elimination Fingerprints

- DNA

- Documentation of each item collected: The investigator/deputy processing the crime scene shall document in a written report the circumstances by which the evidence came into the agency's possession and:

- A complete description of the item (including make, model, and serial numbers, if any);
    - The source (from whom or location from which the item was obtained); and
    - The name of the person that collected the item.

- If a deputy/investigator takes property from the victim/witness for purposes of an investigation, the deputy shall provide a written receipt for the property to the victim/witness and shall explain why it is required as evidence.

- The victim/witness's property shall be returned as soon as practical, as permitted by law or rules of evidence.

## **ADMINISTRATION OF PROPERTY AND EVIDENCE**

- The following procedures shall be followed for receiving all in-custody and evidentiary property obtained by Sheriff's Office employees:
  - When sufficient identifying information is available, deputies/investigators shall check all property/evidence obtained against NCIC or VCIN records prior to submitting evidence to the Property and Evidence custodian and document the results of the NCIC/VCIN check in their report.
  - All in-custody property and evidence shall be securely stored within the evidence storage room or other approved secure location.
  - All property or evidence collected by deputies/investigators shall be stored in secure drop-off temporary evidence storage locations, or physically turned over to the Property and Evidence Custodian or his/her designee prior to the end of their tour of duty.
  - In cases where a perishable item needs refrigeration, the evidence shall be placed in the secure refrigerator following the guidelines above for temporary evidence storage locations.
  - If additional or oversized evidence is required to be refrigerated, the Property and Evidence custodian should be notified to respond and take custody of the evidence.
  - If oversized evidence cannot be properly secured. The Property and Evidence Custodian should be contacted to respond to the Sheriff's Office to take custody of the evidence.
  - All property and evidence shall be logged into the RMS system and placed under the control of the Property and Evidence custodian or his/her designee prior to the end of each shift. The required forms shall be completed and submitted electronically and the evidence or property placed into available temporary evidence storage location.
  - An incident report shall be required, which details the circumstances by which the property/ evidence came into the possession of the Sheriff's Office. Additionally, the report shall describe in detail each item of property obtained, including make, model, and serial number if applicable.
  - Prior to submitting any property or evidence to the Property and Evidence custodian, an Electronic Voucher shall be created and submitted in RMS.
  - Property and evidence shall be properly labeled and/or packaged to meet any safety and submission requirements of the Virginia Department of Forensic Science (DFS).
  - When accepting evidence from deputies, the Property and Evidence custodian or his designee will only accept an electronic voucher for the specific sealed containers received.
  - Electronic vouchers containing errors and improperly packaged or labeled items will be rejected and the submitting deputy/investigator notified. The submitting deputy/investigator must correct the deficiency and resubmit the item(s).
  - Deputies submitting evidence to the Property and Evidence custodian are responsible for all items placed in sealed containers.
- Preservation and submission of evidence to the forensic laboratory
  - Evidence recovered from crimes scenes must be preserved and submitted to the Virginia Department of Forensic Science laboratories in a timely manner.
  - Under normal circumstances, the deputy or investigator who processed the crime scene is responsible for filing out the [Request for Laboratory Examination \(RFLE\)](#)

- 449 and submitting evidence to the Property and Evidence custodian or his/her designee  
450 for transportation to the Virginia Department of Forensic Science (DFS) for  
451 laboratory examination.
- 452 ○ The Property and Evidence custodian will transport evidence to and from the DFS lab  
453 at least once a week.
  - 454 ○ The investigator/deputy that collected the evidence may transport the evidence to the  
455 DFS lab if the Property and Evidence custodian is otherwise unavailable or in special  
456 circumstances with supervisory approval.
  - 457 ○ Where more than one deputy processed the scene, the on-duty supervisor or  
458 investigations supervisor shall designate the deputy/investigator to take custody of all  
459 collected evidence, complete the RFLE, and turnover to the Property and Evidence  
460 custodian or his/her designee.
  - 461 ○ Copies of completed RFLE's will be scanned and attached to the incident report in  
462 RMS by the Property and Evidence Custodian.
  - 463 ○ Completed RFLE's will provide the chain of custody information for both DFS  
464 submissions and returns.
  - 465 ○ Paper copies of submitted RFLE's will be returned to the deputy/investigator.
  - 466 ○ Upon receipt of Certificates of Laboratory Analysis the deputy/investigator receiving  
467 the Certificate of Laboratory Analysis shall:
    - 468 ○ Scan and attach the Certificate of Analysis to the incident report in RMS.
    - 469 ○ Deliver the original copy of the Certificate of Analysis to the Commonwealth  
470 Attorney's Office and note in the form of a supplemental report the name of the  
471 person who received the original copy. If the original copy of the Certificate of  
472 Analysis is stamped as received, the stamped copy will also be scanned and attached  
473 to the incident report in RMS.
- 474
- 475 ● Preservation of perishable or deteriorating items
    - 476 ○ In cases where biological fluids are collected, observe the following procedures:
      - 477 ■ When a rapidly deteriorating item of evidence has been collected (for example, a  
478 liquid sample of semen, vial of blood, victim/suspect PERK), it shall be  
479 transported to the Department of Forensic Science laboratory as soon as possible  
480 and in no case longer than 5 days.
      - 481 ■ Refrigerate liquid biological fluid evidence and transport to the Department of  
482 Forensic Science for analysis as soon as possible but no longer than 5 days.
      - 483 ■ Air dry any wet or blood stained/soaked clothing before transporting to the DFS  
484 lab.
      - 485 ■ Per DFS policy, where appropriate, submit known samples of evidence so that  
486 comparisons can be made.
      - 487 ■ The investigating deputy shall be responsible for obtaining any required known  
488 samples and submitting them, along with the items of evidence, to the Property  
489 and Evidence custodian or his/her designee for submission to DFS for analysis  
490 and comparison.
  - 491 ● Physical Evidence Recovery Kits (PERK)
    - 492 ○ In the event a PERK is received from another law-enforcement agency that has not  
493 already submitted to DFS for analysis, the PERK shall be submitted to DFS as soon  
494 as possible but not longer than 60 days from date of receipt, unless:

- The PERK is an anonymous PERK and has not yet been forwarded to DFS for storage;
- The PERK was collected by the Medical Examiner and the ME and investigating officer determine analysis is not warranted;
- The PERK was collected in connection with an offense occurring outside the Commonwealth;
- The PERK was determined to not be connected to a criminal offense;
- Another law-enforcement agency has taken over responsibility for the investigation related to the PERK.
- PERKs that meet any of the above exceptions shall be stored for a period of 10 years or until 10 years after the victim reaches the age of majority, if the victim was a minor at the time of the collection, whichever is longer.
  - After the mandatory retention period the PERK may be destroyed or kept longer at the law-enforcement agencies discretion.
- The investigating officer shall notify the victim, parent or guardian of the victim if the victim is a juvenile of the unique identification number assigned to the PERK utilized by the health care provider.
- The investigating officer shall also provide the Person Identification Number (PIN) required to view the status of the PERK and shall provide information regarding the PERK Tracking System, unless disclosing this information would interfere with the investigation or prosecution of the offense, in which case the victim, parent or guardian, or next of kin shall be informed of the estimated date on which the information may be disclosed, if known.
- Labeling of evidence
  - All property and evidence shall be legibly labeled prior to submission to the Property and Evidence custodian.
  - In many instances, marking and labeling evidence may represent a single process.
  - In instances where evidence is large, complete identifying information may be recorded directly on the evidence.
  - In instances of items small in size or unable to be placed in a container, a tag containing the required information should be attached to the item.
  - All submitted items will bear a mark on the seal of the deputy who collected and packaged the item to assure the quality of the items submitted.
  - Each deputy/investigator should develop his own identifying mark, normally his/her initials.
  - Care should be taken in labeling evidence packaging so as to allow for:
    - Future handling of evidence by DFS personnel.
    - Additional labeling by the Property and Evidence Custodian and DFS personnel.
  - Evidence packaging labeling shall contain, at a minimum the following:
    - Date collected/recovered.
    - Time collected/recovered.
    - Date package sealed.
    - Item Number.

- Case Number.
  - Description of evidence if applicable to include:
    - ❖ Make
    - ❖ Model
    - ❖ Serial Number
    - ❖ Condition
    - ❖ Name of Deputy/Investigator collecting evidence.
    - ❖ Name of Deputy/Investigator packaging the evidence.
    - ❖ Hazard information if appropriate.
      - Sharps
      - Glass
      - Bio Hazard
      - Liquid
      - Etc.
- Packaging items of evidence
    - All evidence collected shall be preserved and packaged in accordance with this policy and Virginia Department of Forensic Science evidence handling guidelines which can be found at: <https://www.dfs.virginia.gov/documentation-publications/evidence-handling-and-laboratory-capabilities-guide/>
    - The deputy who collects the evidence shall choose a container suitable to the type of evidence to be preserved and packaged. Considerations in choosing the proper container include:
      - The size and weight of the item.
      - Whether the item is organic, (Blood, Body Fluids, Plant materials, etc.) which could rot or deteriorate if packaged in plastic or an airtight container for an extended time.
      - Fragility of the item.
      - Sharps or cut hazard
      - Future examination or testing of the item.
    - Avoid any contamination or cross contamination of evidence by packaging all items separately.
    - Package the item in an appropriately sized container to minimize interior movement within the package and to prevent tampering or damage to the item.
    - Seal the package with tape and initial or sign and date across the seal. The seal should be placed across the package so as to prohibit entry without damaging the seal.
    - Label the exterior of the package before placing the evidence within it.
  - Extra Security Measures for Certain Evidence
    - Extra security measures shall be made for the following types of evidence:
      - Money
        - ❖ Once received by the Property and Evidence Custodian, money shall be placed in the drop safe located within the secure property and evidence area.
        - ❖ As soon as practicable money in the custody of Property and Evidence Custodian shall be deposited into a non-interest bearing holding account,

established by the Treasurer of York County, at a Bank designated by the Treasurer until such time as the money is no longer needed for evidentiary purposes and can either:

- Be returned to the owner,
- Be disposed of in accordance with an order by the Court, or
- Remitted to the Commonwealth of Virginia, unclaimed property agency.

- Firearms
- Jewelry and precious metals
- Narcotics
  - ❖ Once received by the Property and Evidence Custodian, firearms, jewelry and precious metals and narcotic shall be secured in an area within the secure property and evidence area segregated and separately locked from general property and evidence.

○ Special considerations must be made for the preservation, packaging and submission of the following:

- Money
  - ❖ Money in the form of U.S. or foreign currency shall be handled as follows:
    - All monies including US Currency, Foreign Currency, and suspected counterfeit currency either recovered or otherwise in the custody of the Sheriff's office will be submitted to property and evidence for storage.
    - The recovering deputy, prior to submission, will separate all currency by denomination and will provide a total face value of the secured funds.
    - This value will be included on the exterior of the sealed container that is provided to property and Evidence.
  - ❖ Prior to accepting funds into property and evidence and placing the currency into the safe, the evidence custodian will recount the funds verifying the face value of the currency.
  - ❖ This recount will be in the presence of a second Sheriff's Office employee.
  - ❖ All employees having counted the monies including the collecting deputy, the Property and Evidence custodian and the Witness will provide their initials on the exterior packaging of the collected currency indicating the total face value of the currency at the time the count was made.
- Weapons
  - ❖ Weapons shall be handled as follows:
    - No deputy shall, under any circumstances, personally retain custody of any found or confiscated weapon.
    - Deputies bringing weapons into custody shall inspect them to ensure their safe storage.
    - All firearms shall be unloaded before storage.
    - Packages containing firearms shall be unmistakably marked as being unloaded.

- If a Deputy/Investigator is unable to make the firearm safe they shall do the following:
  - ✓ Consult a supervisor for assistance, or
  - ✓ Consult with an Agency Armorer.
- If still unable to render the weapon safe, place the weapon in a secure temporary storage location **with a notice in a prominent location that the firearm contained in the storage location has not been made safe.**
- **Immediately notify either in person, or via telephone if after hours, the Property and Evidence Custodian that the temporary storage location contains a firearm that has not been made safe.**
- ❖ The recovering deputy or investigator shall check all confiscated or found weapons against NCIC/VCIN files.
- ❖ Conduct a eTrace in accordance with [52-25.1](#) of the Code of Virginia.
- ❖ The eTrace report shall be documented in the form of a supplemental report and attached to the report in the RMS.
- ❖ Complete a Request for Laboratory Analysis (RFLE) for NIBN entry.
- ❖ Following all criminal proceedings, legally possessed weapons not ordered confiscated by the court will be returned to the owner or their agent.
- ❖ Proof of ownership shall be required prior to the release of any a firearm and will be required to sign a receipt for the property.
- ❖ Proof of proper licensing shall be required prior to the release of any fully automatic firearm. Only a person properly licensed to possess a fully automatic weapon may receive such weapons.
- ❖ In the event the person picking up the firearm is not the person who the firearm was received from or the known owner, a written notarized letter authorizing release of the firearm to the specific individual, from the firearm's owner must be presented by the person picking up the firearm.
- ❖ In all cases, prior to the release of any firearm to a citizen, a criminal history shall be checked on the person wishing to pick up the firearm to ensure they are not subject to a protective order or otherwise prohibited from possessing or transporting a firearm.
- ❖ Disposal of contraband weapons and those ordered confiscated by the court will be in accordance with court orders and Sections §[19.2-386.29](#) and [59.1-148.4](#) of the Code of Virginia.
- Marijuana, drugs and narcotics
  - ❖ Marijuana, drugs and other narcotics shall be handled as follows:
    - Marijuana evidence (and rarely other drug evidence) shall receive special treatment in cases in which the defendant is granted "first offender" status.
    - No finding of guilt is made when a defendant is granted first offender status in General District Court.
    - A review date is set for one year later, at which time the defendant is required to report back to the Court. In many instances, there is no report

of violations of the first offender program until the review date, and the defendant rarely appears on that date as required.

- In that event, the Court issues a capias for the defendant's arrest. Only after the defendant is brought back before the court is a guilty finding made, and the 10-day period during which the defendant may note an appeal to Circuit Court started.
- If the defendant does note an appeal, he is entitled to a trial de novo (i.e., a new trial) on the issue of guilt of the possession charge (NOT on the issue of his violation of the first offender status).
- If this occurs, a requirement exists to prove every element of the possession charge, and may (although rarely do) need to produce the actual suspected marijuana.
- Marijuana or other drug evidence shall not be destroyed without first checking with the commonwealth attorney's office to ensure that any appeal period which may exist and require production of that evidence has been exhausted. (See [GO 2-16](#), Drug Enforcement.)
- Property seized in connection with the illegal manufacture, sale or distribution of controlled substances will be handled in accordance with Section [19.2-58](#), Code of Virginia and [GO 2-36](#).
- Controlled substances and marijuana that are no longer of any evidentiary value will be disposed of in accordance with Section [19.2-58](#), Code of Virginia.
- Large seizures in excess of 10 pounds of controlled substances or marijuana will be disposed of in accordance with Section [19.2-58](#), Code of Virginia.

▪ Alcohol

❖ Alcohol will be handled as follows:

- All containers of alcoholic beverages shall be sealed or contained to avoid any chance of leakage.
- Not all alcoholic beverages are considered contraband. Alcoholic beverages should only be seized when they are deemed contraband and needed as evidence in a criminal prosecution.
- The only alcoholic beverages that are considered contraband are those alcoholic beverages seized from underage persons whose possession in itself is illegal (See Code of Virginia 4.1-304 to 4.1-306) except those cases where an adult has been interdicted by the courts. In these cases, it is illegal for someone to possess or consume alcohol. (See section [4.1-354](#), [4.1-322](#) and [4.1-333](#) Code of Virginia).
- Contraband alcoholic beverages shall be destroyed upon conclusion of legal proceedings and will be disposed of in accordance with Code of Virginia.
- Alcoholic beverages seized or recovered which are not contraband and are no longer needed as or evidence shall be returned to the owner or disposed of.

▪ Gambling contraband



- ❖ Property and evidence seized in illegal gambling operations will be handled as follows:
  - Property and evidence seized incident to an arrest for violation of Section [18.2-327-18.2-331](#), Code of Virginia shall be forfeited to the Commonwealth by order of the court having last jurisdiction.
  - Monies seized will be disposed of according to a court order.
- Oversized evidence
  - ❖ Evidence such as vehicles, bicycles, ATV's or any evidence too large to be secured in temporary storage and unaffected by environmental conditions will be handled as follows:
    - Secure in Sheriff's Office Impound Lot located currently at 201 Operations Drive.
    - All property placed in the impound lot shall be submitted to property and evidence via an electronic property voucher.
    - A copy of any applicable tow bills will be forwarded to the Property and Evidence Custodian or his/her designee.
    - Proof of payment of any tow bill or fees shall be provided to the Property and Evidence Custodian or his/her designee prior to the release of any property in the impound lot.
- Hazardous materials
  - ❖ The following are considered hazardous materials and shall be reported immediately to the Property and Evidence Custodian prior to placing in temporary evidence storage:
    - Flammable Liquids to include but not limited to:
      - ✓ Paint
      - ✓ Paint thinners
      - ✓ Gasoline
      - ✓ Lighter fluids
      - ✓ Propane
    - Caustic materials to include but not limited to:
      - ✓ Acids
      - ✓ Bleach
      - ✓ Bottle bombs
    - Arson evidence
    - Incendiary devices
    - Explosive devices
    - Pressurized containers
    - Components used in the manufacturing of Methamphetamines
    - Any containers used to store any of the above.
- Wet evidence
  - ❖ Wet evidence shall be handled as follows:

- Under no circumstances shall wet evidence be packaged and submitted to property and evidence.
  - Prior to submission to property and evidence the items will be thoroughly dried.
  - Deputies/Investigators may contact the Property and Evidence Custodian for assistance and guidance if needed.
- Disposal of evidence
    - Personal property or items of a non-evidentiary nature in the Sheriff's Office custody and control shall be handled in accordance with [GO 2-17](#), Disposal of Non-Evidentiary property.
      - The deputy who recovered the property or the Property and Evidence Custodian, once evidentiary property is deem non-evidentiary shall make all reasonable efforts to contact the owner of the property and advise that they may retrieve the property.
    - Personal property or items of an evidentiary nature, coming into the possession of the York-Poquoson Sheriff's Office may be disposed of only after approval by investigating deputy/investigator in consultation with the Commonwealth's Attorney, order by the applicable court or otherwise in accordance with the Code of Virginia.
    - Following trial or other legal proceeding, the deputy whose case involves the contraband shall notify the Property and Evidence custodian that the items are no longer needed as evidence through the use of the electronic Evidence Disposition Status form found in the RMS.
    - The Property and Evidence custodian will apply for a destruction order for firearms in cases where the firearm cannot be returned to the owner or their agent and/or narcotics.
    - Upon receiving the order, the Property and Evidence custodian shall conduct, or cause to be conducted the destruction, taking care to obtain a witness and document the destruction on the court destruction order form.
    - The evidence custodian conducting the destruction shall so notify the ordering court and provide appropriate documentation.
    - Deputy Sheriff's shall document in a report any evidence that is not contraband. Evidence that has not been presented in court shall be disposed of in accordance with the Code of Virginia.
    - Employees shall not temporarily or permanently convert any Sheriff's Office property or evidence to their own personal use or the use of any other person.
    - If any citizen refuses to accept returned property that was used as evidence or otherwise acquired by the Sheriff's Office, the property shall be destroyed or auctioned, if appropriate, under supervision of the Sheriff.
    - Unclaimed property in the custody of the Sheriff's Office that is no longer needed as evidence for criminal proceedings; that has no identifiable owner or is abandoned by its owner; and, that is of working value to the Sheriff's Office may be converted to departmental use.
    - A letter specifically describing the property being requested and its use within the department shall be submitted, in conjunction with a signed ***Evidence Disposition***

- 814 *Status* form, by the requestor to the Sheriff or his designee for review and approval  
815 signature.
- 816 ○ Upon approval the property shall be removed from Property & Evidence inventory,  
817 signed over to the Sheriff's Office in RMS, and turned over to either the appropriate  
818 Division commander or the equipment officer for issue.
  - 819 ○ Documentation supporting the transfer of any property from Property & Evidence to  
820 the Sheriff's Office will be attached to the original incident report in RMS.
  - 821 ○ Property that is deemed no longer needed by the Sheriff's Office or that becomes  
822 unserviceable shall be disposed of in accordance with the Code of Virginia.
  - 823 ○ Disputes between two or more parties, claiming ownership of any property held by  
824 the Sheriff's Office Property and Evidence Custodian, which is eligible for release,  
825 will require a Court determination as to the property ownership. This is typically  
826 accomplished through one of the parties filing an Interpleader with the appropriate  
827 court.
- 828  
829 ■ Found property
    - 830 ❖ Found property is property that is recovered but not evidentiary in value.
    - 831 ❖ Deputy Sheriffs who encounter found property shall treat it as evidence,  
832 Deputy Sheriffs shall document the circumstances of recovery and list the  
833 items as recovered in an incident report.
    - 834 ❖ Found property shall be submitted to the Property and Evidence custodian or  
835 his/her designee using the same requirements as the submission of evidentiary  
836 property.
    - 837 ❖ Deputies shall indicate on in the incident report and notes section of the  
838 electronic voucher if the property is eligible for return to the owner or is to be  
839 destroyed.
    - 840 ❖ Deputies shall make a reasonable effort to ascertain the owner of the property  
841 and return it. Upon releasing property, or obtaining property from a citizen  
842 who finds it, deputies shall complete an evidence/property custody document.  
843 See [GO 2-17](#) , Disposal of Non-Evidentiary Evidence, for further guidance.
  - 844  
845 ■ Safekeeping of property
    - 846 ❖ Under some circumstances the need may arise for the Sheriff's Office to  
847 temporarily hold property for safekeeping.
    - 848 ❖ Prior to accepting property for safekeeping the deputy/investigator must  
849 exhaust all other avenues for the item(s) safekeeping which may include:
      - 850 ➤ Turning property over to a relative, friend or other responsible party.
    - 851  
852 ❖ Property submitted for "Safekeeping" shall be submitted to the Property and  
853 Evidence Custodian using the same procedures as submitting items of  
854 evidence.
    - 855 ❖ Property accepted for "Safekeeping" will be for short interims and will be  
856 reviewed for return at a minimum quarterly.
  - 857  
858 ● Property/evidence custodian

- The Property and Evidence custodian shall have administrative control over all found, recovered or confiscated property that enters the evidence storage room.
- The Property and Evidence Custodian shall take necessary steps to ensure:
  - All stored confiscated or found property has been documented appropriately.
  - The evidence storage room is clean, orderly, and secure, and shall take necessary steps to ensure that all found/confiscated property is protected from damage, deterioration, or theft.
  - Restrict access to the evidence storage room to only authorized persons. Unauthorized persons are prohibited.
  - Maintain a log of all persons who enter the evidence storage room. Log shall contain at a minimum; Date, Time, Name, Purpose and the property key holder that escorted them.
  - The evidence storage room remains locked when unoccupied by Property and Evidence personnel.
  - Alarms are activated at the end of each business day or if Property and Evidence personnel will be out of the immediate area for an extended period of time.
  - The Property and Evidence custodian shall take extra security measures for the handling of drugs, money, firearms, jewelry or precious metals.
  - A safe will be maintained within the evidence storage room for money.
  - Drugs, firearms, jewelry and precious metals shall be segregated within the evidence storage room and will be stored under the added security of a secondary locking system.
  - The safe combination will be held by individuals designated by the Sheriff, separate from the Property and Evidence custodian or other Property and Evidence personnel, to secure exceptional, valuable, or sensitive items in the safe.
  - The individuals with the safe combination will never have key or alarm access code to enter the evidence room by themselves, where the safe is kept.
  - Except in the case of drug asset seizures, see [GO 2-36, Asset Forfeiture](#), the Property and Evidence custodian shall count the currency either manually or through the use of a currency counting machine.
  - Another Sheriff's Office employee will verify the currency count. If a currency counting machine is utilized, will witness the machine total.
  - The Property and Evidence custodian shall place the currency in an envelope, seal it, and both the custodian and the witness shall sign the envelope and date it.
  - Maintain records on all property entering the property room and document the chain of custody status.
  - Maintain a master inventory of all found or confiscated property in the custody of the Sheriff's Office, whether stored in the property and evidence storage rooms or elsewhere.
  - Release property only to authorized persons and may require identification and/or proof of ownership or the legal necessity to take property. This shall be accomplished for both temporary and final release.
    - ❖ Property in agency custody that may be lawfully released to the owner.
    - ❖ The recovering deputy/investigator or Property and Evidence custodian shall make a reasonable effort to identify and notify the owner or custodian by either, personal contact, telephone or letter that the Sheriff's Office is holding

- 905 their property and instructions how to make arrangements to retrieve the  
906 property.
- 907 ❖ Attempts to contact owners of property in possession of the Sheriff's Office  
908 will be documented in the incident report in the RMS.
  - 909 ❖ Property still in the custody of the Sheriff's Office, after 60 days from date of  
910 notification, will be considered abandoned by its owners and will be disposed  
911 of in accordance with Sheriff's Office policy and the Code of Virginia.  
912
  - 913 ■ Regularly check the files for property and evidence that is unclaimed or of no  
914 further evidentiary value, and obtain from the Commonwealth Attorney, in cases  
915 of evidentiary property, authorization for release or disposal or obtain from the  
916 Deputy/Investigator a signed Evidence Disposition Form for disposal. Deputies  
917 or the Property and Evidence custodian shall then make arrangements for  
918 returning property to the owner or disposal of the property.
  - 919 ■ Ensure that final disposition of found, recovered, and evidentiary property is  
920 accomplished within six months after legal requirements have been satisfied  
921 unless title to the evidence or property has been awarded to the Sheriff's Office by  
922 court order. The Property and Evidence custodian shall report any exceptions to  
923 the Sheriff.
  - 924 ■ Obtain written authorization from the Commonwealth's Attorney for the release  
925 of any evidence on a case pending trial or appeal.  
926
- 927 • Inspections and reports
    - 928 ○ The following property and evidence inspections and reports will be conducted:  
929 ■ Quarterly (Calendar Year)
      - 930 ❖ The Property and Evidence custodian or his designee shall conduct an  
931 inspection of adherence to property control procedures.  
932
    - 933 ■ Semi Annually
      - 934 ❖ Unannounced inspection of property and storage areas as directed by the  
935 Sheriff or his designee.  
936
    - 937 ■ Annually
      - 938 ❖ Audit of property/evidence held by the Sheriff's Office shall be conducted by  
939 an employee not routinely or directly connected with property control. The  
940 Property and Evidence custodian shall assist in the facilitation of the  
941 inspection.  
942
    - 943 ■ Whenever a property key holder is assigned or transferred from the property and  
944 evidence control function.
      - 945 ❖ An inventory of property, to insure that records are correct and properly  
946 annotated, shall be conducted jointly by the newly designated Property and  
947 Evidence custodian and a designee of the Sheriff.  
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  - 949 • Agency records
    - 950 ○ The Property and Evidence custodian will as part of his/her duties:

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- Be responsible for the secure storage of paper hard copy documentation, no longer is needed for immediate access, for the Sheriff's Office. Documents will include but not be limited to paper files related to:
    - ❖ Accreditation
    - ❖ Training
    - ❖ Budgets
    - ❖ Payroll
    - ❖ Grants
    - ❖ Personnel
    - ❖ Incident report case files
    - ❖ Etc.
  - Sheriff's Office personnel in charge of the aforementioned who need to store the documents will be responsible for preparing the files for storage. This may include:
    - ❖ Boxing of records
    - ❖ Indexing of boxes
    - ❖ Preparing an inventory of contents.
    - ❖ Purging or destruction of any documents stored with the Property and Evidence custodian will be a collaborative effort between the Property and Evidence custodian, The Administrative Services Division Commander and the personnel for which the records are stored.
    - ❖ Destruction of any records will be in accordance with Section [42.1-76](#), Code of Virginia, the Virginia Public Records Act and the Library of Virginia Retention Schedules.