
	LEXINGTON POLICE DEPARTMENT POLICY AND PROCEDURE GENERAL ORDER	Distribution ALL PERSONNEL	General Order Number 6.05
		Original Issue Date 01/06/2024	Reissue/Effective Date 04/08/2025
Order Title: PROPERTY AND EVIDENCE CONTROL	CALEA Accreditation Standard: 84.1.1; 84.1.2; 84.1.3; 84.1.4; 84.1.5; 84.1.6; 84.1.7; 84.1.8 VLEPSC: ADM 16.01; 16.02; 16.03; 16.04; OPR 03.05; 12.03	Section 6	
	Rescinds: ADM.16-01		
Section Title: INVESTIGATIVE FUNCTIONS	 Angela M. Greene, Chief of Police		

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

I. PURPOSE

To provide a written directive that specifies procedures for submitting, securing, documenting, and accounting for evidentiary and in-custody property handled by the Lexington Police Department.

II. POLICY

It is the policy of the Lexington Police Department (“Department”) that the property function shall provide for the security and control of seized, recovered, evidentiary, and found property placed under the custody and control of the Department. The Records Manager serves as the primary property custodian for the department and is responsible for the management of the property function, including the day-to-day duties related to the property room, and all other permanent and temporary evidence and in-custody property storage areas. The Chief of Police shall assign a sworn member of the department as an alternate property custodian who is responsible for day-to-day property room duties in the absence of the Records Manager. The Deputy Chief has the overall responsibility for overseeing the property management function of the department. The Chief of Police has discretion in appointing the number of alternate property custodians to be assigned. Other personnel may be assigned as temporary and/or part-time property custodians to assist the Records Manager, as authorized by the Chief of Police.

The Department will establish property and evidence control procedures that support investigative efforts, assist in the successful prosecution at criminal/civil trials, facilitate the timely return of property to its rightful owner, and protect the department's reputation as honest and worthy of the public's confidence and trust.

The Department's property and evidence management and control system shall consist of strict measures with respect to the receipt, handling, security, and disposition of property. Any discrepancies in the records and/or property being maintained shall be reported through the chain of command to the Chief of Police. Discrepancies shall be investigated in their entirety, administratively and, if appropriate, criminally.

III. PROCEDURES

A. Duties of Records Manager – General

1. The Chief of Police or designee shall assign a sworn officer or civilian to serve as a Records Manager.
2. The Records Manager will be issued a set of keys to the Property Storage Areas and will be responsible for securing the room and restricting access to authorized personnel only. A spare set of keys will be issued to the Deputy Chief of Police or designee.
3. The Records Manager will maintain records of all property brought to the Lexington Police Department headquarters.
4. Records will include, but not be limited to:
 - a. Found abandoned or misplaced property,
 - b. Property seized as evidence,
 - c. Cash,
 - d. Drugs,
 - e. Weapons.
5. The Records Manager will ensure these records are neat, up-to-date, and fully inclusive. The records will be ready for inspection at any time.
6. The Records Manager will routinely transfer property from the Temporary Holding areas to the evidence room.

B. Procedures for Receiving Evidentiary and Custodial Property

1. General

The Lexington Police Department will document all evidence and property transactions within the RMS property system. The department shall establish

procedures for when in-custody and evidentiary property is obtained, including the seizure and recovery of property, by employees into the control of the department, including procedures for:

- a. Logging of all property into department records
- b. Storing of all property prior to end of work shift
- c. Timely completion of all related reports
- d. Providing guidelines for proper packaging and labeling
- e. Taking extra precautions with exceptional and valuable items
- f. Identifying and notifying the owners of found property
- g. Releasing of property

2. Logging of Property into Agency Records

- a. The employee receiving the property is initially responsible for ensuring that the property is properly logged into department records before the end of their tour of duty, unless exception circumstances (i.e. family emergency, maximum hours, etc.) prevent the officer from completing this task and such is approved by the shift supervisor. This shall be accomplished by the completion of evidence and property control form(s), approved by the department, along with entries into the RMS system.
- b. When the Records Manager receives property, the control form shall be updated, and the information shall be entered into the computerized property tracking system. It is the responsibility of the Records Manager to ensure that property tracking system is kept accurate, current, and updated when property is found, recovered, submitted or removed from the property room, or transferred to a different storage location within the property return. With the prior approval of the Chief of Police, a police officer may be assigned to assist in completing this task.
- c. Agency records shall reflect the following information:
 - Location of property stored in the property room, or some other storage location
 - Date and time when the property was received or released
 - Character, type and amount of property on hand
 - Chain of custody of the property through its final disposition

3. Property to be Submitted Prior to End of Tour of Duty

- a. All evidence and property will be submitted to the designated secured property system prior to the end of the officer's tour of duty. This will be done in accordance with procedures established in [Section C](#) of this General Order, and will include tagging, labeling, packaging, and

sealing the evidence as well as completion of all required forms.

4. Detailed Report Required

- a. Employees receiving property or evidence are responsible for completing and submitting a written report describing the circumstances by which the property came into the officer's possession, and the nature, condition, and description of each item. All serialized items shall be checked through NCIC to determine if they are stolen.
- b. This report includes the completion of any required evidence and property control form, which shall be placed in the temporary storage locker with the property, except when the evidence/property is submitted via an area other than the temporary storage lockers such as the Bulk Evidence Area. In these instances, the form will be turned in to the Shift Supervisor and forwarded to the Records Manager.
- c. Upon receiving property into the evidence room, the Records Manager will mark the control form to reflect the storage location within the property room and the date and time the item was placed there.
- d. A copy of the control form will be kept in the evidence room files, where it will remain until the property reaches final disposition. A copy is also sent to records and filed in the case file. Copies in each instance shall be retained according to retention laws.

C. Guidelines for Packaging and Labeling Property Prior to Storage

1. Introduction

- a. For physical evidence to be accepted in court, it is essential that the chain of evidence be properly maintained. It is the responsibility of the submitting officer to properly process all property being submitted (i.e., tagged, labeled, packaged, sealed, documented, and recorded), prior to submitting the property into the property system. Property shall not be forwarded to temporary or permanent storage until processing is complete. In addition to these guidelines, the Property Office, with the assistance of the Detective, shall prepare and maintain an *Evidence Submission Manual* that describes additional detailed information. Copies shall be made available at various locations in the department as determined by the Lieutenant.

2. Incomplete Processing

- a. In such cases, the Records Manager will notify the submitting officer's shift supervisor so that arrangements can be made to complete the

processing. Officers will be called in whether on-duty or off-duty to complete processing. The item(s) shall be returned in a secured manner to the submitting officer, and all changes regarding the property's processing will be properly documented in the property RMS system. It shall be the responsibility of the officer's shift supervisor to ensure the corrections are made and resubmitted properly.

3. Classification of Evidentiary and Custodial Property

- a. Packaging and labeling evidentiary and custodial property shall be accomplished in accordance with guidelines listed below. The submitting officer will use the appropriate evidence and property control form depending on the items classification.
 - ***Evidentiary Property:*** Includes property that is believed related in some way to a crime or suspected criminal offense and property seized pursuant search warrants.
 - ***Custodial Property:*** Includes property that is found, taken into custody for safekeeping, abandoned property, contraband not connected with a criminal offense, and property submitted for any other reason that does not include use as evidence.

4. Tagging and Marking Evidence

- a. Evidence is generally not marked per se, as direct markings may contaminate the item. Instead, all evidence shall be tagged and/or packaged and labeled in a manner that enables the officer to positively identify the item at a later date. At a minimum, this identification will contain the officer's initials and ID number. Items that cannot be tagged, such as hair, blood, fibers, etc. shall be placed in an appropriate container that is properly labeled and sealed.

5. Labeling Evidentiary and Custodial Property

- a. Labeling can be accomplished by writing on packaging (envelopes, paper bags, plastic bags, boxes, etc.) that contains the item, affixing a tag to the package containing the item, or using a bar-coded property label.
- b. All property must be labeled to include additional information for identification purposes. Labeling requires that the officer document information for each item, including:
 - Date recovered or taken into custody
 - Case Report number

- Officer's identity
- Owner's name, when known
- Circumstances seized, recovered, or found
- Corresponding item number from the evidence and property control form, when applicable

6. Packaging and Sealing Evidence

- a. Evidence must be properly packaged and sealed in envelopes, paper bags, plastic bags, boxes, etc., that are designed for this purpose. Sealing methods include the use of stapling, tape, tamperproof evidence tape, evidence labels or similar materials, depending upon the type of article. The submitting officer shall place their marking on the package in such a manner that part of the marking is on the package itself and part of the marking is the evidence tape, evidence label or other material used to seal the package.
- b. The following materials for labeling and packaging evidence, found, surrendered, and abandoned property will be maintained in the Department's evidence processing area:
 - A box of tamperproof evidence tape
 - Property/evidence tags
 - Property containers
 - Evidence envelopes
 - Clear plastic evidence bags
 - Paper evidence bags
 - Latex gloves
- c. Firearms, narcotics, and dangerous drugs and valuables are to be packaged separately, with no more than one item per package. Other items may be packaged together provided there is no issue of cross contamination and the label details each and every item contained in the package. Firearms, narcotics, currency, and valuables worth \$500 or more shall be counted and verified by two officers who shall both initial the relevant packaging.
- d. Large items and certain types of evidence, such as bicycles, perishable items, etc. may not be easily packaged. When tags are used instead of packaging, officers must complete all pertinent information on the tag. If the item tagged requires further examination for physical evidence, the item must be packaged or protected in such a way to prevent the possibility of cross-contamination or loss of the evidence.

7. Preparing Evidence for Laboratory Submission

- a. Personnel submitting evidence for processing with the Virginia Department of Forensic Science request for laboratory examination will follow the procedures outlined below:
 - The evidence will be tagged with a properly completed evidence tag.
 - All biological evidence, where applicable, should be air-dried prior to submission to the laboratory. When possible, the evidence, once packaged, should be submitted to the laboratory as soon as possible. If the evidence cannot be dried and submitted to the laboratory the same day as packaged, the Records Manager shall refrigerate the biological evidence until submission. However, the evidence should not be refrigerated for more than a week.
 - A DFS100-F100 will be completed and attached to evidence.
 - The evidence will be secured in a property locker.
 - The evidence is to be packaged per instructions in the [“Forensic Science Laboratory - Guidelines for Evidence Submission”](#) manual. A copy of this manual can be found in the Evidence Processing Area and Detective room.
 - Normally, the Records Manager will transfer evidence to the Forensics Lab. This transfer will occur during regular business hours.
 - The Records Manager will take custody of the evidence to be examined. Once Consolidated Labs in Roanoke, Virginia has processed the evidence, the Records Manager will return said evidence to the Lexington Police Department evidence room.

D. Extra Security Measures for Exceptional, Valuable, and Sensitive Property

1. General

- a. Extra security measures will be taken to enhance security for any item booked into the evidence room that is considered to be sensitive, high in value, or otherwise constitutes an increased security risk. The temporary property and evidence lockers and entrance to the main property and evidence room are under camera surveillance at all times. The following types of property will be stored in separately secured locations within the main property and evidence room:

- 1) **Valuables and Money:** Includes jewelry, precious metals, and other valuable secured in a locked safe.
- 2) **Firearms:** Shall be unloaded and secured in a manner to render it inoperable stored in a locked locker.
- 3) **Drugs and Narcotics:** Secured in a locked cabinet. Caution should be taken, including the wearing of disposable gloves. Shall be weighed anytime items are transferred in/out of the property room for court, lab examination, etc.
- 4) **Urine, blood, and other body fluid specimens:** Shall be placed in approved and sealed biohazard container and properly secured and marked with a biohazard label. Disposable gloves should be used if there is any risk of leakage.

- b. If, in the opinion of the submitting officer, the property being submitted is of great value or potentially vulnerable to claims of tampering, the Records Manager may be summoned to personally accept the property and secure it in the designated location within the evidence room. The alternate keyholder must approve such requests if the Records Manager is off duty at the time.

2. Special Procedures for Certain Types of Property

- a. No explosives, dangerous chemicals, unknown biological specimens, nuclear material, or other dangerous material or property are to be accepted into the property holding area. If it is necessary to submit property of a hazardous nature into evidence, the submitting officer shall notify their Shift Supervisor. The Shift Supervisor shall make contact with the Records Manager before such property is placed into temporary storage. If deemed necessary, the Records Manager will make contact with the Lexington Fire Department or other experts to determine safeguards necessary to ensure safe storage.

E. Identification and Notification to Rightful Owner or Property

1. Identification and Notification

- a. Officers receiving or taking custody of property will make reasonable efforts to identify, verify, and notify the rightful owner of that property prior to the end of their shift, and arrange for the return of the property, except in circumstances that prohibit the return of certain property, such as contraband, property ordered destroyed by the court, etc.
- b. When property has been forwarded to the Records Manager for safekeeping, or when there is no longer a need to hold property for official purposes, the property custodian shall also make reasonable efforts to identify, verify, and notify the rightful owner of that property.

Such notification may occur in person or by telephone to expedite the process of returning the property. If the property remains unclaimed, prior to taking any action to dispose of the property, the Records Manager shall forward written notification to the owner, according to statutory requirements, that failure to pick up the property will result in the item being disposed of in accordance with applicable statutes. Written notification shall provide the owner a minimum of thirty (30) days in which to claim the property prior to final disposition or, in the case of weapons or firearms, 120 days.

2. Return to Rightful Owner

- a. Upon review and approval by the Records Manager, property may be released to the rightful owner:
 - When all police use of the property is satisfied, or
 - When permitted by law based on the circumstances and its value. [Va. Code § 19.2-58](#).
- b. The owner of the property will sign the back of the property tag or other departmentally approved receipt, acknowledging receipt of the property.
- c. In certain cases, it may be more efficient or prudent for the Records Manager to personally return the property to the rightful owner. When appropriate, other officers may be assigned to return such property.

F. Procedures for Temporary and Final Release of Property

1. Temporary Release of Property

Whenever property is temporarily removed from the property room for court, laboratory processing, prosecutor review, etc., such release shall be immediately recorded on the evidence and property control form, or a form used specifically for tracking the chain of custody. The pertinent information shall also be entered into the computerized property records as soon as practical.

2. Final Release of Property

Final disposition of found, recovered, or evidentiary property will be accomplished within six months after all legal requirements have been satisfied. Disposition will be in accordance with the provisions of Virginia Code, as amended, and other provisions as noted in [Section L](#). Written receipts shall be required for all acceptance and transfers of property leaving or coming into possession of the department.

G. Designated Secured Area for Storage of Evidentiary and Custodial Property

1. Introduction

a. All evidentiary and custodial property shall be stored within designated, secure areas, with access limited to authorized personnel. The department's long-term storage areas include:

- 1) Evidence Room
- 2) Other secure areas approved by the Chief of Police

2. Special Security Precautions

a. The department's property room shall be a room with limited access. In addition, certain types of evidentiary and custodial property, by their very nature, are afforded extra protection and additional security. Such items include, but are not limited to, money, precious gems, firearms, drugs and narcotics. Specific security measures provided for such items are designated in [Section D](#) above.

3. Refrigerated Storage

a. Only evidence requiring refrigeration shall be placed in the evidence refrigerator (e.g. blood specimens, sexual assault kits). The long-term evidence refrigerator will be located in the evidence room. The Records Manager and/or evidence room keyholder will be on-call to secure the evidence in long-term refrigerated storage. Perishable evidence shall be properly packaged and sealed. Use of that refrigerator is governed in [Section H](#). Preparation of biological evidence is addressed in [Section C.7](#).

b. Use of such refrigerators is restricted to storage of evidence/property formally entered into the system and shall not be used for other purposes.

c. The Records Manager will inspect all refrigerators, at least once weekly, and anytime evidence or property is transferred to or from a refrigerator, to ensure that they are operating properly.

4. Storage of Bicycles and Large Items

a. The property management system of the department includes areas designated for storing bicycles and large items. These are secured areas with access restricted to the Records Manager and alternate keyholder.

- b. Officers shall secure large items of evidence or bulk found and abandoned property in the basement storage room:
 - Large items of found property, such as bicycles, furniture, etc., shall be secured in the Bulk Storage.
 - The Records Manager will remove the item from temporary storage, if practical, and place it in the inner evidence storage room for disposition.
 - The Records Manager and the alternate keyholder are the only people to have access to the inner evidence storage room.
 - The return of any property from this room shall only be done by the Records Manager or the alternate keyholder.

5. Impound Yards

- a. Vehicles seized as evidence will be secured and stored at the Sheriff's Office. The keys to these devices will be kept by the Records Manager and the alternate keyholder and any other personnel as authorized by the Chief of Police.

6. Off-Site Storage Area

- a. If a large number of items, or the size of a particular item, exceeds the capacity of any departmental property storage area, whenever possible and approved by the Chief of Police, such items should be photographed and returned to the rightful owner. If this is not feasible, then the Records Manager shall make arrangements to secure the articles at an off-site storage area. Off-site storage areas include any impound yards whether at Police Headquarters or not, offices, warehouses, or rental storage bins.
- b. The Records Manager shall conduct a weekly documented visual inspection of these sites. They shall also be inspected as part of all inventory and procedural audits. During any inspection, or if discovered by any employee, the Records Manager shall be notified immediately and shall respond to the scene, if there is any evidence of tampering, or if areas, lockers, or containers are not secure.

7. Vehicles

- a. Vehicles requiring short-term temporary storage for purposes such as securing search warrants, conducting searches, and evidence processing, etc., shall be secured at Police Headquarters. Upon completion of these processes, they shall be removed from the police building and moved to an appropriate location (i.e., parking lot, Rockbridge County Sheriff's Office, a local towing agency, etc.),

depending on whether they will be held for evidence or released.

- b. Any officer who impounds a motor vehicle will completely fill out the vehicle impound/inventory forms as required by other applicable directives on the vehicle.

H. Temporary Secured Facilities for Evidentiary and Custodial Property

1. General

- a. All property being submitted to the property system must be secured in a temporary storage area designated for such purposes.
- b. The department provides facilities for the short-term storage of evidentiary and custodial property during those times when the Property Room is closed and/or the Records Manager is off duty or otherwise unavailable.
- c. The Records Manager shall check temporary storage areas each workday, remove all items of property or evidence that have been properly submitted from the storage area, and formally transfer and log them into the property system.

2. When Temporary Storage is Unavailable

- a. In the event that temporary storage facilities are full or unable to accommodate a particular piece of found, recovered or evidentiary property, the Shift Supervisor shall be notified. Upon concurrence that there is a need to retain and secure the item, the Shift Supervisor will notify the Records Manager who will respond to the department to accept the item personally for transfer into the property room. Should the Records Manager not be available, the alternate keyholder shall be contacted. Attempts to contact the Records Manager and alternate keyholder will be continued to be made until confirmation is acquired that a keyholder is aware of the need and the inability to enter any particular item into temporary storage, up to and including directly contacting the Chief of Police in exceptional circumstances.
- b. Under no circumstance will such property be left out in an unsecured manner to await the return of the Records Manager. All items will be secured in temporary storage areas or turned over personally to the Records Manager.

Officers shall not store evidentiary and custodial property in personal desks, lockers, briefcases, personal or department vehicles, private residences, or other places not specifically authorized by the Chief of Police. Personal use of such property is strictly

prohibited. Officers MUST submit all such property by the end of their work shift. If circumstances prevent this, the officer's Supervisor shall be informed of this fact. There are no exceptions.

I. Restricted Access to Property Storage Areas

1. General

- a. All areas designated for the permanent storage of evidentiary and custodial property, including the main evidence room, outside and off-site storage areas, and other designated areas in the department, shall be secured and restricted to personnel authorized by the Chief of Police, or designee. Authorized personnel include the Records Manager and an alternate keyholder designated by the Chief of Police.

2. Key Restrictions to Property Areas

- a. Under no circumstances shall keys or alarm codes to evidence/property storage areas, including temporary evidence lockers, be under the control of anyone, except the Records Manager, and other person(s) designated by the Chief of Police as property custodians. Spare keys may be authorized by the Chief of Police and shall be secured in a lockbox in the Records Manager's office. No keys may be duplicated without the express authorization of the Chief of Police.
- b. The department will maintain keys to the evidence room, and other areas as needed, in an off-site location for emergency entry into these areas. These keys will be kept in a secured area, inside a sealed envelope that is dated and initialed by the alternate keyholder. In the event it becomes necessary to access one of these keys, the Chief of Police, alternate keyholder, the Records Manager, or designees, shall be authorized to retrieve the key. A logbook shall be kept and completed each time an "emergency" key is used. The log shall indicate the date, time and reason for accessing the keys, along with the person authorizing its use. The alternate keyholder will also ensure that the keys are once again placed in a sealed package and returned to the secured area.
- c. The property room doors, and safes and cabinets located within the property room, will be kept closed and locked whenever authorized personnel are not physically in the property room.
- d. The following authorized persons may enter or remain in the property room, provided the Records Manager or the alternate keyholder is present:

- 1) Chief of Police

- 2) Department employees authorized by the Chief of Police, such as those designated to conduct Staff Inspections, or unannounced spot checks of the property room area.
 - 3) All other persons must be escorted by the Records Manager and/or the alternate keyholder in order to have access to the evidence area. Escorted entry into the property and evidence room shall be documented in the logbook.
- e. Anyone, other than the Records Manager or alternate keyholder, entering the property room must complete the appropriate log, detailing the name of the person, time of entry, time of exit, and purpose for the room. The combination to all safes/vaults in the property room, designated for valuables, money, drugs, or firearms, shall be changed upon the assignment of a new Records Manager and/or alternate keyholder.
 - f. Employees are prohibited from using, borrowing, taking, or removing any items held as evidence or safekeeping, regardless of whether such items are used for personal use or for police business, without the written permission of the Chief of Police.

J. Status of Property Held

1. The Property Records System shall accurately reflect the classification (evidentiary or custodial property), description, quantity, status, and location of all property held, plus the following information:
 - a. Case number
 - b. Submitting officer's name and ID number
 - c. Date and time when property was received
 - d. Chain of custody from date and time received through final disposition
2. Applicable information recorded on the evidence and property control form shall be entered into the computerized property tracking system as soon as practical in accordance with the guidelines set forth above. A bar-coding system can be utilized to facilitate the tracking and inventory of all property.

K. Inspections, Inventories, and Audits of Property Function

1. General

The following documented inventories, inspections, and audits shall be completed:

- a. Quarterly inspections
- b. Audit upon change of property and evidence keyholder
- c. Annual audit
- d. Unannounced inspections
- e. Evidence Irregularity Audit

2. Internal Controls

- a. In addition to the audits and inspections below, the Supervisor in charge of the Evidence and Property Control Function shall employ internal controls to ensure consistency in accounting for evidence and property and compliance with court orders, state and federal laws and CALEA/VLEPSC standards. Internal controls include, but are not limited to:
 - i. Rejection and return of submitted evidence if packaging does not meet the standards set forth in the Lexington Police Department Evidence Processing and Packaging Guidelines;
 - ii. Due diligence inquiries - periodic checks to ensure that an item is still where it was sent and that it is not ready for return;
 - iii. Random sampling - a means of checking a representative group for possible policy violations;
 - iv. Spot inspections of the property and evidence facilities;
 - v. Review of accreditation standards and relevant policies compared to current operations to ensure best practices are being employed and followed; and
 - vi. Any other means necessary to ensure continued compliance with applicable laws, policies and accreditation standards.
- b. Any violations and/or issues discovered during internal control inspections should be addressed and corrected immediately. Any violations/discovered during the internal control inspections shall be documented and forwarded to the Chief of Police or designee indicating the violation, the personnel involved, and the corrective action taken. Regardless of the immediate corrective action taken by the Supervisor in Charge of the Property and Evidence Control Function, the Supervisor shall employ internal control measures and provide a report to the Chief of Police, or designee, outlining what internal controls were used and the results not less than two times each calendar year.

3. Quarterly Inspections of Property Function

- a. The Records Manager, alternate keyholder, or designee will conduct inspections of the property room and property storage areas. Such inspections will be completed on a quarterly basis and may include any aspect of property operations. The inspections do not necessarily have to be comprehensive, however, they will include the following:
 - 1) A random comparison of at least one item from each location (i.e. safe, shelf, gun locker, or drug cabinet).
 - 2) A determination that the property room entry log is being utilized.
 - 3) A determination that the accountability (chain of custody) of evidence is being maintained.
 - 4) An inspection of the cleanliness of all long-term property rooms and areas.
 - 5) A determination that property is being protected from damage or deterioration.
 - 6) A determination that provisions of the agency orders or other directives are being followed.
 - 7) A determination that firearms are properly secured and unloaded.
 - 8) A determination that proper disposal methods are being followed.
 - 9) A determination that all keys are adequately secured.

A report, in the form of an Inter-Office Memo, or other format designed for this purpose, shall be sent to the Chief of Police upon completion of each inspection. Any problems or deficiencies found during the inspections will be documented in the report. The report shall also include any actions recommended or already taken to correct the deficiencies.

4. Property Audit Required Upon Change of Property Keyholder

- a. Whenever a Property Keyholder is assigned and/or transferred, an audit of property will be conducted. The newly designated Property Keyholder and a designee of the Chief of Police, will perform this inventory jointly, to ensure that records are complete and properly annotated. All firearms, monies, narcotics, precious metals, gemstones, and other valuable items will be accounted for on an individual basis. All other evidence and records do not require an accounting of every single item, however, the inventory should contain a sufficient number of items to ensure the integrity of the system and the accountability of the property. Any and all discrepancies shall be recorded before the newly appointed property custodian assumes responsibility for the property control duties.

- b. Upon conclusion of the inventory, a report containing the results of the inventory and all discrepancies, if any, shall be forwarded to the Chief of Police within thirty days. All officers involved in the inventory shall review and sign the report to verify the accuracy of the report.

5. Annual Audit of Property Function

- a. The Chief of Police will appoint at least two (2) designees to conduct the annual audit who are not routinely or directly connected with the control of the property room. Audits shall not be announced more than two working days ahead in advance. This audit is not meant to be comprehensive, however, it will include random comparisons of records against evidentiary and custodial property to determine the following:
 - b. The audit shall include a review of:
 - 1) All temporary and permanent storage areas and rooms, including any off-site storage areas in use, for their general physical condition and appearance, e.g., security, cleanliness, etc.
 - 2) The integrity of the property that is being maintained, including a random sampling of computerized and manual records, logs, and forms received since the last audit. This will ensure:
 - a) The accuracy of property received, including money, weapons, and dangerous drugs, have been properly logged and have not been lost or checked out for an unreasonable length of time.
 - b) The maintenance of accurate and proper record keeping procedures
 - c) The accountability (chain of custody) of evidence is being maintained
 - 3) A random sampling of disposition files and records to ensure that property, particularly weapons, drugs and money, have been disposed of properly and timely.
 - 4) That all written directives pertaining to the property function are being followed.
 - 5) That property is being kept from damage or deterioration.
 - 6) A determination that all keys are adequately secured.

- c. If necessary, the conductor of the annual audit is authorized to open items in the presence of the alternate keyholder, as follows:
 - 1) Drug packages to verify weight/count of drugs and, if necessary, conduct qualitative analysis by a chemist.
 - 2) Packages, safes, and containers containing money, and other valuables to verify contents and amount of cash. These packages must then be resealed in the presence of the alternate keyholder and a notation shall be made on the property log and in the Annual Audit Report, including:
 - a) Reason the package was opened;
 - b) Date and time the package was opened; and
 - c) Name of the person opening and resealing the package, and the names of witnesses.
- d. Upon conclusion of the inspection, a report containing the results of the inspection and all discrepancies, if any, shall be forwarded to the Chief of Police within thirty days. All officers involved in the inspection shall review and sign the report to verify the accuracy of the report.

6. Unannounced Inspections of Property Storage Areas

- a. A designee of the Chief of Police, who is not routinely or directly connected with property control will conduct an unannounced inspection of all property storage areas twice a year, or more often, at the discretion of the Chief of Police. This inspection will include a random comparison of records against physical property to ensure the accuracy of the records, and inspections of all temporary and permanent storage areas and rooms, including off-site storage areas, for their general physical condition and appearance, e.g., security, cleanliness, etc.
- b. Upon conclusion of the inspection, a report containing the results of the inspection and all discrepancies, if any, shall be forwarded to the Chief of Police within thirty days. All officers involved in the inspection shall review and sign the report to verify the accuracy of the report.

7. Evidence Irregularity Audit

- a. The Chief of Police, or designee, will conduct an audit when there is reason to believe that evidence has been tampered with, or if the evidence custodian has been removed for any irregularities.

L. Disposition of Evidentiary and Custodial Property

1. General

- a. Final disposition of found, recovered, or evidentiary property that is no longer of evidentiary value will be accomplished within six (6) months after legal requirements have been satisfied, unless otherwise directed by law or policy. Disposition will be in accordance with the provisions of Virginia Code, as amended, and other provisions of this order. The Records Manager shall be familiar with all legal requirements and procedures for the disposition of all property, including provisions relating to:
 - Contraband and forfeited property, including drugs, narcotics, alcohol, and beer
 - Money and other valuables
 - Weapons and firearms
 - Bicycles and vehicles, and parts
 - Property used in suicides and suicide attempts
 - Miscellaneous and unclaimed property with no value
- b. Any property seized by warrant and to be used as evidence in a prosecution will safely be kept at the direction of the court and thereafter be disposed of as provided by law. Any such property, seized by warrant, which is not used in evidence and any property which is stolen or embezzled property shall be restored to its owner or, at the direction of the court, may be burnt or otherwise destroyed. [Va. Code § 19.2-58](#).

2. Photographing and Release of Evidence/Property

- a. Property that is subject to spoilage, if needed by the owner, or for some other legitimate reason cannot remain in evidence for an indefinite period, may be photographed and returned with the approval of the Commonwealth's Attorney. The photograph of the evidence will be kept in the property and evidence room or another approved area, as evidence.

3. Property Acquired for Use by the Department

- a. Property shall not be converted to use by the department unless its ownership is legally transferred to the department, such as items turned over as part of the asset forfeiture statutes or per order of the court. Upon being converted as agency-owned property, the item shall be entered into the department inventory system, if required.
- b. The Records Manager will retain a listing of all property acquired through civil process or asset forfeiture. All such property shall be

disposed of pursuant to legal authority and in conformance with asset forfeiture requirements.

4. Self-Audit

- a. The Records Manager and a designee of the Chief of Police will conduct a self-audit of property stored in the property room, for the purpose of identifying all items not disposed of in a timely manner as indicated above, after legal requirements have been met. A report shall be submitted to the Chief of Police, identifying any item(s) remaining in the property room beyond the six (6) month time period. The report will include explanations as to why the property has not been disposed of, and what measures are being taken to correct the matter. The self-audit will be conducted at least annually but may be conducted more often at the discretion of the Chief of Police.

5. Return of Firearms and Weapons to Owners

- a. Firearms seized as part of a criminal investigation or in accordance with a domestic violence order shall only be returned to the rightful owner upon receipt of a Motion to Return Firearms, signed by a Justice of the District or Circuit Court. Va. Code §§ [19.2-386.29](#), [18.2-308.1:4\(E\)](#). It is the responsibility of the property owner to file a motion for return of firearms following the final disposition of a case.
- b. Before return of a firearm in accordance with a court motion to return firearms, the receiving party shall be subject to a criminal record check to verify they are legally allowed to possess a firearm and no longer subject to the protective order in question.
- c. Subjects not allowed to possess a firearm will include: Convicted Felons, or any other subject that in the discretion of the Lieutenant may pose a threat to public safety. In matters where it is determined that a firearm should not be returned, an objection to the court motion shall be filed immediately, requesting a hearing to express the Department's concerns to the Court.
- d. Firearms, taken into evidence as found property or held for safekeeping, shall not require a motion to return if an owner is located and the person is suitable to possess a firearm.
- e. Upon seizing a firearm in a criminal investigation, the Commonwealth Attorney or Department prosecutor should be notified to file a motion of forfeiture of property upon conviction.

6. Unclaimed Firearms and Weapons

- a. Firearms and weapons that are no longer subject to seizure or are unclaimed after a period of 60 days after notification of eligible release may, at the direction of the Chief of Police, be sold to a licensed retail distributor or retained by the Department pursuant to Va. Code §§ [59.1-148.4](#), [15.2-1719](#) and [City of Lexington Ordinance § 32-47\(C\)](#).
 1. Prior to the sale of firearms or weapons to a licensed retail distributor, the Department shall: (1) make reasonable attempts to notify the rightful owner; (2) obtain a written statement from the Commonwealth Attorney that the item is not needed for criminal prosecution; and (3) cause notice of the date, time, and place of sale and a general description of the property to be published in a newspaper of general circulation in the City once a week for two successive weeks notice.
 2. If no claim has been made by the owner for the property or proceeds of such sale within 60 days of the sale, the remaining funds shall be deposited in the general fund of the City of Lexington and the retained property may be placed into use by the Department. Any such owner shall be entitled to apply to the City of Lexington within three years from the date of the sale and, if timely application is made therefor and satisfactory proof of ownership of the funds or property is made, the City of Lexington shall pay the remaining proceeds of the sale or the Department return the property to the owner without interest or other charges or compensation. No claim shall be made nor any suit, action or proceeding be instituted for the recovery of such funds or property after three years from the date of the sale.
- b. The Chief of Police may also direct unclaimed firearms and weapons, which have been in the possession of the Department for a period of more than 120 days, be destroyed pursuant to [Va. Code § 15.2-1721](#) and [City of Lexington Code § 32-47\(D\)\(1\)](#). Unclaimed firearms and weapons elected for destruction shall be transferred by two officers in a department vehicle to an approved facility that will destroy them in accordance with this policy.
 1. Prior to destruction of the firearms or weapons, the Department shall comply with the notice provision contained in [Va. Code § 15.2-1719](#): (1) make reasonable attempts to notify the rightful owner; (2) obtain a written statement from the Commonwealth Attorney that the item is not needed for criminal prosecution; and (3) cause notice of the date, time, and place of destruction and a general description of the property to be published in a newspaper of general circulation in the City once a week for two successive weeks notice.

- c. The Records Manager will keep a record of the final disposition of all firearms and weapons in the RMS system.

7. Controlled Substances and Paraphernalia

- a. For controlled substances and paraphernalia utilized as part of a criminal prosecution:

1. No such substance or paraphernalia used or to be used in a criminal prosecution under [Va. Code § 18.2-247 et seq.](#) shall be disposed of until all rights of appeal have been exhausted. [Va. Code § 19.2-386.23\(B\).](#)
2. After obtaining a court order specifying the manner of destruction of the substance or paraphernalia, the officer to whom the order is directed must submit an affidavit reporting the time, place and manner of destruction of the same. The court order and officer affidavit then are submitted to be part of the criminal prosecution in question and serve as prima facie evidence of their contents. [Va. Code § 19.2-386.23\(A\)\(2\).](#)

- b. For controlled substances and paraphernalia recovered, seized, found or otherwise coming into an officer's custody not to be utilized as part of a criminal prosecution:

1. The Chief of Police or designee shall, with the [written consent of the Commonwealth Attorney](#), order destruction of the same to be accomplished within six months of attaining custody; provided that a statement under oath, reporting a description of the substances and paraphernalia destroyed and the time, place and manner of destruction, is made to the Chief of Police by the officer to whom the order is directed. [Va. Code § 19.2-386.23\(A\)\(2\).](#)

8. Bicycles and Mopeds

- a. Abandoned Bicycles and Mopeds

1. Mopeds: Any moped found (1) without a numbered tag or decal issued pursuant to [City of Lexington Code § 394-108](#), (2) unattended, and (3) reasonable attempts to locate an owner/user in the vicinity prove unsuccessful, such moped is deemed abandoned and *shall* be taken into custody and impounded by any officer of the Department. [City of Lexington Code § 394-114\(A\).](#) Furthermore, any officer *may* take custody of a moped and impound it if the moped is found unregistered in any public place and in the

possession or control of any person. [City of Lexington Code § 394-115\(A\)](#).

2. Bicycles: Any bicycle found (1) unattended, (2) under circumstances that indicate it has been lost/stolen, and (3) reasonable attempts to locate an owner/user in the vicinity prove unsuccessful, such bicycle is deemed abandoned and *shall* be taken into custody and impounded by any officer of the Department. [City of Lexington Code § 394-114\(B\)](#).
- b. No abandoned moped or bicycle shall be released or removed from impoundment except upon satisfactory showing of ownership and, in the case of mopeds, display of a City registration certificate and proper display of a numbered tag or decal by the owner or owner's agent. [City of Lexington Code § 394-114\(C\)](#).
- c. If any abandoned bicycle or moped is not reclaimed within thirty (30) days from the date of impounding, the Chief of Police or designee may provide for the donation of the bicycle or moped to a charitable organization or public auction of such bicycle or moped. City of Lexington Code §§ [394-114\(D\)](#), [32-47\(B\)](#).
 1. Prior to the public sale or charitable donation of abandoned bicycles or mopeds, the Department shall: (1) make reasonable attempts to notify the rightful owner; (2) obtain a written statement from the Commonwealth Attorney that the item is not needed for criminal prosecution; and (3) cause notice of the date, time, and place of sale and a general description of the property to be published in a newspaper of general circulation in the City once a week for two successive weeks notice.
 2. Any bicycle or moped found and delivered to the Department by a private person which thereafter remains unclaimed for 60 days after the final date of publication as required herein may be given to the finder. If the bicycle or moped has been registered with the Department, the record owner shall be notified directly. [City of Lexington Code § 32-47\(B\)](#).

9. Unclaimed Personal Property

- a. All other unclaimed personal property may be disposed of pursuant to [Va. Code § 15.2-1719](#) and [City of Lexington Code § 32-47\(C\)](#).
- b. Prior to disposal, the Chief of Police or designee shall report all tangible and intangible unclaimed personal property presumed abandoned under the Virginia Disposition of Unclaimed Property Act to the administrator of the Virginia Department of the Treasury in accordance with their

established guidelines. Property declined for remittance by the administrator may be disposed of in such a manner as outlined in this policy. See Section E.

10. Destruction of Firearms or Narcotics

- a. Destruction of firearms, narcotics or currency must be verified by two individuals. This shall be documented in a report.

M. Property Used for Investigative or Training Purposes

1. Any property including, but not limited to, controlled substances, weapons or explosives may be used for training or investigative purposes only after approval is given by the Chief of Police.
2. Written approval by the Chief of Police will include the following:
 - a. Description of the item(s);
 - b. Purpose for use of the item(s);
 - c. Person(s) who will have custody of the item(s);
 - d. Dates that the items are allowed to be removed from the Property Room; and
 - e. Any precautions or reporting requirements to be followed.
3. Any property that has been loaned out of the Property Room will be audited as part of any Property Room inspection.

N. Property Acquired Through Asset Forfeiture

1. The Constitution of the Commonwealth of Virginia permits law enforcement agencies to benefit directly from the seizures made in narcotic or drug investigations. To receive financial assistance through seized assets that involve other types of investigations, the department will proceed through the federal forfeiture process. The Lexington Police Department intends to aggressively enforce narcotics and dangerous drug laws, and where departmental personnel make a substantial seizure of property according to state law, the department will begin forfeiture proceedings. Whatever assets the department recovers through the forfeiture process, whether money or property, will be applied to legitimate enforcement needs, primarily to carry out other drug enforcement strategies. Under no circumstances will department personnel select enforcement targets because of the expected financial gain accruing to the department.
2. Asset Forfeiture Coordinator (AFC) and responsibilities:

- a. The Chief of Police will serve as asset forfeiture coordinator (AFC) and will establish working relationships with municipal offices such as:
 - i. Commonwealth Attorney;
 - ii. Department of Taxation;
 - iii. Clerk of the Courts; and
 - iv. Department of Motor Vehicles.

- b. Responsibilities of the AFC include:
 - i. Overall responsibility for the Lexington Police Department asset forfeiture program.
 - ii. Reviewing all police reports to identify property subject to forfeiture.
 - iii. Ensuring that all seizures for forfeiture are reported to the Department of Criminal Justice Services, except those that are being pursued through the federal process.
 - iv. Choosing and coordinating with vendors hired to manage seized property.
 - v. Coordinate with the Commonwealth's Attorney:
 - 1) To enter a default judgment against persons who fail to respond to the court within 30 days to defend against seizure of their property.
 - 2) To obtain a commercial sale of property in appropriate cases.
 - vi. Apply to DCJS for return of in-kind property for legitimate law enforcement use.
 - vii. Coordinate with other agencies participating in the Rockbridge Regional Drug Task Force on asset forfeiture matters.
 - viii. Ensure that the locality's certification is submitted to DCJS and renewed annually by the city manager.
 - ix. Ensure that money seized is forwarded to DCJS in check form.
 - x. Ensure that the proceeds will be used for law enforcement purposes only and will not supplement existing resources.
 - xi. Responsible for the effective processing of paperwork.

- xii. Responsible for the management of property seized and stored under asset seizure laws.
- xiii. Responsible for monitoring the proceeds from forfeited assets.
- xiv. Responsible for compliance with State and Federal guidelines for asset forfeiture.