

PALM BEACH GARDENS POLICE DEPARTMENT

HANDLING OF ACQUIRED PROPERTY/EVIDENCE

POLICY AND PROCEDURE 4.3.9

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PURPOSE: To establish policy and procedures for the collection, storage and disposition of acquired property/evidence.

SCOPE: This policy and procedure applies to all members.

REVIEW RESPONSIBILITY: Investigations Bureau Major

POLICY: It is the policy of this Department to maintain acquired property/evidence in a manner that ensures value in any legal proceedings; to comply with all applicable federal and state requirements.

PROCEDURES

1. CONTROL OF PROPERTY/EVIDENCE

- a. The Department's Evidence Custodian shall have access to areas used by the Department for the storage of in-custody or evidentiary property.
 - i. A member designated to back up the Evidence Custodian shall have access to areas used by the Department for the storage of in-custody or evidentiary property.
 - ii. In addition the delegated Investigations Sergeant shall have access to areas used by the Department for the storage of in-custody or evidentiary property.
- b. The Evidence Custodian ensures that records reflect the status of all property held by the Department.
- c. An inventory of property/evidence shall occur whenever the Evidence Custodian is assigned to and/or transferred from the position.
 - i. The inventory will be conducted by the newly assigned Evidence Custodian and a designee of the Chief of Police.
 - ii. During the inventory exceptional scrutiny should be given to high-risk items and a sufficient number, relative to total volume, should be randomly reviewed to ensure that proper documentation and accountability have been maintained.

- d. An annual audit\inventory of property/evidence will be conducted by a supervisor who is not routinely or directly connected with the control of property/evidence within the Department.
 - i. A law enforcement person from outside of the Department may substitute the supervisor with approval of the Chief of Police.
- e. An inspection to determine adherence to property/evidence procedures will be conducted at least quarterly by a supervisor in the Evidence Custodian's chain of command.
- f. An annual unannounced inspection of the property/evidence storage areas will be conducted as directed by the Chief of Police or his designee.

2. CHAIN OF CUSTODY

- a. The chain of custody begins when an item of property/evidence is collected and is maintained through final disposition.
- b. A record of the chain of custody and records reflecting the status of all property/evidence held by the Department is maintained by the Evidence Custodian in the property/evidence storage room.

3. STORAGE OF PROPERTY/EVIDENCE

- a. All property/evidence held by this Department will be stored by the Evidence Custodian in the property/evidence room or other designated secure areas (i.e., bicycle impound; off-site location).
- b. Exceptional items (i.e., narcotics, money, and valuable jewelry) will be stored in the Security Vault with access jointly controlled by the Evidence Custodian and designees of the Chief of Police.
 - i. Firearms will be stored in a separate locked compartment.
- c. Any perishables (blood, urine, food items, etc.) will be submitted using the lockable refrigerators located in the Evidence Prep Room.
 - i. If the need arises when both units are locked, it is required to notify the delegated Investigations Sergeant to have the Evidence Custodian respond to the Department and secure the items.
- d. Vehicles (autos, motorcycles or boats) are stored in designated secured locations.

4. ACQUIRED PROPERTY / EVIDENCE

All persons submitting items of property/evidence to be held in custody by the Department shall adhere to these procedures:

- a. A Palm Beach Gardens Police Department Evidence/Property or Safekeeping Property Receipt, either electronic or hardcopy, with the assigned case number shall be completed.
- b. The receipt shall be typed/printed legible, with accurate and pertinent information to include:
 - i. Date and time
 - ii. Type of offense
 - iii. Address of recovery
 - iv. Names and descriptors for persons
 - v. Description, amount and status of items
 - vi. NCIC / FCIC
 - vii. Chain of custody
- c. Use of appropriate evidence bags, boxes, tape or other packaging material from the supplies provided by the Evidence Custodian in the Evidence Prep Room.
 - i. Sexual Assault, blood and urine collection kits, and comparable packaging supplied by other agencies or the Crime Scene Unit may also be used.
- d. Property/evidence shall be submitted with completed labels and\or tags clearly marked to identify the:
 - i. Case number
 - ii. Date

- iii. Contents
- iv. Officer name and ID number
- e. Any property/evidence taken into custody that cannot be given directly to the Evidence Custodian will be submitted using these temporary locations:
 - i. envelope drop-box,
 - ii. pass-through lockers,
 - iii. bulk cages,
 - iv. lockable refrigerators
 - v. other secure areas designated by the Evidence Custodian
- f. All property/evidence taken into custody along with a completed property/evidence receipt are required to be placed in control of the Evidence Custodian prior to the end of an officer's shift unless exception is granted by a supervisor.
- g. Property/evidence should be removed from the temporary locations during the Evidence Custodian's next scheduled shift and secured in the property/evidence storage room.
- h. Once secured in the property/evidence storage room all property/evidence shall be logged into department records as soon as possible.
- i. Exceptional items (i.e., narcotics, guns, money, and valuable jewelry) require extra security measures for handling and packaging.
 - i. Specific procedures for the submission of exceptional as well as general property/evidence will be available through issuance of the Evidence Packaging and Submitting guidelines and training by the Evidence Custodian.
 - 1. Patrol officers will exercise property/evidence packaging and procedures with their field training officer.
- j. Florida State Statute 705.103 governs the handling of found property.
 - i. Specifically, this agency will hold found property for ninety (90) days from the date it is submitted and make a reasonable effort to contact the rightful owner.
- k. Florida State Statute 705.105 governs the handling of abandoned property.
 - i. Specifically, this agency will hold property for sixty (60) days from the date that the rightful owner is given notice; unclaimed property/evidence will be declared abandoned and disposed of.

5. TEMPORARY DISPOSITION

Property/evidence may be needed at times for investigative reasons, lab analysis or court presentation. In those instances, the following procedures will be adhered to:

- a. Investigations/Court Presentations require -
 - i. The requesting officer to notify the Evidence Custodian prior to the date the property/evidence is needed.
 - ii. The requesting officer to take custody of the property/evidence from the Evidence Custodian and sign the chain of custody.
 - iii. The requesting officer to take a signed duplicate of the chain of custody with the property/evidence should the item(s) be kept by the SAO or court.
 - iv. The requesting officer is to return the property/evidence to the Evidence Custodian immediately.
 - 1. Should the court retain the property/evidence have an agent of the court sign the duplicate chain of custody and return it to the Evidence Custodian immediately.
- b. Lab analysis will require -
 - i. The appropriate lab submission receipt for the property/evidence to be completed by the Evidence Custodian.
 - ii. Transport of the property/evidence to and from the local lab by the Evidence Custodian.

- iii. Return of a duplicate lab receipt signed by an agent of the lab acknowledging the transfer of custody to the lab from the Evidence Custodian.
- iv. Upon completion of analysis a duplicate lab receipt acknowledging the transfer of custody from the lab to the Evidence Custodian.
- v. When a common carrier must be utilized for in or out of state transport a notation indicating the temporary disposition must be made in the evidence/property receipt chain of custody and a duplicate of the shipping bill attached for shipping and receiving.

6. FINAL DISPOSITION

The final disposition of property/evidence shall be an ongoing activity for the Evidence Custodian and will be accomplished within six months after all legal requirements have been satisfied.

- a. Officers shall make an attempt to locate and notify the owner of the property in custody.
 - i. The status of the attempt will be recorded on the evidence/property receipt.
 - ii. If the submitting person is unable to notify the owner, the Evidence Custodian will be responsible for notifying the owner once the property is received into the property/evidence room.
 - iii. If located, the owner will be notified of the location of their property and the procedure for its return.
 - iv. If the owner is not located, the property will be disposed of in accordance with F.S.S. 705.103, 105.
- b. Officers having property/evidence held by the department shall be responsible for authorizing the final disposition of their property/evidence, unless the investigation was assigned to another investigator.
 - i. In the event another investigator has been assigned, it shall become their responsibility to authorize final disposition.
 - ii. In the event the officer or investigator is not available, either of their supervisors will be responsible for authorizing final disposition of said property/evidence.
- c. Owners may claim their property by contacting the Evidence Custodian or impounding officer.
- d. Claimants should provide photo identification for copying and proof of ownership documentation or accurate description to substantiate their claim.
- e. When releasing property it is required that the owner or their designee sign the evidence/property receipt and receive a copy of the receipt with the property.

7. PROPERTY RELEASED FOR TRAINING

The Department use of disposed property/evidence for training or investigation requires:

- a. Authorization by the Investigations Bureau Major or their designee in the chain of command of the Evidence Custodian; prior to release.
- b. A written memo submitted by the supervisor of the requestor to the Investigations Bureau Major or their designee indicating the:
 - i. quantity,
 - ii. type,
 - iii. length of time
 - iv. the nature of use in detail
- c. The Investigations Bureau Major or their designee will verify availability and issue the original approved memo to the Evidence Custodian.
- d. That the property/evidence available for use is limited to items designated for destruction and will be returned to the Evidence Custodian for destruction upon completion.
- e. That the approved memo be strictly adhered to regarding weights, quantities and types.

- i. Controlled substances must remain in tamper-evident packaging, weights/quantities should be verified by receiver prior to release and upon return.
- f. Presumptive testing will be performed on narcotics where evidence of tampering is an issue.
- g. Controlled substances **MUST** be returned to the property/evidence room within seventy-two (72) hours unless the authorizing officer extends the time.
 - i. The controlled substances will be securely stored by the receiving officer while in their custody.
- h. Annually, at a minimum, an unannounced inventory of controlled substances used for training shall be documented as directed by the Chief of Police or their designee.
- i. Compromised packages should be reported immediately to the authorizing officer of rank and may be subject to analysis at their discretion.
- j. Under **NO** circumstance is released property/evidence ever authorized for personal use.

8. LOST, MISSING or STOLEN PROPERTY/EVIDENCE

In the event that an evidence/property item cannot be accounted for as reported by Evidence Custodian or as a result of any inspection, audit, or inventory, the following will apply:

- a. The delegated Investigations Sergeant and Bureau Major will be notified and an immediate search for the item will be conducted.
- b. The delegated Investigations Sergeant and Evidence Custodian will have until the end of the business day to attempt to locate the item(s) and determine the status or disposition.
- c. If the item(s) is located the delegated Investigations Sergeant will write a memorandum to the Investigations Bureau Major stating the reason why the evidence/property could not be immediately located (clerical error, storage location misidentified, etc.) and actions to be taken to prevent future occurrences.
- d. If the item(s) is not located the delegated Investigations Sergeant will write a memorandum to the Chief of Police, via chain of command, indicating that the item(s) cannot be located. The Chief may grant extra time to locate the item(s) in question. The Chief, or designee, will designate an investigator to conduct an investigation to determine if the item(s) is in fact lost, missing, or stolen. The investigator will write a memorandum to the Chief, or designee, with the findings.
- e. Evidence/property that is determined to be stolen from the custody of the Evidence Unit will be investigated following standard criminal investigative procedures.

9. GLOSSARY

Audit: The examination of records and activities to ensure compliance with established controls, policies, and operational procedures. The auditor should examine a significant representative sampling of property including high-risk items.

Evidence: Items to be held for any active criminal investigation, appeals and other legal circumstances.

Evidence Custodian: The member responsible to maintain secured chain of custody, storage and control of the property/evidence items in possession of the Department. This position has a defined chain of command in the Department's organization chart. A backup or alternate member may be assigned, having the same authority of responsibilities.

Property: Items to be held as found, recovered, seized or safekeeping for claim by the rightful owner.

Inspection: The inspection is conducted to determine that the property room is being maintained in a clean and orderly fashion, that the integrity of the property is being maintained, that provisions of agency orders or other directives concerning the property management system are being followed, that property is being

protected from damage or deterioration, that proper accountability procedures are being maintained, and that property having no further evidentiary value is being disposed of promptly.

Inventory: The purpose of the inventory is to ensure the continuity of custody and not to require the accounting of every single item of property. The inventory should be sufficient to ensure the integrity of the system and the accountability of the property. During the joint inventory, all high risk items, e.g., money, precious metals, jewelry, firearms, and drugs, and a sufficient number of property records relative to the number of property and evidence items under the agency's care should be reviewed carefully with respect to proper documentation and accountability.

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