

COLUMBIA POLICE DEPARTMENT

Policy Manual

804 PROPERTY AND EVIDENCE**804.1 PURPOSE AND SCOPE**

This policy provides for the proper collection, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and those persons authorized to remove and/or destroy property.

804.1.1 EVIDENCE UNIT SECURITY

The Evidence Unit shall maintain secure storage and control of all property necessitating custody by the Department. The Evidence Custodians are responsible for the security of the Evidence Unit. Evidence Unit keys are maintained only by the Evidence Custodians and the Administrative Support Bureau Commander. The Evidence Custodian and the Administrative Support Bureau Commander shall not loan Evidence Unit keys to anyone and shall maintain keys in a secure manner.

Any individual entering the Evidence Unit other than an Evidence Custodian or the Administrative Support Bureau Commander must be accompanied by an Evidence Custodian or the Administrative Support Bureau Commander and must sign in and out on the logbook, giving the date and time of entry and exit, and the purpose, including a specific case or property number. The entry shall be initialed by the accompanying individual.

804.2 DEFINITIONS

Definitions related to this policy include:

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case.

Evidence Custodian – Job role that includes the Evidence Unit Supervisor and other civilian employees assigned to the Evidence Unit

Found property - Includes property found by an employee or citizen where the owner cannot be readily identified or contacted and has no apparent evidentiary value.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping, such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

804.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly packaged, tagged and placed in the designated property locker, evidence chute or storage room, along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property that has no apparent evidentiary value, excluding contraband, such property may be released to the owner without the need for submission to the Evidence Unit. A property receipt must be completed to document the release of property not submitted to the Evidence Unit. The owner shall sign the appropriate form acknowledging receipt of the item.

804.3.1 PROPERTY BOOKING PROCEDURE

All property must be submitted to the Evidence Unit prior to the employee going off-duty. Employees submitting property shall observe the following guidelines:

1. Complete the property form describing each item separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.
2. The employee shall mark each item of evidence with initials and date.
3. Items too small to mark, or that will be damaged, degraded or devalued by marking, should be individually packaged, labeled and the package marked with initials and date.
4. Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
5. Place the case number in the upper right corner or in the appropriate field of the evidence/property tag.
6. The original property form shall be submitted with the evidence.
7. When the property is too large to be placed in a property locker, the item may be temporarily stored in any department supply room or other location that can be secured from unauthorized entry. The location shall be secured to prevent entry and a completed property form placed into the property form box.

804.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be packaged separately and submitted to the Evidence Unit using a separate property record. Drug and narcotics paraphernalia shall also be submitted separately.

The officer seizing the narcotics and dangerous drugs shall place them in a property locker or evidence chute.

804.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify an immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives with the exception of ammunition will not be retained in the police facility.

804.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

1. Any evidence collected which may contain DNA, should be properly labeled as such.
2. Property stained with bodily fluids such as blood or semen stains shall be air-dried prior to submission.
3. All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame.
4. All cash shall be counted in the presence of another employee and the envelope initialed by both employees. A supervisor shall be contacted for cases where the cash is in excess of \$1,000.
5. All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the property form.
6. Items that are potential biohazards shall be appropriately packaged and marked to reduce the risk of exposure or contamination.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

804.4 PACKAGING OF PROPERTY

Packaging will conform to certain procedures. Certain items require special consideration and shall be packaged separately as follows:

1. Controlled substances
2. Firearms (ensure they are unloaded, rendered safe, and booked separately from ammunition)
3. Property with more than one known owner
4. Drug paraphernalia

5. Contraband

6. Biohazards

804.4.1 PACKAGING CONTAINER

Employees shall package all property, except controlled substances, in a suitable container that is appropriate for its size. Knife boxes should be used to package knives or any other sharp items. Handgun boxes should be used for handguns. Syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

804.4.2 PACKAGING CONTROLLED SUBSTANCES

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in the evidence chute or locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. When conducted, the result of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size, available in the evidence processing room. The officer shall initial the sealed envelope. Controlled substances shall not be packaged with other property.

The officer shall weigh the suspected narcotics or dangerous drugs in the container in which it was seized. A full description of the item, along with packaging and total weight of the item as seized, will be placed in the case report and on the property form. After packaging and sealing as required, the entire package will be weighed and the Gross Package Weight (GPW) will be written on the outside of the package, initialed and dated by the packaging officer.

The GPW will be verified every time the package is checked in or out of the Evidence Unit. Any discrepancies shall be noted on the outside of the package. Any change in weight should be immediately reported to the Administrative Support Commander.

A completed property tag shall be attached to the outside of the container. The chain of custody shall be recorded on the tag or property form.

804.4.3 RIGHT OF REFUSAL

The Evidence Custodians have the right to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should an Evidence Custodian refuse an item of property, he/she shall maintain secure custody of the item in a property locker or other safe location and inform the submitting member and his/her supervisor.

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804.5 RECORDING OF PROPERTY

An Evidence Custodian receiving custody of evidence property shall indicate such on the property form and in each property field in the Records system. The property form will be kept in the Evidence Unit until the property is returned, destroyed or otherwise no longer to be retained by the Evidence Unit. The Evidence Custodian will record his/her signature, GPW if it is a controlled substance to be used as evidence, the date and time the property was received and where the property will be stored on the property form and in the Records system.

Any changes in the location of property held by the Columbia Police Department shall be noted on the property form and in the Records system.

804.6 PROPERTY CONTROL

Each time an Evidence Custodian receives property or releases property to another person, he/she shall enter this information on the property form and in the Records system. Officers desiring property for court shall contact the Evidence Custodian or Technician at least one day prior to the court day.

804.6.1 RESPONSIBILITIES OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of custody.

Request for analysis of items other than controlled substances shall be completed on the appropriate forms and submitted to the Evidence Custodian. This request may be filled out any time after booking of the property or evidence.

804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the property form and the request for laboratory analysis.

The Evidence Custodian releasing the evidence must complete the required information on the property form and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the employee will record the delivery time and to whom it was delivered.

804.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property form, stating the date, time and to whom it was released.

An Evidence Custodian shall obtain the signature of the person to whom property was released and the reason for release. Any employee receiving property shall be responsible for such property until it is returned to the Evidence Unit or released to another authorized person or entity.

The return of the property should be recorded on the property form, indicating date, time and the person who returned it.

804.6.4 AUTHORITY TO RELEASE PROPERTY

The Evidence Custodian shall not release any property without a signed authorization from an appropriate authorized member of the Department.

For property in custody of the Department for investigatory or prosecutorial purposes and owned by a victim or witness, an Evidence Custodian shall, upon the request of the owner:

1. Provide a list describing the property, unless such release would seriously impede an investigation.
2. Return the property expeditiously, unless the property is contraband or required as evidence.

Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner.

804.6.5 RELEASE OF PROPERTY

A reasonable attempt shall be made to identify the rightful owner of found or stolen property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or investigator and must conform to the items listed on the property form or must specify the specific item to be released. Release of all property shall be properly documented.

The Evidence Custodian shall release the property to the owner or finder, upon valid identification and proper documentation presented by the owner or finder, for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the appropriate form.

Upon release or other form of disposal, the proper entry shall be recorded in all property documentation and in the Records system.

804.6.6 STOLEN OR EMBEZZLED PROPERTY

Stolen or embezzled property that is in the custody of this department shall be restored to the legal owner upon receipt of a court order (§ 542.301.1(2), RSMo).

Property wrongfully taken from a mercantile establishment may be returned to the owner when (§ 490.717.3, RSMo):

1. Photographs of the property signed by the arresting officer have been taken that depict the owner of the property and the date and time of the photograph.
2. A written affidavit has been signed by the arresting officer that includes:
 - a. A written description of the property including the retail price of the property and, if available, the manufacturer's number, the style, the color and the size of the property.
 - b. The name and address of the mercantile establishment.
 - c. The name, address and signature of the owner, agent or representative of such mercantile establishment.
 - d. The name and PIN number of the arresting officer and his/her signature indicating the date of signing.
 - e. The name and address of the photographer and the date and time that the photographer signed the photograph

804.6.7 RELEASE AND DISPOSAL OF FIREARMS

A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922 (d).

804.7 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law or by a court of competent jurisdiction:

- Weapons declared by law to be nuisances
- Counterfeiting equipment
- Gaming devices
- Obscene matter ordered to be destroyed by the court
- Altered vehicles or component parts
- Narcotics
- Unclaimed, stolen or embezzled property

- Destructive devices

804.7.1 RETENTION OF BIOLOGICAL EVIDENCE

The Evidence Unit supervisor shall ensure that no biological evidence is destroyed without adequate notification to the following persons, when applicable:

1. The defendant
2. The defendant's attorney
3. The appropriate prosecutor
4. Any sexual assault victim
5. The Administrative Support Bureau Commander

Biological evidence shall be retained for a minimum period established by law or the Administrative Support Bureau Commander, whichever time period is greater.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

804.8 INSPECTIONS OF THE EVIDENCE UNIT

On a random and regular basis, the Administrative Support Bureau Commander or Designee shall pull a test sample (2-3 items of evidence) from the evidence storage facilities to ensure adherence to appropriate policies and procedures.

Unannounced inspections of evidence storage areas shall be conducted annually, as directed by the Chief of Police.

An annual audit of evidence held by the Department shall be conducted by a Bureau Commander, or designee who is not routinely or directly connected with evidence control, as assigned by the Chief of Police.

Whenever a change is made in personnel who have access to the Evidence Unit, an inventory of all evidence/property shall be made by an individual not associated with the Evidence Unit or function to ensure that records are correct and all evidence property is accounted for.