


PINE BLUFF POLICE DEPARTMENT POLICY & PROCEDURES MANUAL

	SUBJECT:	POLICY NUMBER 900
	PROPERTY & EVIDENCE: BOOKING & CUSTODY OF	ISSUE DATE 02/19/2008
	CHAPTER: PROPERTY & EVIDENCE	EFFECTIVE DATE 02/19/2008
	ISSUED By: Chief of Police John E. Howell	TOTAL PAGES 8

I. PURPOSE

It is the purpose of this policy to provide officers with guidelines for the booking and custody of property and evidence.

II. POLICY

It is the policy of this agency that all evidence and property received by this agency will be accounted for in a professional and consistent manner.

III. DEFINITIONS:

- A. Chain of Evidence:** The continuity of the custody of physical evidence- from time of original collection to final disposal-that may be introduced in a judicial proceeding.
- B. Impounding Officer:** The member of this law enforcement agency who initially receives the evidence and initiates the chain of custody.
- C. Evidence/Property Custodian:** The custodian of the police department property room shall be responsible for the custody of all lost, found, stolen, abandoned, unclaimed, evidence, and/or other property coming into possession of the department, and delivered to the property room, and shall be responsible for the safe keeping, accurate recording, accounting for, and proper disposition of all such property.
- D. Evidence Room:** Facility used by this law enforcement agency to store evidence.

IV. PROCEDURES

A. Processing Evidence

1. Any member of this agency who has evidence to be placed in the evidence room shall make an inventory of that evidence and where it was found or recovered. The inventory shall include the following information for all items of evidence:
 - a. Description of the item (including make, model number, and serial number, if any);
 - b. Source (from whom or location obtained);
 - c. Name of person primarily responsible for collecting the item or items.
 2. The impounding officer shall properly handle, mark, and package all evidence, and transport all physical evidence to the evidence room, or other authorized secure location as soon as possible.
 3. Evidence of a hazardous nature shall be appropriately packaged and stored in accordance with established agency policy and state and federal law. Such substances include but are not limited to items that may have been exposed to or contaminated by communicable diseases, hazardous chemicals or waste products, explosives or highly combustible products. Where appropriate, the evidence/property custodian will make arrangements and assume responsibility for storage and control of such substances outside the evidence room.
- B.** Any officer of the department taking possession of any property or evidence in the course of his official duties shall deposit the property in the department evidence property room as soon as practical. Property obtained in the course of official duties shall not be kept in any office, locker, or other place longer than is necessary to move it to the property room, except as otherwise stated in this chapter.
- C.** All miscellaneous property and evidence shall be turned into the evidence property room within (3) three days of the date it was confiscated. Detectives may retain evidence longer if necessary for an investigation.
- D.** Property coming into the possession of an officer of the department, in the course of his official duties shall not be sold, given away, junked, destroyed, or disposed of in any manner other than is specified in this Chapter, or unless authorized by the Chief of Police.

E. Recording Transfers of Custody

1. The evidence/property custodian shall be responsible for developing and maintaining a file that documents all changes in custody of physical evidence. The file shall be capable of readily identifying the individual or organization currently maintaining custody of all evidence.
2. A written record of all transfers of physical evidence shall be made.
3. Members of this law enforcement agency who assume custody of evidence from the evidence room bear full responsibility for ensuring its security, proper storage, and maintenance, and for the ready retrieval of such evidence upon demand.

F. Disposal of Evidence

1. The chief executive officer or his designee shall designate an investigator to monitor the entire drug destruction process. Prior to the scheduling date of destruction, this individual shall:
 - a. Select a random sample of the items designated for destruction;
 - b. Have these items quantitatively and qualitatively tested by the agency's laboratory function;
 - c. Compare these results with prior testing conducted by
 - d. the laboratory and, if no discrepancies are found, return the items to the property room.
 - e. If any discrepancies are found before the drugs are destroyed, immediately notify the commanding officer of the internal affairs function, who shall immediately initiate an appropriate investigation.
 - f. On the date of destruction, monitor the loading of the items to be destroyed, accompany the items to the destruction site, and observe the destruction process.
 - g. During the destruction process, select a random sample of items to be destroyed and have these items quantitatively and qualitatively tested by the agency's laboratory function, and compare these results with prior test results conducted by the laboratory.
 - h. If no discrepancies are found, return the items to the evidence room to include in the next planned destruction.
 - i. If any discrepancies are found, immediately notify the commanding officer of the internal affairs function, who shall immediately initiate an appropriate investigation.

- j. After the completion of the destruction process, submit a report to the commanding officer of the internal affairs function that shall include:
 - 1. The date, time, and location of the destruction;
 - 2. An inventory of the items destroyed;
 - 3. A list of those present at the destruction; and
 - 4. The results of the random tests made before and after the destruction.

V. PROPERTY – FORM

- A. All property coming into the possession of an officer of the department, in the course of his official duties, and being booked into the property room, shall be tagged prior to being booked or left at the property room, or any place where property may be properly left.
- B. The property tag shall be completely filled out with all of the information requested on the tag, when such information is available to the officer.
- C. The responsibility for using the proper tag and furnishing the required information rests with the officer originally acquiring the property. Property will not be accepted, or left at any place unless it is properly tagged.

VI. PROPERTY ROOM BOOKING – EXCEPTIONS

- A. Evidence and property listed in this section will not generally be turned into the property room but will be handled as stated in this section.

1. BICYCLES

- a. Bicycles not being held as evidence or contraband may be returned or released to the owner, if the owner can prove ownership to the satisfaction of the officer with custody. Bicycles not returned to the owner will be properly tagged and left in the booking area.

2. EVIDENCE - LARGE ITEMS

- a. Items of evidence too large to be efficiently stored in the property room may be photographed and returned to the owner. It will be noted in the crime report that the items were photographed and returned to the owner. The photographs will be properly marked for evidence and placed in the case file.

VII. MARKING OF EVIDENCE

- A. All property held as evidence shall be marked in such a way so that it can be positively identified at a later time, except as otherwise indicated in this chapter.
- B. Evidence shall not be marked if:
 - 1. Marking it would alter or change it, in which case it shall be placed in a container which shall be marked in such a way so as to be identifiable by the officer who first obtained custody of the property.
 - 2. If it already has a serial number and/or distinctive mark which can be positively identified at a later time.
- C. If property is marked as evidence, the mark shall be:
 - 1. As small as possible
 - 2. Distinctive and not easily capable of duplication
 - 3. Placed so as to prevent altering, contaminating, or destroying its evidential value or reducing its marketable value

VIII. RECEIPT FOR PROPERTY

In all cases where an officer takes possession of any property from a citizen, either found property or evidence, the officer taking control of the property shall give a receipt for the property to the citizen.

IX. REPORT – PROPERTY

An information report will be written on any property or evidence confiscated that has not been noted in a crime report.

X. EVIDENCE FOR COURT

In order not to impede the courts, evidence needed for court should be picked up in a timely manner prior to the court date. A three (3) day notice will be given in order for evidence to be ready to pick-up.

XI. ARRESTING OFFICER RESPONSIBILITY

The arresting officer shall be responsible for assuring all needed evidence is in the court room at the time of trial. The arresting officer shall also be responsible for the return of any and all evidence to the property room. When the court retains all or part of the evidence, the officer involved shall obtain a receipt from the court official retaining the evidence. A copy of the receipt shall be returned to the property room officer and the original shall be placed in the case file.

XII. RELEASE OF EVIDENCE

Evidence shall only be released by:

1. Court order of the appropriate court involved
2. Order of the Chief of Police, if the evidence is not involved in any court litigation
3. The property room officer once it has been determined the evidence has no further value
4. For examination by Arkansas State Crime Lab or Arkansas Department of Health

XIII. EVIDENCE RELEASED TO ARKANSAS STATE CRIME LAB

The Officer taking evidence to the State Crime Lab or Arkansas Department of Health will notify the Evidence/Property Room Officer prior to transporting the item(s) of evidence. All pertinent information necessary to document the Chain of Custody shall be entered into the evidence tracking system maintained by the Evidence/Property Custodian prior to departure. A copy of the State Crime Lab Submission Form, complete with date/time stamp and signature of the receiving lab personnel, shall be returned to the Evidence/Property Custodian immediately upon return.

XIV. EVIDENCE NOT TO BE MAILED

Evidence is not to be mailed from the department to the State Crime Lab. All evidence will be delivered and picked up in person.

XV. CHAIN OF CUSTODY

All evidence submitted to the Arkansas State Crime Lab will be properly documented and the chain of custody will be maintained by the officer submitting the evidence. The receipt from the Crime Lab will be returned to the custodian of the property.

XVI. RELEASE OF LOST PROPERTY

Lost property that has been recovered may be released to the owner when there is no longer a need to hold the item. The owner must provide reasonable proof of ownership before releasing the property.

XVII. DISPOSING OF MISCELLANEOUS PROPERTY

Miscellaneous property will be disposed of after ninety (90) days if the property has not been claimed by the owner.

1. Property of value will be sold at auction
2. Property of no value will be destroyed

XVIII. MONEY

Money that is confiscated as evidence or lost and unclaimed money will be inventoried by two officers. A list of the bills and change will be compiled and signed by both officers. The money will be packaged with the list inside and sealed, then both officers will initial over the seal. The money will then be turned into the property room.

XIX. MONEY - LOST AND UNCLAIMED - DISPOSING OF

After ninety (90) days the property room officer will turn lost and unclaimed money over to the Deputy Chief over Administrative Services for the Benevolent Fund.

XX. MONEY - EVIDENCE - DISPOSING OF

Money confiscated as evidence will be disposed only by and in accordance with a court order.

XXI. WEAPONS

Weapons confiscated from persons charged with an offense involving a weapon will only be released to the owner by court order.

XXII. WEAPONS - CONFISCATED FOR SAFE KEEPING

- A. Weapons confiscated for safe keeping shall be tagged and turned into the property room.
- B. Weapons confiscated for safe keeping shall be returned to the rightful owner within a reasonable period of time. If the owner has not claimed weapons confiscated for safe keeping in ninety (90) days the Property Room Officer will obtain a court order to dispose of the weapon.

XXIII. WEAPONS – SUICIDE

- A. Weapons confiscated during the investigation of a suicide shall be tagged and turned into the property room.
- B. When a weapon is taken as a result of an investigation of a suicide, the weapon may be returned to the family of the victim when the case is complete. If the family does not want the weapon, the assigned case Detective shall obtain a written release from the family to dispose of the weapon. The signed release form shall remain in the detective's case file and a copy is to be provided to the Evidence/Property Custodian.

XXIV. WEAPONS DISPOSITION

Weapons no longer needed for evidence and not returned by the court to the owner and/or weapons unclaimed by the owner after ninety (90) days will be disposed of in accordance with state laws and department policy.

XXV. WEAPONS ASSIGNED TO DEPARTMENT

A court order will be obtained for weapons no longer needed for evidence or unclaimed by the owner, that are quality weapons in good condition, for retention by the department.

XXVI. WEAPONS DESTROYED

A court order to destroy weapons will be obtained by the evidence/property room officer for weapons turned into the property room that are no longer needed for evidence in court and/or are unclaimed by the owner after ninety (90) days and are of minimal dollar value.

XXVII. PACKAGING OF NARCOTICS EVIDENCE

All drug evidence will be placed in a brown envelope provided for drug evidence. All information shall be completely filled in on the envelope, the drugs placed inside the envelope, and the envelope sealed with tape. The officer shall put his initials across the tape for chain of custody purposes. Rolling papers, lighters, matches, etc., should not be included in the evidence package with drugs.

XXVIII. TURNING IN EVIDENCE

- A. All misdemeanor drug evidence shall be deposited into the secure repository located in the police department booking area. The responsible officer will complete a State Crime Laboratory Evidence Submission form and attach it to the brown envelope.
- B. The department Evidence/Property Officer will retrieve drug evidence from the secure repository; check for correctness and forward it to the State Crime Laboratory. The results of the laboratory analysis will be returned to the Vice/Narcotics Unit Commander. The Vice/Narcotic's Unit Lieutenant will supervise the distribution of the analysis reports to Detectives, Prosecutor's Office, City Attorney's Office and Juvenile Office.