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## COLLECTION AND PRESERVATION OF EVIDENCE

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### PROPERTY AND EVIDENCE

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**Purpose:** This policy directive aims to establish procedures and guidelines for the security and control of all property/evidence in the custody of the North Little Rock Police Department.

**Policy Statement:** It is the department's policy to maintain, and have orderly procedures for receiving, handling, securing, and disposing of all types of property according to state and local statutes. Members must do this to ensure the public can rely, on the integrity and efficiency of this department.

#### Summary of Changes:

#### Definitions:

**Abandoned Property:** The abandoned property is unwanted by the owner and has been discarded.

**Chain of Custody:** The continuity of custody of physical evidence that may be introduced into a judicial proceeding from the original collection time to the final disposal.

**Found Property:** Property that is clearly abandoned, lost or misplaced on public streets, rights of way, or private property.

**Submitting Member:** The submitting member initially receives the property/evidence and initiates the chain of custody.

**Physical Evidence:** Physical evidence is any substance or material found or recovered in connection with a criminal or traffic investigation.

**Property Officer/Custodian:** Member(s) accountable for controlling and maintaining all evidence and property accepted by or stored in the department's Property Room.

#### Procedure:

##### 1. Property Receipt and Control

- 1.1 All property obtained by members of the department will be logged into the Property Room records before the submitting member ends his/her tour of duty. [CALEA 84.1.1a]
- 1.2 After regular business hours, the property will be placed in an evidence locker, so the property will be under the control of the Property Room personnel before the submitting member ends a tour of duty. [CALEA 84.1.1b]
  - 1.2.1 Property/evidence submitted after regular business hours will be placed in a property locker or refrigerator if required.
  - 1.2.2 After regular business hours, officers will contact a property officer/custodian for any property/evidence that is too large for a property locker yet inappropriate for safekeeping in the outside storage area.
  - 1.2.3 Larger items such as bicycles, lawnmowers, or items containing hazardous materials will be placed in the designated area outside. These types of items are not to be placed in the building unless under special circumstances.
    - 1.2.3.1 A key for the outside storage area will be signed out from the CSA Desk. The property will be placed in a secure area, and the key will be returned to the CSA Desk.
    - 1.2.3.2 A property tag is to be placed on the item by the submitting officer, and the property form stored in a property locker.
- 1.3 All submitted property/evidence will be identified through proper reports and the circumstances by which the property/evidence came into the department's possession. [CALEA 84.1.1c]
- 1.4 Property will be correctly labeled and packaged for storage and accurately described and quantified.
- 1.5 The member who seizes or takes initial custody of the property is responsible for ensuring the following:
  - 1.5.1 Each item is packaged correctly, marked, and inventoried on the appropriate departmental reports;
  - 1.5.2 The item(s) of property is submitted to the property officer/custodian for storage during regular business hours;
  - 1.5.3 After business hours, the item is secured in a downstairs property locker, or a property officer/custodian is contacted and takes control of the property, or the property is secured in the temporary outside holding area if the item is too large for indoor storage or cannot safely be stored in the main police building.
- 1.6 Each item of property submitted to the property officer/custodian for storage or processing will be reviewed by the property officer/custodian to ensure proper packaging. The property officer/custodian will also check each item individually for the accompanying property report.

- 1.6.1 If the property officer/custodian cannot account for the identity of each item submitted, the submitting member will be notified to correct the property report before the end of the member's next tour of duty.
- 1.6.2 A copy of the notification to the submitting member will be forwarded to the member's immediate supervisor.
- 1.7 The property officer/custodian will enter the property into the property records, and those records will reflect the status of all property stored by the department. The status will be updated as needed.
- 1.8 It will be the responsibility of the property officer/custodian to ensure entry into property records for all property activity. Such activity includes, but is not limited to: [CALEA 84.1.5]
  - 1.8.1 Initial entry and storage;
  - 1.8.2 Transfer to alternative storage area;
  - 1.8.3 Transfer/return from AR Crime Lab;
  - 1.8.4 Removal/return for inspection, photography, or tape duplication;
  - 1.8.5 Transfer/return from court;
  - 1.8.6 Release to owner/custodian; or
  - 1.8.7 Release for auction/destruction.

## **2. Withdrawal and Return of Property**

- 2.1 At times, it may be necessary for a member to remove property from the Property Room for later return. Chain of custody must be maintained. [CALEA 84.1.1g]
- 2.2 Anytime an item of property or evidence is removed from the Property Room, both the member taking custody and the member releasing the item will sign the custody section of the property report.
- 2.3 If an item is being released to another person, such as the prosecuting attorney's office or AR Crime Lab, the person taking custody and the releasing member will sign the chain of custody section on the property report.
  - 2.3.1 Property being released to a person not a member of this agency will require a copy of the receiving person's photo identification attached to the property slip.
- 2.4 If the court keeps an item, the member who took custody of the item will present a court receipt to the property officer/custodian. The receipt must have a court signature and stamp.

## **3. General Procedures for Submission of Property [CALEA 84.1.1d]**

- 3.1 Marking and packaging of items:
  - 3.1.1 All property will be marked appropriately and packaged by the impounding member before it is turned over to a property officer/custodian or placed into a property locker. [CALEA 84.1.3]
  - 3.1.2 If all property lockers are in use, a property officer/custodian will be notified immediately so the lockers can be emptied. [CALEA 84.1.3]
  - 3.1.3 All loose or small items will be placed in a plastic bag, paper sack, or envelope specifically provided for this purpose. These items will be labeled with the incident number and the item number.
  - 3.1.4 The property officer/custodian will check property submitted for compliance with procedures and verify amounts and descriptions. If discrepancies are found, the impounding member and the impounding member's supervisor will be notified. The impounding member will be responsible for making appropriate corrections.
- 3.2 Certain items require specific handling due to the nature of the item. These items are submitted in the following manner:
  - 3.2.1 Firearms:
    - 3.2.1.1 The submitting officer will unload the weapon and make a visual inspection to ensure the weapon is safe.
    - 3.2.1.2 If the weapon cannot be safely unloaded, the gun box must be marked, indicating the weapon is loaded. The impounding officer will also note the reason the weapon could not be unloaded.
    - 3.2.1.3 The weapon will be placed in the appropriate gun box along with its unloaded magazine if it is not a revolver. All ammunition will be packaged separately. Firearms and ammunition are not to be stored or packaged together.
    - 3.2.1.4 All firearms will be checked through ACIC/NCIC for stolen before being placed under the control of the Property Room.
  - 3.2.2 Alcoholic Beverages:
    - 3.2.2.1 Open containers that cannot be sealed will be emptied after the liquid level has been marked on the outside. A folded paper towel will be placed in the container to prevent mold and mildew.
    - 3.2.2.2 Containers that can be sealed will have the content level marked on the outside and then be logged in the same as any other item.

3.2.3 Drugs and Paraphernalia:

3.2.3.1 All controlled substances (drugs) will be weighed and counted, if applicable, before being placed in a property bag. If applicable, the count, and weight, in grams, will be noted in the incident report and the property submission form.

3.2.3.2 It is recommended each drug type be separated and heat-sealed in plastic. Members can package all separately sealed drug types being sent to the AR Crime Lab in one envelope or packaging.

3.2.3.3 Drugs will be logged in separately from paraphernalia and other evidence.

3.2.3.4 If the submission of a hypodermic syringe is necessary, the needle will be placed in a protective container. A bio-hazard notice will be clearly posted on the container.

3.2.4 Perishable Items:

3.2.4.1 The Property Room does not hold food items. The collecting member should dispose of any food item collected.

3.2.5 Bloodstained Items

3.2.5.1 The impounding member will use caution and appropriate protective gear in handling bloodstained items due to the possibility of disease contamination. Plastic bags are not to be used for these items.

3.2.5.2 Bloodstained items must be dry before being placed in paper sacks.

3.2.5.2 It will be the responsibility of the submitting member to check all items placed in the Property Room dryer within 24-hours. Once dry the item will be packaged by the submitting member or designee and submitted to the Property Room.

3.2.5.3 A description of all items in the sack, the corresponding offense number, and the name of the impounding member will be written on the outside of the sack.

3.2.5.4 A biohazard notice will be prominently displayed to be visible on each paper sack containing bloodstained items.

#### 4. Storage of Evidence and Property

4.1 The property officer/custodian will assign a storage location to each type of evidence and record this information. [CALEA 84.1.2]

4.2 Evidence requiring added security, including money, precious metals, jewelry, gemstones, firearms, narcotics, and dangerous drugs, will be packaged separately and stored in highly restricted access-controlled areas with perimeter and motion alarms. All monies are further contained in locked cabinets within the secured areas. [CALEA 84.1.1e]

4.3 Perishable items will be stored in a secure, refrigerated area or another suitable container.

4.4 Items that are considered bio-hazardous must be properly packaged before being stored in the Property Room. In addition, these items must be visibly marked with biohazard labels.

#### 5. Disposition of Property/Evidence

5.1 Methods of final release or disposal will be as follows as permitted by state and local statutes:

5.1.1 Released to owner or heir;

5.1.1.1 Person must have current photo identification and, in some cases such as weapons, must have proof of ownership or court order; and

5.1.1.2 An ACIC/NCIC records check will be conducted on all persons requesting a firearm.

5.1.2 Destruction;

5.1.3 Auction; or

5.1.4 Departmental use.

5.2 The property report for each item of property removed from inventory will be marked to indicate the following:

5.2.1 Date of disposal;

5.2.2 Method of disposal;

5.2.3 Individual taking custody of the item if other than the property officer/custodian; and

5.2.4 The name of the person authorizing the disposal.

5.2.5 Notation that any firearm being released has been checked through ACIC/NCIC for stolen.

5.3 The property officer/custodian will conduct ongoing monthly reviews of property and evidence to determine if legal disposal of items in custody may be conducted.

5.4 The property officer/custodian is authorized to dispose of items stored in the Property Room for some time over six (6) months if the items are not being held as evidence or if evidence, the case has reached a final disposition, to include appeals. [CALEA 84.1.7]

5.4.1 Property collected for **safekeeping only** will be held for thirty (30) days and, if not claimed by the owner or designee, will be disposed of/destroyed. It will be the responsibility of the collecting officer to inform individuals of the time limitations to collect their property.

- 5.5 Investigators and submitting members will be periodically contacted by the property officer/custodian to determine the status of the evidentiary property.
- 5.6 Submitting members will advise the property officer/custodian of all dispositions, including closed or dismissed cases.

#### **6. Asset Forfeiture [CALEA 84.1.8]**

- 6.1 Anyone taking control of property/evidence due to asset forfeiture will possess an order from the court in writing to release the property to the person or agency per federal, state, or local law. The property officer/custodian will maintain a copy of the court order.
- 6.2 Property being released to persons not a member of this agency will require a copy of the receiving person's photo identification which will be attached to the property slip along with a signed copy of the receipt of property.

#### **7. Found Property**

- 7.1 An incident report must be completed when turning found property into the Property Room.
- 7.2 If the owner is immediately present and ownership is confirmed, the recovering officer may release the property provided said property is not contraband, firearms, or possible evidence. [CALEA 84.1.1f]
- 7.2.1 An incident report must be completed whenever held property is released. The report must include an accurate description of the property and the verifiable identity and address of the person to whom the property was released.
- 7.3 If a member cannot contact the owner to release the property in the field, the property will be appropriately packaged and tagged by the impounding member and submitted to the property officer/custodian or placed in a property locker.
- 7.3.1 Members will attempt to notify the property owner for release in the field unless the item is evidence or the nature of the property prohibits its release, such as a controlled substance. [CALEA 84.1.1f]
- 7.4 The property officer/custodian will forward written notice to the owner's last known address, indicating the property is in police custody. It must be claimed within 30 days from the date impounded.
- 7.5 After the property has been held for 30 days; it will be marked for disposal, auction, or placed in use by the department. [CALEA 84.1.7]

#### **8. Recovered Property**

- 8.1 Property recovered as stolen will be evaluated to determine whether it constitutes evidence and whether prosecution is possible. The impounding member or supervisor will make the determination.
- 8.2 The impounding member will document the seizure and any additional information on an incident or supplemental report. The impounding member will note on the property form whether it is being held for evidentiary purposes and if it can be released to the owner or custodian. It should also be noted if the recovered item has been checked in ACIC/NCIC.
- 8.4 The property will be appropriately packaged and tagged by the impounding member and submitted to the Property Room or placed in a property locker.
- 8.5 In cases where officers cannot determine the owner and the property is not being used for evidence, it will be treated as abandoned. After 30 days, it will be marked for disposal, auction, or placed in use by the department. Property having evidentiary value may be released to the owner without submitting it to the Property Room provided: [CALEA 84.1.7]
- 8.6.1 The property is too large for storage in any of the department's secured property storage areas, such as a boat, furniture or car, or
- 8.6.2 The property is too dangerous to store, such as volatile chemicals, and
- 8.6.3 The property isn't a firearm or contraband, and a supervisor authorizes the release of the property based on the totality of the circumstances and the needs of the owner to have immediate possession of the property, and
- 8.6.4 The owner/recipient signs the *Pre-Trial Property Release Agreement* form.
- 8.7 Any property released according to section 8.6 will be documented on an incident report and include:
  - 8.7.1 An accurate description of the property released, including any identifying numbers or marks, and
  - 8.7.2 A photograph of the property, and
  - 8.7.3 Identity of owner and verification of ownership of property, and
  - 8.7.4 Reason(s) for release of property and name of authorizing supervisor.

### **9. Evidentiary Property**

- 9.1 Under no circumstances will a member retain property or evidence in their possession.
- 9.2 All property seized and held as evidence will be retained in the custody of the property officer/custodian until the case is disposed of and all appeals exhausted.
- 9.3 The impounding member will notify the property officer/custodian with the final disposition of the case. The impounding member will advise if the property is to be released to the owner/custodian, can be auctioned, put to Departmental use or destroyed. [CALEA 84.1.7]

### **10. Contraband and Weapons**

- 10.1 Under no circumstances will contraband or weapons be released for public auction. These items will be destroyed or put to departmental use upon final disposition.

### **11. Historical Value items**

- 11.1 Occasionally, the property received may have significant historical value. Such items may include rare weapons or other items with historical value. The chief of police will make a final determination whether to retain or destroy these types of items.

### **12. Voluntary Release of Weapons or Ammunition**

- 12.1 The department, upon request of the owner, will accept weapons or ammunition for destruction. Upon accepting custody of the weapon, the impounding member will complete the following:
  - 12.2 Incident report,
  - 12.3 ACIC/NCIC weapon check for stolen,
  - 12.4 Property form marked "to be destroyed,"
  - 12.5 Turn into the Property Room.

### **13. Security**

- 13.1 Only members authorized by the Chief of Police may enter the Property Room. These persons include: [CALEA 84.1.2]
  - 13.1.1 Chief of Police or designee,
  - 13.1.2 Property officer/custodian,
  - 13.1.3 Person(s) designated by the Chief of Police to conduct or assist in specific inspections, inventories, or audits. The property officer/custodian will accompany this person(s), and the person will sign-in on the appropriate log.
  - 13.1.4 Other members when authorized personnel are present and accompany the person, entry made for a business purpose and person has signed in on the appropriate log.
- 13.2 The property officer/custodian will maintain a log that identifies anyone is entering the Property Room, the date and time they entered, and the date and time, they left the secure area.
- 13.3 Any member who enters the Property Room without appropriate authorization is subject to disciplinary action. The property officer or custodian will send written notification of a violation of this directive through the chain of command to the Chief of Police.

### **14. Inspections [CALEA 84.1.1h]**

- 14.1 The Support Services Division Commander or designee will make a semi-annual documented inspection of the Property Room, temporary storage areas, bicycle storage, and the property and evidence procedures. A summary of the inspection that outlines specific areas inspected and any problems encountered will be forwarded to the Chief of Police. [CALEA 84.1.6a]
- 14.2 The Chief of Police or designee will assign a supervisor not associated with the property and evidence control function to conduct an annual audit of property and evidence held by the department. The designee will forward a summary of the audit to the Chief of Police. [CALEA 84.1.6c]
- 14.3 An inventory of all property and evidence will be conducted anytime the Property Officer or Custodian is replaced. The newly appointed officer/custodian will conduct the inventory jointly with a supervisor assigned by the Chief of Police for this purpose. [CALEA 84.1.6b]
- 14.4 An unannounced inspection by a member designated by the Chief of Police will be conducted of the property storage areas at least once annually as directed by the Chief of Police or designee. [CALEA 84.1.6d]

**15. Property used for Training** [CALEA 84.1.4]

- 15.1 Controlled substances for training will be obtained from evidence no longer needed for evidentiary purposes.
- 15.2 The property custodian will note how much of the property is destroyed and being kept for training on the original property report.
- 15.3 Controlled substances used for training will be signed out by the member authorized for training and returned in the same manner as other property/evidence.
- 15.4 Authorization to obtain controlled substances for training purposes will consist of a written request approved by the Unit Commander specifying the following:
  - 15.4.1 The type and quantity of substance required,
  - 15.4.2 Purpose for use, and
  - 15.4.3 Estimated time of use.
- 15.5 The Property Room does not hold any other contraband or weapons to be used in departmental training.

**16. Submitting Evidence to the Crime Lab**

- 16.1 The evidence custodian or assigned investigator will transport evidence requiring analysis to the Arkansas State Crime Lab (ASCL). [CALEA 83.3.2a, b]
- 16.2 Evidence will be submitted in the appropriate container, sealed, labeled, and marked with the seizing officer/investigator initials. [CALEA 83.3.2b]
- 16.3 An ASCL Submission form completed by the seizing officer/investigator indicating the type of analysis requested must be submitted to the ASCL along with the evidence. [CALEA 83.3.2c]
- 16.4 The ASCL will provide a stamped copy of the submission form as the receipt for the submitted evidence. Members must complete the chain of custody section on the property receipt each time custody of the evidence is transferred. [CALEA 83.3.2d]
- 16.5 The ASCL will provide a written report of the requested analysis upon completion. Once received, the written report will be placed in the Property Room as evidence. Investigators will place a copy of the report in the case file. [CALEA 83.3.2e]

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