

GENERAL ORDER XXIV

SUBJECT: PRESERVATION OF EVIDENCE

EFFECTIVE DATE: 01-01-05 REVIEW DATE: 03-01-2015

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

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I. Responsibility

A. The Chief of Police shall designate a Department Evidence and Property Custodian(s), who will be referred to as the Evidence Custodian(s).

B. The Shift Supervisors shall be responsible for supervision of collection, preservation and safeguarding of evidence and other property for releasing such evidence and property to the Department Evidence and Property Custodian for safekeeping and accountability.

C. Custodian(s) shall ensure proper storage, accountability, receipting, preservation, safeguarding disposition and administering of evidence and property.

D. The officer confiscating, recovering, finding, etc. the evidence and/or property shall be responsible for the collection, preservation and safeguarding of evidence and shall describe in detail the item and where it was found in his/her Police Report.

E. The seizing officer may mark the item for identification in one of the following methods:

1. Pieces of evidence need to be placed in proper containers (paper evidence bags, or cardboard evidence boxes, Larger items Tagged); marked with the officer's initial, date and complaint number, and tagged or taped.

F. He shall then tag the evidence or property or complete the printed form on containers with the following information:

1. File number;
2. Date and location obtained;
3. Owner's name (if known);
4. Officer's name, and
5. Suspect (if known)

G. An approved Department Evidence Record Form will be initiated for the evidence, verifying the evidence has been released to the Evidence Custodian(s). This form will be submitted to the Evidence Custodian(s) with the item of evidence.

H. An approved Department Evidence Laboratory Sheet will be prepared for all items of evidence that are being submitted to the Laboratory. These items include, but are not limited to, all drug/narcotic seizures, latent prints, and alcohol related offenses where the liquid is in unsealed containers, etc. This form will be submitted to the Evidence Custodian with the item of evidence.

I. It is the responsibility of each officer to account for all evidence and other property recovered, stolen, confiscated or found. Retaining such evidence and property for private use shall not be tolerated.

J. Officers and employees of this Department shall not touch the evidence another officer has seized unless required to do so.

K. The seizing officer shall as soon as possible secure the item(s) of evidence in the proper evidence lockers.

L. If any item of evidence requires special attention for processing or analysis, the seizing officer shall ensure that arrangements are made for the proper handling of that item.

M. Whenever a new person in the "chain-of-custody" comes in control of the item, he will sign for the item and enter the other information on the required Chain-of-Custody Form.

N. The police have the burden of proof to show that the item being introduced into evidence is in fact the exact same item seized at the scene.

O. All evidence seized shall remain in police custody until the Prosecuting Attorney releases control or until a Writ of Replevin is directed by a judge to release the item.

## II. STORAGE

A. The shift supervisor shall make every reasonable effort to check on the items of evidence that are maintained by the Department prior to being turned over to the Evidence Custodian(s).

B. The shift supervisor shall ensure the following

1. The item is properly secured until release to the Evidence Custodian(s).

2. The item of evidence is properly noted within the body of the Report of Investigation.

3. The item of evidence is properly marked for identification.

4. The item of evidence has an owner's name attached.

5. The item of evidence shows the proper chain of custody.

6. The item of evidence is turned in to the Evidence Custodian(s) for safekeeping and processing.

C. All evidence and property will be stored in the Evidence Room and other areas, as approved by the Chief of Police, under control of the Department Evidence and Property Custodian(s).

D. Officers WILL NOT store evidence or property at private homes, offices, vehicles or other location not approved by the Chief of Police.

E. All evidence will be turned in to the Evidence Custodian(s) as soon as possible (usually before completion of the duty day) and not retained for further investigation. On those occasions where it is

not practical to turn an item in before the end of the duty day, officers may store evidence and property in lockers designated temporary.

F. All evidence and property will be stored in approved bags provided by the Department and the bag will be marked with the appropriate case number.

### III. RELEASE OF EVIDENCE AND/OR PROPERTY

A. Property may be released to the lawful owner, if no evidentiary value exists for the property.

B. Proof of ownership must be established prior to the release. This may be accomplished through sales receipts, titles, registrations or any other proof which satisfies the releasing officers. In the absence of proof-of- ownership, property maybe returned to the person from whom it was seized, if no other claimants are known and the property is not contraband or needed for evidence.

C. Evidence and/or property including Found Property held for more than six (6) months after the case has been disposed of, or has not been claimed by the owner or finder, or the owner has refused the property, shall be disposed of in a manner deemed appropriate by the Chief of Police, such as department use, disposal or city auction. In no event shall property or proceeds be used for Officers personal gain.

D. All items of evidence and/or property under the control of the Police Department shall be approved by proper receipts and documentation.

### AUTHORITY

A. This policy is issued by the authority of the Chief of Police. Any policy additions, deviations or revisions shall be made only at the direction of the Chief of Police.

By Authority of:

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Jeffrey S. Head, Chief of Police