



# ERIE POLICE DEPARTMENT



## Written Directives

Number: 200.000

<b>Title: Evidence and Property</b>		<b>Pages: 11</b>
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### POLICY:

CACP STANDARD 200.1, 200.2, 200.3 & 200.4

All evidence or found property shall be documented by a written report detailing the circumstances by which the property came into the employee's possession and describing each item of property obtained. All evidence or found property shall be placed into secure storage areas and documented as soon as possible and prior to the employee completing his/her shift.

The maintenance of evidence handling and records keeping procedures are of vital importance to the successful prosecution of a case in court.

### DEFINITIONS:

EVIDENCE: Evidence is physical property which is related to a crime, or possible crime, which may establish guilt or innocence.

FOUND PROPERTY: Found property is physical property not belonging to the department or individual employee which comes into the possession of department personnel.

SAFEKEEPING: Property which is taken from an individual for the purposes of holding the property until the owner can claim it at a later date. This would include property items which are not illegal to possess taken off of arrestees because the property is not allowed at the jail.

EVIDENCE TECHNICIAN: Erie Police Department employee assigned the task of maintaining the evidence lockers, securing evidence and found property within the department, disposing of evidence and found property as well as maintaining accurate records of all evidence and found property received by the Erie Police Department.

P/E: Notation for Property and Evidence.

### PROCEDURES:

#### **I. EVIDENCE MANAGEMENT**

CACP STANDARD 200.9

A. The Police/Court Administrative Manager shall administer the Evidence/Found Property Management System and shall be responsible for maintaining the evidentiary value and integrity of all evidence which comes into the custody of the Erie Police Department.

CACP STANDARD 200.10

B. Evidence Technicians will be accountable for the preservation of evidence and found property entered into the evidence/found property storage system.

**CACP STANDARD 200.13**

- C. All evidence storage areas will be kept secure and access will be restricted to Evidence Technicians, the Police/Court Administrative Manager, Commander or departmental inspectors. Any employee or person who enters the property room must have the authorization of, and be accompanied by, an Evidence Technician, or the Police/Court Administrative Manager, and/or Commander and sign a log indicating the in and out time/date and the purpose for entry. The entry log remains as a permanent record in the Evidence Section.

**CACP STANDARD 200.12**

- 1. An annual inventory of property held by the Erie Police Department will be conducted by a supervisor not routinely or directly connected with control of the property.
  - 2. The annual inventory purpose is to ensure the integrity of the evidence system.
  - 3. Three (3) quarterly “spot audits” will be conducted each year by an Erie Police Department supervisor.
- D. As a general practice, the Erie Police Department will not store firearms or ammunition for individuals who have been ordered to relinquish these items due to an on-going court proceeding or restraining order and/or those wishing to dispose of ammunition or firearms.

**II. LOCATION OF EVIDENCE/FOUND PROPERTY STORAGE**

**CACP STANDARD 200.11**

- A. The location of evidence/found property storage areas are:
  - 1. Evidence storage lockers and the Evidence Room in the department;
  - 2. The Temporary Evidence storage room in the department; and/or
  - 3. Other areas as deemed necessary and prudent as circumstances permit or dictate.
- B. Items requiring drying may be hung or placed in the secure room located in the evidence storage room by the Evidence Technician or in the Temporary Evidence storage room in the absence of the Evidence Technician. Sufficient security measures must be utilized when using other rooms.
- C. A refrigerator/freezer for DNA evidence and other perishable items is located in the evidence storage room.
- D. Vehicles which contain, may contain, or are evidence, will be sealed and stored at secure facilities. A private storage garage may be used if necessary.

Vehicles shall be seized in the following circumstances:

- a. As evidence;
- b. For evidence processing;
- c. Pursuant to court order; or
- d. As a public nuisance.

- E. Explosives, including fireworks of a very large quantity which present a hazard, shall be stored in accordance with Mountain View Fire Department's verbal recommendations. Hazardous materials will not be collected as evidence without prior consultation with the Mountain View Fire Department. The on-duty supervisor or Officer in Charge shall consult with a representative from Mountain View Fire Department prior to the collection.

### **III. PACKAGING OF EVIDENCE/FOUND PROPERTY**

#### **CACP STANDARD 200.5**

- A. All evidence or found property shall be packaged in the appropriate containers whenever possible.

1. The containers provided are:

- a. Multi-sized plastic bags;
- b. Multi-sized paper bags;
- c. Multi-sized paper envelopes;
- d. Glass vials;
- e. Hard plastic tubes; and
- f. Arson cans.

2. The container will be sealed with evidence tape, and/or gummed labels or in a heat sealed plastic bag.

3. Evidence tape shall be used as necessary to ensure chain of custody and package integrity.

4. All property items shall have a barcode evidence label affixed to the exterior of the item or packaging.

5. Each package submitted shall contain the following information printed on the exterior of the package:

- a. The case report number;
- b. The evidence property number assigned by Spillman Records Mgmt. System;
- c. The date & time;
- d. The description of items within the package;
- e. Special handling instructions; and
- f. Officer's initials extending from the tape to the packaging or across heat seal seam.

#### **CACP STANDARD 200.6**

6. Money, precious metals, gemstones, drugs, and weapons shall be packaged individually and entered in separate containers for each class of item.

- a. Money shall be counted by at least two officers or an officer and another employee and the amount will be entered on the property form.

b. The denominations of the money shall also be recorded on the property form, for example; “10-1 Dollar bills, 5-5 Dollar bills,” etc.

7. Items too large or otherwise unsuitable for the provided containers will be identified with a tag secured by a wire or string.

8. When the evidence seized involves multiple victims or property owners, if known, the officer will note in his/her report or on the evidence form, each victim’s or property owner’s respective property.

9. Officers will use the TruNarc testing device when testing any drug, other than those exceptions in section III(A)(10).

10. With the exception of marijuana, psilocybin mushrooms or other plant-like materials, all drugs, including highly toxic drugs, seemingly low toxicity drugs, other dangerous drugs and unknown drugs shall not be field tested unless it is through the use of the TruNarc. If the TruNarc is not available, the drugs will not be examined. (Highly toxic, dangerous and unknown drugs shall be double-bagged and placed in tamper-resistant packaging and immediately entered into evidence for examination when a TruNarc is available.) Drugs will be kept in their original container or collected using universal precautions. Marijuana should not be stored in air-tight packaging.

11. If the controlled substance is in the form of capsules or pills, the officer shall count the item and record the number.

a. After photographing, a small sample of any growing plant material shall be dried and placed in a paper bag or envelope.

b. Powders and other dry substances will be left in their original container and packaged in sealed plastic bags.

c. Liquids shall be left in the original container unless the container leaks or the top cannot be secured. If this is the case, the liquid may be transferred to a suitable glass or other container.

12. Marijuana or psilocybin mushrooms may be tested using universal precautions utilizing a presumptive drug testing kit.

13. Alcohol should generally be photographed and poured out on scene, not collected for evidence.

## B. Special Packaging

1. Unpreserved body fluids include blood, semen, and urine. Liquid samples are packaged in glass vials or plastic specimen cups, sealed and properly refrigerated as required.

2. The submitting member clearly labels the container as to its contents. In addition to the standard marking requirements, the submitting officer must indicate the donor's name, date of birth, gender and the name of the person who drew the sample.
3. Blood alcohol kits will be mailed as soon as possible by the collecting officer. If the officer is unable to mail the kit immediately, it must be refrigerated as soon as possible and mailed by the Evidence Technician.
4. Normally, biological fluids collected from a crime scene are air dried and then packaged in paper. The preferred method for collection is to collect the object upon which the sample has been deposited and submit the entire object after air drying (e.g., shards of glass with blood on them, bloody clothing, semen stains on sheets).
5. When it is impractical to collect an item, fluids may be swabbed, air dried and submitted in paper packaging.
6. Sharp objects present a special hazard to personnel and need to be packaged and marked to prevent injury. Broken glass, syringes with evidentiary value, knives, etc., are packaged in rigid containers and marked with a "Caution" notice and description of the item.
7. Projectiles recovered from a scene or from a person during surgery or autopsy are packaged separately, placed on tissue and placed in a crush proof container. The container is then sealed and marked.
8. Items requiring the development of latent fingerprints are packaged as carefully as possible to preserve possible evidence. Items which may contain finger or palm prints are packaged in paper bags or envelopes.
9. Prior to submitting firearms, to include any weapon capable of firing a projectile to P/E, the firearm should be unloaded in a safe area and rendered safe. In addition:
  - a. If the weapon was fired during the commission of a crime, ammunition and shell casings are removed individually, diagramed and marked.
  - b. Ammunition and firearms are submitted to P/E in separate packages.
  - c. Firearms should be packaged in specially designed boxes provided by the department.
  - d. Firearms should also be made safe by running a plastic tie through the action of the firearm so it cannot be fired.
  - e. Firearms packages are clearly marked to indicate they contain a weapon.
10. Arson scene evidence will be packaged in department provided arson evidence bags or cans when collecting items with suspected accelerants.

11. When there is a large quantity of a liquid such as gasoline, solvents, etc., a small sample shall be collected and packaged in a glass jar for entry into evidence. The remainder of the liquid may be turned over to the Mountain View Fire Department for disposal.

#### **IV. PHOTOGRAPHS/BODY CAMERA FOOTAGE**

All SD cards or other digitally recorded media will be placed into an envelope and marked with:

1. The date;
2. The case report number;
3. Location where photographs were taken; and
4. The officer's name.
5. See Directive 200.001, Body Worn Cameras for details on collection and retaining evidence from these devices.

#### **V. IDENTIFICATION OF EVIDENCE**

Each individual item of evidence shall be sufficiently identified to allow an Evidence Technician to store, process or retrieve the evidence.

1. The term "miscellaneous contents" is not acceptable under any circumstances; however, multiple items with the same class characteristics may be grouped together in the inventory.
2. When serving a search warrant, officers will complete an inventory which includes a detailed and itemized list of property collected. A copy of the completed inventory will be provided to the property owner or left in a conspicuous location for the owner of the property prior to officers leaving the scene. A photograph of where the document was left will be taken.
3. When several items are contained inside a larger item, each item shall be identified. This may require marking or packaging each item individually to ensure identification.
4. When packaging items which are difficult to specifically identify and the item cannot be readily marked without defacing or reducing its value, each item shall be packaged separately.

#### **VI. LABORATORY REQUESTS**

A. Evidence items submitted for laboratory analysis will be packaged separately.

- B. Items will not be submitted for laboratory analysis without a known control sample unless the evidentiary value would be diminished or lost by delay.
- C. All requests for laboratory analysis shall be initiated with the assistance of the Evidence Technician or assigned investigator.
  - 1. The assigned investigator or officer shall be responsible for preparing all appropriate request forms and cover letters.
  - 2. The assigned investigator or officer shall follow the proper and accepted format of the agency conducting the analysis, i.e., the Colorado Bureau of Investigation.
  - 3. The Evidence Technician or the assigned investigator will be responsible for transporting evidence to and from the lab.
- D. Blood drawn for the purpose of determining alcohol levels during the process of a DUI or other investigation will be mailed to a certified chemical testing lab for analysis by the collecting officer as soon as possible. It is not necessary to fill out an Erie Police Department Evidence Form for a blood kit mailed to the lab, but the officer must ensure the chain of custody form which goes with the kit is completed properly and an entry of the item is made in the Records Management System.

## **VII. RECORD OF EVIDENCE SUBMITTED TO A CRIME LABORATORY**

- A. The record of physical evidence or laboratory submission form requesting a laboratory examination will include the following information:
  - 1. The name of the officer last having custody of the item;
  - 2. The date and time of submission or mailing and the method used for transmission; and
  - 3. The name and signature of the person in the laboratory receiving the evidence.
- B. The Police Department will request written results of all laboratory analysis and a copy to be forwarded to the requesting officer.

## **VIII. RECORD KEEPING OF EVIDENCE AND FOUND PROPERTY**

### **CACP STANDARD 200.2**

- A. The department Property Form, Appendix A, shall be utilized to record all items of evidence and/or found property taken into custody by members of the Erie Police Department.
- B. The submitting officer shall complete the following information:
  - a. Date & time evidence was collected;
  - b. Case report number;

- c. Item number;
- d. Number and quantity of each item;
- e. Signature of person from whom the item(s) were received, if applicable;
- f. Officer's signature;
  - i. Acknowledging receipt of the item(s).
  - ii. Release of item(s) into evidence locker(s) or to another officer.
- g. Date and time of release; and
- h. Number of items released.

- C. A copy of Erie Police Department Property Form(s) may be provided to property owners as receipts.
- D. The original copy of the Property Form should be placed with the evidence into the evidence locker, or left with the item in Temporary Evidence storage.
- E. The Evidence Technician, upon verifying the accuracy of the evidence receipt and packaging, shall file the original copy of the Property Form in the Evidence Storage Room.

## **IX. EVIDENCE TECHNICIAN(S)**

### **CACP STANDARD 200.10**

- A. Evidence Technician(s) will be responsible for all evidence/found property in his/her custody and will ensure the storage facilities are secured at all times.
- B. Evidence Technician(s) shall maintain evidence lockers and property received. Evidence Technician(s) shall:
  - 1. Check evidence forms and packaging for accuracy. The Evidence Technician will not accept any items which are not properly labeled and sealed. On occasions where property/evidence is improperly labeled or sealed, the Evidence Technician will notify the submitting employee and the employee's supervisor via phone, email, or in person, and the employee is responsible for rectifying the problem. In the absence of the employee, the employee's immediate supervisor will have the responsibility for ensuring the matter is appropriately resolved.
  - 2. Ensure all items listed are present.
  - 3. Sign for receipt of the item(s). Upon receipt of the item(s), the Evidence Technician will assign the property to a storage location and if necessary, designate the location on the evidence form.
- C. The Evidence Technician will log all evidence or property which goes in or out of his/her custody.
  - 1. Changes in custody will be entered on the custody log on the lower front part of the Property Form.

2. The changes in custody will also be recorded in the Records Management System by the Evidence Technician.

D. The Evidence Technician will compile quarterly reports for all personal property and found property to ensure dispositions are completed in a timely manner.

1. If money included in found property is ready for disposition, an effort will be made to contact the reporting person to claim the money.

2. The Evidence Technician will, at a minimum, make quarterly arrangements to have a witness assist in the destruction of property.

## **X. DISPOSAL OF EVIDENCE/FOUND PROPERTY**

### **CACP STANDARD 200.7**

A. All evidence or found property will be disposed of or retained in accordance with applicable laws.

### **CACP STANDARD 200.14**

B. The final disposition or retention of evidence/found property will be accomplished within six months after its known legal requirements have been satisfied, which will include any post-conviction appeals, or as follows:

1. When the statute of limitations has expired and no criminal filing has been initiated;

2. Ninety (90) days have elapsed and the owners have not claimed the found property because they remain unidentified, or have failed to respond after written notification;

### **CACP STANDARD 200.7**

3. A disposition of the case has been reached and it has been thirty (30) days after the owner has been notified;

4. A bona fide attempt has been made to contact the owner which consists of checking the telephone directory, Law Enforcement databases, police department files, the Town directory, and attempting notification at the owner's last known address by telephone or mail; and/or

5. A court of record or the District Attorney has issued an order directing the return, destruction, or other disposition of the item(s).

C. Evidence is only released after authorization from the employee responsible for the case, a Command Staff Officer or by court order. The authorizing employee is responsible for confirming with the District Attorney on cases which involve an arrest to ensure there is no future need for the evidence in court for any other defendant or an appeal or potential appeal.

D. The owner of the evidence/found property will be notified when the item(s) may be released.

1. The notification may occur by:

- a. Personal contact;
  - b. Telephone; or
  - c. Mail.
2. A copy of the notification shall be attached to the original Property Form by the Evidence Technician.
  3. Items may be released to the listed owner, or a designated agent of the owner who is either the legal guardian of the owner, or who has a notarized statement signed by the owner authorizing the agent to take custody of the owner's property. This document will be kept with the Property Form and later put into the case file in Records.
- E. Citizens surrendering found property to the police department may claim said property after the expiration of 90 days if the lawful owner remains unidentified after a bona fide attempt to locate the owner has been made.
- F. When the owner of evidence/found property cannot be determined and the person surrendering the property fails to claim the property, the property shall be sold at auction, converted to Town use, donated to an appropriate organization or destroyed.

The following procedure shall be used to convert evidence or found property to Town use:

1. The property meets the previous criteria for disposal.
  2. A written request citing justification for conversion is submitted to the Chief of Police.
  3. The Chief of Police gives his/her written approval of the request.
  4. The original request shall be retained by the Commander or his/her designee.
- G. Property converted to Town use shall not be converted to use by the Police Department or any member thereof.
- H. When any property is taken for safekeeping, the property owner should be provided with a Property Owner Notification Letter, Appendix B, when the property has been held for 90 days. The letter will provide the listed property owner a deadline to claim the property.
- I. Property taken for safekeeping may be disposed of according to the guidelines of this directive if the owner of the property does not reclaim the property or make arrangements for the property to be claimed by another authorized person after 90 days.
- J. The following procedures will be used to destroy all items of evidence/found property which cannot be auctioned, released, or converted to use:
- a. Narcotics and dangerous drugs shall be destroyed by burning at an EPA approved facility.

- b. Firearms or weapons shall be destroyed by cutting the item into sections or similarly rendering the weapon inoperable and irreparable.
- c. This type of destruction will be done by two employees and documented accordingly.

**CACP STANDARD 200.15**

K. Final disposition of all items of evidence shall be documented on the original copy of the Property Form and the original form will be placed in the original case file after disposition. The final disposition will also be documented in the computer system used to track evidence.

**CACP STANDARD 200.8**

L. Colorado Revised Statute 24-4.1-302.5 (II) (k) states victims of crime have “the right to promptly receive any property which belongs to a victim and is being held by a prosecutorial or law enforcement agency unless there are evidentiary reasons for the retention of such property.” All property of crime victims will be returned to them as soon as possible once the property’s evidentiary value is exhausted.

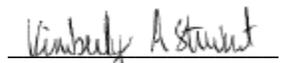
M. DNA evidence is preserved in accordance with applicable laws as detailed in Colorado Revised Statute 18-1-1101 – 1109.

**RULES:**

NONE

**REFERENCES:**

Boulder County Sheriff’s Office Policy and Procedure Manual, Policy 525

  
Kimberly A. Stewart  
Chief of Police