



WRITTEN DIRECTIVE	No. PD17-1201	Page: 1 of 10
Subject: EVIDENCE, RECOVERED, OR FOUND PROPERTY	Effective Date:	2-1-17
	Supersedes/ Amends:	PD15-1201
	Reference:	83.2.6, 83.3.2, 84.1.1, 84.1.2 84.1.3, 84.1.4, 84.1.5, 84.1.6



I. Purpose

The purpose of this directive is to establish guidelines which regulate the control and accountability of all evidence, recovered or found property acquired and stored by this department.

84.1.1

II. Policy

It shall be the policy of the Lynchburg Police Department to maintain strict control over all evidence, recovered or found property that comes into the possession of employees of the department.

III. Procedure

A. General

1. The Criminal Investigations Division Captain is responsible for the control, storage, and final disposition of all evidence, recovered or found property stored by the department. Access to property and evidence held by the department will be limited to authorized personnel only.
2. Accountability and chain of evidence are maintained through the use of the PISTOL Records Management Evidence System to record the seizure of such property. The chain of evidence shall be properly maintained at all times; any transfer of evidence custody, for any reason, shall be properly documented.
3. Any controlled substances or weapons released for training or investigative purposes will be documented in the PISTOL Records Management Evidence System.
 - a. Personnel receiving such items will ensure the property is used in accordance with all applicable laws and regulations.
 - b. Personnel receiving such items will be responsible for maintaining the item(s) in a secure location when not being used and will be expected to immediately return the property to the Property and Evidence Coordinator when no longer needed.
 - c. Any controlled substance or weapon released for training use will be required to be accounted for annually.

84.1.4

4. In the case where a person dies at a location other than his residence and it becomes necessary for the department to assume responsibility for the individual's property, the officer handling the preliminary investigation of the death will be responsible for:
 - a. inventorying and taking custody of all items of value which are in view and could be easily collected.
 - b. If the person is in a motel room, inventorying the property located in the room.
 - 1) The officer will permit an authorized representative of the motel to be present at the time the inventory is taken.
 - 2) The officer will provide the motel representative with a copy of the inventory.
5. Release of seized property to citizens:
 - a. Persons requesting to recover seized property will be directed to contact the officer who seized the property.
 - b. The seizing officer will make the determination on whether the requested property can or cannot be released.
 - 1) In cases involving the assignment of detectives the seizing officer will confer with those detectives before making a decision on whether to release the property.
 - c. The seizing officer will promptly inform the Property and Evidence Coordinator of what specific property can be released, and to whom.
 - d. After release approval is communicated, the seizing officer will advise the person authorized to pick up the property to contact the Property and Evidence Coordinator to arrange for release.

83.3.2 B, 84.1.1 D

B. Packaging Evidence/Property

1. All items of evidence will be packaged according to guidelines established in the Virginia Department of Forensic Science Evidence Handling & Laboratory Capabilities Guide.
2. All items of property will be packaged (as necessary) by the seizing officer so as to:
 - a. provide for safe handling of the item, and
 - b. prevent damage to the item.

3. When packaging suspected controlled substances, the seizing officer will be responsible for:
 - a. counting and recording on the Property/Evidence Voucher the number of capsules, pills, packages of powders, plant materials, etc. seized and packaged, and
 - b. packaging the items in an evidence envelope or ziplock bag.
 - 1) The envelope will be sealed with evidence tape along the seam with the appropriate information provided on the envelope.
 - 2) Once the package has been sealed, it will be checked for tampering by each person involved in the chain of possession.
4. The seizing officer will be responsible for properly packaging for mailing suspected controlled substances or paraphernalia which are to be submitted to the Division of Forensic Science for analysis.

C. Request for Analysis

83.3.2 A

1. The officer seizing an item of evidence will be responsible for requesting any analysis of that item deemed necessary.

83.3.2 B

2. The officer submitting items for analysis will ensure that:

- a. the items are packaged:

- 1) according to department procedure (see III.B), and
- 2) separately from items not requiring analysis.

- b. the packaged items include all necessary documentation, are sealed with evidence tape, and the edges of the tape initialed.

83.3.2 C

3. When requesting analysis by the state Division of Forensic Science, the officer will complete a *Request for Laboratory Examination* form.

- a. The officer will include the following information on the *Request for Laboratory Examination*:

- 1) current and complete contact information of the investigating officer (officers should not sign the form)
- 2) date and type of offense
- 3) background information related to the evidence

- 4) itemize and describe the evidence
- 5) the type of analysis requested for each item
- 6) the certified mail receipt number, and
- 7) whether the suspect/defendant is a juvenile.

- b. The officer will make sure that the item number and group number are the same.
- c. The officer may also note any analysis requested on the property/evidence voucher.

83.3.2 D

4. When items are personally delivered to the Division of Forensic Science for examination, the transporting officer will be responsible for:
 - a. maintaining the chain of custody, to include obtaining an appropriate receipt for the items
 - b. documenting evidence transport to the lab by means of a Supplement Report.

83.3.2 E

5. The results of examinations completed by the Division of Forensic Science are, by division policy, submitted in writing.

84.1.1 A, 84.1.2

D. Submission of Evidence/Property

1. The property/evidence voucher will include all seized property. All items should be bagged separately and the item number will not be duplicated.
2. Evidence, recovered and found property seized during business hours will be submitted to the Property and Evidence Coordinator for storage in the proper secured area.
3. Evidence, recovered and found property seized after business hours will be submitted in the proper secured area.

84.1.1 E, 84.1.3

- a. Secure storage cabinets are provided for temporary storage and will accommodate most items of evidence or property.
- b. A drop box is provided for temporary storage of controlled drugs, money, and other valuable items.
- c. A secure refrigerator is provided for temporary storage of perishable evidence or property.
- d. The bicycle shed is located in the 900 block of Church Street and will be used for temporary storage of non-evidentiary items such as:

- 1) flammable liquids in adequate containers, or
 - 2) durable, non-electric items too large for the storage cabinets.
- e. The Property and Evidence Coordinator will be notified regarding fragile or electronic items too large for the storage cabinets.
- f. The Property and Evidence Coordinator will be notified when cash amounts to be submitted are in excess of \$2,000.00. A *Cash Accounting Summary* form will accompany all cash or currency entered into the evidence system.

84.1.1 A & B

4. Each employee must submit all evidence, recovered or found property as per the above procedures prior to ending his tour of duty; **no employee shall store, maintain, or otherwise keep any evidence, recovered or found property, or contraband in his personal possession past his tour of duty.**
5. Whenever practical, items seized by officers as evidence will be photographed.
 - a. The evidence will be entered in the Records Management System along with the photograph to be used for courtroom presentation.
 - b. The officer will instruct the owner of photographed non-perishable evidence that:
 - 1) such evidence will be released into his custody at the department, and
 - 2) the owner will be required to sign for receipt of the property.
 - c. The officer will be responsible for returning photographed perishable items to the owner as soon as practical.
6. When submitting controlled substances:
 - a. During business hours, the seizing officer will submit the package along with the property/evidence voucher and the *Request for Laboratory Examination* form (when appropriate) to the Property and Evidence Coordinator.
 - b. After business hours, the seizing officer will deposit the package along with the property/evidence voucher and the *Request for Laboratory Examination* form (when appropriate) in the drop box.
 - 1) The form(s) will be paper-clipped to the package containing the controlled substance.
 - 2) The seizing officer will personally deposit the material in the drop box, ensuring that the material cannot be retrieved.

7. Firearms and ammunition:
 - a. Any firearm entered into the system will be made safe by ensuring that it is unloaded.
 - b. If the firearm is found to be in a condition where it can not be unloaded the officer will:
 - 1) **Not** attempt to disassemble the firearm due to the danger of accidental discharge.
 - 2) **Not** put any type of tape on the firearm.
 - 3) Secure, if possible, the firearm's hammer to prevent it from moving.
 - 4) Notify an on-duty armorer, if available, to inspect and clear the firearm.
 - 8) If no armorer is available, secure the firearm in an evidence locker with a warning on the locker door that it contains a loaded firearm.
 - 9) Firearms will be removed from the evidence locker only under the supervision of a department armorer.
 - c. Small arms ammunition may be accepted into the system as evidence, recovered or found property.
 - 1) Ammunition may be photographed and the photographs used in court.
 - 2) Ammunition will be destroyed in a safe manner at the discretion of the Criminal Investigations Division Captain or his designee.
 - d. Explosive devices will not be accepted into the system for any reason.
 - 1) See written directive PD-0701 (*Bomb Threats/Bombing Incidents*) for proper procedures concerning the handling of an explosive device.
 - 2) The Virginia State Police is equipped to properly dispose of explosive devices.
 - 3) When appropriate, a photograph of the device may be used as evidence in a criminal case.
8. Hazardous materials:
 - a. *Hazardous Materials* will be defined, for the purpose of this directive, as substances and materials in quantities and forms that:
 - 1) may pose an unreasonable risk to health, safety, property or the environment when used, transported, stored or disposed of, and

- 2) may include materials which are solid, liquid or gas (Code of Virginia, 44-146.34).
 - b. Materials may be deemed hazardous due to:
 - 1) material composition (e.g. highly explosive or reactive, or unknown), or
 - 2) means of containment (e.g. inappropriate or damaged container).
 - c. Officers will utilize all available resources to determine identifying information and safe handling procedures for suspected hazardous materials.
 - d. A substance deemed to be a hazardous material will *not* be accepted into the system for any reason.
 - 1) Substances deemed to be hazardous materials will be handled in accordance with procedures outlined in the written directive PD-2013 (*Hazardous Material Incidents*).
 - 2) When appropriate, a photograph of the material may be entered into the system as evidence in a criminal case.
 - e. Certain flammable liquids deemed non-hazardous due to proper containment, small amount of material (one gallon or less), inert state, etc., may be entered into the system.
 - 1) Such non-evidentiary, flammable liquids may be temporarily secured in the Bicycle Shed, located in the 900 block of Church Street.
 - 2) The involved supervisor will be responsible for notifying the Lynchburg Fire Marshal's Office, as soon as practical after storage of such flammable liquid, to arrange for proper disposal.
9. Physical Evidence Recovery Kit (PERK)
- a. The PERK and other related evidence will be accepted from a Forensic Nurse and submitted into the PISTOL Records Management Evidence System by completing an evidence voucher.
 - 1) The PERK will only be accepted for those cases under investigation by the Lynchburg Police Department and when there is a known victim filing a police report.
 - 2) In cases where a PERK is processed and the victim refuses to file a police report, the Forensic Nurse will process the PERK as prescribed by Virginia State Code and hospital policy.
- 83.2.6, 84.1.1 C
10. All evidence, recovered or found property will:

- a. be documented on a property/evidence voucher by the officer who processes or takes final custody of the evidence or property as soon as possible, and
- b. require an Incident Report (except as noted in III.D.9 above) detailing the circumstances by which the property came into the officer's possession to include chain of custody if applicable.

83.3.1, 84.1.1 G

E. Temporary Release of Evidence

1. Evidence needed for use in court, or that requires examination in the department's digital forensics laboratory, will be distributed through the Property and Evidence Coordinator.
2. The officer will sign for the evidence using the signature pad of the bar coding system.
3. The officer may retain the evidence only for the period of time it is needed in court, or required to perform a digital forensics examination, after which the evidence **MUST** be returned to the Property and Evidence Coordinator for continued storage or final disposition.
4. If the evidence is retained by the Commonwealth's Attorney or a Judge, the officer signing out the evidence is responsible for notifying the Property and Evidence Coordinator of the disposition of the evidence. The Property and Evidence Coordinator will be responsible for documenting the information in the system.

F. Release or Destruction of Evidence, Recovered or Found Property

1. All evidence, recovered or found property must be maintained in the proper storage area until the officer or detective assigned to the case releases the evidence for return or destruction.
2. The Criminal Investigation Division Captain, or his designee, will be responsible for determining the disposition of the evidence in the event that the assigned officer or detective is no longer employed by the department.
3. All evidence in a murder or rape investigation must be stored indefinitely if the case has not been cleared. The Criminal Investigations Division Captain will determine the disposition of the evidence after consulting with:
 - a. the CID Lieutenant
 - b. the assigned detective if available, and
 - c. the Commonwealth's Attorneys Office
4. DNA evidence will be maintained indefinitely, except:
 - a. as noted in section III. D. 9 of this directive

83.2.7

b. in cases where the Commonwealth's Attorney directs destruction

5. All human bones whether entered as evidence or found, will be turned over to the Medical Examiner's Office for long-term storage.

G. Inspections and Audits

1. For the purposes of this directive, the following definitions shall apply:

84.1.6 A

a. **Inspection (announced and unannounced)** – all inspections are conducted to determine that:

- 1) the property room is being maintained in a clean and orderly fashion,
- 2) the integrity of the property is being maintained,
- 3) provisions of LPD policies or other directives concerning the property management system are being followed,
- 4) property is being protected from damage or deterioration,
- 5) proper accountability procedures are being maintained, and
- 6) property having no further evidentiary value is disposed of promptly.

84.1.6 B

b. **Joint Audit** – a joint audit will:

- 1) be done any time a Property and Evidence custodian (highest ranking person with access) is assigned to or vacates from that position.
- 2) include a sufficient sampling of general and "high risk" items such as money, precious metals, jewelry, firearms, and drugs.
- 3) be done jointly by the newly designated Property and Evidence Custodian and a designee selected by the Chief of Police.

84.1.6 C

c. **Annual Audit** – an annual audit:

- 1) should consist of a significant representative sampling of property currently in the system including high-risk items.
 - a) Each item audited will be verified as to its description, location and disposition.
 - b) The person conducting the annual audit will, upon completion, forward a memorandum noting the results of the audit to include any discrepancies or recommendations to the Chief of Police.

- c) The person assigned the annual audit should be appointed by the Chief of Police, or his designee, and should not be in the supervisory chain-of-command of the P&E personnel.
2. There will be an annual audit conducted which shall consist of a significant representative sampling of evidence, recovered, or found property held by this department.
 - a. This sampling should contain the appropriate number of items as required by CALEA.
 - b. The Accreditation Manager will be consulted to determine the appropriate number of items that need to be audited (CALEA Appendix I).
3. The Criminal Investigations Division Captain, or his designee, will be responsible for semi-annual inspections of the property and evidence storage areas.
4. Any unannounced inspections of the property and evidence function will be conducted at the direction of the Chief of Police or his designee.
 - a. This inspection is in addition to other regularly scheduled inspections.
 - b. An unannounced inspection will be conducted at least annually.
 - c. The primary emphasis will be on property accountability and security procedures.
5. All inspections and audits will be documented.

84.1.6 A

84.1.6 D

Original Signed

Raul M. Diaz
Chief of Police

February 1, 2017

Date