

CITY OF LYONS POLICE DEPARTMENT

POLICE OPERATIONS MANUAL

CHAPTER: 13 - Evidence and Property

EFFECTIVE DATE: February 1, 2012

NUMBER OF PAGES: 16

REVISED DATE:

DISTRIBUTION: All

SPECIAL INSTRUCTIONS: None

I. PURPOSE

II. RULES AND REGULATIONS

- A. General
- B. Transferring Evidence to Court
- C. Disposition of Property and Evidence
- D. Department Property and Equipment

S.O.P. 13-1 PROPERTY CONTROL

S.O.P. 13-2 VEHICLE INVENTORY/IMPOUND

S.O.P. 13-3 PROPERTY ROOM INSPECTIONS

BLANK
PAGE

I. PURPOSE

- A. To establish rules for receiving, storing, releasing, and disposing of property seized as evidence and/or property held for safekeeping.
- B. To establish rules regarding departmental property and equipment.
- C. To establish standard operating procedures for property control.
- D. To establish standard operating procedures for the impound/inventory of vehicles.

II. RULES AND REGULATIONS

A. General

- 1. All property seized as evidence shall be transferred to the control of the Evidence Custodian and noted in the officer's report.
- 2. All weapons, evidence or non-evidence, shall be transferred to the control of the Evidence Custodian, as well as any other items that might be construed as weapons and noted in the officer's report.
- 3. Personal property of the arrestee (e.g. money, wallet and contents, jewelry, etc.) shall not be taken from the arrestee by the arresting officer except in unusual circumstances which necessitates the removal of such items for safekeeping. Any personal property removed from arrestee's person in these circumstances will be transferred to the control of the Jailor and noted in the officer's report.
- 4. All property removed from any vehicle shall be transferred to the control of the Evidence Custodian and noted in the officer's report.
- 5. All property found or received by officers shall be transferred to the control of the Evidence Custodian and noted in the officer's report.

B. Transferring Evidence to Court

Evidence required in court for prosecutorial purposes will be released by the Evidence Custodian to the officer for presentation in court. The evidence will be returned to the Evidence Custodian immediately after all legal proceedings have been completed. All evidence will be returned to the Evidence Custodian in the original tagged packages. If any of the evidence is retained by the court, the presenting officer will notify the Evidence Custodian so the records can reflect the status of the evidence. The property receipt will be signed by the officer when accepting control of the evidence and by the Evidence Custodian upon its return.

C. Disposition of Property and Evidence

Items being held as evidence or property may be removed or released in accordance with OCGA 17-5-54 by one of the following means:

1. Release from Evidence Status to Property - The impounding officer will release evidence to property status as soon as possible after the case has been resolved. When the evidence is released by the impounding officer, it is that officer's responsibility to notify the owner that he has 90 days to claim the property;
2. Court Order - Evidence will be released by a court order from a court of competent jurisdiction. Destruction of contraband will also be carried out by the Evidence Custodian after receipt of a court order;
3. Public Sale - Unclaimed property will be sold under authority of governing local ordinances;
4. By Conversion to City Use by Court Order;
5. By Return to Rightful Owner - Property will be released to the person in whose name the property is listed upon proper identification. In all cases of found property, the Department reserves the right to secure legal determination before releasing property.

D. Departmental Property and Equipment

All equipment must be clean, in good working order and conform to departmental specifications. Employees are responsible for the proper care of departmental property and equipment assigned to them. Should an employee damage or lose departmental property, disciplinary action may be taken.

1. Damaged-Inoperative Property or Equipment - Employees shall immediately report to their supervisor any loss of, or damage to, departmental property. The supervisor will be notified of any defects or hazardous conditions existing in any departmental equipment or property.
2. Care of Departmental Buildings - Employees shall not mar, alter, or deface any surface in any departmental building. No material shall be affixed in any way to any departmental equipment without specific consent from a superior officer.
3. Notices - Employees shall not mark, alter, or deface any posted notice of the Department. Notices or announcements shall not be posted on bulletin boards without permission of a superior officer. No derogatory notices will be posted at any time.

4. Manuals - All employees who are issued manuals are responsible for their maintenance and will make appropriate changes as directed.

5. Surrender of Department Property - Employees are required to surrender all departmental property upon their separation from the Department. Employees who fail to return nonexpendable items will be required to reimburse the Department for their fair market value.

**BLANK
PAGE**

STANDARD OPERATING PROCEDURE

EFFECTIVE: February 1, 2012

S.O.P. 13-1 PROPERTY CONTROL

I. INTRODUCTION

It is the responsibility of the arresting or reporting officer to properly package, and tag all property/evidence. In addition, a property receipt shall be completed before transferring the property to the control of the Evidence Custodian. The property receipt must be turned in with the evidence or property. The arresting or reporting officer will ensure that the following steps have been taken before releasing property to the Evidence Custodian:

II. RULES AND REGULATIONS

A. Duties of the Recovering Officer -

1. Evidence and found property will not be mixed in the same property bag(s). Property bags will be sealed, signed and the bag stamp completed by the arresting or reporting officer before transferring it to the Evidence Custodian. All property/evidence will be transferred to the evidence custodian or placed in the overnight storage as soon as possible and prior to the end of the officer's shift.

NOTE: The bag stamp is used to help maintain the chain of custody.

2. Evidence tags are to be securely attached to property seized as evidence or contraband which is too large or bulky or otherwise inappropriate for property bags;
3. Property tags are to be securely attached to found property which is too large or bulky or otherwise inappropriate for property bags;
4. Firearms, including handguns, are to be tagged only. Firearms are never to be bagged.
5. Superior officers are responsible for maintaining an adequate supply of property receipts, property bags, evidence and property tags.
6. It shall be the responsibility of the officer placing property in evidence to release this property from evidence within 24 hours of disposal of the case in court if the property is no longer necessary to the prosecution of the case. Officers confiscating property have the responsibility of notifying the owner when the property is released from evidence if the owner/finder is legally entitled to receive such property. A release form will be completed by the officer and given to the evidence custodian;

7. The officer receiving found property is to make every attempt to identify the owner of the property and inform him that the property is being held for safekeeping.

B. Duties of Evidence Custodian

The Evidence Custodian will receive, store and release evidence and other property in a timely, efficient and accountable manner. Established procedures are to be followed which minimize the loss, theft, or destruction of property. In addition, procedures are to be followed to maintain a proper chain of custody, and document the transfer of property to the point of release from police control. Every legal effort will be made by the Evidence Custodian to prevent the unnecessary accumulation of property in storage.

1. Receiving - Evidence/property will be received by the Evidence Custodian only after these items have been recorded on the property receipt and each item listed has been properly bagged or tagged;

Weapons will be received as indicated above, however, all firearms will be tagged and stored in weapons boxes if possible. All firearms will be unloaded with the ammunition bagged and properly marked. Drugs will be transferred to the control of the Evidence Custodian along with a property receipt. A copy of the receipt will be furnished to the drug unit;

2. Recording and Storing - Upon receipt of evidence/property, the Evidence Custodian will enter the items in the evidence tracking database annotating all available information. The database will assign an evidence tracking number and will be cross referenced to the case number and names. The property receipt will be filed with an evidence database printout and any other paperwork relevant to the item. Upon placement of the evidence/property in the evidence storage room, the storage area and bin number shall be recorded in the database. The forms are filed by the computer assigned evidence tracking number. Bicycles will be stored in the designated area.

C. Evidence and Property Room Procedures

In addition to the above responsibilities of the Evidence Custodian, the following procedures are to be conducted:

1. Any item of evidence or property taken to the State Crime Lab will be accompanied by the property receipt. The receipt will be signed by the accepting technician and the crime lab number noted on the receipt. The receipt will then be returned to the department's files. If property is shipped to the crime lab a copy of the tracking receipt will be placed in the department's files.

2. Narcotics and dangerous drug evidence (capsules, pills) shall be counted as well as weighed. Additionally, all containers of narcotics and dangerous drugs shall be inspected for tampering as a safeguard against the substitution of material having the same weight.

NOTE: When weighing the drugs, a notation should be made identifying the amount as being either the gross weight (including the packaging materials) or net weight (the substance weight only).

3. All evidence or property received by the department will be entered into the computer data base utilizing the evidence function of the installed software. Any subsequent transfers or return of such property or evidence will also be entered. The only persons that are authorized to make entries into the data base are the evidence custodians.
4. The evidence custodian will assign all property/evidence a specific storage location and will ensure that all high risk items (i.e. money, drugs, guns, etc) are stored in the inner evidence room.

**BLANK
PAGE**

STANDARD OPERATING PROCEDURE

EFFECTIVE: February 1, 2012

S.O.P. 13-2 VEHICLE INVENTORY/IMPOUND

I. POLICY

When the driver/owner of a vehicle is arrested, and if the vehicle is subject to a lawful impound, the arresting officer will make an inventory of the vehicle for valuables. The arresting officer will fill out both an impound/inventory form prior to turning the vehicle over to the impound wrecker driver.

II. CIRCUMSTANCES WARRANTING

- A. According to state law, police officers may impound a motor vehicle under the following circumstances:
1. An officer may impound and remove a vehicle from a public highway when the motor vehicle poses a threat to the public health or safety;
 2. An officer may impound a motor vehicle that has been left unattended on a public street, road or highway, or other public property for at least ten days if it appears to the officer that the individual who left the vehicle unattended does not intend to return and remove the motor vehicle;
 3. All motor vehicles required to be registered in Georgia must display a current license plate and revalidation sticker. Any motor vehicle that fails to comply with this requirement may be impounded and stored at the owner's expense;
 4. If the driver of a motor vehicle has been arrested, the vehicle may be impounded when:
 - a. There is no one present who is authorized and capable of removing the vehicle;
 - b. The driver has made no specific request about the disposition of the vehicle;
 - c. The driver has made no request to use a specific towing service;
 - d. The driver of a vehicle has made a specific request for the disposition of the vehicle or has requested a specific towing service and the police officer has made a reasonable, but unsuccessful effort to comply with this request;

- e. The driver of a vehicle has been removed from the scene and is either physically or mentally unable to make a request for the disposition of his/her vehicle. An officer may impound a vehicle for the protection of the vehicle and its contents under the provisions above.
- B. If the driver of a vehicle is arrested on private property, and the driver either owns, has control of, or permission from the owner of the property, the vehicle should not be impounded except upon the request of the driver.
- C. When inventorying a vehicle before impoundment, the officer and Department are protecting three distinct needs. These needs are:
 - 1. Protection of the owner's property while it remains in police custody;
 - 2. The protection of the police from potential danger;
 - 3. The protection of the police against false claims of stolen or lost property.
- D. If the officer is questioned concerning his/her reasons for inventorying a vehicle which is being lawfully impounded, the officer should state that the vehicle is being inventoried for the above three reasons. The justification for an inventory of an impounded vehicle is based on the validity of the impoundment, not the arrest of the driver. If the impoundment was improper, any items seized during an inventory will not be admissible as evidence in court.

III. IMPOUND/INVENTORY PROCEDURES

- A. On the inventory/impound form, the officer shall list all personal property and vehicle accessories such as radios; tape players; the contents of all parcels, bags, luggage, briefcases, or any other closed containers; and shall describe the vehicle's condition.
- B. Upon completion, the impound/inventory form will be signed by both the wrecker driver and the impounding officer.
- C. The original copy of the vehicle impound/inventory form will be turned in with the report. The duplicate copy will be given to the wrecker driver.
- D. In all cases where an impound is made, there will be an incident report completed except when a traffic accident report is made.
- E. The officer will note on the impound/inventory form if the driver was the owner/operator listed on the tag receipt and if the vehicle had current insurance.

IV. RELEASE OF VEHICLE

Once a vehicle is impounded, it will be necessary for the owner or authorized operator to secure a release slip at the Department. No releases will be made at the wrecker yard without first processing the release slip through the Department.

BLANK
PAGE

STANDARD OPERATING PROCEDURE

EFFECTIVE: February 1, 2012

S.O.P. 13-3 PROPERTY ROOM INSPECTIONS

PURPOSE

To establish the procedures for inspecting and reviewing the departments control and storage of property and evidence.

- A. One employee shall be appointed by the Chief of Police to be responsible for management and control of evidence and/or property. These responsibilities include but are not limited to:
 - 1. Conduct annual, inventory and audits of property to ensure that records are correct and properly annotated.
 - 2. Ensure that the chain of evidence is maintained and that all the rules of evidence are strictly adhered to and testify in a court of law when required.
 - 3. Responsible for the acquisition, receipt, control and distribution of evidence-related materials, as well as abandoned and recovered properties.
 - 4. Responsible for the maintenance integrity of all evidence and property assigned to his or her control.
 - 5. Responsible for the periodic disposal of nonessential properties through proper approved channels.

B. JOINT PROPERTY INVENTORY BY NEWLY ASSIGNED PERSONNEL

Whenever a new investigator is transferred to or designated as the Property Room/Evidence Custodian, an inventory of all custodial and evidential property will be conducted. This inventory will be performed jointly by the newly designated investigator and the former custodian. All weapons, monies and narcotics will be accounted for on an individual basis. All other evidence and records will be checked for accountability.

- 1. The inventory shall be thorough and comprehensive to ensure the integrity of the system and the accountability of all property being held by the department; and

2. The new custodian should ensure that all records are current and property annotated, and all discrepancies recorded prior to the assumption of property accountability by the newly appointed custodian.

C. ANNUAL AUDITS

The Chief of Police shall be responsible for appointing a supervisor to conduct an annual audit, to ensure that the security, accuracy and integrity of all narcotics, weapons and money is maintained. The Chief will appoint a supervisor who is not routinely or directly connected with the control of the property room.

1. The audit includes inspection of the property log, ensuring that all dangerous drugs, money and weapons received have been properly logged; an examination of the property receipts to ensure that drugs, weapons or money have not been lost or checked out for an unreasonable length of time; an examination of the disposition files and property log to ensure that all weapons, drugs and money have been disposed of properly.
2. The appointed audit supervisor is authorized to open dangerous drug packages in the presence of the Property Room/Evidence Custodian to verify either the weight or count of drugs, and if necessary, conduct qualitative analysis by a chemist. These packages are then re-sealed in the presence of the custodian. A notation will be made on the property receipt and in the property log of the inspection of each sealed item which is opened, including the date opened and the supervisor inspecting.
3. The audit supervisor is authorized to open in the presence of the custodian packages containing money to verify contents and amount of cash. The package is to be re-sealed in the presence of the custodian. A notation will be made on the property receipt and property log of the inspection, including the date opened and the supervisor inspecting.
4. A complete report of the findings of audit supervisor will be forwarded to the Chief upon conclusion of the audit.

D. UNANNOUNCED INSPECTIONS

The Chief of Police or a designee will make unannounced inspections of the property room to determine that proper record keeping, accountability of evidence, proper storage and cleanliness, and proper disposal methods are being followed. This inspection does not necessarily have to be comprehensive, may inspect any areas of property operations, and will make a random comparison of records with physical property present in the property room. Any problems found during these inspections will be documented and corrected as appropriate.