

	<b>HARRISONBURG POLICE DEPARTMENT</b> General Orders	<b>Policy Number:</b> 700
	<b>Chapter:</b> Support Services	<b>Total Pages:</b> 14
	<b>Section:</b> Property And Evidence	<b>Issue Date:</b> 11/02/2023
	<b>Issued By:</b> Kelley Warner, Chief of Police	<b>Effective Date:</b> 06/10/2024
	<b>Replaces:</b> All General Orders Previously Issued Relative to Subject	
<b>VALEAC Standards:</b> ADM.16.01 (a), ADM.16.01 (b), ADM.16.01 (c), ADM.16.01 (d), ADM.16.01 (e), ADM.16.02 (a), ADM.16.02 (b), ADM.16.02 (c), ADM.16.02 (d), ADM.16.02 (e), ADM.16.02 (f), ADM.16.02 (g), ADM.16.02 (h), ADM.16.03 (a), ADM.16.03 (b), ADM.16.03 (c), ADM.16.03 (d), ADM.23.03 (c), OPR.07.07		

## A. POLICY AND PURPOSE

It is the policy of the Harrisonburg Police Department to process and store all property in a manner that will protect it from loss, damage or contamination, while maintaining documentation that tracks the chain of custody, the location of property and its disposition. This policy also provides for the protection of the chain of custody and identifies those persons authorized to remove and/or destroy property.

## B. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this policy. Responsibility rests with the supervisor to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated. This directive is for internal use only, and does not enlarge an employee's civil 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. Violation 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.

## C. DEFINITIONS

**Property** - All articles placed in secure storage within the Property and Evidence Unit, including the following:

- **Evidence** - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.
- **Found property** - Items found by employees of the Department or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- **Safekeeping** - Items received by the Department for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence and items taken for safekeeping under authority of law.

## **D. PROPERTY AND EVIDENCE UNIT SECURITY**

The Property and Evidence Unit shall maintain secure storage and control of all property in the custody of this department. An evidence custodian shall be appointed by and will be directly responsible to the Administrative Division Commander or the authorized designee. The evidence custodian is responsible for the security of the Property and Evidence Unit.

### **a. REFUSAL OF PROPERTY**

The evidence custodian has the obligation to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the evidence specialist refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting officer the reason for refusal and the action required for acceptance into the Property and Evidence Unit.

### **b. KEY CONTROL**

All access points to the evidence locations are keypad secured. Key codes shall be maintained by the Evidence Custodian, and in case of emergency access, notification to the Evidence Custodian shall be made.

### **c. ACCESS**

Only authorized personnel assigned to the Property and Evidence Unit shall have access to property storage areas. Any individual who needs to enter a property storage area (e.g., maintenance or repair contractors) must be accompanied by the evidence custodian. Timely notification shall be made to the Administrative Division Commander in the event of this occurrence. Each individual shall sign the Property and Evidence Unit access log and indicate:

- a. The date and time of entry and exit.
- b. The purpose for access, including the specific case or property number.

Each access log entry shall be initialed by the accompanying department employee.

## **E. PROPERTY HANDLING**

The employee who first comes into possession of any property is generally responsible for the care, custody and control of such property until it is transferred to the evidence custodian and/or processed and placed in a temporary property locker or storage area. Care shall be taken to maintain the chain of custody for all items of evidence.

## **a. PROCESSING AND PACKAGING**

All property must be processed by the responsible officer prior to the officer going off-duty, unless otherwise approved by a supervisor. Officers shall process and package property as follows:

- a. A property quick entry shall be completed describing each item. List all known information, including:
  1. Serial number
  2. Owner's name
  3. Finder's name
  4. Other identifying information or marking
- b. Property shall be packaged in a container suitable for its size, labeled and marked with the officer's initials and date.
- c. A barcode label shall be completed and attached to the property or container in which the property is stored.
- d. Each item of evidence will be logged into LERMS and the reporting officer will state such within the IBR narrative.
  1. Digital evidence will still be entered into VeriPic.
- e. The evidence shall be submitted directly to the evidence custodian or placed in a temporary property locker.
- f. After normal business hours, if no evidence lockers are available due to an excessive amount of items taken into the agency or a special circumstance occurs requiring a large evidence storage area, the Evidence Custodian will be contacted to respond.
- g. Items opened for any reason must be resealed and initialed by the opening officer before resubmission to the Evidence Unit.

Some items that require processing and packaging necessitate special consideration such as bicycles, biological items, cash, explosives (to include fireworks), firearms and other weapons, government property, sharps, controlled substances and dangerous drugs.

Employees who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash handling responsibilities shall, as soon as practicable, verify the amount, summon another employee to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Unit Policy.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each employee involved in this process shall complete an appropriate report or record entry.

## **b. SPECIAL CONSIDERATIONS**

- a. Bicycles and bicycle frames shall have a property tag securely attached, shall be placed in the bicycle storage area and an email sent to the evidence custodians.
- b. Evidence that may contain biological samples shall be indicated as such on the property form, and these items shall not be submitted in plastic packaging material.
- c. Property stained with bodily fluids, such as blood or semen, shall be air-dried in a secure location (e.g., locked drying cabinet) prior to processing.
- d. Items of evidence collected from a crime scene that require specific storage requirements pursuant to laboratory processing shall have such storage requirements clearly indicated on the property form.
- e. Items that are potential biohazards shall be appropriately packaged and marked "Biohazard" to reduce the risk of exposure or contamination.
- f. Physical evidence submitted to the laboratory for analysis should be clearly marked if blood or other potentially infectious materials are present or suspected. Lab personnel may then take the appropriate precautions to handle the evidence without becoming contaminated.
- g. Cash shall be counted in the presence of another officer. The cash shall be placed in a clear security bag and initialed by both officers. The clear security bag will also contain a list of the exact contents, including a breakdown of denominations and grand total of the currency. This information will be recorded on the exterior of the security bag. A supervisor shall be contacted for cash in excess of \$1,000. The supervisor shall witness the count, initial and date the envelope, and specify any additional security procedures that may be necessary. Within the IBR narrative, the officer shall state if the cash is to be deposited per asset forfeiture.
- h. Explosives will not be retained in the police facility. Fireworks that are considered stable and safe, as well as road flares or similar signaling devices, may be stored in proper containers in an area designated for storage of flammable materials. The investigating officer's supervisor will coordinate with the evidence custodian to find an alternative location for storage. The evidence custodian is responsible for transporting to the fire department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.
- i. Firearms shall be unloaded and packaged separately from ammunition. The firearm chamber will be open, visible, and secured with a plastic tie strip in a way to make the firearm inoperable. Unusual weapons such as a muzzleloader will be inspected by a firearms instructor. Knife boxes should be used to package knives. Open-bladed knives will be placed in a plastic knife container or knife box with exposed edges covered.
- j. License plates that have not been reported stolen or are of no evidentiary value should be placed in the designated container for return to the Department of Motor Vehicles. No formal property processing is required. City property that is of no evidentiary value should be released directly to the appropriate City department. No formal property processing is required. If no responsible City personnel can be located, the property should be held for safekeeping.
- k. Syringe tubes should be used to package syringes and needles. Special precautions should be taken when recovering used hypodermic needles and syringes. The needle should be placed in a protective container without recapping or breaking of the needle. The protective container should then be placed in an evidence container for submission to the Laboratory for analysis. If doubt exists concerning packaging requirements for unusual items, contact the Property and Evidence Unit

1. Alcohol will not be retained in the police facility and shall not be accepted by the Evidence Custodian unless extenuating circumstances apply, and the supervisor authorizes the retention of said evidence. In cases of underage possession of alcohol and similar offenses, the alcoholic beverage should be photographed, and the photographs properly logged as evidence. The officer should record the disposal of the alcohol on a body worn camera and document these facts in the police report, if applicable.

## F. CONTROLLED SUBSTANCES, DANGEROUS DRUGS, AND FIREARMS

The department shall make every possible effort to safeguard controlled substances or paraphernalia, whether seized for evidence or held solely for destruction. The Property and Evidence Unit will be responsible for the storage, control and destruction of all controlled substances and dangerous drugs coming into the custody of this department. These cameras are in addition to the storage area being locked with a coded door locking mechanism. Video cameras with recording capabilities are installed in this storage area as an additional security measure. All material shall be packaged according to Department guidelines and transported to the Evidence Unit for storage.

- a. Controlled substances and dangerous drugs shall not be packaged with other property.
- b. The officer processing controlled substances and dangerous drugs shall retain such property in his/her possession until it is packaged, tagged and placed in the evidence locker.
- c. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. If conducted, the result of the test shall be included in the crime report.
  1. The officer shall package controlled substances and dangerous drugs as follows:
    - a. Maintain the property in the container in which it was seized and place it in a property package of appropriate size.
    - b. Seal the property package with evidence tape and initial & date the evidence seal.
- d. Marijuana with any perceptible moisture content shall be loosely packaged in a container that allows for drying or shall be dried prior to storage. The evidence custodian shall monitor stored marijuana for growth of mold (See **MARIJUANA** concerning mold).

Below is a list of guidelines that **MUST** be followed when packaging Fentanyl-related evidence.

- a. All Fentanyl/Suspected Fentanyl-related evidence should be "**Double Bagged**" using the clear, see through evidence bags. You **DO NOT** have to put Evidence Tape/Evidence Label on the inner bag; however, the outer bag **MUST** contain both of those just as you would normally package your evidence. Both evidence bags should clearly be marked "**SUSPECTED FENTANYL**" with a red sharpie.
- b. We have purchased Fentanyl Hazard labels that should be placed on each piece of Fentanyl-related evidence. You only need one Fentanyl Hazard label per each piece of Fentanyl-related evidence. These will be placed in the Patrol Room at the Evidence Packaging Station.



- c. Fentanyl residue could also possibly be on non-drug evidence such as currency, money counters, cell phones, or drug paraphernalia. If you suspect that any non-drug evidence could potentially be contaminated by Fentanyl, use the same precautions as you would with Fentanyl-related evidence. Such as, double bagging and the notation that the non-drug evidence has potentially been exposed to Fentanyl.
  1. To prevent cross-contamination from Fentanyl-related evidence to regular items of evidence, we are designating one of the Evidence Lockers as a "Fentanyl Only" Evidence Locker. The locker will be clearly marked and only Fentanyl-related evidence should be placed in that locker. All other items of evidence can be placed in the other evidence lockers like normal.
  2. In your LERMS entry, please also make sure to note that the evidence is Fentanyl or Possible Fentanyl.
    - a. Example: White powder-POSSIBLE FENTANYL

#### **a. MARIJUANA**

At the first sign of mold growth, stored marijuana shall be photographed showing the mold growth. As soon as practicable, the evidence custodian shall make efforts to lawfully destroy the contaminated marijuana, in compliance with this policy. The evidence custodian should consult with the officer assigned to the case investigation for authorization to destroy the remaining marijuana, after taking representative samples, and should request assistance from the appropriate prosecutor in obtaining a court order for immediate destruction.

#### **b. MEDICAL MARIJUANA**

The investigating officer should advise the evidence custodian and the prosecutor if the party from whom the marijuana was seized holds a valid medical permit to possess marijuana or claims that the possession of the marijuana is for medical purposes ([VA Code §18.2-251.1](#)).

The evidence custodian shall store marijuana, drug paraphernalia or other related property that is seized from a person engaged in or assisting with the use of medical marijuana.

Marijuana that is infected with mold shall not be returned. This includes marijuana seized from a person who holds a valid medical permit to possess marijuana or who claims that possession of the marijuana is for medical purposes.

### **c. MATERIAL SEIZED FOR EVIDENCE AND LABORATORY ANALYSIS**

Material shall not be destroyed prior to any criminal proceeding or case adjudication.

- a. After receiving material with the attached, completed evidence tag, the Evidence Custodian will verify the evidence in our Records system using data obtained from the Incident Report.
- b. All material will be hand carried to the Division of Forensic Science lab by the Evidence Custodian or designee on a regular and timely basis.
- c. An officer may transport material to the lab in special circumstances.  
Note: Sharp objects, razor blades, syringes, broken mirrors, or glass pipes should not be submitted to the lab unless absolutely necessary. If no other material is available to be analyzed, the above items may be submitted, but should be placed in a plastic needle/knife tube, sealed and initialed by the officer. Label the item "Biohazard" if applicable. The lab does not require the needle to be broken off and this will not be done. Breaking the needle off is a violation of OSHA standards.
- d. Freshly cut or living plants shall be thoroughly dried in the drying chamber in the evidence lab before packaging in plastic.
- e. No wet materials shall be packaged for submission to the lab until thoroughly dried as specified in above section.
- f. In order to ensure consistent quality of document submission to the DFS Crime Lab, evidence custodians will complete all Request for Laboratory Examination forms. Officers shall relay all relevant information pertaining to a lab request, including specific evidence items and the type of analysis requested, to the evidence custodians, who will complete the RFLE.
- g. Marijuana residue is field tested and not sent to the lab for analysis. Quantities of marijuana that require accurate weight and drug identification will be sent to the lab.
- h. If doubt exists concerning packaging requirements for materials, contact the Evidence Custodian.
- i. Following analysis, items will be picked up at the lab by the Evidence Custodian or designee, brought back to the Police Department and processed back into the Evidence Unit.
- j. If evidence is hand carried from the laboratory to the Police Department by someone other than the Evidence Custodian, the evidence shall be placed in the evidence lockers for proper intake.
- k. The original copy of the Certificate of Analysis will be mailed by the lab to the Commonwealth's Attorney's office, who will file it with the appropriate court.

### **d. DRUG MATERIAL RECEIVED FOR DESTRUCTION**

Drug material which is not evidence, and therefore not requiring laboratory analysis, shall be disposed of as follows:

- a. The reporting officer shall secure the material in a clear evidence bag, sealed and initialed. The officer will complete an Incident Report explaining why/how the item was collected, that it needs to be destroyed and submit the material to the Evidence Unit.
- b. The Evidence Custodian will then assure recording of the destruction of the material in the same manner as all other drug evidence.

## **G. PROPERTY CONTROL/DESTRUCTION**

The evidence custodian receiving custody of property shall ensure that each item of evidence is entered into the designated evidence tracking system. The designated evidence tracking system will be the permanent record of the property in the Property and Evidence Unit.

An item number shall be obtained for each item or group of items. This number shall be recorded on the barcode label.

Any change in the status of property held by the Harrisonburg Police Department shall be noted in the designated evidence tracking system.

Any officer receiving property will sign for it and shall be responsible for such property until receiving party has, returned the property to the Property and Evidence Unit or released to another authorized person or entity.

The Property and Evidence Unit checks the evidence in and no signature is required.

The property and evidence should be entered into the appropriate databases for automated and electronic searching and identification.

### **a. EVIDENCE**

Every time evidence is released or received, an appropriate entry in designated evidence tracking system shall be completed to maintain the chain of custody. No major case evidence is to be released without first receiving authorization from the investigator.

The temporary release of evidence to officers for investigative purposes or for court proceedings shall be noted in the designated evidence tracking system, stating the date, time and to whom it was released. Requests for items of evidence needed for court proceedings shall be submitted to the evidence custodian at least one day prior to the court date.

Requests for laboratory analysis shall be documented in the officers report narrative.

### **b. TRANSFER OF EVIDENCE TO DEPARTMENT OF FORENSIC SCIENCE (DFS)**



All material will hand delivered to DFS by evidence custodian. The evidence custodian releasing items of evidence for laboratory analysis must complete the required information in LERMS. The transporting officer will acknowledge by signature in the designated evidence tracking system. The lab form will be transported with the evidence to DFS. Upon delivering the item, the evidence custodian will record signature on the lab form and obtain the signature of the person accepting responsibility for the evidence. The original copy of the lab form will remain with the evidence at DFS and a copy of the form will be kept in evidence.

**c. UNCLAIMED MONEY, PRECIOUS METALS & JEWELRY (ITEMS OF SUBSTANTIAL VALUE)**

The evidence custodian shall submit a copy of the Virginia Department of Unclaimed Property (VDUP) report, or more frequently as directed, regarding money and jewelry that is presumed to have been abandoned to the Chief of Police and the City department responsible for auditing property. Video cameras with recording capabilities are installed in this storage area as an additional security measure. These cameras are in addition to the storage area being locked with a coded door locking mechanism. The money and jewelry shall be sent to the Virginia Division of Unclaimed Property. See attachment: Division of Unclaimed Property Form

**H. RELEASE OF PROPERTY**

Release of property shall be made upon receipt of a supplement, listing the name and address of the person to whom the property is to be released. The authorizing officer will sign for items before the specific items are released. Officers will also obtain the owners signature before returning items to the owner. Release of all property shall be documented in LERMS.

All reasonable attempts shall be made to identify both the rightful owner of found property and also items held for safekeeping (Virginia Code §15.2-1719). See attachment: 220- RTO Letter - Claim Property

Found property and property held for safekeeping shall be retained for the period of time required by law. During such period, the Property and Evidence Unit shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. The final disposition of all such property shall be fully documented in LERMS.

An evidence custodian shall release such property when the owner presents proper identification. The signature of the person receiving the property shall be recorded in LERMS.

**a. DISPUTED CLAIMS TO PROPERTY**

Occasionally, more than one party may claim an interest in property being held by this department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or establishes an undisputed right to the property.

The Property and Evidence Unit will maintain a copy of the court order.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for this department should be contacted.

## **b. RELEASE OF FIREARMS**

Firearms should only be released upon presentation of valid identification and authorized documents showing that the individual may legally possess the item ([VA Code §52-25.1](#)). An ATF Trace will be completed by the Evidence Custodian on any firearm that comes into Department custody. A background check will be conducted on the person claiming the firearm before release.

215- Evidence - Firearm Disposition Letter

218- Firearm Recipient Release

221- Firearm Donation Receipt

## **c. RIGHTS OF PROPERTY OWNERS AND FINDERS**

The rightful owner shall claim property acquired by the Department, other than by seizure or required for court, within sixty (60) days of the date of the Department's possession. If the rightful owner does not claim such property within the sixty (60) day period, the property shall be released to any person who found and delivered, or caused the property to be delivered, to the Department. Finders shall not claim property in the possession of the Department if they are a Department employee, or a member of the employee's immediate family. Finders shall claim property within ten (10) days of the expiration of the initial sixty (60) day period. The finder's failure to claim property within the ten (10) day period shall be deemed a waiver of any claim the finder may have to the property; and the property shall be disposed of as unclaimed property.

Property seized or otherwise taken possession of by the Department which is necessary to any court action and which is not claimed by the rightful owner within sixty (60) days from the date of the final disposition of court proceedings or by the finder within ten (10) days after the initial sixty (60) day period shall be disposed of as unclaimed property. Finders rights do not apply, "... to pistols, revolvers, derringers, bowie knives, dirks, sling shots, metallic knuckles, or other deadly weapons of like character...." Officers receiving such found property from citizens shall inform the finder of this exclusion.

It shall be the responsibility of all personnel submitting property, which may be claimed, to advise the rightful owner (if known), or the finder (if the owner is unknown), of the requirements and time limitations for claiming property in the possession of the Police Department. This responsibility shall apply to evidence, recovered stolen property, found property, etc.

Personnel submitting property, which may be claimed, shall make a determined effort to locate the rightful owners of property without known ownership. Personnel shall inform finders that

should the rightful owner be located after property was released to them that the owner may take action to reclaim the property in the possession of the finder.

## **I. DESTRUCTION OR DISPOSAL OF PROPERTY**

All property not held for evidence in a pending criminal investigation or proceeding may be destroyed or disposed of in compliance with existing laws upon receipt of proper authorization from the officer or investigator. The disposition of all property shall be entered in the designated evidence tracking software. The final disposition of property or evidence should be completed within six months after legal requirements have been satisfied or completed.

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law, unless a different disposition is ordered by a court:

- Weapons or devices declared by law to be illegal to possess
- Unclaimed firearms or other weapons ([VA Code §15.2-1721](#))
- Controlled substances or dangerous drugs declared by law to be illegal to possess without a legal prescription ([VA Code §19.2-386.23](#)) Destruction of Controlled-Confiscated Items
- Seized property from illegal transactions ([VA Code §19.2-386.15](#) et seq.)

### **a. DESTRUCTION OF FIREARMS**

Once a firearm has been specified for destruction, the Evidence Custodian shall:

- a. Write a supplemental narrative documenting the disposal of the firearm
- b. Remove the firearm from its inventory location and move it to a "Pending Destruction" location within the Evidence room
- c. List the firearm in the designated evidence tracking software as "Destroyed"
- d. Contact Gunbusters Firearms Pulverizer, submit an inventory form of the firearms slated for destruction, and schedule a pick-up date
- e. Facilitate the release of the firearms to the Gunbusters representative, ensuring that all listed firearms are submitted
- f. Gunbusters will subsequently provide documentation of the destruction of the firearm. The Evidence Custodian will ensure that this documentation is attached to every case involving disposal of firearms Destruction of Firearms

When firearms/ammo are brought to HPD for destruction by a City resident, an ATF trace will be completed by the Evidence Custodian and the officer will complete an IBR report detailing the circumstances. The officers report will then be turned over to (TOT) to the Evidence Custodian for destruction.

### **b. BIOLOGICAL EVIDENCE**

The evidence custodian shall ensure that no biological evidence held by this department is destroyed without adequate notification to the following persons, when applicable (Virginia Code §19.2-11.8):

- a. Any sexual assault victim
- b. The Criminal Investigation Division Commander

Biological evidence shall be retained for a minimum period established by law or the expiration of any sentence imposed related to the evidence, whichever time period is greater (Virginia Code §19.2-11.8). Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice, unless a motion seeking an order to retain the sample is filed and served on this department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Criminal Investigation Division Commander.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of the applicable statute of limitations, the Criminal Investigation Division Commander should be consulted and the sexual assault victim should be notified.

### **c. VICTIM OBJECTION**

If a sexual assault victim makes a written objection to the destruction of biological evidence, the evidence shall be retained for a period of 10 years after receipt of the objection. Upon the expiration of this 10-year period, the victim should be notified prior to the destruction of the evidence unless the victim has made a written request not to be contacted for this purpose. Once the victim has been notified, the evidence may be destroyed if the victim does not respond within the time period designated in this policy or if the victim consents to the destruction ([VA Code §19.2-11.8](#)). See attachment: 219- SAEL Letter to victims

### **d. DISPOSITION OF PROPERTY/EVIDENCE STORED IN THE EVIDENCE UNIT**

The following procedure will be followed for the review/status/destruction of property/evidence:

- a. Property and Evidence Unit will frequently review the property/evidence for the officers.
- b. A supplement report describing the status of the property/evidence and containing the following information:
  1. Offense

2. Suspect Name, if known
  3. If court action has occurred, what court rendered the decision and current status (adjudication, Nolle prosequi, etc.)
  4. List of items that can be destroyed/returned to owner Note: The Evidence Custodian will draft a notification letter on behalf of the Officer to the owner for returned items but must have a current address via supplement to do so.
  5. Items to be held pending court or further action
- c. Officers will direct any individual requesting return of evidence to schedule an appointment with the Evidence Custodian.
  - d. Only need destruction order if adjudicated
  - e. When an owner/victim of held items cannot be identified, the Evidence Custodian will dispose of the items according to state guidelines.
  - f. The Evidence Custodian will document the destruction of any items removed from the Evidence Unit and their signature to the destruction.

Final disposition of property/evidence must be accomplished within six months after legal requirements have been satisfied, in accordance with the Code of Virginia.

## **J. INSPECTION OF THE PROPERTY AND EVIDENCE UNIT**

The Administrative Division Lieutenant shall conduct quarterly documented inspections (96- Quarterly Inspection Property Unit fillable) to ensure the adherence to applicable policies and procedures.

Whenever there is a change of assignment for any employee with authorized access to the Property and Evidence Unit, an audit of property shall be conducted by the newly designated property key holder and a designee of the CEO. This is to ensure that all property is accounted for and the records are correct. At least one employee involved in conducting the audit must not be a key holder to the evidence room(s). If the agency chooses to conduct a transitional audit in lieu of a 100% inventory, the agency will need to use the Appendix A table. (Appendix A Table (Items of High Risk Property and Evidence and Required Sample Size).pdf

The Administrative Bureau Commander shall ensure that an audit is conducted annually to include general (including cash) and high risk items. At least one employee involved in conducting the audit must not be a key holder to the evidence room(s).

The Administrative Division Lieutenant shall ensure that periodic, unannounced inspections (96-B- Unannounced Inspection Property Unit) of the Property and Evidence Unit operations and storage facilities are conducted at least twice a year to ensure adherence to appropriate policies and procedures. These inspections must be conducted by a member not routinely or directly connected to property control or be a key holder of the evidence room(s).

## **K. PROPERTY TAKEN FOR SAFEKEEPING**

- a. Officers may occasionally take weapons or other items into custody temporarily as a result of arrests, mental health concerns, or domestic violence. When this occurs, the officer will use (92- Property for Safekeeping) and provide the owner/responsible party with a copy before leaving the call location. The

original copy will be kept by the officer and placed with the item in an evidence locker. The owner will later present their copy to the Evidence Unit to retrieve the weapon or item.

1. The item will remain in evidence until claimed by the owner/responsible party. If not claimed within 60 days of the date of custody, the item will be considered abandoned property and subject to disposal per policy.
  2. A sworn officer or the Evidence Custodian that has instruction in the handling of weapons taken for safekeeping and domestic violence laws shall facilitate the release of such weapons. A criminal history check will be run to determine if any prior arrests or court orders disqualify the firearm release. Due to significant liability exposure, caution should be exercised to ensure the accuracy of information when any release of a firearm is contemplated.
- b. Bicycles seized for safekeeping, due to injuries involving motor vehicles crashes or other emergencies, will be transported to the PD and secured behind the sally-port area. The Evidence Custodian will be notified by e-mail and supplement of this occurrence. An identification tag must be completed and attached to the bicycle by the investigating officer.

## **L. EVIDENCE OPERATIONS MANUAL**

For a more in depth of duties and responsibilities of the Property and Evidence Unit, see the Updated - Evidence Room Manual.