

**CITY OF FERGUSON
OFFICE OF THE CHIEF OF POLICE**

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EVIDENCE AND PROPERTY

428.00 PURPOSE

The purpose of this General Order is to establish uniform procedures for documenting the collection, classification, identification, processing, accountability, and disposal of all property and evidence obtained by employees of this department.

428.01 DEFINITIONS

- A. **"Found Property"** - Property which has been lost or abandoned and is neither believed to be connected with nor constitute part of any known nor suspected criminal offense.
- B. **"Safe keeping Property"** – Non-evidentiary property that has been placed in the custody of the police department either at the owner's or an officer's request.
- C. **"Evidence"** – Material that has probative value in either tending to prove or disprove a material fact in a criminal or civil case.
- D. **"Chain of Custody"** - A record of persons having charge, control, or possession of evidence from the time it is received or obtained until it is introduced into court.
- E. **"Evidence Personnel"** - Persons assigned to the Evidence Section having control and custody of evidence and recovered property.
- F. **"Case Officer"** - The commissioned employee actively involved in investigating the case and/or has responsibility for warrant application.

428.02 POLICY

The Ferguson Police Department will safeguard and properly dispose of all property which comes into its custody. The Department strives to maintain property in the same condition as

received and to preserve the evidentiary integrity of property which has been received for possible court presentation. Unless property is contraband or must be presented into court, every reasonable effort will be made to ensure its return to its owner. Property not returned to an owner will be placed into department use, sold at auction, given to charity or destroyed. Evidence/property will not be stored at an employee's residence, within a personal locker, departmental mail slot, or in a police vehicle.

428.03 EVIDENCE OR FOUND PROPERTY COLLECTION:

- A. All property collected by officers will be logged into department records as soon as possible. When an officer collects / receives an item of evidence or property, they will make the necessary entry into the evidence tracking software system. All data fields which are applicable must be filled out. Use the "notes" section if necessary to fully describe an item. Items must be placed in the evidence drop slot, released directly to the evidence officer, or in a designated evidence storage location. In whatever case, the placement of evidence or property will be indicated in the investigative report.
- B. All property collected by officers will be properly logged into evidence before the officer's end of shift.
- C. Officers are required to complete a report detailing the circumstances by which the property came into the department's possession and describing each item of property obtained.
- D. Large items not of critical importance (example: bicycles) may be left in the garage until secured by the Evidence Manager. In case of large items which must be immediately secured, the Evidence Manager should be contacted to secure the evidence. Under no circumstances will evidence of critical importance be left in an unsecured location.
- E. Temporary items of evidence or property which are "wet" will be hung to dry in the evidence drying cabinet. If an officer considers this inappropriate for a particular item, they will contact the Evidence Manager who will assist them in storing the "wet" item. Items hung in the cabinet must be properly tagged.

428.04 ST. LOUIS COUNTY POLICE DEPARTMENT EVIDENCE RECEIPT:

Evidence requiring some type of analysis by the St. Louis County Police Crime Lab must have an evidence receipt filled out by the officer making the request, and submitted along with the evidence.

- A. The following information must be indicated on the evidence receipt:

1. Original complaint number
2. Date, type, and location of offense
3. From whom recovered

4. Received by (signature)
5. Date, location and officer seizing evidence
6. Victim's name, address and telephone number
7. Defendant's name, address and telephone number
8. Property owner (include address and phone if known)
9. Quantity of property
10. Description of property
11. Date property received
12. Any special handling or processing requested by the investigating officer.

B Officers shall complete a single property tag for each large item, bicycles, weapons, etc. Items which contain several items of property should be included on one property receipt. For example: wallets, suitcases, tool cases, tool boxes, etc.

428.05 DESCRIPTION AND IDENTIFICATION OF PROPERTY:

Each item of recovered property or evidence received by an officer must be adequately described to permit identification and to assure accurate accountability. The following examples will serve as guidelines in describing and identifying property for evidence:

- A. Serialized property - objects which have serial numbers, identification numbers, model numbers, dates of manufacture, will have such numbers included as part of their description.
- B. Non-serialized property - objects that are not serialized will be described by color, size, dimensions, inscriptions, weight, or an identifiable mark.
 1. Jewelry - individual items of jewelry estimated to be valued over \$50 per item shall be described. Items of jewelry are not to be inscribed or marked by Department Personnel.
 2. Silverware, rare coins - will not be marked or inscribed by Department Personnel.
 3. Weapons - certain weapons that are not serialized must be tagged by the investigating officer (examples: sticks, boards, pipe, knives, etc.)
 4. Firearms - firearms shall be described by make, model, gauge, type of finish, serial number, and if necessary by an identifying mark or inscription.
 5. Narcotics and other drugs - all drugs shall be described by color, state (liquid, powder, crystal, etc.) quantity, shape and size.
 6. Currency should always be placed in the evidence drop slot.

428.06 PACKAGING EVIDENCE OR PROPERTY:

It will be the responsibility of the officer seizing evidence, taking property for safekeeping, or handling found property to properly package the item(s). If not properly packaged or received the Evidence Manager will refuse the item(s), and notify the officer's supervisor. Evidence/property will not be accepted until properly packaged and received.

- A. Use the evidence envelopes for paper evidence, drugs and paraphernalia. Note: For drugs, seal it completely with evidence tape and then initial it. Boxes may be used if necessary.
- B. Use the handgun boxes for handguns. Ammunition should be placed into a separate smaller envelope, and then enclosed in the handgun box if possible. Note: seal it completely. **ALL FIREARMS MUST BE UNLOADED AND MADE SAFE BEFORE PACKAGING!**
- C. Use the boxes for medium sized items.
- D. Use the evidence envelopes for Photo CD's and floppy disks.
- E. Use the AFIS envelopes for latent and elimination prints. Note....fill out the envelope completely. The investigating officer has the responsibility of securing elimination prints of the victim and reporting parties.
- F. Use tags for larger items. Note: Place the barcode label on the tag.
- G. Use paint cans for liquid chemicals, arson evidence or petroleum base products. Note: seal it completely to prevent leakage.
- H. If there are sharp objects inside, write this on the outside of the package in large letters "SHARPS."
- I. If there are body fluids being packaged (i.e. blood, saliva, semen, etc.) state this on the outside of the package in large letters "BIOHAZARD." Note....Make sure it is sealed completely to prevent leakage.
- J. When wet items (i.e., bloody clothes, wet paper) are seized, they should be placed into the Evidence Drying cabinet. Once dry, they should then be packaged in cardboard boxes. **DO NOT PLACE WET ITEMS IN PLASTIC.** If body fluids are present place a "BIOHAZARD" label on the package.
- K. When packaging currency (seized as evidence), make a photocopy copy of it, attach the copy to the report and have a supervisor initial the evidence envelope. This documents what money was dropped. Note....Prisoner currency not seized as evidence is considered personal property and is not evidence and should not be logged as such. Currency must be packaged separately from other items.

- L. When stapling the evidence sheet to the evidence, just put one (1) staple in the top of the sheet above the perforation, as a form must be pulled from the evidence sheet for the paper file.
- M. Separately package items that are going to the laboratory for analysis and fill out separate evidence forms for each type of analysis. For example: if you seized a gun and drugs, each needs to be packaged separately and a separate evidence form filled out for each. Special Note: All guns (with rifled barrels) seized must be sent to the laboratory for ballistics testing or analysis regardless of the type of case. In cases of "Safekeeping" the Commander of Support Services may waive ballistic testing depending on the circumstances. The circumstances will be added to the evidence log if the weapon(s) is released back to the owner without testing.
- N. If packaging supplies (i.e., tape, bags, etc.) are low or out, please notify the evidence manager so they can be stocked.
- O. Blood, urine, or other body fluids should be packaged in appropriate containers, and then placed into the Department's Evidence Refrigerator. The Evidence Manager should be notified as soon as practical, either electronically or in writing that these items need to be forwarded to the laboratory.
- P. For municipal cases of minor in possession, drinking in public and violation of open container law, the officer shall submit photographic evidence, and dispose of the containers and contents.

Refer to the evidence packaging manual as supplies and methods are often updated. A packaging manual will be located near the evidence packaging areas.

428.07 EVIDENCE MANAGER DUTIES:

- A. The Evidence Manager will be responsible for receiving, storing, accounting for, and releasing property in compliance with established policy.
- B. The Evidence Manager will establish a procedure to identify and notify the owner or custodian of all property in the agency's custody.
- C. The Evidence Manager will assign a storage location to each item of property.
- D. The Evidence Manager will store the item of property or evidence on the space to which it is assigned.

428.08 STORAGE OF CERTAIN ITEMS:

Additional safeguards have been put in place regarding the storage of certain items.

- A. Illegal drugs seized will be stored in the vault, except that marijuana may be stored in the Morgan building, drug safe or other ventilated secured area.
- B. Money seized for forfeiture will be kept in the evidence vault only on a temporary basis. The Evidence Manager will convey this money to the City Finance Department or county court clerk for deposit.
- C. Money seized as evidence (over \$100), as well as high value items such as jewelry, will be kept in the evidence vault.
- D. All seized firearms will be stored in the gun vault.

428.09 CHAIN OF CUSTODY:

The chain of custody for items of evidence will be recorded by the Evidence Manager on the original copy of the evidence receipt, or by use of the evidence software. When the Evidence Manager is required to appear in court for the purpose of testifying to the chain of custody, he will refer to the evidence receipt which is maintained in the property control file. The Evidence Manager will establish procedures for the temporary and final release of property items from the control of the property and evidence room. The temporary and final release of items will be documented in the department evidence/property database.

428.10 EVIDENCE PROCESSING:

- A. In all cases, it will be the investigating officer's responsibility to notify the Evidence Manager as to the type examination desired for any item of evidence. The Evidence Manager will be responsible for submitting all evidence to a crime laboratory for examination or processing. In instances where evidence is seized and must go to the crime lab immediately, and the Evidence Manager is not available, the seizing officer will take the evidence to the lab.
- B. The Evidence Manager will make the final determination whether a certain type examination is appropriate or possible for an item of evidence, before it is submitted to the laboratory. If immediate action is required, note on the evidence sheet in the "Remarks Section," in bold letters, what action needs to be taken (i.e., AFIS ASAP, Need item processed for prints).
- C. When an analysis is returned from the crime laboratory, the Evidence Manager will provide the case officer with a copy of the results. The original will be filed in the evidence document files.

428.11 DISPOSAL OF EVIDENCE OR PROPERTY:

Upon learning the disposition of a case (i.e., warrants refused, case closed, case dismissed, returned to owner) the case officer will fill out an evidence status report and send it to the Evidence Manager. In most cases the evidence will not be disposed or released without approval. Periodically the Evidence Manager will send evidence status reports to the case

officer's supervisor. These reports are to be completed by the case officer, signed by the supervisor, and returned within (10) days.

428.12 DISPOSAL OF FOUND AND SAFEKEEPING PROPERTY:

- A. Found / safekeeping property, owner known. Property will be held for ninety days. If not claimed by the owner within that time, a letter will be sent to the owner advising them that their property will be disposed of if not picked up within fifteen (15) days. If not claimed by the owner within that period, the property will be considered abandoned and will either be placed into department use, sold at auction, given to charity, or destroyed.
- B. Found property, owner unknown. Property will be held for one year, if not claimed by the owner during that period; the property will be placed into department use, sold at auction, given to charity, or destroyed.
- C. When found property can be released to its owners or authorized representatives by an officer, they will do so. The officer will have the owner sign the evidence receipt form, or the electronic signature pad. A photo ID should be required to verify identity of the individual claiming the property.
- D. Found property placed in evidence or personally turned over to the Department Evidence Manager will be released by the Evidence Manager to the owner of the property or an authorized representative.
- E. Disposal of found property by means other than returning it to its owner will be approved by the Chief of Police or his designate.
- G. Found property that is not worth selling at public auction will be disposed of by donation to a nonprofit charitable organization (example: old clothing) or by destruction when approved by the Chief of Police or his designate.

428.13 DISPOSAL OF EVIDENCE:

- A. Evidence can be disposed of in the following manner:
 - 1. Introduced into court as evidence.
 - 2. Evidence, owner known. Upon receipt of the evidence status report the evidence manager will contact the owner of the property by letter (using last known address or address of nearest relative) advising them that their property will be disposed of within fifteen (15) days. If not claimed by the owner within that time period the property will be considered abandoned. It will be placed into department use, sold at auction, given to charity or destroyed.
 - 3. Weapons can be returned to the owner under the following guidelines:

(Note: All releases of weapons must be made with the prior approval of the Chief of Police or his designee.)

- a. Case has been closed or dismissed.
- b. Owner has no prior felony conviction.
- c. Owner has no suspected mental illness.
- d. The gun is not stolen or been used in a crime.
- f. The owner is not wanted.

4. Destruction (by court order).
5. Return to owner (by court order)

B. Items of evidence that are no longer required due to the following reasons may be disposed of by the Evidence Manager with the approval of the Detective Bureau Commander.

1. Case Unfounded.
2. Exceptionally cleared cases.
3. Statute of Limitations has expired for prosecution.

C. Large items, such as motor vehicles or other objects that will not be introduced as evidence in a courtroom can be released as follows:

1. Approval from the Evidence Manager or Watch Commander will be indicated on the report.
2. Photograph the items of evidence with the owner at the time of release

D. The Evidence Manager will submit a letter to the St. Louis County Circuit Court Judge to obtain approval for disposal of all drug and firearms evidence (this is usually done through a warrant officer at the St. Louis County Prosecutor's Office).

E. Any item that has not been claimed by its owner can be disposed of according to state law and department policy.

428.14 RELEASE OF PROPERTY:

All items of found property and evidence in the custody of the Evidence Manager will be released by the Evidence Manager between the hours of 0900 - 1600 on weekdays. The release of property on holidays, weekends, or after hours will require prior arrangements with the Evidence Manager. Any officer, other than the Evidence Manager, checking out evidence for the purpose of taking it to court, will sign for the evidence on the property receipt or the electronic signature pad.

- A. If the evidence is admitted at trial, the officer will have a representative of the court sign the property receipt for the evidence, and the officer will advise the Evidence Manager of the courts action.
- B. If the evidence is not used in the trial, the evidence is to be returned to the Evidence Section within 24 hours from the time it is originally checked out. At that time, the officer checking such evidence out will sign the evidence back into the Evidence Section.

428.15 PROPERTY STORAGE ROOMS:

All in-custody property and evidence will be stored within designated, secure areas. Administrative and physical security procedures ensure that all property taken into custody and stored by the department is properly controlled and protected while in department custody.

A. Access

- 1. The Department Evidence Manager and Chief of Police will be the only authorized person(s) to possess keys and have access to the Property Storage Room.
- 2. When a relief person is designated and assumes the duties of the Evidence Manager, he will sign a receipt and be issued a key to the Property Storage Room after a complete inventory has been accomplished.
- 3. No keys to the Property Storage Room will be duplicated without the approval of the Chief of Police.
- 4. No person will enter the Property Storage Room unless accompanied by the Evidence Manager, Chief of Police and or a Division Commander.
- 5. Temporary storage areas include the temporary storage room and the drying locker

B. Inventory Control

A complete inventory of the property room(s) will be maintained at all times by the Evidence Manager. This inventory process was transitioned to the FileOnQ system in 2010, from that date it will be maintained in a computer database which is backed up on a regular basis. The inventory lists will reflect the status of all property held by the department.

C. Inventories and Audits

Personnel not charged with the custody of property shall perform inventories and records audits of property placed within the protective custody of the agency at least annually.

1. An outside annual audit will be conducted by a supervisor and another commissioned officer appointed by the Chief of Police in November of the calendar year.
2. Changing of custodian audit by exiting and entering custodians.
3. An Annual audit will be conducted by the custodian in June of the calendar year.
4. A copy of all Inventories and Audits of the property rooms will be forwarded to the Chief of Police upon completion.

428.16 EVIDENCE FOR CITY COURT:

Upon receipt of a City Court subpoena for a possession of narcotics or paraphernalia case, the officer(s) will notify the Evidence Manager that they will need the evidence and lab report, if applicable, for court presentation. The Evidence Manager will obtain the evidence and provide it to the officer for court presentation.

428.17 RETURN OF EVIDENCE TO EVIDENCE MANAGER:

Immediately after court presentation the officer is responsible for returning the evidence to the Evidence Manager for disposition. All standard operating procedures concerning the handling, storage and documentation of the chain of custody is to be maintained throughout the process.

By order of:



COLONEL THOMAS JACKSON
Chief of Police

Distribution

All Department Personnel