

# **PINEVILLE POLICE DEPARTMENT**

## **GENERAL ORDER**

**SECTION: 14 EVIDENCE AND PROPERTY**

**SUBJECT: 1400 HANDLING EVIDENCE AND PROPERTY**

**EFFECTIVE: 01/01/2015**

1. **PURPOSE.** The handling and processing of evidence and found property is a task which must be conducted in an efficient and effective manner. This policy establishes an evidence / property system that protects the property rights of citizens, guards the integrity of the Department, and maintains the chain of evidence. There shall be minimum flexibility in the application of this program and it shall be followed by all members.

2. **POLICY.** It is the duty of all department members to care for, control, and correctly process all evidence or property that comes under department control. Every member shall maintain the custodial chain of evidence at all times to insure that the evidence is not tampered with. At no time will a member of the police department remove, use, loan, give or otherwise dispose of any property of another for personal gain.

3. **EVIDENCE AND FOUND PROPERTY.** In processing property and evidence, members shall strictly observe all established Department procedures.

A. Evidence must meet one of the following criteria to be taken into police possession.

1. If there is reasonable suspicion that the property is evidence of a crime.
2. When such property may tend to prove or disprove the commission of a crime or the identity of a suspect, pursuant to an official criminal investigation.
3. Any item that is dangerous or illegal to possess or presents a danger to the public.
4. Any property located during a criminal investigation where ownership is unable to be ascertained.

B. Found Property is any property of no evidentiary value whatsoever, which comes into the custody of a Police Department employee, and whose rightful owner may, or may not, be known to the finder or the Department. Due diligence must be exercised to discover the rightful owner. If the owner cannot be located, the Department will dispose of the property in a time and manner prescribed by law.

C. Safekeeping is any property of no evidentiary value surrendered to an employee of this Department for temporary custody with the understanding that the person surrendering the property has the legal right to do so, and that the property will be returned to the rightful owner(s) at the end of a specified period of time determined by the Property Control Officer, unless disposition by the department, in a manner prescribed by law, is requested by the owner(s).

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4. **CONVERSION, DESTRUCTION OF EVIDENCE/FOUND PROPERTY.** Members of the department must never convert or retain for their own personal use any item of property of evidence. No department members shall loan, give away, or destroy any item of property or evidence that comes into their possession during the course of their duty.

5. **PROCESSING EVIDENCE PROPERTY.** Department members who take possession of evidence shall keep the items secured at all times. As soon as practical the items will be secured in an evidence locker with proper documentation.

A. **Documentation of Property**

1. All evidence that is taken into custody and retained by the Police Department must be documented in a police report prepared by the Department employee accepting that property. Who, what, when, where and how he/she came into possession, and the disposition of that property shall be described in that report.
2. The report must also provide a complete description of the property collected or seized, complete and accurate information of the person, who found the property, or from whom it was seized or recovered.
3. All retained evidence by the Police Department shall be documented on the Evidence sheet as per established guidelines.

6. **CHAIN OF EVIDENCE.** The custodial chain of evidence shall be maintained and documented.

- A. When processing evidence, members shall keep that evidence secure and in as close as possible to the condition as when it was received.
- B. Evidence for court shall be released by the property officer the same day as the court appearance, and the evidence shall be returned to the property system the same day unless held by the court or the district attorney's office.

7. **TAGGING AND IDENTIFYING EVIDENCE/ FOUND PROPERTY.** When checking evidence or found property into the evidence storage areas, the collecting member will properly mark or tag the item for identification and complete necessary forms and reports associated with the item. Do not directly mark on evidence/property. Use paper bags, brown envelopes or wire tags.

A. Evidence tags will be placed on each evidence item and shall include the

Following printed data:

1. Date and Time.
2. Evidence Number
3. Case Number.
4. Victim / Suspect
5. Description of the item. Make, Model, Brand Name, and Serial Number.

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6. Officer Name and badge number.

*The writing must be legible or the evidence will not be accepted.*

- B. Multiple items may be placed in a single container (paper bag, box, etc.). Each item will have an Evidence number. The container shall be sealed and items listed on container as outlined in Sub Section 7A.
  - C. Evidence shall be secured in the temporary evidence locker, and shall be removed only by the property officer, logged in and maintained in the evidence room.
  - D. Found Property will be tagged as outlined in 7A and placed in the found property locker.
8. **EVIDENCE / PROPERTY FORM.** This form serves as the control for all evidence items logged into and retained in the property room. This form shall minimally contain the following information: date, case number, officer's name, item, description. The form shall be pre-numbered with a Evidence control number.
- 1. Each item of evidence shall have its own evidence number affixed to the item or appropriate container the item is packaged in.
  - 2. Multiple items from the same case may be assigned the same "Evidence Number". A letter must added to the Evidence Number starting with the letter "A" continuing through "Z". If all the alpha bit is used "A1" and continue. Example: single item E06-0123, multiple items E06-0123A. See attached example.
9. **TEMPORARY STORAGE OF EVIDENCE.** Temporary Storage Locker will be utilized for evidence storage in order to establish the "chain of custody". The designated lockers will only be used for the specific type of evidence
- A. Large and small lockers - stairwell.
    - 1. General evidence that is not listed in B, C, or D.
    - 2. Evidence items should correspond with the locker - large for larger items, small for smaller lockers.
  - B. Gun Locker – Dispatch.
    - 1. Firearms – Before securing the firearm as evidence the officer must make the weapon safe. Prior to entering the building, the officer shall unload the weapon and clear the chamber.
    - 2. Weapons that are too large to be place in A.
  - C. Narcotics Locker – Lieutenants office.
    - 1. Narcotics only.
  - D. Refrigerated – Dispatch.
    - 1. Blood / Rape Kit.

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10. **PERISHABLES.** Perishable evidence should be avoided whenever possible. Department members who must collect perishable evidence shall determine how best to preserve such evidence, and take appropriate, reasonable and necessary to steps to do so (i.e. refrigeration, freezing, etc).

11. **HAZARDOUS MATERIALS.** When the handling of evidence or found property presents a direct or potential hazard to safety, members shall contact the supervisor, who shall determine what form of special assistance will be obtained and what precautionary steps shall be taken.

12. **NARCOTICS.** All narcotics evidence must be properly packaged and labeled.

- A. Marijuana, cocaine, methamphetamine, etc. should be described and will be weighted and the amount will be written on the Evidence Form.
- B. Pills, tablets, and capsules will be described by shape, color, markings, etc. Each item will be counted and suspected drug indicated.
- C. Any narcotics confiscation resulting in an arrest or pending arrest the evidence will be submitted to the crime lab. The evidence will be properly labeled and packaged. The North Louisiana Criminalistics laboratory "Evidence Transfer Receipt" will be completed and attached to the evidence package. See attachment example.

13. **CURRENCY.** Currency is considered a high-risk item. All currency will be properly packaged and kept in a locked safe within the property room.

- A. **Money.** Cash is defined as coin and/or currency. Money will be packaged in envelopes. The Property Officer will not accept money that has not been packaged/logged appropriately and according to the following procedures:
  - 1. Money is to be itemized by denomination listing sub totals and total amounts.

Example: 4 X \$20.00 = \$80.00  
10 X \$10.00 = \$100.00  
7 X \$5.00 = \$35.00  
18 X \$1.00 = \$18.00  
7 X .25 = \$1.75  
4 X .05 = \$ .20  
Total \$234.95

- 2. All money logged into the property room will require at least two officers or employees to verify the count.
- 3. All money envelopes **MUST CONTAIN AT LEAST TWO** signatures verifying the amount listed and enclosed. The entering officer and verifying officer shall sign their names and numbers to the front of the

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envelope, seal the envelope with tamper-proof security tape, then both must initial the back of the envelope prior to entering into the property locker. *Note: It is strongly suggested that two separate counts be conducted with large amounts of cash.*

4. Extremely large amounts of coin and/or currency might be seized which, because of the container or quantity of money, make it impractical to package in the money envelope (e.g., coins stored in a large piggy bank or water bottle, large amount of bills in a briefcase or satchel, etc.). In those rare cases, it is acceptable to log the container containing the money as it. However, a money count and completion of the money form must still be done. The money envelope can be taped to the container; however, officers submitting the money should secure the container as necessary with evidence tape to prevent tampering.

14. **RELEASE OF EVIDENCE / PROPERTY.** Any logged evidence seized in a criminal investigation shall be released by the Property Control Officer

15. **PROCEDURES OF PROPERTY CONTROL OFFICER.**

A. **DISPOSITION OF CONTRABAND AND UNCLAIMED PROPERTY.** To dispose of contraband items, such as unclaimed guns that were seized as evidence or found abandoned, the Department must follow provisions of LSA-Cr.P. arts. 167 and 981 and LSA- R.S. 15:41, 14:402, and 40:1786; non-contraband should be disposed of in accordance with LSA- R.S. 33:233(B)(2). Property that is contraband, illegal to possess, or unclaimed may be retained by the department for instructional use or assignment to special programs. No member may convert unclaimed property, or property subject to destruction to personal use or personal gain. Retention or destruction shall be pursuant to the appropriate city authorization or court order. It shall be the responsibility of the Property Control Officer to file the proper retention or destruction documents with the city or the court.

1. Inventory of retained property. Unclaimed property or property not released that is retained for departmental use shall be documented on a property report and inventoried by the Property Control Officer.
2. If the property is assigned to an individual officer or Bureau the officer or Bureau Commander will sign for the property.

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### **B. RETENTION OF FOUND PROPERTY.**

The Property Control Officer shall:

- A. Maintain an accurate inventory of all found property.
- B. Maintain accurate records relating to each item of found property showing the duration of department custody and the disposition of each item.
- C. Notify the owner of the fact of department custody if the owner is known.
- D. Release found property to owners upon showing of proper identification.
- E. Dispose of unclaimed found property in accordance with LSA-R.S. 33:233(B)(2).

### **16. RELEASE TO OWNER / AUTHORIZED AGENT.**

- A. Found property shall be released to the owner thereof at any time if the property is not:
  1. Illegal to possess, or
  2. Needed for use as evidence.
  3. In order to obtain possession of property, an owner must appear and adequately identify him/herself.

**17. RECEIPTS FOR EVIDENCE AND PROPERTY.** All property destroyed, auctioned, returned, donated or converted to city use requires a written signature on the property report. Documentation in the form of a receipt, destruction order, or department memo may also be used in support of evidence/ property elimination.

**By order of**

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Darrell Basco  
Chief of Police