


<b>POLICY 105.1</b>	<b>EVIDENCE and PROPERTY PROCEDURES</b>	
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**PURPOSE**

The purpose of this policy is to establish guidelines pertaining to handling of evidence/property by Department personnel.

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## **A. ADMISSION TO THE EVIDENCE/PROPERTY SECTION**

1. Entry is restricted to evidence/property personnel. Admission to the Evidence/Property Section beyond the service counter is prohibited without the expressed permission of the Evidence Supervisor or designee. In no case will any person enter this area without an escort by an evidence employee. If entrance is required, personnel shall sign in/out utilizing the Entry Log. All such persons will fully comply with security procedures as directed.
2. All property, which is not issued to a department member and all evidence, found property, etc. held by the Fort Lauderdale Police Department shall be kept in designated secure areas. These areas will have controlled entry to prevent the alteration, unauthorized removal, theft or other compromise of evidence/property stored by the department and to maintain chain of custody.

## **B. GENERAL**

1. Responsibilities:
  - a. Departmental personnel are responsible for safeguarding the property of others. All employees will properly process and secure any property which may have been confiscated or which otherwise has come under their care.
  - b. Except for evidence, contraband, etc., which will be handled according to policy, personal property of an arrested individual will be separated from the person, packaged, and appropriately identified as to owner. The package will be transported with the arrestee to the confinement facility.
  - c. All evidence/property must be entered into the FileOnQ system and submitted to the Evidence/Property Unit by the end of the member's shift, unless otherwise approved by a supervisor for exigent circumstances to include, but not limited to, weather related incidents such as hurricanes or serious employee injury. The reason for the delay, name of the supervisor who approved the delay and the method used for temporary storage will be documented in the offense report. **OR NO EXCEPTIONS WILL BE APPROVED.**
2. Procedures:
  - a. All Evidence must be entered into the FileOnQ System. Whenever abandoned property is received from someone other than the owner of the property, the name, address, and telephone number will be recorded across the front of an Evidence Property Form. The form will be submitted to the Evidence Unit for it to be scanned and attached to the evidence case number via the FileOnQ System. Also, the person relinquishing the property will, in the presence of the impounding employee, sign the Evidence Property Form in the "Found Property" receipt section. The

form will be submitted to the Evidence Unit for it to be scanned and attached to the evidence case number via the FileOnQ System.

- b. All property taken into possession and placed into storage will be recorded in the FileOnQ System.
- c. Property recorded on an Evidence Property Form which is released before being stored should be photographed with the owner or recipient whenever possible. The Evidence Property Form is then forwarded to Records.
- d. When firearms are seized, the NCIC/FCIC number must also be entered into the FileOnQ System. The appropriate Broward Sheriff's Office Property Receipt addendum form (BSO CL#19) must be attached. This is mandatory whether or not the items are for trial or safekeeping.
- e. During exigent circumstances (i.e. FileOnQ down, etc.), handwritten Evidence Property Forms shall be utilized.

3. Storage:

- a. Latent print cards will be placed in the receptacle provided in the write-up room.
- b. Storage disposition for unstable or hazardous items, i.e., ammunition, explosives, or volatile liquids will be coordinated by an immediate supervisor with the Evidence Section and Bomb Unit. Volatile liquids or substances will not be submitted in plastic containers. These items will be enclosed in metallic containers with lids to prevent leakage. All other flammable liquids must be removed from lawn equipment, gas cans, bottles and or containers before being submitted. The fuel shall then be turned over to the Fort Lauderdale Fire Department Hazardous Material Unit.
- c. All monies received at the Evidence Section will be counted by the submitting employee and a witness. Monies shall arrive at the Evidence Section pre-counted, with denominations separated and listed in the FileOnQ System. All monies submitted to evidence must be placed into a plastic envelope and sealed. The evidence bag seal must be initialed and include the signed money label from the FileOnQ System.
- d. Monies not personally delivered to a member of the Evidence Section will be placed in the drop safe. Exigent circumstances may require the presence of an Evidence Technician. This can be accomplished by having the submitting employee's supervisor request a call out for personalized service. Wet money must be placed in a paper envelope. An employee of the Evidence Room will be notified of the wet money so proper drying procedures can be accomplished. Once dry, the money shall be put in a plastic bag and it shall be sealed.

- e. Perishable and Oversized Property: An Evidence Technician will coordinate storage of oversized items, e.g. stoves, refrigerators and similar large objects. All perishable items will be photographed and/or returned to owner.
  - f. Live plants (other than contraband), flowers, food, etc. must be disposed. Therefore, photos of such shall be taken by the officer and will be sufficient. Photos will be handled as stated in section 8. a. 1 of this procedure.
  - g. Destruction of the plants, flowers, food, etc. shall be at the discretion of the impounding officer's supervisor.
4. Night Storage (after hours):
- a. A refrigerator is available for overnight storage. This refrigerator has locked compartments for placement of urine, blood and other pathogens. After placing pathogens in a compartment, members shall ensure the lock is secured.
  - b. Evidence will be removed from this refrigeration by evidence personnel during the day and placed into a secured refrigeration System within the evidence room.
5. Property Identification and Packaging:
- a. Knives and other sharp instruments shall be boxed in a knife box available at Police Supply or the write-up room unless being transported to B.S.O. Crime Laboratory for analysis by Forensic personnel.
  - b. Hypodermic syringes will be enclosed only in a container available at Police Supply or the write-up room.
  - c. Glass containers or other breakable objects will be securely wrapped and legibly identified as GLASS-FRAGILE in red letters.
  - d. Sexual Battery: Any S.A.T. Kit received from the S.A.T.C. will be sealed and stored in the small refrigerator provided in the evidence storage locker room (See Special Handling Section).
  - e. Safes submitted as evidence must be opened for safety reasons. The safe's contents will be listed. If a safe cannot be opened, the officer shall contact the Bomb Squad and ensure it is safe for submission.
  - f. Batteries from such items as stun guns, flashlights, or other battery-operated items must be removed before they are submitted.
  - g. Batteries from stun guns that have been used as a weapon shall be photographed to prove the gun was energized and capable of working when it was seized.

- h. All packages must be submitted utilizing Department approved/issued packaging.
  6. Alcoholic Beverages:
    - a. Samples of alcoholic beverages must be placed in a special vial obtainable at Police Supply. The original container will be destroyed once photographs are taken. The sample liquid must be submitted for analysis via the FileOnQ System. The photograph will be uploaded to the Foray System.
    - b. Vials must be tightly sealed to preclude leaks and contamination prior to lab analysis.
  7. Bicycles: Unless they are properly claimed, all bicycles will be stored for a minimum of ninety (90) days.
    - a. Bicycles will be placed in the bike compound adjacent to Central Stores.
    - b. All bicycles must be entered into the FileOnQ System and include the serial number, make, model and color. The bar code shall be affixed to a yellow tag and zip-tied to the bicycle's handle bars.
    - c. A Teletype check should be completed on all bicycles and the NCIC/FCIC number entered into the FileOnQ System. Additionally, the NCIC/FCIC box should be checked if it is "Hit or Clear". In cases where the bicycle has a "Hit", the officer is responsible for the recovery of the bicycle.
    - d. Bicycles seized only for not being City registered shall be entered utilizing the Evidence Category "Non-Registered Bicycle".
  8. Recovered Property:
    - a. Property of large quantity or bulk, e.g., numerous televisions, cases of beverages, tires, stoves, refrigerators, need not be transported for storage.
      - (1). Photographs of evidence can be used, as evidence, in court and the property returned to the owner if the photograph is properly labeled. This would pertain to theft, burglary, and robbery cases. A photo form must be attached to the back of a photograph of the evidence and documented properly. A detective or any supervisor shall make the decision for the use of the form and return of evidence to the victim. When no owner can be located, the evidence will be handled as applicable.
      - (2). Evidence Property Forms will be completed FOR ALL RECOVERED PROPERTY and submitted to the records unit. Items returned to the owner will be noted with appropriate signatures affixed.

- b. If all evidence is being returned to the owner in the field, the Evidence Property Form will be submitted to Records, with a photograph of the returned property uploaded into the Foray System.
9. Firearms:
- a. All firearms must have a tag with the officer's name, CCN and case number.
    - (1). Release of the weapon will not be authorized if the officer has good reason to believe that the claimant cannot legally possess the weapon.
    - (2). Proof of ownership and proper identification will be required for return of weapons to owner.
    - (3). Handguns should be packaged in a handgun box. Shotguns and rifles should be packaged in a shotgun/rifles box. All firearms should be packaged separately.
    - (4). If charges exist, the charges and victim information shall be entered into the FileOnQ System.
  - b. All firearms must be checked through N.C.I.C./F.C.I.C. and so noted in the FileOnQ System.
  - c. All firearms must be unloaded and rendered safe. The word "safe" must be written on the box and the package submitted with the firearm except as listed below, prior to being submitted for storage.
    - (1). Firearms involved in a Homicide, Police Shooting, or in an Aggravated Assault involving serious injury should be preserved and submitted as found when it is possible. The Forensic Section will collect and submit loaded firearms as evidence.
    - (2). Jammed firearms, which cannot be unloaded prior to submission, shall be secured with the assistance of on-duty Forensic personnel. If Forensic personnel are not available, the submitting officer will use the gun box, available at Police Supply, to secure the firearm. Place the weapon in the box on its side, using the pegs to secure the grip, barrel and trigger housing.
  - d. Any court orders directing the return of a firearm shall be reviewed by the Legal Advisor prior to any release of weapons.
  - e. A copy of any court order directing the return of a firearm will be attached to the evidence receipt.

- f. Weapons taken for safe keeping in Baker Act cases.

Weapons are occasionally taken for safe keeping from an individual who poses a threat to himself or others. Any weapons held for safekeeping must be returned to their rightful owner, upon the owners release from a mental health facility. Individuals will also be informed that ammunition will not be returned.

10. Jewelry and Metals:

- a. All packages containing jewelry and valuable metals shall be sealed with evidence tape and initialed.
- b. Articles of valuable jewelry and valuable metals that are submitted to the Evidence Section, shall be identified as "WHITE STONES", "RED STONES", etc., and "WHITE METAL", "YELLOW METAL", etc.

11. Property Removal Authorization:

- a. Only the impounding employee, assigned investigator or his immediate supervisor are authorized to sign for and remove property for investigative purposes from the Evidence Section. Property removed shall be utilized for official business only; e.g., court evidence and investigations. When property is signed out, responsibility shall rest with the officer until such property is returned or a court receipt showing disposition is furnished to the Evidence Section.
- b. Except when admitted as court evidence, property removed for court purposes shall be returned to the Evidence Section no later than 24 hours after removal.
- c. If admitted as evidence, a Property Transfer form must be filled out, signed by a representative of the court and presented to the Evidence Section within 24 hours after removal.

**C. PROPERTY SUBMITTED FOR ANALYSIS**

- 1. All items submitted for laboratory analysis must be accurately described and recorded in the FileOnQ System and the evidence properly sealed.

The FileOnQ Property Sheet shall contain the following information:

- a. Date, time, and method of transfer;
- b. Receiving person's name and responsibility;
- c. Reason for the transfer;
- d. Date and time of receipt in the laboratory;

- e. Name and signature of person in the laboratory receiving the evidence.
2. The following information must be included on the Broward Sheriff's Office (BSO) Crime Lab Analysis Request form: This form must be used in cases involving Homicide, Traffic Accidents, Sexual Battery, and any other instances required by the BSO Lab and becomes part of evidence/property chain of custody.
  - a. Name and location of the laboratory;
  - b. Synopsis of the event; and
  - c. Examination desired.
3. All items submitted to the Evidence Section for laboratory analysis, will be transported to the B.S.O. Crime Laboratory by an Evidence employee. Personnel assigned to the B.S.O. Laboratory will inspect each item to see that it is properly packaged before affixing their signature for chain of custody. Any discrepancy between evidence reportedly submitted and evidence received by the crime lab will be documented and reported to the Evidence Section Supervisor. The submitting officer will include a B.S.O. Crime Analysis Request form (which are available in Evidence or Supply), which includes "D" indicated below. Be sure to indicate the examination desired.
4. Controlled Dangerous Substances (CDS): In order to maintain absolute chain of custody, the person transporting CDS evidence to the Crime Laboratory will submit the sealed evidence envelope(s) and/or container(s) and the appropriate documentation to the laboratory technician where it will remain secure until analyzed by a laboratory chemist. Include the name and location of the laboratory, synopsis of the event, and examinations required in the FileOnQ System. All CDS evidence transported to the laboratory must be properly sealed and accurately described on the Evidence Property Form because it will not be opened for visual inspection and verification until analyzed by a chemist. The individual transporting the CDS and the individual receiving the CDS at the laboratory will complete the chain of custody portion of the form indicating responsibility, date, and time of deposit of the CDS at the laboratory. The transporting individual will return a receipted copy of the FileOnQ Property Form to the Evidence Section files.

#### **D. FILEONQ CLASSIFICATION**

Classifications: The FileOnQ System provides eight separate evidence/property classifications for impounded articles. The classifications will be reflected by using the drop down box in FileOnQ. No other classification may be used.

1. Evidence: Articles determined as useful or necessary in the prosecution of a suspect.
2. Found Property: Articles whose ownership is unknown or the owner cannot be immediately advised of the recovery.



3. For Destruction: Articles, which are not needed as evidence and are of no value to the City and the owner is unknown.
4. Return to Owner: Articles impounded which may be returned to rightful owner(s).
5. Prisoner Property: Articles impounded which may be returned to rightful owner(s).
6. Return to Next of Kin: Articles impounded which may be returned to the Next of Kin
7. Safekeeping: Items that are placed into evidence to be held until it is determined that they no longer have evidentiary value.
8. Non-Registered Bicycles: Bicycles that are taken for Bicycle Civil Ordinance Violation.

**E. ITEM NUMBERING AND IDENTIFICATION**

1. General: When more than one item is recorded in the FileOnQ System, the items will be numbered.
2. Information Required: All pertinent information relative to the property must be reflected to include the following:
  - a. Serial number(s) and other identification data
  - b. Case Number
  - c. Impounding employee name and CCN number

**F. PROPERTY RECEIPT-COPY DISTRIBUTION AND USAGE**

If the article is admitted as evidence, an officer of the court must affix his signature to the Property Transfer Form and return it to the Evidence Section within 24 hours of removal. The copy will be scanned and attached to the FileOnQ System, to serve as proof that the property was retained by the court.

**G. DISPOSITION OF PROPERTY AND EVIDENCE**

The Evidence Section will provide a disposal program for all articles in storage.

1. Evidence used to support an arrest will be disposed of sixty (60) days following final disposition rendered by the court of jurisdiction, if no appeal has been filed.
2. Found Property: All found property, which is not used to support an arrest or cannot be returned to a rightful owner, is eligible to be disposed of ninety (90) days following the date of receipt of the article. Disposition of found property shall be in accordance with established procedure and governing statute.

## Return to Finder

- a. Found property for which ownership cannot be established may be released to the finder by request to the Evidence Section supervisor, provided that the claimant has signed the Evidence Property Form in the space provided, in the presence of the impounding employee at the time the property is received for impoundment. Request will not be approved for a period of ninety (90) days from date of impoundment.

Found property in which the finder wishes to claim must have a deposit. (\$25.00) Deposits must be made within 24 hours of the time the evidence is submitted to the Evidence Room.

- b. Employees act as agents for the City and are not considered as the finder entitled to the return of the found property.
- c. Firearms: All firearms, unless awarded to the City, will be recorded on a firearms inventory log. They will be disposed of by an evidence technician and witnessed by an officer from Internal Affairs in a manner approved by the Chief of Police. All details relating to the destruction of such items will be regarded as confidential.

- d. Return To Owner

- (1). Return of property is authorized when an evidence release form, prepared by the officer having jurisdiction, is received by the Evidence Section.
- (2). Return is authorized if the officer having jurisdiction marks the return to owner section in the FileOnQ System and documents the name of the rightful owner in the owner's section of the FileOnQ System.
- (3). The owner must present proper Identification for all property being returned: State Driver's License, State Identification Card or Passport.

- e. Court Orders: Property will be returned, if it is not subject to forfeiture, upon the presentation of a certified copy of the order to the Evidence Section by the owner of said property or his authorized representative. If the authorized representative of an owner is to receive the owner's property on his behalf from Evidence personnel, said representative shall be required to produce a fully executed original Power of Attorney authorizing the representative to take possession of such property on behalf of the owner. Evidence Section personnel shall retain the original Power of Attorney for records purposes.

- f. Hazardous Materials: All hazardous materials and volatile liquids will be disposed of by authorized personnel having the training and facilities to

properly control and store these items. Disposition of these items will be coordinated with the Evidence Section and Fire Marshall.

- g. Unclaimed Property: Property which has remained unclaimed for a period of ninety (90) days following the date of receipt of the article and which is of no evidentiary value shall be disposed of in accordance with governing law and established procedures.

## **H. VIEWING OF EVIDENCE**

### **1. Request for Viewing of Evidence:**

- a. If the case has already been prosecuted, the State Attorney's Office will be advised of the request.
- b. The investigating detective will coordinate the proper paperwork requests.
- c. The investigating detective will be responsible for verifying the existence of the evidence.
- d. The investigating detective will insure that all evidence has been processed and all laboratory examinations have been completed prior to scheduling the requested viewing.
- e. All written requests to view the evidence will be included in the case file.

### **2. Preparation for Viewing:**

- a. The investigating detective will coordinate the location and inventory of the requested evidence with Evidence personnel prior to the scheduled viewing of the evidence.
- b. The Administrative Support Supply/Records Section Captain and Investigative Captains will be advised of any evidence that appears to have been tampered with.
- c. The investigating detective will coordinate the scheduling/viewing of the evidence with the State Attorney's Office, the Evidence Supervisor and the Crime Scene supervisor so each may assign personnel to prepare for the viewing.
- d. The investigating detective will document any discrepancy noted between the evidence sheets and the items submitted for evidence.

### **3. Set-Up for Viewing:**

- a. The viewing will take place in a designated location at the Fort Lauderdale Police Department, unless otherwise directed by a court order.

- b. The viewing area will be conducive to the preservation of the evidence so as not to cause any contamination by the viewing parties.
  - c. The assigned crime scene investigator will prepare the viewing area to ensure the integrity of the evidence is maintained.
4. Viewing:
- a. The evidence will be properly displayed in the viewing area prior to the viewing party's arrival.
  - b. The investigating detective will verify the viewing parties through proper identification and accompany the viewing parties throughout the entire viewing session.
  - c. Only the crime scene investigator will handle the evidence while wearing the proper biohazard gear.
  - d. The crime scene investigator, cognizant of cross contamination, shall change gloves when appropriate.
  - e. The viewing session will be videotaped.
  - f. Requests to handle specific items of evidence will be decided based upon the consideration for the concern of contamination of the item of evidence.
  - g. The viewing parties will be allowed to photograph and/or videotape the session provided it does not affect the integrity of the evidence.
5. Post Viewing:
- a. The evidence will be repackaged by the Forensic detective in conjunction with Evidence personnel.
  - b. The requesting party may be billed for any costs incurred by the Fort Lauderdale Police Department.

## **I. INSPECTIONS, AUDITS AND INVENTORIES**

- 1. The Office of the Chief of Police shall ensure that the evidence/property custodian is accountable for all property within their control. Accountability shall be verified annually, through inventories, audits, and inspections. The inspector shall be a supervisor or manager not directly connected with property storage.
- 2. Annually, Inspections, audits and inventories of found, recovered, (non-evidentiary property) and evidentiary property shall be accomplished:
  - a. By a designee of the Chief of Police not directly connected with the property/evidence function;

- b. Both-announced and unannounced;
- c. A minimum of 1500 pieces of evidentiary property will be inventoried;  
and
- d. At least 10% of non-evidentiary property held by the Evidence Unit will be inventoried.

**J. PROPERTY/EVIDENCE LOST, MISSING OR STOLEN MAINTAINED BY THE EVIDENCE UNIT**

1. Property/Evidence that is lost, missing or stolen from the Evidence Unit shall be reported immediately to the Evidence Unit Supervisor or designee.
2. The Evidence Unit Supervisor or designee shall order an immediate search for any evidence/property that cannot be accounted for as reported by any member of the Police Department.
3. The Evidence Unit Supervisor or designee shall immediately report the incident to the Administrative Support Captain in charge of the Evidence Unit.
4. If the lost evidence/property is located, the Evidence Unit Supervisor shall prepare a departmental memo, which shall contain the following:
  - a. The reason the evidence/property could not be immediately located. (clerical error, storage location misidentified, etc.)
  - b. Corrective action taken or recommended to minimize future occurrences.
5. This memo shall be forwarded via the chain of command for review.
6. If the evidence/property cannot be located after an extended search, the Evidence Unit Supervisor shall immediately inform their chain of command, who shall initiate an investigation.
  - a. A supplement to the original Offense Report shall be generated.
  - b. If the missing item(s) are determined to be evidence, the State Attorney's Office shall be notified.
7. The Evidence Unit chain of command shall immediately inform the Chief of Police of any missing, lost or stolen evidence/property.