

Evidence, Forfeiture, Found Property and Safe Keeping Procedures

108.1 PURPOSE

To establish procedures that dictate the type of evidence Public Safety will seize and to ensure that evidence and other property brought under Public Safety control is handled and stored properly.

108.2 CHAIN OF CUSTODY PROCEDURE

1. Reports shall contain:
 - (a) How property/evidence was obtained, and how search and seizure laws were followed.
 - (b) The complete chain of custody (e.g., store personnel, nurse, officers).
 - (c) How the evidence was marked for identification prior to packaging.
 - (d) If found property is thrown away, an incident report must explain the details.

2. Evidence Marking:
 - (a) When it does not obstruct lab analysis, evidence shall be carefully marked for identification. When possible, such marking shall be on the evidence itself, in a manner so as not to damage the evidence.
 - (b) Markings must include initials, date, and case number.

108.3 QUETEL AND BAR CODE STICKERS

1. When evidence, money or property is seized the officer shall fill out the required fields in the ***Quetel evidence program*** and print the associated bar code sticker.
2. When property is put in bulk intake or in the Lab bay at Station 45 and needs to be processed, place the lab request form in Locker 05.
3. Bar code stickers shall be attached to the upper left corner of the bag or envelope, opposite the side where the opening was sealed. Do not use scotch tape.
4. When items are packaged in a box, attach the bar code sticker to the end of the sealed box in the upper left corner. Do not use scotch tape (clear packaging tape may be used to secure the package).

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108.4 REQUEST FOR LAB ANALYSIS FORMS

1. A Request for Lab Analysis Form shall accompany all evidence requiring lab analysis. Each package for analysis needs a separate Lab Analysis Form and each forensic exam requires its own Lab Analysis Form (e.g. separate request for controlled substances, latent print exam, etc.).
2. The Lab Personnel shall remove the Lab Analysis Form and file it in the Lab.
3. Evidence shall be taken to the Evidence Custodian for a computer status change before it is sent to another agency for processing.
4. When the Lab completes a drug analysis, the drugs shall be placed in a heat sealed bag. All other items shall be resealed and returned to the Evidence Custodian.

108.5 GENERAL SEIZURE AND PACKAGING PROCEDURES

Officers shall tag their evidence and secure it in the proper evidence storage locker prior to going off-duty. Drug and money evidence shall remain in the seizing or tabulating officer's custody, and that officer shall promptly tag the items and place them in an evidence locker. Visual examples are provided in the HQ display case.

108.5.1 SEALING OF PACKAGES

1. Staples and scotch tape are prohibited. Clear packaging tape may be used to secure the package. Do not tape along the bottom of an envelope.
2. Packages must be sealed with red evidence tape and the officer's signature written across the taped seal with permanent black marker. The officer's last name, employee number, case number, and the date shall be written on front of each package with permanent black marker. Do not write or sign where the sticker is going to be placed.
3. Clear packaging tape shall be used to seal non-envelope containers prior to the placement of the tamper proof evidence tape.

108.5.2 ENVELOPES, BAGS AND BOXES

1. Small envelopes or bags may be used to organize evidence, but they shall then be put into one of the following packages:
 - (a) 6 x 9 manila envelope
 - (b) 9 x 12 manila envelope
 - (c) Large paper bag provided by Public Safety (plastic bags prohibited)
 - (d) Covered boxes provided in Evidence Intake Room
 - (e) Money envelopes shall be used for all money

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- (f) VHS tape shall be sealed in a 9x12 manila envelope
 - (g) DNA and blood samples shall be placed in a 9x12 manila envelope
2. Odd size items (e.g., chainsaws) that do not fit in one of the above containers shall have a sticker affixed to a cardboard tag, and the tag secured to the item.
 3. The rolled bag packaging is available for long objects that will not fit into an envelope or bag (one item per rolled bag). The rolled bag shall be sealed at both ends with clear packaging tape, then red evidence tape.
 4. Do not overstuff a bag. Use an appropriate sized box or multiple bags.
 5. Never combine items from multiple suspects, or suspect and victim, in the same container. Do not package different type drugs together.

108.5.3 PROPERTY CRIME EVIDENCE (INCLUDING B&E)

Most property can be photographed with a zone camera, described in the report, and left with the owner, including TVs, VCRs, stereos, tools, and jewelry.

108.5.4 SERIOUS CRIMES

All applicable evidence shall be seized in serious crimes (e.g., homicide, CSC, armed robbery, etc.). CID will decide if evidence is to be released in the future.

108.5.5 HIT & RUN ACCIDENTS

1. Minor H&R: Photograph evidence, but do not seize.
2. Serious H&R/Fatal: Photograph and seize evidence.

108.5.6 FOUND PROPERTY

When the owner is not known, and the storage and processing costs will be more than could be received at auction, dispose of the item in a dumpster as junk, or offer the reportee the opportunity to dispose of the item. Other items shall be kept. In either case, write an incident report. Route to the CID and Service Division.

1. **Finder of Property wants Property:** If the legal owner cannot be identified, instruct the finder to make a request in writing within 7 days, to include name, address, case number, description of property, date and location found. The finder shall be instructed to inform Public Safety in writing of any change in address. Found property under \$300 is kept for 3 months, and property over \$300 is held for 6 months. After the elapsed time, the finder may obtain the property.

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2. **Unable to Determine an Owner/Agent:** Tag the item with a Found Property sticker, and secure it in an Evidence Locker. If too large for the locker, secure the item inside the bulk evidence intake area. Complete an incident report.
3. If owner is known, follow the Safekeeping procedure.

108.5.7 FOUND BICYCLES

If bicycle is deemed to be junk, follow **Found Property** procedure above.

1. Run the serial number through LEIN to see if it's stolen. Serial numbers may be found under the sprocket, on the frame under the seat, near the rear axle, or on the side post below the handle bar.
2. If the bicycle isn't stolen, attach a bar code sticker to a cardboard tag. Attach the tag to the handle bar and store the bike inside the bulk evidence storage area. If owner is known, follow Safekeeping procedures.
3. Prepare a Found Bicycle report. List make of bike, size, speeds, color, accessories, male or female, and anything unique. Route found bicycle reports to CID.
4. Submit a Property Release and Destruction Form 151, authorizing release to owner (The Officer and Command Officer will sign the form).
5. **Mopeds are motor vehicles, and if seized, shall be stored at the impound lot.** Complete an impound sheet and route reports to CID.

108.5.8 SAFEKEEPING

When the property owner can be identified:

1. If contacted, release the property to the owner/agent.
2. If owner/agent was not located, seize the property, attach a completed bar code sticker (may use cardboard tag for bicycles), and fill out a Form 151. Write a report listing the **last known address of** owner. Secure bicycles and large items in the bulk intake area.
3. If a person is arrested on a bicycle, attempt to drop the bicycle off at the person's home. If not possible, tag the bicycle as Safekeeping.

108.6 SEIZURE AND PACKAGING OF SPECIFIC ITEMS

The following procedures shall be followed when submitting the following items into evidence:

108.6.1 LICENSE PLATES

Generally, Public Safety will only keep plates involved in serious cases (e.g.: CSC, A/R, Homicide) or for Safekeeping. If seized, the officer shall include a photocopy of the plate with the report.

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1. Officers shall promptly destroy improper plates and plates reported as replaced, by cutting them diagonally through both stickers, and through the center of the plate. Put the pieces in the trash, and write an incident report.
2. Altered plates shall be kept only if a confession is obtained admitting to the felony. Minus a confession, cite for Improper Plate, and destroy the plate. Write an incident report.
3. Officers shall try to return found plates to their owners. If an owner is not located, seal the plate in a 9 x 12 envelope; prepare a Safekeeping report and a bar code sticker. Route to CID. If SOS shows the plate "No Record", or expired, destroy the plate and write an incident report.

108.6.2 BOTTLES AND CANS

Generally, bottles and cans shall not be seized.

1. Minor in Possession, Open Intoxicants and OWI cases: Containers shall be emptied and returned to the owner. The report shall describe the container, level of contents, appearance and any odor.
2. Liquor License Violations: Intoxicants seized during a Sale to Minors undercover operation shall be photographed and returned to the store.

108.6.3 MONEY

1. Prior to packaging, photocopy or photograph money to show serial numbers. List denominations in the report.
2. Money shall be packaged in a money envelope. Two officers must double-count the money and sign the money evidence package. Both officers shall ensure the denominations and total on the money envelope are correct.
3. Money shall be accompanied with a Form 151, releasing money to KVET Forfeiture Fund.
4. Money seized in gambling, prostitution or liquor violations (G.O. 57) shall be tagged as evidence. Form 151 is not used.
5. Evidence or forfeiture money shall be secured in the Evidence Intake Room.

108.6.4 CHECKS AND DOCUMENTS

1. A copy of original Check(s) received in U&P and NSF investigations shall be scanned into a PDF and attached to the report. The Original check(s) will then be placed into evidence. If the U&P or NSF case is connected to another serious offense, protect the check(s) for prints by securing the check(s) in a plastic protector and place the check(s) into evidence. Multiple protectors may be placed in the same evidence

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envelope. A lab request for latent print analysis is not needed. If a latent print analysis is needed, the request will be submitted by CID.

2. A copy of ID's, Driver's License, Credit Cards, Debit Cards, or other associated (non-document) physical evidence related to a finical crime shall be scanned into a PDF and attached to the report. The items will then be placed into evidence.
3. A copy of the KDPS check fraud packet, associated documents such as bank statements, business records, photo copies of checks, ID's, FTD's, photo copies of surveillance images and other supporting documents shall be scanned into a PDF and attached to the report with the case number written on each page. Forward the documents received in the investigation to CID by placing the documents in a manila envelope to CID with the case number written on envelope. These items do not need to be placed into evidence.

108.6.5 CLOTHING

1. If used for identification, clothing shall be taken as evidence in serious crimes (e.g., homicide, CSC, A/R) and a full length photo shall be taken of the suspect prior to seizing the clothes. In minor crimes, a full length photo shall be taken, but do not seize the clothes.
2. Never place clothing from different people in the same container.
3. Wet clothing requires shall be handled as follows:
 - (a) Separate wet items and hang them on the metal hangers provided in a drying locker.
 - (b) Lock the locker with the lock provided.
 - (c) Fill out a Request for Lab Analysis, thoroughly describing the contents, and place the form on the large clip on the front of the drying locker.
 - (d) Place the lab analysis request on each locker. Officers shall not generate a bar code sticker.
 - (e) When dry, Lab personnel shall package and seal the evidence in the proper container. Name, employee number, case number, date, and a completed bar code sticker shall be placed on each package.
 - (f) The Lab personnel shall take the packaged evidence and secure it in an Evidence Locker.

108.6.6 CSC EVIDENCE KITS

1. Attach a completed Evidence bar code sticker to the **upper left corner of the bottom of the CSC Evidence Kit. CSC Request for Lab Analysis Forms shall specify the race and sex of victims and suspects.**

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2. When a CSC Evidence Kit is prepared, print the case number on the top right corner of the pink copy of the "Assault Victim Medical Report Patient Examination Form" and route to CID.
3. If hospital personnel have already sealed the paperwork in the CSC Kit, open the kit, carefully remove the pink copy and seal the kit as you would seal any other piece of evidence, documenting your actions. Note in your report that the pink copy was sent to CID.

108.6.7 BATS, STICKS, ROCKS, OTHER BLUNT OBJECTS

Photograph such items, but do not seize unless used as a weapon in a serious injury assault case. Serious Injury: Injury that requires treatment at a medical facility or that causes disfigurement or impairment. Do not seize weapons used in misdemeanor assault cases.

1. Use the rolled bags, if applicable.
2. If evidence is a biological hazard and will not fit into a rolled bag, firmly tape a paper bag over the contaminated area and affix Bio Hazard stickers.

108.6.8 DRUGS

1. Different types of drugs must be submitted in separate packages with separate bar code stickers.
2. Drugs of the same type taken from different locations (e.g., pockets), but under the same case number, can be placed in separate small envelopes listing each location found. These labeled envelopes can then be sealed in a larger envelope with one evidence sticker.
3. Count individual coin size zip-locks, but do not count loose rocks of crack cocaine.
4. If latent print processing is needed, do not initial the property. Seal the items in an envelope or bag. Use a large enough package to prevent over filling.
5. Drugs shall be kept separate from paraphernalia, unless residue that needs testing can't be removed. **The lab will not accept drugs mixed with papers, pipes, etc.** If a bulky or fragile container has no evidentiary value, the item should be photographed, the drugs should be removed from the container, and the container discarded as paraphernalia. An officer who seizes paraphernalia shall photograph it with a zone camera and place it in the evidence destruction bin, inside the evidence locker room. Do not list discarded paraphernalia, but note your actions in the report.
6. Prior to seizing drugs in pill, tablet, or capsule form with an imprint code, the officer shall determine what the drug is by running a query on the imprint code at www.drugs.com, or similar resource. The drugs shall only be seized as evidence if they are listed as

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a controlled substance according to the Michigan Public Health Code of 1978, or if another charge can be proven (i.e., selling prescription drugs without a license). Pills of different types shall be packaged separately. Each package shall have a request for laboratory analysis, citing the shape, color, and imprint code. Packages of pills without an imprint code shall be labeled as such.

7. The Lab shall **heat seal** drug evidence after analysis. Officers checking drugs that have not been heat-sealed out for court shall first heat-seal the drugs.
8. Large Quantities of Marijuana:
 - (a) **KVET:** Large amounts of marijuana shall be videotaped or photographed. For every ten plants bearing similar traits, one full plant with roots attached shall be packaged separately (each plant in its own package) for laboratory testing and future court presentation. If plants with significantly different traits are present (i.e., very mature vs. very immature plants), group the plants accordingly and submit a 10% sample of each group. The remaining plants shall be measured, packaged and secured in an Evidence Locker accompanied with a Form 151 (signed by officer and a Command Officer) ordering destruction. The total plant count, number of plants submitted for analysis, and plant measurements shall be documented in your report.
 - (b) **OPERATIONS:** Live marihuana plants and grow operations should be photographed with a zone camera prior to seizure. Operations personnel may only seize an amount of plants that can be secured in one drying locker. Grow operations containing more plants than that amount should be handled by KVET. After photographing, remove the plants from the growing medium (remove as much dirt as possible), keeping the roots attached. Hang all live plants in a drying locker, and attach a laboratory request for testing.
9. Abandoned Drugs: Package and secure in an Evidence Locker, along a Form 151 (signed by officer and a Command Officer) ordering destruction. Complete a non-criminal report.
10. When drugs are seized from any body orifice (mouth, buttocks etc.), officers shall place a biohazard sticker on the evidence container.

108.6.9 SYRINGES

Seize syringes only when **critical** to the case. Syringe that need to be retained shall be placed in syringe tubes and each tube put in its own envelope. When possible, syringe contents shall be transferred in a vial for testing and the syringe then disposed of in the syringe drop box located on the wall in the Evidence Intake Room.

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108.6.10 GUNS, BULLETS, KNIVES

1. Boxes are provided for packaging handguns, long guns and knives with exposed blades. These items shall be secured in the boxes using nylon flex straps. Empty boxes shall only be kept at HQ and KVET. Folding knives shall be sealed in an envelope.
2. If the long gun is too big for the standard box, a larger box is available or a box may be adapted to fit.
3. Officers should ensure firearm serial numbers are documented correctly. Officers shall write the serial number of the weapon on the evidence sticker.
4. The firearm shall be queried in LEIN/NCIC during which an owner history shall be printed (simply type any test in the query "misc" field and the history will run). This ownership history shall be attached to the Form 1166 submitted to evidence.
5. Guns shall be unloaded unless latent print examination is needed. The applicable sticker (green for unloaded, orange for loaded) shall be attached to the gun box with the **muzzle direction circled on the sticker**.
6. When bullets are placed into evidence they shall be placed individually in small envelopes or placed into an ammunition box, which shall then be packaged in a 6 x 9 or 9 x 12 envelope. **Bullets must be packaged separately from gun**. Magazines shall be emptied and placed in the box with the gun. Never initial bullets or spent casings.

108.6.11 CARS

Refer to policy addressing the Use of the Crime Lab regarding the processing and storage of vehicles involved in crimes, including UDAA's and the policy addressing forfeiting vehicles.

108.6.12 FIREWORKS AND SMALL ARMS AMMUNITION

1. Officers shall not bring suspected or known explosives (excluding fireworks) into a station unless so directed by a Bomb Technician.
2. Chemicals and incendiaries needed for evidence or lab testing shall be photographed in their original containers and a Bomb Technician shall preserve as evidence a small amount of the contents in an air tight container. This evidence shall be stored in the explosive storage boxes.
3. Officers may recover small arms ammunition up to .50 cal. military rounds and fireworks without Bomb Squad notification. These items shall be packaged and locked in the Bomb Squad cabinet at the station 4/5 bulk storage area, along with a PD151.

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4. Fireworks shall be thoroughly described in the report. A bomb squad member shall destroy the fireworks and route the PD151 to the Evidence Custodian, retaining a copy for Bomb Squad records.
5. Refer to Bomb Squad Policy for addressing other explosives/incendiaries.

108.6.13 VIDEO EVIDENCE

1. When possible, officers shall retrieve video evidence at a crime scene. If the officer or clerk are unable to retrieve the video evidence an acting lab tech should be called to the scene, if available.
2. All VHS tapes shall be placed in a large 9 X 12 envelope.
3. When investigating an incident in which video evidence may be obtainable and the officer or relief lab tech are unable to obtain the evidence, the following information shall be in the report;
 - (a) The name of the employee who can access the system and when they may be available to access the system.
 - (b) How long will the information be kept on the system before it is recorded over.
 - (c) The date, time (starting & ending) for the incident.
 - (d) Description of suspect(s).
4. Refer to the Retail Fraud Policy regarding seizing retail fraud evidence (VCR tapes/ DVDs, etc.)