

Evidence Room

801.1 PURPOSE AND SCOPE

This policy provides guidelines for the proper processing, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and identifies those persons authorized to remove and/or destroy property.

801.1.1 DEFINITIONS

Definitions related to this policy include:

Property - All articles placed in secure storage within the Evidence Room, including the following:

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case.
- Found property - Items found by members 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.
- Forfeiture – All property (personal and real) seized as part of a civil forfeiture due to a controlled substance law violation.

Temporary Property Locker or Storage Area- A series of lockers or bulk storage area where evidence secured for processing is transitioned to and from the evidence control. The lockers are secured by electronic and manual locking access control. The bulk storage area is secured by electronic and manual locking access control.

801.2 POLICY

It is the policy of the Kalamazoo Department of Public Safety 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.

801.3 EVIDENCE ROOM SECURITY

The Evidence Room shall maintain secure storage and control of all property in the custody of this department. An evidence/quartermaster technician shall be appointed by and will be directly responsible to the Service Division Commander or the authorized designee. The evidence/quartermaster technician is responsible for the security of the Evidence Room.

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801.3.1 REFUSAL OF PROPERTY

The evidence/quartermaster technician has the obligation to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the evidence/quartermaster technician 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 of the reason for refusal and the action required for acceptance into the Evidence Room. If evidence correction is not made in a timely fashion the Service Division Commander shall be notified.

801.3.2 KEY CONTROL

Evidence Room keys should be maintained by the evidence/quartermaster technician and members assigned to the Evidence Room. An additional set of keys should be kept in a sealed and initialed envelope in an after-hours key box located in the Evidence Intake area. Evidence Room keys shall not be loaned to anyone and shall be maintained in a secure manner. If an Evidence Room key is lost, all access points shall be re-keyed and new keys issued as necessary. After-hours access to any portion of the Evidence Room via the additional set of keys must be documented. Immediate notification to the Office of Professional Standards shall be made who shall notify the Chief of Public Safety. A memorandum shall be written and submitted to the Service Division Commander as soon as practicable detailing the reason for entry into the secured areas.

801.3.3 ACCESS

Only authorized members assigned to the Evidence Room 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 approved by the Service Division Commander and accompanied by the evidence/quartermaster technician. Each individual must sign the Evidence Room 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 member.

801.4 PROPERTY HANDLING

The member 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/quartermaster technician 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.

801.4.1 PROCESSING AND PACKAGING

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

- (a) List all known information in the QueTel system, including:

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1. Case #.
 2. The serial number.
 3. The owner's name.
 4. The finder's name.
 5. Other identifying information or markings
- (b) Property shall be packaged in a container suitable for its size (Refer to the Evidence Packaging Procedure).
- (c) A property tag shall be printed and attached to the property or container in which the property is stored.
- (d) The case number shall be indicated on the property tag and the container.
- (e) The property shall be submitted directly to the evidence/quartermaster technician or placed in a temporary property locker in the Evidence Intake Room. Items too large to fit in a temporary property locker may be placed in the bulk storage area that can be secured from unauthorized entry. Whenever possible, officers shall use the provided secondary security mechanisms (e.g. cable locks) to secure property in the bulk storage areas. Evidence custodians shall ensure that items placed in the evidence intake room are promptly removed and secured into the evidence room.
- (f) If temporary property storage areas are at capacity or if the size or composition of the property makes it impossible to adequately secure, the Service Division Commander shall be immediately notified and arrangements made for the immediate proper securing of property and evidence.

801.4.2 EXCEPTIONAL PROCESSING

The following items require special consideration and shall be processed as follows, unless special conditions dictate a reasonable deviation:

Bicycles - Bicycles and bicycle frames shall have a property tag securely attached and should be placed in the bicycle storage area. All bicycles will be cable-locked in the temporary storage areas.

Biological and related items - Evidence that may contain biological samples shall be indicated as such on the property form.

Property stained with bodily fluids, such as blood or semen, shall be air-dried in a secure locked drying cabinet prior to processing.

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.

Items that are potential biohazards shall be appropriately packaged and marked "Biohazard" to reduce the risk of exposure or contamination.

Cash - All cash shall be photocopied or photographed showing each individual serial number. Cash shall be counted in the presence of another member. The cash shall be placed in a property

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envelope and initialed by both members. 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.

Explosives and fireworks - Explosives will not be retained in the public safety 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.

Firearms and other weapons - Firearms shall be unloaded and packaged separately from ammunition. Knife boxes should be used to package fixed blade knives. Folding knives should be secured in the closed position and can be packaged in an evidence envelope.

Government property - 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.

Sharps - Syringe tubes should be used to package syringes and needles.

Perishable Items- Generally, perishable food shall not be entered into the property room unless approved by a supervisor. Other perishable items (such as blood, urine, and DNA) should be placed in refrigerated storage if necessary.

801.4.3 CONTROLLED SUBSTANCES

- (a) Controlled substances shall not be packaged with other property or mixed with other drugs unless seized as one.
- (b) The member processing controlled substances shall retain such property in his/her possession until it is packaged, tagged and placed in a temporary evidence intake locker accompanied by the property control sheet and lab request form.
- (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 member shall package controlled substances as follows:
 - (a) Maintain the property in the container in which it was seized and place it in a property envelope of appropriate size.
 - (b) Seal and initial the property envelope and cover the initials with red evidence tape.
- (d) When the quantity of controlled substances exceeds the available safe storage capacity as determined by the evidence/quartermaster technician, the quantity shall be photographed and weighed.
 1. A representative sample of sufficient quantity to allow scientific analysis of the controlled substances should be taken as allowed by state law and placed in a separate package or container.
 2. Excess quantities should be stored or disposed of as required by law or directed by court order.

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- (e) Marihuana 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/quartermaster technician shall monitor stored marihuana for growth of mold.

801.4.4 ENHANCED SECURITY

The evidence areas containing the following evidence/property shall have enhanced security measures as determined by the Chief of Public Safety: currency, jewelry, precious metals, controlled substances, firearms, ammunition, fireworks, flammables, and vehicles.

801.5 RECORDING OF PROPERTY

The evidence/quartermaster technician receiving custody of property shall ensure each item is entered into the evidence tracking system.

The evidence/quartermaster shall ensure a numbered barcode for each package has been assigned. The evidence tracking program shall document the following:

- (a) Property barcode number
- (b) Case number
- (c) Item description
- (d) Item storage location
- (e) Receipt, release and disposal dates

Any change in the location of property held by the Kalamazoo Department of Public Safety shall be noted in the evidence tracking program.

801.6 PROPERTY CONTROL

All property that is checked out for court shall be heat-sealed.

The evidence/quartermaster technician temporarily relinquishing custody of property to another person shall have entered into the evidence tracking program card his/her signature, the date and time the property was released, the name and signature of the person accepting custody of the property and the reason for release.

Any member receiving property shall be responsible for such property until it is returned to the Evidence Room or released to another authorized person or entity. The member checking the evidence out shall be given a property sheet that shall be used in the event that the property is turned over to another person (i.e. prosecutor or courts during trial). Any release of property to another person other than the member that checked the evidence out requires a signature of the person receiving the property on the specified property sheet.

The return of the property to the Evidence Room should be recorded within the evidence tracking program, indicating the date, the time and the name of the person who returned the property and the name of the person to whom the property was returned.

801.6.1 EVIDENCE

Every time evidence is released or received, an appropriate entry within the evidence tracking

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program shall be completed to maintain the chain of custody.

The temporary release of evidence to members for investigative purposes or for court proceedings shall be noted within the evidence tracking program, 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/quartermaster technician at least one day prior to the court date. All property that is checked out for any purpose shall be heat-sealed.

Requests for laboratory analysis shall be completed on the appropriate lab form and submitted to the evidence/quartermaster technician. This request may be submitted any time after the property has been processed.

801.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The evidence/quartermaster technician releasing items of evidence for laboratory analysis must complete the required information within the evidence tracking program. The transporting member will acknowledge receipt of the evidence by indicating the date and time. The lab form will be transported with the evidence to the examining laboratory. The original copy of the lab form will remain with the lab.

801.6.3 UNCLAIMED MONEY

Money that is presumed to have been abandoned shall be turned over to the City General Fund. The evidence/quartermaster technician may deposit such money in compliance with existing laws upon receipt of proper authorization from the Chief of Public Safety or designee.

801.6.4 PROPERTY USED FOR INVESTIGATIVE/TRAINING PURPOSES

Any officer wishing to use in-custody property for investigative and/or training purposes shall submit a memo through their chain of command to the Chief of Public Safety detailing the item(s) requested, the items' intended use and the length of use. If approved, the Chief of Public Safety shall issue written permission for such requests. The written approval shall be scanned into the Quetel system by an evidence custodian prior to the release of any items. The evidence/quartermaster technician releasing items for investigative and/or training purposes must complete the required information within the evidence tracking program. The receiving member will acknowledge receipt of the property by indicating the date and time. Items must be returned to the evidence room upon completion of their intended use and the evidence tracking program updated. Any item used for investigative and/or training purposes must be from a final adjudicated case and exceed any required retention period and owner notification requirements.

If the property being requested is narcotics for the purpose of a reverse deal, the Crime Lab shall also retain a copy of the officer's memo and written approval from the Chief. Refer to *KDPS Procedure 512* for further guidance on reverse drug deals.

801.7 RELEASE OF PROPERTY

Release of property shall be made upon receipt of an authorized property release form, listing the name and address of the person to whom the property is to be released. The property release form shall be signed by the authorizing supervisor or investigator, and must conform to the items listed on the property sheet or must specify the specific items to be released. Release of all property

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shall be documented on the property sheet and recorded in the evidence tracking program.

Prior to the release of any firearm, the Division responsible for the case shall run a CCH and LEIN check on the subject prior to the subject receiving the firearm. The CCH shall be attached to the Property Release Form (PD151) and sent to the Evidence Custodian. Ammunition shall not be released on the same day as the related firearm.

Firearms or ammunition should only be released upon presentation of valid identification and authorized documents showing that the individual may legally possess the item.

All reasonable attempts shall be made to identify the rightful owner of found property and items held for safekeeping.

Found property and property held for safekeeping shall be retained for the period of time required by law. During such period, Evidence Room members 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 within the evidence tracking program.

An evidence/quartermaster technician shall release such property when the owner presents proper identification and an authorized property release form has been received. The signature of the person receiving the property shall be recorded within the property tracking program. A photo of the property and the individual whom the property is being released to shall be taken.

801.7.1 DISCREPANCIES

The Shift Commander shall be notified whenever a person alleges that there is a shortage or discrepancy regarding his/her property. The Shift Commander will interview the person claiming the shortage. The Shift Commander shall ensure that a search for the alleged missing items is completed and shall attempt to prove or disprove the claim. In all instances where an allegation has been made regarding an alleged shortage or missing property, the Shift Commander shall document all information in a memo to the Office of Professional Standards.

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

801.8 DESTRUCTION OR DISPOSAL OF PROPERTY

The Divisional Commander or designee in charge of the case shall approve the destruction or disposal of all property held by this department. Disposition of evidence shall be approved in writing and by use of the PD 151 - Property Release and Destruction Form

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 a supervisor. The disposition of all property shall be entered into the evidence tracking program.

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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
- Controlled substances declared by law to be illegal to possess without a legal prescription
- Fireworks

801.8.1 BIOLOGICAL EVIDENCE

The evidence/quartermaster technician shall ensure that no biological evidence held by this department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Criminal Investigations 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 (MCL 767.24; MCL 770.16). 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 Investigations 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 Public Safety 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 Investigations Division Commander should be consulted and the sexual assault victim should be notified.

801.8.2 MARIHUANA

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

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801.8.3 MEDICAL MARIHUANA

The investigating member should advise the evidence/quartermaster technician and the prosecutor if the party from whom the marihuana was seized holds a valid medical permit to possess marihuana or claims that the possession of the marihuana is for medical purposes.

The evidence/quartermaster technician shall store marihuana, drug paraphernalia or other related property that is seized from a person engaged in or assisting with the use of medical marihuana in a manner that is consistent with the provisions of the Medical Marihuana Policy.

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

801.9 INSPECTION OF THE EVIDENCE ROOM

On at least a semi-annual basis, the Service Division commander, or designee, will conduct an inspection of the department's evidence/property storage areas to monitor adherence to the procedures outlined in this policy. Inspections will verify the following:

1. Property Room maintained in a clean and orderly fashion.
2. Department policies, procedures and directives are being followed.
3. Property protected from damage or deterioration.
4. Proper accountability procedures maintained.
5. Property with no evidentiary value promptly disposed in accordance with statutes, ordinances and directives.
6. Proper security procedures.
7. Timely disposal of property.

The Office of Professional Standards shall ensure that a complete inventory of the evidence room is conducted upon any changes of the evidence custodians, Service Division Commander, or Chief of Public Safety. The Office of Professional Standards shall ensure that an inventory is completed whenever there is any indication or suspicion of a breach of the property/evidence repository, or as directed by the Chief of Public Safety.

Evidence inventory shall be conducted on a monthly basis. The areas to be inventoried shall be randomly assigned by the Office of Professional Standards with enhanced focus on high-risk evidence and property. The evidence/quartermaster shall prepare a report indicating the results of such inventory and forward the report to the Office of Professional Standards for review.

The Office of Professional Standards shall ensure that a supervisor outside of the chain of command for the evidence/property control function conducts an annual representative audit of evidence/property held by the agency, or as directed by the Chief of Public Safety.

The Chief of Public Safety shall conduct an annual unannounced inspection of the evidence/property storage areas.

All inspections, inventories and audits should be documented and the records maintained by the Office of Professional Standards according to retention requirements.

801.10 EVIDENCE INTAKE ROOM SECURITY PROCEDURES

- a. Each officer entering shall register by activating the iris scanner.

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- b. Each officer entering must register their entry with the iris scanner.
- c. No officer shall permit another officer to enter without first registering with the iris scanner.
- d. Only sworn officers and Evidence Custodians are permitted in the Evidence Intake room (i.e. visitors, explorers, ride-alongs, etc. are prohibited entry).