

6.11
CRAIG POLICE DEPARTMENT
Office of Chief of Police
General Order

Date Issued: June 13, 1997

Revision Date: April 1, 2009

Subject: Evidence - Property

Reference: CACP STD.200.1-8

To: All Employees

I. POLICY:

Under the laws of the State of Colorado, and by the Ordinance of the City of Craig, the Police Department is charged with the responsibility of keeping an accurate record of all property which may come into its custody as evidence, found property or for safekeeping along with the final disposition of all such property.

II. PURPOSE:

The purpose of this Order is to set forth the Craig Police Department policy and procedures for the proper preservation and disposal of property and evidence in the custody of this agency. The objective of the instruction is to provide an effective resource for the appropriate storage of property and evidence. It provides for the proper recording, packaging, efficient storage, and appropriate release of property and evidence.

In order to not re-victimize people by holding recovered property any longer than absolutely necessary for successful prosecution; in cases where property is recovered as evidence the Evidence Technician should promptly photograph the items(s) and after getting the prosecutor's approval return the property to the victims.

III. PROCEDURE:

A. Access

Access and access codes to the evidence room, and evidence/property records is restricted to the Evidence Technician, backup Evidence Technician, Support Services Commander, and (in the absence of all the above) the Chief of Police.

1. Departmental personnel shall not enter the evidence room unless the Evidence Technician or designee is present.
2. Property or evidence shall only be removed or released from its storage location by the Evidence Technician or designee.
3. Evidence shall be released by appointment only.

4. The evidence room will be secured at all times, unless the Evidence Technician or designee is present.

B. Booking of Evidence/Property

Responsibility – The employee who recovers evidence or finds property shall be responsible for transporting and booking, except when the responsibility for doing so is assumed by or assigned to another employee. If a private citizen finds the property, the employee who takes custody of the property shall be responsible for the booking of the property. The booking officer shall place all property or evidence that is not to be immediately released, and which is not essential to an immediate investigation, in a temporary locker prior to the completion of the booking officer's shift. At no time shall any employee or investigator retain personal possession of any property or evidence taken into custody and at no time should any evidence or other such property be stored inside or on top of any employee's personal locker, nor should such property be left unattended. Evidence being processed by Investigations may be secured in the Investigators office for a short period of time to complete processing.

1. All property coming into the custody of the Craig Police Department that must be stored or retained shall be handled as follows:
 - a. It shall be the responsibility of the booking officer to have records personnel or a dispatcher run all serialized property into the CCIC/NCIC computer system for clearance prior to storage.
 - b. The booking officer shall provide complete and accurate information on all computer entry screens of the computer bar code entry system.
 - c. Each packaged item or items shall be entered into the computer bar code entry system, located in the Evidence prep room.
 - d. The booking officer shall provide a complete and detailed description of all items contained within the packaging, including the type, quantity, serial number, or other identifying information for each item. This shall include exact dollar amounts and denominations for all currency and coins.
 - e. Each packaged item or items shall be labeled and submitted with a bar code label provided by the police department.

- f. All items shall be prepared for packaging in accordance with the collection and preservation of evidence section of this Order.
- g. All items should be packaged in the smallest acceptable container.
- h. Acceptable containers for submission of evidence shall be plastic evidence bags, paper bags, gun, knife boxes, other boxes or plastic bottles provided for liquid samples present in the evidence prep room.
- i. **DO NOT STAPLE CLOSED ANY EVIDENCE OF ANY TYPE**

C. Evidence/Property Storage Locations

All items to be placed into evidence should be properly packaged and placed in the temporary intake lockers located in the Evidence Prep room, with the following exceptions:

1. Bicycles should be properly entered and tagged using a yellow marker tag with the bar code label applied and placed in the impound lot.
2. Items that need to be refrigerated, such as sexual assault kits, should be submitted directly to the Evidence Technician, or placed in the small refrigerator directly under the bar code computer located in the Evidence Prep room. If items are placed in the refrigerator, an email must be sent to the Evidence Technician notifying them that there is evidence placed there.
3. Other large items or auto parts that may have gasoline or oil in or on them should be properly entered and tagged using a yellow marker tag with the bar code label applied and placed in the garage or storage shed area.
4. Any items small enough should be placed in the Drop Slot located on the north wall of the Evidence Prep room.
5. Bloody (wet) clothing – Review and use biohazards directives for handling and packaging clothing. These items should be allowed to dry before packaging. Contact the Evidence Technician for assistance.

6. The Evidence Technician, upon verifying the accuracy of the evidence entered in the bar code computer and the correctness of the packaging, shall enter the final location of the evidence in the computer and then place the evidence in the correct location.
7. Any flammable, explosive or incendiary items should be temporarily placed in the shed or the garage.

D. Packaging, Storage and Disposal of Evidence

Proper packaging and storage of evidence is essential for safety and trial purposes. Although general guidelines have been defined in the booking of property and evidence section, a more specific explanation is contained in this section. The concept of packaging is to maintain the evidentiary value while protecting department personnel from potential injury. If you have any questions or concerns about a particular packaging procedure, please contact the Evidence Technician.

1. Alcohol:

a. Misdemeanors, DUI and MIP Cases

i. After marking the level of the alcohol in the bottle with a Sharpie, photograph the bottle. Always include the case number in the picture.

ii. Destroy the alcohol by disposing of it in a proper manner and documenting the method in the report.

b. Felony Cases

i. After marking the level of the alcohol in the bottle with a sharpie, photograph the bottle. Pour a sample of the alcohol into a sample bottle, if it is an open container, which cannot be resealed. Photograph the alcohol bottle and sample jar. Always include the case number in the picture.

ii. Package the alcohol bottle and the sample bottle properly, enter into the bar code system computer and place the label on the package. Clearly mark the outside of the evidence package "Felony – Hold for Court".

iii. Place the properly packaged evidence in a temporary locker.

2. Bicycles: When securing a bicycle always check the stolen reports. When taking a stolen bicycle report, please encourage the owner to register any bicycles they might have at home with the Craig Police Department.
 - a. Check the bicycle for serial numbers, Craig Police Department registration number, etc. Bicycle serial numbers are usually on the front frame area or under the pedal casing. Short numbers (G028812) are usually the model number (Girls, manufactured February 1988, Model 12). Longer numbers (HC6699852) are more likely the serial numbers.
 - b. Bicycles with Craig Police Department registration numbers are to be checked for the registered owners and released in the field whenever possible.
 - c. Serial numbers should be checked with dispatch to see if the bicycle has been reported stolen. If determined stolen, the employee must advise the owner to call the Evidence Technician to arrange for release of the bicycle. The employee will complete an Incident Report for Found Property or Recovered/Stolen Property.
 - d. The bicycle should be tagged using a yellow marker tag with the bar code label applied and placed in the impound lot.
3. Biological Evidence/Blood: DNA processing is now possible on any piece of biological evidence. Properly preserving biological/blood evidence has become a crucial concern of law enforcement agencies. A single drop of blood may be sufficient to conclusively prove the innocence or infer the guilt of a suspect. Loss of blood evidence due to improper storage could result in the dismissal of the case.
 - a. If the blood is wet (on a piece of clothing, sheet, etc.), it must be completely air dried prior to submission AND PACKAGED IN PAPER – NOT PLASTIC.
 - b. If in doubt, contact the Evidence Technician or Support Services Commander for assistance.

CAUTION: AIDS has a short life span when exposed to air. However, Hepatitis can live for hours or even years in the open air. Hepatitis contaminated evidence has been frozen and thawed years later only to show that it is still alive. Don't take chances – use safeguards – biological evidence can cause serious illness if not

handled properly. Always use gloves, and when possible, face protection. If in doubt, contact the Evidence Technician or Support Services Commander.

4. Cash: Cash provides the greatest possible challenge to an officer's integrity. In order to avoid any potential problems, specific guidelines for protecting all employees has been established. If money is seized that requires special handling, has collector value, or has packaging that constitutes evidence, a written explanation requesting the funds receive special handling should be attached to the evidence at time of submission.

a. Submission of Paper Currency to Property

- i. Sort all bills by denomination, and arrange each stack so all bills are face up. The figurehead should be looking in the same direction on all bills. Photograph or photocopy the front side of the bill with the serial number visible.
- ii. With a supervisor or another officer present, count bills into stacks of one hundred dollars. Bundle each stack and have the supervisor or other officer recount. Place any denominations that are insufficient for a \$100 stack into a separate stack with denominations going lowest to highest.
- iii. Place funds into evidence bags or other appropriate containers.
- iv. The container must be sealed with evidence tape or heat-sealed.
- v. Both the investigating officer and the shift supervisor, or second officer, shall initial the container.
- vi. If special handling is required, attach a note to the Evidence Technician. Also, when entering the evidence into the bar code system, be sure and put the special handling requirements in the notes section.
- vii. Note in the bar code entry system the exact denominations and the total of the money in the container.
- viii. Place the bar code label on the evidence and place in a temporary locker.

- b. Submission of Coins to Property
 - i. Separate all coins by denomination.
 - ii. With a supervisor, or second officer present, count the coins.
 - iii. Wrap large amounts of coins.
 - iv. Follow procedures listed in section a. iii – viii above.

- 5. Computer Equipment, Stereos, and Televisions: Computer equipment, stereos and televisions do not require special processing. However, care should be taken to protect the equipment from damage. Do not place the bar code label or evidence tape anywhere on the front of the equipment. When the case is adjudicated, the item will be returned to the owner or sold at auction. Whenever possible, photo releasing of the equipment to the owner should be considered.
 - a. Complete the bar code entry and place the bar code label somewhere inconspicuous on the equipment.
 - b. Place the equipment in a temporary locker. If it is too large, contact the Evidence Technician or the Support Services Commander. If neither one is available, have a Sergeant lock it in the Investigation's office.
 - c. All serialized property should be checked through the CCIC/NCIC and in-house computer software system.

- 6. Explosives
 - a. Items that are volatile substances, such as gasoline, acids, and explosive vapors, should be packaged in airtight containers. DO NOT package gasoline or acids in plastic containers, as plastic will melt.
 - b. The items should be placed in the garage area with the bar code label placed on the evidence. If you are unable to attach the bar code label directly to the evidence, place the bar code label on a yellow marker tag and attach the yellow marker tag to the evidence.

- c. Mark in the “note” field for each item that it was placed in the garage and send an email to Evidence Technician advising them of the placement.
7. Firearms: Due to the lethal nature of firearms, it is the policy of the Craig Police Department to require written permission from either a Judge or the District Attorney’s office for the return of any firearm. Exceptions will be made on a case-by-case basis (most generally when the firearm has not been used in the commission of a crime and is only booked for safekeeping). Firearms booked in Domestic Violence or Attempted Suicide cases will not be released without the written permission of the District Attorney, and the owner having signed a release form, along with a criminal history of the person receiving the firearm (to see if they are able to possess) and signing a Craig Police Department firearms release report.
 - a. All firearms must be properly boxed, tied, and labeled. Only one firearm per box. “Unloaded and Safe” must be written on the outside of the gun box. If it is necessary to book a loaded firearm, the box **must** be labeled “**LOADED FIREARM**”. Please notify the evidence tech of this either verbally or by e-mail. Also note “loaded firearm” in the notes field for that item.
 - b. Firearms should always be submitted in an unloaded condition, if possible. The breach should be in the open position, or the slide should be zip-locked open. The safety should be on. Revolvers should have the cylinder zip-locked open. Be certain all ammo and clips have been removed from the weapon. Try not to put anything down the barrel of weapons when securing actions or cylinders. This could affect the ballistic characteristics of the weapon.
 - c. If it is necessary (due to the peculiarity of the weapon or circumstances surrounding the investigation) that a firearm must be submitted for storage in a loaded condition, the weapon shall be given personally to the Evidence Technician or Supporting Services Commander. If no property staff member is on duty, the weapon shall be secured in a locker and notice of the firearm’s condition and key to the locker should be placed in the Drop Slot.
 - d. Firearms seized for major felony crimes (Homicide, Armed Robbery, etc.) should be marked where it will not devalue the weapon.

8. Food: Food items are perishable. In order to better serve the victim and court system, the department has set up a procedure for photo releasing these items. However, keep in mind the possibility of DNA and other trace evidence prior to releasing.
 - a. Photograph all recovered items.
 - b. Contact the owner to arrange for pickup of these items. Any food, beverage (alcohol or non-alcohol), medications (prescription or non-prescription), or other similar items susceptible to contamination that has been out of the possession and control of the owner for any period of time shall not be returned.
 - c. If the owner cannot respond, contact the Evidence Technician to determine if temporary storage on non-perishable items is possible.
 - d. No food items will be held for more than 72 hours.
 - e. Food items that may attract ants or other insects should not be submitted to storage.
9. Found Property: Items which have been intentionally abandoned by their owners do not fall within the definition of found property, i.e. an article obviously placed in a dumpster for disposal by the owner. The following procedures do not apply to recovered abandoned property.

An officer or employee finding or receiving found property shall be responsible for making a reasonable investigation to determine the rightful owner and make all reasonable attempts to notify the owner to have them retrieve the property prior to booking it into evidence/property. In the event the officer or employee is unable to contact the owner, they shall refer the matter to the Evidence Technician, who shall attempt to contact the owner.

- a. When citizens turn in found property to the Craig Police Department, personnel should inform the finders that they may claim the property thirty (30) days after it is turned over, unless the owner claims it within that time. It is up to the finder to contact the evidence technician after 30 days to claim.
- b. Unclaimed property shall be held for a period of thirty (30) days. Thereafter such property, if there is an obvious value, shall be sold to the highest bidder at public auction, pawned,

released to “goodwill” or converted to departmental use. If the property has no obvious value, it will be destroyed.

- c. All found property should be packaged correctly, entered into the bar code system, and labeled. If the found property has a serial number, it must be checked through the in-house computer software and CCIC/NCIC computer systems and the results noted in the original incident report.
 - d. Abandoned property is not found property. Abandoned property should be disposed of. Discarded items are not found property. Please dispose of – do not submit to evidence.
 - e. Property found by public employees during the course of employment will not be returned to the employee. If not claimed by the owner, the property will be disposed of as unclaimed property.
10. Knives: Knives create special risk to property personnel. If not properly stored, property personnel may be cut or nicked. Knives can carry hepatitis or other communicable diseases. Please follow all procedures.
- a. Enter property into the bar code computer system.
 - b. Package the knife according to type indicated below:
 - i. Knives with locking closed blades may be submitted in a plastic evidence bag, unless it is being processed for DNA or fingerprint evidence, then it should go in a box or paper.
 - ii. Knives with open blades must be tied into a knife box, with the bar code label placed on the outside of the box.
 - iii. If the knife is too long for the knife box, place it in a rifle box and write on the outside of the box “Knife”.
 - iv. Place the boxed knife in a temporary locker.
11. Jewelry: Care should be taken when packaging jewelry. The department is responsible for the return of items, including jewelry, in the same condition as it was recovered. If an item is valuable, place a note on the outside of the package indicating that it is valuable and any special handling/storage instructions. Always list the owner, if known, in the bar code labeling system.

12. Marijuana

- a. Dried marijuana and other cannabis should be packaged in plastic baggies.
- b. Do not put green or “wet” marijuana in plastic bags. Plastic causes marijuana to mildew and become a toxic liquid. If the marijuana is in a plastic baggie, open the baggie and place the baggie with the green marijuana in it, in a paper bag for processing. Seal the paper bag with evidence tape, place the bar code label on the bag, and place in a temporary locker. **DO NOT STAPLE.**
- c. Package paraphernalia, money, and other items separate from the marijuana.
- d. Note the weight of the marijuana in the bar code system.
- e. It is the investigating officer’s duty to package the drug appropriately and note in the bar code system if the officer wants the evidence submitted to the CBI lab for testing.

13. Narcotics: Narcotics such as heroin, methamphetamine, cocaine and PCP must be packed with care and caution.

- a. Heat seal narcotics in the plastic evidence bags. Seal only one type of drug in each bag.
- b. Enter all information into the bar code system, including weight.
- c. Package paraphernalia, money, and other items separate from the narcotics.

14. Paraphernalia: Assorted items of paraphernalia are usually found with every narcotics seizure. Proper packaging is essential for police personnel’s safety and evidence preservation. Below are a few common items. You may seize a type of paraphernalia not indicated below. Please package with safety in mind. If you need additional assistance with packaging an item, contact the Evidence Technician.

- a. Bongs: If it is large enough to place a bar code label on it, do so. If it is a small one, place in a plastic evidence bag, heat seal and label the bag.

- b. Razor blades: Always cover with tape and place in a small cardboard box. Note on the outside of the evidence envelope or bag “Caution – Secured Razor Blade Within”.
 - c. Fragile glass pipes should be packaged in a cardboard box to prevent injuries and secured or packaged so they do not move inside of the box. This will prevent damage to these items during shipping to the lab and storage.
15. Sexual Assault Kits: Proper storage of Sexual Assault Kits is essential. Always maintain items in your personal custody until securing in a refrigerator.
- a. Be certain the kit is sealed with evidence tape. **DO NOT STAPLE.**
 - b. Write the case number on the kit.
 - c. Complete the bar code system entry. Place the label on the kit.
 - d. Contact the Evidence Technician or Support Services Commander to secure in the refrigerator inside Evidence.
16. Syringes: Syringes are a danger to any property area. Please package with caution – the AIDS virus only lives a few hours; the Hepatitis virus can live for years!
- a. Place each syringe into a plastic tube holder.
 - b. Place the tube in a plastic evidence bag and heat seal the bag.
 - c. Label the plastic bag with a Biohazard sticker.

NOTE: If pricked by any object, including needles, the injury must be reported at once to the on-shift supervisor and a Workman’s Compensation form filled out.

17. Video and Audio Tape Recordings: All video and audio tape recordings are maintained separately for processing purposes. Often times copies are required for District Attorneys, insurance companies, Public Defenders, etc. Craig Police Department charges for copies are explained in [General Order 4.04](#) of the Craig Police Department Policy Manual.

18. Photo Line-Ups: All photo line-ups will be done in a black and white format and booked as evidence. Officers will make a copy of the line-up in black and white to be included in the case file.

E. Disposal

Final disposition of found, recovered, and evidentiary property shall be accomplished in accordance with H.B. 08-1397. Evidence may not be disposed of without authorization from the investigating officer. The investigating officer should complete and sign the Disposition Approval Request Form, and submit the form to the Evidence Technician. In order to determine when property is no longer needed the following procedures will be performed:

1. The evidence tech will receive an “evidence disposition advisement form” for each case from the district attorneys office, before disposal of evidence for that case.
2. Review dates: each piece of property taken into evidence will be assigned a review date using the following guidelines:
 - (a.) Misdemeanors: 18 months
 - (b.) Other felonies:-3 years
 - (c.) Class 1 and 2 Traffic Offenses: 1 year
 - (d.) Petty Offenses: 6 months
 - (e.) Class 1 Felonies and indeterminate sentencing cases, sex offenses need to be preserved for the life of the defendant
 - (f.) Found Property: 30 Days
 - (g.) Safekeeping: 14 days after the owner letter is sent to the owner of the property being held for safekeeping.
3. Evidence that may contain DNA that is collected for an investigation in which charges are not filed shall be preserved for the length of the statute of limitations for the crime that was investigated.
4. Prior to the disposal of any evidence that may contain DNA that is not subject to the provisions of 18-1-1102, collected through a criminal investigation that culminated in a conviction, the custodian of evidence shall provide notice to the DA’s office that prosecuted the case involving the evidence. The DA’s office will then respond to the custodian of the evidence with a “Disposition of Evidence Waiver” indicating which items of evidence may be disposed of.

5. The Evidence Technician shall generate a list, as necessary, but at a minimum of once per year, by officer name, of all property subject to review currently held in the Evidence Room.

6. The list will be distributed to each officer and the officer will be required to resubmit the list after indicating whether the case is pending or closed.

7. Every officer will be required to provide dispositions on all evidence currently held in the Property Room prior to any separation in employment. Failing to provide dispositions may affect separation status.

8. The Evidence Technician shall note the receipt and record of each property item that pertains to a closed case and designate the item for disposal.

9. Any property marked as retain will be assigned a new review date by the above guidelines.

Utilizing the following guidelines, the Evidence Technician is responsible for the legal disposal of all police held property or evidence.

1. Alcohol

- a. Destroy alcohol related to misdemeanors or infractions.
- b. Verify adjudication of felony cases and then destroy the alcohol per District attorney "evidence disposition advisement form."

2. Bicycles

- a. After thirty days, if the bicycle remains unclaimed by the owner, the Evidence Technician shall attempt to contact the finder of the property and return it. If the finder of the property does not want it, the bicycle will be donated to local charities, converted, or sold at public auction.
- b. Stolen bicycles will be returned to the owner upon case adjudication.
- c. All bicycles released must be registered with the Craig Police Department.

3. Bio-Hazardous Material
 - a. Upon adjudication of the case all bio-hazardous materials are to be placed in the red bio-hazardous bags for destruction. Disposal of narcotics is done by incineration.
4. Computer Equipment, Video Terminals, Televisions, Stereo Equipment
 - a. A letter informing the owner the property has been released and is available for pick up will be mailed when the case is adjudicated.
 - b. If after ten (10) days the item is not claimed the item will be disposed of in accordance with the law and department policy.
5. Weapons: Upon case adjudication, all firearms are disposed of in a manner consistent with laws (local, state and federal) and according to Craig Police Department policy.
 - a. It is the policy of the Craig Police Department that all firearms, dangerous weapons, deadly weapons, and illegal weapons (as defined in the Colorado Revised Statutes and the Craig City Ordinances) which have been ordered forfeited to the possession of the Craig Police Department by either court order or stipulation of defendant, shall be destroyed by court order.
6. Narcotics: Disposal will be by incineration upon ~~court order~~ receipt of an “evidence disposition advisement” from the District Attorney Office.
 - a. Some selected exhibits may be converted to use of the Craig Police Department for use in training the Craig Police Department K-9 unit. The supervisor on duty and the Evidence Technician will weigh these exhibits prior to each time the exhibit is checked out for use by the K-9 officer and again upon return of the exhibit. Each time the exhibit is used, the exhibit number, weight, date and time checked out, date and time checked in, signature of weighing personnel and signature of K-9 officer, will be recorded. The exhibits will be maintained in a secure manner to prevent loss. If loss does occur a detailed report of circumstances will be forwarded to the appropriate supervisor. When the exhibit is no longer needed for training, it will be disposed of with the next

regularly scheduled disposal order and a report of such disposal will be sent to the appropriate court.

7. Paraphernalia

a. Upon adjudication of the case, all paraphernalia will be disposed of by incineration or crushing until the item is destroyed.

8. Sexual Assault Kits: Care should be taken to destroy only the Sexual Assault Kit. Any personal property should be returned to the victim, if requested.

9. Syringes: Upon adjudication of a case, any syringes are to be destroyed by incineration during the next destruction order.

10. Tape Recordings

a. All Docucam and 8 mm tapes are to be destroyed after their use.

11. Domestic Violence: All evidence that is being held in relation to a domestic violence case will be promptly returned to the victim as soon as it is no longer needed as evidence, or if approved, it will be photographed and released back to the victim.

F. Chain of Custody

Chain of custody will be maintained through the bar code system as entries are made for the various states of items.

The owner of the property shall sign a paper receipt, generated by the bar code system, at the time the evidence is released to the owner.

G. Audit

The entire inventory of the evidence/property room will be audited once a year, by the Operations Division Commander or designee and one other person not routinely or directly connected with control of property. The second person may be an officer with any agency in which we store and manage their evidence. When the audit is complete, a report will be sent to the Chief of Police indicating the results of the audit.

Approved by:

Walter K. Vanatta

**Walter K. Vanatta
Chief of Police**