

PROPERTY AND EVIDENCE CONTROL

The property and evidence control function should provide for the security and control of seized, recovered, and evidentiary property as well as abandoned, lost, or found property in the custody of the agency. This is critically important in supporting investigations, in helping to guarantee successful prosecution at criminal/civil trials, in facilitating the timely return of property to its rightful owners, and in establishing the agency's reputation as an honest, reputable agency worthy of the public's confidence and trust.

It is critical that a law enforcement agency's property and evidence control function develop and maintain strict measures for the receipt, handling, security, and disposition of property.

84.1 Administration and Operations

84.1.1 A written directive establishes procedures for receiving all in-custody and evidentiary property obtained by employees into agency control, to include:

- a. requiring all property to be logged into agency records before the officer ends his/her tour of duty or under exceptional circumstances as defined by policy;*
- b. requiring all property to be placed under the control of the property and evidence control function before the officer ends his/her tour of duty or under exceptional circumstances as defined by policy;*
- c. requiring a written report detailing the circumstances by which the property came into the agency's possession and describing each item of property obtained;*
- d. providing guidelines for packaging and labeling property prior to storage;*
- e. establishing extra security measures for handling exceptional, valuable, or sensitive items of property;*
- f. requiring an effort to identify and notify the owner or custodian of property in the agency's custody; and*
- g. establishing procedures for the temporary and final release of property items from the control of the property and evidence function.*

Commentary: The agency should not lose sight of its responsibility to protect all property coming into its control and custody or of its ongoing obligation, in some situations, to maintain an uninterrupted chain of custody. The agency should establish specific controls and ensure strict adherence to all of its policies and procedures governing in-custody and evidentiary property. This should protect both the officer and the agency.

All employees should complete a descriptive inventory of every item of property coming into their possession as a result of their official duties and responsibilities as soon as practical. Initially, every item of property obtained by an employee during a shift should be placed under the control of the property and evidence function prior to shift's end. This should allow the property to be officially inventoried and recorded in the agency's records in a timely manner. The agency may authorize exceptions to these procedures; however, supervisory approval should be obtained and a descriptive inventory should be accomplished verbally or through other electronic means if distance is a factor.

The property should be entered into storage in a uniform manner. Methods for preparing, labeling, and recording property should be established. Responsibility for these tasks may be assigned.

Extra security measures for handling and receiving should be taken when, from whatever source, items are considered to be sensitive, high in value, or otherwise constituting an increased security risk. Guidelines are provided for handling items such as money, firearms and weapons, blood and other body fluids, and drugs. Drugs should be packaged in tamper-proof protective packaging whenever they are received by, released by, or returned to the property custodian. The intent of this packaging system is to ensure that the property custodian does not have to open a submitted drug package for the purpose of verifying contents whenever the package leaves the property section for court, crime lab, or other authorized purposes. All containers and packages should be inspected for tampering as a safeguard against substitution. These procedures need to conform to OSHA (Occupational Safety and Health Administration) standards.

Written reports should be submitted, listing the property obtained and detailing the circumstances associated with the custody. Case numbers may be used to cross-reference the property.

Once the property has been officially placed under the agency's control, a procedure for removing the property for further investigation, court, release, or other official purpose should be established. A written document ensures accountability and/or uninterrupted chain of custody until final disposition. Employees should be prohibited, at all times, from storing property in their personal desks, lockers, vehicles, homes, or other places that are not secure or would interrupt the chain of custody. Personal use of any property should also be strictly prohibited.

A reasonable attempt should be made to locate owners of property in the custody of the agency and notify them of its status. If possible, release back to the owner should be effected as expeditiously as is consistent with applicable law. (M M M M)

84.1.2 *All in-custody and evidentiary property is stored within designated, secure areas with access limited to authorized personnel.*

Commentary: Administrative and physical security procedures are mandatory to ensure that all property taken into custody and stored by the agency in any manner is properly controlled and protected while in agency custody. Entry to property areas should be controlled to prevent the alteration, unauthorized removal, theft, or other compromise of property stored by the agency and to maintain chain of custody.

Some items of in-custody property, by their very nature, require extra protection, security, and handling precautions. Items such as money, precious metals, jewelry, firearms, and drugs are some that should be considered. The agency may set its own guidelines and determine the degree of extra security required. Providing locked containers, such as vaults, lockers, or interior rooms, should satisfy the requirements of the standard. Further restrictions on access to certain areas also enhance security precautions. It is not necessary, however, for each type of item to have its own separate secure area.

The agency should have access to secure refrigerated storage for perishable items, such as blood and urine specimens. If the agency maintains a lockable refrigerator on its premises for this purpose, use should be restricted to in-custody property and evidence.

In addition to the general property room(s) or facilities, the agency needs to provide secure storage for large items such as vehicles, bicycles, appliances, and the like. Special areas and/or procedures should be provided. External areas, such as impoundment lots, are vulnerable. When assessing the degree of security to provide, the agency should weigh the importance of the property it is placing in these areas and the consequences if the property is stolen, damaged, or contaminated while in-custody.

(M M M M) Compliance may be OBSERVED.

84.1.3 *Secure facilities are provided for storage of in-custody or evidentiary property during periods when the property room is closed.*

Commentary: Provisions should be made for securing items of property when the property room is closed. Several methods can be followed to achieve this objective, such as installation and use of one-way drop boxes, lockers, and specially designed containers. **(M M M M) Compliance may be OBSERVED.**

84.1.4 *A written directive establishes procedures to ensure security and accountability for controlled substances, weapons, or explosives used for investigative or training purposes.*

Commentary: Some agencies may choose to utilize seized or forfeited controlled substances, weapons, or explosives for investigative or training purposes. It is critical that the agency establish safeguards to maintain security and integrity of these items. The agency should establish guidelines for the periodic accounting of any item utilized in this manner. **(M M M M)**

84.1.5 *Records reflect the status of all property held by the agency.*

Commentary: Fundamental to the operation of the property room is a records system that reflects the location of the property; date and time when the property was received or released; character, type, and amount of property on hand; and chain of custody from the time the property was stored until its destruction or other final disposition. Many agencies have successfully installed a “bar coding” system for property management. **(M M M M)**

84.1.6 *In order to maintain a high degree of evidentiary integrity over agency controlled property and evidence, the following documented inspections, inventory, and audits shall be completed:*

- a. *an inspection to determine adherence to procedures used for the control of property is conducted semi-annually by the person responsible for the property and evidence control function or his/her designee;*
- b. *an audit of property occurs whenever the property and evidence custodian is assigned to and/or transferred from the position and is conducted jointly by the newly designated property and evidence custodian and a designee of the CEO to ensure that records are correct and properly annotated;*
- c. *an annual audit of property and evidence held by the agency is conducted by a supervisor not routinely or directly connected with control of property and evidence; and*
- d. *unannounced inspections of property storage areas are conducted, as directed by the agency's chief executive officer, at least once a year.*

Commentary: The purpose of this standard is to ensure the integrity of the in-custody property and evidence storage system. The inspection is conducted to determine that the property room is being maintained in a clean and orderly fashion, that the integrity of the property is being maintained, that provisions of agency orders or other directives concerning the property management system are being followed, that property is being protected from damage or deterioration, that proper accountability procedures are being maintained, and that property having no further evidentiary value is being disposed of promptly.

During the joint audit associated with evidence custodian transfers, a sampling of the total amount of high risk (e.g., money, precious metals, jewelry, firearms, and drugs) property records under the agency's care must be reviewed with respect to documentation and accountability. Appendix I should be used to determine the appropriate sample size for high risk items. An error rate that exceeds four percent will require a full inventory of high risk items. For general property the audit associated with evidence custodian transfers should be sufficient to ensure the integrity of the system and accountability of property. The person assuming custody of the property should ensure that records are current and properly annotated. All discrepancies should be recorded prior to the assumption of property accountability by the newly appointed custodian.

The purpose of the annual audit is to ensure the continuity of custody and not to require the accounting of every single item of property. The audit should be sufficient to ensure the integrity of the system and the accountability of property. The annual audit should be a significant representative sampling of property including high-risk items. The person named to conduct the audit should be appointed by the agency's chief executive officer. Under no circumstances should that inspector be appointed by supervisory or command officers having the property function under their control.

The unannounced inspection is not meant to be a time consuming task. It can be as simple as the chief executive officer, or their designee, entering the property and evidence areas and inspecting for cleanliness, orderliness and tracing a few pieces of property and evidence to assure they are in the proper place as stated in the area's records. (M M M M)

84.1.7 *Final disposition of found, recovered, and evidentiary property is accomplished within six months after legal requirements have been satisfied.*

Law enforcement agencies should establish procedures for the prompt photographing and return of property to victims, with the prosecutor's approval. (O O O O)

84.1.8 *All property acquired through the civil process function or asset forfeiture proceedings are accounted for in agency records and is disposed of by the agency pursuant to legal authority.*

Commentary: Federal laws, and in most cases, state and provincial laws regulating the seizure and disposition of property forfeited should be incorporated into the agency's procedures. (M M M M)

APPENDIX I

SAMPLE SIZE TABLE EVIDENCE CUSTODIAN CHANGE AUDITS

The below table has been developed as a tool for use by agencies when determining the appropriate sample size for conducting audits of high risk property as required by *Standard 84.1.6 (b) – Evidence Audits*. This table only applies to high risk property and only for those circumstances when there is a change in evidence custodian. The sample sizes in this table have been calculated based on a 95 percent confidence level and a confidence interval of +/- 3 percent.

When using this table, agencies should determine the total amount of high risk property they currently possess and find that number under “Pieces of High Risk Evidence/Property”. The corresponding “Required Sample Size” should be applied when conducting the respective audit. If the exact number for “Pieces of High Risk Evidence/Property” is not listed, the next higher number should be used.

If an error rate of more than 4 percent is discovered when conducting the audit, a complete inventory of the high risk property must be performed. However, agencies should consider a complete inventory when other factors suggest it is necessary.

Pieces of High Risk Evidence/Property	Required Sample Size
100	92
250	203
500	341
1000	516
1500	624
2000	696
2500	748
3000	787
3500	818
4000	843
4500	863
5000	880
5500	894
6000	906
6500	917
7000	926
7500	934
8000	942
8500	948
9000	959
10000	964
15000	996
20000	1013
25000	1023
50000	1045
100000	1056