

## **DEPARTMENT GENERAL ORDER 14-03**

OFFICE of the CHIEF OF POLICE  
REPLACES: General Order 06-17

DATE: February 14, 2014

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### **PROPERTY AND EVIDENCE ADMINISTRATION**

#### **I. PURPOSE.**

To establish guidelines for the administrative processing and storage of evidence and property that are obtained by employees of the Clayton Police Department during the course of their official duties.

#### **II. DEFINITIONS.**

Abandoned Property - Any property to which the true owner has relinquished their claim or right thereto, or any unclaimed property which has been held in the property room for a minimum of a calendar year.

Evidence - Information, testimony, writings, material objects, or other items discovered and/or determined during the course of an investigation that are offered to prove or disprove the existence of a fact.

Evidence Officers - Detectives assigned to the Criminal Investigation Division who have been tasked with the responsibility to manage the department's evidence/property control function.

Evidence Lockers - Secure containers located within the department for the temporary storage of evidence and property.

Evidence Vault - Secure facilities utilized by the department for long-term storage of evidence and property.

Found Property - Property which comes into the possession of agency employees, but which is unconnected to a crime and has often been lost by the owner.

Prisoner's Property - Any personal property that is taken from an individual for safekeeping prior to or during an incarceration.

Property Disposal Requests - Personal property that is delivered to the department by private individuals for disposal (e.g. firearms, knives, etc.).

### III. GENERAL.

All evidence, abandoned property, found property, and that property which is turned over to the department for disposal shall be properly inventoried, packaged, and entered into the department's evidence/property control system as soon as possible, and before the responsible employee ends his/her tour of duty. Should circumstances preclude an officer from adhering to the latter requirement, supervisory approval will be necessary prior to the responsible employee storing the property until same can be properly packaged at a later time. However, even in such an instance, a written inventory shall be completed before an officer is permitted to depart.

Department employees who have control/responsibility for evidence or property shall ensure that the chain of custody is maintained at all times.

#### A. Documentation

Evidence and/or property which is seized, or otherwise comes under the control of the department, will be documented by various means to provide a system of security-related checks and balances. The methods of documentation shall include:

##### 1). Incident Report

A written police report shall be prepared documenting the circumstances by which items of evidence and/or property came into the custody of the department. In addition to a narrative, each police report will contain an inventory describing the items seized or otherwise delivered into the department's control.

##### 2). Evidence/Property Envelopes

Packaging, which may also be used as a cover sheet for larger parcels, which will contain data pertinent to the case (Case number, date, officer's name and DSN, offense, victim's and suspect's name and address) in addition to an itemized listing of the contents contained therein.

3). Evidence Computer Entry

An Evidence Computer Entry will be completed for each piece of evidence/property to be placed in the evidence vault. A bar coded label will be printed and attached to each evidence package and a Property Report will be completed for the entered evidence and attached to the Officer's report.

4). Evidence Computer Ledger

Upon taking custody of evidence or property, departmental evidence officers shall scan each piece of evidence into a specific vault location and that location will be stored in the computer evidence system.

5). Evidence Computer System

The computer evidence inventory system will be maintained by the Departmental Evidence Officers. It will be updated as necessary to Reflect new officers or loss of officers as well as the addition of new categories of crimes and evidence.

6). Laboratory Receipts

A form shall be completed in each instance where evidence is transferred to a forensic laboratory for testing.

7). Evidence/Property Release Forms

A form that shall be completed in each instance where property and/or evidence is released by this department. Evidence/Property Release forms shall be signed by both the individual accepting custody of items of property and the releasing officer. Copies of the completed forms shall be filed in the evidence vault.

B. Evidence/Property Packaging and Labeling

All evidence and property shall be packaged, tagged, and labeled in accordance with the guidelines provided in General Order 99-41. This shall include the items being marked, packaged in a department-approved container, and a preprinted seal being placed across the package opening. The officer's initials, DSN, and date will then be placed on the seal. Evidence that is too large for placement in an evidence container shall be identified with a department-approved evidence/property tag. This will be affixed to the item in conjunction with a departmental Evidence/Property Control Form.

### C. Surrender of Weapon for Disposal

In those instances where a civilian requests this department to dispose of an unwanted weapon, the communications unit shall notify a uniformed patrol officer to handle the assignment. Upon the officer's arrival, he/she shall take physical custody of the item(s), identify the owner or other individual turning the item over for disposal, and initiate a formal incident report.

The weapon shall be unloaded and the serial number checked for theft via the National Crime and Information Center (N.C.I.C.). The results of the computer check shall be retained for inclusion with the police report. The weapon will then be properly packaged and delivered to the St. Louis County Police Laboratory to be test-fired. At the conclusion of the testing process, should the test results be negative, an internal evidence control sheet shall be completed and the weapon delivered to C.I.D. evidence officers for eventual disposal. Should the test results be positive, the weapon shall be entered into evidence with follow-up investigation conducted by members of the Criminal Investigations Division.

### D. Prisoner's Property

When an individual is arrested by a member of this department and is to be incarcerated, the individual's personal property shall be seized for safekeeping. Each item will then be listed in the Prisoner's Property section of the Arrest Report (Booking Sheet) with signatures of both the prisoner and arresting officer to be affixed to the form verifying that the property listed on the form is correct.

In the event a prisoner refuses to sign the form to acknowledge the listed property, a second officer shall be requested to verify the property and affix his/her signature to the bottom of the form.

Each prisoner's property (if any) shall then be packaged in a standard property envelope, with the following information recorded on the face of the container: suspect's name and address, date, charge, arresting officer's name and DSN, and a listing of the property contained therein. The envelope will be sealed and at the time the prisoner is transferred to the St. Louis Justice Department or another law enforcement agency, custody of the individual's personal property shall be transferred at the same time.

In those cases where a prisoner's property is too extensive or cumbersome to fit into a property envelope, same shall be boxed, with a completed property envelope/inventory affixed to the exterior of the container.

When the property of a prisoner is remanded to the custody of another officer, corrections employee, etc. the individual accepting custody shall check the seal to ensure the integrity of same, and to verify the authenticity of the prisoner's signature. Both the releasing officer and the officer accepting the property shall then sign the Arrest Record (Booking Sheet) in the appropriate spaces to document the transfer of property.

Should property be discovered missing, the releasing officer shall notify their immediate supervisor of the situation as soon as practical. A supplement to the original report and an inter-office memorandum to the Chief of Police shall be prepared documenting the incident and related circumstances.

#### E. Valuable or Sensitive Evidence/Property

To provide additional control in those cases where valuable or sensitive evidence and/or property (e.g. large sums of money, jewelry, bonds, stocks, precious metals, antiques, government documents, substantial quantities of drugs, etc.) comes into the custody of the department, a minimum of two officers shall inventory and package the items. Both officers shall initial the evidence seal, complete and attach an Evidence/Property Control Receipt Form, and ensure that the evidence is promptly delivered to one of the department's evidence control officers, or that same is secured in the evidence locker.

Evidence officers assigned to C.I.D. shall inspect the envelopes, packages, etc. to verify the integrity of the packaging and seals, and shall do so each time such property is logged in or out of the evidence vault.

Should a package or seal be opened or appear to have been tampered with, the supervisor assigned to C.I.D. shall be notified, and the evidence/property re-inventoried. The items shall then be placed in new packaging.

#### F. Found/Abandoned Property

Found and/or abandoned property of significant value (money, wallets, purses, jewelry, watches, cell phones, pagers, license plates, etc.) shall be documented with an incident report. The reporting officer shall then attempt to locate an owner, and should such attempt be successful, advise the owner to respond to this agency to claim the item(s) prior to the end of the officer's tour of duty. In the event the owner agrees, the property shall remain under the control of the initiating officer until such time as same can be released. A Property

Release Form will be prepared and the owner, or designated agent, will be required to sign the Property Release Form at the time they retrieve the item(s) in question. The Property Release Form shall then be attached to the original police report.

In the event an officer is unable to make contact with the owner of record, or the individual is unable to respond within the specified time period, the property shall be packaged/tagged in accordance with established procedure, an Evidence/Property Control Sheet completed, and the item(s) placed in the evidence locker. Detectives assigned to the evidence/property control function shall log the entry into the control ledger and subsequently transfer the items to the department's evidence vault or property room.

An exception to the preceding shall be those items of nominal value (e.g. keys, sunglasses, pens, small tools, personal items, toys, etc.) which have been found and turned in to this agency. Such articles will not require documentation but shall be placed into the "Lost and Found" property file located within the Administrative Division. There they shall remain for a period of one year. If unclaimed at the end of that time, the items will be disposed of in a manner deemed most beneficial to the department.

#### G. Evidence/Property Handling Restrictions

Evidence and/or property shall not be stored at an employee's residence, or within a personal locker, desk, file cabinet, or vehicle. In addition, the utilization/adoption of any property or evidence for personal use is also prohibited.

#### H. Notifications

A reasonable attempt shall be made to locate owners of property (particularly found and/or abandoned property) in custody of the department, and to apprise them both of its status and availability for release. Consistent with applicable legal requirements, the release of property and evidence back to their rightful owners should be affected as expeditiously as possible.

#### I. Ammunition for Disposal

Ammunition which has been surrendered for disposal or which is no longer needed for criminal prosecution will be returned to the owner where applicable. If return of the ammunition is not possible it will be placed into a disposal box in the department armory. The head armorer will make a decision as to its possible use by the department or will arrange for it to be destroyed at his discretion.

#### IV. PROPERTY AND EVIDENCE STORAGE.

All in-custody and evidentiary property which comes under departmental control shall be protected and subsequently stored in accordance with the following:

##### A. Temporary Evidence/Property Storage

Officers who seize evidence or come into possession of property shall inventory and package same in accordance with established procedure. An Evidence Computer Entry will be made and a bar code label will be attached to the package. Should the items seized be suitable to fit in an evidence envelope, same will be placed in a sealed evidence drop box or placed in a secured evidence locker. Should the items be too large or numerous to fit in the drop box or evidence locker, the seizing officer shall place the evidence packages within the large item evidence storage locker dedicated for such a purpose and lock same.

##### B. Long Term Evidence/Property Storage

Evidence officers shall remove packaged and/or tagged items of evidence or property from temporary storage facilities as soon as possible. The detective handling the transaction shall remove the items of evidence from the temporary storage area and place them into the long term storage area. Upon placing the evidence in the long term storage area the items will be scanned into the computer along with the new storage location.

##### C. Restricted Access to Storage Facilities

Routine access to department property and evidence storage areas shall be restricted to the designated evidence officers, the Commander of the Investigations and Support Bureau, the Commander of the Field Operations Bureau, and the Chief of Police. Access to other individuals may be granted on a limited basis for a specific reason (e.g. duly appointed evidence/property inspection officer, repair person, etc.), however the departmental surveillance camera system and key card entry system will be properly maintained to reflect all such persons entering the area. In addition, such individuals will be continuously escorted by one of the primary authorized personnel.

Should any one of the preceding be reassigned or leave the department, the individual's key card shall be changed as soon as possible and his status

as the Evidence Computer Program Administrator shall be revoked.

V. PROPERTY AND EVIDENCE RECORDS SYSTEM.

Evidence and Property which are seized or otherwise obtained by the members of the department, shall be administered via both a bar code label and computerized records system.

At the time officers submit evidence or property for inclusion into the evidence vault, they shall complete a computer entry and attach a computer bar code label to the package of the item(s) in question. Evidence officers will then scan the attached bar code(s) in the computer system and enter a storage location for the evidence into the system.

A folder will be maintained, by the evidence officers, which will contain all paper chain of custody forms not reflected in the computerized evidence system. In addition, evidence records prior to the current computerized system will be maintained until such time as the accompanying evidence is no longer held or said evidence is incorporated into the current system.

VI. TEMPORARY RELEASE OF PROPERTY/EVIDENCE.

The transfer of evidence or property to a forensic laboratory, court, or prosecuting attorney's office shall be recorded on the appropriate departmental Evidence Computer System. A representative of the agency taking custody of the items shall be requested to sign an evidence form or computer evidence pad so as to maintain the proper chain of custody and administrative control.

VII. USE OF EVIDENCE FOR TRAINING PURPOSES.

The removal of controlled substances, explosives, or weapons from the evidence vault for training purposes shall be tightly controlled and occur only under exceptional circumstances. The transfer of custody will be documented on the appropriate Evidence Computer System and will require the prior approval of the commander of the Investigations and Support Bureau. Once the transfer is complete, the contraband will become the responsibility of the individual conducting the training. Evidentiary items will be released for a very limited time only - they shall not be altered or damaged, nor shall they be removed from the training room/area except under proper supervision. A full accounting of each specific item must be made at the end of each training session.

At the conclusion of training, evidentiary items will be logged back into the evidence vault in accordance with department procedure.

## VIII. FINAL DISPOSITION OF PROPERTY/EVIDENCE.

Whenever possible, found, recovered, and/or evidentiary property shall be disposed of within six months of a final court disposition. The removal of property/evidence from the system may involve:

- 1). The release of the property to the owner or his authorized agent.
- 2). The sale of unclaimed property/evidence at auction.
- 3). The destruction of the property/evidence.

In the case of a release to the owner, the evidence officer or seizing officer shall complete a "Release of Property/Evidence" form. This shall include the case number; if the items are property or evidence; the officer's name and DSN; the name, address, and telephone number of the person receiving the items; if the release is full or partial; a description of the items; and the dated signatures of both the receiving and issuing party. The completed evidence release shall then be filed in the applicable evidence folder.

### A. Weapons Disposal

Evidence officers will periodically remove weapons from the evidence vault for destruction. However, the weapons selected shall meet all legal requirements prior to their removal from departmental custody. Once the selection process has been completed, an evidence officer and at least one sworn witness shall convey the weapons to an industrial location at which time they will be destroyed.

A "Weapons Disposal" computer entry will be completed indicating the weapon has been destroyed.

### B. Property Auctions

An auction of property/evidence shall be held at periodic intervals. Items to be auctioned shall include:

- 1). Unclaimed property.
- 2). Evidence released by the court (via final disposition) which cannot be returned to the owner.

Where no prosecution has been initiated, items shall be held for a maximum of one (1) year for misdemeanor cases, and three (3) years for felony cases. However, in those cases where prosecution has begun, the required time frame for evidence retention may be extended should the case to which it pertains remain active and unresolved.

Evidence related to Capital cases shall be held until the court sentence has been carried out.

Auctions of property and evidence shall only be scheduled contingent upon the approval of the Chief of Police. Once such approval has been granted, the evidence officers assigned to C.I.D. shall be responsible to organize the auction and prepare the property to be sold. All property to be sold at auction must have been held by the Police Department for a minimum of a year.

Evidence officers will coordinate the proceedings with the Finance Department and will ensure that the auction is advertised as to the time, date, and location it will be held.

Property shall be sold to the highest bidder. City personnel may actively bid in the auction but may not participate while in uniform. There shall be no pre-arranged sales, and no special consideration given City or department employees during the course of the auction. Purchasers of auction property shall each be issued a receipt detailing their transaction.

In addition, at the discretion of the Chief of Police, a third party auction service may be used. Use of a third party auction service will not require the advertisement of the auction.

Firearms shall not be sold at public auction, but may be sold to federally licensed firearms dealers following a closed bid process. Knives and other bladed-type weapons shall be summarily destroyed with no attempt to find a buyer.

Items of evidence or property which are sold at auction shall have their corresponding Evidence Receipt Forms stamped, "Have Been Auctioned." Excess property/evidence not sold at auction shall be disposed of in a proper manner, with their Evidence Receipt Forms marked accordingly.

At the conclusion of each auction, the senior evidence officer shall submit a memorandum through the proper chain of command to the Chief of Police detailing the results of the auction, to include:

- 1) Date and time of auction.
- 2) Quantity of property sold.

- 3) Types of property sold.
- 4) Funds generated via sales.
- 5) Problems encountered.

C. Disbursal of Auction Funds

Funds generated by the sale of property via auction shall be tabulated by the designated cashier, and forwarded to the City's Finance Department.

BY ORDER OF:

KEVIN R. MURPHY  
Acting Chief of Police

KRM:mj

CALEA Reference: 84.1.1/84.1.2/84.1.3  
84.1.4/84.1.5/84.1.7