

## Property and Evidence

### 803.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and those persons authorized to remove and/or destroy property (CRS § 13-14.5-108).

#### 803.1.1 PROPERTY AND EVIDENCE SECTION MANAGEMENT RESPONSIBILITIES

The Support Services Division Administrative Commander is responsible for the management of the Property and Evidence Unit, under the direction of the Deputy Chief for the Support Services Division. The Property and Evidence Supervisor will manage the day-to-day operations of the Property and Evidence Unit.

#### 803.1.2 PROPERTY AND EVIDENCE ACCOUNTABILITY

The Property and Evidence Supervisor and Technicians are responsible for the control and management of all property accepted by the Property and Evidence Unit and for all property stored in the Property and Evidence Unit storage areas.

#### 803.1.3 PROPERTY AND EVIDENCE SECTION SECURITY

The Property and Evidence Unit shall maintain secure storage and control of all property necessitating custody by the Department.

All keys for property and evidence storage, work areas or processing areas shall be maintained by the Property and Evidence Supervisor. Additional personnel authorized by the Property and Evidence Supervisor may be issued access based on specific duties and responsibilities. All employees shall sign an acknowledgement of receipt for all keys issued to them. Upon separation for the Department, the employee shall return all assigned keys and access cards. In addition it will be the responsibility of the unit supervisor to confirm the employee's access to any law enforcement database is disabled. A copy of all main access keys shall be sealed in an initialed envelope and maintained by the Office of the Chief of Police. The Property and Evidence Supervisor and Technicians or authorized personnel shall not loan Property and Evidence keys to anyone and shall maintain keys in a secure manner.

Any individual entering the Property and Evidence secured storage area other than the Property and Evidence Supervisor, Property and Evidence Technicians, or the Administrative Commander must be accompanied by a Property and Evidence Unit member and must sign in and out on the logbook, giving the date and time of entry and exit, and the purpose of the visit, including a specific case or property number. The entry shall be initialed by the accompanying unit member. The Property and Evidence Unit Supervisor may grant limited, but accompanied access to other persons.

Physical storage protocols are required for high-risk items such as money, precious metals, jewelry, firearms and drugs. These items shall be stored and secured in a separate room, safe or cage within the secured property storage vault.

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#### **803.2 DEFINITIONS**

Definitions related to this policy include:

**Audit** -An official inspection of the property and evidence operational systems by randomly selecting items for review.The process of reviewing and evaluating the methods used to locate, track, and account for items of property/evidence in the agency's custody.

**Biohazard** – Materials that contain blood or other potentially infectious materials.These materials include many of those found in biological evidence such as semen, vaginal secretions or any body fluid that is visibly contaminated with blood and all body fluids in situations where it is difficult or impossible to differentiate between body fluids as well as any unfixed tissue or organ from a human (living or dead) that can be collected at a crime scene and stored.

**Booking Officer** - The employee who prepares property for submission to the Property and Evidence Unit and, either directly or through an authorized temporary storage process, books the property into the custody of the Property an Evidence Unit.

**Case Disposition** - The point in the criminal justice process when a criminal or civil case has reached a conclusion and is removed from the court docket. A case disposition may be the result of a dismissal of the case, a guilty plea, a finding of guilty, or an acquittal.

**Chain of Custody** - The chronological documentation of the seizure, custody, control, transfer (temporary or permanent) and disposition of property or evidence, either physical or digital.

**Contamination** – The unwanted transfer of material from another source to a piece of physical evidence.

**Contraband** - Is any property, which is not to be used as evidence, which cannot be returned to the owner or is considered dangerous or illegal, if possessed by an adult or juvenile under the context of municipal, state or federal law.

**Crime Laboratory** – A facility (government or private) that analyzes physical evidence.

**Crime Scene** – A location in which (or a person upon whom) a crime may have occurred.

**DNA Evidence** - Any biological evidence collected by law enforcement or some other forensically sound practice (forensic nurses, or post mortem examiner, etc.) in a criminal investigation that is reasonably believed to contain DNA (deoxyribonucleic acid) that is relevant to a disputed issue in the investigation and prosecution of the case (18-1-1101 (3)).

**Destroyed** - Property or evidence that is rendered inoperable, entirely unfit for its intended purpose or use, or damaged so badly it no longer exists.

**Disposed (i.e., Disposition)** - Authorized and approved method of purging property/evidence.Evidence/property may be discarded, destroyed, diverted, sold at public auction or donated.

**Diversions** - The process by which the Department may transfer ownership of abandoned or unclaimed property in its possession for public use, to include the City itself.

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**Evidence** - Items that may be related to a crime. Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case or clear a person of a criminal charge.

**Evidence Packaging** – How items with potential evidentiary value are wrapped, bagged, or boxed to be preserved, documented, and labeled.

**Field Training Officer (FTO)** – Is an experienced staff member of the organization who is responsible for the training and evaluation of newly hired staff or probationary level members.

**Found/Unclaimed property** - Non-evidentiary property coming into the custody of the Department determined to be lost or abandoned, and is not known or suspected to be connected with any criminal offense. This property will be managed per Municipal Ordinance 2-4202.

**Inspection** – The process of examining and evaluating the safety, cleanliness, functionality, and efficiency related to an agency's property/evidence facility.

**Inventory** - A complete, documented listing of all, or a specified portion of, property and evidentiary items in the custody of the Property and Evidence Unit.

**Paper Property Form** – A form utilized to document the release of the property that may be released to the owner in the field without the need for booking. May also be used to record property and evidence brought into the agencies' custody when the RMS system is not functioning.

**Property and Evidence Management System (PEMS)** - A computerized record system used to manage and track all property and evidence, including chain of custody.

**Personal Protective Equipment (PPE)** – Items used to prevent an individual's direct contact with blood-borne pathogens. Includes disposable gloves, coveralls, shoe covers, masks, and eye protection.

**Property** - An item, personal property, found property or safekeeping property -- that may be seized, recovered or received and submitted to the Property and Evidence Unit to be held. Property specifically excludes such things as department uniforms, police officer equipment, police vehicle parts or accessories, forms or reports, cleaning supplies, spare computers, furniture items, unless any one of combination of these items are evidence in any criminal or civil case or litigation.

**Property and Evidence Standard Operating Procedures (PNESOP)** - The procedures that describe the administration guidelines for the Property and Evidence Unit, the procedural guidelines for booking property and evidence, and the operational guidelines for the management and control of property and evidence in the custody of the Department.

**Property/Evidence Supervisor** – Person responsible for the supervision and management of all operational functions of the property/evidence unit.

**Property/Evidence Technician** – The employee(s) assigned physical responsibility for the security and general management of the property and evidence operation.

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**Property and Evidence Unit** – The organizational unit within the law enforcement agency charged with maintaining property and evidence.

**Property Room(s)** - Secure locations where property and evidence is stored, which also include secondary storage, off-site locations and high-risk storage areas.

**Property Tag** - A label or tag that contains required information (description, location found, category, owner information, property id number, and case number) to book in property or evidence.

**Purge Review** – A systematic process assuring each item of property and evidence is evaluated for possible purging at least regularly or upon expiration of the statute of limitations.

**Records** - All books, papers, cards, photographs, tapes, recording or other documentary materials, regardless of form or characteristics, that are made, maintained or kept by the Department in the exercise of functions required or authorized by law or administrative rule, including but not limited to the results of chemical/biological substance testing to determine genetic markers conducted pursuant to CRS § 16-11-102.4 and CRS § 16-23-104.

**Records Management System (RMS)** – the operating system that manages the case record throughout the record's life-cycle.

**Retention Period** - The duration of time for the continued possession, use or control of property, evidence or records as established by Department policy and procedures in accordance with state and federal laws or municipal ordinance.

**Right of Refusal** – The authority given to the Property and Evidence Technician(s) to reject and notify the booking officer that property or evidence is improperly packaged or documented, and needs correction.

**Safekeeping Property** - Non-evidentiary property placed in the temporary custody of the Department for temporary protection on behalf of the owner. This property will be managed per Municipal Ordinance 2-4202.

**Secured Temporary Storage** - A locker or location, which is deemed secure within the chain of custody regardless of the presence of a Property and Evidence Technician, where property or evidence may be stored temporarily and is designed to restrict access to the property or evidence residing within.

**Sharps** – Typically, a medical instrument or device, or a grooming implement (i.e., syringe, razor blade), that is capable of carrying a pathogen, and transmitting that pathogen via cutting or piercing the skin of the handler.

**Standard Operating Procedure (SOP)** – A set of instructions covering those features of operations that lend themselves to a definite or standardized procedure without loss of effectiveness and ensures consistency.

**Statute of Limitations** – The legally defined time in which a criminal or civil action may be initiated. Once the statute of limitations has expired, a case may no longer be filed or prosecuted.

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**Two-Person Rule** – Under this rule, two authorized people should be present at all times, so they have full access and can perform the required actions.

#### **803.3 PROPERTY CONTROL & HANDLING**

Any employee taking possession of any property or evidence during the course of their duties and responsibilities is responsible for the safekeeping of that item(s) until such time the item(s) is property packaged and booked in, in accordance with Department procedures, or directly turned over to another employee, Property and Evidence Technician or Crime Scene Investigator. If any property or evidence is turned over to another employee for assistance, all employees engaged in the chain of custody are responsible for documenting how they received the item(s) and how they delivered the item(s).

Where ownership can be established as to found property that has no apparent evidentiary value, excluding contraband, such property should be released to the owner without the need for booking. A Property Record must be completed to document the release of property not booked. The owner, or designee, shall sign the Property Record acknowledging receipt of the item, and the original form shall be forwarded to the Records Unit to be maintained as a Department record.

Property that cannot be returned to the rightful owner, or in cases where no owner is identified, shall be disposed of in a manner consistent with the state law, municipal ordinances and Department policy and procedures. No employee shall divert said property to their own use, or manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence in connection with an investigation or other police action, except in accordance with Department policy and procedures regarding the disposition of property and evidence.

##### **803.3.1 PROPERTY BOOKING PROCEDURE**

All property and evidence must be booked in and placed into a designated secured storage locker, container or location prior to the employee going off-duty. Those procedures shall include:

- (a) Individually packaging all items in appropriately sized or designated packaging.
- (b) Completing a designated property tag for each booked item and securely attaching the property tag to each package or envelope in which the property is stored.
- (c) Visibly marking each sealed package on the seal with the booking officer's initials and badge number, and the booking date.
- (d) Entering the property or evidence information into the designated records management system.
- (e) Placing the property or evidence in a designated permanent or temporary storage locker or container. Employees utilizing temporary storage lockers shall maintain sole custody of the key to the locker to ensure the chain of custody is not broken.
- (f) Multiple property items with more than one owner shall not be booked in as one item.

In extraordinary situations and with approval of the Duty Sergeant, employees may secure property or evidence in secured temporary storage for no more than twenty-four (24) hours, prior

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to being booked in. In extreme cases involving significant investigatory actions, it may also require a delay in booking the evidence into the Property and Evidence Room. These incidents will require the approval of the on-call or Investigations Commander.

#### **SAFETY PROCEDURES**

Adherence to proper evidence submission procedures is essential for the proper evaluation of evidence to maintain the chain of custody and to maintain the physical integrity and evidentiary value of submitted items. Failure to follow department procedures when submitting evidence can result in the evidence being returned unanalyzed or possible injury to employee(s).

#### **UNIVERSAL PRECAUTIONS**

Safety standards apply to all employees. Those who could come into contact with blood, body fluids, and other potentially infectious materials must use extra caution. Always assume that all items may be infected and handle the property and evidence accordingly.

Minimize or eliminate exposure to blood and other potentially infectious materials that could result in the transmission of blood-borne pathogens, which could lead to disease or death.

All items of property and evidence have the potential to carry disease, hazards, and safety risks.

Always use appropriate universal precautions and Personal Protective Equipment (PPE).

- (a) Wear clean latex gloves when handling most property and evidence.
- (b) Wear puncture-resistant gloves whenever handling sharp or pointed objects.
- (c) Wear eye protection when handling items that may splash.
- (d) Wear masks when handling drugs and particulate matter.

#### **803.3.2 ADDITIONAL DOCUMENTATION & RESPONSIBILITIES**

Employees shall document in their written report(s) the circumstances detailing how the property or evidence came into their possession. Documentation should be in accordance with the Department report writing procedures. Booking and chain of custody documentation reflecting all internal handling, transfers, releases and final dispositions of property and evidence shall be maintained in the PEMS.

Unless the property is contraband, every reasonable effort shall be made to ensure it can be returned to the rightful owner. Details regarding which property belongs to each party on a case are critical and shall be carefully notated by the officer when booking it in and writing reports. Property that cannot be returned to its rightful owner shall be disposed of in a manner consistent with the State Law, Municipal Ordinances, and department policy and procedures. No employee shall convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence in connection with an investigation or other police action, except in accordance with departmental policies and procedures.

#### **803.3.3 EXCEPTIONAL HANDLING**

Certain property items require unique handling or a separate process. The following items shall be processed in the described manner

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#### **BIOLOGICAL EVIDENCE**

- (a) Sexual assault examination (SANE) kits shall be booked in as evidence and secured in a designated secured storage locker.
- (b) Sexual assault evidence that requires forensic examination, including SANE kits, shall be submitted to the Colorado Bureau Investigation within twenty-one (21) calendar days.
- (c) Blood and urine kits shall be booked in as evidence and secured in the designated secured refrigerated locker.
- (d) Biological evidence, such as blood, saliva, sperm, hair, tissue, bones, teeth, or other bodily fluids that may contain a DNA profile, shall be collected, packaged, and stored in accordance with the PNESOP. Employees shall follow proper evidence handling protocols in order to avoid contaminating or cross-contaminating such evidence during collection and handling.
- (e) Any evidence collected as DNA evidence should be properly packaged and marked as a biohazard to reduce the risk of exposure or contamination.
- (f) Items that are potential biohazards shall be properly packaged and marked as a biohazard to reduce the risk of exposure or contamination.
- (g) Wet property or property stained with bodily fluids such as blood or semen shall be air-dried prior to packaging.

#### **LICENSE PLATE(S)**

- (h) Only license plates that require forensic lab processing for trace evidence should be booked into RMS as evidence. License plates are not returned to owners, so, therefore, shall not be booked in as safekeeping or found. License plates that are not evidence should be placed in the designated container in booking for final destruction. Stolen and recovered license plates shall be photographed and uploaded to evidence.com with the appropriate category and retention period for use in prosecution, and the photograph of the plate will be the evidence. A Records work request shall be completed to place the item(s) in NCIC/CCIC.

#### **BICYCLES**

- (i) All Bicycles and bicycle frames or wheels that are required to be booked in shall have property tags placed into/onto a plastic bag and then securely zip-tied to the frame. It shall be clearly noted if the bicycle needs to be processed as there is not a secure area where a bike can be placed at intake. The serial number must be entered into the case record for reference. Employees must complete a "Work Request" for Records to input into NCIC/CCIC. If the case would benefit from a photograph, upload it to evidence.com, categorize it appropriately to ensure appropriate retention.

#### **PERISHABLE**

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(j) Perishable items shall not be booked in. These items shall be photographed and destroyed by the booking officer.

#### **SHARPS**

(k) Sharps, such as syringes, hypodermic needles, or razor blades, shall not be booked in unless the item contains evidentiary material or trace evidence. The booking officer shall photograph and dispose of the items in the designated sharps container.

#### **MULTIPLE OWNERS**

(l) Absent any other special handling requirements, multiple property items with more than one owner shall not be booked in as one item.

#### **CITY PROPERTY**

(m) City property, unless connected to a known criminal case as evidence, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked in for safekeeping in the normal manner.

(n) The medication collection receptacle in the lobby of the Civic Center will be operated by the Property and Evidence Unit and managed under the Colorado Department of Public Health & Environment - Division of Environmental Health and Sustainability - 6CCR 1010-23 - Rules and Regulations Governing the Colorado Household Medication Take-Back Program, established in C.R.S. § 25-15-328.

#### **803.3.4 NARCOTICS AND DANGEROUS DRUGS**

Whenever handling drugs in any form, universal precautions shall be used to prevent exposure to the drug and associated hazards. To mitigate exposure to dangerous drugs or unknown substances, employees shall utilize personal protective equipment that is provided for use in the booking room, to include gloves and particulate masks when handling narcotics.

Prior to packaging and weighing, and if the quantity allows, a presumptive test should be made on all suspected controlled substances. For officer safety, it is recommended that two parties be present. The result of this test shall be recorded in the booking officer's report. The test kit is not evidence and shall not be booked in. If a presumptive test was not completed, a reason shall be noted in the officer's report.

Officers shall remove drugs, and prescription pills, from the immediate container in which it was seized to be weighed and counted unless the item is already contained in a small plastic or foil package. Drugs shall be weighed to obtain the net drug weight with a minimal amount of packaging as charges are based on the net weight of the confiscated/seized drug. To safely contain the drug item(s), paper bindles are available for collection and packaging use. Photograph drugs collected for the case as needed, uploading them to evidence.com with an applicable retention period assigned relevant to the case.



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All drug types shall be packaged and booked separately in vapor-resistant bags using a separate property tag. A scale printout shall be included in the packaging of the drugs with the net weight visible for audit purposes. The container that the drug(s) was initially seized in shall be considered drug paraphernalia and shall be booked independently from drugs under drug/narcotic equipment under "property" in the records management system, and whenever possible, sealed in vapor-proof bags as size permits.

Drugs shall be booked into the records management system under the DRUGS module in the RMS, recording the net drug weight, and the booking officer shall also record the net drug weight in their report. Descriptions entered shall be specific to the presumptive test for the drug. Pills shall include the number of pills for audit purposes, but the net drug weight shall be used to document the official quantity for entry purposes.

### **SYRINGES**

Officers shall not arrest any person for any minuscule, residual controlled substance that may be present in the used hypodermic needle or syringe, as per CRS 18-18-428 (1) (b).

Syringes or hypodermic needles will fall into one of the following three categories:

1. Empty, new or used (Destroy using sharps container)
2. A minuscule or residual amount (Booked in as contraband to be destroyed)
3. A sufficient amount to file charges (Booked in as evidence for prosecution)\* see below

All syringes and hypodermic needles are required to be photographed and downloaded to evidence.com with the appropriate retention period.

\*Syringes containing evidence for potential prosecution (suspected liquid control substance) shall be packaged in a Department provided puncture-resistant, leak-proof sharps container (tube) marked as "biohazard". See the PNESOP packaging manual for proper packaging.

Prior to packaging and weighing any liquid suspected controlled substances, if quantity allows, a presumptive narcotics test should be conducted. This can be performed by placing a small drop of the suspected drug into the appropriate presumptive narcotics test. The result of this test shall be recorded in the booking officer's report. The test kit is not evidence and shall not be booked in. If a presumptive test was not completed, a reason shall be noted in the officer's report. The weight on any suspected liquid controlled substances will be recorded by its liquid net weight (milliliters-1ml=1/10gram, 1cc=1gm) in the officer's report.

To mitigate exposure to dangerous drugs or unknown substances, employees shall use extreme caution if it is believed Fentanyl, a Fentanyl analog or some similarly dangerous product may exist. These items shall not be removed from the original container in which it was seized, nor shall they have a presumptive narcotics test performed on the substance. Items shall be double bagged, ensuring that the heat seals are intact. Hazard labels are provided in the booking room and shall be placed on packages to alert staff members handling the item(s) while in custody at the department. When an item(s) are sent to CBI for laboratory testing/analysis, the presumed hazard shall also be clearly noted in the cover letter.

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If exposure occurs, you shall call for immediate medical attention. An additional emergency supply of Narcan is provided in a small red cabinet in the booking room for emergency use as needed.

During the investigation, any device, equipment, or chemicals utilized during the manufacture and distribution of illegal drugs/narcotics poses an inherent risk and shall not be seized. Items shall be treated as “hazardous material” and not collected as evidence. Photographs shall be taken and uploaded to evidence.com with an applicable retention period assigned relevant to the case. Notify a Sergeant immediately as the NMTF, or its successor work group will need to be notified for further assistance and investigation.

#### 803.3.5 MARIJUANA

For handling purposes, marijuana shall be considered to be a dangerous drug and booked in accordingly.

Although recreational & medical use is considered legal for use in the State of Colorado, employees will not return marijuana to any individual for any reason. Based on Colorado Supreme Court Ruling 14SC109, People vs. Crouse decided (2017) - the return of marijuana to individuals by law enforcement is considered an illegal act in violation of the Federal Controlled Substance Act, 21 U.S.C. 801-971.

Marijuana having evidentiary value shall be booked as evidence. Marijuana not booked as evidence shall be booked in as contraband and slated for destruction. Marijuana should not be booked for safekeeping or as found property.

Marijuana appearing to be damp or raw shall be placed in a temporary storage location to dry prior to the booking officer packaging and booking it in.

The North Metro Task Force, or its successor work group, shall be contacted for any large-scale marijuana grows and will determine the protocol in regards to seizures and scene processing.

#### 803.3.6 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify an immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The property and evidence technician is responsible for transporting to an appropriate agency that is equipped to safely dispose of such materials, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

The property and evidence technicians are responsible for making arrangements for transporting any signaling devices, fireworks, and ammunition to an appropriate agency equipped to dispose/destroy safely of such materials regularly.

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#### 803.3.7 HAZARDOUS MATERIALS

Hazardous material shall not be stored by the Department; however, a small sample may be kept for evidentiary purposes. Any hazardous material shall be stored in an area designated for hazardous material until final destruction.

#### 803.3.8 U.S. CURRENCY/ITEMS OF VALUE

U.S. currency shall be placed into a currency envelope. Each denomination shall be documented accurately on the envelope and appropriately signed/acknowledged by all parties. U.S. currency in excess of \$500 shall be counted by the booking officer in the presence of another employee and both parties shall sign, initial, and place employee ID# on the item(s) packaging seal. A supervisor shall be notified for U.S. currency in excess of \$1000. The supervisor shall witness the count. Both the supervisor and the employee shall sign, initial, and place their employee ID# on the item(s) packaging seal. A supervisor may specify any additional security procedures to be followed if necessary. A property tag is not required. BWC, if issued, shall be activated during the booking and processing of all currency. If an employee is not issued a BWC, the currency will be counted and processed utilizing a video camera/surveillance system, when available.,

Foreign currency shall be booked separately from US currency with specific values stated on the currency envelope.

All items of apparent or legitimate significant value exceeding \$1,000 shall be inventoried in the presence of another employee and the package shall be initialed by both employees. Items with an estimated value in excess of \$2,000 shall be inventoried in the presence of a supervisor. The supervisor shall witness the inventory, initial and date the property documentation, and specify any additional security procedures to be followed.

#### COUNTERFEIT MONEY

Recovered counterfeit bills brought in as evidence are **not** considered currency. This evidence is sent to the U.S. Secret Service by the Evidence Technicians. Employees shall take a photograph of the counterfeit bills and upload them to evidence.com. Property and Evidence shall scan counterfeit bills and attach them to the PEMS before the counterfeit bills are sent. The Secret Service Report, once sent back to the department, will be scanned to the case file. Treasury Department has a six-month retention period for the original item before destruction.

Counterfeit bills are not packaged in a money envelope but should be packaged in a plastic bag for viewing and copying purposes. To aid in identification, counterfeit pens and a blacklight are available for use in the property booking area.

#### 803.3.9 FIREARMS/AMMUNITION

Employees are responsible for the safe handling of all firearms, to include BB, pellet and airsoft guns, and for properly packaging recovered firearms in accordance with PNESOP. The firearm shall be rendered visibly safe and unloaded, and the word "SAFE" shall be notated on the firearms box. The booking officer shall notify the shift supervisor for assistance if the firearm cannot

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be unloaded or rendered safe. Any special handling instructions shall be noted on the firearm container.

Firearms shall be booked into RMS under the FIREARMS module and descriptions shall include as much relevant data as possible at intake entry. Employees shall also record the following mandatory information from the firearm into RMS:

Employees shall record the following information from the firearm:

- (a) Type (e.g., pistol, revolver, rifle, shotgun)
- (b) Make
- (c) Model
- (d) Serial number (if defaced or unreadable, note as such)
- (e) Caliber

An empty magazine shall be placed and secured into the firearms box with the firearm, and this action documented in case report narrative and item description. If multiple magazines are collected, the primary magazine for the weapon needs to be the one selected to be packaged in the firearms box, and the others booked separately. Exceptions can be made when trace evidence (i.e., DNA, latent fingerprints, etc.) can reasonably be located.

Large capacity magazines shall be identified in the description field in RMS. Any large-capacity magazines will be returned to the owner or person they were taken from unless they are proven to be illegal under C.R.S. 18-12-302 (2) (a), or other extenuating circumstances exist.

The booking officer shall complete a records check through NCIC/CCIC on all serialized firearms and include a copy of the NCIC/CCIC records check in the plastic sleeve provided on the firearms boxes when secured in the locker. Serialized firearms shall be entered into NCIC/CCIC to document the status of the firearm in our custody. The booking officer shall complete a work request to Records in the RMS to show the weapon is in custody at CCPD.

Ammunition will be booked in separately and not packaged with the firearm. Generally, no other items should be placed inside a gun box with the firearm. Exceptions may include magazines, scopes, slings, and other accessories attached to the firearm.

Before sealing the firearm in an evidence box, photographs of the firearm shall be taken and uploaded to evidence.com with the appropriate category and retention period.

#### 803.3.10 ALCOHOL AND LIQUIDS

Opened or sealed containers of alcohol or liquids shall not be booked in due to the risk of the destruction of other evidence if they break or leak. A small sample may be retained for evidentiary purposes. The remaining contents should be disposed of in an appropriate manner by the booking officer; the manner of disposal shall be in accordance with the PNESOP. The condition of the container and its contents will be described in the employee's report. In the rare exception in which the evidence is necessary for prosecution, the booking officer shall photograph the alcohol, retain one single unopened container, and destroy the remainder, in accordance with the PNESOP.

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#### 803.3.11 SERIAL-NUMBERED ITEMS

The booking officer is responsible for conducting a records check through NCIC/CCIC of all property with serial numbers with serial numbers and completing a Records Work Request for entry into NCIC/CCIC to document the status of the property in our custody.

Changes in status of serialized items in Department custody shall be updated in NCIC/CCIC by completing a Records Work request to remove it or designate its destruction in NCIC/CCIC.

Records personnel will place a copy of all NCIC/CCIC documentation into the case file. .

#### CREDIT/DEBIT/GIFT CARDS

Credit/Debit/Gift Cards are considered serialized items, and they shall be run through NCIC/CCIC to determine if they have been reported stolen. Credit/Debit/Gift cards related to a criminal investigation will be entered into NCIC/CCIC through a work request. Credit/Debit/Gift cards booked as safekeeping do not require entry into NCIC/CCIC.

#### 803.3.12 KNIVES/BLADED WEAPONS

The booking officer is responsible for the safe handling of all knives or bladed weapons that have an exposed blade, which cannot be folded or closed, and for properly packaging recovered knives or bladed weapons in accordance with the PNESOP.

### **803.4 PACKAGING OF PROPERTY**

Property and evidence shall be packaged in accordance with the PNESOP. Improperly packaged property or evidence will not be accepted.

#### 803.4.1 RIGHT OF REFUSAL

A Property and Evidence Supervisor or Technician has the authority to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the Property and Evidence Technician refuse an item, they shall secure the item in a secured temporary storage location.

The Property and Evidence Technician shall notify the booking officer and the booking officer's supervisor or Field Training Officer (FTO) of the improperly booked property or evidence within one (1) business day of receipt, clearly define all errors for correction, provide a solution or action for correction. Record of officer notifications shall be tracked for statistical reference by the Property and Evidence Unit. The booking officer shall make all corrections and resubmit the item within seven (7) calendar days. If the booking officer is not available within the seven (7) calendar days or does not resolve the error, the Property and Evidence Technician shall notify the booking officer's supervisor, who shall be responsible for resolving the error within seven (7) calendar days of the secondary notification.

### **803.5 RECORDING OF PROPERTY - CHAIN OF CUSTODY**

The official record of property or evidence, upon receipt by the Property and Evidence Technician, shall be maintained in the Property and Evidence Management System (PEMS).

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Each piece of property booked in shall have a unique property number, generated by the records management system, that the booking officer shall ensure is recorded on the property tag.

The property number on the property tag shall match the property number recorded for the item in the PEMS. The PEMS property record shall document the date received, case number, item description and item storage location.

The Property and Evidence Technician receiving the property shall make the appropriate entry in the PEMS to document the chain of custody. The Property and Evidence Technician will then store the items in an appropriate storage location and document the location of the property with each transfer of location or custody control. All changes in the storage location or custody control, whether internal or external, shall be noted in the PEMS until the final disposition of the item.

#### **803.6 PROPERTY CONTROL**

Each time a Property and Evidence Technician receives or disposes of property, copies digital media, opens property containers for any reason (i.e., during evidence reviews), or releases/transfers property to another person or entity, the technician shall record this information in the PEMS to document chain of custody. Notes can be made to the system for more detailed information and supporting documentation scanned to the case record. If documentation refers to the entire case, it should be scanned to the first case record; if it pertains to one item or a few items, it should be scanned to those individual case records.

The Property and Evidence Technician shall scan all documents related to the movement of property and evidence into the PEMS to include Office of the District Attorney case closures and signed dispositions, internal investigations dispositions, case officer e-mails, and authorizations for full and partial releases of property and evidence.

Any employee receiving property shall be responsible for such property until it is returned to the Property and Evidence Unit or released to another authorized person or entity.

##### **803.6.1 RESPONSIBILITIES OF OTHER PERSONNEL**

The submitting employee/assigned detective shall notify the Crime Scene Investigators Unit of any processing or lab analysis request on any evidence booked into Property and Evidence. The CSI Unit shall be responsible for submitting any CBI Laboratory Request Forms and Cover Letters or completing any in-house processing. The Property and Evidence Unit will transfer the requested item(s) to the CSI Unit, Colorado Bureau of Investigation (CBI), or any other outside entity.

##### **803.6.2 TRANSFER OF EVIDENCE TO A CRIME LABORATORY**

The Property and Evidence Unit shall be responsible for coordinating with the requesting employee, as needed, for the preparation, transfer, delivery and/or pick up of evidence to/from an approved laboratory. The Property and Evidence Technician shall be responsible for contacting the CSI on these requests. The CSI will be responsible for completing the applicable external laboratory request forms and complying with applicable external laboratory request forms and complying with applicable laboratory's submission guidelines. The transporting and the releasing/

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receiving employee shall ensure that all evidence being transferred is listed on the transfer manifest.

When evidence is picked up from a laboratory, the receiving person shall deliver the evidence to a Property and Evidence Technician or store it in an intake locker with the transfer manifest and any associated documents. In the event new evidence items are created by the laboratory, the person picking up that evidence shall be responsible for booking that evidence into the records management system under the current case number, and completing a supplemental report documenting the receipt of new evidence.

#### 803.6.3 TRANSFER OF EVIDENCE TO COURT

Any officer or investigator, who is subpoenaed to appear in court with case evidence, shall be required to notify an Evidence Technician of the specific request for evidence promptly. If an employee is subpoenaed for court and needs evidence, advance notice should be given to the Property Evidence Unit for the date required for court.

The officer or investigator will physically check-out the evidence from an Evidence Technician by signing an Evidence Receipt noting the reason, date, time, and signature, allowing extra signature spaces to ensure relevant information is collected to check items into court and return to the department when applicable for an accurate chain of custody.

The transporting and transferring employee shall ensure that all evidence being transferred to court is listed on the transfer manifest. Items that are transferred to court and not retained as an exhibit or in the custody of the court shall be returned to the Property and Evidence Unit or stored in secured temporary storage or intake locker with the transfer manifest and any associated documents by end of business on the same day.

The transporting/transferring employee shall provide an estimated time upon which the evidence shall be returned to the Property Room. Any employee receiving property shall be responsible for such property until it is returned to the Property and Evidence Unit or released to another authorized person or entity.

Evidence that is entered as a court exhibit or is in the custody of the court shall be signed for by an official court representative, and the receipt shall be returned to the Property and Evidence Unit to ensure the chain of custody is updated.

Any firearm requested for the court will have a trigger lock placed on it by an Evidence Technician for safety reasons as other parties often handle them during court proceedings. One key will be provided to transporting/transferring employees, and the second key maintained by the Property and Evidence Unit until the firearm is returned to the custody of the department.

Upon completion of the court trial proceedings, the transporting/transferring employee who checked out the evidence shall be responsible for transporting that evidence from the court back to the Property and Evidence Unit without delay and gathering signatures for the chain of custody from court personnel. The transporting/transferring employee must return the chain of custody documentation from court to Property & Evidence.

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#### 803.6.4 EXTERNAL MOVEMENT OF PROPERTY/EVIDENCE

Whenever property or evidence is transferred from the Property Room to an external location, to include locations within the Department, its destination and the person responsible for its safeguarding shall be tracked and monitored until the item(s) is returned unless that destination is a final location.

Property or evidence that is checked out to employees for investigative review or internal processing shall be returned to a Property and Evidence Technician or stored in secured temporary storage at the end of each business day.

Property or evidence that is checked out to other agencies for further investigation should remain with the receiving agency as a final disposition or location. The chain of custody shall reflect this disposition.

#### 803.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made by the booking officer, prior to the property being booked in, or by the Property and Evidence Unit after an item is booked in, to identify the rightful owner of found or stolen property or evidence not needed for an investigation.

A Property and Evidence Technician shall release the property to the owner or finder, upon valid identification and proper documentation, if required, as presented by the owner or finder. A signature of the person receiving the property shall be recorded. After the release of all property and evidence from a common case, written documentation shall be maintained in the PEMS for any future reference of the case.

Upon release or other form of disposition, the proper entry shall be recorded in the PEMS.

The authorized release of property to anyone other than the owner shall be made upon receipt of a written document, signed and notarized by the property owner, with the legal name, date of birth and address of the person to whom the property is to be released, and a list of the items to be released by property number. The release authorization shall be signed by the Property and Evidence Supervisor, or designee, and the items listed must conform to the property tag(s). Exceptions can be made with the authorization of the Property and Evidence Supervisor.

#### RELEASE OF PROPERTY TO A CRIME VICTIM

Property belonging to a crime victim shall be promptly released to the victim unless needed as evidence (CRS § 24-4.1-302.5(1) (k)). Following a request from the victim, property no longer required as evidence shall be returned to the victim within five (5) business days unless the property is contraband or subject to forfeiture proceedings (CRS § 24-4.1-303(7)).

#### RELEASE OF PROPERTY TO FINDER

A finder of the property may claim found property if it has not been claimed by the owner within the time allotted by Municipal Ordinance Sec.2-4202. The finder must submit a written claim to the Chief of Police, or designee, requesting the transfer of ownership of the found property. If granted, the finder will be notified by Property and Evidence and releasable property shall be transferred to



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the finder. Any property with personally identifiable information shall not be transferred to a finder. The found property shall not be transferred to any City employee.

Items with the capacity to contain media storage with the possibility of personal information are not eligible to be returned to a finder and will be appropriately destroyed, i.e., computers, tablets, phones, cameras, video equipment, external storage drives, etc. (CRS 24-73-101, 24-73-102, & 6-1-713.5)

#### SENDING PROPERTY TO AUCTION

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of thirty (30) calendar days. Property not held for any other purpose and not claimed within thirty (30) calendar days after proper notification (or receipt, if notification is not feasible) may be auctioned at a properly published public auction, or diverted for governmental or Departmental use.

Items with the capacity to contain media storage with the possibility of personal information are not eligible for auction and will be appropriately destroyed, i.e., computers, tablets, phones, cameras, video equipment, external storage drives, etc. (CRS 24-73-101, 24-73-102, & 6-1-713.5)

All sale proceeds, less any applicable storage, maintenance, advertisement, and sale costs, shall be deposited into the City's General Fund.

If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed. The final disposition of all such property shall be fully documented in the PEMS.

#### 803.6.6 DIVERSION OF PROPERTY

To request a diversion of property, a memo articulating justification for the diversion shall be completed by a Commander and submitted through the chain of command for final approval by the Chief of Police. Approved diversions shall be delivered to the Property and Evidence Unit to document the disposition of the property. Property is not eligible for diversion until after all attempts, in accordance with Department policy and procedure, have been made to notify the property owner. Property diverted to the Department shall not be used for personal use or gain. Diverted property that is not readily expendable shall be tracked as a Department asset and documented if issued to an employee.

#### 803.6.7 STOLEN OR EMBEZZLED PROPERTY

Stolen or embezzled property or property believed to be stolen or embezzled that is in the custody of this department shall be restored to the legal owner. Such property may be released from law enforcement custody when the following is satisfied (CRS § 13-25-130(3)):

- (a) Photographs of the property are filed and retained by the Property and Evidence Section.
- (b) Satisfactory proof of ownership is shown by the owner.
- (c) A declaration of legal ownership is signed under penalty of perjury.

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- (d) If a defendant has been filed upon, he/she has been notified that such photographs, video tapes or films have been taken, recorded or produced.
- (e) A receipt for the property is obtained from the owner upon delivery.

### 803.6.8 DISPUTED CLAIMS TO PROPERTY

In the event that more than one party may claim an interest in property being held by the department, and the legal rights of the parties cannot be clearly established, such property shall not be released until one party has obtained a court order or other proof of the undisputed right to the involved property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for the Department may be asked to file an interpleader in court to resolve the disputed claim.

### 803.6.9 DOCUMENTATION

All documents used to record the handling, submission, tracking, and disposition of property and evidence shall be maintained as Department records in the PEMS.

## **803.7 DISPOSITION OR DESTRUCTION OF PROPERTY & EVIDENCE**

All property and evidence not held as evidence in a pending criminal investigation or proceeding, and held in excess of time prescribed for retention, whereby the owner has not been located or fails to claim the property, may be disposed upon receipt of proper authorization.

The Property and Evidence Unit shall initiate a request to the relevant stakeholders for a disposition or status on all property and evidence that has been held in excess of time prescribed in the PNESOP for the retention, and to which no case disposition has been received from a supervisor, case officer or prosecuting attorney.

Items of property and evidence that are of no value and no danger to the public may be disposed of in the trash. All efforts need to be taken to ensure property going into the trash is rendered useless. Ownership markings or names should be removed before disposal, along with any case information.

Biohazards and other hazardous materials must be destroyed in compliance with laws, regulations, and procedures.

Upon any destruction, diversion, release or sale of any property, the proper notation shall be made in the PEMS reflecting the true disposition of the property. Proceeds from the sale of unclaimed property shall be deposited into the City's General Fund, minus reimbursement for Department expense.

### 803.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by Property and Evidence Unit's policy and procedure, existing laws or by a court of competent jurisdiction:

- Weapons declared by law to be unlawful

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- Animals, birds and equipment related to their care and containment that have been ordered forfeited by the court
- Counterfeiting equipment
- Gaming devices
- Obscene matter ordered to be destroyed by the court
- Altered vehicles or component parts
- Narcotics/paraphernalia
- Unclaimed, stolen or embezzled property
- Destructive devices
- Items with the capacity to contain media storage such as personal information

#### 803.7.2 UNCLAIMED MONEY

If found money is no longer required as evidence and remains unclaimed after sixty (60) days, the money is presumed abandoned property, in accordance with City Ordinance § 2-4202, and disposed of in accordance with Department policies and procedure, and municipal ordinance.

The Property and Evidence Unit shall transfer custody, upon authorized disposition, of all unclaimed money to the City Finance Department to be deposited in the City's General Fund.

#### 803.7.3 AUTHORITY FOR DISPOSITION OF PROPERTY AND EVIDENCE

The final authority for disposition of property or evidence from the property room will be reviewed and authorized by the Chief of Police, or his designee, in all cases. Disposition Requests shall be initiated by the Property and Evidence Unit.

#### 803.7.4 EVIDENCE DISPOSITION REQUESTS

Evidence dispositions are subject to recommendations for disposition from the assigned case officer, detective, supervisor and/or District Attorney or Municipal Prosecutor or designee, depending on the charges and court of jurisdiction. The final request for the disposition of evidence shall be submitted by the Property and Evidence staff to the designated authority.

Prior to disposing of any evidence, all case dispositions shall be verified through the Colorado Courts database and the District Attorney or Municipal Prosecutor or designee for the court of jurisdiction to ensure the case is closed, there are no pending appeals, and no warrants have been issued for any party. Evidence related to cases involving more than one defendant require that all defendants' convictions be reviewed to determine if evidence can be released or destroyed in any one case.

The Property and Evidence Unit shall solicit and review evidence disposition recommendations in accordance with evidence disposition criteria.

Upon receipt of approval for the disposition of case evidence, the Property and Evidence Unit shall attempt to return all lawful property of the owner. All unlawful property is to be destroyed unless

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otherwise ordered by Court or the District Attorney. In the event that lawful property is not claimed by the owner, the property shall be disposed.

#### **803.7.5 PROPERTY AND EVIDENCE RETENTION SCHEDULE**

The Department shall establish a property and evidence retention schedule that describes the retention and disposition of property and evidence in accordance with Department policies and procedures, existing laws and/or statutes of limitations. The retention schedule shall be applied as a guide and a minimum retention standard.

#### **803.8 RETENTION AND DISPOSITION OF DNA EVIDENCE**

The Property and Evidence Unit technicians/supervisor will work with the Investigations Division detectives and supervisors, along with the Administrative Bureau Commander, to ensure all relevant DNA evidence cases are appropriately dispositioned.

The Property and Evidence Unit supervisor shall ensure that no DNA evidence held by the Department is destroyed without receiving a formal disposition letter from the prosecuting District Attorney's office, as outlined in CRS 18-1-1101 – 18-1-1108.

DNA evidence shall be retained for a minimum period established by law, or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by the prosecuting District Attorney's office informing 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 the Department within 90 days of the date of the notification. The prosecuting District Attorney's office is responsible for maintaining a certified receipt of the notification sent to the recipient.

DNA evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the prosecuting office of jurisdiction.

DNA evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. In accordance with CRS § 18-3-407.5(C), DNA evidence that the Department obtains as the result of a forensic medical examination of an anonymous victim of a sexual offense shall be retained for a minimum of two (2) years by State law. However, in the interest of the victim, anonymous DNA evidence shall be retained by the Department for a minimum of six (6) years.

Even after expiration of the applicable statute of limitations, the Support Services Division Deputy Chief should be consulted and the sexual assault victim should be notified, if possible, prior to evidence being disposed.

#### **803.8.1 SUFFICIENT SAMPLE PRESERVATION**

DNA evidence that is subject to preservation pursuant to CRS § 18-1-1103 shall be preserved in an amount and manner sufficient to develop a DNA profile, based on the best scientific practices at the time of collection, from the biological material contained in or included on the evidence (CRS § 18-1-1104(2)).

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If DNA evidence is of such a size, bulk or physical character as to render retention impracticable, a qualified technician or investigator shall remove and preserve portions of the evidence likely to contain DNA related to the offense in a quantity sufficient, based on the best scientific practices at the time of collection, to permit future DNA testing.

The preserved DNA evidence shall, whenever possible, include a sample sufficient to allow for independent testing by the defendant. After preserving the necessary amount of the DNA evidence, the remainder of the evidence may be properly destroyed as allowed by law.

#### 803.8.2 RECORDS RETENTION AND PRESERVATION

The Department shall maintain a DNA record for the statutory period of a DNA specimen collection from an eligible individual from the date of collection.

- (a) DNA evidence collected in reference to a criminal investigation of a felony that does not result in or has not resulted in charges being filed shall be preserved for the length of the statute of limitations for the felony crime that was investigated (CRS § 18-1-1103(1)).
- (b) Except as provided by law (CRS § 18-1-1105; CRS § 18-1-1106; CRS § 18-1-1107), the Department shall preserve the DNA evidence for the life of a defendant who is convicted, if the sample was collected in a criminal investigation that resulted in a conviction listed in CRS § 18-1-1102(1) and CRS § 18-1-1103(2).
- (c) A court may order the Department to preserve existing biological evidence for DNA testing at the request of a defendant (CRS § 18-1-414(2)).

#### 803.8.3 EXPUNGEMENT OF BIOLOGICAL EVIDENCE

A person may qualify for expungement and destruction of DNA evidence. This department shall destroy biological evidence after written notice is received from the Colorado Bureau of Investigation (CRS § 16-23-105).

#### 803.8.4 DISPOSITION OF BIOLOGICAL EVIDENCE

In cases described in state law (CRS § 18-1-1102(1)(c); CRS § 18-1-1102(1)(d)), the Department may seek to dispose of biological evidence by providing notice to the District Attorney who prosecuted the charges (CRS § 18-1-1105(2)).

If the District Attorney determines that the biological evidence should not be disposed of, the District Attorney must provide written notice. Upon receipt of the notice, the Department shall preserve the biological evidence until such time that a court order is obtained to dispose of the biological evidence (CRS § 18-1-1105(4)).

If the Department does not receive written notice from the District Attorney within a reasonable amount of time, the Department may file a motion with the court that entered the conviction in the case, asking for a court order to dispose of the biological evidence. The Department may not request permission to dispose of biological evidence in cases described in state law (CRS § 18-1-1102(1)(a); CRS § 18-1-1102(1)(b); CRS § 18-1-1105(1)).

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#### 803.8.5 DISPOSITION OF VICTIM BIOLOGICAL EVIDENCE

If biological evidence is being held that is the property of the victim, the victim may request the District Attorney to review whether the biological evidence may be returned. If the District Attorney determines the biological evidence may be returned, the District Attorney may file a petition with the court for the return of the biological evidence. Upon proper receipt, the Department will release biological evidence belonging to the victim (CRS § 18-1-1107), in accordance with Department policies and procedure.

#### **803.9 INSPECTIONS OF THE PROPERTY AND EVIDENCE SECTION INSPECTION**

An inspection is a careful and critical examination, a formal review of all components of a particular requirement, and an analysis of their application related to the department's property/evidence room. The Support Services Administrative Commander or his designee shall perform these inspections annually.

The inspection may include some or all of the following areas: security, access control, missing evidence, retention review dates/tickler files, organization, a partial examination of records, general cleanliness and housekeeping of the area; inventory levels; safety practices; training; etc.

#### **AUDIT**

An audit is a documented official inspection of the Property and Evidence Unit operational systems by randomly selecting items for review. Audits provide a method to evaluate the process and internal controls over the intake, storage, securing, safeguarding, and disposition of property and evidence.

In conjunction with the supervisor and staff of the Property and Evidence Unit, a biennial (every two years) audit shall be conducted of the Property and Evidence room with a member from the department's compliance section of the Professional Standards Unit. In the year this audit does not take place, a full unit inventory will be performed under the parameters set forth in this policy, A second audit of all high-risk items (firearms, drugs, money and valuables) will be conducted in this calendar year by the Property and Evidence Unit supervisor and staff. The findings of this audit will sent for review through their chain of command. All inventory and audit logs will be saved on the Property and Evidence Unit shared drive for reference.

The Chief of Police may direct additional audits or inventories to be completed as necessary.

During the audit process all firearms, drugs, money and valuable shall be audited. These items will also be audited before destruction, final disposition, or deposit into the City's general fund.

The below table has been developed as a tool for use by the Commerce City Police Department when determining the appropriate sample size for conducting an audit of property/evidence in the Property and Evidence Unit. This table shall be used for developing a sample size for the total count of property/evidence (minus high-risk) stored in the department's custody.

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The sample sizes in this table have been calculated based on a 95 percent confidence level and a confidence interval of +/- 3 percent. The Property and Evidence Unit should determine the total amount of "Total items of Property/Evidence" minus the high-risk items. The corresponding "Required Sample Size" should be applied when conducting the respective audit. If the exact number for items of property/evidence 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 all the property must be performed.

<b>Total items of Property/Evidence</b>	<b>Required Sample size</b>
100	92
250	203
500	341
1,000	516
1,500	624
2,000	696
2,500	748
3,000	787
3,500	818
4,000	843
4,500	863
5,000	880
5,500	894
6,000	906
6,500	917
7,000	926
7,500	934
8,000	942
9,000	948
9,500	959
10,000	964
15,000	996
20,000	1,013
25,000	1,023
50,000	1,045
100,000	1,056

A comprehensive audit may include:

- The department policies, directives, and procedure manuals comply with legal requirements and best practice

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- The department personnel are complying with the agency's written policies and procedures
- All paperwork authorizing and documenting the release of evidence is in order
- All items examined to adhere to the department packaging standard
- An examination of the condition of the storage facilities

#### **INVENTORY**

An inventory is an accounting of all items of property/evidence in the custody of the department. An inventory of all general property and evidence in the Property and Evidence Unit will be conducted biennially (every two years). The department's compliance section of the Professional Standards Unit will oversee this inventory with the Property and Evidence Unit supervisor and staff. In the year this inventory does not take place an audit will be undertaken as set forth in this policy.

An inventory process should be conducted in its entirety beginning and ending in the same calendar year. This process is to account for and verify all items in the property/evidence storage facility. A perpetual process can be conducted for the property/evidence storage facility. This process is where the property/evidence facility is sectioned off at the beginning of a calendar or fiscal year, and each section is inventoried throughout the year until the entire property/evidence facility and its contents are accounted for and verified by year's end.

All firearms, drugs, money, and valuables will be inventoried during this calendar year. In addition to this inventory, the high-risk items will be audited by the property and Evidence Unit's supervisor and staff. The findings of this inventory will be forwarded through their chain of command for review. All inventory and audit logs will be saved on the Property Evidence Unit shared drive for future reference.

Whenever there is a change of key-holding personnel who have controlled access to the Property and Evidence Unit or a permanent change in the Chief of Police, a modified inventory of property and evidence shall be made by an individual not associated with the Property and Evidence Unit or function to ensure that records are correct and all inventoried evidence and property is accounted for.

Significant case evidence that will be held for an indeterminate or long-term basis will be inventoried using the two-person rule and sealed for optimal preservation. If any item(s) need to be removed from sealed inventory, it shall be done using the two-person rule and again inventoried before resealing.

Any item(s) identified as missing/lost should immediately be brought to the attention of the Property & Evidence supervisor/manager, who will then notify the unit Commander in writing. Based on the circumstance surrounding the missing item(s), along with the value (both evidentiary and monetary), a determination by the chain of command shall determine whether or not to initiate an internal investigation.

Once a determination has been made on the missing/lost item(s), an administrative notation will be made in the PEMS annotating the outcome of the item(s), preventing the recurrence of the same issue being identified as missing in any future inventory.



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#### **ADMINISTRATIVE PURGE**

At times, the department may need to utilize an administrative purge process in the event the department Property and Evidence inventory contains items too old to be of value. This can be due to past management practices and/or staffing issues, as well as lagging dispositions from the District Attorney's office.

When considering an administrative purge, the risk to the organization should be considered but is sometimes the only alternative to addressing the problem in a timely and effective manner.

The Administrative Commander for the Property and Evidence Unit should initiate the administrative purge request with a written memorandum requesting to dispose of specific categories of evidence through the chain of command. This order should be specific as to the classifications of evidence covered, e.g., "all misdemeanors cases over 'X' months old, without a related arrest warrant, will be destroyed/released. All "designated felony property crimes that are beyond the 'X' period of time and/or never be investigated" will be destroyed/released.

Particular attention should be given to prevent the administrative purge process of any evidence in crimes against persons and sex-related crimes. This caution is necessary due to the high risks associated with these cases and statues regarding the retention of DNA evidence. If necessary, the appropriate prosecutor should review the suggested parameters of the administrative purge request.

An administrative purge is supported as a best practice for Property and Evidence Unit management in situations when the department needs to maximize space overcrowded with inventory items of little or no value. The Chief of Police, at his discretion, can authorize an administrative purge and has the final authority to approve what the process will be.

#### **DOCUMENTATION**

The date and results of all inspections, audits, or inventories shall be documented and forwarded through the chain of command to the Chief of Police via official memorandum and maintained as a Department record in accordance with records retention guidelines. These memorandums will be complete within ten business days of the completion of all inspections, audits, or inventories.

##### 803.9.1 PERIODIC REVIEW OF THE PROPERTY & EVIDENCE POLICY

The Support Operations Deputy Chief or his designee will ensure that a periodic review of the Property & Evidence policy manual will be reviewed and updated as necessary. As State, Municipal, and Federal laws change, these changes could have an impact on the Property & Evidence Unit. The Property & Evidence Supervisor will ensure that any requested changes will follow the chain of command as outlined in the policy.

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#### **803.10 RELEASE AND DISPOSAL OF FIREARMS**

A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon (18 USC § 922 (d); CRS § 13-14-105.5; CRS § 18-1-1001; CRS § 18-6-801; CRS § 24-33.5-424). Upon verification, the person may provide proof of ownership for the firearm, or a reasonable expectation of presumed ownership based on the case information and investigation, and request the release of the firearm.

In the event the owner of the firearm is not eligible or unwilling to receive the firearm, the owner may elect to transfer ownership of the firearm to a third party.

The Property Evidence Unit may release a firearm and/or ammunition to a third party under the following circumstances with a signed and notarized "Authorization / Affidavit to Release Firearm(s) to Another Party":

- CRS 18-12-112 (6) (b) as a transfer that is a bona fide gift or loan between immediate family members, which are limited to spouses, parents, children, siblings, grandparents, grandchildren, nieces, nephews, first cousins, aunts, and uncles.
- CRS 18-12-112 (6) (c) as a transfer that occurs by operation of law or because of the death of a person for whom the prospective transferor is an executor or administrator of an estate or a trustee of a trust created in a will.
- CRS 18-12-112 (6) (a) as a transfer of an antique firearm, as defined in 18 U.S.C., section 921 (a) (16), as amended or a curio or relic, as defined in 27 CFR 478.11, as amended.

If the third party does not meet the above parameters, the original owner must use a Federal Firearms License (FFL) holder to manage the transfer of the firearm and provide all the necessary documentation and information to the Property and Evidence Unit within thirty (30) calendar days of receipt of notice by the Property and Evidence Unit. The owner will be required to provide a signed and notarized "Authorization / Affidavit to Release Firearm(s) to a Federal Firearms Licensed Dealer." The Department is not responsible for costs related to the transfer of ownership or the shipment or delivery of the firearm to the FFL.

Firearms that are legally seized as evidence, found property, or safekeeping shall be retained for a minimum of five (5) business days for processing and clearance before being released to the rightful owner. A Deputy Chief has the discretion to authorize a firearm to be released before the five (5) business day-minimum. Any release of a firearm will be in accordance with Department policy.

#### **803.10.1 RELEASE OF FIREARMS IN RISK PROTECTION ORDER MATTERS**

Upon notice from the County or District Court that an extreme risk protection order has been terminated or not renewed, notice should be provided to the respondent of the process for the return of firearms (CRS § 13-14.5-109). The Investigations Bureau supervisor(s) will provide notification to the Property & Evidence Unit that the extreme risk protection order has been terminated. The Property & Evidence Unit will then send a letter to the respondent at the last known address as to the process for returning their firearm(s) and/or their concealed handgun permit to ensure compliance per CRS 13-14.5-109.

# Commerce City Police Department

## Commerce City Police Department Policy Manual

### *Property and Evidence*

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Upon request by the person named in a risk protection order, firearms or permit surrendered pursuant to the order shall be returned to the person within three business days after confirming eligibility to own or possess the firearm under federal and state law through a criminal history record check (CRS § 13-14.5-109) and in accordance with policy 803.10. Additionally, prior to the release of firearms or a permit the Department should:

- (a) Confirm that the risk protection order is no longer in effect.
- (b) Provide notice to the Petitioner or victim, unless the Department is the Petitioner (through Investigations or Victim Services Unit) that the firearms or ammunition are going to be returned.

If a person other than the person named in the risk protection order claims ownership of any seized firearms, the Department shall follow the procedures outlined in CRS § 13-14.5-108 and in accordance with policy 803.10.

If a person who has surrendered firearms pursuant to a risk protection order elects to transfer ownership of the firearms to another person, the Department shall follow the procedures outlined in CRS § 13-14.5-108 and in accordance with policy 803.10 prior to releasing any firearm.

If a firearm remains unclaimed for at least one year from the date that an extreme risk protection order expired, the firearm should be disposed of according to department procedures (CRS § 13-14.5-109).