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|  | <b>SPRINGFIELD POLICE DEPARTMENT</b><br><b>POLICY MANUAL</b>   | <b>POLICY</b><br><b>#83.1.1</b>                   |
| EFFECTIVE DATE<br>12/07/23   | <br>Andrew Shearer, Chief of Police | ACCREDITATION<br>REFERENCE<br>3.3.3; 3.3.4; 3.3.5 |

## Evidence/Property

### 83.1.1.1 PURPOSE AND SCOPE

The purpose of this policy is to discuss evidence and property handling procedures. The proper recognition, collection, and preservation of physical evidence is the first step toward the proper analysis or utilization of such evidence. The Department maintains a separate property control unit staffed by professional property control personnel to ensure the proper handling, storage, and testing of evidence and to maintain the chain of evidence.

### 83.1.1.2 DEFINITIONS

*Evidence* - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

*Found Property* - Includes property found by an employee or community member that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

*Property* - Includes all items of evidence, items taken for safekeeping, and found property.

*Safekeeping* - Includes the following types of property:

- Property obtained by the Department for safekeeping, such as a firearm, knife, or other dangerous weapon
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

### 83.1.1.3 POLICY

- a) The property control and property management functions are the responsibility of the Operations Support Division Commander
- b) The property control unit consists of two Property Controllers. They are responsible for evidence and property from the time of receipt from the submitting member or citizen through disposition. These personnel are available during normal business hours or may be called out after hours as necessary by a supervisor.

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- c) Property control personnel are under the general supervision of the Operations Support Division Commander. Property control personnel shall be under the specific supervision of the investigator in charge of a crime scene while at the scene.
- d) The Property Controllers are the Department's property custodian and account for all property accepted by or stored in the Department's storage areas.
- e) All property records, both computerized (since February 1986) and hardcopy, are kept in a secure area. The records system reflects the location of the property; date and time when the property was received or released; character, type, and amount of property on hand; chain of custody from the time the property was stored until its destruction or other final disposition; and date and results of all inspections and inventories of property and audits of records.
- f) Secure one-way doors for temporary storage of property & evidence are also located in the officer processing area. The different compartments will generally store any item seized by a department member. There are multiple slots for blood, and other biological fluids with a one-way locking door.
- g) The property room is constructed in a secure manner and equipped with has a tile floor over the top of a concrete floor. There are two entries, one via the viewing room and the other adjacent to the northwest building entrance. The interior of the room is equipped with sound alarm devices which are monitored 24 hours a day by the Dispatch Staff. The safe, blood room, drug room and gun room all have additional locking mechanisms.
- h) Only authorized personnel shall have access to the property room itself. Authorized personnel include: the Chief of Police, the Operations Support Division Commander and property personnel. Other persons shall enter only on legitimate business and must be always accompanied by property personnel. Card lock access is limited to property personnel and the Operations Support Commander.
- i) Weapons and narcotics are housed in separate rooms. Money, jewelry, and other valuables are secured in a locked cabinet.
- j) A separate, ventilated facility is available for the storage of hazardous materials. Property requiring minimal security which does not require special storage as above may be stored in the property annex.
- k) All biological hazardous materials and substances will be packaged and stored with a biohazard warning prominently displayed upon the item and storage location.

#### **83.1.1.4 PROPERTY CONTROL PROCEDURES IN GENERAL**

- a) A strictly followed property management system is necessary to ensure continuity and consistency of operation. The establishment and maintenance of correct evidence handling procedures are most important to the successful prosecution of a case in court. All personnel shall carefully follow all property handling and recording requirements.
- b) All property shall be logged into the property system as soon as possible.

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- c) Members should refer to the Springfield Police Department Property and Evidence packaging manual for guidelines for handling evidence and property prior to storage.
- d) This Department strives to return property to its rightful owner as soon as practical. Where the prosecutor allows, evidence shall be promptly photographed and returned.
- e) Receipting of property returned to its owner is done by collecting a signature from the property owner upon return of property.

#### **83.1.1.5 SPECIFIC PROPERTY HANDLING GUIDELINES:**

- a) All property shall be placed under control of the property unit before the member goes off shift.
- b) The contents of all property to be lodged by police personnel will be inventoried. The purpose of the inventory process is to locate hazardous or toxic materials, flammable or explosive substances including firearms and ammunition, in order to prevent police personnel from exposure to such substances and potential injury.
- c) The inventory is not a search for evidence of a crime. However, officers shall seize evidence or contraband located during the inventory. Items should only be scrutinized to the extent necessary to complete the inventory.
- d) Closed containers will not be opened for inventory purposes except for the following: wallets, purses, coin purses, fanny packs, personal organizers or other closed containers designed for carrying money or small valuables, or closed containers which are designed for hazardous materials. Officer shall comply with the section regarding chemicals in this policy.
- e) DO NOT DEFACE property by use of scribe or permanent ink.

#### **83.1.1.6 WEAPONS**

- a) All weapons shall be listed on the property report detailing brand, model, serial #, caliber, type action, holster, belt, scabbard, clip, number of rounds, possible contamination of blood, tissue, and any damage. All weapons shall be lodged unloaded (except when exigent circumstances exist. In such case, weapons shall be clearly marked "LOADED FIREARM".) The ammunition for unloaded weapons shall be packaged in a separate envelope.
- b) Weapons are destroyed by City maintenance personnel under the direction of the property controller. When weapons auctions are conducted, buyers are required to register with the Department in advance for a background check, and the auction is held in a secure, well monitored, City owned area. Weapons shall be destroyed, traded, or sold in accordance with State law and City Ordinance.

#### **83.1.1.7 SAFE KITS, BLOOD ALCOHOL KITS, BIOLOGICAL FLUIDS**

- a) SAFE kits are prepared by the Oregon State Police crime detection laboratory personnel to fulfill their requirements. Blood alcohol kits are commercially prepared and administered by hospital

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and/or county health nurses on request. Other biological fluids are acquired as evidence in a multitude of ways, from clothing, linens, vehicles, syringes, weapons, etc. The item dictates the handling procedure. SAFE kits will not be placed into the refrigerator. The time of day and day of week will have great bearing on whether other items can best be preserved without refrigeration. property personnel may be reached by telephone in special instances to store the item in the large refrigerator or freezer available in the property room.

- b) To avoid putrefaction, all bloody articles shall be placed in paper bags, not plastic. Use protective barriers to protect yourself.

#### **83.1.1.8 ALCOHOLIC BEVERAGES**

- a) Alcoholic beverages and containers are periodically seized by Department members. These containers may be full, partially consumed, or empty. They could be categorized as evidence, recovered, or safekeeping property depending upon the circumstances of the investigation.
- b) Alcohol lodged as a result of a MIP arrest is generally destroyed after adjudication without notice to the arrestee. Alcohol lodged as a result of DUII arrest is generally held until adjudication and destroyed without notice to the arrestee. Safekeeping of unopened alcohol refused by the jail or hospital may be returned to the owner and an attempt to notify by letter would precede destruction.
- c) Alcohol considered evidence, recovered from theft or burglary shall be returned to owner with notification by mail after adjudication. The form letter sent by mail gives the owner 30 days to claim property before disposal. Alcoholic beverages are destroyed by flushing into the sink drain. Kegs are returned to the distributor who handles the brand unless return is requested by an "of age" purchaser.

#### **83.1.1.9 CHEMICALS**

Under no circumstances are chemicals (primarily clandestine lab precursors) or petroleum products to be lodged in the property room due to their toxic and flammable nature. Containers containing fluid should be stored in the hazmat room in the ancillary building if the fluid itself is evidence. Chemicals must be stored in the hazmat room when seized. The Property Controllers shall be notified of the chemicals by the completed evidence report or voucher.

#### **83.1.1.10 CONTROLLED SUBSTANCE**

- a) Controlled substances (prescription drugs, marijuana, cocaine, meth) shall be lodged in the property room. There is a designated narcotics room for permanent storage equipped with an exhaust fan. The evidence report or voucher shall reflect how many bottles, bundles, baggies, etc., and a description of the contents of each container. For small amounts, the individual pills or capsules shall be counted and reflected on the report. Exception: recovered pharmaceuticals from burglary or armed robbery that are still factory sealed. The Board of Pharmacy prefers seals to stay intact. A digital gram scale is available on the book-in counter, and the packaged weight on each packet shall be noted on the Evidence Report or voucher.

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- b) The particular items to be transported to the laboratory shall be separated from any hypodermic kits, camera cases, etc. that they might have originally been contained within. The laboratory requires that all controlled substances for analysis be submitted to them in a tape or heat sealed, bag. The lab requires no more than two of any similar types of pill for processing. This allows for strict quality control of the contents. Controlled substances shall be re-weighed prior to destruction under the direction of the Operations Support Division Commander or their designee with the exception of residue baggies. Controlled substances may also be re-weighed prior to booking back into the property room from court exhibits. Controlled substances are destroyed by incineration, after inspection by the Operations Support Division Commander or their designee, and by the property controller (see GO 84.1.1).

#### **83.1.1.11 HYPODERMIC NEEDLES AND SYRINGES**

- a) Police personnel shall use extreme caution when searching suspects, crime/arrest scenes, and drug paraphernalia to avoid being stuck by hypodermic needles. Needle shields shall not be replaced on uncovered needles. Needles shall not be removed from syringes by any means for any reason. Needles and syringes shall be placed in a stick-proof container or left in its original packaging. Barrier protection equipment should be worn as appropriate to avoid contamination.
- b) Unless it is necessary to dispatch Department personnel as part of a criminal investigation, a third-party entity (i.e., CAHOOTS, MedExpress) shall be contacted to remove hypodermic needles and/or syringes found by members of the public. The Department will accept such needles and/or syringes for destruction if citizens bring them to the Department. Citizens shall be advised to place the needles/syringes in a sharps container to prevent accidental needle-sticks. Persons should not attempt to replace the needle shields on uncovered needles.
- c) Needles and syringes brought to the Department for disposal shall be placed in an appropriate sharp's container. Department members shall not replace any needle shields which come loose. Department personnel shall wear appropriate barrier protection to prevent contamination.

#### **83.1.1.12 ILLEGAL DRUGS**

No illegal drugs, including marijuana, will be returned to citizens. No exception will be made where a citizen claims medical marijuana.

#### **83.1.1.13 MISCELLANEOUS**

All items of clothing of an evidentiary nature shall be packaged separately in paper bags. Exception: suitcases, backpacks. Example: Levi jacket used to conceal weapon, jacket shall be placed in bag and staple sealed. Do not lodge with wire tag in zipper pull.

#### **83.1.1.14 DIGITAL EVIDENCE MANAGEMENT**

- a) Digital Evidence Management System (DEMS) – cloud-based storage system used for the electronic storage of digital media captured in conjunction with the storage of the department's current body worn camera or in car video systems.

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- b) All pictures and videos taken on a Department smart phone are official public records and shall be retained. Personnel will not use personal cameras and/or media to collect evidence unless in an emergency situation and no department device is available. Any digital media evidence captured on a personal phone must be transferred into DEMS as if the media were captured on a department issued smart phone and erased at the conclusion of the upload session.
- c) Pictures, voicemail messages, voice recordings/memos and any other media or communications stored in a phone that is deemed as evidentiary information by law enforcement or judicial entities shall be retained. It is the responsibility of the member obtaining the digital media to upload it to the current DEMS system at the end of their shift unless a supervisor approves the delay until the next work shift. All media in the DEMS system should be documented in any report and summarized at the beginning. All media, regardless of quality, value, or appropriateness to the investigation, will be transferred, unaltered, directly into DEMS. If a member uses a phone to record images from another video recording device, the member shall ensure that the original evidentiary video footage is also obtained in accordance with the normal evidence collection procedures, when practical. Digital media requiring propriety supporting software to view shall be lodged into property in accordance with property control procedures.
- d) All uploaded and retained digital media shall be treated in the same manner as other evidence. Digital media shall be accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping, shall be used as appropriate to preserve an individual's rights and to ensure the authenticity and maintenance of secure evidentiary chain of custody.

#### **83.1.1.15 CHAIN OF CUSTODY**

- a) The chain of custody may best be maintained when the report is completed to coincide with the booking in of the evidence item(s). Any time an item is transferred to the laboratory, court or another agency, the transporting person shall list their name, sign the back of the evidence report or provide an electronic signature in the "custody assumed by" column. The following information shall be recorded: which items are being transferred; date and time of transfer; agency to whom the item(s) are being transferred; name of the transporting person, receiving person's name and functional responsibility; authorization from the primary officer or investigator, reason for the transfer; and name and location of the laboratory. Items released shall be signed for on the front (Box 64) of the property report or on a voucher.
- b) Evidence submitted to a laboratory for examination shall include the OSP Form 49 which will include the date and time of submission or mailing and method used for transmission, date, and time of receipt in the laboratory, and name and signature of the person in the laboratory receiving the evidence.
- c) Laboratory reports of the findings in each case shall be filed with the original case report in records or electronically attached in RMS.

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- d) The return of the property from a laboratory, court, or other agency should be recorded or documented in a manner that indicates date, time, and the person who returned the property.
- e) This Department strives to return property to its rightful owner as soon as practical. Where the prosecutor allows, evidence shall be promptly photographed and returned.