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Approval: Chief of Police	Manual: Policy and Procedure			

I. PURPOSE

The purpose of this policy is to establish procedures for controlling, recording, processing, releasing, and disposing of property and/or evidence in the custody of the Kinston Police Department which has been seized, recovered, abandoned, lost or found.

II. DEFINITIONS

- A. Evidence Management: Evidence management is the administration and control of evidence related to an event so that it can be used to prove the circumstances of the event, and so that this proof can be tested by independent parties with confidence that the evidence provided is the evidence collected related to the event.

III. POLICY

- A. It is the policy of the Department to maintain and/or dispose of found, recovered, or evidentiary property in accordance with federal, state, and local statutes, and court decisions relating to such properties. It is also the policy of this Department to return such property to its rightful owner(s) in a timely manner, unless otherwise directed by the court.
- B. The Crime Lab is responsible for management activities relating to found, seized, recovered, or evidentiary property in custody of the department. It is the responsibility of the Crime Lab to log all property and evidence into agency records as soon as possible and to maintain accurate property management records at all times. The Crime Lab is a component of the Investigations Division and is under the direct supervision of the Investigations Division Captain.
- C. Property and Evidence Submission
1. The Crime Lab serves as a secure repository and control center for the receipt, storage, and release of property and evidence. All evidence and property received by the Crime Lab are assigned an initial case OCA number by the 911 Communications Center and later an additional property number is assigned by the Crime Lab. Property and evidence may be received in the following categories; arrest evidence, investigative property, found/recovered property, decedent's property, property for disposal, other property.
 2. The officer who recovers or seizes property or evidence shall:
 - a. Determine whether the property/evidence should be in custody; and if so, place all property and evidence under the control of the property and evidence function before the officers ends his/her tour of duty.
 - b. Collect, package, and label the property/evidence as outlined in Department Policy and Procedures.

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- c. Categorize the property/evidence.
 - d. Complete the property/evidence report including details of how the property or evidence came into the agency's possession and an inventory of each item obtained.
 - e. Attempt to find the rightful owner of found or recovered property when appropriate.
 - f. Approve the disposition of property/evidence by the officer's own authority when appropriate.
 - g. Submit the property/evidence with the original property report to the Crime Lab.
 - h. Under no circumstances will officers destroy, hold, or convert to their personal use seized, found, or recovered property/evidence.
 - i. Under no circumstances shall officers submit seized or recovered property/evidence later than the end of the police officer's tour of duty on the day the property/evidence came into the police officer's possession without supervisor approval.
- D. To ensure accountability, all property/evidence stored by the Department shall be maintained in a designated secure area.
- E. All controlled substances accepted into, and released from, the custody of the Department shall be controlled by the following systems:
- 1. Quality and Quantity Control System

The investigating officer shall weigh and, when practical, count seized controlled substances prior to packaging. The officer shall record the weight and number of each controlled substance on the property report. The officer shall store the controlled substances in a department approved container, and seal the container in an approved manner. The sealed container will then be submitted to the Crime Lab for storage and/or processing.
 - 2. Controlled Substance Container Inspection System

All property containers to be used for controlled substance shall be approved by the Department prior to use. The inspection of evidence containers being used to store narcotics or dangerous drugs should be included in the inspection process outlined in this directive.
 - 3. Perishable Items

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- a. Refrigerated storage is available for the perishable items. All property and evidence requiring refrigeration shall be packaged and sealed in a property/evidence envelope or container and submitted to the Crime Lab for secured storage in the evidence refrigerator. Rape kits are sealed at the hospital by the physician and it is not necessary for the officer to place the kit in an evidence envelope. However, the officer shall document the transfer of the evidence and shall complete required labeling or logging of the property/evidence.

4. Bulk Items

Large items having evidentiary value shall be stored in the evidence cage at the City Complex. Vehicles shall be stored in the City Complex vehicle seizure yard. All such items shall have proper paperwork prepared and submitted to the Crime Lab along with the keys to the vehicle.

- F. When the Crime Lab is closed, property (size permitting) and the related report shall be placed in a storage locker. The evidence lockers are located in the processing room or at the evidence cage at the City Complex. They are to be used for the temporary storage of found, recovered, or evidentiary property when the Crime Lab is closed. Officers shall use the following procedure for storing property or evidence in the lockers.
1. The officer shall process evidence or property in accordance with departmental policy. The officer shall place the evidence or property and accompanying property report in an evidence locker and ensure the locker door is closed and secured.
 2. When extenuating circumstances exist (e.g., bulk items, large quantities, critical evidence, or items that need to be refrigerated), or when all the evidence lockers are full, the on-call Crime Lab Technician should be notified or recalled to duty to take custody of the property.
 3. In the event seized or recovered property cannot be properly secured in a storage locker the on-call Crime Lab Technician shall be contacted.
 4. Access to the property/evidence room shall be limited to personnel authorized by the Chief of Police. A visitor log shall be maintained by the Crime Lab of all persons who enter the Property and Evidence Room.
 5. During inspection of the property/evidence room the Department employees conducting the inspection must be accompanied by Crime Lab Personnel.
- G. The Crime Lab of the Department shall maintain a records system reflecting the status of all property held by the Department. This system shall include property reports to be completed by the officer initially taking custody of the property and records maintained by the Crime Lab. All found, recovered or evidentiary property acquired by the Department shall be accompanied by a completed property report.

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- H. The Crime Lab shall maintain a record keeping system that reflects the status of all property held by the Department to include; the current location of the property/evidence, the date and time the property/evidence was received and released or disposed of, the chain of custody for each item, the date and results of all inspections, inventories, or audits.

- I. The Crime Lab must have proper authorization before releasing any seized, found, or recovered property. When removing evidence from the Crime Lab for court, the Crime Lab Technician and/or the officer receiving the evidence, must complete the chain of custody on the Evidence Sheet.
 - 1. Items not held by the court will be returned to the Crime Lab by the officer not later than the end of the officer's tour of duty after leaving the court room. Whenever items are returned to the Crime Lab, the officer returning the property shall complete the chain of custody on the Evidence sheet.

- J. When evidence taken from the Crime Lab is held by the court:
 - 1. The officer shall inform the Crime Lab Technician of the court's action.
 - 2. The Crime Lab Technician shall record the court's action on the Evidence Sheet.

- K. Final disposition of found, recovered, and evidentiary property will be accomplished as soon as possible, but within twelve (12) months after legal requirements have been satisfied in accordance with the following guidelines;
 - 1. Felony - After the criminal trial and all possible appeals have been completed, all property lawfully seized by law enforcement authorities shall be disposed. Officers may ascertain the status of a case on appeal through their district attorney's office. The court or magistrate, in their discretion, may order the property released to its lawful owner, forfeited, sold, or destroyed. Homicide or biological evidence will remain in evidence until defendant is released from D.O.C. or deceased.
 - 2. Misdemeanor - Disposal shall be as soon as possible after the ten-day appeal time has lapsed.
 - 3. In felony or misdemeanor findings, the disposal of property or evidence will be accomplished according to the order of the presiding judge. If the owner is not known, the disposal will be accomplished in the same manner as unclaimed property.

- L. In instances when the evidentiary property is very bulky, dangerous to store, prone to easy deterioration, needs special preservatives, or is of essential use to the owner (if the owner is not the arrestee), may be returned as approved by the Crime Lab.
 - 1. If property is returned to the owner or destroyed, photographs of the property may be taken at the discretion of the investigating officer/Crime Lab Technician and the disposition of the property recorded on the Evidence Sheet.

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2. The Crime Lab Technician will attest to the destruction of property or evidence by recording the date and place of destruction, and by signing the Evidence Sheet. The manner of destruction will be as follows:
 3. Firearms and other dangerous weapons shall be disposed of in accordance with the court ordered disposition.
 4. All other property shall be destroyed by burning, crushing, or shredding.
- M. Recovered or found property (non-contraband) is property in the custody of the Department's Crime Lab that can be legally possessed by a U.S. or naturalized citizen. Disposal of this type of property will be accomplished in the following manner:
1. Provisions of North Carolina General Statute 15-11 through 15-17 shall be met.
 2. Property believed to be abandoned, lost, stolen, or otherwise illegally possessed shall be returned to the rightful owner upon reasonable and satisfactory proof of ownership.
 3. Prior to returning a prohibited firearm in the custody of the Kinston Police Department evidence storage room, a criminal history check on any person receiving the firearm shall be completed (prior to the return of the firearm). This practice is to ensure the person receiving the firearm is legally allowed to possess the firearm.
 4. If the rightful owner cannot be identified within six (6) months, the Department may affect the sale of the property for cash by means of a public auction. Notice of the auction will be published at least once in a local newspaper ten (10) days prior to the auction.
 5. The owner or other person(s) entitled to possession of such property may claim the property and take possession of the property any time before the public auction upon providing reasonable and satisfactory proof of ownership or right to possession.
- N. At least semi-annually the Investigation Division Captain will conduct an inspection of the property/evidence room to ensure compliance to all property control procedures. A log containing the dates and times of all inspections shall be maintained in the evidence room. The inspection shall ensure that:
1. Provisions of agency directives on property/evidence control procedures are being followed.
 2. The property/evidence room is maintained in a clean and orderly fashion.
 3. Property/evidence is being protected from damage or deterioration.
 4. Property/evidence accountability procedures are being maintained.

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5. Property having no further evidentiary value is being disposed of according to established procedures.
- O. Whenever new Crime Lab Personnel are designated, a complete inventory of property will be conducted by the newly designated Crime Lab Technician, and the Crime Lab Supervisor or their designee.