



Newport News Police Department - Operational Manual

OPS-485 - PROPERTY & EVIDENCE

Amends/Supersedes: OPS 485 (04/16/2018)

Date of Issue: 01/23/2019

I. GENERAL

- A. Police Department employees shall properly handle, package, and document items they submit to the Property & Evidence Unit (P&E Unit). They shall protect all recovered property from contamination, alteration, destruction and damage. Additionally, they shall provide care for any item to be processed for latent prints or laboratory analysis.
- B. Employees shall submit all recovered property and evidence in accordance with policy.
- C. Photographic and video evidence collected through the use of a body-worn camera system, or entered into the Evidence.com or DataWorks systems will be considered original secured images/footage for evidentiary purposes.
- D. Any handwritten entries on evidence forms and reports will be neat and legible.

II. DEFINITIONS

- A. *Evidence* - Tangible and intangible items needed in the prosecution of a case under criminal investigation, to include DVDs, CDs or other electronic media on which evidentiary photos, audios, or videos are recorded .
- B. *Narcotic Evidence* - Illegal drugs and/or controlled substances.
- C. *Contraband* - Items which by law are illegal to own or possess.
- D. *Found Property* - Items of value which appear to have been lost and not discarded by the owner. This does not include junk or items of little or no value.
- E. *Release to Owner* – When items of value, are no longer needed for court purposes, and can be returned to the rightful owner.
- F. *Prisoner Property* - Any personal items remaining with a prisoner, not related to the criminal charge(s) that are to be processed and accepted by the Sheriff's Department during booking.

NOTE: The Sheriff's Department will not accept items larger than a back pack/gym bag. These may be placed in P & E.

III. PROCEDURE

- A. Submission of Property and Evidence
 - 1. All property and evidence recovered will be submitted to the P&E Unit or placed in the temporary storage lockers before the end of the employee's shift. Off-duty employees

shall immediately make arrangements to submit any recovered property.

- a. Property recovered as a result of a secondary employment assignment will be submitted by the employee working the secondary employment. [84.1.1(b)]

NOTE: Contact a supervisor or the Forensic Services Unit regarding any evidence for which you are unsure of the proper handling and/or submission procedures.

2. The P&E Unit may refuse to accept any item:
 - a. Improperly packaged, marked or tagged; [84.1.1(d)]
 - b. With an incomplete or improperly completed Property & Evidence Inventory Control sheet (NNPD Form #8, "P&E sheet"); or [84.1.1(c)]
 - c. Improperly seized.
3. P&E Technicians shall log the information on all received property into the P&E records database as soon as possible. [84.1.1(a)]
4. Whenever the P&E Unit identifies incomplete or improperly completed P&E sheets or an improperly packaged item, the P&E Technician will:
 - a. Transmit a copy of the P&E sheet, and a brief explanation of changes needed, to the submitter with the request that the employee report to the P&E Unit as soon as possible to correct the problem.
 - b. If the employee fails to report within five working days, a follow-up letter will be sent to the employee's watch commander.
5. Employees shall notify the P&E Unit when final disposition can be made concerning any items submitted. Notification may be made by: [84.1.1(g)]
 - a. A signed Tracer Form;
 - b. A signature in the "Permanent Release of Property Section" of the P&E sheet;
 - c. A signed fax; or
 - d. Department e-mail (as authorized on a case-by-case basis by the P&E Sergeant).
6. Release of evidentiary items to employees
 - a. Employees may request the temporary release of evidentiary items for investigative, laboratory analysis or court purposes. The employee provides the P&E Sheet number of the items being obtained, and maintains a transmittal record. [84.1.1(g)]
 - b. Evidence collected from another jurisdiction's stolen vehicle recovered in Newport News, will be transferred to the authorized LE member from the original jurisdiction of the vehicle theft. The evidence record will be marked as being transferred to another agency.
7. Various types and sizes of packaging materials (e.g. envelopes, bags, anti-static bags, static shielding, tubes and boxes) are maintained by the P&E Unit at the Police Headquarters (HQ), North and Central Precincts, South Precinct and Organized Crime Division. The appropriate size and type of packaging for the turned in item shall be used.

NOTE: A standard 9x12 envelope shall be used whenever possible. (See also: “Forensic Evidence Collection” guide in the Forensic Services Unit SOP, located in the Forensic Services folder on the Common drive.)

B. P & E Sheet (NNPD Form #8) [82.2.1(b,c,d,e); 84.1.1(c)]

The submitting employee will:

1. Segregate property to be returned to the owner on a separate P&E sheet for each owner, if the information is known.
2. List property with more than one property classification listing (under “Property Status” at the top of the form) on one P&E sheet.
 - a. List what is to be done with items of different classifications in the “Remarks” section or in property description field.
 - b. Separate packaging by classification item is required.
 - c. Complete the entire form. If information is unknown, enter “UNK” in the box.
 - d. Place the IBR report number in the space provided on the P&E sheet. [83.2.1(a)]
3. Distribution of the P&E Sheet
 - a. Submit the top copy of the P&E sheet to the P&E Unit with the property or evidence.
 - b. The submitter retains the bottom copy for his records.
4. The submitter will:
 - a. Check all describable property through NCIC/VCIN and the Department’s stolen property files.
 - b. Document how the checks were made and the results of the checks, in the “Remarks” section, P&E sheet.
5. P&E sheet numbers:
 - a. Will be recorded on the IBR. Additional inventory numbers will be recorded in the IBR “Remarks” field.
 - b. When using more than one P&E sheet for a case due to multiple evidence items, use the sheet's pre-printed number. The pre-printed number will not be crossed out or altered. The IBR will connect the different P&E sheet numbers to the case.
6. P&E sheets are maintained in the temporary P&E evidence storage rooms at the North, South and Central Precincts, Police HQ, and the Organized Crime Division.
7. Employees will not remove P&E sheets from these locations unless their use is imminent. [82.2.1(a)]
8. For property or evidence submitted for processing by the Forensic Services Unit, or testing by the State Crime Laboratory, the submitting employee shall note the information under “Property Status” on the P&E sheet.

NOTE: Each item must be packaged separately in Departmental provided packaging.

- C. Locations and Methods of Storage of Property & Evidence [84.1.2; 84.1.3]
1. Once properly packaged, tagged and labeled, the submitting employee shall place the property and evidence with the completed P&E sheet into a temporary P&E evidence storage locker. If at Police HQ during the normal P&E business hours, the employee will turn over all property and evidence (with the exception of drugs and digital/video images as set forth herein) directly to a P&E Technician.
 2. North and Central Precincts, South Precinct and Organized Crime Division [84.1.2]
 - a. Access to the North, South, Central Precinct's, and the Organized Crime Division's temporary P&E evidence storage areas shall be gained by the employee's proximity ID card.
 - b. All property and evidence turned in at the North, South or Central Precincts or the Organized Crime Division will be stored in the evidence lockers or the drug mailbox located in the Temporary Evidence Storage Room. After the employee has placed evidence in the locker, the employee will secure the locker's lock. Evidence should not be left unsecured outside of the lockers.
- NOTE: Only P&E Unit staff has access to the secured lockers.
3. Police Headquarters Complex [84.1.2]
 - a. An employee's proximity ID will grant access to the Temporary Evidence Storage area at Police HQ.
 - b. After normal business hours all property and evidence turned in at Police HQ will be stored in the evidence lockers in the foyer of the Police P&E/Forensics Building, and the locker locked.
 - c. Drug evidence being turned in at HQ will be placed in a locker designated as "drug only" storage, following the procedures set out in Section III.E. "Narcotic Evidence".
 - d. If the drug lockers at HQ are full, the drug evidence will be placed in a drug locker at one of the precinct stations.
 4. An employee entering the Temporary Evidence Storage Room at either the North, South or Central Precincts, the Organized Crime Division, or an evidence locker at Police HQ shall sign the entry log book (completing all columns) maintained inside the temporary P&E evidence storage room. Any entry to a P&E evidence storage area will be logged.
 5. Whenever personnel seize items of property and evidence too large in size to fit into the temporary evidence lockers, one of the following employees will be notified (in descending order) to respond and take possession of the item(s): [84.1.1(e)]
 - a. P&E Sergeant;
 - b. P&E Drug Control Officer; or
 - c. P&E Technician.
 6. Collected latent prints will be placed onto a "Latent Print Card" (NNPD Form #021). Officers will complete all fields of the form (except as marked otherwise). All prints

collected will be listed on the P&E sheet (NNPD Form #8) for that case's evidence. A separate envelope will be used for each case.

- a. The card(s) will be placed into one of the 6 X 9 inch pre-printed manila envelopes and the following information provided:
 - 1) Officer Name;
 - 2) Officer Computer #;
 - 3) IBR # for the related case;
 - 4) Date; and
 - 5) The number of print cards in the envelope.

NOTE: If the supplied pre-printed envelope is not large enough, a larger envelope may be utilized, and the required information printed on the front. When packaging latent prints from an online reporting case, if the IBR # has not been assigned, this field may be left blank, and the P&E # referenced as a note.

- b. After the prints are placed in the prepared envelope, officers will seal it, initial the seal and enter the prints into the evidence log.
- c. Once logged, the envelope is placed into the "latent print box" located:
 - 1) Back of the P&E door at North and Central precincts;
 - 2) Above the officers' table/desk at HQ and South Precinct P&E areas.
- d. P&E personnel will pick up precincts' latent print envelopes from the precinct(s), logging the collection.
 - 1) Collected envelopes will be placed in the P&E latent print box and logged there.
- e. Forensics Technicians/Latent Print Examiners will sign out latent print envelopes picked up from the HQ latent print box. Pending analysis, the cards will be secured in the latent print room of the Forensics Services Unit.

D. Narcotic Evidence [83.2.1; 83.2.4(d); 84.1.1(d)]

1. Weighing of Drug Evidence

- a. In incidents involving drug evidence, the measurement unit and drug quantity of the seizure must be noted in the "property" page of the IBR. In the "Quantity" section of the IBR property page, the officer will fill in the weight quantity of the drug seized. [82.2.1(a,b,c)]
- b. Scales are located in the temporary P&E evidence storage rooms at the North, South and Central Precincts, the Organized Crime Division, and on the counter of the officer's work area at the HQ P&E facility. Instructions for their use will be posted at each location.
- c. These scales are not calibrated, and the weight recorded is considered to be an approximate measurement of the amount of drugs seized.

NOTE: The weight listed on the lab analysis report returned from the State Laboratory will usually be different.

- d. Prior to weighing, drug evidence must be placed in a drug evidence bag. The bag's weight (13.5 grams/large bag; 11.5 grams/medium bag) is subtracted from

the total weight to obtain the approximate evidence weight Drug weights should be rounded to the nearest gram. [82.2.1(d)]

NOTE: Approximate weight measurements are only for the property page of the initial IBR. Do **not** use these measurements on the P&E sheet (NNPD Form #8), Request for Laboratory Examination Form (RFLE) (State Form DFS-100-F100), or in the letter of arrest.

2. Drug Evidence Packaging [82.2.1(b,c,d,e)]

All narcotics (including those for destruction) shall be packed in a drug evidence bag (except for those items outlined in “Special Packaging Methods” of this policy). Employees recovering narcotic evidence will adhere to the following:

NOTE: The drug evidence bags come in two sizes (8 x 10½, and 10 x 13). Do not place drugs in the bags for money evidence (3¾ x 7) for any reason.

- a. Complete the required information on the drug evidence bag, including the recovering employee’s initials.
- b. Seal the bag after inserting the evidence. Additional tape is not required.
- c. When packaging more than one evidence item, each should be packaged separately to avoid cross contamination. Label items on the lab sheet and the zip lock bag with the item number. Plastic zip lock freezer bags provided by P&E are recommended to isolate separate items within a drug evidence bag. Tape the zip lock bags shut (If multiple tablets were found in one pocket, each tablet would not be packaged separately. All items located together of the same substance may be packaged together). All items must be listed on P&E sheet (e.g., 8 pills, and 5 bags with cocaine) with an exact count.
- d. After the drug evidence bag is filled and sealed (to include filling out the P&E sheet and Request for Laboratory Examination) all items and forms will be placed into a 10 x 13 manila envelope. Close the manila envelope by its clasp (do not seal by tape) and drop it into the drug mailbox.

NOTE: If the drugs are for disposal (not held for evidence), do not complete the RFLE Form.

e. Latent Print Processing [83.2.3; 83.3.2(b,c)]

- 1) Before submitting containers with latent prints for processing; the contents will be removed and repackaged as drug evidence. The original container will be submitted to the P&E Unit with a separate entry made in the IBR property page, and a separate P&E sheet for transfer to the Forensic Services Unit for processing. The newly packaged drugs are to then be submitted as described above.
- 2) Original containers which held opioids (i.e. heroin, fentanyl, and fentanyl analogs), or suspected opioids, will be packaged as drug evidence using plastic evidence bags, using the proper safety precautions for these drugs. If processing for prints, the packaged container will be submitted to the Department of Forensic Science with the completed DFS100-F100 request and will not be transferred to the Forensic Services Unit.

- f. For multiple arrestees, all the suspects' names are to be listed on the evidence, field notes, and lab sheets, indicating which evidence belongs to which suspect.
 - g. Once seized, all items of evidence must be kept in sole control of the employee involved until packaged and placed into the evidence locker, or turned over directly to the P&E Unit's Drug Control Officer. [84.1.1(b)]
3. Property & Evidence Sheet [82.2.1(a,c)]

Instructions for completing P&E sheets and for packaging and submitting items as evidence are located at the temporary P&E evidence storage lockers located at HQ, North, South and Central Precincts, and the Organized Crime Division.

NOTE: All items of narcotic evidence found or turned over to employees without an arrest must be disposed of the same way as evidence with an arrest. The items must be packaged, tagged and turned into the temporary P&E evidence storage locker with the P&E sheet marked "Dispose".

4. Drug Analysis
- a. Officers may use the approved field test for the detection of marijuana. The result of this field test is admissible as evidence in preliminary hearings in court (see §19.2-188.1 of the Code of Virginia). Officers will also complete a Drug Field Test Kit Checklist (NNPD Form #200M). (See: OPS-455 "Narcotics Investigations") [82.2.1(b)]
 - b. The investigating officer shall complete the RFLE Form (DFS-100-F100), placing it with any drug evidence to be submitted to the State Crime Laboratory. Only evidence requiring analysis should be submitted. Large items such as scales should be dismantled and only the part with residue submitted. [82.2.1(b,e); 83.3.2(a,b,c,d)]
 - 1) Upon completion of analysis by the State Crime Laboratory, the submitting employee receives a copy of the Certificate of Analysis with the examination results. [83.3.2(e)]
 - 2) When analysis from the State Crime Laboratory was not initially requested for a case, and the Field Test Kit results are later questioned through a court order as part of the case defense, a RFLE Form (DFS-100-F100) shall be completed at that time.

5. Ionization Scanning

Ionization scanning may be done through the Virginia Natural Guard Counterdrug Task Force (VNGATF). The Organized Crime Division's VNGATF liaison will collect items from P&E specified for an ion scan twice monthly. A report will be generated listing all cases submitted for scanning during the set two-week time frame.

- a. Officers may request an ionization scan be conducted on items placed into P&E which they believe may have amounts of trace drug evidence on them (i.e. currency).
 - 1) The officer will indicate the item to be scanned in the "Notes" section of the IBR, and the "Remarks" section the P&E Sheet (NNPD Form #8).

- b. If the item to be scanned is currency seized as a result of suspected drug activities, the submitting officer will indicate on the Drug Asset Forfeiture Report (NNPD Form #87) that the currency is to be scanned, in addition to the entry on the P&E voucher.
 - 1) When packaging currency for ion scanning, the officer will stack the bills (if applicable), wrap each stack carefully in a clean 8.5" X 11" piece of paper, and slip the wrapped stack into a standard glassine currency bag.
 - c. The P&E Technician will indicate in the P&E Tracking System that the item was submitted for ion scanning by placing an "ION" in the "Purpose" field.
 - d. The OCD's VNGATF liaison will contact the officer named on the P&E voucher upon receipt of the completed test results. If the submitting officer wishes the results to be reported to someone else, those individual(s) should be designated in the P&E voucher "Remarks" section.
6. Special Packaging Methods
- a. Plastic safety tubes shall be used to package sharp, hazardous items. Once sealed, the tube must be placed in a drug evidence bag and treated as any other drug evidence. The following items require these safety tubes:
 - 1) Razor blades;
 - 2) Needles/syringes;
 - 3) Glass or metal smoking stems; and/or
 - 4) Glass items that may break and cut the bag.
 - b. Suspected marijuana plants should only be packaged in paper bags. Plant stalks will be broken down to fit the bag. Do not collect the root-ball, dirt, or pot/planter. Use an appropriately sized bag, seal with tape, and initial the seal. The same information that is required on a drug evidence bag should be placed on the paper bag. Green marijuana for destruction can be placed in plastic bags since it will not be tested.
7. All other evidence related to drugs or narcotics (i.e., paraphernalia without residue present) will be submitted to the P&E Unit as normal evidence on a separate P&E sheet.
8. Temporary Storage of Narcotic Evidence [84.1.1(e); 84.1.2]
- a. Unless turned directly over to the P&E Unit's Drug Control Officer, drug evidence will be stored in the temporary P&E evidence storage rooms at North, South, and Central Precincts, the Organized Crime Division, or in the designated drug storage lockers at the HQ P&E facility. The recovering employee shall properly package and mark the drug evidence prior to placing it in a drug mailbox or designated storage locker, marked "drugs only."
 - b. If the evidence is too large to fit into the drug mailbox, select a large locker, remove the lock, and move a yellow lock or the lock marked with the word "DRUGS" to that locker. If the evidence is too large for any locker, notify the Drug Control Officer.
9. Handling of Drug Evidence
- a. Syringes will be handled with caution to avoid accidental puncture. If possible, re-cap and package safely. Needles will be recapped by placing the cap on a hard surface and putting the needle into it, not by holding the cap in the hand.

NOTE: In cases involving syringes as physical evidence, syringes are not submitted for laboratory analysis unless essential to the investigation due to consideration for the safety of laboratory personnel. The evidence container will be plainly marked "CONTAINS A SYRINGE", and identified as such on any RFLE (State Form DFS-100-F100), in addition to being marked with a biohazard label as set out in III.E.5.

- b. LSD, PCP, fentanyl (including similar fentanyl analogs), and similar hallucinogens/substances, are easily introduced into the system through minor vapor inhalation and absorption through the pores of the skin. Cautionary techniques will be used. If possible, avoid touching the drugs to prevent destruction and contamination. Rubber gloves will be used. Hands should be kept away from the mouth and eyes.
- c. Control all evidence to ensure the proper chain of custody. Notations of all pertinent times must be recorded in the investigatory letter.

E. Evidence Requiring Special Consideration, Handling and Packaging [83.2.4(d); 84.1.1(e)]

- 1. Hazardous, contaminated or dangerous items require special packaging prior to submission to P&E to prevent injury and evidence contamination. Items to be processed must be handled as little as possible.
- 2. Firearms
 - a. Employees will document the date and time of the NCIC/VCIN weapon inquiry on the P&E sheet. The employee will make note of any "hit" on the inquiry, including the owner information.
 - b. Firearms will be cleared and unloaded of all ammunition and actions or cylinders blocked open with a nylon tie. Magazines shall be removed from all firearms, but will not be unloaded. Firearms will not be packaged, and will be tagged using a string tag. Employees will place firearms in a size-suitable locker with the muzzle pointed into, or toward the floor, of the locker. Magazines and cartridges shall be placed in a zip lock bag in the locker with the firearm.
 - 1) When the magazine is removed from a semi-automatic weapon and submitted as evidence, keep the ammunition inside the magazine for safe transport.
 - 2) Do not insert any nylon ties or other authorized ties utilized to process a firearm through the weapon's barrel.
 - 3) If fingerprints or DNA may be recovered from a firearm, do not place it into an evidence locker "loose". It shall be treated as outlined in Section III.E.2.c.
 - 4) Temporary evidence lockers designed for long guns will not be used for smaller items of evidence unless there is no other available temporary locker.
 - c. Handguns submitted for in-house processing shall be cleared of all ammunition and placed in an unsealed 9x12 envelope labeled with the corresponding P&E Property identification number and "Process for Prints."
 - d. Wear protective latex gloves when handling firearms whenever possible, so they can be swabbed for any DNA evidence.

NOTE: If a weapon cannot be unloaded for any reason, contact the Department Armorer for instructions on rendering the weapon safe. Never place loaded weapons in temporary lockers.

- e. When a firearm is recovered for submission to the P&E Unit, the employee shall:
- 1) Complete a Firearms Submission Form (NNPD Form #86);
 - 2) Interview the person who possessed the firearm and complete a State Police Criminal Firearms Clearinghouse Form (SP-187). Through this interview, attempt to determine where, and/or from whom, the possessor obtained the weapon;
 - 3) Document the current owner of the weapon (if different from information in blocks #24 through #35 of Form #SP-187);
 - 4) Document additional information on a plain sheet of paper with the P&E Inventory Control number at top right and staple it to Form (SP-187). Both forms (SP-187 and NNPD Form #8) with the evidence or found property will be submitted to P&E; and
 - 5) Document recovery and classification on the sheet. [82.2.1(a,b,c,d,e)]

NOTE: If the firearm is recovered from a juvenile, or from school property, the recovering employee will write the word "Juvenile" in the P&E sheet "Remarks" section.

- g. Special Handling of Semi-Automatic Firearms (NIBIN Testing)

All semi-automatic firearms (i.e., 9mm pistol, Tech 9, AR-15 rifle) and pump shotguns collected as the result of an arrest due to a violation involving that weapon and found weapons shall be submitted for processing into the National Integrated Ballistic Information Network (NIBIN). The submitting employee shall:

- 1) Submit the firearm to the Forensic Services Unit NIBIN technician with the completed Firearms Submission form (NNPD Form #86);
- 2) If a confirmation/correlation from the State Crime Lab is also needed:
 - a) Notification and approval will be obtained through the employee's chain of command; and
 - b) A RFLE Form noting "NIBIN", will be completed.
- 3) Notate "process for prints" on any documentation for firearms also needing latent print processing.

NOTE: Weapons seized for "safekeeping" will not be submitted for NIBIN testing. This includes weapons taken due to an arrest not involving the weapon.

3. Edged Weapons

Masking tape or cardboard will be placed over the edge and point of edged weapons. If the blade will be processed for latent prints or DNA, the knife blade will not be covered, but a provided plastic safety tube will be used. Folding knives will be folded and placed in a regular envelope.

4. Ammunition

- a. Ammunition is stored removed from weapons, in zip lock plastic bags. If the ammunition is old, seeping chemicals, or in any way unstable, contact an on-duty supervisor for a determination concerning alternate ammunition handling.
- b. Bullets and/or casings submitted as evidence in cases with no weapon shall be submitted on a separate RFLE Form from any other evidence requiring laboratory analysis associated with the investigation.

5. Bio-Hazardous Substances

The recovering employee shall notify an on-duty field sergeant to make a determination regarding the safe handling and/or packaging of the items. The employee will:

- a. Make a notation concerning the nature of the item in the "Remarks" section of the P&E sheet and on the packaging.
- b. Affix bio-hazard labels to the packaging.

NOTE: Self-sticking bio-hazard labels are available in the Temporary Evidence Storage Rooms at North, South and Central Precincts, HQ, and the Organized Crime Division.

6. Anonymous/Blind Reporting PERK Kits

- a. The medical facility in an anonymous/blind reporting case is responsible for forwarding the PERK kit to the Division of Consolidated Laboratory Services of the Virginia Department of General Services (VA Code §19.2-11.6).
- b. The kits will be maintained by the Division a minimum of twenty-four months.

7. Chemical & Explosive Hazardous Materials

Chemical or explosive hazardous materials collected and retained as evidence will be secured in the Fire Station #1 repository (Washington Avenue and 34th Street). Evidence collected to test for accelerant presence shall be sealed in an airtight metal canister (available at P&E). If there are any questions or concerns about the packaging and/or transport of the hazardous material, contact the P&E Unit or the Fire Department.

8. Currency/Prepaid Access Devices (PADs)

- a. Currency
 - 1) List currency as one item with a total amount (not as an itemized list of each denomination of bills).
 - 2) Store currency segregated by denomination with all bills facing the same direction.
 - 3) Use a clear plastic moneybag and record the imprinted bag number on the P&E sheet.
- b. List the Prepaid Access Device as evidence and list the card number on the P&E sheet.

NOTE: If the currency or PADs are seized as a result of drug activities, complete a

9. Moist or Wet Items

Moist or wet items will be placed into paper bags or air-dried prior to being submitted. Notation will be made on the P&E sheet ("Remarks" section) for special handling of the items. For excessively wet items that require special handling, the employee will contact his supervisor, who will determine whether to contact the P&E Technician.

10. Found Property [82.2.1(a,b,c,d,e); 84.1.1(f)]

- a. Found property (with no known owner) determined to be of no significant value or that has been discarded will not be submitted to P&E.
- b. The recovering employee will make every effort to locate the owner and return the property during his tour of duty. If the owner is not located, a P&E sheet will be completed, documenting all efforts to return the property, and the property will be turned in to P&E.

11. Bicycles, Mopeds and Other Motorized Vehicles [82.2.1(a,b,c,d,e)]

- a. Mopeds and Other Motorized Vehicles (VA Code §42.1-100) will be handled as follows by the recovering employee:
 - 1) Mopeds and other motorized vehicles being held as evidence will be towed to the P&E Impound Lot in accordance with OPS-340 ("Towing and Impoundment, Inventory of Vehicles).
 - 2) Complete the Bicycle/Moped Recovery Form (NNPD #16). If the moped or other motorized vehicle is to be used as evidence in court, also complete a P&E sheet to submit to P&E.
 - 3) Attach a P&E tag (NNPD Form #7) to the recovered vehicle. Give a copy of the P&E sheet to the Records desk at Police HQ for the P&E Unit.
 - 4) If seized as evidence, vehicles will be stored in the P&E Vehicle Lot. If recovered as found property, vehicles will be stored at the Police Warehouse. [84.1.1(d)]
- b. In cases of bicycles held for evidence, the recovering employee will:
 - 1) Transport the bike by a Department-approved method (i.e. patrol vehicle bike rack, pick-up truck, etc.) to the Police Warehouse;
 - 2) Contact the on-call P&E Technician to secure the bicycle in the Police Warehouse evidence room;
 - 3) Complete a Bicycle/Moped Recovery Form (NNPD #16);
 - 4) Submit a completed P&E sheet to P&E; and
 - 5) Attach a Property & Evidence tag (NNPD Form #7) to the recovered bicycle.
- c. Found bicycles will be secured to the bike rack at the employee's respective precinct to be transported to the Police Warehouse.

12. Large Bulky/Quantities of Items

When an employee recovers an item which is too large for the lockers or a quantity of items which would deplete the amount of locker space available he will:

- a. Bring the items directly to the P&E Unit.
- b. Have the Communications Division notify the P&E Sergeant to determine what course of action to take.

13. Computers and Other Electronic Equipment [83.2.5]

When an employee recovers computers, other electronic equipment (i.e. cell phones, flashdrives, etc.), or mobile data devices during an arrest, prior to placing the object(s) in P&E or booking the suspect, the employee shall refer to OPS-483 ("Computers and Other Electronic Equipment") regarding the recovery and safeguarding processes for useable data.

- a. Static shielding and anti-static bags designed for electronic evidence will be used for the preservation of digital evidence. (These bags will be kept available at each Precinct, and may be replenished through the P&E Unit).
- b. Mark the exterior of seized computers and other electronic equipment "Computer/Electronic Seizure" prior to submission to P&E.

14. Stored Vehicle Keys

- a. Keys of vehicles towed to the P&E Evidence Vehicle lot shall be submitted to HQ P&E. The keys will be accompanied with:
 - 1) A copy of the tow sheet;
 - 2) An original P&E control sheet; and
 - 3) A copy of the drug asset seizure form (if an asset forfeiture case).
- b. If P&E is open for business, the keys will be given to a P&E Technician. After hours the keys and associated paperwork will be secured in a temporary locker outside of P&E at HQ.

F. Digital Images, Audio and Video Files [83.2.2; 83.2.4(b)]

1. **Photographing Evidence:** Photographing evidence is authorized in certain larceny and burglary cases (VA Code §19.2-270.1). These digital images will be entered into the DataWorks Digital Crime Scene System in accordance with procedure. Digital images will be utilized when legally permitted.
2. **Digital Images (See also: "Digital Photography" SOP)**
 - a. Still digital images taken for investigative purposes are items of evidence, and will be entered into the Department's DataWorks Digital Crime Scene System administered by the Forensics Services Unit. The system ensures image integrity for proper downloading, storage, and printing. Digital images include, but are not limited to, those taken in the following circumstances and investigations:

- 1) Crime scenes;
- 2) Vehicular crashes;
- 3) Injury documentation;
- 4) Line-up and Show-up Identifications.

NOTE: Officers shall ensure that the correct date and time are set on the camera for embedding into the photo file.

- b. Digital images secured for investigations will be put into the system as the image was taken, in original, unaltered format. The resulting auto-generated number will be noted in the appropriate case file.
 - c. Use the RAW, TIFF or JPEG file format to digitize images. RAW images are preferred for investigative work when possible. The JPEG format is typically used for non-investigative photography assignments.
 - d. Digital photos being submitted to Court will be printed on professional quality photographic paper. Other photos are printed on standard paper. Photos will be printed in their original color.
 - 1) Requests for photos printed on photographic paper will be submitted to the Forensic Services Unit. Allow two weeks turnaround time.
 - a) Still photographs will be documented with the date, time, and location of the photograph; the name of the person taking the photograph; and a brief description of the photograph
 - 2) Additional photos will be printed on an "as needed" basis for trial and ongoing investigations.
 - 3) Requests for digital photos from outside law enforcement agencies, private attorneys, insurance companies, citizens, etc., will be handled as FOIA requests through the Records Section.
3. Digital video recordings of crime scenes, execution of search warrants and audio recordings of interviews are evidence, and shall be submitted to the P&E Unit in accordance with policy (still photographs, except as noted, may be kept in the case folder).
- a. Audio and digital video recordings will be documented on the P&E sheet with: date; time; recording location; case number; and the name and ID# of the person conducting the recording. DVDs and other recording mediums will be packaged in a suitably sized envelope marked with the P&E number and identifying case information.
 - b. Video recordings from the body-worn camera equipment will be handled in accordance with ADM-570 "Body-Worn Cameras".
 - 1) The original footage will be maintained in Evidence.com. The security and access to the body-worn camera files is monitored and controlled by the Body Worn Camera System Administrator. [41.3.8 (b)]
 - 2) Any created DVD used for evidence purposes will be handled as set out for digital video recordings.

G. Release and Disposition of Property

[84.1.1(g)]

1. The following are required for the temporary release and/or final disposition of items from the custody of the P&E Unit:
 - a. The P&E Technician will scan the “reason for the release” bar-code, the bar-code of the officer taking the item(s), and the bar-code of each item being released.
 - b. The receiving employee will electronically sign for the property or evidence, signifying receipt of the item(s) and acceptance of responsibility for its return to P&E. [84.1.3]
 - c. Final disposition of evidence will be made upon certification from the recovering employee or the lead investigator that the items are no longer needed as evidence in a criminal case. [84.1.7]
 - d. In the event the court confiscates the released evidence, the receiving employee must notify the P&E Unit on the same day. A "Release of Evidence to Court" form (NNPD Form #178) completed by the appropriate court must list designated items and be signed by the clerk of the respective court. The original copy is to be returned to the P&E Unit.
 - e. If the employee responsible for the evidence is no longer employed by the Department, the supervisor of the unit responsible for and/or familiar with that type of evidence is authorized to determine a final disposition of the evidence if it is no longer needed in a criminal prosecution (i.e., drug evidence would be referred to an Organized Crime Division supervisor).
2. Only P&E Technicians may make final disposition on items from P&E Unit custody.
 - a. Employees who sign items out of the P&E Unit must return the item before 1630 hours on the same day unless prior arrangements are made with the P&E Unit Sergeant or his designee.
 - b. Employees may not return items to their owners unless authorization is received from the P&E Unit Sergeant in advance. In those instances:
 - 1) A supervisor will accompany the employee to return the item(s) as a witness.
 - 2) A copy of the associated P&E sheet or a computer generated receipt will be given to the employee to have the owner sign for the property on the back of the sheet or on the receipt as directed by P&E personnel. [84.1.1(b); 84.1.7]

3. Tracer Forms

[84.1.7]

Tracer Forms are sent to employees who have submitted items which have been in inventory longer than six months on misdemeanor cases; 12 months on felony cases. Employees will evaluate the need to hold the items and respond to the P&E Unit within 14 days of receipt of the tracer. The requested information must be completed on the Tracer Form in order for final disposition to be made (see paragraph G.1.e, above).

NOTE: Drug evidence tracers are sent out by the P&E Unit Drug Control Officer.

4. Permanent Release of Property

Property may not be released to anyone (after the authorized release by the submitting

and/or investigating officer) other than the person from whom the property was taken unless the claimant is legally entitled to it. Examples of legal claim may be evidenced by one of the following:

- a. Documentation identifying the claimant as the rightful owner of the property.
- b. A court order which identifies the claimant and the property to be released.
- c. An executor of the estate of the person from whom the property was taken with a notarized power of attorney identifying the holder as the executor; or, a court ordered disposition of the property from a court of final probate authority in estate matters.
- d. A notarized authorization written in English from a U.S. or Canadian authority or from a country which has reciprocal notarial treaty with the U.S. Department of State. The authorization must clearly identify the property to be released and to whom it can be released.
- e. A completed Virginia Small Estate Act form in accordance with §64.1-132.2 of the Code of Virginia.
- f. Requests to release the property to a third party may be made in writing by the rightful owner. The letter must identify the person authorized to receive the property, be signed by the owner, and notarized. In cases involving firearms, the third party must also bring a copy of the owner's photo ID as well as their own, providing P&E the necessary information to conduct an NCIC and VCIN criminal history check on the owner and the third party.

5. Seized/Unclaimed Property Request for Law Enforcement Use

- a. Property shall be declared unclaimed and eligible for use by this Department, the City and other public agencies when the following criteria have been met:
 - 1) Found property must have been unclaimed from police custody for a period of 60 days.
 - 2) Property seized and presented in court must be unclaimed for a period of 60 days following final disposition of the court proceedings related to the seized property.
 - 3) Property must have a negative NCIC and VCIN stolen check.
 - 4) All reasonable efforts to locate the lawful owner must have been exhausted.
- b. Disposal lists are periodically prepared by P&E. Once a list has received Chief of Police and Commonwealth's Attorney's Office approval, it is placed on the Common drive for review and an email is sent to supervisors regarding list item availability. P&E maintains the disposal list for one week before sending it to the State Department of the Treasury, Division of Unclaimed Property, who may claim items.
- c. Any division or employee requesting acquisition of property shall first contact P&E to do a visual item inspection. Property in poor condition, needing costly repairs shall not be considered. The requester shall submit a Seized/Unclaimed Property Request (NNPD Form #137) through the chain of command to the Office of the Assistant Chief of Police in the requesting division's chain.
- d. Property being considered for use may be removed from the P&E Unit to be examined, inspected or evaluated, for a maximum of ten days by persons or agencies knowledgeable of such items. A properly completed but unsigned Form # 137 will be presented to P&E personnel before the item is removed from P&E

for inspection. If it is decided to retain the item for departmental use, the item will be returned to P&E, and the Form # 137 sent through the Chain of Command by the employee for final approval. If the item is not going to be retained it will be returned to P&E and the Form # 137 destroyed.

- e. When an item is placed in Department service, the receiving employee shall ensure the items are recorded on the Department's inventory. A completed a Property Transfer/Disposal Form (NNPD Form #242) is forwarded to the Logistics Support Unit with an approved copy of the Seized/Unclaimed Property Request. The property becomes part of the Department's inventory, and is no longer assigned to P&E. [17.5.1]

6. Authorization of Evidence Items for Destruction

Employees may certify evidence for disposal when it is no longer needed for court presentation and statutory time for appeal has been met. If the evidence may have potential residual value in a case, the employee shall discuss the issue with the prosecuting attorney to determine future need for the evidence. Trace evidence can remain on an item for an indeterminate period of time, therefore future DNA testing can be conducted at a later date.

Steven R. Drew
Chief of Police