

Evidence Room

802.1 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 (ORC § 2981.11).

802.1.1 EVIDENCE ROOM SECURITY

The Evidence Room shall maintain secure storage and control of all property necessitating custody by the Department. The Detective Bureau Captain reports to the Chief of Police and is responsible for the security of the Evidence Room.

Any authorized individual entering the Evidence Room must do so by using their key fob for access control and record keeping purposes. Individual key fobs may not be loaned to, or utilized by, unassigned members.

802.2 DEFINITIONS

Definitions related to this policy include:

Contraband - Includes property or evidence that is illegal to possess and cannot be returned to the owner.

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

Found Property - Includes property found by an employee or citizen where the owner cannot be readily identified or contacted and has no apparent evidentiary value related to a criminal investigation.

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

Safekeeping - Includes the following types of property:

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

802.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room. Care shall be taken to maintain the chain of custody for all evidence.

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Any property seized by an officer with or without a warrant, shall be safely kept for as long as necessary for the purpose of being produced as evidence or for any other lawful purpose (ORC § 2981.11(A)(1)).

Seized property held as evidence shall be returned to its rightful owner unless subject to lawful detention or ordered destroyed or otherwise disposed of by the court (ORC § 2981.12 and ORC § 2981.13).

Where ownership can be established as to found property that has no apparent evidentiary value, excluding contraband, such property may be released to the owner without the need for booking. The property documentation must be completed to document the release of property not booked. The owner shall sign the documentation acknowledging receipt of the item.

802.3.1 PROPERTY BOOKING PROCEDURE

All items of evidence coming into the custody of this agency shall be processed in the following manner:

- (a) A complete descriptive inventory of each item of evidence shall be logged in the CAD evidence/property screen as soon as possible, but no later than the end of the officer's tour of duty and a written report detailing the circumstances by which the evidence came into the possession of the officer shall be completed as soon as possible.
 1. On rare occasions situations may be encountered where the quantity of evidence seized or the need for evaluation / classification of items seized at a crime scene or via search warrant make it impractical to immediately log the evidence. In such cases and with a supervisor's approval, the evidence shall be properly secured until it can be logged into the CAD evidence screen, but minimally a search warrant inventory list will be completed or other written inventory list shall be completed prior to securing the evidence.
- (b) The evidence shall be placed under the control of the evidence/property function, by use of the temporary storage locker system, as soon as possible, but no later than the end of the officer's tour of duty (see exception in a. above). At no time will evidence be stored in an officer's personal desk, locker, vehicle, home or other places that are not secure or would interrupt the chain of custody.
- (c) The evidence should be packaged in a uniform manner as per the department's evidence packaging guidelines.
- (d) The CAD property/evidence report form will include a description of the item(s).
- (e) Evidence requested for court, further investigation or other official purpose will be turned over to the requesting officer prior to their scheduled court appearance.
 1. In the event that the officer is not available to physically receive the evidence it will be temporarily secured in the gray locker located outside the evidence room. The key to the gray locker will be kept in dispatch.
 2. When the evidence is no longer needed by the requesting officer, the evidence, along with the accompanying paperwork, will be resubmitted to the evidence room using the temporary storage lockers.

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- (f) A secured temporary evidence locker will be maintained in the Detective Bureau and will be used for evidence associated with cases currently being investigated. The transfer of the evidence from the central evidence storage area to the Detective Bureau evidence locker will be documented in the BEAST (Bar-coded Evidence Analysis Statistical Tracking). The Detective Bureau captain will be responsible for restricting access to the locker.
- (g) Evidence or property that has been removed from the property/evidence function and is awaiting return to the rightful owner will be temporarily secured in the gray locker located outside of the evidence room. At no time will property or evidence be left unsecured/unattended in the station.

802.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Drug and narcotics paraphernalia shall also be booked separately.

The officer seizing the narcotics and dangerous drugs shall place them in the designated property locker.

802.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify an immediate supervisor or the Officer in Charge. 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 Detective Bureau Captain is responsible for disposing of any fireworks or signaling devices that are not retained as evidence according to current procedures for disposing of such materials.

802.3.4 EXCEPTIONAL HANDLING

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

- (a) Bodily fluids such as blood or semen stains shall be air-dried prior to booking.
- (b) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Detective Bureau Captain, or placed in the bicycle storage area until a Detective Bureau Captain can log the property.
- (c) Money will be counted by the submitting officer and the count will be verified by the officer in charge. The money envelope will not be opened by the property/evidence officer to verify its contents. The contents of the money envelope will be logged into the money log by the property/evidence officer and will be stored in a safe located in the evidence room. A separate money log will be maintained within the evidence room and all money coming into the evidence room will be logged.

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- (d) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the property label.
- (e) Items that are potential biohazards shall be appropriately packaged and marked to reduce the risk of exposure or contamination.

City property, unless connected to a known criminal case, 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 for safekeeping in the normal manner.

802.3.5 TESTING OF BIOLOGICAL EVIDENCE

The Evidence Room supervisor shall ensure that department records are reviewed and that all biological evidence that relates to specific homicide and sex offenses is sent to the BCI or another crime laboratory for DNA analysis (ORC § 2933.82).

802.4 PACKAGING OF PROPERTY

Packaging will conform to certain procedures. Certain items require special consideration and shall be booked separately as follows:

- (a) Controlled substances
- (b) Firearms (ensure they are unloaded, rendered safe, and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Drug paraphernalia
- (e) Fireworks
- (f) Contraband
- (g) Biohazards
- (h) Perishable items (A secured refrigerator, located in the lab, will be provided for storage of perishable items)

802.4.1 PACKAGING CONTAINER

Employees shall package all property, except controlled substances, in a suitable container that is appropriate for its size. Knife boxes should be used to package knives, handgun boxes should be used for handguns and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

802.4.2 PACKAGING CONTROLLED SUBSTANCES

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in the designated drug locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected

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controlled substances. When conducted, the result of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an evidence bag of appropriate size, available in the report room. The booking officer shall initial the sealed evidence bag. Controlled substances shall not be packaged with other property.

The booking officer shall weigh the suspected narcotics or dangerous drugs in the container in which it was seized. A full description of the item, along with packaging and total weight of the item as seized, will be placed in the case report and on the property label. After packaging and sealing as required, the entire package will be weighed and the gross package weight will be written on the outside of the package, initialed and dated by the packaging officer.

The gross package weight will be verified every time the package is checked in or out of the Evidence Room. Any discrepancies shall be noted on the outside of the package. Any change in weight should be immediately reported to the Detective supervisor.

A completed property tag shall be attached to the outside of the container. The chain of custody shall be recorded in the property control system.

The drugs will be logged into the drug log book in the evidence room by the property/evidence officer and will be stored in a separately secured area of the evidence room.

802.4.3 PACKAGING FIREARMS

The submitting officer will make sure the gun is unloaded and safe before submitting it. The submitting officer will have the gun checked through LEADS/NCIC for stolen.

Unloaded handguns will be placed in a gun box and the exterior of the box will be clearly marked with the report number using black magic marker. Unloaded long guns will be marked using stickers or tags clearly marked with the report number.

The proper fields in the property/evidence screen will be filled in.

A separate gun log will be maintained within the evidence room and all guns coming into the evidence room will be logged.

802.4.4 RIGHT OF REFUSAL

The Detective Bureau Captain has the right to refuse any piece of property that is hazardous or that has not properly documented or packaged. Should the Detective Bureau Captain refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting officer's supervisor.

802.5 RECORDING OF PROPERTY

The Detective Bureau Captain receiving custody of evidence or property shall create a property control label for each piece of property received. The property control label will be the permanent record of the property in the Evidence Room.

A property logbook shall be maintained for money, drugs and firearms.

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Any changes in the location of property held by the Beachwood Police Department shall be noted in the property control system.

802.6 PROPERTY CONTROL

Each time the officer receives property or releases property to another person, he/she shall scan the signed property release into the corresponding report. Officers desiring property for court shall contact the Detective Bureau Captain or any property control officers at least one day prior to the court day.

802.6.1 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time in the property control system and the request for laboratory analysis.

The Detective Bureau Captain releasing the evidence must complete the required information in the property control system. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will receive a receipt and scan it into the property system.

802.6.2 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to officers for investigative purposes, or for court, shall be noted in the property control system, stating the date, time and to whom it was released.

The Detective Bureau Captain shall obtain the record of the person to whom property was released and the reason for release. Any employee receiving property shall be responsible for such property until it is returned to the Evidence Room or released to another authorized person or entity.

The return of the property should be recorded in the property control system, indicating date, time and the person who returned it.

802.6.3 AUTHORITY TO RELEASE PROPERTY

The Detective Bureau Captain shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

For property in custody of the Department for investigatory or prosecutorial purposes and owned by a victim or witness, a Detective Bureau Captain shall, upon the request of the owner:

- (a) Provide a list describing the property, unless such release would seriously impede an investigation.
- (b) Return the property expeditiously, unless the property is contraband or required as evidence.

Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner.

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802.6.4 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify and locate the rightful owner of found property or evidence not needed for an investigation, either by telephone and/or mail, when sufficient identifying information is available.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or investigator and must conform to the items listed on the property label or must specify the specific item to be released. Release of all property shall be properly documented.

A Detective Bureau Captain shall release the property to the owner or finder upon valid identification and proper documentation presented by the owner or finder for which an authorized release has been received. The owner or finder shall also pay any costs incurred by the agency, including costs for advertising or storage. A signature of the person receiving the property shall be recorded on the original property documentation. After release of all property entered in the property control system.

Release of unclaimed or forfeited property to an authorized finder shall be released in compliance with existing laws and as deemed appropriate by a court (ORC § 2981.12(B)). Property, except weapons or contraband, may be released to the finder of the item if the rightful owner is unknown or cannot be located.

- (a) If the owner is unknown, the property may be released to the finder after a period of sixty (60) days has passed and the owner has not claimed the item. At the time that the property is turned over to the police department, the receiving officer will ascertain from the person submitting the property whether or not they want the item if it is not claimed within sixty (60) days. This will be noted in the report.
- (b) If the owner is known, the receiving officer will attempt to contact the owner and advise them when and where the property can be claimed and note this in the report. If contact cannot be made with the owner by the receiving officer, this will be noted in the report. The receiving officer will send a postcard to the last known address of the owner advising them that property of theirs is in our possession, how to claim the property and that if the property is not claimed by them it will be disposed of.
- (c) If the owner of the property fails to claim it within (sixty) 60 days, it will be considered unclaimed property and it can be released to the finder.
- (d) The finder will sign the property release form acknowledging receipt of the property. The final disposition of the property will be recorded in the BEAST and scanned into CAD documents.

Upon release or other form of disposal, the proper entry shall be recorded in all property documentation and logs (ORC § 2981.11(B)(1)(b)).

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802.6.5 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 are satisfied:

- (a) Photographs of the property are filed and retained by the Evidence Room.
- (b) Satisfactory proof of ownership is shown by the owner.
- (c) A declaration of legal ownership is signed under penalty of perjury.
- (d) A receipt for the property is obtained from the owner upon delivery.

802.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally 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.

802.6.7 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 by 18 USC § 922(d) or ORC § 2923.13.

- (a) If the weapon is a firearm, the owner must be checked through the FBI and BCI for a felony record as outlined in ORC 2923.13 (having weapons while under disability).
- (b) If the owner has a felony record as outlined in ORC 2923.13, the firearm cannot be released without a court order.

Weapons held for safekeeping will be retained for a period of sixty (60) days. At the conclusion of sixty (60) days the rightful owner will be notified that the weapon can be claimed. Contact with the owner of the weapon will be documented in the property screen comment section. If after a total of sixty (60) days the weapon has not been claimed by the owner, it will be declared unclaimed property and disposed of according to this policy.

The Department shall make best efforts to identify the owner and shall retain the firearm for at least (60) days. If the owner cannot be found at the expiration of such period, the firearm or dangerous ordnance suitable for law enforcement work may be retained for that purpose. Firearms that are suitable for department use will be turned over to the city upon application to the court. All firearms turned over to the department are logged in the CAD inventory screen documenting the location, use, and disposition. Firearms that are not suitable for department use will be destroyed following the same procedure as for the destruction of drugs.

Firearms suitable for sporting use or as museum pieces or collectors' items may be sold at public auction pursuant to ORC § 2981.12(B). The Department shall properly destroy all other firearms

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and dangerous ordnance or send them to the Bureau of Criminal Identification and Investigation (BCI) (ORC § 2981.12(A)(2)).

802.6.8 FIREARMS RECEIVED FROM CORONER'S OFFICE

When a firearm is delivered to this department by the coroner, a receipt for the firearm that states the date of delivery and an accurate description of the firearm shall be issued to the coroner. The firearm shall be used for evidentiary purposes only. Once the firearm is no longer needed as evidence, the Chief of Police or the authorized designee shall give the firearm to the person who has been assigned the rights of disposition for the deceased person, upon request, and if the person is lawfully allowed to possess the firearm. The Chief of Police or the authorized designee shall keep a record of the person to whom the firearm is given, the date of delivery, and a description of the firearm. If the person who has been assigned the rights of disposition for the deceased person does not request the firearm, or is prohibited from possessing the firearm, it may be used at the discretion of the Chief of Police (ORC § 313.14).

802.7 DISPOSITION OF PROPERTY

The Department shall make a reasonable effort to locate persons entitled to possession of the property, to notify them of when and where it may be claimed, and to return the property to them at the earliest possible time. In the absence of evidence identifying persons entitled to the property, it shall be described in a local newspaper, inviting persons to view and establish their right before final disposition (ORC § 2981.11(C)).

The Detective Bureau Captain shall request a disposition or status on all property which has been held in excess of 30 days and for which no disposition has been received from a supervisor or detective.

All property not held for evidence in a pending criminal investigation or proceeding, and where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws (ORC § 2981.12 and ORC § 2981.13).

Property that is forfeited to the police department pursuant to ORC 2981.13 or any other municipal ordinance, state or federal statute will not be released to its owner or finder. Contraband will be handled the same as forfeited property and disposed of in accordance with ORC 2981.13.

Miscellaneous found property or property held for evidence but no longer needed that is of little or no monetary value may be disposed of by the evidence/property control function.

Upon any release or disposal of any property, the proper notation shall be made in the property control system and in the property logbook to include the final disposition, date of disposition, financial recordings and expenditures related to the property if it was sold, and the name of any person who received the property. However, the record shall not identify or enable identification of the individual employee who seized any item of property or the specific expenditure related to the property in an ongoing investigation (ORC § 2981.11(B)(1)(b)).

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802.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law or by a court of competent jurisdiction (ORC § 2981.12):

- Firearms and dangerous ordnance
- Obscene materials
- Vehicles, watercraft, aircraft or parts thereof
- Animals, birds and equipment related to their care and containment that have been ordered forfeited by the court
- Counterfeiting equipment
- Gaming devices
- Computers, computer networks, systems, or software

802.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after any applicable statutory period, the money is presumed unclaimed property and may be retained as allowed by law (ORC § 2981.12).

802.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Evidence Room Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable (ORC § 2933.82):

- (a) The defendant
- (b) The defendant's attorney
- (c) The state public defender
- (d) The appropriate prosecutor
- (e) The Attorney General
- (f) Any sexual assault victim
- (g) The Detective Bureau Supervisor

Biological evidence shall be retained for a minimum period established by ORC § 2933.82, the Evidence Room Supervisor 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 certified mail, return receipt requested, and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion for retesting or a written request for retention is filed and served on the Department within one year of the date of the notification.

A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence shall be retained in the appropriate file and a copy forwarded to the Detective Bureau Supervisor.

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Biological 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 applicable prosecutor's office.

802.7.4 MEDICAL MARIJUANA

The investigating member should advise the Detective Bureau Captain and the prosecutor if the party from whom the marijuana was seized holds a valid medical permit to possess marijuana or claims that the possession of the marijuana is for medical purposes.

The Detective Bureau Captain shall store marijuana, drug paraphernalia, or other related property that is seized from a person engaged in or assisting with the use of medical marijuana in a manner that is consistent with the provisions of the Medical Marijuana Policy.

Marijuana that is infected with mold shall not be returned. This includes marijuana seized from a person who holds a valid medical permit to possess marijuana or who claims that possession of the marijuana is for medical purposes.

802.8 REPORTS

If the Department has any seized or forfeited property in its custody, including amounts distributed under ORC § 2981.13, a report covering the calendar year shall be sent to the Attorney General not later than the first day of March in the following calendar year (ORC § 2981.11(B)(2)).

802.8.1 PUBLIC ACCESS

This policy and records kept under this policy shall be open to public inspection during regular business hours as allowed or required by law (ORC § 2981.11(B)(3)).

802.9 INSPECTIONS OF THE EVIDENCE ROOM

On a monthly basis, the Detective Bureau supervisor shall inspect the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

- (a) Unannounced inspections of evidence storage areas shall be conducted annually, as directed by the Chief of Police.
- (b) Whenever a change is made in personnel who have access to the Evidence Room, an inventory of all evidence/property shall be made by an individual not associated with the Evidence Room or function to ensure that records are correct and all evidence property is accounted for.