




# City of Manassas Police Department General Duty Manual



Effective Date: 11-26-2013	<b>GENERAL ORDER</b>	Number: 09-03
Subject: <b>Acquired In-Custody Property</b>		
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Accreditation Standards: 82.3.2/ 84.1.1/ 84.1.2/ 84.1.5/ 84.1.6/ 84.1.7/ 84.1.3	By Authority Of:  Douglas W. Keen, Chief of Police	Total Pages: 9

## PURPOSE:

To establish procedures for the collection, storage, security and disposition of found, recovered or evidentiary property.

## POLICY:

All property / evidence seized, recovered or turned in to the Department is accounted for, packaged, handled, documented and stored in a secure area in accordance with this directive. Strict accountability for all property / evidence in the custody of the Department is required at all times. Only authorized personnel have access to the Property Room, the Evidence Room or the Department Impound Lot.

## DISCUSSION:

All property / evidence taken under an officer's control must be turned in to the Department's Property Management System by the end of the officer's tour of duty. For additional requirements concerning firearms acquired that are believed to have been used in the commission of a crime, see General Order 9-5.

For the purpose of this General Order, the following definitions apply:

**PROPERTY MANAGEMENT SYSTEM:** The system used by the Department to document, verify, secure, process and dispose of found, recovered or evidentiary property taken into the Department's custody.

**PROPERTY CUSTODIAN:** A specific term used to identify those Department members who administer the Property Management System. Property Custodians are designated by the position they hold.

They include as the Primary Property Officers:

1. Administrative Services Division Commander
2. Technical Services Sergeant
3. Property/Evidence Technician

Supervisory Property Officers include the following positions:

1. Community Services Sergeant

## PROCEDURE:

### I. Steps to Handle Property / Evidence

A. The following is a brief overview to the sequential steps that must be followed when handling property / evidence. For specific crime scene procedures, see General Order 6-5.

1. Consider legal authority.
2. Consider alternatives to taking custody.
3. Establish an IBR number.
4. Designate the acquired item(s) as "Property" or "Evidence."
5. Mark, package, and transport.
6. Make NCIC / VCIN checks, when applicable.
7. Complete and submit applicable Clearinghouse Forms as appropriate.
8. Contact the owner; release the property / evidence when appropriate.
9. Complete an Evidence / Property Tracking Record form, hereafter known as the "Property Form."
10. Submit the Property Form.

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11. Submit the property / evidence in the appropriate, locked storage area.
  12. The Property Officer enters the property / evidence into the Property Management System records.
  13. Maintain the chain of custody.
  14. Notify of any change in status.
  15. Make disposition in accordance with law. The officer's final supplementary report should document the disposition of property.
- B. The Department's Property Management System is designed to maintain strict measures with respect to the documentation, handling, security and disposition of property / evidence.
- C. All property can be tracked by a variety of identifiers including, but not limited to: case number, name and/or employee number of submitting officer, owner's name. Both the manual "card" system and the computerized barcode system track the location and status of the property at all times.

**II. Instructions for Submitting Items Into the Property Management System**

- A. Consider legal authority.
1. Prior to taking possession of property / evidence, officers must consider the legal authority under which they do so. Whether pursuant to a search warrant, a plain view seizure, stop and frisk seizure, or abandoned property, officers should remain aware of their legal framework.
  2. Property officers must have a good working knowledge of state, City and federal laws governing the handling and disposition of property / evidence under the control of the Department.
- B. Consider alternatives to taking custody.
1. With the exception of controlled substances or paraphernalia, all property / evidence need not be seized and stored by the Department. Certain evidentiary property may be photographed and released to its rightful owner on-scene. Other property / evidence may be appropriately disposed of or relinquished to a rightful owner in lieu of submission to the Property Management System.
  2. The use of photographs as evidence in certain larceny and burglary prosecutions is authorized per the Code of Virginia, Section 19.2-270.1. This statute should be used whenever possible toward the goals of making expedient return of property / evidence to the rightful owner and of conserving space in the Property and the Evidence Room.
  3. Large seizures of alcohol pose a particular storage problem and containers occasionally leak. Officers should consider the use of photographs in lieu of large scale confiscation, and if needed for evidence, taking an air tight representative sample for court.
  4. If alcohol or contraband, except controlled substances or paraphernalia that is not needed as evidence may be safely and effectively destroyed by the person possessing the same, this method is preferred over storage in the Property Room when no criminal charges are involved. When charges are involved, photographs and a representative sample may be taken as outlined in Section II, B, 3, above with the remaining items being disposed of rather than stored in the Property Management System
  5. All controlled substances and paraphernalia must be packaged appropriately and placed in the Property Management System.
- C. Establish an IBR number.
1. The Department's Property Management System is organized by IBR numbers. An IBR shall be completed whenever property / evidence is entered into the Property Management System.
  2. If there is no previously established IBR number to which the property / evidence belongs, (i.e., a previous burglary or larceny report, etc.), establish a new IBR number by contacting the PSCC. If there is a previous IBR number, that number should be used for all transactions involving property / evidence relative to the original case.
  3. All property / evidence processed relative to an assigned IBR number is referenced by that IBR number only.
  4. No property / evidence is entered in the Property Management System without an IBR number.

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- D. Designate and label the acquired item(s) as “Property” or “Evidence.”
1. When processing item(s), the submitting officer must designate them as either “Property” or “Evidence,” and affix the appropriate, completed label to the packaging (if packaged), or to the item itself.
  2. “Property” consists of those items taken into the Department as a result of police services or an investigation that is not retained as evidence of a crime, or the rightful owner cannot be determined. A completed property control sticker is affixed to all “Property” items or their packaging, as appropriate.
  3. “Evidence” consists of those items acquired as a result of a police investigation that are retained for anticipated use as evidence in court proceedings. A completed evidence sticker is affixed to all “Evidence” items or their packaging, as appropriate.
  4. In some instances, items must be re-designated in light of further information.
- E. Mark, package and storage.
1. Packaging materials are available from the Property Unit and Evidence Technicians.
  2. Physical evidence is collected, marked and packaged in accordance with General Order 6-5. Other acquired property should be similarly marked for further identification.
  3. The recovering officer is responsible for the proper labeling or marking of all items taken into custody to prevent any tampering, contamination, or destruction of the same. The appropriate, completed evidence sticker or property control sticker is applied to the outside of the package. See the Department Paperwork Manual, published separately.
  4. When property / evidence is placed in a plastic or paper bag, the open flap of the bag is folded over, evidence tape is applied across the flap and completely around the flap end of the package, an overlap seam of tape is created, and the officer writes his initials with an indelible black pen so as to cross the tape seam and continue onto the package. Similarly, when property or evidence is placed inside a box, the four flaps on each end of the box are folded in the usual manner. Evidence tape is used to seal the flaps on both ends, and continue around the box, creating an overlap seam of tape, and the officer writes his initials with an indelible black pen so as to cross the tape seam and continue onto the box.
  5. The following items are packaged separate from any other items of property / evidence:
    - a. Ammunition.
      - (1) Packaged as noted in Section E, 1, 2, 3 and 4, above.
    - b. Firearms (see General Order 9-5 for the processing of firearms suspected of having been used in a crime).
      - (1) Firearms may or may not require packaging. In some cases the property control or evidence sticker may be applied to the firearm itself, or contained in a clear plastic envelope and affixed to the firearm. Also, see Section 7, below.
    - c. Currency.
      - (1) All currency is packaged in a clear plastic bag.
      - (2) All currency is counted and verified by two officers, with the results of the count documented on the information label on the package.
      - (3) Once the package has been sealed, the depositing officer places a strip of security tape across the closure flap.

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- d. Drugs.
  - (1) The placement of the drugs in the appropriate package and the sealing of the package, marking and application of the appropriate sticker should be witnessed by a second officer.
  - (2) After the drugs are placed in the packaging, the packaging is sealed and marked according to Section E, 1, 2, 3 and 4, above.
  - (3) The Department does not weigh drugs (or any other property / evidence). The appropriate weighing takes place at the forensic laboratory during lab processing.
  - (4) Upon receipt, the Property Officer inspects the evidence package for security.
- e. Jewelry.
  - (1) Packaged as noted in Section E, 1, 2, 3 and 4, above.
- f. Knives.
  - (1) Packaged as noted in Section E, 1, 2, 3 and 4, above.
- g. Fireworks.
  - (1) Packaged as noted in Section E, 1, 2, 3 and 4, above.
- h. Items that require refrigeration.
  - (1) Items that require refrigeration are stored in the property / evidence refrigerator, located in the Property Room.
  - (2) Items that may contain DNA evidence should be stored in a cool, dry area. In many instances, the evidence should be placed in a refrigerated unit in property.
- i. For items requiring drying, see General Order 2-2 for use and care of the DRYSAFE Evidence Drying Cabinet.
  - 1) Items should be dried prior to packaging in paper.
  - 2) After an item is dried and properly packaged, it should be stored appropriately pending transport to the Lab or transported to the Lab immediately.
- j. The following property / evidence items are placed in the Department Impound Lot. (See Section III for Department Impound Lot procedure).
  - 1) Motor vehicles.
  - 2) Bicycles.
  - 3) Items too large to be stored in the Property Room or Evidence Room.
  - 4) Other items as determined by the Property Officer.
- 6. All potentially dangerous items must be rendered safe prior to submission to the Property Management System, except when doing so would destroy evidence.
  - a. Firearms must be unloaded, with the action locked in the open position and secured with a plastic strap.
  - b. Open blade knives should have exposed edges covered.
  - c. Fireworks may be packaged in paper or cardboard containers.
  - d. Blood soaked items must be air dried, packaged in paper, and require special handling as indicated in General Order 6-5.
  - e. Needles are packaged in hard plastic containers provided for this purpose.
  - f. HAZMAT and BIOHAZARD items are processed and marked accordingly (see General Order 7-23 for handling HAZMAT and BIOHAZARD items).
- 7. Officers should consider the potential damage to valuable property / evidence that can occur with indiscriminate marking (i.e., a valuable piece of crystal may be marked with an indelible pen in an inconspicuous or hidden area, rather than scribing or etching on the surface).

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- F. Make NCIC / VCIN checks, when applicable.
- G. Contact the owner; release the property / evidence and complete the Property Form (see Section H, below) as appropriate.
  - 1. If a rightful owner is identified and can take possession of property / evidence that does not otherwise require storage, Section E, 2, above applies.
  - 2. When appropriate, the Property Officer releases property / evidence to the rightful owner or other authorized individual or company.
    - a. The officer working the case notifies the Property Officer that the property / evidence is to be released to a specific individual, towing company, etc. The officer advises the individual to pre-pay any towing fees or other costs to the appropriate towing company or other contractor, and contact the Property Officer and schedule an appointment. Proof of payment of towing fees or other fees is required before property / evidence is released.
    - b. The Property Officer regularly sends letters to identified owners of property that is able to be released to inform them of the procedure to retrieve their property.
    - c. The Property Officer releases property / evidence Monday through Thursday. The property owner should contact the Property Unit to schedule a time for property release.
    - d. The Property Officer completes the appropriate section of the Property Form and makes the appropriate entry in the "CRIMES" system.
    - e. The individual presents acceptable identification, proof of payment of applicable fees, and completes the appropriate section of the Property Form.
    - f. The Property Officer releases the property / evidence to the individual, and retains any proof of payment documentation.
  - 3. Unclaimed property / evidence must be stored and disposed of by the Property Officer.
- H. Complete a Property Form.
  - 1. The Property Form is the instrument used to itemize and describe in detail property / evidence that is taken into custody, and is referenced by a single IBR number only. Items from cases unique to each other are submitted on separate Property Forms, each referenced by a unique IBR number. Each Property Form contains space to itemize up to 5 items, pre-printed on the form and numbered 1 through 5.
    - a. In the event that more than 5 items are to be entered, additional Property Forms are used.
    - b. Additional Property Forms are referenced by the original IBR number.
    - c. Crossing out the pre-printed Item Numbers 1 through 5, and entering the correct number sequence references item Numbers on additional Property Forms, beginning with the number 6. Sub-item numbers (i.e., "6-a") or other methods of itemization shall not be used.
  - 2. The recovering officer should be as complete and descriptive as possible. Be sure that the status of the property / evidence is indicated.
- I. Submit the Property Form.
  - 1. All copies of the Property Form are submitted to the Property Management System.
  - 2. The completed Property Form is placed into a Property / Evidence Locker along with the packaged property / evidence.
  - 3. In the event that an item is placed in the Department Impound Lot outside of normal business hours (when the Property Officer is unavailable), the completed Property Form is forwarded to the Property Officer's mail box, located in the Administrative Services Division hall. See Section III.
  - 4. The Property Officer completes the appropriate parts of the Property Form, processes the appropriate computer entry to enter the property / evidence into the Property Management System, and forwards the top copy of the Property Form to the submitting officer.

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- J. Submit property / evidence in the appropriate, locked storage area.
1. Receiving areas for property / evidence are designed to secure items with or without the presence of the Property Officer, and include:
    - a. The Property / Evidence Lockers, located in the Administrative Services Division, next to the Evidence Room.
    - b. The Department Impound Lot.
    - c. In some cases where the Property Officer is present, property / evidence is submitted directly to the Property Officer.
  2. If the Property Officer is present and available, property / evidence may be submitted directly.
  3. After normal business hours, submission of property / evidence is made by placing the property / evidence in the receiving lockers in the Property / Evidence Lockers, located outside the Evidence Room.
    - a. The officer secures the property / evidence in an open locker.
    - b. Once the locker door closes the evidence is secured until retrieved by a Property Officer.
- K. The Property Officer enters the property / evidence into the Property Management System records as soon as possible.
- L. Maintain the chain of custody.
1. The Property Officer documents Chain of custody on the Property Form. An appropriate storage location for the type of property/evidence submitted is determined by the Property Officer and noted on the Property Form to facilitate retrieval.
    - a. Extra security measures are taken for exceptional, valuable or sensitive items of property. The property officer shall give due consideration to the most appropriate storage location for these items.
    - b. Such items include, but are not limited to:
      - (1) All currency is stored in the safe.
      - (2) Jewelry that fits a reasonable person's description of "valuable" is stored in the safe.
      - (3) Perishable items are packaged and stored appropriately based on their evidentiary value.
  2. An entry is made each time the property / evidence is taken out of or returned to the Property Management System.
  3. Chain of custody for evidence taken to the forensic lab is documented on the Division of Forensic Science Request for Laboratory Examination Form #DFS-70-001 (see the Department Paperwork Manual, published separately), and on the Property Form, when evidence is removed from or returned to the Property Management System.
  4. Officers are responsible for maintaining the integrity of the chain of custody of all evidence in their possession, thus all evidence should be placed under the control of the Property Unit as soon as possible. All evidence under an officer's control must be secured with the Property Unit prior to the end of the officer's tour of duty.
- M. Notify of a change in status.
1. The Property Officer should be notified as soon as possible of any change in the status of property in the Property Management System.
  2. The Property Officer conducts a semi-annual check on status by forwarding a property / evidence status report to each officer who has property / evidence in custody. Officers shall complete and sign this form, and return it to the Property Officer within two weeks of receiving it.
  3. When a court retains evidence, the officer assigned the case is responsible for notifying the Property Officer.

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- N. Make disposition in accordance with law.
1. Final disposition of found, recovered and evidentiary property is accomplished within six months after legal requirements per the Code of Virginia, have been satisfied. The Commander of Administrative Services is notified of any delay in this process. Property / evidence is ultimately:
    - a. Released to the rightful owner. (See Section G, above).
      - (1) In the event that a towing company or other contractor was used to move property / evidence for storage in the Department Impound Lot, the Property Officer ensures that the individual receiving the property / evidence has paid the towing company or other contractor for his services prior to the release of the property / evidence.
    - b. Retained by the court.
    - c. Retained by the Department.
    - d. Awarded to the state or federal government.
    - e. Destroyed.
    - f. Auctioned according to the Code of Virginia.
  2. Unclaimed property / evidence is disposed of in accordance with state code.
    - a. Money, jewelry and precious metals are sent to the state.
    - b. Other property / evidence is disposed of by local auction or destruction.
  3. Destruction.
    - a. Upon final disposition and after receiving a court order for destruction, the Property Officer incinerates controlled substances and paraphernalia at a facility designated by the Commander of Administrative Services.
    - b. The supervisor inspects seals for any evidence of tampering.
    - c. Any suspected tampering is immediately brought to the attention of the Commander of Administrative Services.
    - d. Destruction of deadly weapons takes place at the City Public Works Shop in the presence of the Property Officer.

### III. The Department Impound Lot

- A. The Department Impound Lot is a restricted area containing two locked access gates and surrounded with a tall fence, and is kept locked at all times, except when an authorized member is present.
- B. Property Officers, Division Commanders, Lieutenants and Sergeants have key access to the Department Impound Lot.
  1. All other Department members, City maintenance workers, towing company employees, victims, etc., are escorted by an authorized member while in the Department Impound Lot for any reason.
- C. The following property / evidence items are placed in the Department Impound Lot.
  1. Motor vehicles.
  2. Bicycles.
  3. Items too large to be stored in the Property Room or Evidence Room.
  4. Other items as determined by the Property Officer.
- D. Department Impound Lot procedure.
  1. See General Order 8-11 for towing procedures.
  2. The property or evidence to be stored is identified, designated, and documented as noted in Section I, E, 1, 2, 3 and 4.
  3. An authorized member supervises the placing of the item in the Department Impound Lot, and ensures that motor vehicles are locked, if possible.
    - a. The property control or evidence sticker, as appropriate, is placed within the motor vehicle so as to be easily viewed from outside the vehicle and where the sticker's writing will not be faded by sun exposure.

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- b. In the event that an item is placed in the Department Impound Lot outside of normal business hours (when the Property Officer is unavailable), the property is signed in by the supervisor, and the completed Property Form is forwarded to the Property Officer's mail box, located in the Administrative Services Division hall.
  - c. In the case of bicycles, motorcycles, and other items where the entire item is continuously affected by the elements, the property control or evidence sticker, as appropriate, is placed within a clear plastic bag, and the bag is affixed to the item in a place where the sticker's writing will not be faced by sun exposure.
  - d. In the case of some property / evidence, such as a pile of lumber which is referenced to one IBR number, one property control or evidence sticker, as appropriate, is used to identify the "lot."
  - e. As an additional identification measure, the Property Officer affixes a plastic strap and tag on the item with the IBR number written in indelible black ink, in a conspicuous location.
4. Also see General Orders 9-2, 9-1 and 6-5.

**IV. Safeguarding Property / Evidence Removed from arrested Persons**

- A. In order to ensure the safety of the arresting officer and to prevent possible harm to the prisoner or other persons, officers search all persons in their custody for weapons or other objects that could be used to inflict harm or effect an escape.
- B. Personal property in the possession of prisoners should be turned over to the receiving officer at the Adult Detention Center or other receiving authority in other institutions. The following items must be confiscated by the transporting officer and logged into the Department's Property Management System.
  - 1. Evidence.
  - 2. Contraband.
  - 3. Alcohol.
  - 4. Firearms.
  - 5. Knives or other weapons (if retained as evidence).
- C. Items seized from prisoners must be processed in accordance with the remaining provisions of this General Order. The prisoner, receiving officer or other receiving official should be advised of the disposition of prisoner property / evidence.

**V. Integrity of the Property/Evidence System**

- A. The integrity of the property/evidence system is checked regularly through a series of inspections of varying degrees of scrutiny conducted by Property officers and/or inspectors designated by the Chief of Police.
- B. The following is a list of inspections to be conducted that mirrors the requirements set by CALEA in regards to property and evidence.
  - 1. **Property Procedures Adherence Inspection Report** – A **semi-annual** report from the Technical Services Sergeant to the Commander of Administrative Services, that documents the conduct and outcome of an adherence inspection to ensure that provisions of the General Orders regarding property procedures are being followed. This semi-annual inspection may be conducted by any of the persons responsible for the property/evidence function as designated by the Administrative Services Division Commander.
  - 2. **Property Inventory by New Custodian** – An inventory of property occurs when the person responsible for the property and evidence control function is assigned to and/or transferred from the position and is conducted jointly by the newly designated property custodian and a designee of the Chief of Police. This inventory is to ensure that all records are correct and properly documented. The report is submitted to the Chief of Police upon completion.



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3. **Audit of Property Held** – An **annual** audit of all property held by the Department to ensure accuracy, accountability and compliance with CALEA standards. The audit is conducted by a designee of the Chief of Police from outside the normal chain of the Property section. This report goes directly to the Chief of Police.
4. **Unannounced Inspection of Property Areas** – An **annual, unannounced** inspection of the property room is directed by the Chief of Police to ensure property accountability and security. The inspection is performed by a person assigned to the Property and Evidence function. A report is completed by the Technical Services Sergeant and submitted to the Chief of Police.

Attachments: “A” Code  
“B” Evidence / Property Tracking Record Form.  
“C” Property Control Sticker and Evidence Sticker.  
“D” Field Test Kits

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Property Procedures.  
Chain of Custody.  
Evidence.  
Destruction of Evidence / Property.  
Unclaimed Property.

References: N/A