
	Florida State University Police Department	
Evidence and Property Control System		
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Policy

Evidence and Property Control System Policy

The absolute control of property or evidence is of critical importance to the function of law enforcement and the Florida State University Police Department (FSU PD). Hence it is the explicit policy of the FSU PD that property and evidence shall be properly identified, recorded, held, and stored within restricted areas. These requirements will ensure that the property or evidence is not stolen and that the chain of custody is maintained. In addition, property shall be disposed of or returned to the owner in accordance with state statutes and the provisions of this General Order.

Procedure

A. Property and Evidence Storage Areas

Entry to all designated property and evidence storage areas is controlled by locks, signage, and an alarm system to prevent the alteration, unauthorized removal, theft, or other compromise of property/evidence stored by this agency [CFA 28.03 and 27.06].

1. The FSU PD maintains secure property/evidence storage areas referred to in this general order as the evidence vault and property room.
2. The following items are known as high security items and/or sensitive items of property/evidence and shall be secured within a separate locked compartment within the evidence vault [CFA 28.01 F, 27.15 F.]:
 - a. Money/negotiable instruments.
 - b. Valuables including jewelry, gemstones, and precious metals.
 - c. Weapons/Firearms.
 - d. Drugs/suspected drugs.
3. The Evidence Technician or other Departmental member(s) as specified in this general order shall be the only authorized person(s) to possess and/or have access to the key, combination, and the alarm code to the evidence vault.
4. No keys to this room shall be duplicated without the written approval of the Chief.
5. Officers requesting evidence or submitting evidence shall not enter the evidence room under

any circumstances unless accompanied by the Evidence Technician or designee acting on his/her behalf as described in Section B.

6. If any type of maintenance needs to be performed in the evidence room, the Evidence Technician shall accompany said persons at all times. At no time will the evidence vault be left unsecured and unattended by the Evidence Technician [CFA 27.06].

B. Evidence Vault

The evidence vault is a high security restricted entry area under the direct control of the Evidence Technician. The vault is equipped with an intrusion alarm; a "Locknetics" coded lock system, and video surveillance cameras [CFA 27.06].

1. The Evidence Technicians and others assigned to these duties for a period of time to exceed 30 days or more, shall be the only persons with immediate and unilateral access.
2. The Investigations Lieutenant or designee may assign a person to temporarily transfer evidence from temporary evidence storage lockers to the evidence vault, to retrieve evidence/property for court purposes and to perform other evidence/property custodian duties. This is needed to maintain the availability of temporary evidence lockers and ensure the continuity of the Property/Evidence function when the Evidence Technician is not available. Access to keys and codes for persons performing this task is described in 3 below. The persons assigned this task shall follow the procedures outlined in this General Order.
3. Back-up access codes, alarm codes, and keys are maintained in a card swipe safe/lockbox located in the evidence vestibule. Access to the safe/lockbox is restricted to only those employees with authorized access provided by the Chief of Police or designee.
 - a. To gain access to the safe/lockbox, the employees will swipe their FSU ID Card. An electronic record will be made of the card swipe. Once open, the employee will complete a log located inside the safe/lockbox; noting their name, date/time accessed, reason for entry and signing the entry.
 - b. Upon completion of the duties, all keys and codes shall be returned to the safe/lockbox and it shall be re-secured.
4. Any person assigned the duties of entering the evidence vault in the absence of the evidence technician shall be accompanied by a second person to serve as a witness.
5. Vault Entry Log. A log shall be maintained inside the evidence vault showing the name, date, entry time, exit time, and purpose of entry.

C. Temporary Storage Locker(s) (When Evidence/Property Room Is Not Accessible) [CFA 27.09]

1. Temporary storage lockers and secure refrigerated storage are available in the temporary evidence storage room. In the event that property cannot be immediately given to the Evidence Technician, it shall be placed in temporary storage. Refrigerated evidence will be stored in a locking compartment within the temporary evidence refrigerator that will then be locked to prevent access by anyone other than the Evidence Technician.
2. Temporary storage shall be divided into two (2) sections. One section shall be labeled as Property and the other Evidence.

3. All temporary storage lockers shall be secured with a lock once property is deposited inside the locker. Property receipts shall be attached to the outside of each item.
4. Impounded found property shall not be placed into an evidence locker unless it contains any of the items mentioned in Section A. (2) (a-d), above.
5. Only the Evidence Technician is authorized to possess the keys to all property and evidence lockers. A key to the found property locker is on the shift supervisor's key ring to allow found property to be secured and/or returned to the rightful owner during the absence of the Evidence Technician.
6. The Evidence Technician shall remove all found, lost, or abandoned property from a temporary storage locker and place such property into the proper storage area to allow the temporary lockers to be available for officers to use during day-to-day operations.
7. The item impounded shall be secured into the proper size locker.
8. **Oversized Items:** If an item is too large and cannot be stored in a temporary locker, the item may be stored in the garage/shop area in the appropriate oversized lockers. The shift supervisor will have to be contacted to allow access into the garage/shop area. Vehicles, motorcycles, mopeds, scooters, golf carts, boats and trailers should not be impounded at the FSUPD unless approved by a supervisor. A vehicle tow form should be completed for those items and impounded at the appropriate tow company compound.

D. **Duties and Responsibilities of the Evidence Technician**

The Property/Evidence Custodian is accountable for all property within his or her control.

1. The Evidence Technician shall inspect items to ensure that FSUPD officers/members are packaging items properly and that they are being deposited in the properly designated storage areas. The Evidence Technician shall report any officer/member who is failing to adhere to the proper packaging and placing of property in the designated areas to the Evidence Technician's immediate supervisor and the Lieutenant for Uniform Operations. The Evidence Technician shall be responsible for the areas where property is kept and stored. The temporary storage area(s) and evidence vault shall be clean and properly organized at all times and prepared for any announced or unannounced inspections. Entry to the designated property room is controlled to prevent the alteration, unauthorized removal, theft or other compromise of property stored by this agency and to maintain a chain of custody and accountability.
2. The Evidence Technician will verify that all items submitted have been properly entered in the Property/Evidence Log Ledger and that a completed property receipt accompanies all items. The Evidence Technician shall complete the Property/Evidence Log Ledger indicating items that have been removed from the temporary evidence/storage lockers and complete the property receipt chain of custody record.
3. The Evidence Technician shall enter all impounded items submitted into the ACE (Active Control of Evidence) System, obtain and attach an ACE barcode number to the items, and enter the appropriate storage location of the items in ACE. Non evidentiary impounded items with no appreciable value will not be entered in the ACE system.
4. The Evidence Technician shall be held accountable and responsible for removing items

impounded from the temporary lockers, logging all items into ACE and placing property/evidence into the evidence and/or property vault on each regularly scheduled work day, unless a delay is approved by Command Staff, as well as ensuring that sufficient lockers are available for property/evidence deposited by members of this agency at all times.

5. Any member assigned the position as the FSUPD Property/Evidence Technician shall attend and successfully complete an approved course related to evidence and property control.
6. The Evidence Technician shall be responsible for the proper disposal of all property/evidence under his control in accordance with Florida Statutes and Federal laws. After all efforts are made by the impounding officer, the Evidence Technician shall attempt to notify the owner of impounded property (e.g. phone, email, mail), as to its whereabouts and how to claim it. When property is returned to the rightful owner, it shall be properly documented on the property receipt. The property receipt will then be forwarded to the Records Section for filing with the applicable case number.
7. The Evidence Technician shall be responsible for submitting and collecting all FSUPD evidence to and from the Florida Department of Law Enforcement (FDLE) Regional Crime Laboratory or other authorized lab.
8. The Evidence Technician shall take all reasonable measures to protect property and evidence items held by this agency from damage/deterioration.
9. The Evidence Technician shall ensure that the evidence refrigerators (in the temporary evidence vestibule and evidence vault) and freezer (in evidence vault) are working properly and set at the required temperatures.
10. The Evidence Technician shall be responsible for providing direction to agency members regarding the proper procedures for securing items of evidence and property.
11. The Evidence Technician shall periodically check the status of criminal cases for which evidentiary items are stored in the evidence vault. This is to ensure proper and timely disposal of the property.

E. Duties and Responsibilities of Officers/Members

Any member of this agency impounding any evidentiary item or property is responsible for properly packaging and properly documenting the item(s).

1. The Officer/member will complete and submit a property receipt with all evidence and property impounded and secure the items in a temporary locker/storage area prior to the end of the officer's shift [CFA 27.15 B, 28.01 B]. If exceptional circumstances exist where the officer is unable to secure the items in an evidence or property locker prior to the end of their shift, a supervisor or designee will retrieve the items from the officer and ensure they are properly secured. The reason will be clearly documented in the incident report [CFA 27.15 C, 28.01 C]. When securing items in a temporary property/evidence locker/storage area, the impounding officer will record the impoundment in the Property/Evidence Log Ledger located in the evidence vestibule [CFA 27.15 A]. The property receipt will be completed prior to turning the property and/or evidence over to the Evidence Technician, unless extenuating circumstances exist, and the member's supervisor approves the delay [27.15 C]. Other exceptions include during special events in which the Evidence Technician

is assigned to property and evidence custodian duties. During those events, found property items with no evidentiary value, may be turned over directly to the Evidence Technician without a property receipt. All evidentiary items are still required to be properly packaged and be accompanied with a property receipt. The Evidence Technician shall log the evidence and/or property into the ACE System and appropriate vault on each regularly scheduled work day, unless a delay is approved by Command Staff [CFA 28.01 A, 27.15 A].

2. All completed property receipts shall reflect the following information: [CFA 28.01, 27.15]
 - a. A detailed description of the item collected; including the make, model, and serial number, if known [CFA 28.01 D, 27.15 D].
 - b. The circumstances by which the property or evidence came into the agency's possession [CFA 28.01 D, 27.15 D]
 - c. The item number (i.e. Item 1, 2, 3, 4, etc.).
 - d. The exact quantity and/or weight if applicable.
 - e. The date and time received.
 - f. The location where collected or received.
 - g. The name, address, telephone number and signature of the person from whom the property/evidence was received.
 - h. The name and telephone number of the owner, if known.
 - i. The name and signature of the member receiving the property, for chain-of-custody.
 - j. FSUPD case number.
3. If the property is found property or recovered stolen property, the member impounding the property will make a good faith effort to determine the identity of the owner. The member will then attempt to contact the owner to advise them of the location of their property and how it may be returned to them. The member will then indicate on the property receipt whether or not they were successful in contacting the owner [CFA 28.01 G.].
4. If a complainant refuses to sign the property receipt, the member shall write "Refused" on the signature line.
5. All officers shall ensure that all property and/or evidence are turned over to the Department's evidence function before the end of the officer's shift. If the Evidence Technician is unavailable, the property or evidence shall be placed in the designated temporary property/evidence storage location and the impoundment entry made in the Property/Evidence Log Ledger. In the event that all property/evidence storage locations are unavailable or large items cannot be placed in a storage locker, the supervisor will contact the Evidence Technician or designee to make arrangements for the securing of the property/evidence. [CFA 28.01 A. and B.]
6. During normal business hours, members may turn property over to the Evidence Technician for the proper placement of items in the evidence vault.
7. If evidence or property is accompanied by an incomplete or improperly completed property receipt, has not been entered into the Property/Evidence Log Ledger, or is not packaged correctly, the Evidence Technician will notify the submitting officer instructing them to make the necessary corrections. Officers will make the required corrections within 5 of their working days once notified. If the submitting officer does not make the required corrections within the time specified, the Officer's Supervisor and the Lieutenant for Uniform Operations will be notified. The Evidence Technician's immediate supervisor will be copied on all correspondence.

F. **Guidelines for the Submission of Lost, Found, Recovered, Safekeeping and Evidentiary Property**

Any property and evidence impounded, unless otherwise noted in this General Order, by any member of this Department shall require the completion of a property receipt. No property receipt is needed for vehicles, motorcycles, mopeds, scooters and boats that are towed since a separate FSUPD Vehicle Report is required for these items. Property receipts may be completed in hard copy carbonized form or electronic form. ***If electronic forms are being used, an original must be printed and have original signatures.***

1. FSUPD property receipts shall be in triplicate. The distribution of property receipts shall be as follows:
 - a. The original (white hard copy) shall remain with the item of evidence/property and be filed by the Evidence Technician after the evidence/property is secured in the vault.
 - b. The yellow copy or Xerox copy of the electronic version shall be placed in the record's inbox located in the shift supervisor's office.
 - c. The pink copy or Xerox copy of the electronic version shall be given to the citizen turning in the property or to the rightful owner in the event that the property is evidence and the owner desires receipt of the item(s).
 - d. In the event additional copies are needed; Xerox copies will be acceptable
2. All property collected at the same location and on the same date under the same case number can be listed on one property receipt. If additional property forms need to be completed, property receipts shall reflect the correct page number(s), independent of the report page numbers, i.e., property that requires three sheets to document shall be numbered as follows: Page 1 of 3; Page 2 of 3; Page 3 of 3, etc.
3. All property shall be itemized and listed on the property receipt. All serial numbers shall be listed in the space provided on the property receipt.
4. No property (unless otherwise noted) shall be turned in without a property receipt. If property is accompanied by an incomplete or improperly completed property receipt, the Evidence Technician will notify the submitting officer instructing them to rectify the situation as soon as possible. If the submitting officer does not make the required corrections within 5 of their working days, the Officer's Supervisor and/or the Lieutenant for Uniform Operations will be notified.
5. Officers/Investigators submitting evidence and wish for lab analysis to be completed, shall complete and forward a Lab Analysis Request Form to the Evidence Technician. The form shall include the case number, offense, description of item(s), item number and analysis requested. If items are rejected by the Crime Lab for analysis, the Evidence Technician will note the reason and notify the officer making the request.
6. Lab submission forms shall be made part of the case file for evidentiary items requiring analysis/examination in accordance with the provisions of General Order titled "Collection and Preservation of Evidence".
7. Original copies of laboratory analysis reports shall be forwarded to the Records Section by the Evidence Technician.
8. Officers/investigators submitting property seized during a search warrant must provide the

Evidence Technician with a copy of the "Inventory of Property" form of the search warrant. All the items shall match those on the property receipt.

9. Any drugs that are seized, whether or not an arrest occurs, shall be impounded and turned into the Evidence Technician or deposited into a temporary evidence storage locker. In cases where no arrest is made, the officer shall indicate in the disposition request on the property receipt. Drugs can only be destroyed pursuant to F.S.S. 893.12, which requires a court order. Officers who violate this procedure shall be subject to disciplinary action.
10. The Evidence Technician and officers shall properly package and label all property/evidence and follow all chain-of-custody procedures in accordance with General Order titled "Collection and Preservation of Evidence" and the "FDLE Crime Laboratory Evidence Submission Manual".

G. Guidelines for Handling of Certain types of Property/Evidence Items

1. Cash and Valuables. Special security procedures for handling cash and valuables shall include the following [CFA 28.01 F.]:
 - a. Any impounded item that contains cash or valuables (jewelry, gemstones, precious metals) shall be deposited inside a temporary evidence storage locker accompanied by a property receipt. Cash or valuables may include negotiable instruments, traveler's checks, food stamps, counterfeit currency, jewelry, watches, rings, etc. The following business day, the Evidence Technician will place these items into the evidence vault.
 - b. All valuables such as currency, coins, jewelry, etc. must be itemized and described in detail on the property receipt.
 - c. Currency that exceeds \$100 must be accompanied by a currency count form and the count witnessed by a second sworn member. The currency count form shall be enclosed in the sealed clear bag with the currency and in a manner in which the contents of the form are visible. The reason for impoundment and any holds will be documented on the form.
 - d. If the currency has been seized for forfeiture (per the Florida Contraband Forfeiture Act) or is recovered Investigative Funds, a notation shall be made on the property receipt and currency count sheet (if required) "Hold for Forfeiture" or "Investigative Funds".
 - e. Cash and valuables shall be placed inside a clear plastic bag.
 - f. Owners shall be advised that they can pick up their property during regular business hours by telephoning the Evidence Technician.
 - g. Impounded counterfeit currency shall be turned over to the United States Secret Service.

2. Perishables [CFA 27.08].

Perishable food items should be returned to the owner/designee as soon as possible.

- a. Evidentiary perishables shall be processed and then photographed prior to their release to the rightful owner or designee.
- b. If a perishable item needs to be held and sent to the lab for processing, secure the item in the evidence refrigerator.
- c. The Evidence Technician (and other Departmental members) shall follow the instructions as set forth in F.S.S. 90.91 pertaining to photographs used as evidence.

3. Toxicology

- a. Toxicology testing for analysis such as blood-alcohol, blood-drug screen and urine drug screen shall be placed in a refrigerated storage locker as soon as possible.
 - b. The refrigerator storage locker shall be secured. These items are bio-hazardous, and all appropriate biohazard precautions must be taken.
 - c. The next business day, the Evidence Technician shall remove any evidentiary perishable item for toxicology analysis and arrange for the transportation and delivery of such evidence to the FDLE regional crime laboratory as soon as possible.
 - d. If both compartments within the secure temporary refrigerator are already in use, officers shall contact the Evidence Technician to properly secure items that require refrigeration.
 - e. Proper packaging and labeling of these items shall be followed.
4. Sexual Assault Exam Kits (SAEK) [CFA 27.14]
- a. Sexual Assault Exam Kits (SAEK) shall be packaged separate from all other items.
 - b. Place evidence tape on glued seals, but **DO NOT** put tape over the hospital seal.
 - c. Date and initial your evidence tape seals.
 - d. Affix a “biohazard” label to the SAEK envelope.
 - e. Secure in a temporary evidence locker.
 - f. Sexual offense evidence kits, or other DNA evidence if a kit is not collected, shall be submitted to the FDLE Crime Lab within one work week of receipt, unless the delay is otherwise authorized by the Investigations Lieutenant. Under no circumstances will a delay of more than 30 days be authorized [CFA 27.14 A].
 - g. All evidence collected in sexual offense investigations shall be stored in a secure, environmentally safe manner until the State Attorney’s Office has approved its destruction [CFA 27.14 D].
5. Bio-Hazardous Items.
- a. All bio-hazardous evidence must be labeled as “Biohazard.” In addition, each item packaged shall be labeled with the proper international biohazard symbol and label on the exterior of the package. Examples of biohazard items may include clothing containing blood and syringes. Specific procedures regarding the handling of bio-hazardous evidence is discussed in General Order titled, “Infectious Diseases and Blood-Borne Pathogens.”
 - b. Syringes will only be collected as a last resort when no other usable form of evidence is available.
6. Hazardous Material.
- a. Members of this Department should not take possession of or submit any materials or substances which may be toxic or hazardous, unless the material in question has been certified as safe by competent authority (Fire Department Haz-Mat personnel, University Environmental Health and Safety personnel). The Evidence Technician shall be contacted before the evidentiary item is stored at a FSUPD storage facility. Any hazardous materials that this agency takes possession of for evidentiary purposes shall be marked as Hazardous Material.
 - b. Hazardous material will be disposed of as regulated by Hazardous Waste Laws. The Department of Environmental Health and Safety shall be consulted for assistance.
7. Photographic and Video Evidence.

- a. Generally, the Evidence Technician will be responsible for taking photographs for evidence purposes. If an officer uses a digital camera to take photographs, then the provisions of the General Order titled, "Collection and Preservation of Evidence," shall apply. Any digital or video evidence from a Mobile Video Recording System (MVRS) shall be handled in accordance with the provisions of the General Order titled, "Mobile Video Recording System."
 - b. The pertinent provisions of Section 90.91, F.S., regarding photographic evidence are as follows:
 - 1) In any prosecution for a crime involving the wrongful taking of property, a photograph of the property alleged to have been wrongfully taken may be deemed competent evidence of such property and may be admissible in the prosecution to the same extent as if such property were introduced as evidence.
 - 2) Such photograph shall bear a written description of the property alleged to have been wrongfully taken, the name of the owner of the property, the location where the alleged wrongful taking occurred, the name of the investigating law enforcement officer, the date the photograph was taken, and the name of the photographer.
 - 3) Such writing shall be made under oath by the investigating law enforcement officer and the photograph shall be identified by the signature of the photographer.
 - 4) The property may then be returned to the owner from whom the property was taken.
8. Seizure of Florida License Tags and Driver's Licenses.
- a. FSUPD officers seizing tags and driver's licenses that are needed as evidence in criminal investigations shall properly package them and place them inside the temporary evidence storage locker. Examples of this type of evidence include, but are not limited to:
 - 1) Altered driver's licenses or identification cards.
 - 2) Fictitious licenses.
 - 3) Licenses used to commit fraud.
 - b. Driver's licenses seized as cancelled, suspended, or revoked shall be forwarded to the Records Section for return to the Department of Highway Safety and Motor Vehicles (DHSMV).
 - c. Driver's licenses seized because of a Driving Under the Influence (DUI) case shall not be placed into the temporary evidence storage locker. Rather, the officer seizing the license shall follow the provisions of General Order, titled, "DUI Enforcement."
 - d. If a license tag is needed for evidence processing or in a criminal investigation, the tag shall be placed inside the temporary evidence storage locker along with the property receipt.
9. Flammables, Explosives, and Sharp Objects.
- a. Flammables. Officers shall not store any flammable materials inside any FSUPD storage facility. The officer impounding the material will immediately determine, through consultation with the State Fire Marshall, if the evidentiary item can be safely stored. If not, the Evidence Technician and the State Fire Marshall shall decide what arrangements will be made for safe and secure storage of the evidence.
 - b. Explosives. Explosives shall not be stored in any FSUPD storage facility. FSUPD officers

shall consult with local law enforcement bomb disposal experts for proper handling of evidentiary items such as these. Ammunition can be stored in a temporary storage locker or the evidence vault.

- c. Sharp Objects. Any item that contains "sharps" shall be clearly marked and placed into the proper storage locker. These items must be marked on the outside of the package, and shall be packaged securely and safely so as not to cause danger to others who may handle these items. Proper packaging materials are provided and shall be used to package these items.

10. Found Keys, Identification Cards and Vehicle Tags

- a. Found keys and identification cards may be turned into the Communications Section without a property receipt. (This only applies to lone ID cards and does not include ID cards when turned in with wallets or other property)
- b. Found Vehicle Tags shall be forwarded to the Records Section for return to the DHSMV or issuing agency.
- c. If keys and identification cards are not claimed within 10 days, the items will be transferred as described below:
 - 1) Keys will be turned over to the Property/Evidence Custodian for longer term storage.
 - 2) FL Driver's Licenses and other identification cards will be forwarded to the Records section for return to DHSMV, other issuing agency or for destruction.
 - 3) FSU ID Cards will be turned over directly to the FSU Card Center.

H. Submission and Handling of Drug Related Items

Special security procedures for submitting, handling, and storing drug-related items shall consist of the following [CFA 28.01 F and 27.07]:

1. Weighing.

- a. All drug submissions shall be weighed by the impounding officer on scales provided for this purpose. Weights should be given as approximate and measured in grams.
- b. All capsules and/or pills shall be counted. Officers shall separate and group all capsules and pills for counting purposes.
- c. Weight and count submission shall be documented on the FSUPD property receipt.
- d. In cases where marijuana is impounded, the loose marijuana shall be weighed separately from the packaging and documented on the property receipt. The amount of the drug weight shall be included on the criminal arrest affidavit. The procedure also applies to dry powder drugs, such as cocaine with the exception of weighing it separately from the packaging. The items will then be placed in the temporary evidence storage locker.

2. Evidence Technician Procedures. The Evidence Technician will follow these steps when accepting narcotics or dangerous drugs in order to safeguard against loss or substitution:

- a. Upon removing the evidence from the temporary evidence storage locker, the Evidence Technician will ensure that all drug evidence has been properly packaged, sealed, and labeled, to include count and weight.
- b. If the Evidence Technician discovers any discrepancies in the weight or count it shall immediately be reported to the appropriate member's supervisor in writing.
- c. The Evidence Technician will log the evidence into the vault and sign the property receipt to document the change in custody of the evidence.

- d. The evidence will then be placed in the locked drug storage area within the evidence vault or immediately transferred to the laboratory, as appropriate.
- e. If laboratory analysis of the evidence is required, the evidence technician will transfer the evidence to the designated laboratory, and will document the change in custody on the property receipt.
- f. The Evidence Technician shall weigh the evidence when it returns from the laboratory to determine if a major discrepancy exists.

3. Packaging.

- a. All drugs shall be properly package, labeled, and sealed with evidence tape. Plastic bags shall not be used for freshly cut or wet plant material since they will develop mold. Paper bags shall be used for this purpose. The bag containing the substance will then be sealed with evidence tape.
- b. Packaging paraphernalia should be submitted in as near to the original state it was found as possible. Do not mix drugs with paraphernalia. When two or more different drugs are found together, a separate bag shall be used to package each item. It would be advisable that a photograph be taken of how the items were found together before packaging separately. FDLE lab requires that items be separated before submission to the laboratory.
- c. Any sharp object must be properly packaged for safety reasons.
- d. No presumptive test kit shall be impounded into evidence. The results of the test shall be noted on the Arrest Affidavit and officer's report.
- e. Pipes shall have tape placed over their bowls and over the hole in the end of the stem to avoid cross contamination.
- f. Hypodermic syringes will be packaged in the appropriate plastic tube with the needle inserted in the Styrofoam plug. The tube will then be placed in a plastic bag and a red biohazard label placed on the outside of the bag. Officers shall note on the package the following, "WARNING - SYRINGE." Because of the possibility of an accidental needle puncture that poses a threat to the contributor and laboratory personnel, syringe evidence will only be accepted by the FDLE lab when it is the only evidence in the case. Officers must be extremely careful when handling these items and be in strict compliance with pertinent provisions of this and other general orders regarding the labeling of the package and proper placement in the temporary evidence locker.
- g. An information report shall be completed on a drug/suspected drug that this Department impounds or takes possession of.

4. Special considerations pertaining to Controlled Substance Packaging.

- a. Do not touch suspected drugs such as LSD, powder or crack cocaine without wearing protective gloves. Some drugs may be easily absorbed into the skin.
- b. Wash hands following all contact with narcotics and paraphernalia.
- c. Separate latent fingerprint evidence (wrappings) from drug evidence before submission.
- d. Advise the lab if any items that are being submitted have been recovered from a body cavity, or may be contaminated with bio-hazardous materials.
- e. Freshly cut plant material or wet plant material shall be dried before packaging.
- f. Marijuana and other plant material shall be packaged in paper bags.
- g. Tablets and capsules must be removed from bottles or other packaging that would prevent visual inspection and shall be packaged in clear plastic bags.
- h. Powders and other solid substances shall be packaged in clear plastic bags. Loose powders and other similar substances should be placed in a smaller clear plastic bag before being sealed in an outer clear plastic bag.

I. **FIREARMS**

1. Any officer or member who impounds any firearm or antique firearm is responsible for ensuring the firearm is safe, unloaded, and unable to fire any cartridge or cause a combustion that may inflict injury or damage.
2. For automatic or semiautomatic firearms, an officer or member shall remove the ammunition magazine prior to impoundment and ensure no cartridges are contained inside the firearm. Ammunition may remain in the magazine, but not in the firearm.
3. An external or secondary safety measure (e.g., locking mechanism, plastic strap through the barrel or chamber) shall be placed upon the impounded firearm or antique firearm, to ensure it is not capable of firing or discharging any projectile, cartridge or ammunition.
4. Prior to impoundment, every firearm or antique firearm shall be queried in FCIC/NCIC to determine if it is stolen.
5. When the owner of an impounded firearm or antique firearm is unknown and it has a registration or serial number, the following protocols shall be followed:
 - a. The impounding member shall ensure the firearm information is entered into FCIC as recovered or abandoned property.
6. Handguns shall be packaged in cardboard boxes or containers provided or approved by the Property and Evidence Section. Ammunition and/or magazines shall be packaged in a separate envelope or container. If an appropriate container is not available for the firearm, the firearm will be tagged. Impounding Officers will write or stamp "Firearm Unloaded" on containers and/or tags.
7. Members who have not been trained or are unfamiliar with the firearm or antique firearm being impounded shall consult with a supervisor or firearms instructor prior to attempting to manipulate or unload such firearm.
8. Firearms and/or weapons may be accepted by FSUPD for safekeeping from individuals that are having a mental crisis that does not qualify for Baker Act. The receiving officer must complete a report detailing the circumstances. Procedures for return of the property is outlined in section L (3)(e) of this General Order and in the General Order titled "Baker/Marchman Act".
9. Prior to FSU PD receiving a firearm or dangerous weapon voluntarily for safekeeping for any reason, the owner shall complete a "Voluntary Weapon Storage Form" which specifically states the reason for the request and parameters by which a firearm or weapon will be returned. Note: This is not to be construed to mean that FSU PD will store firearms and weapons as a convenience for firearm or weapon owners.
10. If a firearm cannot be unloaded or there are special circumstances, boldly mark the package with the words: **WARNING: LOADED GUN.**

J. **FDLE Laboratory Locations and Testing**

Evidence needing analysis on authorized FSUPD investigations shall be taken to the FDLE Regional Crime Laboratory or other approved laboratory.

1. Evidence will only be transferred from the FSUPD evidence vault to the laboratory by the Evidence Technician or person acting under their authority. If exigent circumstances exist, an officer/investigator may complete the chain of custody and transfer the evidence to lab.
2. All chain of custody recording requirements shall be in compliance with the pertinent provisions of the General Order titled, "Collection and Preservation of Evidence," to include the following [CFA 27.02.]:
 - a. Received by (receiving person's name and responsibility). [CFA 27.02 B]
 - b. Reason for the transfer. [CFA 27.02 C]
 - c. Date, time, and method of transfer. [CFFA 27.02 A]
 - d. Date and time of receipt in the laboratory. [CFA 27.02 E]
 - e. Name and signature of person receiving the evidence.
 - f. Name and location of the laboratory, synopsis of the event, and examination required. [CFA 27.02 D]

K. **Disposal of Lost/Abandoned Property**

No person may claim any lost/abandoned property that they find on FSU campus. Any property impounded as lost or abandoned shall be returned only to the rightful owner when possible. If any person desires to claim any property he/she turns in as lost/abandoned which is found on this campus, the member receiving the property shall advise them that Section 705.102, F.S. prohibits them from claiming ownership. [CFA 28.02 E]

1. Officers and the Evidence Technician shall attempt to locate the true owner of all property lost or abandoned and impounded by the FSUPD [CFA 28.01 G.]. If the property is not claimed by the rightful owner within 30 days from the time it was impounded, the Chief of Police or designee may elect to do one of the following: [CFA 28.02 E]
 - a. Retain the property for the Department's own use.
 - b. Transfer the property to another unit of state or local government.
 - c. Donate the property to a charitable organization.
 - d. Sell the property at public sale, pursuant to the provisions to Section 705.103, F.S.
 - e. If the property has no appreciable value, it may be destroyed.
2. All weapons, electric weapons or devices and arms shall be held for 60 days. All unclaimed weapons and firearms will be turned over to the Leon County Sheriff's Office pursuant to 790.08, F.S.
3. All impounded found drugs will be disposed of as outlined in section L. (2) of this general order.
4. All disposals, destructions and transfers of high security items outside of the agency will be approved by the Investigations Lieutenant. The approval will be documented on an Authorization for Disposal form or in the ACE System. All destructions will be witnessed by a sworn member.
5. Under no circumstances shall any employee retain property for their own personal use or for the personal use of others.

6. The rightful owner of any property may reclaim his/her property when cleared for release when it is prior to the disposition, sale, or use of the property in accordance with Section 705.18, F.S.

L. **Procedures Regarding Disposal of Evidence or Return of Property to Owner [CFA 27.13 E, 27.15 G & H, 28.02 E]**

1. **Unclaimed Evidence**

- a. Title to unclaimed evidence or unclaimed tangible personal property lawfully seized pursuant to a lawful investigation or seized as evidence and in the custody of FSUPD shall vest permanently in the law enforcement agency 60 days after the conclusion of the criminal proceeding.
- b. If the evidence has been retained for the required length of time and is authorized for release, the evidence custodian will make a good faith effort to determine the identity of the rightful owner. The evidence custodian will notify the rightful owner by telephone, email or letter and advise them of the location of their property and how it may be returned to them. The rightful owner, if identified will be given 30 days from notice to claim the property [27.15 G]
- c. If the property is of appreciable value, the Chief or designee may elect to do one of the following:
 - 1) Retain the property for the Department's own use.
 - 2) Transfer the property to another unit of state or local government.
 - 3) Donate the property to a charitable organization.
 - 4) Sell the property at public sale, pursuant to the provisions to Section 705.103, F.S.
 - 5) If the property has no appreciable value, it may be destroyed.
- d. All disposals, destructions and permanent transfers of high security items outside of the agency will be approved by the Investigations Lieutenant. The approval will be documented on an Authorization for Disposal form or in the ACE System. All destructions will be witnessed by a sworn member.

2. **Drugs [CFA 27.07, 27.13 E]**

- a. All drugs shall be destroyed pursuant to a court order issued in accordance with F.S.S. 893.12.
- b. No officer shall destroy any drug that is seized, impounded or turned over to this Department.
- c. Officers who violate the procedure are subject to disciplinary action.
- d. All drug destructions will be approved by the Investigations Lieutenant. The approval will be documented on an Authorization for Disposal form or in the ACE System.
- e. Prior to destruction, a comparison of the drugs to be destroyed will be compared to the list of drugs approved for disposal on the court order.
- f. The destruction of all drugs must be conducted by being burned at an approved incinerator facility.
- g. All drug destructions will be witnessed by the evidence custodian and a sworn member.

3. **Firearms/Weapons**

- a. When a person is acquitted of any offense as outlined in F.S. 790.08(2), or presents a valid court order, the weapon(s) involved shall be returned to the owner. However, if the owner fails to call or receive the property within 60 days, the weapon may be disposed of pursuant to Section 790.08, F.S.

- b. No firearm shall be returned when seized by a law enforcement officer when there has been a breach of the peace, except pursuant to a court order, Section 933.14(3), F.S.
- c. Any found, abandoned, or otherwise discarded weapon, or weapon left in the custody of this Department and not reclaimed by the owners shall, within 60 days, be disposed of in accordance with Section 790.08, F.S.
 - 1) If any owner claims any firearm or ammunition within the specified time period as discussed above, the firearm will be queried again in FCIC/NCIC to determine if reported stolen. The evidence technician or Investigations personnel will conduct a firearms related background check to ensure the individual is legally entitled to possess a firearm or ammunition. The background check will include a query through FDLE's Firearm Eligibility System (FES). The evidence technician and/or returning officer shall ensure that no current domestic violence injunction is active, that the owner has not been convicted of a felony and if so, that his/her civil rights have been restored, and that they are not on probation. No firearm, ammunition or weapon will be turned over to anyone that has a current domestic violence injunction against them; that is a convicted felon; that is on probation, ~~or~~ that is not mentally stable or is otherwise disqualified from owning or possessing a firearm or ammunition. If a probation order does not prohibit the possession of a firearm or weapon, confirmation must be made with the probation officer prior to release. If the claimant is mentally unstable and determined not to be of "sound mind" or the firearm, ammunition or weapon was seized from a person during a Baker Act, Marchman Act or voluntarily transport to a crisis/mental health care facility, no weapon, ammunition or firearm shall be released to them unless ordered by the court or proper documentation that he or she is no longer subject to involuntary examination or has been released or discharged from inpatient or outpatient treatment is received. Prior to returning a firearm or weapon to any claimant, a "Weapon Return Form" must be completed. Two FSU Employees, one of which must be a sworn law enforcement officer will be present.
- d. When the claimant had voluntarily turned over a firearm and/or dangerous weapon to FSU PD for safekeeping due to a "mental crisis", section L(3)(d) above will apply, as well as the following:
 - 2) Two FSU Employees, one of which must be a sworn law enforcement officer will be present, and
 - 3) The employee(s) will not return the firearm and/or weapon if in their discretion, the claimant exhibits behavior that is concerning regarding if the claimant is a threat to himself/herself or others. If either employee has concern, they may require the claimant to provide documentation from a Licensed Mental Health Professional certifying the person is not a threat to themselves or others or a court order.
 - 4) Prior to returning a firearm or weapon to the claimant, the claimant will verify they are not a threat to themselves or others by completion of a "Weapon Return Form".
- e. Ammunition will not be returned on the same date as the firearm. No loaded firearms will be returned to owners.

M. Temporary Release of Property/Evidence to Authorized Persons

When items of evidence are temporarily transferred from the property/evidence section for court, lab analysis, to the investigations section, another agency, or other reason, the following procedures will be followed:

1. The receiving person will sign the property receipt acknowledging custody of the item. The location of the item transferred out will be updated in the ACE System by the Evidence Custodian indicating the new location/custodian. The Evidence Custodian, either manually or through the

ACE System will maintain tickler files for all items temporarily transferred from the property/evidence room. The status of items temporarily transferred out will be checked at least once every thirty days.

2. Whenever any officer of this Department is required to bring evidence to court via subpoena, the evidentiary item should be released only to the originating impounding officer. Exceptions may apply. The Evidence Technician shall be contacted at least forty-eight (48) hours in advance, Monday through Friday. When the item is released for court purposes, the white copy of the property receipt shall remain with the item of evidence.
 - a) If any item of evidence is released to the court or the State Attorney's Office (SAO), officers shall have the court officer or the SAO representative sign for the items of evidence, and the officer shall retain the original copy of the property receipt. This copy shall be returned to the Evidence Technician. A supplemental report shall be completed by the officer documenting the transference of evidence and the disposition of property updated in the ACE System.
 - b) Except when items are admitted to court and turned over permanently to the SAO, all evidentiary items shall be returned to the Evidence Technician if available during normal working hours. If not, the item shall be returned to the temporary evidence storage locker along with the original property receipt.

N. Inspections/Audits/Inventories [CFA 27.13, 28.02]

To ensure that CFA accreditation standards are being followed, that property is kept secure, that evidence and property storage areas are clean and organized, that the provisions of this and other pertinent Departmental general orders are being followed, and that property and evidence are protected from deterioration or damage, the following inspections, audits, and/or inventories shall be conducted:

1. The Compliance & Professional Standards Lieutenant shall ensure at a minimum an annual audit/examination, an annual inventory and an annual unannounced inspection are conducted to ensure that the provisions of this General Order and the General Order titled, "Collection and Preservation of Evidence," are being followed. The annual audits/inspections shall be conducted by a member not routinely or directly connected with the control of the property and evidence. [CFA 27.13 A, B & C, 28.02 A, B, C]. Audits, inventories and Inspections will be conducted and documented separately for property and evidence items.
2. When there are personnel change in the position of Evidence/Property Technician, or the current Evidence/Property Technician shall be on extended leave, an inventory shall be conducted. The Department's newly-appointed Evidence/Property Technician and/or a designee of the Chief shall conduct the inventory to ensure that all property and evidence records are properly annotated. All narcotics, firearms, cash, and valuables shall be inventoried by two individuals, and any discrepancies concerning any type of property and/or evidence shall be documented.
3. An annual inventory of the Department's property and evidence is conducted by the property/evidence custodian and a designee of the Chief. The annual inventory sample will be large enough to ensure that the records are current and accurate. If available, the sample shall consist of a minimum of thirteen (13) high value items such as jewelry, guns, or large amounts of cash from both property and evidence. The annual inventories shall also consist of a minimum of eighteen (18) items from a random cross section of both the general evidence and property files [CFA 27.13 C, 28.02 C].

4. At the discretion of the Chief, unannounced inspections of the Department's property and evidence storage facilities and records may occur anytime, however the Chief shall require at least annually, an unannounced inspection [CFA 27.13 B, 28.02 B]
5. The dates and results of all audits, inspections, and inventories shall be documented and reports submitted to the Chief for review.
6. The Compliance & Professional Standards Lieutenant or other designee of the Chief shall be responsible for scheduling/coordinating audits, inventories, and inspections required by CFA Standards.
7. Audits, Inspections and Inventories are to be documented separately.
8. In addition to the inventory outlined in section N (3) above, the agency will conduct annually, a full inventory all currency, firearms and valuables (jewelry, gemstones, and precious metals) and drug evidence, not including paraphernalia. These inventories will be scheduled and coordinated by the Investigations Lieutenant.
9. In the event that the Evidence/Property Technician vacates his or her position, the following will occur:
 - a. The alarm code(s) to the evidence and property vaults shall be changed as soon as possible.
 - b. An inventory of all firearms, cash, and valuables will be completed within ten (10) days.
 - c. An inventory of all drugs will completed within thirty (30) days.
 - d. A partial inventory, consisting of at least 25% of other evidence and property shall be commenced as soon as possible. Every effort will be made to complete the inventory within ninety (90) days.
 - e. If it is not feasible to conduct the inventories within the time periods specified above, the Chief of Police will be notified of the reason for the delay and a notation will be made on the inventory report. The Chief of Police will be kept abreast of the progress of the inventories and notified of any discrepancies.
 - f. Inventories conducted due to personnel change of the Evidence Technician/Custodian may be used as proof of the annual inventories described in N. (8) above.

O. FSU PD Property/Evidence Records System [CFA 27.10, 28.04]

1. The FSUPD shall have a property/evidence records system that will provide the following information:
 - a. Incident report number.
 - b. Property type.
 - c. Type of offense.
 - d. Officer/member impounding the item.
 - e. Date and time the property was received and/or released by this Department [CFA 27.10 B, 28.04 B].
 - f. Description of the property [CFA 27.10 C, 28.04 C].
 - g. Name, location, telephone number of the owner, if known.
 - h. Current location of the property [CFA 27.10 A, 28.04 A].
 - i. Chain of custody from time of receipt until final disposition {CFA 27.10 D, 28.04 D}.
2. Case officers or assigned investigators are responsible for notifying the Property and Evidence Section when they have knowledge of a court disposition allowing evidence to be released,

destroyed, or returned to the owner. In cases where the officer or investigator is not available, their supervisor should make the notification in their absence.

3. The Evidence/Property Technician shall be responsible for updating any property/evidence item that is transferred, disposed of, or auctioned.

P. **Lost, Missing, Stolen Property and Evidence [CFA27.13 D, 28.02 D]**

Circumstances surrounding lost, missing, or stolen property and evidence will be investigated.

1. If narcotics/drugs, currency, firearms, weapons or valuables including jewelry, gemstones and precious metals are determined to be lost, missing, or stolen, either through an inventory or other means, it will be immediately reported to the Chief of Police. The Chief will review the circumstances and determine the appropriate action and if referral to the Criminal Investigations Division and/or the Internal Affairs Officer for investigation is appropriate.
2. If items are stolen from the exterior impound, garage or bike storage due to outside intrusion, the theft will be reported to uniform patrol for investigation and/or referral to the Criminal Investigations Division.
3. If an inventory reveals a lost or missing item, aside from firearms, currency, or narcotics, the Chief or Designee may accept the inventory reconciliation documented in memorandum as the investigation or may order further investigation.
4. Items found to be lost, missing, or stolen under other circumstances will be reported to the Chief or designee by memorandum. The Chief or designee will determine the appropriate investigative action.

Q. **Emergency and Disaster Planning – Evidence Relocation**

In the event of an emergency or disaster that poses a risk to the integrity of high risk or critical evidence in its current storage location, the agency will make reasonable efforts to relocate those items to ensure the continuity of the evidence function. In the event evidentiary items need to be relocated and time permits, the agency may relocate items as described below and/or as otherwise directed by the Chief of Police. Evidentiary items will not be relocated to an off-site storage location without the express consent of the Chief of Police or in the absence of the Chief, the Deputy Chief. ***Under no circumstances will the relocation of evidence outweigh personal safety.***

1. In the event of a power outage, evidence refrigerators and freezers are protected by a back-up generator.
2. Currency and other small valuables may be transferred to the custody of the Support Services Captain and secured in the safe under their control.
3. Firearms, Weapons, Drugs and other high risk/critical items may be transferred to the FSUPD Firearms Vault. If conditions permit, drug evidence will be transferred in the locked cabinets/safes they are currently stored in. Firearms and Weapons will be placed in separate storage bins prior to transfer. When evidentiary items are transferred to the FSUPD Firearms Vault, the card swipe access to the vault will be restricted to the Evidence Custodian and others as dictated by the Chief of Police.
4. Any evidence removed from the FSUPD facility will be properly tracked and accounted for during removal, transportation, and relocation. The Evidence Custodian, or other assigned personnel will be accompanied with appropriate sworn staff during the removal, transport

- and relocation of evidence.
5. Any evidence turned over to another member and/or agency will be properly documented indicating the chain of custody. The transfer of evidence to another member or other agency will be witnessed by a sworn member.

Glossary

Audit – The examination of records and activities to ensure compliance with established controls, policies, and operational procedures.

Chain-Of-Custody – A sequential record of all individuals who had control/custody of property or evidence.

Evidence - A physical object related to a crime.

Evidence (and Property) Lockers - Temporary lockers in which officers deposit items of evidence or property when the Evidence Technician is not available to take immediate custody of the item. Once the temporary locker is secured, only the Evidence Technician can access the locker to remove the evidence.

Evidence Vault – This refers to the secure permanent evidence storage area accessible only to the Evidence Technician.

Found Property - An item discovered by a person who is not the owner.

Hazardous Materials - Flammable or combustible liquids, substances, or materials. Caustic acids, explosives, hazardous chemicals, or other substances and materials that could be hazardous to the health or wellbeing of human beings.

Inspection – The act or process of examining or looking at carefully.

Inventory – The act or process of cataloging through a full or partial accounting of the quantity of goods or materials on hand, unless a standard specifically allows for a partial accounting.

Lost Property - Personal property mislaid by the owner that has an apparent intrinsic value.

Unclaimed Evidence - Any tangible personal property, including cash, that is not defined as a contraband article in Section 932.701 (2), F.S., which was seized by a law enforcement agency, intended for use in a criminal or civil proceeding, and is retained by the law enforcement agency or the clerk of the court for 60 days after the final disposition of the proceeding and to which no claim has been made.

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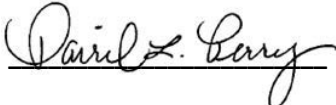
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MTC 4/19/19 Filed: General Order 1302

Title: Evidence and Property Control System

Approved: 
David L. Perry, Chief

Date: 04/16/19