

Columbus Police Division Directive	EFFECTIVE Aug. 01, 1987	NUMBER 3.34
	REVISED Apr. 15, 2010	TOTAL PAGES 12
Property and Evidence Handling		



Cross Reference:..... 1.23, 3.33, 3.38, 3.41, 3.72

I. Introduction

The requirements for the proper handling of property by law enforcement officers are established by the Ohio Revised Code (**ORC**) and this directive.

II. Policy Statements

A. Seizures or Recoveries

1. Personnel handling hazardous/infectious/unknown material should:
 - a. Wear protective clothing appropriate to the extent of contamination and/or exposure.
 - b. Wear gloves (rubber or latex) for collection purposes whenever contamination is suspected or unknown.
 - c. Treat all medical or unidentified waste as potentially infectious material.
 - d. Not break, remove, or recap hypodermic needles and syringes. If needed for evidence, place in a rigid plastic container and clearly mark the container.
 - e. **Advise Property Control Unit (PCU) personnel of any potential hazards, if known.**
2. Personnel receiving property from private citizens shall:
 - a. Furnish them with and request they sign a Property Receipt, form S-36.116.
 - b. Advise them that the rightful owner will be notified and non-contraband property returned when the Division no longer has an evidentiary or any other justifiable need for the property, and ownership has been established.
3. Property seized pursuant to a search warrant shall be listed on the inventory receipt portion of the warrant.
4. Personnel seizing property shall forward a Seizure/Forfeiture Notice & Receipt, form I-20.111, with a copy of the Arrest Information, form U-10.100, if applicable, to the Seizure-Forfeiture Unit before the end of the tour of duty. Include the following language in the narrative section: Property subject to forfeiture under ORC Chapter 2981.
5. Property that is not evidence may be returned directly to the owner, if practical.

B. Submitting Property

1. Property Clerks shall only accept property submitted within established Division guidelines.
2. Personnel must submit property to the **PCU** in person.
3. Property shall not be submitted by reserve officers, officers from foreign jurisdictions, or private citizens. During field training periods, probationary officers shall submit property using their field training officer's information.
4. Property seized for evidence shall be handled by as few Division employees as possible, thereby keeping the chain of custody to a minimum.
5. All property shall be submitted to the **PCU** or another Division-approved facility.
6. Division personnel shall not submit: motor vehicles, motorized bicycles, boats, trailers, construction equipment on wheels, and all other licensed vehicles to the **PCU**. These items shall be impounded and taken to the Impound Lot.
7. Division personnel shall not transport or submit explosive devices or suspected explosive devices to the **PCU**. Division personnel shall contact the Division of Fire Bomb Squad for their determination of transport or disposal of explosive devices or suspected explosive devices.

Note: Firecrackers are not considered hazardous explosives and may be submitted to the **PCU**.

8. Unverified items shall not normally be submitted to the **PCU**, and may require justification before acceptance by a Property Clerk. Items that cannot be readily verified shall be properly sealed before being accepted. Personnel may be held responsible for the contents of unverified items.
9. Personnel shall not delay submitting property. All property shall be submitted before the end of the current tour of duty.

Note: To avoid overtime, property **being held for safekeeping** may be turned in by another Division employee. Both employees must sign and keep a copy of the Property Receipt **for property received from citizens**. The property shall be submitted prior to the end of the submitting employee's tour of duty.

C. Removal of Property

1. Any employee who removes property from the **PCU** shall be responsible for that property.
2. Property held as evidence may only be removed under the following conditions:
 - a. Division personnel may remove evidence for court by presenting a subpoena **or at the request of a prosecutor**.
 - b. Crime Lab personnel may remove evidence for the purpose of laboratory examination, analysis, or comparison.

- c. Photo Lab personnel may remove evidence for the purpose of photographic documentation.
- d. Internal Affairs Bureau sworn personnel may remove evidence, with a Property/Evidence Transfer, form A-32.105, when necessary during the course of an internal investigation.
- e. Sworn personnel may remove firearms and/or controlled substances, after Crime Lab testing and the property/evidence is no longer needed for trial and/or appeal, with a Property/Evidence Transfer form and written authorization from a lieutenant or higher, within their chain of command, when necessary for training or investigative purposes.
 - (1) Controlled substances shall be weighed prior to removal.
 - (2) Upon return, the controlled substances shall be submitted to the Crime Lab for retesting by the **PCU** Sergeant.
 - (3) Any deviation in the weight and/or content of the controlled substance shall require a written explanation by the removing sworn employee.
- f. In all other instances, sworn personnel may remove evidence with a Property/Evidence Transfer form signed by a supervisor within their chain of command.
 - (1) If there is no chain of command supervisor available, authorization may be obtained from any Division supervisor.
 - (2) If the property is currency in the amount of \$1000 or more, authorization shall be obtained from a lieutenant or higher.
 - (3) When it is necessary, or anticipated to be necessary, to keep the property out for more than 28 days, a signature shall be obtained from a lieutenant or higher. Each 28-day extension of time shall require a signature from a lieutenant or higher for approval.

D. Firearms *and* Ballistic Evidence

1. ***All firearms submitted to the PCU will be considered evidence, unless a firearm is submitted for safekeeping where the owner is known.***
2. Firearms shall ***only*** be released ***to the owner when:***
 - a. The owner is legally permitted to possess the firearm ***and***
 - b. The firearm is not needed as evidence in an investigation/court case, or***
 - c. A court order for the release of the firearm is presented to the Division, or***
 - d. There is no further legal basis for retention of the weapon.***
3. ***Division personnel shall not dispose of any firearm/ballistic evidence that has a pending NIBIN lab request, a successful NIBIN hit, or is evidence in an ongoing/pending investigation/court case.***

4. ***Sworn personnel shall complete a stolen check through LEADS, Burroughs, and NetRMS on all recovered firearms. Any recovered stolen firearm shall be removed from LEADS/NCIC, NetRMS and/or Burroughs databases.***

E. Police Auctions

1. Division personnel may purchase unclaimed property at public police auctions subject to the following restrictions:
 - a. Division personnel who are directly involved with the sale of items shall not participate in an auction.
 - b. Division personnel who are on duty or in uniform shall not participate in an auction.
 2. Division personnel participating in an auction shall follow the same protocol and procedures observed by the general public.
- F. Personnel receiving unauthorized gifts, gratuities, loans, fees, or rewards shall submit them to the **PCU** and shall forward a letter of explanation to the Administrative Subdivision Deputy Chief, who shall determine the item's appropriate disposition.

G. Photos

1. ***All photos of evidentiary value shall be submitted to the Photo Lab to be archived in a secure location.***
2. ***Division personnel shall not store, keep or distribute evidentiary photos on a hard drive or in a network file.***

III. Procedures

A. Personnel Submitting Property **to the PCU**

1. Complete an Evidence and Property Inventory, form A-32.114. Reasonable effort should be made to identify the owner **and owner's address**. Follow the procedures stated for each situation listed below:
 - a. Cash
 - (1) Count all cash in the presence of **PCU** personnel.
 - (2) Seal all cash totaling \$50 or more in a tamper-proof envelope available at the **PCU**.
 - (3) List the amount on the outside of the envelope.
 - b. Property for Laboratory Analysis
 - (1) Complete a Request For Laboratory Examination, form I-10.101, and indicate if the offense is a minor misdemeanor.
 - (2) ***Complete the appropriate form for any laboratory examinations completed by an outside agency.***
 - (3) Seal the property and attach a Chain Of Custody, form A-32.113.
 - c. High Value Seizures or Recoveries
 - (1) Complete a Seizure/Forfeiture Notice & Receipt when seizing money, property, or a combination of both, valued at \$350 or more.

- (2) Notify a supervisor upon finding, recovering, or seizing cash, negotiable checks or bonds, precious metals, gems, or jewelry with a value in excess of \$500. If in doubt about the value, estimate that it is over \$500.

Note: A supervisor need not be notified when a prisoner is transported with his or her property to the county jail, in which case the property will be inventoried and verified by sheriff's deputies.

d. Drugs

- (1) List all drugs, seal them in a tamper-proof plastic bag, and record the gross weight of the drugs and bag. Seal quantities too large for the plastic bag in a box and record the gross weight.
- (2) Include the name and badge number of the Narcotics Court Liaison Officer on the Evidence and Property Inventory and the Request For Laboratory Examination forms.
- (3) Complete the Narcotics Bureau Court Arraignment and Criminal Investigation Summary, form I-53.101, for anticipated felony drug charges.
- (4) If an arrest was made, complete an Arrest Information form and leave a copy at the **PCU**.

e. Firearms/Ammunition

- (1) Either tag or identify the firearm by serial number. Do not engrave the firearm.
- (2) Complete a Recovered Firearm/Ammunition, form I-10.112, for all firearms turned into the **PCU, except Division owned firearms**.
- (3) Complete a NIBIN Evidence Request, form I-10.117, except for **Division owned firearms or** firearms submitted for safekeeping when an owner is known, **unless instructed otherwise by the investigating detective**.
- (4) **Clearly note on all submitting paperwork if the firearm is stolen and advise the PCU personnel.**
- (5) Submit the gold copy of the completed Central Ohio Trauma System Ordnance Chain of Custody form, if applicable, when receiving a firearm from medical or EMS personnel.
- (6) Firearms submitted for safekeeping when an owner is known shall not be test fired without a search warrant or permission from the owner.

f. Property **Requiring** Forensic Processing

- (1) Submit all property to the **PCU** prior to any forensic processing.

Note: Crime Lab personnel **collecting biological** samples may store the sample at the Crime Lab until forensic testing is complete, after calling the **PCU** and having a property clerk complete an Evidence/Property **Inventory form**.

- (2) Complete the Request For Laboratory Examination in triplicate.
 - (a) Specify the type of test, analysis, or comparison desired.
 - (b) If a payable citation is issued, indicate so and write the ticket number on the form. The Crime Lab will delay performing the analysis until notified by the Prosecutor's Office that the evidence is needed.
- g. Video Media from Special Events
 - (1) Upon removing a videotape from a camera, remove the record security tab from the cassette.
 - (2) Include your name, badge/IBM number, event assignment, and the date on the tape label or on the sealed evidence bag for digital media.
 - (3) Submit the video media to the PCU or the event's Property Clerk and include the following on the Evidence and Property Inventory form:
 - (a) Recovered at: List the event
 - (b) Articles: List the tape or digital media and the camera assignment for the event
 - (c) Stored for: Check the "Evidence" block
 - (d) Hold for: Check the "Other" box and write Emergency Management Unit (EMU)
 - (4) Forward a copy of the Evidence and Property Inventory form to the EMU.
 - (5) If custody of the video media is transferred prior to submission, complete a Chain of Custody form.

B. Personnel Submitting Property to the Latent Print Unit

1. Submit a Latent Comparison Request, form S-33.112, as needed.
2. ***Do not submit*** large items with potential latent print evidence to the Latent Print Unit. Submit all such evidence to the ***PCU*** for retention.
3. ***Place all latent prints in a plastic bag, seal the bag, attach a Chain of Custody form to the front of the bag and place the prints in the mail slot located in the patrol bureau office mail room or directly to*** the Latent Print Unit, which shall be responsible for its storage.

C. Personnel Submitting Property to the Photo Lab

1. Digital Media Cards (Cameras)
 - a. ***Photos of evidentiary value shall be submitted to the Photo Lab.***
 - b. ***Upload and/or submit photographic print evidence to the Photo Lab for processing.***
 - c. ***Submitting personnel uploading images:***
 - (1) ***Navigate to the U:\ drive from a Division computer equipped with an available digital media card reader***

- (2) **Open the folder for your unit**
 - (3) **Create a folder and name it with the incident number**
 - (4) **Upload the photos from the digital media card to this folder**
 - (5) **Complete the electronic Photo Lab Work Order, form S-34.100 that is in your unit folder**
 - (6) **Save the Photo Lab Work Order in the folder with the photos**
 - (7) **Name the Photo Lab Work Order with the incident number**
 - (8) **Verify that the photos have copied to the new folder**
 - (9) **Proof sheets will be returned through inter-departmental mail**
 - (10) **The number of proof sheets and compact discs (CDs) will be distributed accordingly. Any deviation from this shall be approved by the Photo Lab Manager**
- d. Personnel **submitting digital media cards through inter-departmental mail.**
- (1) Complete a Photo Card, form I-10.104.
 - (2) Place **and seal** the digital media card and the Photo Card in an evidence bag **and forward it through inter-departmental mail or bring to the Photo Lab for processing.**
 - (3) **Proof sheets will be returned through inter-departmental mail.**
 - (4) **The number of proof sheets and CDs will be distributed accordingly. Any deviation from this shall be approved by the Photo Lab Manager.**
2. Photo Lab Personnel **Processing Digital Media**
- a. Archive all images from the **upload drive or** digital media card in the original, unaltered format to the image database.
 - b. **Email all domestic violence case images to munipros@columbus.gov by 8:30 am.**
 - c. **Return through inter-departmental mail any digital media cards that are submitted and include the proof sheet.**
3. **Personnel Submitting Video Evidence to the Photo Lab**
- a. **Contact Photo Lab personnel for assistance if unable to retrieve the video evidence, or there are questions concerning the video evidence.**
 - b. Complete the Forensic Video Processing Request, form I-20.128.
 - c. Attach a Chain of Custody form or complete the chain of custody section of the Video Processing Request.
 - d. **Submit** the video evidence and Video Processing Request to the Photo Lab.

e. Forensic Video Analysis Personnel

- (1) **Examine/Analyze video for working images.**
- (2) **Contact the appropriate submitting or investigative personnel for pick-up upon completion.**
- (3) **In the event of a problem with the video evidence, contact the person from the business listed on the Video Processing Request form.**

D. **Seizures**

1. **Personnel Seizing a Motor Vehicle**

- a. Complete an Impounded Vehicle Inventory, form A-32-107, and follow the “Impounding and Towing **Motor Vehicles**” directive.
- b. Submit any evidence found in the vehicle to the **PCU**.
- c. Forward a completed Seizure/Forfeiture Notice & Receipt to the Seizure-Forfeiture Unit for any vehicle or property that is to be submitted to the court for forfeiture.

2. **Personnel Seizing Electronic Evidence**

- a. Prior to seizing electronic evidence, attempt to determine if perishable evidence, such as unsaved open files on a computer, exists.
- b. Secure the evidence for seizure.

Photograph the immediate area, the front and rear of any computer including the monitor if anything is on the screen, any wiring or connections into the device, and anything appearing to be of evidentiary value.

- c. Make written documentation as necessary. Label all cables and their connection points before disconnecting them so they can be properly reconnected at a later time.
- d. If the device is in operation or other perishable evidence exists:

(1) Have Communications Bureau personnel contact an officer in the Economic Crime Unit, or PoliceNET to respond to the scene to safely secure the evidence.

(2) **Turn** pagers and cellular telephones **off**, but do not remove the batteries, as this could cause the loss of stored data.

- e. If the device is not in operation, disconnect it from the power source.
- f. Transport electronic evidence in the rear seat of a cruiser, rear of a **Prisoner Transport Vehicle** (PTV), or other vehicle so it is not near radio equipment, magnetic fields, static electricity, etc.
- g. Forward a copy of the Evidence and Property Inventory form to the Economic Crime Unit.

E. **Personnel Recovering a Bicycle**

1. Contact the Records Unit to determine if a theft report is on file.

2. If the bicycle is reported stolen:
 - a. Advise the Records Unit of the recovery.
 - b. Attempt to contact the owner and arrange to return the bicycle.
 3. If the bicycle is not reported stolen, or if the owner cannot be contacted, either:
 - a. Transport the bicycle to a police substation, complete a Property Receipt and attach the top copy to the bicycle; or
 - b. Transport the bicycle to the **PCU** and complete the Evidence and Property Inventory **form**.
- F. Removing Property from the **PCU**
1. Personnel Removing Property
 - a. Complete a Property/Evidence Transfer form.
 - (1) Keep one copy of this form with the property.
 - (2) Have the person to whom the property is transferred sign the form and list their agency. If a signature cannot be obtained, return the property to the **PCU**.
 - b. If property is removed for court, return the property or the Property/Evidence Transfer form to the **PCU** the same day.
 - c. If property that requires a supervisor's signature is removed, return the property or the Property/Evidence Transfer form to the **PCU** within 28 days, unless authorized for a longer time period by a lieutenant or higher. Indicate any estimated additional length of time on the Property/Evidence Transfer form.
 - d. Return all property to the **PCU** before authorizing its release. Property shall only be released from the **PCU**.
 2. **PCU** Personnel

On a monthly basis, send a Property Accountability Notice Report to the bureau commanders indicating outstanding property checked out by personnel under their command.
 3. Bureau Commander

Return completed Property Accountability Notice Reports to the **PCU** within 14 days of initial receipt.
- G. Property Disposition Form
1. PCU Personnel
 - a. **Forward a Property Disposition form, A-32.100 to the appropriate submitting or investigative personnel's immediate supervisor every 180 days from the date the property was submitted, excluding property held for DNA.**
 - b. **For property submitted as DNA evidence, forward a Property Disposition form to the appropriate submitting or investigative personnel's immediate supervisor every 5 years.**

c. Upon receipt of the completed Property Disposition form:

- (1) Forward forms marked "Release to" for a firearm to the Career Criminal Unit.**
- (2) Release property only after verifying the identity of the listed owner, and upon his or her signature of receipt.**
- (3) Release property to the Prosecutor's Office upon their request.**
- (4) If an owner cannot be located or property is unclaimed after 90 days, do one of the following:**
 - (a) Upon request, release the property to the finder, except if it is contraband or the finder is a Division employee.**
 - (b) Dispose of the property in accordance with the ORC and/or Columbus City Code (CCC).**

2. Appropriate Submitting or Investigative Personnel's Supervisor

- a. Forward Property Disposition forms received from the PCU to the appropriate personnel.**
- b. Review completed forms.**
- c. Return completed forms to the PCU within 30 days of receipt.**

3. Sworn Personnel

- a. Verify the status of any court case(s) and/or investigations associated with the property.**
- b. Complete a Property Disposition form, and indicate one of the following dispositions:**
 - (1) Release to: *Release* property that is no longer needed *as evidence to the owner as appropriate. Note the name, address, date of birth and social security number of the person to whom the property is being released, if known.* For release of firearms, see Sections II,D *and III,G,4* of this directive.**
 - (2) Dispose of: The property is no longer needed for evidence and is either contraband or ownership is undetermined. *For disposal of firearms, see Section III,G,4 of this directive.***
 - (3) Hold for Evidence: *The property still has evidentiary value for an investigation, or the case is still pending in court. Include any court case number(s).***
 - (4) Permanent Hold DNA: Any evidence collected for DNA testing, which will be held and reviewed every five years.**
 - (5) Send to County Prosecutor: *When requesting evidence be forwarded to the County Prosecutors' Office for review or trial.* Include the *court* case number and defendant's name.**

- (6) ***Ballistics hold for NIBIN hit: Any ballistic evidence that has found to have a NIBIN hit.***

Note: A NIBIN hit indicates that the evidence may be associated with another investigation.

b. Forward to your immediate supervisor.

4. Releasing/Disposing/Holding of a Firearm/Ballistic Evidence

a. Sworn Personnel

- (1) ***Verify the status of the owner, any court case(s) and/or investigations associated with the firearms/ballistic evidence.***
- (2) ***Mark "Release to" with the owner's information to release a firearm, when:***
- (a) ***The owner may legally possess a firearm, and,***
- (b) ***The firearm is not needed as evidence in a court case or investigation,***
- (3) ***Mark "Dispose of" when:***
- (a) ***The firearm is not needed in a court case/investigation, and the owner may not legally possess a firearm or the owner is unknown.***
- (b) ***The ballistic evidence is not needed as evidence in a court case or investigation.***
- (4) ***Mark "Hold for Evidence" if needed as evidence in a court case or investigation.***
- (5) ***Forward to your immediate supervisor.***

b. Career Criminal Unit Personnel

- (1) ***Complete a criminal history check on the individual listed.***
- (2) ***Determine if a NIBIN examination has been completed or if there is a NIBIN hit.***
- (3) ***Mark the Property Disposition form accordingly.***
- (4) ***Return the completed Property Disposition form to the PCU for final disposition.***

c. PCU Personnel

- (1) ***Verify the Property Disposition form is complete and process accordingly.***
- (2) ***When a court order is presented for the release of a firearm:***
- (a) ***Ensure all mandatory checks are expedited and completed before releasing.***
- (b) ***Notify the Legal Advisor's Office if there is a conflict. The Legal Advisor's Office will review the court order.***
- (c) ***Only release the firearm to the person named in the court order.***

5. Property Belonging to a Deceased Person
 - a. Division personnel shall direct any person seeking to obtain the property of a deceased person to the investigating officer. ***For the release of firearms see Section II,D of this directive.***
 - b. Investigating Officer
 - (1) Determine whether the property has any evidentiary value.
 - (a) For property having evidentiary value, maintain the property in the "Hold for Evidence" status.
 - (b) For property having no evidentiary value, complete a Property Disposition form and enter "Release to the estate of (name and address of the deceased)" in the "Release to:" portion of the form.
 - i) Give a copy of the form and a copy of the Division pamphlet "How to Retrieve Property Subject to Probate Court that is in Police Custody" to the representative of the deceased.
 - ii) Fax the form to the ***PCU***.
 - iii) Forward the original form to the ***PCU***.
 - (2) Advise the representative of the deceased to:
 - (a) Take a photo ID, the copy of the Property Disposition form, and a copy of the Death Certificate to Probate Court to obtain a Letter of Authority or a Release From Administration order.
 - (b) Present the Letter of Authority or the Release From Administration order to the Seizure-Forfeiture Unit.
 - c. Seizure-Forfeiture Unit Sergeant

Verify the Probate Court notification with the Legal Advisor's Office, if necessary, and fax it with a Property Disposition form to the ***PCU***.
 - d. ***PCU***
 - (1) Release the property when authorized as outlined above and upon receipt of one of the following:
 - (a) A court order
 - (b) A letter of authorization from a court identifying the presenter as the executor, executrix, administrator, administratrix, or commissioner of the property owner's estate