

Columbus Police Division Directive	EFFECTIVE Aug. 01, 1987	NUMBER 6.02
	REVISED Dec. 30, 2015	TOTAL PAGES 13
Property and Evidence Handling		



I. Introduction

The requirements for the proper handling of property by law enforcement officers **and the reporting of property belonging to a suspect/citizen that is lost or damaged while a Division employee is acting within the scope and hours of his/her employment** are established by the Ohio Revised Code (ORC) and this directive.

II. Policy Statements

A. Recoveries

1. Personnel handling hazardous/infectious/unknown material shall:
 - 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 the Property Control Unit (PCU) personnel of any potential hazards if known.
2. Personnel receiving property from private citizens shall:
 - a. Provide them with and request their signature on a Property Receipt, form S-36.116.
 - b. Advise them the rightful owner will be notified if ownership can be established. Non-contraband property **will be** returned when the Division no longer has an evidentiary or any other justifiable need for the property.
3. Property recovered pursuant to a search warrant shall be listed on the inventory receipt portion of the warrant.
4. Property that is not evidence may be returned directly to the owner if practical.
5. **Division personnel may be subject to disciplinary action for the loss of or damage to property belonging to a suspect/citizen due to negligence.**
6. Personnel shall wear gloves when handling property to be submitted to the Crime Laboratory for DNA or latent print analysis.

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 being held as 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 Police 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 the handling of explosive devices or suspected explosive devices.

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

8. Items of an unknown nature shall not normally be submitted to the PCU and may require justification before acceptance by a Property Clerk. Items that cannot be readily identified shall be properly sealed before being accepted. Personnel may be held responsible for unidentifiable items.
9. Personnel shall not delay submitting property. All property shall be submitted before the end of the current tour of duty.
 - a. To avoid overtime, property held for safekeeping may be submitted 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.
 - b. In exceptional circumstances, Crime Scene Search Unit (CSSU) personnel are permitted to utilize the CSSU evidence/storage lockers and freezers located in the CSSU laboratory as directed by the CSSU section of the Crimes Against Persons SOP.

C. Removal of Property

1. Any employee removing 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. When necessary for training or investigative purposes, sworn or Crime Lab 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. Under these circumstances, personnel shall complete a Property/Evidence Transfer form and obtain written authorization from a commander/manager or higher within their chain of command.

Note: When an item no longer has evidentiary value, it cannot be removed for training purposes if it is to be returned to the rightful owner.

- (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 or Crime Lab 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. Any property kept beyond 56 days will require the signature of a commander/manager.

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.
 - a. A laboratory request to swab the weapon for DNA evidence shall be completed for all "found" firearms.
 - b. A request for NIBIN entry shall be completed for all firearms submitted as evidence.

2. An electronic report shall be completed for all firearms submitted to the PCU. This includes firearms held for evidence or safekeeping.
3. Firearms shall only be released to the owner when the owner is legally permitted to possess the firearm, and:
 - a. The firearm is not needed as evidence in an investigation/court case, or
 - b. A court order for the release of the firearm is presented to the Division, or
 - c. There is no further legal basis for retention of the weapon.
4. 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 investigation/court case.
5. Sworn personnel shall complete a stolen check by contacting the Records Section prior to submitting a firearm to the PCU.
 - a. If the firearm is reported stolen through the Division's reporting system, the recovering officer is responsible for updating the original report.
 - b. The Records Section will send hit confirmations to outside agencies in connection with the recovery of their reported firearms by **the** Division.

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 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/Videos

1. All photos or videos of evidentiary or historical/archival value generated by Division personnel 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 or videos on a hard drive or in a network file.
3. Division personnel shall not share, distribute, or post evidentiary photos or videos or any photos related to an administrative investigation by any electronic means, including email, text or instant messaging, or any social media source, unless it is necessary for the investigation.

4. Division personnel shall not take photos inside private homes or businesses for historical/archival purposes without the expressed consent of the property owner.
5. Division personnel shall not share, distribute, or post historical/archival photos by any electronic means, including email, text or instant messaging, or any social media source, unless approved by a Division supervisor.

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.

Note: Personnel should only submit cash as "Evidence" when there is a nexus between the money and the crime. Otherwise, the money should remain with the person or submitted for "Safekeeping."

b. Property for Laboratory Analysis

- (1) Complete a Request For Laboratory Examination, form I-10.101.
 - (a) For each piece of evidence to be tested, include a description of the evidence and the type of analysis requested.
 - (b) Include the incident number and property number in the spaces provided.
- (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. For drug evidence, use **An Evidence Label**, form A-32.120.

- ##### c. Notify a supervisor upon finding or recovering cash, negotiable checks or bonds, precious metals, gems, or jewelry with a value in excess of \$500. If in doubt about the value, presume 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 the appropriate container supplied by the PCU personnel, and record the gross weight of the drugs and container.
- (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 **Patrol** Narcotics Court Arraignment and Criminal Investigation Summary, form I-53.101, for anticipated felony drug charges.
- (4) If an arrest was made, complete the required electronic report and Arrest Information, form U-10.100. Ensure the report number is provided on the **Patrol** Narcotics Court Arraignment and Criminal Investigative Summary.
- (5) If a direct indictment is sought in lieu of arrest and a hand-written Arrest Information form is completed rather than an electronic version, 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 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 submitted 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 consent from the owner.

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. Submit latent prints to a Division supervisor, to the Latent Print Unit directly, or via the mail slot in the Patrol Administration office mail room. The Latent Print Unit shall be responsible for its storage.

C. Personnel Submitting Property to the Photo Lab

1. Digital Media Cards (Cameras)
 - a. Upload and/or submit photographic print evidence to the Photo Lab for processing.
 - b. Personnel uploading evidentiary or historical/archival images:
 - (1) Navigate to the U:\ drive from a Division computer equipped with an available digital media card reader.
 - (2) Create a folder and name it with the incident number.
 - (3) Upload the photos from the digital media card to this folder.

- (4) Complete the electronic Photo Lab Work Order, form S-34.100, that is in the unit folder.
- (5) Save the Photo Lab Work Order in the folder with the photos.
- (6) Name the Photo Lab Work Order with the incident number.
- (7) Verify that the photos have copied to the new folder.
- (8) Proof sheets will be returned through inter-departmental mail.

Note: The number of proof sheets and compact discs (CDs) will be distributed according to **the** Photo Lab Unit SOP. Any deviation from this shall be approved by the Photo Lab Manager.

c. Supervisors uploading images for an administrative investigation:

- (1) If no proof sheet or CD is needed, check the box at the top of the Photo Lab Work Order, indicating the photos are for an administrative investigation.
- (2) Make a duplicate copy of the entire folder (including its contents) that was created in section III,C,1,b.

Note: The original folder will remain on the U:\ drive and maintained indefinitely by the Photo Lab.

- (3) Within the U:\ drive, access the Patrol Administrative Photographs folder.
- (4) Navigate to the folder with your name; if none exists, create a folder.
- (5) Paste the duplicate copy into the folder with your name.

d. Person/Entity responsible for final review of the administrative investigation as established in the applicable Directive or section of the Supervisor's Manual:

- (1) After the administrative investigation has been through the chain of command, and the administrative investigation folder images are no longer needed, direct the submitting supervisor to delete the duplicate photograph folder (created in section III,C,1,c) from the corresponding administrative investigation folder on the U:\ Drive.
- (2) The final reviewing person/entity may direct their office staff to notify the supervisor, if applicable.

Note: Supervisors should periodically review their Administrative Photographs folder for photographs that may no longer be needed. If unsure about the necessity for maintaining the copies, send an inquiry through your chain of command to the final reviewing person/entity for clarification.

e. 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.
- f. Personnel submitting archival/historical photographs via email:
- (1) Email photo(s) to DivisionPhotos@columbuspolice.org and include the following information in the body of the email:
 - (a) Incident Number (if applicable),
 - (b) A brief description of the type of event,
 - (c) The submitting employee's name and PIN, and
 - (d) A list of any covert personnel appearing in the photo(s).
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 of each day municipal court is in full session.
 - 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 employee 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.
4. Digital Video Media from Special Events
- a. Upon completion of the special event, digital video must be submitted to the Photo Lab.
 - b. While completing the Photo Lab Work Order, ensure the following is also listed on the form:
 - (1) Requested by: the requesting event supervisor.
 - (2) Offense Type: "Evidence."
 - (3) Location/Address: the name of the event and the location the recording was made.

- c. Forward a copy of the Photo Lab Work Order to the requesting supervisor so he or she is aware of the video record.

D. 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, transport the bicycle to the PCU and complete the Evidence and Property Inventory form.

E. 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, if the prosecutor retains the evidence, the Property/Evidence Transfer form signed by the prosecutor 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.

F. Property Disposition Form

1. PCU Personnel

- a. Forward a Property Disposition form, A-32.100, to the appropriate submitting or investigative employee'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 every 5 years to the appropriate submitting or investigative employee's immediate supervisor, or the supervisor of the unit to which the person was assigned when the evidence was submitted.
- c. Upon receipt of the completed Property Disposition form:
 - (1) In the case of a firearm, forward forms marked "Release to" to the designated unit responsible for conducting a background check.
 - (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 request and with the appropriate signed form.
 - (4) If an owner cannot be located and/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. Submitting or Investigative Employee'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.

Note: Ensure the Case Status in the electronic reporting system is "Closed," and not "Open" or "Inactive." A case listed as "Inactive" indicates it may be reopened when additional information or evidence is discovered.

- b. Complete a Property Disposition form, and indicate one of the following dispositions:
 - (1) Release to: Release property 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,F,4 of this directive.
 - (2) Dispose of: The property is no longer needed for evidence and is either:
 - (a) Contraband, or
 - (b) Ownership cannot be determined after reasonable effort

Note: For disposal of firearms, see Section III,F,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 Prosecutor's Office for review or trial. Include the court case number and defendant's name.
 - (6) Ballistics hold for NIBIN hit: Any ballistic evidence having a NIBIN hit.
Note: A NIBIN hit indicates the evidence may be associated with another investigation.
- c. Forward to your immediate supervisor.
4. Releasing/Disposing/Holding of a Firearm/Ballistic Evidence
- Note: The Gun Crimes Unit (GCU) shall review all Property Disposition notices for firearms not assigned to another investigative unit to ensure that the criminal case is closed, the NIBIN checks are completed, and there is no other reason to retain the firearm in the PCU.
- 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. This check may be completed by GCU personnel if CCU personnel are unavailable.
 - (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) Notify the Crime Laboratory prior to destroying firearms. Crime Laboratory personnel shall review firearms approved for destruction and identify weapons suitable for retention as references.
- (3) 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 "A Guide to Retrieving a Decedent's Property," form I-20.116, to the representative of the deceased.
 - ii) Fax the form to the PCU.
 - iii) Forward the original form to the PCU.
 - iv) Provide a copy of the form to the representative of the deceased via personal service, email, or US mail.
- (2) Advise the representative of the deceased:
 - (a) To 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) To present the Letter of Authority or the Release From Administration order to the PCU.
 - (c) Firearms will only be released after the completion of a criminal background check.

c. 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.

G. Lost or Damaged Suspect/Citizen Property

1. Involved Personnel

- a. Notify the immediate on-duty supervisor of the incident.**
- b. Submit damaged property needed as evidence to the PCU.**
- c. Release property that is not needed as evidence to the owner following the supervisor's investigation.**

2. Investigating Supervisor

- a. Cause the appropriate incident report to be completed as necessary.**
- b. Conduct an administrative investigation of the incident.**
- c. Provide the suspect/citizen with a City Claim Packet.**
- d. Forward the completed investigation through the chain of command to the Administrative Subdivision Deputy Chief, and also send a copy directly to the Administrative Subdivision Deputy Chief. Include as part of the investigation:**
 - (1) Specific details of the incident, including how the loss or damage occurred.**
 - (2) A description of the property, including any serial numbers.**
 - (3) A copy of the Evidence and Property Inventory form when applicable.**
 - (4) A copy of any applicable incident report.**
 - (5) An opinion as to the officer's culpability regarding the loss or damage and a recommendation for disposition, to include disciplinary action if warranted.**

3. Administrative Subdivision Deputy Chief

Notify the Division's Claims Attorney of the investigation and provide a copy as requested.