A. **Purpose**

To establish the rules and methods of collecting, transporting, and disposing of property acquired in the course of law enforcement operations.

B. **Policy**

The proper collection, preservation and handling of physical evidence is becoming increasingly important. The "Chain of Evidence" from recovery to the time of the Court presentation is being carefully scrutinized by the courts. Thus, the proper handling of physical evidence may be the determining factor in the successful prosecution of criminal cases.

To insure that the physical evidence collected by Department personnel will meet the requirements of the courts, it is necessary to establish standard procedures which will permit the proper collection and preservation of evidence.

All evidence/confiscated property shall be the responsibility of the person accepting the property until such time as the property is delivered to the Evidence Custodian, dropped in the evidence box or placed in the evidence locker refrigerator.

The Director shall appoint an Evidence Custodian and Assistant Evidence Custodians as needed, for the Department. The Evidence Custodian will train, direct, and supervise the Assistant Evidence Custodians. Evidence Custodians will maintain all records/files necessary for the proper disposition and security of evidence and confiscated property. It shall also be their responsibility to maintain a security storage area/locker for the storage of same.

C. **Definitions**

1. For the purpose of this policy, the following definitions apply:

**POLICY AND PROCEDURE # 55 Evidence**
a. **EVIDENCE** - Any item of property seized by an officer that is directly related to a case under investigation: the seizure of which is intended for use in the identification of a suspect, and/or in court presentations of that case.

b. **CHAIN OF EVIDENCE** - The transferring of evidence from one person to another as defined by court which includes preparing a Chain of Custody form and properly marking the evidence so that it can be positively identified.

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D. **Procedure (CALEA 83.1.1)**

1. The Department will maintain one investigator on a 24 hour on-call basis to respond as needed. He/she will be requested to evaluate, photograph and process crime scenes.

An agreement exists between the City of Charleston Police Department and our department, that the City Police Department will assist our agency when certain crimes occur - i.e., armed robberies, auto theft, hit and run, sexual assaults, homicides and other suspicious deaths.

a. Other incidents at the request of the Shift Supervisor or investigator.

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E. **Collecting, Marking, and Packaging Physical Evidence**

1. Guidelines and Procedures for Collecting, Processing and Preserving Evidence in the Field: (CALEA 83.2.1, 83.2.7)

a. There are three kinds of physical evidence to be collected: the fruits of the crime; the instruments of the crime; and other evidence identifying the elements of the crime.

b. Officers involved in the evidence collection process should use discretion in collecting evidence items. Evidence storage space is critical; therefore, only items of sound evidentiary value should be collected.

c. It is the responsibility of the first officer at the scene to secure the scene as soon as possible to prevent loss or contamination of evidence. The officer securing the scene shall initiate a log listing the time, name and reason for any and all personnel who enter the crime scene. Should the situation arise, it becomes the responsibility of this officer to mark, seal, tag and preserve the evidence. This officer will remain at the scene until released by a responding Investigator. DNA evidence includes blood, semen, saliva, and hair. Current DNA technology allows for very small amounts of sample to be analyzed. Because of this, inadvertent contamination of the evidence...
is possible if the officer does not take precautions. Therefore, when an officer is at a crime scene where DNA may be present, he/she will secure the crime scene and call the Charleston City Police Crime Scene Unit to process the crime. (CALEA 83.2.7.a)

d. The progression of crime scene processing tasks is photograph and/or sketch, fingerprinting, collect, mark, and label evidence.

e. The individual assuming responsibility for the scene (investigator or uniformed officer) is responsible for the complete processing of the crime scene and safe-guarding of evidence.

f. The SLED laboratory request form will be completed for all evidence that requires comparison or analysis.

g. Evidence Envelopes and Labels will be filled out with all information available at the time of collection, and will contain the collection officer’s name, rank and call sign. (CALEA 83.3.2.b)

h. No explosives, dangerous chemicals, nuclear material or ammunition greater than .50 cal will be submitted to the evidence room. These items will be photographed, documented and the Charleston Police Department EOD Technician will be contacted. (CALEA 83.3.2.b)

i. Drugs will be listed on the evidence sheet by item, weight and or count. All drugs will be submitted in a sealed envelope or bag. If pills, tablets, etc., are submitted the total count of each will be indicated on the bag and property receipt. Pills, tablets, etc. will be counted by the reporting officer and a second officer or witness. Field Testing will be conducted by commissioned officers. If drugs are field tested, this fact and the results should be noted on the incident report. Testing, for the purpose of prosecution, will be conducted by a certified laboratory (FBI / SLED / CPD). Used field test kits need not be kept, but disposed of in the proper manner. (CALEA 83.3.2.b)

j. All firearms must be submitted on a separate property tag, unloaded and with the ammunition packaged separately. All firearms will be checked for stolen status and a copy of the NCIC report attached to the evidence sheet. Firearms being sent to SLED for fingerprint processing are to remain LOADED. The packing container will be marked “LOADED WEAPON” and the evidence custodian at SLED will be notified. (CALEA 83.3.2.b)

k. Wet items taken into evidence will be placed in paper bags so as not to contaminate the evidence. If wet clothing is to be retained as evidence, notify the Evidence Custodian. (CALEA 83.3.2.b)
l. All documents taken into evidence will be placed into Evidence Envelopes. Each document should be placed in a separate envelope. When handling the documents, be very careful as fingerprints can still be obtained. (CALEA 83.3.2.b)

m. Juvenile Evidence will be handled the same as Adult Evidence. (CALEA 83.3.2.b)

n. When projectiles are recovered from victims by the Medical University Hospital, an officer will complete an incident report. It will include: Name of the Doctor removing the projectile, all available information on the victim, the law enforcement agency having jurisdiction over the incident (if possible), and all other information normally filed with an Incident Report. (CALEA 83.3.2.b)

The Evidence Custodian will make every possible effort to have the responsible agency pick up the projectile. In cases where the police agency having jurisdiction is unknown, a message will be transmitted through NCIC to all agencies - advising that the evidence is being held by our office. The message will include a requirement that this office be contacted within thirty (30) days, otherwise the property will be disposed of according to existing policy. NOTE: All available information on the victim will be transmitted (i.e., Name, Date of Birth, Race, Sex, and Place of Incident).

o. All contraband, or suspected controlled substances seized during routine procedures, will be handled the same as evidence.

p. All illegal confiscated property will be handled the same as evidence.

q. Money will be counted by the reporting officer and a second officer or witness. Money will be listed by denomination and the property receipt signed by both officer and witness.

r. When items are too large for the Evidence drop box notify the On - Call Investigator.

1) The On-Call Investigator will respond to secure the evidence in the evidence room. The officer will maintain custody of the evidence until the On-Call Investigator assumes custody of the evidence. Officers are prohibited at all times from storing evidence in their personal desk, lockers, vehicles, homes or other places that would interrupt the chain of custody - Personal use of an evidence or property is strictly prohibited.

2) Property other than evidence will be secured in the property room.
s. When a substance is found on the street or any other place where there is no subject/suspect, the following procedure will be followed:

1) Place in an evidence envelope. If it is a needle, place in a sharps container and place in evidence locker at headquarters

2) Complete an incident report and state the circumstances under which the substance was found.

3) The Investigator or his representative will field test and weigh the substance.

4) The Investigative Section will keep a record listing the test results, weight, date of disposal and how the substance was disposed of.

t. Seizure of Computer Equipment or other devices capable of storing data in an electronic format.: (CALEA 83.2.5)

a) Whenever it becomes necessary to seize computer equipment or other devices that are capable of storing data in an electronic format and suspected to be contained in such equipment qualifying as evidence the officer will contact the Department’s Information Resource Consultant 1, Operations Support Commander, or the on duty CCIT personnel (792-9700) prior to:

b) - energizing/de-energizing equipment; or
- removing any disks or peripheral equipment.

2. Latent Prints (CALEA 83.2.3, 83.2.4.a)

a. The following general guidelines will be followed when processing a crime scene for latent prints:

1) The investigator or officer will use fingerprint powder to develop the fingerprint. Latent impressions developed with fingerprint powder will be photographed prior to lifting.

2) The lifted print is to be placed on a card with the following information: incident report number; event (type incident); time & date; location; officer (reporting officer); description of item processed; and signature, rank and call sign of processing officer.

3) A SLED or Charleston City Police Department lab request form will accompany all completed latent print cards. All latent print cards
will be sent to SLED Forensic Lab or the Charleston City Police Department.

b. When requesting a comparison of latent prints with fingerprints of known suspect(s), the requesting officer will include inked fingerprint cards, if available.

3. Blood and Other Body Fluids

a. Blood and other specimen containers must be sealed with tape or label that displays the following information: Name of suspect; date & time of collection; name of individual collecting the sample; incident type and report number; and the name of officer, rank and call sign.

b. All such samples will be placed in a refrigerator located in the Evidence Room until taken to SLED with a properly prepared evidence sheet.

c. Latex gloves and other bloodborne pathogen protective equipment will be used, as appropriate, during collection.

d. Suitable plastic or glass containers will be used to collect samples.

4. Sexual Assault Evidence Kit

a. The Sexual Assault Evidence kit will be used during the investigation of sexual assaults and sexual abuse cases.

b. Using the kit to obtain necessary evidence and samples, a trained S.A.N.E. nurse will conduct the sexual assault protocol of the victim.

c. The investigator will take custody of the kit and place it in the temporary storage refrigerator in the Evidence Room or take it directly to SLED. The Sexual Assault Evidence Kits MUST be refrigerated within 48 hours upon the initial officer receiving the kit. When the initial officer receives the kit, he/she must notify the Investigator or if after hours, the on-call Investigator that the kit has been placed in the evidence locker.

5. Collection of Known Source Evidence for Comparison

a. When the following types of physical/trace evidence are collected from a crime scene, a known source sample must be collected for comparison by SLED: Blood; Hair; Fibers; Paint; Wood; Metal; Soil; Tool marks; and Footwear/prints (CALEA 83.3.1).

b. The location from which the samples are taken is critical for the SLED Lab and shall be documented on the lab request report.
c. All evidence for comparison will be collected from a known source, if available (CALEA 83.3.1), by investigators and/or qualified medical personnel in accordance with procedures established by SLED.

d. All evidence collected by the Charleston City Police Department as a result of their response to a serious crime will be processed as required by their Policies and Procedures.

6. Crime Scene Photography and Videotaping (CALEA 83.2.2)

a. Photography of crime scenes, traffic accidents, and other incidents will be the responsibility of an investigator. The investigator will photograph all aspects of the crime scene, traffic accidents, or incidents using 35 mm and/or Digital photographic equipment.

b. Digital photographs may be taken in minor cases. They will not be utilized as the sole source of photographic evidence in any major case.

c. When using the camera equipment, at least three photographs will be taken of each object or scene. The first photograph will have an identifying card (3 x 5 card) in the picture with the following information:

PHOTO TAKEN BY: ____________________________

DATE TAKEN: ____________________________

INCIDENT REPORT #: ____________________________

The second photograph will have a scale placed next to the item to add dimension. The third photograph will be taken without the scale, using the same camera settings, position, and lighting in the event the court desires photographs of evidence in which nothing has been introduced into the field of view.

d. If the evidence to be photographed is a fixed object, the dimensions of that object should be recorded to provide a scale of reference.

e. Once the photographs have been taken, remove the flash card or film from the camera and log the flash card or film in as evidence.

f. It will be the responsibility of the investigator to submit the film for appropriate lab for processing and prints. Negatives and prints will be entered as evidence when they are received from the developing lab.

g. Videotaping of a crime scene may be done in addition to still photography.
The videotape will have a label attached with information required in “c” as noted above. The videotape will be entered as evidence.

7. Marking (CALEA 84.1.1.d)
   a. Using the engraver or indelible ink for metal objects, permanent and distinctive marks should be placed directly on the objects collected, if possible, without damaging the evidence. If the object cannot be marked, place the evidence in a vial, envelope, or other container and mark/label the container.
      1) When marking Evidence/Property for later identification, be sure to use Date and Officer's initials. Do not use an "X". In court, it may be impossible to prove that the "X" belongs to any particular officer.
      2) Firearms should be marked in at least three (3) places. It is critical that each portion, which may be removed and replaced with a like part, be marked. This allows each part to be identified as belonging to the suspect weapon.
      3) Cartridges should be marked on the sides, so as not to mar the rim, head or primer of the cases.
      4) Fired bullets should be marked on the base or tip. Marks on the sides could mar striations used in matching projectiles to weapons.
   b. The officer collecting the evidence must clearly mark the evidence by firmly attaching an evidence tag with his/her name, date, time, and case number. If possible, the evidence should be bagged, sealed, and the officer should sign his/her name on the bag/container signifying chain of custody. This will positively identify the evidence and prove the chain of custody.

8. Packaging (CALEA 84.1.1.d)
   a. Packaging Materials:
      1) All materials used to package evidence should come as close as possible to the correct size of the object to be packaged.
      2) All material used to package evidence should be suited to the type of evidence collected (i.e., wet items should not be stored in plastic bags). Packaging materials are provided by the Evidence Custodian. If there is a problem in packaging any evidence, notify the Evidence Custodian.
      3) All sharps (needles, broken glass etc.) will be placed in a sharps
container prior to placing into the evidence locker. Containers are located in the shifts vehicle and in the Briefing Room.

4) Blood stained articles other than sharps, will be double bagged in a BIOHAZARD bag prior to placing in evidence locker. Bags are located in the shifts vehicle and in the Briefing Room. If wet, notify investigator so items can be properly dried in a secured area.

b. Evidence/Property Label (PSD-66)

1) The first person, who obtains the evidence, is placed on the line, "Recovered By". It does not make any difference if the evidence was first obtained by a Security Officer or citizen. Each person who touches the evidence will have their name listed under the “Chain of Possession”. If all steps are followed, the Court can rule the "Chain of Custody" intact; otherwise, the evidence may be thrown out. Do not sign the name of anyone who cannot testify to the fact that they really saw/handled the evidence.

9. Evidence Processing Personnel, Equipment and Supplies

a. This Department has investigators who are trained in processing crime scenes, processing for and lifting fingerprints, photography, crime scene sketching, accident investigation, collecting and preserving physical evidence, analyzing marijuana and other related skills. (CALEA 83.2.4.a, .b, .c, .d)

b. The Department will maintain a specially equipped evidence kit for use by investigators for processing all types of crime scenes in an effective and timely manner. The specialized equipment is maintained in the evidence kit for the following purposes: Recovery of latent prints; photography; accident investigation; and collection and preservation of evidence (CALEA 83.2.4.a, .b, .c, .d)

c. Additional specialized equipment such as ladders, lights, etc. are available from the MUSC Physical Plant. The Department is able to process small items using super glue fuming equipment. Specialized photography and crime scene processing is available through SLED and the Charleston City Police Department. (CALEA 83.2.4.a, .b, .c)

10. Crime Scene/Traffic Collision Reporting (CALEA 83.2.6)

a. An accurate record of events that transpire at the scene of a major crime, in connection with the investigation, is required at the time of trial. It is the responsibility of the officer who processes the scene to submit detailed reports describing the sequence of events associated with a crime scene.
investigation as related to evidence. This information may be required in the narrative section of the SLED or Charleston City Forensic Crime Lab report. Also, the evidence report form will be used to inventory all evidence that is collected.

b. In major crime scenes, the investigator will complete an investigative narrative that shall contain the following information: location of incident; date and time of arrival at the scene; Incident Report Number; name of victim(s) (if known); name of suspect(s) (if known); and narrative of the investigator’s actions at the scene.

c. If a specialist is called to the scene (SLED or Charleston City Crime Scene Unit), a note of this and the results of their action will be included with the officer’s report.

d. All certified officers of this department will be responsible for investigations and documentation of all traffic collisions authorized to be investigated by this Department. Documentation will be accomplished by using the standard South Carolina Accident Collision Report (TR-310). The TR-310 will be completed in accordance with the South Carolina Traffic Accident Investigator’s Manual.

F. Evidence Procedures

1. As previously stated, all evidence collected will be reported on an Evidence / Property Sheet. The Evidence/Property Sheet will be completed and signed, as appropriate, by the officer taking the property/evidence. *(CALEA 83.2.1)* Evidence will then be secured in the evidence room or temporary evidence box located in the police department. Arrangements will be made with the investigative section to secure perishable items (blood, fluids, etc.). Evidence procedures should be in accordance with Department policy covering Evidence and Property Control.

2. The Conditions for Submitting Evidence to SLED or the Charleston City Police Department Forensic Laboratory will be the responsibility of the Investigators.

3. In the event the examination cannot be conducted by personnel of this Department, the assigned investigator is responsible for submitting items to SLED or the Charleston City Police Department Forensic Laboratory for necessary examination and processing (i.e., Ballistics Testing, AFIS examination, Blood Scans, etc.). *(CALEA 83.3.2.a)*

4. The items to be transported to a lab will be signed out of the evidence room. The officer shall complete the SLED Lab Services Request and SLED Lab Evidence Sheet. A copy of the incident report will be attached to the SLED form. In the case of fluids, rape kits, etc., they will be transported to SLED on the first working day after they are collected. Other items may be transported to SLED on a weekly basis,
To ensure proper chain of custody, SLED will provide to the transporting officer a signed receipt for any evidence relinquished to the forensics laboratory. The signed receipt will then be returned to the Evidence Custodian for processing. (CALEA 83.3.2.d)

SLED will submit a written report detailing their findings to the requesting officer. This report will be filed with the case jacket. (CALEA 83.3.2.e)

Items submitted to the Charleston City Forensic Laboratory will be submitted using the Charleston Police Department Evidence Examination Request.

When an evidence change of custody is required it will be documented on the PSD-61 (Medical University of South Carolina, Department of Public Safety Evidence Property Receipt) (CALEA 83.2.1, 83.3.1).

G. Evidence Preservation, Storage and Release

1. Evidence or potential evidence shall be preserved in the same condition as when seized, whenever possible, in order to preserve a defendant’s right to a fair trial and to assist the prosecutor in the presentation of the case. This will be accomplished by maintaining an unbroken chain of custody by officers who control the handling of evidence or potential evidence.

2. The number of officers within the Chain of Custody of an article of evidence or potential evidence, shall be kept at a minimum.

3. All evidence shall be listed in detail on a MUSC Evidence/Property Receipt (PSD61), (to include a written report detailing the circumstances by which the property came into the agency’s possession and describing each item of property obtained) and signed by the officer taking receipt and responsibility of said property (CALEA 83.2.1, 84.1.1.c). If the property is money or illegal drugs, a second officer or witness will verify the amount and initial the form alongside the first officer’s signature. (CALEA 84.1.1.e)

   a. All evidence, and the completed Evidence / Property Receipt, will be placed under the control of the evidence function prior to the end of the officer’s tour of duty (CALEA 84.1.1.a.b). To be considered under the control of the evidence function, the evidence must be relinquished to the evidence custodian or be locked in the appropriate evidence box. The evidence room is secured by card access, protected by an alarm system and monitored by CCTV. Only the evidence custodian, or assistant evidence custodians, will be permitted to enter the evidence room. (CALEA 84.1.2)

4. Evidence will be given an Evidence Inventory Number and logged into agency
records. If the evidence custodians are not available, the evidence is to be secured in the evidence drop box or evidence locker refrigerator (CALEA 84.1.3, 84.1.1. b). Evidence in an unsecured locker will not be accepted by the evidence function. If the item is too large to fit in the Evidence locker, the Evidence Custodian or one of the Assistant Evidence Custodians will be notified and advised of the situation.

5. All evidence which requires refrigeration, such as blood, urine, and ALL Criminal Sexual Assault Evidence kits, will be placed in the evidence locker refrigerator located in the conference room. If the refrigerator appears to be getting full, it will be the supervisor’s responsibility to notify the on-call investigator so that he/she can respond, empty the evidence locker refrigerator, and place the contents in the evidence room refrigerator. The evidence custodians will be the only officers with keys to the interior lock (CALEA 84.1.3). The officer will advise the Dispatcher to contact the appropriate agency, letting them know that evidence is being held at our agency. The investigator will notify appropriate agency the next business day that evidence is being held for them in the evidence room for pick-up or transport the evidence to SLED as soon as possible when appropriate. A copy of the SLED Evidence Sheet shall remain with the evidence and an additional copy will be turned in to the Evidence Custodian upon the Investigators return.

6. It is required that an effort to identify and notify the owner or custodian of property taken into custody be made (as soon as it is appropriate to do so) by the Evidence Custodian. (CALEA 84.1.1.f)

7. All evidence secured within the evidence room shall be logged in and out each time it is removed and replaced. The names of the “Relinquishing” and “Receiving” officers will be written and signed in the appropriate sections of the Evidence / Property Sheet.

a. Officers may sign out evidence from storage for court purposes and/or investigations.
   1) Officers receiving evidence for any purpose will sign the Evidence / Property Sheet Envelope to keep the “Chain of Custody”.
   2) All evidence removed from evidence storage will be returned by the officer, who signed for it. In the event it is necessary to leave the evidence with the court, the officer, removing the evidence, will secure a signed receipt from an official of the court and return it to the Evidence Custodian.

b. On those occasions when an officer attempts to return evidence that has previously been checked out for court, or other purposes, and the Evidence Custodian is out, the officer will have the Dispatcher contact the Evidence Custodian for instructions. In his/her notes, the officer will record (for
possible later use in court) the person receiving the item, the date and time the item was returned for storage. Also the Evidence Envelope must be signed.

8. In the event that evidence or property is transported to court, released to another agency, or permanently released from the Department, a signature of the Evidence Custodian will be required on a “receipt for property for”. The officer, agency representative, lawful owner, or legally appointed representative of the owner will also sign the form indicating that they have taken possession of the property previously held by the evidence function. (CALEA 84.1.1.g)

9. An officer charged with custody of evidence or potential evidence shall insure that no person has an opportunity to tamper with said evidence.

10. All officers having custody of evidence or potential evidence shall be prepared to testify in court as to the conditions of the article while under his/her control and the precautions taken to insure that the evidence remained in the same condition as when it was taken into custody.

11. The evidence custodian will photograph all perishable evidence which cannot be preserved in its original condition at the time of seizure. The evidence custodian, or assistant, will be prepared to testify in court as to the accuracy of what the photographs portray.

12. No evidential items shall be used for personal reasons by any member of the Department and its final disposition must be approved by the Director or his designee.

13. All property obtained for evidence will be properly handled in accordance with applicable laws or decisions as noted below. All evidence will remain in the custody of the evidence custodian until the case is properly adjudicated.

14. All evidence, not defined as illegal to own or possess, shall be relinquished to the rightful owner as soon as possible after the case has been adjudicated by the court. A receipt for the property will be retained. (CALEA 84.1.1.g)

15. All motor vehicles taken into custody as evidence will be inventoried and the vehicle information will be placed on both an impound record and a Evidence / Property Sheet. The vehicle is to be secured within the impound lot and keys placed under the control of the evidence custodian. Any towing fees must be paid to the towing service and a receipt furnished to the Department prior to the vehicle being released. Any officer releasing a vehicle without proper proof of towing fee payment may be held responsible for that fee.

H. Exceptional, Valuable, or Sensitive Items Seized as Evidence (CALEA 84.1.1.e)
Exceptional, valuable, or sensitive items seized as evidence shall be handled exactly as other evidence, with the exception that a second officer shall witness the listing of the item(s) on the property receipt and initial alongside the original officer’s signature.

1. If $500.00 or more is taken into evidence, notify the On-Call Investigator immediately. All monies will be separated by denominations (i.e. 5's, 10's, 20's, etc...).

2. A safe is supplied in the Evidence Room for storage of these items.

I. Unwanted Pharmaceuticals

The NADDI (National Association of Drug Diversion Investigators) drop box is an effort to significantly reduce prescription drugs in homes that are no longer needed or outdated.

1. Individuals wishing to drop off unwanted pharmaceuticals may do so by placing them in the NADDI drop box located in the first floor lobby of MUSC Public Safety. Officers and or employees do not need to collect any information from the individual or generate any paperwork.

2. The NADDI drop box will be checked weekly by one of the investigators, or in their absence, the Training Officer. When the drop box needs to be emptied, an investigator will make an appointment with the contracted destruction site to destroy the items. The following procedure will be followed:

a. On the day of the appointment, an investigator or the Training Officer will remove the items from the drop box and use the scale located in the evidence room to obtain a gross weight. The items will then be transported to the contracted destruction site by two officers who will witness the destruction. Upon completion, one of the officers will complete an “Information Only” report. This report should be titled “NADDI Drop Box” and include the weight of the destroyed items and the names of the officers who transported and witnessed the destruction of the items.

b. If the drop box is full and it becomes necessary to empty the box prior to making an appointment with the contracted destruction site, an investigator or the Training Officer will empty the Drop Box, seal the items in as few evidence bags as possible, and obtain a gross weight for the evidence bags. The Investigator or Training Officer will then obtain an incident report number for an “Information Only” report, complete a property sheet, and enter the information into the evidence module. The only information needed in the description area is the gross weight and “Turned in Pharmaceuticals”. The report will be titled “NADDI Drop Box”. The tracking number will be written in permanent marker across the heat seal line or evidence tape. Items will be stored in the cage area of the evidence room until they are transported for destruction. One of the officers
witnessing the destruction will then complete a supplemental report indicating the date and time of the destruction along with the names of the officers present.

J. Guidelines for Disposition or Destruction of Property

1. The Investigative function has the responsibility for authorizing the disposal of evidence items collected by the officers, after consultation with the Director. Arrest cases, Investigations is responsible for requesting court disposition of evidence items that are involved in their cases. In cases which do not reach judicial authority, the Investigative Section shall authorize disposition after consultation with the Director. A Supplemental Report must be written before the items are released. A copy of the Supplemental must be sent to the Evidence Custodian.

a. Disposition of evidence is mandated by statute, specific court order or Departmental policy. Items of no value, or unlawful items, will be destroyed. Items of value will be returned to the rightful owner, if the determination of ownership can be established. Items of value for which rightful ownership cannot be established will be released to a student representative in the Department of Medicine to be auctioned at their charity ball.

b. Evidence items will be disposed of at periodic intervals, depending upon the type of case. In major cases, officers will be advised that the evidence is going to be disposed of by the Evidence Custodian. The officer will then advise the Custodian if there is a need for continued retention. If there is a need to hold the evidence longer, the officer and Investigative Section shall justify the need. If there is no need for further retention, officers must sign the form approving disposal. All forms must then be reviewed by the Investigative Section for approval.

1) In Misdemeanor Cases, when no arrests have been made, evidence items will be disposed of after six months.

2) In felony cases, where no arrests have been made, evidence will be disposed of after six months.

3) Liquor evidence collected in cases of arrest, for illegal consumption or similar simple liquor offenses, will be disposed of after disposition from the court is received, without notifying the officer.

4) Found unlawful items, such as alcoholic beverages and controlled substances turned in as confiscated property, will be disposed of after ten (10) days, without notifying the officer. (CALEA 84.1.7)

5) Suspected controlled substances taken in conjunction with searches
or arrest will be tested by the Investigation Division and held as evidence until such cases are cleared. i.e.: arrest-conviction or ex-cleared. In these cases, an Investigator will complete a PSD-17, supplemental "B" giving the disposition of the case and substances taken in the case. All firearms will be destroyed by the SLED laboratory. Small amounts of Controlled Substances will be destroyed by the Evidence Custodian and witnessed by a third party. Large amounts will be destroyed by the SLED laboratory. Each item will be inventoried by the evidence custodian and one assistant custodian. The controlled substances will be placed in a cardboard box and sealed with evidence tape prior to transportation to the laboratory.

2. Evidentiary property shall be held for a minimum period of 3 months following the lawful disposition of the case. Found or Recovered property will be held for a period of 90 days, the period shall begin from the date it is received by the Department. (CALEA 84.1.7)

   a. If the owner of the property is known, the Department shall make reasonable efforts to contact the owner. The Department will document its efforts (registered mail) to notify the owner to claim his/her property. (CALEA 84.1.1.f)

   b. If an owner cannot be determined, or if the property is abandoned following the prescribed time period, the following procedures will be followed:

      1) If the property is determined by the Director or his designee to be of value or use to the Department in the accomplishment of the Department’s goals and operation, then the use of such property by the Department is beneficial to the State and may be authorized.

      2) If the property is determined by the Director or his designee to be of value to another law enforcement agency or charitable organization, then such property may be transferred, with property receipt, to that entity.

      3) Property having no useful value may be destroyed, or turned over to surplus property of the Medical University.

      4) Records for the disposition or destruction of property shall be maintained in accordance with the same time table as incident reports.

      5) This policy does not apply to contraband, cash, or unlawful property that by law may not be returned to the owner, or if the disposition of the evidence is defined by law.

POLICY AND PROCEDURE # 55 Evidence

16
3. Illegal Confiscated Property Handling Procedures
   a. Illegal confiscated property items will be handled with the same care as evidence.

J. Inventory and Evidence Log-In Policy

1. All evidence shall be examined and inventoried by the accepting evidence custodian and compared to the item(s) listed on the Chain of Custody Form. If the inventory and description of the evidence is correct, the evidence custodian shall sign to acknowledge receipt of all listed evidential items and then assign the property the appropriate Evidence Inventory Number.

2. As soon as officers and investigators become aware of the final disposition of their case(s), they will notify the Evidence Custodian to facilitate prompt disposal of all evidence connected with that case.

K. Inspections, Reports, and Records

1. At least semi-annually for evidence and semi-annually for property, the property and evidence custodian, or his/her designee, shall conduct an inspection to determine adherence to procedures listed above. (CALEA 84.1.6.a)

2. A complete inventory of property will occur whenever a custodian is assigned to or transferred from the position and is conducted jointly by the newly designated property custodian and a designee of the Director of Public Safety to ensure that records are correct and properly annotated. This inventory will assure the continuity of custody. (CALEA 84.1.6.b)

3. An audit of the Evidence and Property Room will be conducted annually by a designee of the Director (not routinely or directly connected with control of evidence or property). (CALEA 84.1.6.c)

4. Periodically throughout the year, there shall be unannounced inspections of property storage areas and the Evidence Room, as directed by the Director of Public Safety. (CALEA 84.1.6.d)

5. The evidence/property custodians will maintain records indicating the status of all evidentiary and property held by the agency. (CALEA 84.1.5)

L. Vehicle Inventory:

1. At the time of every arrest in which a vehicle is involved, the arresting officer shall determine if the vehicle should be impounded. If it is deemed necessary to impound the vehicle, the following procedures shall apply:
a. After the subject has been arrested and any allowable searches of the vehicle have been completed, at least two officers shall complete a written inventory of the vehicle at the scene.

b. All property contained within the vehicle, including the trunk and glove compartment areas, shall be inventoried. Locked and sealed luggage, boxes or other containers may not be opened but will be appropriately described and identified. If personnel have cause to believe that there is a threat to the safety of the public, officers shall notify appropriate Department personnel and secure the area.

c. After the inventory has been completed, the officers will release the vehicle to the towing service. The officer shall then submit the inventory record and the impounding record to his/her supervisor for proper filing.

d. The arrested subject shall be provided a receipt for any property removed from the vehicle by Department personnel.

2. A vehicle taken into custody as evidence:

a. The inventory procedure as described in Paragraph J(1)(a thru d) will be followed with the following additions:

1) The Charleston Police Department Crime Scene personnel may be contacted to process the vehicle.

2) The vehicle will be turned over to the Charleston Police Department Impound lot for storage as evidence. An evidence custody document will be completed and attached to the vehicle. This will be completed in addition to the required forms at the City Impound Lot.

3) The Incident Report will indicate the above action, to include the Impound Lot personnel’s name, date and time of impound.

M. Training:

1. Evidence training will be conducted on an annual basis. This training will include the collection, processing, storage and transportation of all evidence. (CALEA 83.2.7.c)