

**POLICY
1104**

**EFFECTIVE
DATE
2-15-22**

Eugene Police Department



Evidence and Property Handling

1104.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and property. Additionally, this policy provides for the protection of the chain of custody and those persons authorized to remove and/or destroy property. This policy applies to the Police Headquarters building and all police sub-stations and associated properties.

1104.2 REFERENCES

Evidence Control Unit Policy and Procedure Manual
Eugene Police Department Packaging Manual
Oregon Rules of Civil Procedure (531)
Oregon Finder's Law

1104.3 DEFINITIONS

ECU – Evidence Control Unit located at 125 N. Garfield.

Evidence – Includes all items seized or recovered in the course of an investigation that may be used in the prosecution of a case and/or have evidentiary value to an investigation. This includes, but is not limited to all digital media, latent shoe and fingerprints, biological evidence and any other items of evidentiary value.

Found Property – Includes the following types of unknown-owner property that has no apparent evidentiary value:

- Property turned into the Department that was found by a citizen.
- Property that comes into the possession of the Department during the course of a Department employee's work, including an officer dispatched to a property-related call and an officer collecting property discovered during scope of their work.

Property - Includes all items of evidence, personal property retained during arrest or on behalf of the responsible party and found property.

Temporary Property Locker – Lockers at the Police Headquarters Building or Police sub-station.

1104.4 PROPERTY HANDLING

- a. Any employee who first comes in possession of any property shall retain such property in their possession until it is properly tagged and placed in the designated property

locker or cage along with a property receipt. Care shall be taken to maintain the chain of custody and integrity of all property.

An employee comes into possession of property when the employee exercises control over the property, such as removing it from its original location or accepting the property from a citizen. Once an employee comes into possession of the property the property is deemed to be in the Department's possession and must be processed in accordance with state law, local law and this policy.

- b. When not specifically addressed by this manual, collection and handling of all property should follow the guidelines established in the EPD Packaging Manual and Evidence Control Unit's Procedures Manual. These manuals cover the procedures for collecting, packaging, recording, lodging, retaining, as well as, the release of all property.
 1. Employees will provide a receipt for all items of property that are received or taken from any person. If no person is present, and the property is removed from private property, a vehicle, or public place, the employee will leave a receipt prominently placed on the private property, vehicle or public location.
 2. Where ownership can be established for property with no apparent evidentiary value, such property may be released to the owner without the need for lodging at ECU. The property receipt must be completed to document the release of property not stored and the owner shall sign the bottom of the form acknowledging receipt of the item(s). The property receipt will then be submitted to records directly only if there are no items on the receipt that are being submitted to ECU. If some items on the receipt are being submitted to the ECU, the receipt must be submitted with those items to ECU with clear documentation as to which items were released and which items will be submitted to the ECU.
 3. Employees will run property for "wants" prior to submitting the items to ECU. The information or lack of information learned from running the items must be documented.

1104.4.1 FOUND PROPERTY

- a. Unless there is a criminal-justice reason for taking possession of unknown-owner property, department employees should not take possession of unknown-owner property that is valued at less than \$250. A criminal-justice reason for taking possession of unknown-owner property with an estimated value of \$250 or less includes:
 - There is a reason to believe that the item is stolen or is of evidentiary value.
 - The items pose a health or safety hazard to the public.
 - The items include cash, wallets, purses, identification cards, credit cards or other property that is readily used to commit identity theft.
 - The items include firearms or ammunition.
 - The items include contraband that cannot or should not be readily disposed of such as narcotics, unlawful weapons, and paraphernalia.
- b. Taking possession of unknown-owner property valued at less than \$250 when the Department's possession will not further a criminal-justice purpose should be

actively avoided by encouraging the citizen to retain the found property and to follow the Finder's Law requirements. However, if the citizen refuses to take responsibility to follow the Finder's Law, the employee should take possession of the property.

- c. Once the Department takes possession of the unknown-owner property, whether valued at more or less than \$250, the property is "Found Property" and, unless the value of the property is zero, the property must be processed in accordance with state and local law prior to the Department disposing of the property.
 1. When the ownership of found property can be readily established, property may be released to the owner without the need for storage at ECU. A supplemental report should be written with a completed receipt to document the release of property not booked in to ECU. The owner shall sign the form acknowledging receipt of the item(s). If the property is not booked into ECU, the signed receipt must be turned into Records.
 2. Supervisors at points of public contact where property is commonly turned in (for example, Records or public safety stations) may establish appropriate practices for short-term storage of property to ensure the security of the property as well as facilitate its efficient return to the rightful owner. Short-term storage at these locations is limited to 24-hours.

1104.4.2 PROPERTY BOOKING PROCEDURE

- a. All property must be booked into the Evidence Control Unit prior to the end of the submitting employee's shift. Property shall be submitted following the guidelines and recommendations detailed in the Eugene Police Department Packaging Manual.
- b. ECU has an absolute "Right of Refusal" of any items that are improperly submitted, documented, or packaged; as well as, items that pose a safety hazard. ECU will notify the submitting employee of the problem. If the employee is on duty when notified of the refusal, they will respond to ECU and correct the matter by the end of shift. If the employee is not on duty, the employee will correct the matter by the end of their next shift. The employee's supervisor will also be notified. If the supervisor is aware that the employee will be off for their next scheduled workday, the supervisor will contact ECU to make arrangements to rectify the problem.
- c. All items must be submitted with a case number. Only one case number can be utilized for items submitted. If additional case numbers are related to this case, they should be listed under the RC/ heading. All property submitted to ECU that may be run for "wants" must be run prior to submission to ECU and the results of this search must be documented on the property receipt.

1104.4.3 TRANSFER OF PROPERTY

- a. When a department employee needs to obtain property for court, investigation, or other authorized use, a written request must be submitted to ECU at least 24

hours prior to retrieving the items, unless a rush request is approved by the ECU supervisor or their designee.

- b. If property is being checked out for court, a receipt will accompany the item(s). If custody of the item is transferred to another individual (i.e. Deputy DA) by the receiving employee, the transaction must be documented on the receipt. The name of the individual accepting custody must be clearly written on the form, and a signature should be obtained. The receipt must be returned to ECU as soon as possible after the transfer of custody has occurred.

1104.4.4 TEMPORARY PROPERTY LOCKERS

- a. Officers booking property into temporary property lockers not located at ECU shall observe the following guidelines:
1. The following items shall NOT be stored in Temporary Property Lockers:
 - Drugs or Paraphernalia
 - Firearms
 - Hazardous materials
 - Bio-hazards
 - Flammables
 - Explosives
 - Perishables
 - Money (unless specifically authorized in writing by a supervisor)
 - Wet Items
 2. Items may only be stored for a MAXIMUM of five (5) calendar days and must be secured within a locker. Any property stored longer must be approved in writing by a supervisor.
 3. If the property was not checked out of ECU, a property receipt shall be completely and properly filled out.
 4. Note the locker number on the receipt and affix a copy to the face of the involved locker(s).
 5. The key to the locker will be kept by the employee booking the property. The key will be retained in a locked location so that the employee can testify as to the security of the property contained in the locker. Employees will retain the key until the property is removed.
 6. If the locker is dirty and/or contaminated, the employee shall secure the locker and notify facilities for maintenance. If the locker is possibly contaminated with a bio-hazard, the employee will place the locker out of operation using a bio-hazard warning sticker. The employee will notify facilities to have the locker decontaminated along with notifying the Investigations Lieutenant.
 7. On a random basis, locker cores will be changed for security reasons as directed by the Investigations Lieutenant.

- b. Officers storing property in temporary storage lockers, that was checked out of ECU for court or investigative purposes, shall observe the following guidelines:
1. Items stored for Court purposes may only be stored for a MAXIMUM of five (5) calendar days and must be secured within a locker.
 2. Update any transfer or locations on the receipt and affix a copy to the front of the locker.
 3. At the conclusion of the court case, the property must be returned and lodged into ECU.
 4. Items stored for investigative purposes may only be stored for a MAXIMUM of five (5) calendar days and must be secured within a locker. Any property stored longer must be approved in writing by a supervisor.
- c. Management of Temporary Storage processes:
- **The Administration/Facilities Sergeant** will retain a master key for the temporary storage lockers
 - **Unit Supervisors** who receive notification that property has remained in the Temporary Storage Locker in excess of the five (5) days will work with the employee(s) to move the property to ECU or return it to the owner as soon as possible. The employee is responsible for transporting all property to ECU.
 - **The Investigations Lieutenant** will also conduct a periodic audit (at least once per quarter) with assistance by the Quality and Assurance Manager to ensure compliance with the policies relating to temporary storage of property and track the random core changes on the temporary lockers.

1104.5 PROPERTY PACKAGING AND SUBMISSION

The protocols and procedures for the packaging and submission of all property are located in the Eugene Police Department Packaging Manual and Evidence Control Unit Policy and Procedures Manual.

1104.5.1 HAZARDOUS MATERIALS

- a. **Hazardous Materials of Evidentiary Value:** These items may not be lodged at ECU. These items must be lodged in one of the secure locking facilities by an Evidence Specialist. If an officer has hazardous material that must be seized, a supervisor should be contacted who will call out the Evidence Control supervisor to assist in securing the appropriate department resources for proper collection and lodging of hazardous material evidence.
- b. **Hazardous Materials for Destruction or Disposal:** Small quantities of known hazardous materials that have come into the custody of an officer or a Community Service Officer (CSO) during their daily duties which have no evidentiary value and need to be disposed of will be taken to the Public Works facility located at 1820 Roosevelt. The hazardous material will be logged in and dropped off on the east side of the Fleet building in one of the receptacles inside the covered area labeled HAZMAT. Officers or CSO's may contact any

on-duty Fleet Services personnel with assistance in locating or disposing of the hazardous materials. Officers should contact Eugene Fire or Public Works to respond for any unknown substances or large quantities of hazardous materials. Potential explosives or bombs require a Metro Explosive Disposal Unit callout.

1104.6 RECEIPT OF PROPERTY

The personnel assigned to the Evidence Control Unit are responsible for receiving property and properly documenting and storing the property. Protocols and procedures are available in the Evidence Control Unit Policy and Procedure Manual.

1104.7 DISPUTED CLAIMS TO PROPERTY

In a situation where more than one party may claim an interest in property being held by the department, and the legal rights of the parties cannot be clearly established, the property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Eugene Police Department may wish to file an interpleader to resolve the disputed claim (*Oregon Rules of Civil Procedure, Rule 31 – Interpleader.*)

1104.8 DISPOSITION OF PROPERTY

- a. The Evidence Control Unit supervisor is responsible for the development, maintenance and review of the ECU policies relating to the disposition of property. These policies and procedures will provide for the protection of the property, employees handling the property, the Department and the City until such time as the property is returned to a rightful owner, procured, auctioned, destroyed, or sold.
- b. Officers must return disposition requests sent to them by ECU staff back to ECU within 10 days of the receipt of the disposition request. Officers must have written approval from their supervisor to keep items past adjudication of the case and completion of the statute of limitations, Officers may designate the ultimate disposition of an item(s) on the receipt submitted initially with the property to ECU.
- c. Disposition of unclaimed property may consist of:
 - Destruction
 - Sale at Public Action
 - Procurement (Retention for public use)
 - Recycle
 - Donate to Recognized Charities

1104.9 PROPERTY ROOM SECURITY

Access to the Evidence Control Unit is limited to the ECU Supervisor, Evidence Specialists, ECU Administrative Aide and ECU Investigators. Access to the shop and storage areas outside of the office area of the ECU is restricted to authorized personnel. All visitors including EPD personnel who enter the Evidence Control Unit must be accompanied at all times by the

Evidence Specialist and must sign in and sign out on the sign-in sheet. Accompanied visitors who enter the shop must sign a second sign-in sheet.

1104.10 AUDITS, INVENTORIES, AND INSPECTIONS

Specific information regarding audits, inventories and inspections of ECU can be found in the Evidence Control Unit Procedures Manual. At a minimum, the following schedule will be adhered to.

1104.10.1 AUDITS

ECU will conduct at least one general audit per calendar year consisting of a 100-item random sampling.

Firearms, Narcotics, Currency, and DNA evidence storage areas will be audited semiannually. The audit will consist of a 20-item random sampling.

The Lieutenant supervising the Evidence Control Unit can order a random sampling at any time and can also specify the areas, items, and number to be audited.

1104.10.2 INVENTORIES

A 100-percent inventory of the Evidence Control Unit will be conducted when:

- There is a change in ECU supervisor.
- There is a change in Chief of Police.
- There is a change in the personnel of the agency who have access to the secure storage areas, or there is a reason to believe evidence has been tampered with.
- Every five (5) years if none of the previous three conditions are met.

1104.10.3 INSPECTIONS

- a. Annual inspections are conducted by a person responsible for the property and evidence function to determine if the agency procedures are being followed.
- b. Unannounced inspections of evidence and property storage areas are conducted as directed by the Chief of Police or their designee.

Chris Skinner
Chief of Police