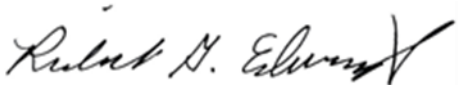




RICHMOND POLICE DEPARTMENT



GENERAL ORDER

Subject: HANDLING PROPERTY AND EVIDENCE		Chapter 3	Number 12	# Pages 18
References: CALEA: 83.2.1d, 84.1.1, 84.1.4, 84.1.6, 84.1.7 VA State Code: §15.2-1719, §15.2-1720, §15.2-1721, §19.2-152.13 §19.2-270.1, §19.2-294, §19.2-331, §19.2-386.29, §64.1-132.2	Related Orders: 07-16, 07-17, 06-14, 06-02	Effective Date: 09/25/2024 Revised By: Annual Review Prv. Rev. Date: 04/25/2023		
<i>If any provision of this General Order conflicts with any collective bargaining article, the collective bargaining agreement shall govern.</i>				
Chief of Police: 				

I. PURPOSE

This directive aims to establish the procedures and responsibilities of Department members concerning the handling of property and evidence.

II. SUMMARY OF CHANGE

This policy is due for review. The following revisions were made. Procedural terminology was updated. All revisions are in bold and italicized.

III. POLICY

The Department's policy is to establish specific guidelines for the safe handling, maintenance, and integrity of property and evidence.

IV. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines outlined in this general order. Responsibility rests with the Division Commander to ensure that policy violations are investigated, and appropriate training, counseling and/or disciplinary action is initiated.

This directive is for internal use only and does not enlarge an employee's civil liability in any way. It should not be construed as creating a higher standard of safety or care in an evidentiary sense concerning third-party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department and then only in a non-judicial administrative setting.

V. PROCEDURE

Department members who (either on-duty or off-duty) receive property or evidence, as defined in this directive, shall process the items as outlined herein. Members must deliver the items to the Property & Evidence (P&E) Unit and adequately enter the required information into the Property & Evidence computer-tracking program as soon as possible after the seizure or receiving property or evidence. All property and evidence shall be immediately brought to the Property & Evidence Unit. Unless emergency circumstances exist, new assignments and activities shall be delayed until the property or evidence has been delivered to the Property & Evidence Unit. Without exception, all property and evidence must be delivered to the Property & Evidence Unit before the member's tour of duty ends. Property or evidence is not to be secured in personal lockers, files, desks, vehicles, or any location other than the Property Room. Only authorized personnel will have access to areas the Department uses for evidence storage. [CALEA 84.1.1a-b]

NOTE: Officers who retrieve evidence at the scene and then transfer the evidence to an arresting officer, detective, Forensic Unit technician, or other sworn officer must document this transfer in the TraQ system comments section at the time of evidence log-in in the Property & Evidence Unit. The comments section must include the following: date & time of transfer, receiving person's name/rank/responsibility, reason, synopsis of the event, and laboratory location/transfer date, if applicable. [CALEA 83.2.1d]

NOTE: The Property and Evidence Unit uses the TraQ system, where internal controls ensure consistency in accounting for evidence and property, and it does not affect any personnel changes. [CALEA 84.1.1h]

A. Hours of Operations:

1. The Property & Evidence Unit will be open Monday - Friday during the hours of 0630-1630 and closed on weekends and holidays observed by the City of Richmond.

NOTE: If local courts are open for business on a City holiday, the Property & Evidence Unit shall be staffed.

2. When the Property & Evidence Unit is closed, all personnel will utilize the Overnight Processing Room to process evidence. There will be an on-call list posted in the Processing Room as well as one maintained in the Warrant & Information Services Unit in case of computer failure or large seizures.

NOTE: Property & Evidence Unit personnel must document entry and escort all other Department members into any property and evidence storage area.

B. Entering Property and Evidence:

[CALEA 84.1.1c]

NOTE: Property & Evidence Unit personnel are the final authority as to the receipt and ultimate disposal of all items seized by the Department.

Improperly seized items will not be accepted. Additionally, any improperly seized item(s) left in the Overnight **Processing** Room will be reclassified as “release to owner” or “dispose” with an immediate notification to the submitting officer’s commander.

Any officer submitting items that are suspected proceeds of a crime will have 72 hours to identify the specific crime. If no crime can be identified, the items will be reclassified as “release to owner” or “dispose.”

1. Officers are required to complete an Incident-Based Report (IBR), providing a complete description of the property and/or evidence and detailing the circumstances in which the property came into the custody of the Richmond Police Department as outlined in General Order 06-02, Incident-Based Reporting (IBR).
2. Officers will respond to the Property & Evidence Unit and complete a Property and Evidence Report Form on the computer tracking system.
3. Individual item codes must be selected for multiple items during the property and evidence report entry. Under no circumstances shall one lot of multiple items be entered as one item.
4. Officers will determine if the item is considered property or evidence and select the appropriate box. Items shall be deemed “Evidence” if it will likely be used against a defendant in court proceedings. All other items shall be considered “Property” under all other circumstances.
5. The officer will list where the property was found.
6. If an arrest is made, complete and accurate defendant information will be listed in the appropriate section.
7. The property owner’s name and address will be provided, if known.
8. The person who found the property (officer, citizen, etc.), and the address must be listed.
9. The submitting officer’s name, code number, and incident number must be listed.
10. The “Item description” section will contain a description with detailed information on the item(s).
11. The officer must make an effort to identify and notify the owner or custodian of the property. However, if the property owner is known, the officer shall provide detailed owner and address information so that a letter may be sent allowing the owner to claim their property.
12. Upon completing the property report, the Property & Evidence computer tracking program will assign the incident number entered by the submitting officer. The submitting officer shall print two (2) copies of all forms **and click “Final Submit” to save the document**. The submitting officer shall write the Property and Evidence Report number and the item number on the item(s) that corresponds to their Property and Evidence Report.
13. When utilizing the Overnight Processing Room, the submitting officer shall sign and place one copy **of the report** in a temporary evidence locker with the item(s) and secure the locker. The submitting officer shall retain one copy for their

records. The key to secure the evidence locker(s) must be dropped [REDACTED].

14. If the Property & Evidence Unit is closed, *Physical Evidence Recovery Kits* (PERKs) shall be temporarily stored in the locked designated cold storage units located within the Property & Evidence Unit Overnight Processing Room, if the "Preservation needed" box is checked. PERKs shall be taken to the Virginia Department of Forensic Science (DFS) by the assigned detective within five (5) working days. All PERKs returned from the laboratory shall be stored, unrefrigerated, with other evidence.
 - a) When utilizing the Overnight Processing Room, the submitting officer shall sign and place one copy of the property report with the PERK and secure the designated locked cold storage units. The submitting officer shall retain one copy for their records. The key/knob to secure cold storage units used shall be turned vertical to lock. The key to a secure evidence locker must be dropped [REDACTED].
 - b) Officers must contact the Property and Evidence Unit on call personnel to place additional PERKs in locked secured cold storage units, if unavailable.

15. The key drop locker is located [REDACTED].

- C. Property - Items to be Returned to Owner: [CALEA 84.1.1f]
1. Prior to logging the items into the computer-tracking program, the submitting officer shall check the items for stolen status through NCIC.
 2. All officers have restricted access to the Property & Evidence computer-tracking program to assist in investigations and in returning victims' stolen property.
 3. When prisoners are processed, their personal property shall be turned over to the City Sheriff's personnel in the Detention Section. In some instances, Property and Evidence will accept items not accepted by the Sheriff's Office or items belonging to prisoners subject to out-of-town extradition.
 4. Property may not be released to anyone (after the authorized release by the submitting and/or investigating officer) other than the person the property was taken from unless the claimant is legally entitled to it. Examples of legal claim may be evidenced by the following:
 - a) The claimant has the documentation identifying him/her as the rightful owner of the property;
 - b) A court order identifying the claimant and the property to be released;
 - c) An executor of the estate of the person from whom the property was taken with a notarized power of attorney identifying the holder as the executor or a court-ordered disposition of the property from a court of final probate authority in estate matters;

- d) A notarized authorization written in the English language from a United States (U.S.) or Canadian authority or from a country which has a reciprocal notarial treaty with the U.S. Department of State. The authorization must clearly identify the property to be released and to whom it can be released;
- e) A completed Virginia Small Estate Act Form in accordance with §64.1-132.2 of the Code of Virginia; *or*
- f) The rightful owner may request, in writing, that the property be released to a third party. The letter must identify the person authorized to receive the property and must be signed by the owner and notarized.

NOTE: In cases involving firearms:

Firearms shall only be released to the rightful owner except as outlined above. The decision to release a firearm shall be made on a case-by-case basis by the OIC of the Property & Evidence Unit after having ensured that the release of the firearm is proper pursuant to all applicable provisions of law and any other relevant considerations.

D. Evidence - Items Held for Criminal Prosecution:

NOTE: VA Code §19.2-270.1 permits photographs of items to be admissible as evidence in larceny and burglary prosecutions provided that such photographs bear:

- 1. A written description of the goods, merchandise, money, or securities alleged to have been taken or converted;
- 2. The name of the owner of such goods, merchandise, money or securities and the manner of the identification of same by such owner;
- 3. The name of the place wherein the alleged offense occurred;
- 4. The name of the accused;
- 5. The name of the arresting or investigating police officer or conservator of the peace;
- 6. The date of the photograph; and
- 7. The name of the photographer.

E. Final disposition of evidentiary property, including photographs, shall be accomplished within six months after legal requirements have been satisfied.

[CALEA 84.1.7]

F. Handling Evidence:

- 1. Each item submitted shall be packaged separately and coded with a unique bar code label obtained from Property & Evidence personnel. Personnel shall use envelopes or boxes provided by the Property & Evidence Unit and make sure that the evidence is properly packaged to prevent contamination or destruction by improper handling. [CALEA 84.1.1d]
- 2. The officer shall label, seal, initial, and apply the appropriate barcode to each separate package. [CALEA 84.1.1d]

3. After logging in the items, the submitting officer shall print and sign the Property and Evidence Report. The submitting officer must produce the case number when returning to pick up the evidence for investigation, lab analysis, or court.
4. It shall be the responsibility of the lead investigating detective to provide input for the final disposition of all property or evidence upon the completion of the court case or where the evidence no longer has evidentiary value. They shall consult with the appropriate prosecutors and courts before providing input for the final disposition. In such cases, the investigating officer or detective shall notify Property & Evidence Unit personnel of the disposition. [CALEA 84.1.7]
5. Should an officer be involuntarily separated from the Richmond Police Department, it shall be the responsibility of the immediate supervisor of their last assignment to provide a disposition or facilitate the transfer, i.e., reassignment to an alternate detective/officer of all property and evidence currently retained by that officer in the Property & Evidence Unit.
6. Should a submitting officer become unavailable for duty, i.e., medical condition or injury leave status, the officer's immediate supervisor shall be responsible for any transactions that occur on the officer's Property and Evidence Report(s), until their return to duty.

G. Processing of Evidence:

1. Fingerprint Examinations by the Forensic Team:

- a) The submitting officer must complete the Richmond Police Department Forensic Unit Request for Fingerprint Examination Form and secure it to the outside of the evidence package. For firearms, the officer shall check the fingerprint box on the Request for firearms function test/ *National Integrated Ballistics Information Network* (NIBIN) entry form.
- b) A member of the Forensic Team shall respond to the Property & Evidence Unit as needed to pick up any evidence for processing.
- c) If a department member processes a crime scene for latent fingerprints, the latent must be packaged in the stamped envelopes provided by the Forensic Team. The envelopes are located above the latent submission box located in the first-floor mailroom at Police Headquarters. The latent envelope submissions must be filled out completely and submitted before the officer's end-of-shift on the day that the evidence is processed for latent prints.

2. Submission to Richmond Police Department NIBIN Lab:

- a) The submitting *officer/detective* will place a blue Richmond NIBIN lab sticker on evidence bags containing cartridge cases collected from the following offenses:
 - (1) Destruction of Property
 - (2) Found Property
 - (3) Promiscuous/Random Shooting

- (4) Shooting at Occupied Vehicle
- (5) Shooting at/within Occupied Dwelling
- (6) Shooting at/within/upon school grounds
- (7) Weapons Law Violations
- (8) Suicide
- (9) Non-Life Threatening Shootings

- b) The items will be checked out of Property and Evidence by the Evidence Liaison Officer or Firearms Administrator and turned over to a Contracted ATF NIBIN coordinator located at Property and Evidence.
- c) The NIBIN coordinator will examine, triage, and enter cartridge cases into BrassTRAX.
- d) The Evidence Liaison will pick up items and return them to Property and Evidence.

NOTE: The *officer* or *detective* can request to send items to DFS in lieu of RPD NIBIN if additional analysis is needed.

3. Virginia Department of Forensic Science (DFS) Examinations:

[CALEA 84.1.1g]

- a) The submitting officer must complete the DFS Request for Laboratory Examination (RFLE) Form.
- b) The submitting officer shall transport the evidence and the RFLE to DFS. After the requested examination has been completed, the officer must retrieve the evidence from DFS within thirty (30) days. (Failure to retrieve the evidence within thirty (30) days will result in supervisory notification and disciplinary action for the officer.) The evidence liaison officer will transport evidence to the state lab that is submitted by personnel assigned to Patrol Services Areas 1 & 2, Special Operations Division (SOD), Special Investigations Division (SID), and Community, Youth and Intervention Services (CYIS).
- c) The evidence liaison officer will pick up a Certificate of Analysis from **DFS**. The evidence liaison officer must file a copy of the certificate with the court of jurisdiction at least seven (7) working days prior to the court date to ensure that the information shall be considered as evidence. The evidence liaison officer will forward a second court-stamped copy of the Certificate of Analysis to the officer of record. The evidence liaison officer will file the copy of analysis for personnel assigned to Patrol Services Areas 1 & 2, SOD, SID and CYIS.
- d) PERKs shall be stored in the locked refrigerator located within the Property & Evidence Unit, if the "Preservation needed" box is checked. PERKs shall be taken to DFS by the assigned detective within five (5) working days. All PERKs returned from the laboratory shall be stored, unrefrigerated, with other evidence.

- e) Per Code of Virginia §4.1-353, sealed containers of alcoholic beverages, labeled as containing an alcoholic beverage, will be prima facie evidence that the contents are alcohol and shall not be sent to DFS to be tested.

4. Evidence Taken to Court:

- a) The submitting officer shall pick up the evidence from the Property & Evidence Unit on the court date. Property & Evidence Unit personnel will log into the TraQ System and have the submitting officer sign for the items electronically. If the court holds the evidence, the clerk of the respective court shall sign the officer's court receipt.
- b) The submitting officer shall return the evidence or the court receipt to the Property & Evidence Unit immediately following court. The submitting officer will sign over custody of the evidence to the Property & Evidence Unit personnel electronically using the TraQ System. If the court holds the evidence, the TraQ System will be updated to reflect the change. (Failure to return either the evidence or the court receipt on the same day the evidence was logged out will result in supervisory notification and disciplinary action for the officer).
- c) If the Property & Evidence Unit is closed, evidence being returned from court shall be placed in a secure storage locker in the Overnight Processing Room.
- d) Upon completion of the case, the submitting officer shall provide the final disposition on the evidence to the Property & Evidence Unit (Example: Release to Owner, Disposal, etc.). In such cases, the investigating officer or detective shall notify Property & Evidence personnel of the disposition.

[CALEA 84.1.7]

H. Items Requiring Special Handling - Firearms, Cartridge Cases, Currency, Drugs, Explosives, Flammable and Hazardous Material:

1. Firearms:

[CALEA 84.1.1e]

- a) The confiscating officer shall check the weapon through NCIC to determine its status.
- b) The weapon shall be properly recorded into TraQ as either found property or evidence.
- c) All firearms that are recovered, seized, or found shall be entered as property on an IBR report in ONESolution. If the firearm in question was not recovered or seized as part of a criminal incident, the firearm shall be entered on a separate offense report with an offense code of 99E (Found Property) created via Mobile Field Reporting or on a hardcopy supplemental IBR form, if applicable.
- d) A Department Firearms Information Form (PD-97) will be automatically generated by TraQ when a firearm is entered into the Property and Evidence Report. This form shall be printed and submitted to the Property & Evidence Unit along with the weapon.

- e) It is the responsibility of the submitting officer to ensure that all firearms submitted to the Property & Evidence Unit are unloaded and zip-tied in the prescribed manner. If a particular firearm cannot be unloaded after normal business hours, the submitting officer shall write “Loaded Weapon” in RED, and secure it in a temporary locker. “Unloaded” shall be written in RED on the box of unloaded weapons.
- f) National Integrated Ballistics Information Network (NIBIN):
 - (1) All firearms that extract and eject casings (primarily semi-automatic pistols and some shotguns and rifles) are to be submitted to either the Richmond Firearms Administrator or DFS for NIBIN testing. To include firearms seized that officers may encounter during volatile situations where there is a firearm present. If the officers find that it is in the best interest of public safety to remove the firearm from the premises and cannot find an alternative option.
 - (2) Absent an associated criminal charge, no firearms seized under any Emergency Substantial Risk Order shall be submitted to the Department of Forensic Science for testing, nor shall they be subject to testing or examination by the Richmond Police Department for NIBIN, fingerprint, DNA or any other substantially similar test.
 - (3) It shall be the responsibility of the “confiscating officer” to submit a request for function test/NIBIN entry form or RFLE on ALL FIREARMS that meet the criteria for NIBIN Ballistics Testing to either the Richmond Firearms Administrator or DFS.
 - (a) If the firearm is deemed inoperable by the Firearms Administrator, the recovering officer/detective will be notified and shall complete an RFLE for submission to DFS.
 - (b) If the firearm is related to a homicide, officer involved shooting or there is a request from the CA’s (*Commonwealth’s Attorney’s*) Office, the firearm shall be submitted to DFS. The officer shall enter “NIBIN Data Entry” along with any other testing requested on the RFLE.
 - (c) If requested, fingerprint and/or DNA testing will be completed by Department personnel or DFS prior to test firing for NIBIN entry.
 - (4) Multiple firearms seized in one incident will be reported on one Request for Firearms Function Test/NIBIN Entry or one RFLE form. These firearms will be assigned the same lab number and included in one laboratory report. The officer shall include the Incident-Based Report (IBR) number on the appropriate laboratory request form and ensure the accuracy of the number.

- (5) All firearms will be packaged in cardboard firearm boxes that are provided for this purpose. Only one unloaded weapon will be placed in each box. These boxes should be sealed and initialed by the officer. If the officer is also requesting Fingerprint or DNA examination, the requested test box on the form should be checked and noted in **RED** on the firearm box by the officer.
 - (6) During the hours when the Property & Evidence Unit is closed, officers shall place firearms and all accompanying paperwork into a secured temporary storage locker within the Overnight Processing Room until it is retrieved by personnel from the Property & Evidence Unit.
 - (7) When a request for function test/NIBIN entry is received, the Firearm Administrator will sign out from P&E, test fire, submit cartridge cases to the contracted ATF NIBIN coordinator and then return all items to P&E. If there is a request for the firearm to be examined by DFS, the evidence liaison officer will transport evidence to DFS that is submitted by personnel assigned to Patrol Services Areas 1 & 2, SOD, SID and CYIS.
 - (8) After the requested examination has been completed, the submitting officer must return the firearm(s) to the Property & Evidence Unit before proceeding with any other transactions, i.e. proceeding to court. The Evidence Liaison Officer will retrieve firearms from the lab and return them to property for personnel assigned to Patrol Services Areas 1 & 2, SOD, SID and CYIS.
 - (8) Before a firearm is released to an individual, a record check will be conducted on the individual by a member of the Property & Evidence Unit.
 - (9) Firearms stored by the Richmond Police Department after seizure by an ATF Task Force will be administratively or judicially forfeited. They will periodically be retrieved by an ATF agent who will ensure destruction in accordance with ATF procedures.
- g) Disposal of Firearms:
- (1) Pursuant to VA Code §15.2-1721, any locality may destroy unclaimed firearms and other weapons which have been in the possession of a law enforcement agency for a period of more than 120 days. “Unclaimed firearms” are defined by VA Code § 15.2-1721 as “any firearm or other weapon belonging to another which has been acquired by a law-enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the State Treasurer has indicated will be declined if remitted under the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.)” A written statement from the Commonwealth’s Attorney’s *Office* shall be obtained stating that the firearm to be disposed of is not needed in any criminal prosecution prior to the firearm’s disposal.

- (2) Firearms designated for disposal are inventoried jointly by the Property & Evidence Unit and the Audit and Compliance Unit (ACU) personnel.
- (3) The Property & Evidence Unit, in conjunction with the ACU, shall conduct an inventory to ensure that all firearms approved for destruction are in the appropriate boxes to be taken to the disposal facility.
- (4) The Property & Evidence Unit shall publish a notice for two consecutive weeks prior to the disposal of any firearm in accordance with VA Code §§ 15.2-1719 and 15.2-1721.
- (5) The Chief or designee shall approve of the disposal in writing.
- (6) All firearms destroyed under this process shall be destroyed in the presence of ACU personnel.
- (7) All firearms that are designated evidence will only be destroyed pursuant to a signed court order.

2. Submission of cartridge cases to the Richmond Police Department NIBIN Lab:

- a) The submitting *officer/detective* will place a *blue* Richmond NIBIN Lab sticker on evidence bags containing *cartridge cases* collected from the following offenses:
 - (1) Destruction of Property
 - (2) Found Property
 - (3) Promiscuous/Random Shooting
 - (4) Shooting at Occupied Vehicle
 - (5) Shooting at/within Occupied Dwelling
 - (6) Shooting at/within/upon school grounds
 - (7) Weapons Law Violations
 - (8) Suicide
 - (9) Non-Life Threatening Shootings
- b) The items will be checked out of Property and Evidence by the Evidence Liaison or Firearms Administrator and turned over to the contracted ATF NIBIN coordinator located at Property & Evidence.
- c) The NIBIN coordinator will examine, triage, and enter cartridge case into BrassTRAX.
- d) Either the Evidence Liaison or Firearms Administrator will pick up items and return them to Property and Evidence.

NOTE: Officers or Detectives can request to send items to DFS in lieu of RPD NIBIN if additional analysis is needed.

3. Currency:

[CALEA 84.1.1e]

- a) All currency seized must be counted and verified by at least two Richmond Police Officers and placed in a clear plastic evidence bag prior to it being turned into the Property & Evidence Unit.

NOTE: Each officer must separately count the currency (dual count) to prevent counting errors.

- b) This dual count shall be documented on a Cash Count Form that is created by TraQ. This dual count shall be completed “only” by Richmond Police officers but shall not include any Property & Evidence Unit personnel.
- c) The printed Cash Count Form shall be folded and placed in the evidence bag, **ensuring that the total and the signature** on the form **are** clearly visible once the bag is sealed.
- d) The submitting officer shall properly seal and initial the evidence bag across the secured seams with a black permanent marker.
- e) Only those officers submitting currency as evidence shall be authorized to check it out.

EXCEPTION: Asset Forfeiture confiscations – refer to General Order 07-16, Drug Related Seizures.

- f) Currency will be placed in an account at the Richmond Virginia Fire Police Credit Union. The OIC of the Property & Evidence Unit or Unit Supervisor(s) will check this currency out of Property & Evidence.

4. Drugs:

[CALEA 84.1.1e]

- a) Officers submitting drugs shall package them in a clear plastic evidence bag, or other appropriate packaging suitable for storage. Officers shall exercise care when handling drug samples to ensure integrity and to maintain the chain of evidence. The submitting officer shall then initial the evidence bag across the secured seams with a black permanent marker only.

NOTE: Officers must utilize the clear plastic evidence bags whenever possible. The paper envelopes are to be utilized only for marijuana plants or any other item that may deteriorate (e.g., bloody items, DNA, **fingerprints**, etc.) if stored in a sealed plastic bag. The use of clear plastic bags facilitates the internal inspection process. Drug evidence bag serial numbers must be recorded on the Property and Evidence Report in the evidence bag number (#) field in TraQ.

- b) The submitting officer shall enter a complete description of the drug evidence into TraQ. The evidence bag number, located in the upper right-hand corner, must be recorded in the evidence bag number (#) field on the Property and Evidence Report in TraQ. The submitting officer should detach the receipt portion of the evidence bag and attach it to their copy of the voucher.

- c) Any drugs not going to the state lab must be weighed in their packaging **by the submitting officer, and** the weight will be recorded **on the voucher** in TraQ.
- d) The submitting officer shall ensure that Drug Test Kits are completed in all cases where suspected narcotics are seized and it is determined that there is enough substance present to be analyzed, and an individual has been charged or charges are imminent.

EXCEPTION: Paraphernalia containing residue or insufficient quantity **or** any substance in powdered form shall NOT be field tested. The officer shall submit these type items to the Department of Forensic Science for testing. The submitting officer shall note the reason that they did not test the substance in the IBR narrative and on the appropriate Drug Test form (Checklist–Cocaine {PD-153}, Checklist – Amphetamines/Methamphetamine/MDMA/ Black tar Heroin {PD-154}, and/or Checklist – Marijuana/Hash/Hash Oil {PD-160}) completed in accordance with General Order 07-17, Drug Test Kits. A dissemination copy of the completed form shall be attached to the drug item.

NOTE: Per RPD Legal Bulletin 2014-07, as of January 1, 2015, officers shall NO longer submit marijuana plant material to DFS for testing for “simple possession” cases without a court order to do so. If an officer makes an arrest for simple possession of marijuana or recovers evidence that is believed to be marijuana (simple possession) and an arrest is imminent, they shall respond to Property and Evidence (or the Special Investigations Division) to have the material field tested in accordance with General Order 07-17, Drug Test Kits.

The original PD-160 form, “Test for THC (Marijuana/Hash/Hash Oil),” shall be attached by the respective officer to the original warrant or summons. If this cannot be done, the original PD-160 must be filed with the clerk of the court hearing the case at least seven days prior to the proceeding. Written Notice forms regarding the defendant’s right to have the evidence analyzed by DFS – shall be handled by the Commonwealth’s Attorney’s Office at the defendant’s arraignment.

NOTE: Due to the possible presence of Fentanyl which poses a strong risk to officers if inhaled, officers shall no longer field test any substance in powdered form. Those substances shall be submitted to **DFS** for analysis.

- e) Pre-Laboratory Examination:
During the hours when the Property & Evidence Unit is closed, submitting officers shall place the drug evidence and all accompanying paperwork into a secured temporary storage locker within the Overnight Processing Room, where it will remain until it is processed by a Property & Evidence

Technician/Officer and the evidence liaison officer checks it out to DFS for analysis.

The Evidence Liaison Officer shall submit the drug evidence to DFS within 72 hours of check-in. The Evidence Liaison Officer will transport evidence to DFS that is submitted by personnel assigned to Patrol Services Areas 1 & 2, SOD, SID and CYIS.

f) Post-Laboratory Examination:

After the requested examination has been completed, the evidence liaison submitting officer must return the evidence to the Property & Evidence Unit before proceeding with any other transactions, i.e., proceeding to court. If no further transactions are required, the Property & Evidence Technician will place the drug evidence into a secured storage location where it will remain until the submitting officer provides a final disposition. The evidence liaison officer will retrieve items from DFS that were submitted by personnel assigned to Patrol Services Areas 1 & 2, SOD, SID and CYIS.

[CALEA 84.1.7]

A disposition of all drug evidence shall be given immediately upon the final outcome of the court case, and/or when it no longer has any evidentiary value.

NOTE: Only the officer(s) listed on the Property and Evidence Report, drug evidence record in TraQ, shall be authorized to check it out from the Property & Evidence Unit.

EXCEPTIONS: The Evidence Liaison Officer will check out drugs that have been submitted by personnel assigned to Patrol Services Areas 1 & 2, SOD, SID and CYIS. EXILE detectives will continue to be allowed to check out drugs to DFS or the Federal Lab.

g) Disposal of Drugs and Drug Paraphernalia:

[CALEA 84.1.7]

(1) After the final case disposition, officers shall mark for destruction all related controlled substances and/or paraphernalia. All substances and/or paraphernalia marked for destruction shall be turned in to the Property & Evidence Unit. The Property & Evidence Unit shall maintain an inventory and be responsible for all substances and/or paraphernalia marked for destruction.

(2) Per VA Code §19.2-386.23, drugs recovered or seized as evidence in a criminal prosecution will only be destroyed pursuant to a written court order. Substances or paraphernalia recovered, seized, or found that are not evidence in a trial in the Commonwealth of Virginia will be destroyed with the written consent of the attorney for the Commonwealth, and at the direction of the Chief of Police or designee.

(3) Drugs marked for disposal are inventoried jointly by the Property & Evidence Unit and Audit and Compliance Unit personnel.

(4) The Chief or designee shall approve of the disposal in writing.

- (5) All drugs that are designated evidence will only be destroyed pursuant to a signed court order.
 - (6) Drug evidence is required to be destroyed by authorized Property & Evidence Unit staff while in the presence of Audit and Compliance Unit personnel who will witness the destruction.
- h) Protocol for Prescription Drug Disposal Box

The Department maintains an ongoing program available to the community for the disposal of prescription drugs. There is a designated box for this purpose at Police Headquarters and at each Precinct. The boxes are secure with two (2) key lock mechanisms. This program will be advertised through the Department's social media sites, CVS' social media sites and at CVS pharmacies and will be featured in quarterly public service announcements.

- (1) Each box shall be maintained in a secure area of the facility.
- (2) All keys to the boxes will be maintained in the Special Investigations Division (SID) by a supervisor.
- (3) Each box will be inspected and emptied every thirty (30) days by a member of SID.
- (4) If a box is full before the end of the thirty (30) days, a Precinct Supervisor will notify an SID Supervisor to empty the box.
- (5) All items emptied from the box will be weighed in bulk, logged into Property, and marked for destruction in accordance with procedures for marking outlined in this policy.

5. Explosives:

[CALEA 84.1.1e]

At no time will any explosive device items be stored in the Property & Evidence Unit. If an explosive device is located, the officer in charge of the scene will notify their supervisor. The supervisor will follow the proper chain of command to notify the Explosive Ordnance Unit Commander.

6. Arson:

Arson evidence shall be properly recorded into TraQ as evidence and stored in Property & Evidence storage and at [REDACTED]. Only members of the Fire Investigation Unit (Arson Unit) can store evidence at [REDACTED].

7. Hazardous Materials:

- a) If hazardous materials are suspected or located by a police officer, they will contact the Fire Department immediately for proper handling and/or disposal.

NOTE: Under no circumstances will suspect hazardous material be stored at the Property and Evidence Unit or the Overnight Processing Room.

8. Biohazard:

All property or evidence that could be deemed "Bio-Hazardous" will be stored in a red infectious waste bag that is supplied by the Property & Evidence Unit. Bio-hazardous material may consist of bloody clothing or any item that might contain

bodily fluids. Items contaminated with a substantial amount of wet blood or bodily fluid must be placed in the Forensic Team's "Drying Room" prior to submission to the Property & Evidence Unit or the Overnight Processing Room.

9. PERKs:

- a) While Physical Evidence Recovery Kits (PERKs) meet the criteria of a Bio-Hazardous material, they need not be stored in an infectious waste bag. If the "Preservation needed" box is checked, the kit shall be stored in the refrigerator.
- b) PERKs shall be retrieved by the investigating detective and taken to DFS within five (5) working days.

10. Evidence entered for Processing by the Forensic Team:

The submitting officer shall complete a Request for Fingerprint Examination card (Fluorescent Green) and place it with the evidence to be fingerprinted in a temporary storage locker.

I. Investigative or Training Use of Property or Evidence:

[CALEA 84.1.4]

1. Any use of controlled substances, weapons or explosives for investigative or training purposes must be pre-approved by the OIC of the Internal Affairs Division. Per VA Code §19.2-386.29, the Court may authorize the seizing law-enforcement agency to use the weapon for a period of time as specified in the order. A court order is needed by police agency to use seized guns for departmental purposes.
2. Property & Evidence Unit personnel are responsible for logging any controlled substance, weapon or explosive device used for investigative or training purposes into the TraQ tracking system for security and accountability purposes.
3. Controlled substances and weapons used for investigative, or training purposes shall be secured and remain the responsibility of the OIC of the affected unit until returned, if applicable, to the Property & Evidence Unit.

J. Disposal of Property and Evidence will be conducted in accordance with VA Codes §§15.2-1719, 15.2-1720, and 15.2-1721 and City of Richmond Codes §19-294 (abandoned or unclaimed tangible personal property) and §19-331 (disposition of certain unclaimed weapons). Property & Evidence personnel will determine when items will be disposed and will ensure that all items are disposed in a timely manner pursuant to State Code, City Ordinance and Accreditation Standards.

[CALEA 84.1.7]

Per VA Code § 15.2-1719, when an item is determined to have potential value at public auction, the item must first be offered to the State Department of Treasury, Unclaimed Property Division. If the State refuses, the item will then be sent to the contracted auction service for the next available public auction.

1. Property – Unclaimed property can be disposed of after *sixty* (60) days, per VA Code § 15.2-1719. Unclaimed (bicycles and mopeds) can be disposed of after *thirty* (30) days, per VA Code § 15.2-1720. Unclaimed firearms can be disposed of after 120 days, per VA Code § 15.2-1721.

2. Evidence – Disposed per court order, officer’s instructions, and Major Crimes/Commonwealth’s Attorney’s Office review.

K. Locked Containers:

Prior to submitting items into the Property & Evidence Unit, officers shall inventory the contents of all locked containers to ensure that they do not contain hazardous/bio-hazardous materials, explosive devices, incendiary materials, contraband, currency, or any other items that may be potentially dangerous to police personnel or may require special handling.

L. Perishable Items:

1. At no time shall perishable items be submitted to the Property & Evidence Unit. Perishable items pose a specific problem for the Department. There are no facilities within the Property & Evidence Unit for the storage and maintenance of these types of items.

EXCEPTIONS: Edible Narcotics, with evidentiary value or for disposal.

2. Officers are encouraged to photograph all perishable items as evidence for future criminal prosecutions. VA Code §19.2-270.1 permits photographs of items to be admissible as evidence in larceny and burglary prosecutions.

M. Inspections:

The integrity of the Property & Evidence Unit is vital to the chain of evidence. Audits should be comprehensive in nature and shall be conducted by the Property & Evidence Unit OIC and designee(s) and a member of the Audits and Compliance Unit.

1. Semi-annual Inspections – The Property & Evidence Unit OIC, Sergeant or Warehouse and Materials Supervisor shall conduct semi-annual inspections to ensure quality control and to make certain *there is adherence to* accreditation standards. [CALEA 84.1.6a]
 - a) Semi-annual inspections shall be a random two-part inspection. Randomly selected barcodes from the TraQ program shall be selected during the first portion of the inspection. After selections are made, the storage locations shall be checked to verify that all items are stored in the locations documented by the TraQ system.
 - b) The second portion of the inspection shall consist of a designee, who shall randomly select items from various storage locations within the Property & Evidence Unit. The items shall be checked via the TraQ system for location accuracy.
 - c) Upon completion of the inspection, a letter shall be compiled and forwarded to the Planning Division by the OIC of the Property & Evidence Unit or designee, attesting to the results of the inspection.
2. Random Inspections – Members of the Audits and Compliance Unit shall conduct at least two unannounced inspections of the Property & Evidence Unit per year as an integral part of Departmental policy and to ensure compliance of proper security measures. [CALEA 84.1.6d]

- a) Access to “Restricted Areas” shall not be compromised, unless expressly authorized by the OIC of the Property & Evidence Unit.
 - b) Random inspections shall be conducted at any time as directed by the Chief of Police or designee.
3. Annual Audits – Annual audits shall be conducted by a member(s) of the Audits and Compliance Unit. [CALEA 84.1.6c]
 4. The Audits and Compliance Unit shall also maintain control of the Property and Evidence surveillance cameras; and in addition, shall perform periodic third-party review of selected footage to determine any abnormal activity requiring internal follow-up.
 5. Change of Command Inspection – Whenever the OIC is assigned and/or transferred from the Property & Evidence Unit control function, an inventory of property, to ensure that records are correct and properly annotated, is conducted jointly by the newly designated OIC and a designee of the Chief of Police.

NOTE: If there is no change in custodian, a memo thru the Chief of Police shall be completed, for recording purposes. [CALEA 84.1.6b]
 6. Upon completion of the inspection, a letter shall be compiled and forwarded to the Planning Division, via the Chief of Police or designee, attesting to the results of the inspection.

NOTE: Documentation of ALL INSPECTIONS shall be forwarded to the Planning Division for records management purposes.

VI. FORMS

- A. Incident Based Report (IBR) and any supplemental forms, if necessary
- B. Property & Evidence Voucher Form
- C. Property & Evidence bags, boxes, labels, seals
- D. Request for Fingerprint Examination Form (RPD Forensic Unit-Fluorescent Green)
- E. Request for Firearms Function Test/NIBIN Entry (RPD Firearms Administrator form)
- F. Request for Laboratory Examination Form (Virginia Department of Forensic Science)
- G. Property & Evidence Computer Tracking Program, “TraQ”
- H. Cash Count Form - Property & Evidence Tracking Program – (Not PD-30A form)
- I. PD-30, Seizure Report – Asset forfeiture
- J. PD-97, Department Firearms Information Form
- K. PD-153, Checklist – Crack Cocaine
- L. PD-154, Checklist – Amphetamines/Methamphetamine/MDMA/Black tar Heroin
- M. PD-160, Checklist – Marijuana/Hash/Hash Oil