	<b>Winchester City Sheriff's Office</b> <b>Manual of General Orders</b>  <b>Administration</b> <b>112</b>	<b>Effective Date:</b> May 1, 2014 Accreditation Standards: ADM .16.01 ADM 16.02 ADM 16.03 ADM 16.04
		<b>Original Policy:</b> May 1, 2014 <b>Last Review Date:</b> October 31, 2023 <b>Next Review Date:</b> October 31, 2024
<b>Subject: Evidence and Property Control</b>		<b>By Authority of:</b> <hr/> William E Sales, Sheriff

Effective /Review Date	Sections Changed	Changes	Reviewed by	Approved by
05-05-15	III A 1.	Changed "An electronic copy of these guidelines is located on the Sheriff's Office Intranet under Sheriff Info Resources and a paper copy is located at the property/evidence packaging area" to "A copy of these guidelines is located in the property/evidence packaging area."	EAS	LRT
05-05-15	III A 2.	Changed "property lockers" to "evidence room."	EAS	LRT
05-05-15	III A 3.	Changed "property locker" to "evidence room."	EAS	LRT
05-05-15	III D 3.	Changed "Sheriff, Major and Lieutenant" to "Sheriff and Major."	EAS	LRT
11-14-16	III Q	Changed, "A. If a Deputy is unable to contact the Sheriff or Major, he will place his/her packaged evidence into the gun safe located in the Deputies room." To "A. If a Deputy is unable to contact the Sheriff or Major, he will place his/her packaged evidence in the temporary storage lockers located at the southwest corner of the deputies room."	EAS	LRT
11-14-16	III Q 1	Added, "These lockers are clearly marked and will have padlocks that are unlocked. Upon placing your packaged evidence into the locker, lock the padlock. The Major or Sheriff will empty them daily."	EAS	LRT
06-11-18	III I 3.	Removed "Lieutenant"	EAS	LRT
01-17-23	III 3 D	Added "Lieutenant"	BWD	WES
02-08-24	III M 2.	Removed "i" with "e"	MRA	WES
	III D 6.	Removed "Will maintain an area for the storage of items of perishable nature needing refrigeration."	MRA	WES
	III H.	Removed "Blood Samples (D.U.I. arrests)-- The deputy shall take possession of DUI blood samples and secure the blood samples in one of the evidence lockers. The EP/C will transport or deliver the blood samples to the forensic lab. (Virginia Code § 18.2-268.6)"	MRA	WES
	III A 5.	Removed "Notify the owner that if property is not picked up within ninety days it becomes	MRA	WES

		unclaimed property.”		
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## **I. PURPOSE**

The purpose of this order is to establish a system for the safe and efficient storage and retrieval of evidence or other valuable items that enter the custody of the Winchester City Sheriff's Office.

## **II. POLICY**

It is the policy of the Sheriff's Office that all agency property, evidence, properties recovered or turned into this agency, be properly packaged, handled, recorded, stored, and accounted for.

## **III. PROCEDURES**

### **A. Deputy Responsibilities**

1. The recovering deputy will be responsible for properly packaging, labeling, and numbering of all items collected or recovered as property/evidence, to prevent any tampering, contamination, or destruction of same. The Department of Forensic Sciences guidelines for packaging evidence shall be followed. A copy of these guidelines is located in the property/evidence packaging area.
2. The recovering deputy shall list and describe all items recovered on a Property/Receipt form and submit the form with the property/evidence being stored. The deputy's incident report will include the circumstances by which the property/evidence came into the agency's possession and describe each item of property/evidence. These forms must be completed and the property/evidence placed into evidence room/impound lot before the deputy/investigator ends his/her tour of duty. Sheriff's Office personnel shall not store evidence in their offices, vehicles, at home, etc.
3. All evidence/property and all related Property/Receipt forms will be placed immediately in the evidence room.
4. Reporting deputies/investigators should check all property against NCIC/VCIN records.
5. For property that may be lawfully released to the owner, the recovering deputy shall immediately attempt to notify the owner (by telephone or letter) that the Sheriff's Office is holding their property, and make arrangements to return the property to the rightful owner.
6. All deputies collecting evidence, whenever possible will photograph and follow the procedures set-aside in Virginia Code § 19.2-270.1 (burglary, larceny, etc.). The property then will be returned to the rightful owner.

### **B. Use of Property/Receipt form**

1. A Property/Receipt form shall be completed for all property coming into custody of the Sheriff's Office.
2. The Property/Receipt form and the incident report will have the same case number assigned to them.

3. The recovering deputy shall complete a Property/Receipt form as completely as possible.
    - a. The Property/Receipt form is for classifying property, so that the custodian will be aware of its status (Reason property seized).
    - b. The Property/Receipt form is for describing property as accurately as possible (including color, model numbers, brand names, serial numbers, etc.).
    - c. The Property/Receipt form will serve as a property release form, and a chain of custody form. The deputy/investigator authorizing release must sign, date, and give a reason for release.
  4. Normally the incident report property area and Property/Receipt form should correlate. The description of the property should be identical on both sheets. The item number on the Property/Receipt form should be the same as the number of the line on the incident report property area. This means that if the item of evidence/property appears on the second line of the incident report property area, then on the Property/Receipt form it would be listed as Item # 2. Large amounts of property/evidence may be placed on spreadsheets as long as the completed spreadsheet has the same information as the property form so the property/evidence may be tracked appropriately.
- C. Temporary release of evidence and property
1. Deputies are responsible for checking out needed evidentiary materials for investigative cases and testimony purposes.
  2. When receiving evidentiary materials from evidence, the deputy/investigator must sign for the property on the designated form. The deputy's/investigator's signature acknowledges receipt and full accountability for the property, agreeing that the property will be returned the same day unless an alternative date is set with the releasing custodian (Lab for analysis, etc.). To minimize delay in picking up property, deputies/investigators should advise the evidence/property custodian at least one working day in advance of items they wish to obtain.
  3. When returning evidence, deputies/investigators shall sign in and return the items to the evidence/property custodian. If the evidence/property custodian is unavailable the evidence may be placed in an evidence locker with the signed Property/Receipt form.
- D. Evidence/Property Custodian (E/P C) responsibilities
1. The E/P C will be accountable for control of all evidence and property stored in the evidence/property storage room and the impound lot, and will ensure that all stored property is properly documented in the property records of the Sheriff's Office.
  2. The E/P C will maintain an evidence/property storage room that is clean, orderly, and secure and will take necessary steps to ensure that evidence and property in the Sheriff's Office's custody is being protected from damage, deterioration, or theft.
  3. Access to the evidence/property storage room will be restricted to the Sheriff, Major, and Lieutenant. Access by all other persons is normally prohibited, except for auditing purposes.
  4. All evidence and property will be stored in the designated area.

5. The safe will be used for the storage of money, jewelry, weapons, controlled substances, and precious metals.
6. Will be responsible for the maintenance of records on all property indicating continuity of property and evidence from entry into the system to its final disposition.
7. Will release evidence and property only to authorized persons and may demand proof of authorization or identification of the owner or investigating deputy to whom they are releasing property.
8. The E/P C shall dispose of property that has been released by the deputy/investigator indicating there is no further evidentiary value. Deputies/investigators should make arrangements for returning the property to the owner.
9. The E/P C will keep a computer/written log of people entering the property room. Anyone other than the E/P C who enters the property room will sign in/swipe in (including the date).

#### E. Firearms

1. Deputies/employees of this office may not convert to their personal use any firearm that is found, turned in, or confiscated.
2. All firearms coming into the custody of this office will be immediately inspected to ensure their safe storage. It is imperative that all firearms be unloaded before being placed in the locker.
3. All firearms coming into custody of the Sheriff's Office will be checked by the recovering deputy/investigator against NCIC/VCIN stolen files.
4. All firearms will be packaged separately and all firearms will be made safe.

#### F. Controlled Substances

1. All controlled substances/paraphernalia that are to be sent to the forensic lab should be packaged accordingly. All needles/sharps will be placed in appropriate containers so that accidental sticks/cuts are avoided. A biohazard sticker will be placed on any items that may contain human blood on them.
2. All controlled substance evidence will be processed to the forensic lab for examination as soon as possible.
3. Each time controlled substances are removed from the evidence/property room; the package or container should be inspected for tampering.
4. Seizures in excess of ten pounds of controlled substances of marijuana are addressed in Virginia Code § 19.2-386.24. This section sets forth disposal procedures for large amounts of controlled substances.

#### G. Alcohol

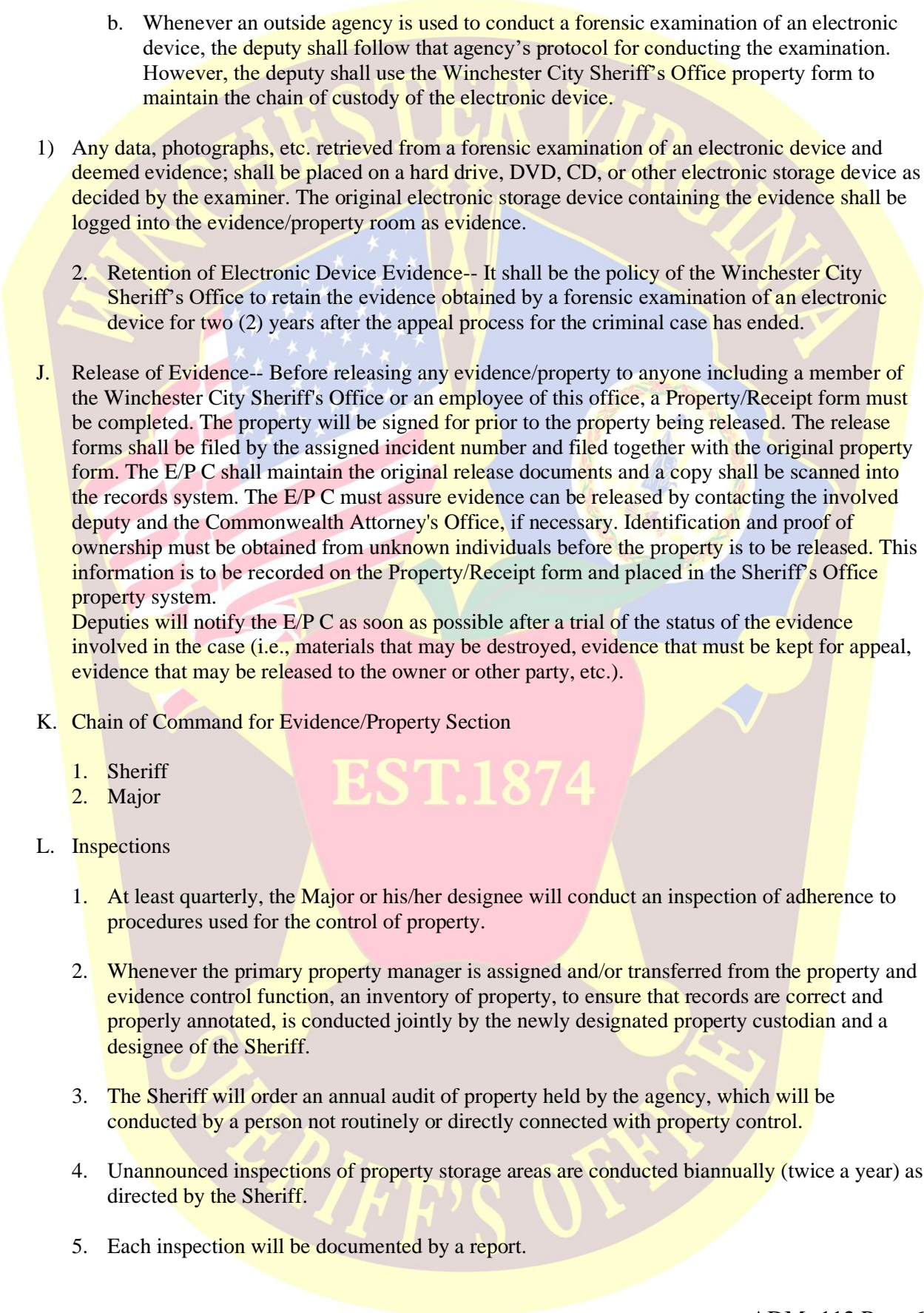
1. All evidence and property consisting of alcoholic beverages and their containers must be sealed so that there is no chance of leakage while in custody of the Sheriff's Office.
2. All alcoholic beverages seized should not be considered contraband.
  - a. Contraband alcoholic beverages would be those seized from those persons that are under age, refer to Virginia Code § 4.1-305 and 4.1-306.
  - b. Alcoholic beverages seized or recovered which are not contraband or used for evidence, should be returned to owner. Unclaimed alcoholic beverages will be destroyed.

#### H. Photographs

1. Deputies/investigators are encouraged to place only one case on each or CD/DVD. A DFS form and the CD/DVD may be sent to the DFS laboratory for photographs to be made from the CD/DVD.
  2. Upon completion of court proceedings, the photos should be returned to the appropriate case files. (Photos may be identified on the reverse side, including name of person taking picture, date, time, and location).
  3. Deputies/Investigators are responsible for down loading their photographs to a CD/DVD from a secure computer. Two copies may be made if the deputy/investigator wishes to keep one in his/her files. The other CD/DVD will be submitted into evidence.
- I. Electronic Devices-- Electronic devices are computers, cellular telephones, global positioning systems (GPS), or any other electronic device that stores data. All electronic devices received by Sheriff's Office personnel shall be placed into the property/evidence room.

#### 1. Forensic Examinations

- a. The following procedures shall be followed whenever a deputy requests a forensic examination by Winchester City Sheriff's Office personnel:
  - 1) The deputy shall complete a request for a forensic examination form. A copy of the search warrant or a copy of a signed permission to search form shall be attached to the request form. The request form shall be given to the examiner. The examiner will retrieve the electronic device from the property/evidence room, conduct the examination, and return the electronic device to the property/evidence room. The examiner will provide the requesting deputy a report detailing the results of the examination.
  - 2) Any data, photographs, etc. retrieved from a forensic examination of an electronic device and deemed evidence; shall be placed on a hard drive, DVD, CD, or other electronic storage device as decided by the examiner. The original electronic storage device containing the evidence shall be logged into the evidence/property room as evidence. A duplicate electronic storage device may be made for the deputy/investigator or the Commonwealth's Attorney.
  - 3) Examinations will be conducted in the order in which the requests were received unless there are exigent circumstances that would require the examination to be conducted sooner.

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- b. Whenever an outside agency is used to conduct a forensic examination of an electronic device, the deputy shall follow that agency's protocol for conducting the examination. However, the deputy shall use the Winchester City Sheriff's Office property form to maintain the chain of custody of the electronic device.
- 1) Any data, photographs, etc. retrieved from a forensic examination of an electronic device and deemed evidence; shall be placed on a hard drive, DVD, CD, or other electronic storage device as decided by the examiner. The original electronic storage device containing the evidence shall be logged into the evidence/property room as evidence.
2. Retention of Electronic Device Evidence-- It shall be the policy of the Winchester City Sheriff's Office to retain the evidence obtained by a forensic examination of an electronic device for two (2) years after the appeal process for the criminal case has ended.
- J. Release of Evidence-- Before releasing any evidence/property to anyone including a member of the Winchester City Sheriff's Office or an employee of this office, a Property/Receipt form must be completed. The property will be signed for prior to the property being released. The release forms shall be filed by the assigned incident number and filed together with the original property form. The E/P C shall maintain the original release documents and a copy shall be scanned into the records system. The E/P C must assure evidence can be released by contacting the involved deputy and the Commonwealth Attorney's Office, if necessary. Identification and proof of ownership must be obtained from unknown individuals before the property is to be released. This information is to be recorded on the Property/Receipt form and placed in the Sheriff's Office property system.  
Deputies will notify the E/P C as soon as possible after a trial of the status of the evidence involved in the case (i.e., materials that may be destroyed, evidence that must be kept for appeal, evidence that may be released to the owner or other party, etc.).
- K. Chain of Command for Evidence/Property Section
1. Sheriff
  2. Major
- L. Inspections
1. At least quarterly, the Major or his/her designee will conduct an inspection of adherence to procedures used for the control of property.
  2. Whenever the primary property manager is assigned and/or transferred from the property and evidence control function, an inventory of property, to ensure that records are correct and properly annotated, is conducted jointly by the newly designated property custodian and a designee of the Sheriff.
  3. The Sheriff will order an annual audit of property held by the agency, which will be conducted by a person not routinely or directly connected with property control.
  4. Unannounced inspections of property storage areas are conducted biannually (twice a year) as directed by the Sheriff.
  5. Each inspection will be documented by a report.

M. Final Disposition of Property

1. The Evidence/Property Custodian will dispose of property presumed abandoned/unclaimed property under Virginia Code § 55-210.1 and § 15.2-1719. The reporting and remittance will be in accordance with Virginia Code § 55-210.12.
2. All controlled substances/paraphernalia shall be disposed of according to Virginia Code § 19.2-386.23 and Virginia Code § 19.2-386.26.
3. All unclaimed bicycles, mopeds, etc., will be disposed of according to Virginia Code § 15.2-1720.
4. All unclaimed firearms will be disposed of according to Virginia Code § 15.2-1721. Weapons used in a criminal offense will be disposed of according to Virginia Code § 19.2-386.29.
5. Final disposition of property shall be accomplished within six months after the legal requirements have been satisfied.

N. Records-- Records of the inspections will be kept for a period of two years. All other records relating to evidence/property will be retained according to the Library of Virginia records and retention schedule (General Schedule # 17).

O. Authorized Personnel to Enter Evidence Areas-- Only authorized personnel will be allowed to enter the property room. All personnel entering the Evidence/Property room will sign/swipe in prior to entering the room. Personnel not assigned to the evidence/property room will be escorted at all times.

P. After Hours Storage-- If a Deputy is unable to contact the Sheriff or Major, he will place his/her packaged evidence in the temporary storage lockers located at the southwest corner of the deputies room.

1. These lockers are clearly marked and will have padlocks that are unlocked. Upon placing your packaged evidence into the locker, lock the padlock. The Major or Sheriff will empty them daily.