



LAW ENFORCEMENT OPERATIONS POLICY AND PROCEDURES

Procedure 7.3.1p8 Chapter 8: Property and Evidence

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I. PURPOSE

To establish rules for collecting, receiving, storing, releasing, and disposing of property seized as evidence and/or property held for safekeeping by the TCSG law enforcement agencies.

II. SCOPE

This policy outlines the processes for property and evidence recovered, found, and maintained by the TCSG law enforcement agencies.

III. RESPONSIBILITY

The responsibility of proper evidence collection and chain of custody is vested with every TCSG Law Enforcement Agency employee having contact with or part of the chain of custody.

The agency shall designate, in writing, one person as the primary property and evidence custodian who will be responsible for the day-to-day control of the property and evidence function. **(GLECP 7.10)** The evidence custodian shall have the authority to maintain property and evidence records and shall be accountable for controlling all property stored in the Property/Evidence room.

All personnel assigned to the property and evidence function shall receive training commensurate with their duties. **(GLECP 7.11)**

IV. EVIDENCE AND PROPERTY SHEET

A. Property/Evidence Sheets

Property forms will be completed by the officer initially taking custody of the evidence or property. Items of property/evidence collected from different persons or at other times or places should be documented on separate property forms.

A property/evidence form is used to record each item of property (or set of items) submitted to the property room. All items or packages of items submitted to the property room will have a property/evidence form completed. If seized items are identical or from the same case, the items may be listed on one (1) evidence/property form. The property/evidence section should contain the following information is available:

1. Name of person from whom property obtained;
2. Victim and/or owner;
3. Suspect;
4. The location where the property was obtained;
5. Quantity, description, and of all property;
6. Officer name; and
7. Chain of custody including:
 - a. Date and time of transfer(s)
 - b. Receiving person's name(s)
 - c. Relinquishing person's name(s)

All property will be placed under the control of the property and evidence control function before the officer ends their tour of duty. **(GLECP 7.8b)**

All evidence taken to the Crime Lab must be bagged separately from all other property or evidence taken for that case.

EXAMPLE: If a gun, currency, or suspected drugs are taken as evidence, each should be bagged and tagged separately.

No evidence or property will be stored in desks, offices, personal lockers, or any other place not explicitly authorized in this chapter.

When property/evidence is returned to the owner, the property owner will sign a chain of custody form showing the custody transfer, which will then be submitted to the Evidence Custodian by the releasing officer. Evidence submitted to the State Crime Lab will be marked in the evidence section as going to the crime lab, and the transporting officer will obtain a time-stamped copy of the evidence submission form. The Chain of Custody will be recorded on the Property Form.

When making returns on search warrants, photocopies of the evidence sheets can be attached to the search warrants as an inventory of seized property.

Property that is no longer of evidential value shall be returned to the owner in accordance with the provisions of the Georgia Code.

B. Marking and Tagging Evidence/Property

Evidence/property submitted to the evidence function must be tagged and marked

as "evidence" or "property" under the case number on the evidence bag. If evidence needs to be correctly marked, the evidence custodian will notify the collecting officer's supervisor and arrange to have the evidence/property adequately marked.

1. A written report detailing the circumstances by which the property came into the agency's possession and describing each item of property obtained will be completed by the collecting officer. **(GLECP 7.8d)**
2. Evidence should be placed inside temporary evidence lockers. If it is too large for the temporary evidence lockers, it may be stored in another temporary secure area. The temporary secure area should be secured so that no unauthorized personnel can access the area while the evidence is stored. Any evidence that should be refrigerated should be placed in the temporary evidence refrigerator.
3. The property/evidence custodian will accept all evidence if tagged and logged in the evidence section of the report. However, if the evidence is improperly packaged, marked, or handled by the submitting officer, the evidence custodian will notify the officer's immediate supervisor to correct the mistakes. In every case, every effort will be made to maintain the integrity of the evidence and the chain of custody.

C. Call-in of Evidence Room Personnel

If, in the opinion of the submitting officer or a supervisor, the property is of great value or potentially vulnerable to claims of tampering (such as a large quantity of narcotics evidence), the property/evidence custodian or another designee may be called in from home to secure the evidence in the property room or internal locker.

D. Property / Evidence Log

All property will be logged into the property and evidence function and agency records by the evidence custodian as soon as possible. **(GLECP 7.8c)**

V. PROPERTY AND EVIDENCE COLLECTION PROCEDURE

All TCSG law enforcement agencies will diligently follow forensic methods of obtaining and protecting evidence. All officers are responsible for the collection and preservation of evidence. Additionally, they are responsible for maintaining and documenting the chain of custody of all evidence collected. In a complex or high-profile case, the College Chief of Police will decide whether other agencies with more sophisticated forensic equipment need to be called for assistance.

A. Processing Physical Evidence in the Field

The officer's priority during the collection of physical evidence is to collect and preserve any evidence that may be contaminated during the search or has a potentially limited life span.

When collecting evidence at the crime scene for laboratory analysis, the amount needed will depend upon the type of evidence and the tests to be conducted.

For proper evaluation of stains by laboratory technicians, control samples should be submitted in addition to the collected stains. For example, a stain on a waxed surface should be collected by scraping beneath the stain. In addition, unstained

portions should be collected and identified as control samples. The integrity (an unimpaired condition) of the control sample must be preserved as carefully as that of the evidence.

B. Responsibility of the Reporting Officer (GLECP 7.8)

The first officer at a crime scene is responsible for securing that scene from all nonessential personnel. The scene must be secured as soon as possible to prevent the loss of evidence. The officer securing the scene should initiate a supplemental report form listing the time, name, and reason for all personnel who enter the crime scene. All personnel at the scene will not disturb, touch, or handle physical evidence unless a danger exists that the evidence will be lost or destroyed prior to processing by an evidence technician, investigator, or traffic officer. Should such a situation arise, it becomes the responsibility of the first responding officer to mark, seal, tag, log, and preserve the evidence.

Depending on the nature and complexity of the crime or incident, the person(s) who responds to a crime scene or incident to process the scene will be responsible for photographing, collecting, preserving, transporting, and submitting all evidence to the evidence function. All evidence obtained will be marked, sealed, tagged, logged, and submitted to the evidence function by transferring custody to the evidence custodian or placing it in a temporary evidence locker as soon as possible and before the end of their tour of duty.

The evidence custodian will complete the standard laboratory request form for all evidence that requires comparison or analysis. This request will be submitted with the evidence as it is turned over to the GBI Crime Laboratory. The procedures used for collecting and preserving all evidence will be in conjunction with procedures established by the GBI Crime Laboratory.

In addition to inventory requirements, the person(s) who processes a crime/traffic collision scene is to prepare an incident report detailing the circumstances by which the property came into the agency's possession, describing each item of property, the property received, and/or the processing of the crime/traffic collision scene to include the following when applicable:

1. Date and time of arrival at the scene
2. Location of the crime
3. Name of the victim(s), if known
4. Name of the suspect(s), if known
5. Narrative of the reporting person's actions at the scene
6. Action taken at the scene, including the number of photographs taken and measurements (yes or no and reference to sketch)
7. Report reference number
8. Items are taken into property /evidence.

If a specialist from outside the department is used, the date and time of the request and the requesting officer's name will be added to the investigation synopsis. All information obtained by the specialist will be documented with the evidence technicians or incident report. If the specialist has their report, a copy will be attached to the incident report.

The exact responsibilities for accurate crime scene reporting also apply to traffic officers when completing an incident report/accident report supplemental to a severe or fatal accident investigation.

C. Collection of Blood and/or Urine for DUI Investigations

In any arrest or investigation for driving under the influence (DUI) of alcohol and/or drugs, the appropriate BAC kit for collecting blood or urine will be utilized.

The suspect should be taken to a location where qualified personnel will either draw blood and/or collect urine and complete the paperwork included in the collection kit. The collection kit will be returned to the officer sealed; the officer then will transport the kit back to the police department. The officer is to ensure the person obtaining the sample prints and signs the evidence form and, initially, the collection kit. Their name should also be included in the report. Finally, an evidence entry in the report will be completed for all kits and placed in the temporary evidence refrigerator.

Blood and Urine samples/evidence will be stored in the secured evidence refrigerator. The refrigerator shall be located in the property and evidence storage area or temporary evidence storage area, and the refrigerator shall have a lock on it. Any agency that does not have an evidence refrigerator shall obtain an MOU with a local agency for storing evidence that needs refrigeration in that agency's evidence refrigerator. The local agency's refrigerator shall have a lock in a secure area with limited access.

The property/evidence custodian will transfer all evidence in the temporary evidence lockers and/or refrigerator into the evidence room as soon as practical. The property/evidence section in records management must be properly filled out so that the evidence is listed in the master property log, and the evidence custodian can submit the specimen to the crime lab.

D. Collection of Blood and /or Other Bodily Fluids at a Crime Scene

Blood, urine, semen, and other body fluids will be collected at a crime scene, where they are found by evidence technician(s) or investigator(s) trained in collection procedures established by the GBI Crime Lab.

All specimens collected in liquid form will be transported to the GBI Crime Lab or maintained in the Property & Evidence Room refrigerator. The evidence custodian will ensure the kit(s) are transferred to the GBI Crime Lab as soon as possible.

All specimens collected will be marked, sealed, logged, and tagged as appropriate to identify and preserve them for analysis.

E. Latent Fingerprints

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

Latent impressions developed with fingerprint powder should be photographed on the original object. After being photographed, they may be lifted. The lifted print is to be placed on a latent fingerprint investigation card, and the following information is listed:

1. Place of occurrence;
2. Offense type;
3. Offense date;
4. Date/Time processed;
5. Investigator name; and
6. Case number.
7. Location prints were lifted from (i.e., driver's door)

Latent impressions developed through other optical, physical, or chemical processing methods should be photographed with a high-resolution digital camera. A scale must be included in the image on the same plane as the impression, and the camera must be set at right angles to the impression.

Latent prints developed and collected will be reviewed to determine if they are suitable for comparison. Suppose it is determined that the print in question is ideal for comparison. In that case, the lead investigator will complete a submission form for the GBI Crime Lab or a local agency that provides latent print identification services.

When requesting a comparison of latent prints with fingerprints of a known suspect, the requesting officer will include available exemplars, including finger and palm prints and/or the suspect's State ID (GASID#) or FBI#.

Suppose

a latent print is developed and collected, and no known suspect information is available. In that case, the impression should be submitted to the GBI Crime Lab or a local agency that provides latent print identification services with a request to search the impression against the AFIS database systems. If the impression is not identified through a database search and the lead investigator needs the impression to be registered to the unsolved latent database, a set of comparison prints should be obtained from the victim so that eliminations can be done prior to registering the impression to the AFIS unsolved latent database.

F. Other Items Collected as Evidence

1. Wet Items

Wet clothing collected as evidence should be submitted to the evidence custodian to be dried in a secure area in the evidence room. The evidence will be packaged and sealed as soon as it is dried.

Documents that are wet for any reason will be handled in the same manner as wet clothing.

2. Firearms (**GLECP 7.8f and 7.9a**)

All firearms must be submitted on a separate property entry, unloaded, with the ammunition packaged separately. All firearms will be checked for theft through the GCIC/NCIC computer by the submitting officer and should have the NCIC printout included in the case file or CAD notes identifying the weapon's status. All firearms will be stored in a separate secure location in the property and evidence storage area for added security.

3. Drugs

Controlled substances (drugs) submitted to the property and evidence storage area will be counted, if appropriate, by the submitting officer. Each material container will be marked with the count, the officer's name performing the counting, and the date.

The property entry will list all drugs, including the number of containers and pill/tablet count.

All drugs submitted to the property room for testing by the GBI Crime Lab will be sealed first in a plastic bag and then placed in an evidence bag. The contents of each bag will have a separate property entry. Wet material (i.e., mushrooms or marijuana plants) must be dried prior to packaging.

All liquids submitted for drug identification analysis shall be packaged in leak-proof containers. All solid samples over 1 kilogram (~2 lbs.) will be submitted with either a plastic container or box with reinforced seams as the outer container.

Drug evidence will be secured in a safe or another lockable storage container in the property/evidence room as an extra security measure until the property/evidence room technician takes custody of the property.

4. Cash (**GLECP 7.8f**)

All money submitted will be counted by both the submitting officer and a witness. All money will be sealed in an evidence bag and labeled separately upon submission to the property room. The property entry must identify the amount of money, who submitted it, and who verified the count.

Cash evidence will be secured in a safe or another lockable storage container in the property/evidence room as an extra security measure until the property/evidence room technician takes custody of the property.

5. Explosives

No explosives, dangerous chemicals, nuclear material, or ammunition greater than .50 caliber will be submitted to the property/evidence room. Once recovered, these items should be turned over to the GBI Explosive Ordnance Disposal (EOD) Team or another specialized agency. All such items are to be photographed and disposed of according to procedures and regulations specified by EPD and EOD. The items will be handled by the specialized agency requested at the scene.

6. Perishables

Refrigerators are located in the property room and temporary property holding area to preserve perishable items such as urine specimens and blood samples. The temporary storage refrigerator will be locked at all times and only be unlocked by the evidence custodian to transfer evidence to the evidence room.

7. General Evidence

All other evidence, such as televisions, tools, and other miscellaneous items,

will be bagged and/or tagged depending on the item's size. The evidence bag and evidence entry will be completed and placed in the secure temporary storage lockers. Objects such as knives or glass must be packaged in boxes or other suitable containers, which prevents loss or damage to the evidence and minimizes potential safety hazards.

8. Computer Equipment and Data Storage Devices

When criminal investigations involve the seizure of computer equipment or electronic data storage devices, the proper method of collecting and preserving hardware, software, and data files is of paramount importance.

- a. Personnel shall follow these general procedures:
 - i. Immediately restrict access to the computer equipment, electronic data storage device, and the surrounding area to necessary personnel.
 - ii. Photograph the scene, including the computer/device and any peripheral equipment.
 - iii. Preserve the scene due to possible latent fingerprint evidence.
 - iv. Search the immediate area of the computer/device, paying special attention to any notes, information, or passwords the suspect may have written.
- b. Personnel collecting standalone computers shall follow these specific procedures:
 - i. If the computer is off, DO NOT turn it on.
 - ii. If the computer is on, DO NOT turn it off.
 - iii. Personnel must first remove the power cord from the rear of the computer and then remove the power cord from the outlet. If a laptop computer does not turn off in this manner, then locate and remove the battery pack.
 - iv. To enable accurate reassembly later, employees shall clearly label all connections to and from the computer.
 - v. Properly package all components and keep them away from magnets, radio transmitters, and other potentially damaging elements.
- c. Personnel collecting storage media or computer software should notate the item's location. The item must also be protected from magnets, radio transmitters, and other potentially damaging elements.
- d. Personnel collecting cell phones, digital notebooks, and digital cameras shall follow these specific procedures:
 - i. If the device is off, DO NOT turn it on.
 - ii. If the device is on, DO NOT turn it off. Instead, leave the device on; powering down the device could enable a password.
 - iii. If the device is charging, remove the power cord from the rear of the device and then remove the power cord from the outlet.
 - iv. Collect all cables and attempt to keep the device charged.
 - v. If the battery is removed, data may be lost.

VI. DOCUMENTING THE CRIME SCENE

In incidents involving a violent crime, arson, theft of significant amounts of property, or extensive property damage, TCSG Law Enforcement agencies should enlist the assistance of the Georgia Bureau of Investigation or a local law enforcement agency with personnel trained and experienced in Crime Scene Processing and Evidence Collection.

In the event a TCSG Law Enforcement agency handles all or some aspects of crime scene documentation and evidence collection, the following procedures will be used:

A. Crime Scene Sketches

Crime scene sketches are prepared to supplement notes and photographs and to provide accurate measurements of the sizes and distances of objects and their relationship to other objects. A rough sketch will be completed at the crime scene, accurately showing pertinent evidence's locations and relationships. The sketch should include any bodies, weapons, tools, or other objects used in the commission of the crime. Basic elements that should be included in the crime scene sketch are:

1. Dimensions;
2. The relation of the crime scene to other buildings;
3. The address, floor, or room number;
4. The location of significant features of the scene, including the victim;
5. The date and time of preparation;
6. The name(s) of the investigator(s) preparing the sketch;
7. The direction of North;
8. The location of physical evidence recovered; and
9. Legends describe items too small or too difficult to duplicate in their exact shape or scale.

After a rough sketch has been completed, this information will be recorded on a final sketch. Both sketches will be attached to the investigator's case file folder.

B. Crime Scene Photography/ Video

Crime scene photography and video recordings may be utilized as a comprehensive aid to clarify and supplement written reports, to provide a permanent record of fragile or transitory evidence, and to identify persons at the scene.

1. Photographing the Crime Scene

The crime scene will be photographed systematically to guarantee a visual image of the entire crime scene and minute or circumstantial trace evidence.

Overall, crime scene photographs encompassing the geographical area and adjacent tract of land should be taken. These photographs should be taken from a distance, including the entire area involved in the crime scene.

The scene should reflect the location of the crime scene's evidence, weapon, body, or other pertinent details. Clockwise photographs should be taken to ensure sufficient detail is obtained and to tie the crime scene together to tell the court the total circumstances surrounding the crime.

Close-up photographs will identify and record individual items or small sections of larger items. Depending on the item's size, these photographs will be taken from one (1) to five (5) feet. The item should appear in the full-view photograph to show the relationship to other objects.

1 to 1 photograph with and without scale will be taken of latent prints, footwear impressions, tire impressions, blood stains or patterns, tool marks, hair and

fiber evidence, and any other items of trace evidence that would not normally appear in other photographs.

Artificial light in the form of floodlights or electric flash may be necessary for dark or poorly lit areas.

When appropriate, videotaping may supplement, but will not replace, still photography at a crime scene to properly record elements that are not easily depicted in a photograph.

2. Recording Photography / Video Information

The photography/videotaping of any crime scene is the officer's responsibility. However, the photographer/video camera operator will maintain a record of photographic /video data that should include the following information when applicable:

- a. Type of complaint;
- b. Complainant or victim;
- c. Address of complainant or victim;
- d. Suspect (if known);
- e. Suspect's address (if known);
- f. Date/time photographs taken;
- g. Name / ID # of photographer/video camera operator;
- h. Name / ID # of requesting officer/investigator;
- i. Address where photos/videos were taken.

3. Photographs and Video storage

The officer assigned to a case shall be responsible for any photographs taken of the scene before removing any evidence. Once the pictures are downloaded to the report, officers will delete the pictures from the camera's memory devices.

The evidence custodian will also store and safeguard all videos entered into evidence.

Departmentally issued digital cameras or cell phones will be used to take any necessary photographs.

Suppose photographs/video/audio is recorded. In that case, a supervisor will ensure that the photos/video/audio are promptly downloaded onto a secure computer or digital storage device and deleted from the cell phone, personal camera, or audio recording device.

Under no conditions will it be permissible to share photographs, video, or audio recordings taken for evidentiary purposes by text, email, or social media without the permission of the College Chief of Police.

VII. Submission of Evidence to the Property/Evidence Room and Crime Lab

(GLECP 7.9 a, b, and c)

NOTE: See the GBI Crime Lab Service Manual (<https://dofs-gbi.georgia.gov/service-manual-0>) for additional information about submitting evidence to the GBI Crime Lab.

All evidence is to be secured in the property and evidence storage area as soon as practical to preserve the chain of evidence. Non-perishable evidence will be secured in the property room until it is transferred to the GBI Crime Lab. Perishable evidence is defined as fresh blood, bloodstained objects, other physiological stains and tissue, and biological materials that have not or cannot be dried.

A. Blood (wet specimen):

Fresh (wet) blood will be collected using swabs, air dried, placed in a swab collection box or brown paper bag, sealed, marked, tagged, and stored in an environmentally controlled property room. Any items that cannot be dried, such as tissue samples or items heavily saturated with blood, should be packaged in appropriate biohazard containers and refrigerated or submitted to the Crime Lab as quickly as possible. Heat, humidity, and sunlight have destructive effects on blood and DNA. Therefore, all efforts should be made to dry items stained with biological fluids and to package the items in appropriately sized paper-based packaging.

Blood samples taken from living victims and suspects will be placed in an approved container. Properly seal and label the tube with the suspect's or victim's name, date, name, or initial of the investigator and the doctor or medical technician who draws the sample. Keep blood samples refrigerated. DO NOT FREEZE. Blood samples must be delivered to the Crime Lab as soon as possible.

To obtain maximum value from blood and bloodstain evidence, the Crime Lab should have a known DNA reference sample (i.e., buccal swab) from both the victim and the suspect. This is necessary to provide a DNA comparison to DNA profiles obtained from evidence samples.

B. Dry blood:

Whenever possible, the entire object with the blood stain should be submitted. When the blood stain is located on a wall, floor, or another object that cannot be submitted, one of the following procedures should be utilized:

For bloodstains appearing on fixed objects or an object too bulky to transport to the laboratory, the officer will cut off that portion of the object bearing the stain, if possible. Bloodstains on objects that cannot be cut, such as concrete floors or metal safes, may be collected by moistening a swab with saline or sterile water. In addition, a secondary dry swab may be used to maximize the sample collected. The swabs should be air-dried and placed into a swab collection box or a brown paper bag.

C. Bloodstained Materials:

Bloodstained articles should not be packed for submission to the State Crime Lab until thoroughly dried at room temperature. The clean paper should be placed under the drying object to catch any falling trace evidence. When the object is dried and ready for packaging, the paper should be carefully folded to secure the trace evidence and placed in the wrapping with the article in a paper bag. Multiple items must be packaged individually to avoid contamination.

D. Other Stains, Tissues, or Biological Material:

Other stains can be collected using the procedures described for wet and dry blood. Articles bearing semen stains should be allowed to dry before being packaged.

All other body fluids, including saliva, urine, sweat, pus, human milk, nasal mucous, and tears, will be handled with the same precautions as blood and semen.

E. Body Tissue:

Body tissue must be collected and placed in a plastic specimen container, capped, sealed, marked, tagged, refrigerated [for preservation](#), and in the property room refrigerator.

F. Other Bodily Fluids:

Seminal fluid deposited outside the body on sheets, garments, furniture, etc., is excellent scientific evidence because of the lack of competition from vaginal secretions. These should be collected for examination if seminal stains are present on bed clothing. Only collect the mattress pad if there is a sheet on top of the pad. If seminal stains are still wet, these stains should be circled just outside the boundary of the stain and noted to the Crime Lab serologist who receives the case.

Dried semen on immovable objects should be collected using a wet and dry swab technique. The first swab moistened with saline or sterile water is used to help loosen the stain and collect the stain. The second dry swab is then used to collect the remainder of the stain. The swabs should be thoroughly air-dried before packing them into a swab collection box or brown paper bag.

G. Hair/Fiber

Known head hair samples will be placed in a zip-lock or sealable plastic bag. Loose/individual fiber samples will be packaged in the same manner as hair.

H. Collection of Known Standards for Comparison

When the following types of physical evidence/trace evidence are collected from a crime scene, a known standard sample should be collected whenever available for comparison by the GBI Crime Laboratory. The location from which the samples are taken is critical for the Crime Laboratory and should be documented on the lab and/or evidence technician reports. All comparison standards will be collected per procedures established by the GBI Crime Laboratory.

1. Blood
2. Hair
3. Fibers
4. Paint
5. Glass
6. Plastic
7. Tool marks
8. Footwear

I. Responsibility for Requesting Lab Examinations

The officer assigned to the particular case will be the lead investigator responsible for requesting laboratory examinations. The lead investigator will inform the property/evidence custodian of the examination(s) they want to be completed. The

property/evidence custodian will complete the crime lab submission form and forward the submission form with the evidence to the Georgia Bureau of Investigation (GBI) Crime Lab.

J. Custody Information on Evidence Submitted to the Crime Lab

To maintain a record of physical evidence submitted to a laboratory for examination, the following information is required:

1. Name of an officer last having custody of the item;
2. Date and time of submission or mailing, and method used for transmission;
3. Date and time of receipt in the laboratory;
4. A copy of the submission form with a GBI Lockbox time stamp or the name and signature of the person in the laboratory receiving the evidence if the GBI evidence lockboxes are not used; and
5. The GBI Crime Lab Report documenting the requested testing results will be posted on the GBI DOFS web page when completed. The report can then be downloaded and attached to the incident report or printed and placed in the case file.

K. On Call Evidence Collection

Response to calls for service where a crime has been committed involving physical evidence requires that such evidence be collected promptly and submitted to the laboratory without delay. If a major crime scene requires experts or specialized assistance in evidence collection, the Georgia Bureau of Investigation (GBI) or a local law enforcement agency should be called to assist.

VIII. PROPERTY and EVIDENCE STORAGE MANAGEMENT/SECURITY

The purpose of this section is to provide for the management and control of found, recovered, and evidential property that comes into the custody of a TCSG Law Enforcement Agency and to establish an evidence management system that will ensure a traceable chain of custody and strict accountability with respect to the handling, security, and disposition of evidence.

A. Responsibility

Each TCSG Law Enforcement Agency Evidence Custodian is responsible for managing and controlling all evidential property directed to them for safekeeping. As a part of this responsibility, accurate records will be maintained. The property will be stored, released, and disposed of according to policies and procedures outlined in this procedure and O.C.G.A. 17-5-54. Responsibility for in-custody and evidential property management functions is assigned to an individual to be designated by the College Chief of Police.

B. TCSG Law Enforcement Agencies will store all evidence recovered or any property found or held by the agency within designated secured areas. Access to secure designated storage areas will be limited to authorized personnel.

1. Additional access to the evidence room can be permitted only by accompanied access with the evidence custodian.
2. An entry log must be maintained, and an entry must be made into the log prior to access to the area for all persons not authorized to enter the evidence room.

C. Inspections and Audits of Property and Evidence Function (**GLECP 7.12a, b, c, d**)

The following documented inspections, inventories, and audits will be conducted and presented to the Chief of Police:

1. Semi-annual inspection- The person in charge of the property and evidence control function or their designee will conduct a semi-annual inspection to determine adherence to procedures used for the control of property. The inspection will be a formal written review and will address the following at a minimum:
 - a. The ability to maintain the integrity of the property.
 - b. Agency compliance of policies, procedures, and/or other directives.
 - c. Ability to protect property and evidence from damage and/or deterioration.
 - d. Proper accountability procedures are being maintained.
 - e. Property having no further evidentiary value is being disposed of promptly.

All corresponding documentation will be attached to the review and submitted to the Chief of Police for review and signature approval. A signed copy will be provided to the certification manager.

2. Transfer of Custody Audit- An inventory of property will occur whenever the person responsible for the primary control of the property and evidence function is assigned and/or transferred from the position and is conducted jointly by the newly assigned property and evidence custodian and a designee of the Chief of Police to ensure records are correct and properly annotated. An inventory requires a 100% listing and accountability of all high liability items maintained by the property and control function. The inventory will also include a sampling of 10% of all other property maintained by the agency and a review of this policy.
3. Annual Audit- The Chief of Police will appoint an auditor who is not routinely or directly connected with control of property and evidence to conduct an annual audit of the Evidence Room to ensure that the security, accuracy, and integrity of all evidence is being maintained. The purpose of this audit is to ensure the continuity of custody and not require the accounting of every single item of property. This audit will be a significant random sampling of all property, including high-risk items, to satisfy the Chief of Police that all items are properly accounted for. The minimum sample size for the audit shall be 10%, or 250 total pieces (whichever is lower) of all property. This audit will be conducted in the presence of the evidence custodian. Upon completion, the auditor will submit a report to the Chief of Police and will include the following:
 - a. Documentation of items inspected and inspection of the property log; ensuring property and evidence received have been properly logged.
 - b. An examination of the property receipts to ensure chain of custody and that property and evidence have not been lost or checked out for an unreasonable amount of time.
 - c. An examination of the disposition files and property log to ensure property and evidence is being disposed of properly and in a timely manner.
 - d. The certification manager will be provided with a signed copy of the completed report.

Note: If any items are found to be missing, the Chief of Police or designee will initiate a written action plan to correct the deficiency. The plan will be implemented and submitted to the Chief of Police. At any time where inspections indicate a need, or

at the discretion of the Chief of Police, a 100% audit may be ordered.

D. Temporary Storage and Security

When the property room is closed and no authorized person is available to log property into the property room, officers will temporarily store property in the designated secured areas as specified in this directive.

1. Temporary property storage areas include:
 - a. The temporary evidence storage lockers are located in the police department. This area is restricted to police department personnel only and under no circumstances will unaccompanied non-police personnel be allowed access to the property storage areas; and
 - b. The temporary evidence storage refrigerator is also located in the temporary evidence. This refrigerator temporarily stores perishable evidence, such as blood, urine, or other bodily fluids.
2. Property placed in the temporary evidence storage area must conform to the same standards and procedures outlined in this procedure for receiving property or evidence.
3. The lock will be secured when the property is stored and secured in temporary evidence storage lockers or the refrigerator. The property/evidence custodian maintains the key and will retrieve the property/evidence as soon as possible and transfer the evidence into the designated secure evidence storage areas. The evidence will then be transferred to the Crime Lab or be maintained in one of the designated certain evidence storage areas.

E. Evidence Room Security

All property stored at a TCSG Law Enforcement agency will be within a designated secure area, with access limited according to the need for access and security. The following measures will be taken to ensure that all in-custody property and evidence is stored within designated, secure areas:

1. The property and storage area will be secure within the TCSG law enforcement agency's office space. It must meet the following criteria:
 - a. A room, or a secure area inside of a room, that is only accessible by those listed designated in # 3 below.
 - b. The room should have no exterior doors or windows.
 - c. There should be ample space to provide secondary lockable storage devices or a secure area inside the room to store firearms, drugs, and money.
2. Only authorized persons conducting custodial property transactions may enter the property room area;
3. The following persons may only access the property room.
 - a. Property/evidence custodian;
 - b. Chief of Police and/or designee.
4. Only the designated individuals will have access to keys and/or the combination to the storage areas within the property room. These areas will only be unlocked or opened when items are being placed in or taken out of the secured area; and

5. The property and evidence storage area will be kept closed and locked whenever authorized personnel are not physically in the room.

F. Increased Security (**GLECP 7.9a**)

Extra security is required inside the property and evidence room for storage of high liability items. This may include a caged area, locked safes, etc., within the evidence room. High liability items include (at a minimum) drugs, money, jewelry, guns and precious metals and stones.

1. Money

All money submitted to the property room will be sealed in a container, properly marked, and tagged separately. The tag must identify the amount of money and bear the signature of the submitting employee and witness who verified the count. Money must be appropriately packaged or tagged to be accepted into the custody of the property room. The property custodian does not need to open the sealed package to verify the contents or amount, only to note that it has been properly packaged and tagged. Money submitted to the property room once logged in, will be secured inside one of the lockers in the property room. Unless the money is to be held for evidence, it must be placed in a bank account as soon as possible.

2. Precious Metals or Gemstones

Once logged in, precious metals or valuable gemstones will be secured inside one of the separate storage devices in the property storage area.

3. Narcotics and Dangerous Drugs

All drugs (including, but not limited to, narcotics, hallucinogens, and narcotic implements) submitted to the property room, either as found, confiscated, or evidence, will be sealed in a plastic bag or container. Each bag or container will have a separate property receipt. In addition, the following inspection, quantity, and quality control measures will be followed when submitting narcotics and/or drugs to the property room:

- a. Narcotics evidence is to be placed in clear plastic bags and then placed in an evidence bag and sealed by the submitting officer.
- b. Pills and capsules will be counted with the count noted on the property receipt.
- c. Scales will be made available to officers, and all officers are to weigh any narcotics or drug evidence submitted for storage or processing. Gross package weights will be taken after the evidence is packaged and sealed and will include the package in the weight.
- d. Although gross package weights should be done as accurately as possible, they should only be used as quality control, not as an exact weight or for evidential purposes.
- e. The property custodian is not required to open the sealed bag to verify the weight or count, only visually inspect to note that it has been properly sealed.
- f. Once correctly logged into the property room, dangerous drugs will be secured and stored inside the drug locker in the property room.

4. Weapons

All weapons received by the property room will be made safe by unloading, and each will have a separate property receipt. If not unloaded by the submitting officer, the College Chief of Police will be notified. Additionally, the submitting officer must check all weapons for stolen wants through GCIC / NCIC, and this check must be noted on the property entry and/or in the incident report.

G. Prohibited Items

No explosives, dangerous chemicals, unknown biological specimens, nuclear material, or other dangerous material or property will be accepted into the property storage area.

H. Release of Property

1. Temporary Release (GLECP 7.9c)

Property or evidence may be temporarily removed from the property and Evidence Room for:

- a. Transmittal to the GBI Crime lab for examination
- b. Examination by the prosecuting attorney
- c. Presentation in a trial or hearing
- d. Release to an officer to be shown to a victim or possible owner.

2. For Release to Court

Any time an officer needs to take evidence to court, they will sign out evidence. The original records will be retained in the property room. The officer will take a copy of the property and evidence record to court.

- a. If the court retains the property, the bailiff or court clerk will sign the form which the officer brought to court. The form is then returned to the property room.
- b. When items are returned to the property room after court, the officer returning the item will sign, indicating the property was returned.
- c. When items are returned directly by the court, the court employee will sign acknowledgement. A record will be maintained to document the transfer of custody of the property and/or evidence and will include the following information, where applicable.

3. Permanent Release

Property or evidence may be permanently removed from the Property and Evidence Room for:

- a. Transmittal to the Crime Lab for examination and storage.
- b. Examination by the prosecuting attorney and storage.
- c. Presentation in a trial or hearing and permanent storage.
- d. Release to an officer of another department.
- e. Return to an owner, victim, or other claimant.
- f. Sale, retention for use, or discarded/destroyed as authorized by law.

Whenever property or evidence is either permanently or temporarily removed or released, the Property and Evidence Officer will ensure that all records, documents, property/evidence control records and files reflect the release or removal.

I. Removal or Release of Property

The final disposition of found, recovered, and evidential property must be accomplished within six (6) months after legal requirements have been satisfied. Items being held as property/ evidence may be removed or released by one of the following methods:

1. Return to the Rightful Owner (**GLECP 7.9b**)

The officer shall make an effort to identify and notify the owner or custodian of property in the agency's custody before submitting it to the P&E function. If contact cannot be made, the Evidence Custodian will have the burden of trying to identify and notify the owner or custodian.

2. Release to Finder

Found property (other than contraband) may be released to the item's finder if the rightful owner is unknown or cannot be located. If the owner cannot be found or is unknown, the property may be released to the finder after ninety (90) days, and the owner has yet to claim the item. Due to ethical considerations, the potential conflict of interest, or perceptions of conflict of interest, employees of the police department may not claim property found by them and submitted to the property room, regardless of the circumstances.

3. Contraband / Forfeited Property

Property forfeited to the police department pursuant to State or Federal law or any other municipal ordinance will not be released to its owner or finder. Instead, the Chief of Police will request that court orders be prepared to describe the forfeited property and outline its disposition. Contraband will be handled the same as forfeited property and disposed of in accordance with State or Federal law and local ordinance.

4. Evidence

Evidence will be released once cleared for release and when the court and evidential requirements are satisfied. It is the responsibility of the investigating officer to promptly notify the evidence custodian when the case has been completed.

5. Weapons

Dangerous weapons held as evidence may only be released after the court case is disposed of and with permission of the investigating officer, the prosecutor, and the College Chief of Police. Additionally, firearms must be checked Through GCIC / NCIC and with ATF for stolen property, and the owner must be checked through GCIC for a felony record. If the owner has a felony record as outlined under State law, they are to be notified that the weapon cannot be released to them.

6. Money

Upon releasing money, the releasing officer will open the sealed package in the presence of the owner or finder and count the contents with the owner/finder. If there is any discrepancy, the College Chief of Police should be notified

immediately. The person receiving the money must sign a property release form. Money that is found and unclaimed or forfeited under the provisions of State or Federal law will be disposed of in accordance with this procedure and requirements of law.

IX. FINAL DISPOSITION OF PROPERTY AND EVIDENCE

- A. The disposition of all personal property seized by law enforcement is subject to Georgia Code 17-5-54.
- B. Only authorization for the destruction or disposal of personal property may be given once the application is made to the Superior Court and the order is granted.
- C. All personal property in the custody of a law enforcement agency, including personal property used as evidence in a criminal trial, which is unclaimed after 90 days following its seizure, or following the final conviction in the case of property used as evidence, and which is no longer needed in a criminal investigation or for evidentiary purposes shall be subject to disposition by the law enforcement agency.

The Chief of Police shall make an application to Superior Court for an order to retain, sell, or discard such property. In the application, the Chief of Police shall state each item of personal property is to be retained, sold, or discarded. Upon Superior Court's granting an order for the law enforcement agency to retain such property, the law enforcement agency shall retain such property for official use. Upon Superior Court's granting an order which authorizes that the property be discarded, the law enforcement agency shall dispose of the property as other salvage or non-serviceable equipment. Upon Superior Court's granting an order for the sale of personal property, the TCSG Law Enforcement will dispose of the property according to the Georgia Department of Administrative Services regulations.

- D. Disposal/Destruction of Property: When a case involving evidence is adjudicated, it will be the responsibility of the evidence custodian to research the case and make a request to the Chief of Police and Superior Court Judge for the disposal of property. After the officer has notified the owner that the property can be returned, the officer will advise the property/evidence custodian that the property can be returned. After this determination, a list will be prepared of items to be destroyed and forwarded to the Chief of Police for his approval and signature.

Once this list is returned authorizing the destruction of evidence, the evidence/property custodian is to destroy this evidence in accordance with approved procedures:

1. Contraband, controlled substances, dangerous drugs, and marijuana shall be destroyed by fire at an authorized incinerator designated by the Chief of Police. Two witnesses shall observe the destruction of the contraband.
2. Biological items shall be placed in a biological container and turned over to a facility equipped for the destruction or disposal.
3. When a property/evidence custodian member destroys or disposes of evidence, he is to appoint two witnesses to observe this destruction and to sign off on the form as to the destruction of the evidence. This is not only to ensure the integrity

of the property/ evidence custodian but provide an additional witness should any questions arise.

4. If the firearm is linked to some criminal proceedings, the weapon will be returned to the rightful owner (O.C.G.A. 17-5-52) after the proceedings are complete. However, if the rightful owner is not identified, State law requires all other unclaimed firearms must be handled in one of two ways (O.C.G.A. 17-5-54).
 - (a) Firearms certified as unsafe because of wear, damage, age, or modifications, OR Federal and/or State law prohibit their sale and distribution, the weapon may be transferred to a City/County or GBI Forensic Laboratory for training or experimental purpose, or it must be destroyed.
 - (b) All other unclaimed firearms must be sold through a bid process to persons holding a federal firearm license (FFL) (18 U.S.C. 921).
 - (c) Federal law prohibits the sale of firearms with defaced serial numbers or that have been illegally modified (sawed off). This includes sales to an FFL holder (18 USC 922 k). These weapons must be destroyed.
 - (d) Specific records must be maintained on each weapon taken into their custody that include:
 - i. How the firearm came into the agency's custody;
 - ii. Description of the firearm;
 - iii. All efforts to contact the owner;
 - iv. Any case or docket number;
 - v. Dates of publication in any newspaper notices;
 - vi. Date the property was sold or destroyed; and
 - vii. Records of the proceeds from the sales into the general fund.

A complete listing of each weapon to be destroyed, including make, model, and serial number, will be made and sent to the Chief of Police for approval. After this approval, an order for destruction will be issued, and the weapons destroyed with a witness as outlined above.

4. After the property is destroyed, the evidence/property custodian will submit a report of the destruction of listed items signed by both the property/evidence custodian and the witness. This form will be returned to the investigating officer and placed in the case file. The property report form will be annotated to show the disposition of the property.
5. Should any property not be destroyed, a list of this property and an explanation as to why it was not destroyed will be forwarded to the Chief of Police.
6. Every year, the property/evidence custodian will purge all evidence/property maintained in the evidence room and determined to be abandoned, unclaimed, or otherwise not necessary for further retention.
7. If the property owner can be identified, the property/evidence custodian will attempt to notify the owner by letter or telephone advising that the property will be disposed of if not claimed within 30 days.
8. Periodically, evidence and property may be utilized for training purposes. However, only in cases adjudicated in a court of law may evidence and property be used for demonstration and training. The instructor must first request the evidence

custodian prior to the required date to retrieve the property/evidence. The evidence custodian will then check the status of the requested items before retrieving them. Once the evidence/property has been retrieved, custody will be turned over to the requesting instructor after signing for it. If the item(s) requested are controlled substances, they will be given to the instructor in a sealed evidence bag that the instructor will not open. Once the instructor finishes the item, it will be submitted back to the property/evidence per this policy.

E. Sale of Unclaimed Property

After obtaining a signed order by a Superior Court Judge allowing for the sale of unclaimed property, the procedures for the sale of surplus property established by the Georgia Department of Administrative Services will be followed for the sale of those items.

**SPECIAL INSTRUCTIONS GEORGIA LAW ENFORCEMENT CERTIFICATION PROGRAM
(GLECP) STANDARDS INCLUDED: 7.8 a, b, c, d, e, f; 7.9 a, b, c; 7.10; 7.11; 7.12 a, b, c, d**

This policy is for the Law Enforcement Agencies of the Technical College System of Georgia use only and does not apply to any criminal or civil proceeding. The policy shall not be construed as creating a higher standard of safety or care in an evidentiary sense concerning third-party claims. Violations of this policy will form the basis for departmental administrative sanctions only. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.