Evidence Custodian Basic Procedures

1. General

A. The purpose of this manual is for the preservation and disposition of evidence and property.

B. The objectives of this manual are to improve the efficiency and integrity of the handling of all property and evidence and management of the property and evidence room.

C. The intent of this manual is to provide an easy reference for the Evidence Custodian.

D. This manual constitutes an approved order of the Sheriff and is applicable to all employees.

Note: the term “custodian” in this manual always refers to the Evidence Custodian.
Evidence Custodian Basic Procedures

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1. **Basic Procedures**

Custodians must always remember that standardized methods and recordkeeping are absolutely necessary to maintain a professional evidence/property handling operation. Evidence/property is a highly visible demonstration of the integrity of the Sheriff’s Office.

The property form, submitted by the impounding officer, is the demonstrable basis of the system’s integrity. Original property forms will always remain in the custody of the custodian and are not subject to release. Property forms will only be transferred from the control of the custodian upon the permanent disposal of evidence or property.

The following are basic procedures for Evidence Handling.

**A. INTAKE**

Evidence/property may be submitted either:

A: Directly to the custodian while the Evidence Room is open during normal hours of operation or as set forth in General Order 930.2 IV for special items after hours.

Or

B: Placed in drop boxes and/or lockers outside of the Evidence Room designated for that purpose, only when the Evidence Room is closed. (General Order 930.2 section III and IV E)

The custodian will examine the item and determine if the accompanying property sheet has been correctly and completely filled out, with particular attention to the following items:

1) Status properly marked

2) **CASE NUMBER** entered

3) Owner’s information (as applicable), if no owner then victim information

4) Item description
5) Name and signature of impounding Officer

6) Date and time

If the property form is not properly completed the item will be set to the side and the impounding officer notified. The custodian will document the time and date of notification. Depending on the nature of the error, officers may phone or e-mail missing information for the custodian to add to the form. If the situation is not corrected within 48hrs the evidence custodian will send an e-mail to the officer with copies to the officer’s supervisor and the custodian’s supervisor.

Given a properly completed property form, the custodian will examine the item packaging to ensure it meets all requirements as set forth in 930.1 including the use of Haz-Mat stickers. The evidence custodian will document the intake transaction in the RMS as follows:

1. Logon onto Spillman and go the Law Incident table

2. Search by the case number from the property form. If no incident report has been entered **STOP. Incident reports must be entered before evidence is submitted** (General Order 930.2). Contact the impounding officer, inform the officer that items cannot be accepted without an incident report, set item to side (document time and date of notification). If the report is not entered within 24 hours, re-contact the officer by e-mail with a second request with copies to the officer’s supervisor and custodian’s supervisor. Further failure to conform to procedures will be addressed by custodian’s supervisor.

3. Once incident report comes up select INV (involvements)

4. Under the involvements screen you should see a property record(PR) entered

5. Note PR # (recommended it be written at top left hand corner of property form for ease of access)

6. Go into Evidence Management
7. Select “Add”
8. Enter Agency (SCSO)
9. Enter Evidence Type
10. Enter Case number
11. Enter Item # (If multiple items number items sequentially starting with item#1, and so on)
12. Enter Status
13. Enter Record # (Property record # gotten from involvement screen) This action will do some auto populating.
14. Enter description and comments. (NOTE: Evidence Item and Brand will appear on barcode label that will be printed later in this process.)
15. Enter Transaction – date and time auto populates
16. Enter Who From (impounding Officer)
17. Enter Location (according to type of evidence use drop down box)
18. Hit “Accept” (Barcode label screen will come up)
19. Print Barcode label
20. Affix Barcode label to package, print additional barcode labels for items as necessary.
21. Place labeled item on shelf – (Using black marker, write case number on package as appropriate to package type to assist in locating in future.)
22. File property form in appropriate file
B. **TRANSFERS**

The following procedure is to be used whenever evidence/property is transferred/removed from the Evidence Room and placed into the custody of someone else.

1. Pull property sheet from appropriate file.
2. Have property sheet filled out and signed as appropriate.
3. Log into Spillman
4. Go to Evidence Management
5. Search by Case number
6. Select List (when multiple items are to be searched or selected)
7. Select Clear All (if multiple items)
8. Select items wanted and select accept
9. Select Custody – shows marked items
10. Enter Transaction (drop down menu)
11. Enter Status (drop down menu)
12. Enter Location (drop down menu)
13. Enter who/from
14. Enter Reason
15. Select Accept (will mark all selected items)
16. Re-file property sheet in appropriate file. (Filed in order of transaction in either officer sign out or SLED sign out file)
C. **DISPOSAL**

Disposal of evidence/property is addressed in General Order 930.2 section VI and gives guidance in determining when property/ evidence may be disposed of and how disposals will be conducted. In order to maintain a properly functioning evidence room evidence and property must be disposed of in a timely manner according to set procedures.

Initiation of destruction procedures for evidence/property may occur from:

- follow up of the impounding officer as set forth in General Order 930.2 VI A, where the impounding officer completes the requisite disposal documentation authorizing disposal and submits said documentation to the custodian;

Or

The custodian, through research, determines that the item is eligible for disposal and notifies the impounding the officer for confirmation.

1. **Officer Notification**

Whenever the custodian determines that evidence/property is eligible for disposal the custodian will send an e-mail message through the Record Management System to the impounding officer informing the officer of the intent to dispose. The message will contain the case number, the nature of the item(s), and reason for disposal. The message will give a time limit of two (2) business days to respond.

If there is no reply to the initial message a second messages will be sent to the impounding officer with copies to his direct superior and the custodian’s supervisor. Second messages will give a time limit of two (2) business days for response. All replies requesting retention of evidence/property must have justifications included. Replies without justifications will be treated as a failure to respond.

For non-major cases, messages will include the information that failure to respond will automatically result in evidence disposal.
For major cases, failure to reply to a second message will be addressed by the custodian’s supervisor.

In cases where an investigator has been assigned, notifications will be addressed to both the impounding officer and the assigned investigator.

In cases where the custodian has determined an item is eligible for disposal and the impounding officer is no longer employed by the Sheriff’s Office, the custodian will complete the disposal and the CID commander will sign the property sheet for destruction.

The only exceptions to this procedure are: Vehicle tags as set forth in 930.2 section VI subsection 2; Evidence in cases of Simple Possession of Marijuana; and evidence in cases of Possession of Drug Paraphernalia. These items will be destroyed without officer notification once all legal and General Order requirements have been met.

2. **Disposal Documentation**

Copies of all Initial notifications, second messages and any authorizations for disposal will be attached to the original property sheet.

3. **Disposal Research**

To review evidence for disposal eligibility the property custodian must first obtain a copy of the incident report and any supplemental reports. If it is an older case this could require going to records or archives if it is not in the current RMS (Spillman).

To check Spillman:

1. go to “Law”
2. Search case number
3. Read narratives/supplements – check for charges
4. If there are charges, check involvements and record warrant numbers
5. Check for dispositions – PCMS for felonies – Spartanburg County Magistrates Court for misdemeanors (check for additional warrants)

6. If dispositions are available record them on the property sheet

7. Send out officer notification.

8. Attach copy of e-mail to property sheet

9. Re-file property sheet

4. **Authorized Disposal Procedure**

Once there is authorization for disposal of an item, either passive or active, the property custodian will execute the following procedure:

1. Retrieve property form

2. Fill out disposition of property section as required, attach authorizations as appropriate.

3. Pull up Spillman Evidence Management (as required)

4. Search by case number

5. Pull up item

6. “custodian” Should auto-populate

7. Under “Transaction” enter DES

8. Under “Location” enter either Destroyed, Auction, or Released as appropriate


10. Review, and if all information is correct select “Accept”
11. Remove item from shelf/location and place in appropriate location i.e. drug destruction box, trashcan, pickup area for auction...

12. Place property sheet in appropriate file (Disposed, drugs awaiting destruction, guns awaiting destruction, auction.

Note: Once items have been permanently removed from evidence room custody or destroyed the property sheet is sent to records.

2. **Evidence/Property-Supplementary Instructions by Type**

   **A. Blood, Urine and Sexual Assault Kits**
   
   1. Perishable evidence will be kept in the refrigerator in the evidence room designated for that purpose in accordance with General Order 930.2 V and VI.

   2. A thermometer in the refrigerator will be used by the custodian to monitor the temperature in the refrigerator and should read between 33 and 42 degrees Fahrenheit.

   3. Perishable evidence that is collected with the presumption of off-site laboratory analysis (SLED) should be transferred for processing within 30 days. Officers that fail to submit the proper paperwork within that period will be notified by e-mail by the custodian with a copy of the notification to their supervisor.

   **B. Explosives**

   No explosives or explosive evidence with any potential for detonation will be stored in any evidence room or storage area.
Explosives evidence, certified by a bomb technician as having no explosive potential, i.e. fragments, timers etc. may be stored in the evidence.

1. Fireworks
   a. Commercially produced fireworks that are confiscated shall be photographed for evidentiary purposes.
   
   b. As soon as practical, the fireworks shall be placed in a safe and secure location (such as an approved storage container, magazine or bunker) not in the evidence room.

   c. All fireworks that appear to be homemade shall be treated as explosives.

C. Dangerous Drugs

1. All dangerous drugs submitted to the evidence room will be in a sealed container separate from any other items.

2. The custodian will not open any sealed containers/envelopes containing drugs submitted to the evidence room.

3. Upon intake the custodian will only note that the item has been properly sealed, and marked as weighed or counted.

4. After intake, items requiring testing will be placed in the designated storage area of the drug storage room to await transfer to lab personnel.

5. All dangerous drugs will be stored in the designated secure area of the evidence room.
6. Any dangerous drug seized as evidence where a suspect is not identified within six (6) months will be treated as a non-major case for disposal purposes.

D. High Value Items

1. Money
   a. All money submitted to evidence will be sealed separately in a money envelope provided for that purpose and properly marked. These envelopes are available outside of the Evidence room. The property form accompanying the envelope must be on the outside of the envelope and must identify the amount of money with the count verified and initialed by the impounding officer and supervisor.

   b. Money not properly submitted will not be accepted. The Patrol or CID supervisor will be notified to correct any problems.

   c. The custodian will not open any sealed package but will note proper packaging and documentation.

   d. After intake, money submitted to the property room will be placed in the safe designated for high value items.

2. Precious Metals and Gemstones
   a. In accordance with General Order 930.2 IV K designated high value precious metal and gemstones will be placed in the safe designated for high value items.

   b. Any jewelry containing precious metals and/or gemstones designated as high value will be placed in the safe designated for high value items.
c. Designated high value items of precious metals, gemstones, and or jewelry will be packaged separately from all other evidence.

E. Liquids

1. Generic Liquids

No liquid will be accepted into the evidence room that is not in a sealed container. No liquid will be accepted, regardless of containment, if it has been identified as a hazardous material. Sealed containers will be placed in plastic bags for storage.

2. Alcoholic Beverages

a. Intake: Alcoholic beverages are to be treated the same as any other evidence collected. Whenever feasible, impounding officers should have photos taken of the beverage in question for evidentiary purposes and a sample of the beverage submitted to the lab for analysis, as opposed to having to retain the original items. The remainder may then be disposed of according to procedure.

b. Evidence tape should be used to mark the top level of the contents on partially filled containers or those containers which do not have intact sealed tops.

c. Disposal: When alcoholic beverages are no longer needed as evidence they shall be disposed of, within 30 days, by pouring down a drain in the presence of a supervisory officer.

d. Beer kegs are typically the property of the beer distributor and shall be normally returned to the proper distributor.

3. Flammable Liquids: in accordance with OSHA regulations flammable liquids will not be accepted.
F. Weapons

1. Firearms
   
a. Intake: Firearms submitted to the evidence room must first be made safe by unloading (General Order 930.2). Any instance of a loaded weapon being submitted without prior notification must immediately be reported to the custodian’s supervisor.

   b. The custodian will ensure that the firearm has been checked through NCIC and a copy of the NCIC printout is with the property form submitted by the impounding officer.

   c. The firearm shall be made safe for storage.

   d. Firearms will be placed in the appropriate box (rifle or pistol) and placed in the secure area for firearms storage.

2. Bladed Weapons

   Knives and other sharp weapons will be place in containers specifically designed for that purpose.

3. Special Duties and Procedures

   A. Disposal of Firearms

       By their nature firearms require additional safeguards for disposal. Firearms may be permanently removed from evidence custody by: returning the gun to its rightful owner; transferring the weapon to personnel authorized by the Sheriff for the use of the Office; or by destruction.
1. Return to Rightful Owner

When all legal requirements have been satisfied, firearms will be returned to their rightful owners. Rightful owners will be determined by sufficient documentation presented to the evidence custodian and proper identification of the owner. Copies of photo IDs will be made and attached to the property sheet with copies of any other documentation necessary to establish ownership. Identified owners will be checked through NCIC to ensure ability to lawfully possess the weapon in question. Copies of NCIC checks will be attached to the property sheet. Firearms used in suicides will be returned using this procedure. (note: a firearm used in a suicide by the rightful owner becomes a matter of property subject to probate. Only upon finalization of probate or upon court order can the weapon be transferred to a new rightful owner, assuming no other issue.)

2. Transfer for Sheriff’s Office Use

When all legal requirements have been satisfied, the Sheriff may determine that a firearm is to be transferred to the custody of the Sheriff’s Office for its use. The Sheriff or his designee will sign for the firearm on the property sheet with the notation of the purpose for permanent transfer.

3. Destruction

When all legal requirements have been satisfied and the firearm is not to be returned or permanently transferred, then it will be slated for destruction. The following procedures will be followed for destruction:
a. Each firearm slated for destruction will have another NCIC check done. A copy of the NCIC check will be attached to the property sheet.

b. The property sheet of the firearm will be signed by the Captain of CID authorizing destruction.

c. The custodian will go into the gun destruction program and assign the firearm a destruction number and record the make, model, serial number, caliber, incident number and any comments. The weapon will then be set aside in the gunroom to await final inventory for destruction. If possible, any semi-automatic firearm set aside for destruction will have a plastic tie secured through the breech mechanism with slides and bolts locked back and magazines removed. Revolvers will have their cylinders open and a plastic secured through a chamber of the cylinder.

d. All weapons to be destroyed will be transported for transfer to SLED for that purpose. Prior to transport, all of the weapons slated for destruction will be inventoried using the print out from the gun destruction program and placed in a container for transport. The inventory will be done by the custodian and a Lieutenant or higher level supervisor. The supervisor will sign off on the inventory.

e. The custodian will transport the firearms to SLED with the original inventory. SLED personnel will sign for the weapons and will keep the original inventory. A copy will be given to the custodian for our records.

f. The custodian will update all applicable property sheets and computer records. The custodian will transfer the property sheets to records.
B. Destruction of Dangerous Drugs

By their nature dangerous drugs require special handling for disposal. When all legal requirements have been satisfied all dangerous drugs will be destroyed. The only exception is certain items may be retained on a temporary basis with which to conduct counter-drug operations, i.e. reversals. These exceptions must be authorized by the officer in charge of narcotics. The actual items will be maintained in a designated area of the drug room. This storage will be noted in RMS and the drugs will be signed out as any other drug evidence.

When dangerous drug evidence is slated for destruction the following procedures will be followed:

1. The custodian will remove the item from the drug shelf and place it in the designated area within the drug room. The RMS entry for that item will then be updated.

2. Once a destruction event has been scheduled, at least one custodian and a supervisor (not from evidence) will remove the items from their individual packaging and place them into a container suitable for destruction.

3. Once all of the items have been placed in the box for destruction, the box will be sealed with evidence tape and initialed by both the custodian and the supervisor and dated. Once sealed the box will not be opened so long as the seal is intact.

4. On the scheduled destruction date the sealed boxes will be loaded into the designated vehicle by at least one evidence
custodian and two narcotics investigators. As the boxes are loaded the narcotic investigators will confirm the seals are intact.

5. The designated vehicle will transport the boxes to the designated destruction location and will be occupied by at least one evidence custodian. The transport vehicle will be followed at all times by a security vehicle with at least two narcotic investigators.

6. At the destruction location the custodian and investigators will offload the boxes and observe the destruction of the boxes at the designated facility.

7. After the destruction is complete, the custodian will ensure the computer records are updated.

C. Transport of Evidence to SLED

As set forth in general order 930.1 the custodian will transport evidence designated for testing to SLED on a weekly basis or as required by special circumstances. The transporting custodian will ensure that the proper ILAB paperwork and a copy of the incident report accompany the evidence as required. At SLED, the designated SLED personnel will sign for the item, scan in the appropriate paperwork and issue the custodian a receipt. This paperwork will be placed in the SLED folder by the custodian upon return.

D. Transport of Evidence to Court

1. Magistrate’s and Circuit Court
Officers have the responsibility to transport evidence for their cases to court and this will be handled as a normal transfer. The only possible exception to this is evidence in a homicide case. A homicide case may require a large amount of evidence be transported to court (more than can be contained in a single standard evidence box). In this circumstance the Lieutenant of CID will authorize the transport and continual security of the evidence by a custodian. If the amount of evidence does not exceed one standard evidence box it is expected that the investigator assigned to the case will handle the transport to court and it is treated by the custodian as any other transfer.

2. State Appeals and State Supreme Court.

By statute, when it is required by the State Court of Appeals or the State Supreme Court that evidence be transferred from the local County Clerk of Court to their court the evidence will be transported by the Sheriff of that County. These transfers will be handled by a custodian. The custodian will go to the Clerk of Court’s office and take custody of the item. The custodian will fill out a property form for the item and have it signed by the clerk of court transferring the item to the custodian. The custodian will transfer the item to the designated location and have a representative of the receiving court sign for the item. The property form will be filed at the Sheriff’s office.

Approved by the Order of:

Chuck Wright, Sheriff