



EVIDENCE AND PROPERTY HANDLING PROCEDURES

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Search
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I. PURPOSE

The purpose of this order is to establish and explain procedures pertaining to evidence and property control. This will help ensure that evidence is maintained in such a fashion as to be of value in any legal proceedings and to aid in the return of property to its rightful owner.

II. POLICY

It is the policy of the Iowa City Police Department to maintain an inventory system for property taken into custody by its employees. The Department will comply with all applicable state and federal requirements for seized and forfeited property.

III. DEFINITIONS

EVIDENCE: Any property, regardless of its nature, that is taken by the department as part of an investigation and which may be used for the purposes of the investigation or in legal proceedings.

FORFEITABLE PROPERTY: Any of the following:

- A. Property which is illegally possessed.
- B. Property which has been used or is intended to facilitate the commission of a criminal offense or to avoid detection or apprehension of a person committing a criminal offense.
- C. Property which is acquired as or from the proceeds of a criminal activity.
- D. Property offered or given to another as an inducement for the commission of a criminal offense.

FOUND PROPERTY: Any property, regardless of its nature, that has been found by any person and is being held for safekeeping until the owner can be identified.

HIGH RISK ITEMS: High Risk items include firearms, currency, jewelry, precious metals and narcotics.

RECOVERED PROPERTY: Any property that has been identified as having been stolen (may also be classified as evidence).

SEIZABLE PROPERTY: Any of the following:

- A. Property which is relevant in a criminal prosecution or investigation.
- B. Property defined by law to be forfeitable.
- C. Property which if not seized by the state, poses an imminent danger to a person's health, safety or welfare.

Per Iowa Code Chapter 809

809.1 Definitions

1. "Seizable property" means any of the following:
 - a. Property which is relevant in a criminal prosecution or investigation.

- b. Property defined by law to be forfeitable property.
 - c. Property which if not seized by the state poses an imminent danger to a person's health, safety, or welfare.
- 2. "Seized property" means property taken or held by any law enforcement agency without the consent of the person, if any, who had possession or a right to possession of the property at the time it was taken into custody. Seized property does not include property taken into custody solely for safekeeping purposes or property taken into custody with the consent of the owner or the person who had possession at the time of the taking. If consent to the taking of property was given by the person in possession of the property and later withdrawn or found to be insufficient, the property shall then be returned or the property shall be deemed seized as of the time of the demand and refusal.
 - 3. The definitions contained in subsections 1 and 2 shall not apply to violations of chapter 321.

809.2 Notice of seizure.

The officer taking possession of seized property shall make a written inventory of the property and deliver a copy of the inventory to the person from whom it was seized. The inventory shall include the name of the person taking custody of the seized property, the date and time of the seizure, and the law enforcement agency seizing the property.

SEIZED PROPERTY: Property taken or held by any law enforcement agency without the consent of the person who had possession or a right to possess the property at the time it was taken into custody.

CHAIN OF EVIDENCE: The continuity of the custody of physical evidence, from the time of original collection to final disposition, that may be introduced in a judicial proceeding.

IMPOUNDING OFFICER: The member of this agency who initially receives the property and initiates the chain of custody.

PROPERTY CUSTODIAN: Agency member accountable for controlling and maintaining all property accepted by or stored in the Department's property room.

PHYSICAL EVIDENCE: Any substance or material found or recovered in connection with a criminal investigation.

PROPERTY ROOM: Facilities used by this department to store and secure evidence or property.

PROPERTY CONTROL INVENTORY FORM: Generally referred to as the "PCF", it is the form used to log evidence and track the chain of evidence. It exists in both a computer generated version and in a pre-printed version for use when a computer is not available.

IV. PROCEDURES

Property held by the Iowa City Police Department will be regulated and controlled by an organized management system. The department's property control function is under the direction of the commander of support services. A property custodian manages the daily operations of the system. The training and accreditation sergeant, CSO assigned to evidence and support services assistant are authorized to perform daily operation functions in the absence of the property custodian.

All property under the control of the Iowa City Police Department will be handled in a manner consistent with the property control guidelines manual.

A. Intake of Recovered and Seized Property

1. Utilizing proper evidence gathering, packaging and labeling techniques, all items submitted as recovered or seized property will be documented on the computer generated "Property Control Inventory" (PCF) form unless circumstances dictate that the handwritten form be used. Blood kits are the exception as they contain their own control inventory documentation. This documentation will be completed prior to the end of the submitting officer's watch.
2. The submission and documentation of seized or recovered property will be referred to in the incident report.
3. The submitted items will be accompanied by a copy of the computer generated PCF or by the original if the handwritten form was used.
4. Evidence will be secured in one of the following ways:
 - a) turned directly over to the Property Custodian,
 - b) placed in the evidence submission lockers, secured and the key deposited in the designated secured box,

- c) for oversized items, placed secured in the records Sgt.'s office or CST lab by a supervisor, or
 - d) as directed by the property custodian or commander of support services.
 - e) in cases of c) or d), the original documentation will be left with the property and a copy will be directed towards the property custodian advising them of the recovery/seizure and location where it was stored.
5. **At no time** will property be left unsecured or stored in personal areas, nor will it be converted for personal use.
 6. If evidence is collected which requires processing, the on duty Watch Supervisor should assign an on-duty CST to process the evidence. Upon completion of processing, the CST shall submit the item and evidence to the property custodian in the prescribed manner. If there is no crime scene technician (CST) available or the procedure is one which requires techniques not available through the Iowa City Police Department, the evidence shall be submitted along with the evidence form to the property custodian, or deposited in a securable locker outside the property room.
 7. If the evidence is to be sent to the Lab (for any reason), it will be the officer's responsibility to fill out the lab request sheet and submit it to the property custodian with the evidence.
 8. All items taken due to search, arrest or for safekeeping are required to have receipts issued to the person it is taken from. If you are not able to print a copy of the computer generated PCF then a handwritten PCF may be used.
 9. No hazardous substance shall be brought into the police department.
 10. All drugs must be weighed on a designated scale and/or counted prior to securing them in the evidence locker. If drugs/paraphernalia are confiscated and submitted without any need to maintain (i.e. found on public right of way, and/or taken off of an individual being charged with something NOT PCS or PDP related) indicate on the property sheet and the packaging that they're being submitted for destruction.

11. Weapons shall be secured to the extent possible prior to their submission to the Property Custodian.
12. Undeveloped film and digitally recorded images shall be submitted along with the corresponding CST sheet to the property custodian.
13. If a vehicle is impounded because it is evidentiary in nature, a property sheet shall be filled out in addition to the vehicle impound report.
14. If an item demands freezing or refrigeration, the item may be packaged and turned directly over to the Property Custodian. If it is not possible to directly turn the item over to the property custodian, it may be sealed (in such a manner so as to detect tampering) and placed into the police department evidence freezer/refrigerator. If biological substances are collected and/or stored in the CST lab, please notify Evidence via email that said substance needs to be collected from the lab and make notation on the property sheet with any other evidence being submitted related to the same case.
15. Cash will only be seized for the following reasons: evidence in a crime, forfeiture procedures, safekeeping (no one available to take control), and lost and found.
 - a. Cash Seized as Evidence in a Crime or Forfeiture
 1. Unless approved by a supervisor officers shall not seize cash as evidence or for forfeiture when the dollar amount is under \$500.
 - b. Cash Seized for Safe Keeping or Lost and Found
 1. Officers shall seize all cash taken for safekeeping or lost and found.
 - c. Counting, Packaging, and Labeling
 1. All cash obviously less than \$500 will be counted and documented on a PCF and submitted to the Property Custodian. If the amount is obviously over \$500 refer to section D below on packaging and labeling.
 2. If an officer is uncertain if the amount of cash is greater or less than \$500, they should assume it is

more than \$500 and use that procedure. Officers should also be mindful that any amount less than \$500 will not be forfeited. and should have some other justification for seizing the cash.

3. All cash obviously over \$500 dollars will be placed uncounted in a plastic envelope designed for that purpose then sealed. This process will be witnessed by two officers who will then sign the evidence envelope or bag in the designated place. If the owner of the cash is present and cooperative they shall witness the money being sealed and also sign in the designated place. As a last resort, if no evidence bags are available, a Ziploc style bag may be used as long as it is sealed completely with tamper evident tape. The required signatures shall go on the taped seal. The envelope will then be submitted to the Property and Evidence Custodian using the PCF. The Property and Evidence Custodian will not accept cash that is not packaged in this manner. The Property and Evidence Custodian* will take the envelope to the counting authority (bank, City of Iowa City Utilities and Revenue Division, etc.) where it will be opened and counted. Cash that is also evidence will be retained by the Property and Evidence Custodian. Cash that is not evidence will be deposited. The envelope with the signatures will be retained as evidence in either case.
*The officer currently assigned to the Johnson County Joint Drug Task Force and the designated SCAT officer may also take cash directly to the counting authority and submit the receipt (or the cash if it is evidence) along with the envelope to the Property and Evidence Custodian.
 - d. Daily the property and evidence custodian shall deposit all money into the seized money or lost property account and notify the sergeant of investigations and administrative coordinator each time cash is taken in either as evidence. The notification is to include the ICR, amount of seized cash and a copy of the receipt if applicable.
 - e. The sergeant of investigations shall maintain all records of cash seizures reported to them.
16. The following types of property will be logged on separate property control forms:

- a. cash
 - b. drugs and drug paraphernalia
 - c. firearms
 - d. electronic devices that store data including but not limited to: cell phones, computers, computer lap tops, electronic tablets, certain gaming devices
17. An ATF gun trace request will be sent on all firearms and a response received before disposition of the weapon. ATF requests should be made by the seizing officer to the sergeant of investigations
18. All property/evidence must be logged into records and submitted into evidence prior to the officer ending their tour of duty unless approved by a supervisor.

B. Hazardous Substances

1. Biological Hazards

When collecting evidence which is biological in nature, officers should remain mindful of the potential hazards which may be present. When dealing with this type of evidence officers shall follow the applicable precautions and/or procedures pertaining to blood borne pathogens. When submitting items, which may be contaminated with a biohazard, officers shall observe the following procedures. Property which possess a potential biohazard but is not evidentiary shall be disposed of in an approved manner, with documentation of the property and the manner in which it was disposed of. A PCF shall be submitted to the property custodian along with an incident report regarding the circumstances under which the property was obtained and the manner in which the property was disposed of.

- a. Materials which have been contaminated, should not be submitted or stored in plastic containers but packaged so as not to degrade or contaminate other items.
- b. All items which may be contaminated shall clearly indicate such on their package. It should also be noted on the incident report.

- c. When placed in temporary storage, the compartment containing the object should be clearly marked as containing a potential hazard.
- d. Officers shall follow departmental decontamination procedures upon exposure to biohazards.
- e. The property custodian will secure the contaminated object in such a manner as to maintain the evidentiary value of the item.
- f. Officers unsure as to the procedure for handling the contaminated item shall contact a CST or the watch supervisor.
- g. Perishable food items should be photographed and documented and returned to the owner or properly disposed of.

2. Hazardous Materials

Upon the collection of items that are hazardous in nature such as chemicals, flammable liquids or explosives, the items should be photographed and stored in designated areas or arrangements made for immediate transport to a designated lab. These items shall have a copy of the PCF attached to them, with the computer generated or handwritten originals being submitted to the property custodian along with a copy of the incident report indicating the type and amount (estimated if necessary) of the hazardous material along with its location. At no time shall these items be taken to the Police Department. Officers should limit the collection of these types of items to evidence or contraband. Before taking control of these types of items for other reasons, the watch supervisor should be contacted for guidance.

Fireworks shall be disposed of in accordance with departmental guidelines.

3. Pest Infestation

When considering the collection of items that have a pest infestation such as cockroaches, and/or bedbugs, officers should consult with the on-duty supervisor to determine if the items should be photographed or seized.

If it is determined that the property is to be seized the following procedures should be considered to prevent their spread unless doing so would compromise the integrity of the collection:

- vacuuming
- running items through a dryer on high heat
- placing items in a sealed plastic bag in a freezer

At no time shall these items be taken to the Police Department. Any item seized that is believed to be infested will be submitted and stored at the department's off-site storage facility. Said items will have a written warning posted on the exterior of any packaging advising of the infestation. When submitting evidence to the off-site storage area the property custodian will be notified by the submitting officer.

C. Property Management

1. Property Custodian Responsibilities

a. Intake

- i. Empty evidence lockers daily, Monday through Friday.
- ii. Verify the documentation with the submitted evidence
 - a) weigh and/or count drugs
 - b) count money if not submitted in sealed bag
 - c) match description listed on "Property Control Inventory" with item(s) and report any discrepancies to the submitting officer, their immediate supervisor, and the commander of support services.
- iii. Enter the items into the property computer system making notation of any discrepancies.

b. Storage

- i. Place the property/evidence in proper containers and mark the incident number clearly on the outside of the container
- ii. Store the property/evidence in its designated secure area
 - a) Drugs: high risk evidence room
 - b) Currency: All currency submitted to the property custodian that is not actual evidence shall be deposited at the approved financial institution with the change in custody being recorded on the PCF. The evidence custodian will retain all receipts from each deposit. If currency from multiple incidents is being deposited at the same time, each will require a separate deposit and receipt.
 - c) Guns: high risk room
 - d) Articles subject to spoilage/deterioration-refrigerator
 - e) All other: metal shelf area or secured storage area located off site. Off-site storage will have the same storage guidelines as those items stored in the on-site evidence room.
 - f) Exceptional items: items that are deemed more sensitive or valuable in nature should be stored in the high-risk room or a safe within the evidence room.
 - g) The property/evidence storage location will be noted on the "Property Control Inventory". The original stays in file in

the evidence room and pink copy is forwarded to the case file in Records.

2. Submission of Evidence to Labs

When possible, evidence should be submitted to the appropriate accredited laboratory within five working days of collection. Officers who have evidence needing to be sent to an outside agency shall complete the required PCF making sure the chain of custody section has been filled out. The officer shall also fill out a DCI lab BEAST form, indicating the test desired. If the submission is requesting DNA analysis the officer shall complete the DCI DNA Pre-Log questionnaire and submit it with the evidence. The property custodian shall package the evidence for shipment to outside labs and fill out the chain of custody information on the PCF. The property custodian shall maintain the records pertaining to the shipment, receipt, and return of evidence to the Iowa City Police Department. Blood kits shall be sealed per the instructions and submitted to the property custodian along with the evidence sheet. The property custodian will package the kit for submittal, following the above-mentioned procedures. The results of the test shall be returned to the Property Custodian, with the original being submitted to records and copies going to the originating officer.

3. Transfer of Evidence

Whenever evidence is transferred from the property room, the following procedures shall be adhered to:

- a. In instances where the evidence needs to be removed from the property room, the property custodian shall document the change of custody on the chain of custody section of the PCF. The receiving person shall sign upon receipt of the evidence and note the date and time of the change of custody along with the reason for the transfer of the property.
- b. The member receiving the evidence assumes control and responsibility for ensuring its security, storage and maintenance.

- c. Upon return of the evidence, the returning party shall fill out the chain of custody section and the property custodian will sign upon receiving and confirming the evidence being returned. The date and time will be included on the change of custody section.
- d. When property is needed for legal proceedings, the person receiving the notice of the request should notify the property custodian of the date on which the property will be needed. In any event, the property custodian should be notified no less than 2 days prior to the date on which the property will be needed.
- e. When evidence is removed from the property room for processing by the Iowa City Police Department, the aforementioned procedures shall be adhered to.
- d. When evidence is transported or shipped to an outside agency for testing, the property custodian will document the change of custody, including the destination, date of shipment, manner of shipment, return of service for the shipment and return of the evidence being processed.

4. Disposition of Property

The Iowa City Police Department will attempt to return property to its rightful owner. In the case of found or recovered property, the property custodian will take the statutory steps to contact rightful owners. When an item is claimed, the receiving party shall sign a receipt acknowledging the receipt of the property. When unable to contact the person(s) who may legally claim the property, the property custodian shall take appropriate steps to locate and notify a legal claimant. In instances where the rightful owner does not respond within the prescribed time, the property will be sold at public auction or otherwise disposed of as allowed by law.

In instances where contraband has been seized and is not required for evidence and is not subject to return to the party from whom the property was seized, the initiating officer may dispose of the property after providing a receipt to the person in possession of the property. Unless disposed of by the officer, the officer shall submit the property to the property custodian, with a follow up sheet attached,

requesting the property custodian dispose of the property. In instances where the property has been seized and destroyed, the incident report shall be completed by the disposing officer and state the circumstances surrounding the incident and the manner in which the property was disposed. The exceptions to this paragraph are drugs, narcotics and fireworks.

Drugs and narcotics, whether seized as contraband or taken as evidence, shall be disposed of in the manner approved by the Johnson County Attorney. Officers shall turn all confiscated drugs or narcotics over to the property custodian regardless of whether the subject from whom they were seized is charged or not. Drugs, narcotics and fireworks shall not be disposed of in any manner other than that prescribed by the Iowa City Police Department.

Evidence shall be disposed of upon notification from the clerk of court that the case has been resolved, and the appeal process has expired or been exhausted. The property should be returned to the rightful owner within 180 days. If the rightful owner is unknown, or fails to recover the property within 90 days after notice, the property custodian shall dispose of the property consistent with departmental guidelines.

Seized property which is no longer required as evidence or for use in an investigation shall be returned to the owner as soon as possible without the requirement of a hearing, provided that the person's possession of the property is not prohibited by law and there is no forfeiture claim on behalf of the state.

The owner/possessor of the property will be notified by certified mail (last known address) that they have 30 days to respond to the Police Department to claim the items.

If there are more than one owner/possessor making claim to the property, the matter will be turned over to the clerk of court.

If there is no claim made to the property within the 30 days, the property will be deemed as abandoned and disposed of under the guidelines as set out for "Found Property".

Disposition of all property will be noted on the property form. All documentation concerning the property will be submitted to Records.

Seized and forfeited controlled substances, weapons or explosives will not be used for training, investigative or operational purposes. Any controlled substances utilized for canine training shall be obtained from the Drug Enforcement Agency.

5. Disposition of Vehicles Seized as Evidence or Search Warrant

Officers seizing a vehicle as evidence or for search warrant service will complete a vehicle impound report and a property sheet. Vehicle impound reports for vehicles seized as evidence will be submitted to the station masters and held in a separate file in the station master's office.

If seized vehicles are held at a paid storage facility the seizing officer is responsible for the timely notification and release of the vehicle to the owner.

Vehicles being held long term as evidence or for forfeiture will be stored at the department's off-site storage facility.

On a weekly basis an assigned station master will query the status of each vehicle in this category with the seizing officer and provide a summary of the status of all vehicles seized as evidence to the commander of support services.

6. Disposition of Electronic Devices

Seized electronic devices, including cell phones, computers, lap tops, tablets, and certain gaming devices, for the purpose of recovery of digital forensics/data extraction shall be returned to the owner once the extraction is complete and there is no unlawful material on the device under the following circumstances:

- For all simple, serious, and aggravated misdemeanors, unless approval has been sought and obtained from a prosecuting attorney. Documentation of this shall be made to the case file by the seizing officer.

- For any device that is no longer required as evidence or for use in an investigation.

The seizing officer will notify the owner of the device and the property custodian of any device that has been approved for release.

Inquiries from owners regarding the status of seized electronical devices shall be directed to the seizing officer.

7. Release of Firearms

Prior to the release of any firearm, the officer or Evidence Custodian releasing the firearm shall conduct all appropriate Criminal History/NCIC checks on the firearm and the party claiming it to ensure they are not prohibited from possessing it.

If there is no registration or bill of sale and there is an ownership dispute, do not release the firearm and refer the parties to the appropriate civil court.

If there is no registration or bill of sale but there is no ownership dispute, release firearm to last person who possessed it or to the person identified as the owner by the last person who possessed it.

In all cases, the party claiming the firearm is required to display a current picture ID.

8. Designated Secure Areas

All property seized or controlled by the department shall be stored within designated secure areas. Below is a list of secure areas utilized by the department and persons with access:

- Property/evidence storage lockers. All officers have access until a locker is secured then only property/evidence personnel have access.
- Property/evidence room. Only property/evidence personnel shall have access. All visitors must sign in and be accompanied by property/evidence personnel at all times.

- Department crime laboratory. Only department crime scene investigators shall have access to this room. Entry into the room shall be recorded electronically. Individual lockers will only be accessible to an assigned cst and the cst supervisor. Evidence being processed will be secured or sealed with tamper tape.
- Out-door off-site storage lot. All officers and community service officers have access to this lot for the purpose of storing bicycles and long-term seizure of vehicles. Vehicles being held as evidence shall be secured and sealed with tamper tape.
- Out-door off-site storage lockers located in out-door off-site storage lot. All officers and community service officers have access to these lockers for the purpose of short term storage of transient community members personal items that have been incarcerated.
- Off-Site evidence storage: Off-site evidence storage shall only be accessible to the property/evidence custodian, evidence sergeant, CSO assigned to evidence and the support services assistant. Anyone else needing access shall sign into a log and be accompanied at all times by someone authorized to be in the area. The off-site storage will be used to secure large or overflow evidence items. The off-site storage shall be locked at all times. An alarm system shall be in place to notify station master personnel of any entry or fire alarm activations. Evidence/property personnel shall inspect the rental unit on a monthly basis to ensure it has not been compromised.
- Electronic Forensic Investigator's Office: The officer assigned to this position and the commander of support services will have access to this office.
- Evidence/Property Return Lockers: These lockers are managed by evidence personnel and utilized to return evidence to officer and property to the public when evidence personnel are not working.

D. Inspections

On an annual basis the property custodian will submit to the commander of support services a report listing all of the property

under the control of the Iowa City Police Department. The report shall include the date of intake.

At least semi-annually the commander of support services or designee shall conduct an inspection to confirm adherence to procedures used for property control. This inspection will, further ensure that the property areas are being maintained in a clean and orderly fashion, that property is being protected from damage or deterioration, and that proper accountability procedures are being maintained. This inspection shall also consist of verifying the property of at least five (5) separate incidents and accompanying documentation.

The Chief of Police or designee will conduct unannounced inspections of the property storage areas at least once a year. These inspections will be done by persons not directly responsible for property control functions. These inspections will consist of the checking of the actual property of at least ten (10) separate selected incidents and all accompanying documentation.

The Lieutenant of Criminal Investigations shall conduct an annual audit of property held by the Iowa City Police Department. This audit is to ensure the integrity of the system but does not require an accounting for each item of property. This audit shall consist of a significant representative sampling of the property including high risk items (e.g. controlled substances, currency, guns, and other valuables). This audit should also ensure that the integrity of the property area is being maintained pertaining to security and the condition of the property being held by the department.

In the event that a piece of property cannot be accounted for, the Property Custodian shall notify the Commander of Field Operations, who shall assign a Lieutenant to work with the Property Custodian to clarify the status of the property. If the status cannot be resolved, the Commander of Field Operations shall initiate an internal investigation relating to the property in question. The results of this investigation shall be forwarded to the Chief of Police and the Commander of support services. Upon completion of the investigation, the status of the property shall be entered in the case file.

Upon the appointment of a new property custodian, an inventory of the property in control of the Iowa City Police Department shall be conducted to ensure the integrity of the property and that records are complete. The inventory shall be conducted by the outgoing property custodian, the newly appointed property custodian and a

supervisor designated by the Chief of Police or his/her designee. All high-risk items such as money, precious metals, jewelry, firearms, and drugs and a sufficient number of other records will be reviewed to ensure the integrity of the system. Any discrepancies should be recorded prior to the newly appointed property custodian assuming responsibility. Discrepancies shall be handled in the manner mentioned above. A written report documenting the change of custodian inventory shall include a listing of all property in control of the Iowa City Police Department upon the departure of the outgoing property custodian.

All property control inspection reports shall be submitted to the Chief of Police with copies going to the Commander of support services, Commander of Field Operations, Lieutenant of Investigations, and officer in charge of accreditation.

Dustin Liston, Chief of Police

WARNING

This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third-party claims. Violations of this directive will only form the basis for departmental administrative sanctions.