

Evidence Control

805.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy evidence.

This policy covers items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

In addition, this policy covers all narcotics or dangerous drugs (including drug paraphernalia), explosives, hazardous substances whether they are retained as evidence or retained as property.

805.2 EVIDENCE HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence. When not specifically addressed by this manual, collection and handling of all evidence and property should follow the guidelines established by the State of Oregon Physical Evidence Manual.

Employees will provide a receipt for all items of evidence that are received or taken from any person. If no person is present, and the evidence is removed from private property or a vehicle, the employee will leave a receipt prominently placed on the private property or the vehicle.

805.2.1 EVIDENCE BOOKING PROCEDURE

All evidence must be booked prior to the employee going off-duty. Employees booking evidence shall observe the following guidelines:

- (a) Complete the evidence form describing each item separately (each with its own number), listing all serial numbers, associated names, and other identifying information or markings.
- (b) Evidence and other property must be documented on separate forms.
- (c) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property or evidentiary value. Certain items cannot be reasonably marked, in which case the container must be adequately sealed, marked and contents described.
- (d) Packages and containers must have an evidence tag attached or marked with the same information contained on a tag. If the envelope contains more than one numbered item, the tag or container will reflect which items are in the envelope.
- (e) The "Report" copy of the evidence form shall be submitted with the case report. The original shall be placed with the property (not inside a container or envelope) in the temporary evidence locker or with the evidence if it is stored somewhere other than an evidence locker.

University of Oregon Police Department

Policy Manual

Evidence Control

- (f) Generally, evidence will not be stored anywhere except for the temporary property locker. Supervisory approval must be obtained to store evidence elsewhere when the size or nature of the evidence precludes using the evidence locker.

805.2.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs (including paraphernalia as defined by ORS 475.525(2)) shall be booked separately using a separate Property Report.

The officer seizing the narcotics and dangerous drugs shall place them in the designated locker accompanied by the original Property Report. The "Report" copy will be detached and submitted with the case report.

805.2.3 EXPLOSIVES/HAZARDOUS SUBSTANCES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The Explosives Disposal Unit at Eugene PD will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives, including making arrangements for military ordinance.

Explosives will not be retained in the UOPD facility.

Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into evidence. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The property officer is responsible for coordinating the disposal of these items with the Explosives Disposal Unit, Eugene Police Department, on a regular basis once they are not needed as evidence.

805.2.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking and packages should be labeled with a biohazard sticker.
- (b) All bicycles and bicycle frames that are evidence require a Property report. Evidence tags will be securely attached to each bicycle or bicycle frame. The evidence may be released directly to the property officer, or, with supervisory approval, placed in the bicycle storage area until a property officer can log the evidence
- (c) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor.
 - 1. Cash will be stored in the designated lock box unless the value exceeds \$500. In that case, the cash will be deposited in the drop safe and an email will be sent to the Director of UOPD Administrative Services so that the money can be deposited in an appropriate account.

State property, unless connected to a known criminal case, should be released directly to the appropriate University department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

University of Oregon Police Department

Policy Manual

Evidence Control

805.2.5 COLLECTION AND PRESERVATION OF DNA EVIDENCE

Because DNA evidence can play a key role in establishing guilt or innocence it is important that such evidence be collected, handled and preserved in a manner that will maintain its integrity for future testing. Unless impracticable to do so, officers should collect samples of all biological evidence that may reasonably be used to incriminate or exculpate any person as part of any criminal death investigation or a sex crime listed in ORS 181.594. The property officer will be responsible to ensure that biological evidence is preserved in an amount and manner that is sufficient to develop a DNA profile.

Collection and preservation should follow established protocols as outlined in the Oregon Physical Evidence Manual (http://www.oregon.gov/OSP/FORENSICS/docs/Phys_Evid_Manual_013108.pdf).

805.2.6 COLLECTION AND PRESERVATION OF SAFE KITS

Under current law, victims of sexual assault may seek medical assessment and choose not to make a report to law enforcement, yet still have evidence collected and preserved. The University of Oregon Police Department will collect and maintain the chain of evidence for all State of Oregon Police Sexual Assault Forensic Evidence Kits (SAFE Kits) and any associated evidence collected by medical facilities in this jurisdiction for victims of sexual assault, regardless of where the assault may have occurred. Victims who choose to remain anonymous and not make a report shall not be required to do so (ORS 147.397).

The collection and preservation of SAFE Kits from anonymous victims may be handled by any officer. When a medical facility notifies this department that evidence of a sexual assault has been collected and a SAFE Kit is available, an officer shall be responsible for the following:

- (a) Respond promptly to the medical facility to retrieve the evidence.
- (b) Provide a unique case number to a responsible representative of the medical facility, which will be provided to the victim. The case number will be used to identify all associated evidence so that a chain of evidence can be maintained in the event the victim later decides to report the assault.
- (c) Ensure that no identifying information regarding the victim, other than the case number, is visible on the evidence packaging.
- (d) Prepare and submit an evidence report and book the evidence in accordance with current evidence procedures.

SAFE Kits collected for victims whose identity is not disclosed should be maintained in the same manner as other SAFE Kits, but should not be opened until or unless the victim reports the assault. Opening SAFE Kits may compromise the admissibility of evidence in the event of a prosecution.

Where the identity of the sexual assault victim is not disclosed, a SAFE Kit and related evidence should be retained for 25 years, unless directed otherwise by an Investigations Sergeant. However, in all cases such evidence shall be retained for a minimum of 180 days (ORS 147.397).

805.3 PACKAGING OF EVIDENCE

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs

University of Oregon Police Department

Policy Manual

Evidence Control

- (b) Firearms (ensure they are unloaded and booked separately from ammunition). A flex cuff or similar device should be inserted through the chamber, barrel, or cylinder whenever possible. If forensics examination of the weapon barrel, chamber or firing pin are anticipated, care should be taken not to disturb or alter those characteristics when rendering a firearm safe for storage.
- (c) Property with more than one known owner
- (d) Paraphernalia as described in Oregon Revised Statutes 475.525(2)
- (e) Fireworks and other hazardous materials
- (f) Contraband

805.3.1 PACKAGING CONTAINER

Employees shall package all evidence in a suitable container available for its size. Knife boxes should be used to package knives. All packages containing evidence must be sealed with evidence tape, initialed, and dated across the seal.

Needles or syringes will normally be disposed of in a sharps container and will not be submitted to the Evidence Room. However, when required for evidence in a serious crime or in a major investigation, a syringe tube should be used for packaging.

An evidence tag shall be securely attached to the outside of all items or group of items packaged together.

805.3.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container or the information must be written on the container.

805.3.3 COLLECTION AND PRESERVATION OF DNA EVIDENCE

Because DNA evidence can play a key role in establishing guilt or innocence it is important that such evidence be collected, handled and preserved in a manner that will maintain its integrity for future testing. Unless impracticable to do so, officers should collect samples of all biological evidence that may reasonably be used to incriminate or exculpate any person as part of any criminal death investigation or a sex crime listed in ORS 181.594. The property officer will be responsible to ensure that biological evidence is preserved in an amount and manner that is sufficient to develop a DNA profile.

Collection and preservation should follow established protocols as outlined in the Oregon Physical Evidence Manual.

University of Oregon Police Department

Policy Manual

Evidence Control

805.4 RECORDING OF EVIDENCE

The property officer receiving custody of evidence shall record his/her signature, the date and time the evidence was received and where the evidence will be stored on the Evidence report.

A property number shall be assigned to each item or group of items. This number shall be recorded on the evidence tag, package and the Evidence report.

Any changes in the location of property held by the Department shall be noted in the appropriate location on the Evidence report.

805.5 EVIDENCE ROOM SECURITY

Access to the Evidence Room is limited to property officers unless visitors are logged in and out, including the time, date and purpose of entry. All personnel entering the Evidence Room must be accompanied at all times by a property officer.

Annual independent audits will be completed of the Evidence Room function with an audit report to the Chief of Police.

805.5.1 RESPONSIBILITY OF PERSONNEL

Every time evidence is released or received, an appropriate entry on the evidence chain of custody report shall be completed to maintain the chain of possession. No evidence is to be released without first receiving written authorization from the assigned investigator or his/her supervisor.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the property officer. This request may be filled out any time after the booking of evidence.

Any time property is discovered to be missing from the property room, the employee shall immediately notify the Lieutenant assigned to the Property Control Function. This notification may be made in person, by telephone or by email. The Lieutenant will determine what follow-up steps are necessary.

805.5.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out before removing it, indicating the date and time on the Evidence report and the request for laboratory analysis.

The property officer releasing the evidence must complete the required information on the Evidence report and the evidence. The lab forms will be transported with the evidence to the examining laboratory. Upon delivering the item(s) involved, the officer will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. If the items are delivered to an employee of the lab, they will sign the form. The original copy of the lab form will remain with the evidence and the copy will be returned to the property control file to act as a "tickler" to facilitate the return of the evidence to the UOPD facility. Once the property is returned to UOPD, the copy of the form will be forwarded to the Law Enforcement Records Unit for filing with the case.

805.5.3 STATUS OF EVIDENCE

Each person receiving evidence will make the appropriate entry to document the chain of evidence. Temporary release of evidence to officers for investigative purposes, or for court, shall be noted on the Evidence report, stating the date, time and to whom released.

University of Oregon Police Department

Policy Manual

Evidence Control

The property officer shall obtain the signature of the person to whom evidence is released, and the reason for release. Any employee receiving evidence shall be responsible for such evidence until it is properly returned to property or properly released to another authorized person or entity.

The return of the evidence should be recorded on the Evidence report, indicating date, time, and the person who returned the evidence.

805.5.4 RELEASE OF EVIDENCE

Evidence may only be released with the authorization of the DA's office and the officer or detective assigned to the case.

Once a case has been adjudicated or passed the statute of limitations for prosecution, a property officer will request a disposition authorization from the DA's office and the assigned officer or detective. Care should be taken to ensure there are no outstanding warrants for suspects or additional defendants for the same case prior to authorizing release.

Release of evidence shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the assigned officer or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Once evidence has been authorized for release and is no longer needed for any pending criminal cases, it shall be considered property and released or disposed of in accordance with those procedures and Policy 804.

805.5.5 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Lieutenant in charge of Property Control will be responsible for overall control and the destruction of all narcotics and dangerous drugs coming into the custody of this department.

805.6 RETENTION OF BIOLOGICAL EVIDENCE

The Lieutenant in charge of the Property Room shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor
- (d) Any sexual assault victim
- (e) The Investigations Sergeant

Biological evidence shall be retained for a minimum period established by law (Ch. 275, Oregon Laws 2011), the Property and Evidence Room Lieutenant or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigations Sergeant.

University of Oregon Police Department

Policy Manual

Evidence Control

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

805.7 INSPECTIONS OF THE EVIDENCE ROOM

- (a) On a monthly basis, the Lieutenant assigned to Property Control shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas may be conducted annually as directed by the Chief of Police.
- (c) An annual audit of evidence held by the department shall be conducted by a Director appointed by the Chief of Police who is not routinely or directly connected with evidence control.
- (d) If the assignment to manage the evidence control function is changed, an inventory of all property and evidence shall be made by an individual(s) not associated with the property room or function. If possible, this inventory will be completed prior to the newly appointed manager is officially assigned. At the discretion of the Lieutenant assigned to manage the evidence control function, whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence and property shall be made by an individual(s) not associated to the property room or function to ensure that records are correct and all property is accounted for.