

TOPEKA POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL
4.18 PROPERTY AND EVIDENCE

SUBJECT: Property and Evidence		
4.18	EFFECTIVE: 8/10/2020	<i>William Cochran</i> William Cochran, Chief of Police
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4.18.1 PURPOSE AND DISCUSSION

This order has been prepared to familiarize all employees with the proper methods for collection, preservation and storage of evidence and property.

For the purpose of these procedures, property is defined and categorized as follows:

1. Evidence is any property that comes into the custody of an employee as part of an official criminal investigation, where such property tends to prove or disprove the commission of a crime or the identity of a suspect. Examples of evidence include physical, biological or chemical evidence left at the scene of a crime by a victim or suspect, recovered/stolen property, or property which is suspected to have been used in, or be the result of, the commission of a crime.
2. Property for safekeeping is any property, not believed to have evidentiary value, surrendered to an employee of this Department for temporary custody with the understanding that the person surrendering the property has a legal right to do so, and that the property will be returned to the rightful owner(s) at the end of a specified period of time, unless disposition by the Department in accordance with City ordinance is requested by the owner(s).
3. Found property is any property, not believed to have evidentiary value, which comes into the custody of an employee, and whose rightful owner may, or may not, be known to the Department. A reasonable effort shall be made to discover the rightful owner. Shall such efforts fail to locate the rightful owner the Department may dispose of the property, consistent with City ordinance.
4. Property for destruction or sale is any property; including contraband or firearms and ammunition, which is released, forfeited or unclaimed by a citizen to the TPD for disposal according to state law or City ordinance and so ordered by the court having jurisdiction over the property. It also includes found property, property for safekeeping and evidence that no longer has evidentiary value and whose rightful owner cannot be located by reasonable effort.

4.18.2 POLICY

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The requirements of criminal proceedings as well as modern professional standards demand that all evidence received and released is properly handled. Employees shall adhere to strict guidelines concerning the collection, processing and ultimate disposition of evidence and other property entrusted to their care.

4.18.3 WRITTEN GUIDELINES

- A. The Property and Evidence Unit operates on a package in, package out system. The Property and Evidence Unit will not accept any items that do not conform to the packaging guidelines contained herein. The Unit personnel shall not open packages to confirm the contents unless a supervisor is present.
- B. No employee is allowed access to Property Room storage facilities, secured lockers, or the impound lot evidence storage garage without the approval of Property Unit authorized personnel and/or the Bureau Commander. <84.1.1e; 84.1.4>
- C. To ensure maximum control of property, only the Property Unit supervisor or authorized personnel shall have keys to Property Room evidence storage areas. <84.1.2>
- D. At no time shall an officer remove any evidence, found property or other contraband from any evidence storage area except for official duty purposes and with proper documentation. <84.1.1e>
- E. The seizing employee shall be responsible for packaging, marking and placing property under the control of the Property Unit, regardless of the type of property received or its classification. <83.2.1; 84.1.1b>
- F. It is the responsibility of all employees to ensure that property in the custody of the Department is accounted for and protected from damage. Property and evidence must be properly recorded, marked, packaged and chain of custody maintained to ensure its accountability and/or acceptance in court. Employees shall properly package all evidence and property as detailed in this General Order. <83.2.1; 84.1.1d>
- G. The Property and Evidence supervisor will review all operations manuals as needed to ensure accuracy, at least once a year. All Bureau Commander approved changes to the operations manual will be forwarded to the Planning and Accreditation Unit to ensure the changes meet CALEA standards and do not conflict with other General Orders.
- H. The Physical Evidence Custody Receipt (ECR) will be filled out on all property and evidence collected. <83.2.1; 84.1.1a, c>

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- I. Employees will complete a report that details the circumstances by which the property came into their possession. <83.2.1; 84.1.1c>
- J. All employees must place evidence and property under the control of the Property and Evidence Unit before the employee completes his/her tour of duty. <83.2.1; 84.1.1.a, b>
- K. The Property Room maintains supplies needed to tag and collect evidence (i.e. paper sacks, string, evidence tape, labels, etc.).
- L. Any time an officer seizes or takes custody of property, a copy of the ECR shall be given to the person the property was taken from, when possible. This shall be done as soon as the ECR is completed. If the suspect is booked into jail prior to completion of the ECR, the receipt may be left with their personal effects at the jail. <84.1.1f>
- M. Whenever the classification of property changes (i.e. from “hold for evidence” to “release to owner”) the reporting or investigating employee will immediately notify the Property and Evidence Unit through submission of the Property Disposition Request form or e-mail. <84.1.5>
- N. The Property and Evidence Unit shall not accept the following items for safety reasons:
 - 1. Explosives (contact Bomb Squad);
 - 2. Corrosive material (contact Bomb Squad);
 - 3. Flammable material (contact Bomb Squad);
 - 4. Large quantities of materials that are strong oxidizers (contact Narcotics or Bomb Squad);
 - 5. Leaking containers of liquid or solids (photograph and dispose);
 - 6. Any food items (photograph and return to owner, if possible);
 - 7. Any property with a noxious odor; or
 - 8. Property that constitutes a health or safety hazard.

4.18.4 SEIZING PROPERTY <1.2.4>

- A. Department employees may seize property under the following circumstances:
 - 1. When the property is evidence of a crime;
 - 2. When the property constitutes contraband;
 - 3. When the property is turned over to an employee as found property or is found by the employee in the course of his or her duties;

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4. When the seizure is for safekeeping (Property seized in the interest of public safety or to provide safe storage until the property can be claimed by the owner will be classified as "Hold for Owner");
 5. With the property owner's approval, a firearm may be held for safekeeping when a situation warrants its removal from the scene until the dispute is resolved; and
 6. Vehicles may be impounded (ordered towed) when the vehicle is a hazard as it is situated, needed as evidence, is on a public road and cannot be lawfully operated or left there, or is subject to forfeiture under federal or state law. Vehicles will not be ordered towed for safekeeping unless there is no other viable option and the owner/operator is unwilling or unable to accept responsibility for the decision to leave the car in a lawful parking place.
 7. Vehicles may be impounded from private property under certain conditions outlined under department policy, Vehicle Seizures, Towing and Inventory.
- B. Any property coming into the possession of an employee shall be delivered to the proper custodian and a report made of the transaction.

4.18.5 EVIDENCE COLLECTION AND PACKAGING

- A. Training in crime scene processing, evidence collection and handling shall be provided to all officers. Select officers will be trained in specialized techniques and skills required in processing major incidents.
- B. The Department will procure and maintain the equipment, tools and supplies necessary to photograph, mark, collect and preserve physical evidence found at the scene of a crime.
- C. Officers shall take appropriate safety precautions while handling physical evidence. Precautions such as using latex or nitrile gloves which are made available to employees. These items should also be properly disposed of by utilizing disposable bags available to employees in the same area as the latex or nitrile gloves.
- D. The primary responsibility for ensuring that a crime scene is properly processed lies with the investigating officer. Functions to be performed may include photographing and/or sketching the scene and identifying, protecting, documenting, collecting and preserving evidence.
- E. Evidence must be properly collected, packaged, sealed, and marked while maintaining the continuity of custody.
- F. Officers will make every effort to appropriately preserve the condition of evidence during the process of collection. These efforts will be directed

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toward preventing the introduction of foreign materials or contaminants into the evidence and ensuring a sample that is as complete as is practical.

G. The following practices are to be followed concerning the collection and preservation of evidence:

1. The officer taking custody of property will place his/her mark, initials, or tag on the items of evidence. These marks, initials, or tags should be placed so it does not destroy the evidentiary value of the items or detract from its value or appearance. Officers should record how and where the property was marked in field notes or in their report;
2. No property or evidence will be accepted into the Property Room unless it is properly packaged, tagged, sealed, and marked.
 - a. An ECR must be properly filled out.
 - b. Property Room personnel will send the officer an email notice to correct the problem.
 - c. The officer will be asked to come to the Property Room to fix the problem.
3. An ECR must accompany the property being turned in.
4. Do not staple or tape the ECR to the item or packaging
5. All packages must be properly sealed. The item is properly sealed if:
 - a. Its contents cannot readily escape;
 - b. Entering the container would result in obvious damage/alteration to the container or its seals; and
 - c. Openings on evidence envelopes or other containers will be sealed using tamper indicating evidence tape;
 - 1) The seizing officer must initial and date the seal. The initials and date shall be written as to cross over both the evidence tape and the container.
 - 2) It is not necessary to use tape on manufacturer sealed flaps and joints of envelopes, bags and boxes unless failure to do so would compromise the security and integrity of the property or evidence contained therein.
6. Items held for different reasons must be packaged in different containers.
 - a. If an ECR indicates one item is to be processed by KBI and another item is to be held for owner they should be packaged in separate containers.
 - b. Officers must package money, drugs, and weapons separately.

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7. All items necessary for packaging are located on tables near the Property and Evidence lockers.
8. Employees shall place evidence/property in the secure metal lockers located just outside the Property Room. Employees shall close and secure the locker. <84.1.3>
9. Very large items that cannot be secured by bicycle locks may be placed in the property cages in the LEC garage or Police Impound Lot providing the outside elements will not affect the property.
10. If items cannot be stored at the Impound Lot because the item of evidence would be harmed by being placed there it may be:
 - a. Temporarily placed in a process stall until the next business day; and
 - b. The officer will notify the Field Commander who will call the Property Unit supervisor or designee for advice.
11. Evidence requiring refrigeration will be placed in the evidence refrigerator, which is located to the east of the property lockers. < 84.1.2>
 - a. The employee will:
 - 1) Secure the evidence in the refrigerator; and
 - 2) Notify detectives that the evidence is in the refrigerator and the evidence will need to be taken to the KBI once Property Room personnel have entered it into the system and bar coded the evidence.
 - b. The investigator/officer that is to deliver refrigerated evidence to the KBI will come to the Property Room and sign out for the evidence. Once the evidence is taken to the KBI, he or she will return the original ECR to Property Room personnel.
12. The CIB supervisor may authorize employees to store the following types of evidence in designated locked cabinets or drawers when impractical to log such evidence into property. These include surveillance and audiotapes, photographs, and handwriting examples.

H. Envelopes

1. Place the item in an appropriate sized evidence envelope.
2. The front of the evidence envelope should be filled out completely.
3. Properly seal and mark the container.

I. Paper Sacks/Plastic Trash Bags

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1. If an item is too large or bulky to fit into an evidence envelope, it may be necessary to package it in a sack or bag. Paper sacks are preferred; however, plastic trash bags are accepted depending on the type of item.
2. Properly seal and mark the container.
3. Fill out the evidence information on a “crack and peel” label and attach it to the sack or bag.
4. Fill out the necessary information required on the evidence information label.

J. Long Items

1. If items for evidence processing are too long, such as a ball bat, club, fishing pole, etc. wrap the item in paper and seal all openings with tamper resistant evidence tape.
2. Fill out evidence information on a “crack and peel” label and attach it to the packaging.
3. If the item is not to be processed it does not need to be wrapped, but a tag will be attached with a zip tie to the item and the following information will be placed on the tag:
 - a. Case Number;
 - b. Officer’s name and badge number;
 - c. Date;
 - d. Item number; and
 - e. Leave Space for Bar Code Label

K. Money

1. All money placed into Property is transferred to accounting once a month, unless:
 - a. The money is of evidentiary value and the officer makes a note requesting to keep the money in property; or
 - b. If the amount is over \$1,000 the money is transferred to accounting immediately.
2. The ECR must clearly indicate if the money is to be retained by the Property Room.
3. Currency envelopes will be used to package all money.
4. Indicate if the money is “evidence”, “found” property, or was seized for safekeeping by checking the appropriate box. The front of the currency envelope shall be filled out to include:
 - a. Noting in writing, on the corner of the envelope, if the money is to be held for evidence;
 - b. Verify by two (2) officers and take the following steps:

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- 1) Currency – indicate the number of specific bills and then the total dollar amount of these specific bills;
 - 2) Coin – indicate the number of specific coins and then the total dollar amount of these specific coins;
 - 3) Subtotal – indicate the subtotal of bills and coins; and
 - 4) Grand total – indicate the total dollar amount of the money in the currency envelope.
- c. Seal it with the name of the officer who completed the counting of the currency;
 - d. IBM number – the badge number of the officer who completed the counting of the currency; and
 - e. Verified by – the name and IBM number of the second officer who assisted in the counting and verification of the currency; and
5. Contaminated Money-Safety Precautions
- a. Money contaminated with drug residue, blood, urine, or any other body fluid must be carefully handled. The supply table has a money inventory sheet and a bio-hazard bag for this purpose.
 - 1) Fill out the contaminated money inventory sheet. Make sure to include the type of contaminate and the denomination of the contaminated bills and/or coins.
 - 2) Place the contaminated money in the bio-hazard bag. Seal the bag and fold it to fit into the currency envelope.
 - 3) Fill out the currency envelope. Make sure the amounts on the currency envelope match those amounts on the money inventory sheet.
 - 4) Place the contaminated money inventory sheet into the currency envelope. Make sure to place a bio-hazard sticker on the outside of the currency envelope.

L. Firearms

All firearms shall be unloaded and made safe prior to being packaged and turned into the property and evidence room.

1. Handguns

- a. Evidence handgun boxes will be used for the packaging of all handguns.
- b. Live ammunition removed from the handgun may be placed into the same handgun box, but do not give it a separate item number.
- c. The “crack and peel” firearms label will be filled out completely.

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2. Rifles/Long Guns

- a. Rifles/long guns that need to be processed will be placed in a long gun box.
- b. All openings will be sealed with tamper resistant evidence tape.
- c. Fill out a pre-printed firearms “crack and peel” label and attach it to the packaging.
- d. Rifles/long guns not needing to be processed will have a tag attached by zip ties to the item as described above.

3. Firearms processing

- a. CSI will be responsible for test firing all firearms submitted to the Topeka Police property room
 - a. Exceptions
 - i. Revolvers need not be test fired
 - ii. Weapons that cannot be safely be test fired
- b. CSI will be responsible for processing firearms for DNA only if one or more of the following circumstances exist:
 - a. The firearm seized has a direct nexus to a criminal investigation.
 - b. An articulable reason is provided by the officer seizing the firearm.
 - c. With the approval of the CIB commander.
- c. If the firearm meets the criteria to be processed for DNA, the officer submitting the firearm will be responsible for completing a CSI work request detailing the exam requested.
- d. The CSI officer processing the firearm for DNA will be responsible for packaging all swabs and completing the ECR.
- e. All firearms will be processed within 30 days of being received by property unless expressly authorized by a CIB Commander to be delayed.
- f. Firearms will be retrieved from property, test fired and returned within the same shift. If extenuating circumstances prevent completion, the officer who retrieved the firearm will immediately notify their supervisor. CIB Commanders may authorize firearms to be held in the IBIS locker until the following shift during which the process will be completed.
- g. Weekly, CSI will retrieve copies of ECR made by property room staff that include all seized firearms and shell casings.
- h. Once receipts are reviewed to verify weapons are eligible for entry into IBIS the receipts will be returned to property to have all firearms pulled for testing.
- i. When firearms are pulled for testing they will immediately be taken to the Topeka Police Gun range to be test fired.

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- j. An IBIS envelope will be completed for each weapon being test fired and will be secured to the corresponding ECR.
- k. Each firearm will be test fired one at a time utilizing one nickel and one brass primer round. Both casings will then be collected in the IBIS labeled evidence envelope that will be completed by the officer conducting the test firing.
- l. Complete the ECR for any casings and package evidence appropriately.
- m. Re-package firearm
- n. The IBIS tracking sheet currently located on the O: drive in the CSI folder will be completed.

M. Narcotics

1. All narcotics evidence will be properly sealed and packaged
 - a. The narcotics substance is placed first into a clear plastic “Ziploc” style of baggie with at least 4 mil thickness (primary container);
 - b. The primary container will then be carefully sealed using the “zipper” seal as designed, folded over, and sealed with evidence tape.
 - i. Seizing officer must initial and date the seal. The initials and date shall be written as to cross over both evidence tape and the primary plastic bag.
 - c. The primary container will then be placed into a secondary, clear plastic evidence envelope and sealed using the self-seal portion of the envelope.
 - i. A properly sealed package will require obvious damage/alteration to the container or its seals to access the contents.
 - ii. The primary and secondary packages each shall be sealed in such a way that the contents of either container cannot escape.
2. After field testing the narcotic item(s), weigh the item(s) individually on the provided, standard, non-scientific scale.
 - a. Denote in the related reports whether or not the item(s) was weighed in the packaging or out of the packaging.

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- b. Write the approximate weight that is provided by the standard, non-scientific scale in the related reports.
 - c. Indicate the verifying officer's name and badge number on the front of the evidence envelope and ECR;
 - d. Officers will photograph all drugs seized, in its original container and original condition, prior to packaging;
 - e. Officers will obtain a camera and photo scale from their supervisor. The photograph will be taken while the evidence is on the digital scale to record both appearance and approximate weight.
 - f. Officers can request a quantitative analysis and gross/net weight on the physical evidence custody receipt accompanying the drug evidence. Analysis and weighing will be performed by the KBI following proper authorization; and
 - g. Officers should document, in their reports, the appearance of the suspected drug, how it was packaged, that photographs were taken, and any examinations of the evidence that were requested.
3. Narcotics will then be packaged into evidence envelopes, as described above, with the following additions:
- a. All narcotics of different types will be packaged separately;
 - b. All narcotics with different item numbers will be packaged in separate envelopes. For example, if there is a bag of cocaine and methamphetamine, package the cocaine separate from the methamphetamine; and
 - c. If the officer wishes the original packaging to be fingerprinted or swabbed for DNA, the drugs must be separated from the packaging.
4. Package narcotics separately from other items that are seized e.g., if cocaine, money, and a stereo are recovered, package the items separately in different envelopes/paper or bags.

N. Digital disks (CD, DVD, Blu-ray)

1. Complete an ECR.
2. Write case number and incident date on the disk.
3. Place disk in provided disk sleeves.
 - a. Do not seal with evidence tape.
 - b. Do not put the disk in an evidence envelope. The disk(s) will be kept separately from other property in order to save space.
4. Place the disk and custody receipt into the property slot by the lockers in order to save the larger lockers for other property.

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5. Disks containing pornographic images will be packaged and sealed in an evidence envelope and sealed with evidence tape as outlined in 4.18.5 section F.5.

O. Bicycles

1. A tag will be attached with a zip tie and the ECR will be placed with the bicycle.
2. The serial number and brief description from the bike will be placed on the ECR.
3. The bicycle should then be locked to the wall outside of the property and evidence lockers using the provided cables and padlocks.

P. Sexual Assault Kits

1. After the item is received from medical personnel, place the item in the refrigerated evidence locker. The original ECR will remain with the item when placed into the refrigerator; and
2. Attach a bio-hazard sticker to item(s).

Q. Knives

1. Knives and similar sharp objects should be placed in a knife box to prevent injury.
2. After the item is made safe, it shall be treated like general property already described.

R. Hypodermic Needles

1. New, still in box- Tape and package as general property.
2. New, still in safety container.
 - a. Use Scotch tape to secure the cap.
 - b. Follow instructions for used needles below.
3. Used Needles
 - a. There are containers specifically designed for this type of packaging. (Note: Any material in the hypodermic needle requiring testing must be placed into a sample vial and packaged separately for transport to the KBI lab).
 - b. Remove the Styrofoam and labels from the tube.
 - c. Place the sharp end of the needle into the Styrofoam.
 - d. Place the needle and Styrofoam inside the tube. More than one needle should be placed in each tube when possible.
 - e. Place the cap back on the tube.

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- f. Tape both ends of the tube.
- g. Place a bio-hazard sticker on the outside of the tube.
- h. Place the tube inside a medium sized evidence envelope.
- i. Follow the sealing procedures for the evidence envelope.
- j. Place a second bio-hazard sticker on the front of the envelope under the word "evidence".

4. If it is not needed for evidence, it should be placed in the sharps box provided by the supply table.

S. Open Containers

1. When seizing open containers do not seize the cooler.
2. The officer may want to secure an alcohol sample taken from the container or should at least photograph or record video of the container and its contents to assist in later prosecution.
3. The officer may dispose of the container or mark it for destruction when placing it into property.
4. The ECR will be completed showing the sample, if one was taken, and the container.
5. The officer should note on the ECR if the sample is to be tested.

T. Vehicle Tags

1. The tag will be returned to the State of Kansas.
2. If the tag is a 30 day tag that has been altered, it must be packaged in an envelope just like other evidence.

4.18.6 DNA

Department employees shall have a good understanding of where DNA (deoxyribonucleic acid) can be found, how to avoid contamination and preserve fragile DNA evidence. Training that outlines responsibilities and precautions will be provided to all Department employees to include any officers collecting evidence. Procedures for collecting DNA evidence will include, but not be limited to, proper collection with swabs, collection of entire items that may contain DNA and photographing of the item prior to collection. Correct safety precautions and procedures, to include rubber gloves and other personal protective equipment, shall be followed to avoid contamination or contraction of pathogens.

A. DNA Evidence Collection Procedures

1. Officers should identify potential DNA evidence at any crime scene (burglaries, auto thefts, rapes, homicide, aggravated assaults, aggravated batteries, etc.).

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2. Some common items of evidence that officers may need to collect are:
 - a. Baseball bat or similar weapon;
 - b. Hat, bandana, or mask;
 - c. Eyeglasses;
 - d. Facial tissue, cotton swab;
 - e. Dirty laundry;
 - f. Toothpick;
 - g. Used cigarette;
 - h. Stamp or envelope;
 - i. Tape or ligature;
 - j. Bottle, can, or glass container;
 - k. Used condom;
 - l. Blanket, pillow, sheet;
 - m. "Through and through" bullet;
 - n. Bite mark;
 - o. Fingernail, partial fingernail, hair; or
 - p. Blood, sweat, urine, saliva, semen, or mucous.

3. Because extremely small samples of DNA can be used as evidence, greater attention to contamination issues is necessary. To avoid contamination of evidence that may contain DNA, always take the following precautions:
 - a. Wear gloves; change them often;
 - b. Use disposable instruments or clean them thoroughly before and after handling each sample;
 - c. Avoid touching the area where DNA may exist;
 - d. Avoid talking, sneezing, and coughing over evidence;
 - e. Avoid touching face, nose, and mouth when collecting and packaging evidence;
 - f. Air dry evidence thoroughly before packaging; and
 - g. Put evidence into new paper bags or envelopes, not plastic bags. Do not use staples.

4. DNA kits have been placed in all primary responder police vehicles. The kits will be inspected periodically by each officer and monthly by a supervisor. The officer who uses the kit is responsible for replenishing the kit and items can be obtained from CSI.
5. Officers will collect DNA evidence and submit to the Property Room using current methods and procedures of evidence collection.
6. Officers or detectives requesting DNA analysis by the Kansas Bureau of Investigation (KBI) will:
 - a. Fill out a KBI work request form located on the intranet under "agency forms"; and

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- b. Send the KBI work request form to Property which will then pull the DNA sample and send to the KBI.
7. The Department shall provide periodic training on DNA evidence collection to all officers who process DNA evidence in the field.

4.18.7 DIGITAL MEDIA EVIDENCE

- A. Digital media evidence in the form of USB drives will be properly tagged and submitted to the Technology Unit within 24 hours. The Technology Unit will properly download the evidence to a secured agency drive.
- B. In the event that digital media evidence cannot be submitted within twenty-four (24) hours, the employee must notify a supervisor.
- C. Devices capable of storing data are extremely sensitive to electrostatic discharge. Improper handling may cause damage to the device rendering it useless. Collection and transportation of all types of storage media shall be performed by persons that have received training in the specific handling of electronic storage. Static-free bags shall be used to seal evidence of this type. All extraction and analysis of data stored on a device seized as evidence will be performed by persons that have received training in data forensics and are familiar with the proper legal precedent for seizure of evidence.
- D. When seizing a computer for analysis, if the computer is off, leave it off.
- E. Computers have the ability to store data using encryption technology. If the computer is turned off prior to disabling encryption it is possible that a later search will not be possible. If it is believed that a computer system is running encryption, officers shall seek the assistance of a computer specialist before turning off the system.
- F. If it is reasonably believed that the computer is destroying evidence, immediately shut down the computer by pulling the power cord from the back of the computer and removing the battery if necessary.
- G. If a camera is available, and the computer is on, take pictures of the computer screen. If the computer is off, take pictures of the computer, the location of the computer, the connections and any electronic media attached.
- H. When supported by a legal basis for the seizure (warrant, consent, plain view, etc.) all printouts (officers shall be observant for user names and passwords), components and peripherals including cables, power cords, keyboards, mice, manuals and storage media shall be collected with the computer.

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I. Stand-Alone Home Personal Computers

1. Photograph computer front and back as well as cords and connected devices, as found. Photograph surrounding area prior to moving any evidence.
2. If computer is on and something is displayed on the monitor, photograph the screen.
3. If computer is on and the screen is blank, move mouse or press space bar (this will display the active image on the screen). After image appears, photograph the screen.
4. Photograph all wiring and cables prior to disconnecting.
5. Unplug power cord from back of computer.
 - a. For laptops, if the laptop does not shutdown when the power cord is removed, locate and remove the battery.
 - b. The battery is commonly placed on the bottom, and there is usually a button or switch that allows for the removal of the battery.
 - c. Once the battery is removed, do not return it to or store it in the laptop. Removing the battery will prevent accidental start-up of the laptop.
6. Disconnect all cords and devices from the computer.
7. Seize additional storage media.
8. Keep computer and all media away from magnets, radio transmitters and other potentially damaging elements.
9. Collect instruction manuals, documentation and notes.

J. Networked Home Personal Computer:

1. Photograph all wiring and cables prior to disconnecting;
2. Unplug power to router and/or modem;
3. Photograph computer front and back as well as cords and connected devices, as found. Photograph surrounding area prior to moving any evidence;
4. If computer is on and something is displayed on the monitor, photograph the screen;
5. If computer is on and the screen is blank, move mouse or press space bar (this will display the active image on the screen). After image appears, photograph the screen;
6. Unplug power cord from back of computer;
7. Disconnect all cords and devices from computer;
8. Seize additional storage media;
9. Keep computer and all media away from magnets, radio transmitters and other potentially damaging elements; and
10. Collect instruction manuals, documentation and notes.

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K. Network Server/Business Network:

1. Consult a computer specialist for further assistance.
2. Secure the scene and do not let anyone touch any computer component except personnel trained to handle network systems.
3. Removing the plug could:
 - a. Severely damage the system;
 - b. Disrupt legitimate business; and/or
 - c. Create officer and department liability.

L. Cell Phone and Digital Camera

1. Apple smart phones and tablets must remain powered on and charged to protect the integrity of the data stored within the device. The following details the proper seizure and preservation of these devices and associated removable data.
 - a. If the device is powered on, place it in an available storage locker located immediately outside the Technology Unit office.
 - b. Plug the device into one of the charging cords within the storage locker.
 - c. If the Apple device cannot be kept charged for any reason, analysis specialist must be completed prior to battery discharge or data may be lost.
 - d. Place the device inside the protective static bag contained within the storage locker. Do not seal or write on the bags as they are intended to be reused.
 - e. Complete a separate ECR with the appropriate item number noted.
 - f. The Apple devices stored within the storage locker should be examined by a member of the Technology Unit as soon as practical.
 2. All other cell phones, smart phones, tablets and digital cameras may store data directly to internal memory or may contain removable media. The following details the proper seizure and preservation of these devices and associated removable media. <1.2.4>
 - a. If the device is on, power down device prior to packaging it for evidence.
 - b. These items may be placed in property using normal procedures.
- M. If the officer should encounter a computer system that he or she is unable to identify or is uncertain how to properly seize, he or she should contact someone who is qualified to provide technical assistance.**

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1. Topeka Police Department Technology Unit detectives trained in cell phone and computer forensics .
2. US Dept. of Justice, Computer Crime and Intellectual Property Section (CCIPS) (202-514-1026) or go to their website at <http://www.usdoj.gov/criminal/cybercrime>
3. KBI High Technology Crime Investigation Unit.
4. Shawnee County Sheriff Computer Forensics Unit (368-2313)

N. Department Owned Digital Media Storage Devices

1. Digital evidence downloaded onto Department owned media storage drives should be provided to the Technology Unit for processing into an agency computer drive.
2. During business hours, the officer may bring the flash drive to the Technology Unit to be downloaded onto an agency secured computer drive.
3. After business hours the officer will:
 - a. complete an evidence envelope with the minimum information of officer name and case number of incident
 - b. place envelope in a drop box outside the Technology Units office door.
 - c. email the Technology unit to ensure their awareness.
4. Once downloaded the flash drive will be returned to the officer.

4.18.8 FINGERPRINT CARD EVIDENCE

- A. Officers shall place latent print cards in property with an ECR. Print cards shall not be stapled to the ECR.
- B. Staple multiple cards from one case number together. Make sure that the case number is recorded on all fingerprint cards.
- C. Make sure that there is enough room left on the front of the card for a bar code sticker to be affixed, so it doesn't cover the diagram.
- D. Write legibly on the fingerprint card.
- E. Do not put the latent cards in an evidence envelope. Putting the case number on the cards will ensure they are matched to the correct ECR.
- F. Once processed by the Property Room fingerprint cards will be transferred to the latent print file in CSI.

4.18.9 PROPERTY CHECKOUT FOR LABORATORY ANALYSIS OR COURT
<83.3.2b>

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- A. Temporary release of evidentiary items for laboratory analysis or court purposes is permitted under the following conditions: <84.1.1g>
 - 1. The receiving employee must sign for receipt of the property and evidence; and
 - 2. The receiving employee is fully accountable for the return of the described property and evidence or if transferred to someone, the officer will have the subject sign for it on the ECR.
- B. Employees shall return items to the Property Room the same day unless a more extended release is warranted.
- C. A representative of the court shall be required to sign the ECR when it holds or confiscates property. The Property Room will retain the original ECR and the court may have a copy.
- D. Employees shall sign the ECR when returning property or evidence.

4.18.10 FOUND PROPERTY <84.1.1f>

- A. Lost property found by an on-duty employee shall be placed in the Property Room in accordance with procedures outlined in this directive and:
 - 1. No employee shall have the right of ownership should the owner not be located or should the owner fail to claim the property; and
 - 2. The property will be sold at public auction or disposed of in a manner prescribed by law.
- B. Lost property found by an off-duty employee will be turned in to the Property Room in accordance with this directive.
- C. If the property is found by an employee not engaged in a police related activity, the employee will be able to claim the property if the rightful owner:
 - 1. Cannot be identified or notified, or
 - 2. Fails to claim the property within 90 days.
- D. Property found by a citizen:
 - 1. If a person turns found property over to TPD, the property shall be placed in the Property Room in accordance with this directive;
 - 2. The citizen may contact the Property Room after 90 days to claim property if property has not been claimed by owner; and

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3. If the reporting citizen does not claim the property in 90 days it will be sold at auction or otherwise disposed of in accordance with current law. This does not include motorized vehicles.
- E. When an officer identifies the owner of found property, he or she may contact the owner and ask him or her to describe the property. The owner should be able to describe the property in detail and match identifying numbers on the property with numbers on a bill of sale, receipt or other documentation. <84.1.1f>
- F. Any found property that has not been claimed by its owner after 90 days shall be destroyed, returned to the finder, auctioned or converted for law enforcement use with approval from the courts and Chief of Police. <84.1.7>

4.18.11 RELEASING/DISPOSITION

A. Returned Property

1. The Property and Evidence Unit shall check all property submitted to determine if the property was correctly packaged and the ECR has been correctly filled out. If either has been done incorrectly:
 - a. Property personnel shall suspend the intake of the property and notify the officer that they will need to come to Property and correct the error; and
 - b. Officers who work hours that do not overlap the Property Room personnel hours shall make arrangements with Property personnel to make corrections.
2. If the officer does not correct the error within five days, Property shall send a second notice to the officer as well as to the officer's supervisor. If the officer is ill or unavailable, the officer's supervisor shall notify the Property Room immediately and arrange a date when the correction will be made.

B. Disposition Requests

1. Completed dispositions shall be forwarded to the Property and Evidence Unit.
2. Disposition requests that employees do not return within seven days will be issued again as a second request. The officer's supervisor shall determine the appropriate action.
3. Special problems:
 - a. If the officer is on vacation or other leave, the officer's supervisor should notify the Property and Evidence Unit supervisor; and

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- b. If the officer is not associated with the case, this should be noted on the form with the name of the employee the case is associated with and returned to the property supervisor.
 4. If dispositions cannot be obtained, officers need to note this on the form and return it to the property supervisor.
 5. Officers may initiate the disposition of property by completing the property disposition request and submitting it to Property. Property personnel will then complete the process. <84.1.1g>
- C. Disposition of Property and Evidence
 1. Final disposition of all property should be accomplished within six months after legal requirements have been satisfied.
 2. Weapons Release
 - a. Officers shall complete a property disposition request and submit it to the Property Unit.
 - b. The Property Unit shall return all incomplete forms to the submitting officer.
 - c. Property personnel shall not release a firearm until it has been authorized by the releasing officer via a property disposition request or court order.
 3. Upon authorization to release the firearm, Property personnel shall contact the owner it is to be released to and advise them of the process to claim the firearm.
 4. If the firearm can be release, the owner must produce photo identification and complete a Firearms Release Form Questionnaire.
 5. The firearm shall be checked again for stolen just prior to its release.
 6. Employees shall run a criminal history check on the owner claiming the firearm before releasing the weapon.
 - a. The state criminal history check is valid for ninety (90) days from the day it is run (Per KCJIS guidelines).
 - b. If the firearm is not picked up within 90 days, employees will run another criminal history check.
 7. If the firearm cannot be released, the subject shall be advised it cannot be returned and the reason why.
 8. Firearms should be released to the owner without delay according to procedure and current State law when:
 - a. The firearm is not needed as evidence; and
 - b. The owner is known.

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9. Any officer may receive a firearm from the public to be turned in to the Property Room for disposal. Officers will fill out an ECR and note the firearm is to be disposed of.
10. Recovered local stolen firearms will be released to owner in accordance with the Department's release procedure.
11. Outside jurisdiction: Property personnel will advise the reporting agency of the recovery and make arrangements for the release of the firearm.
12. If the firearm has evidentiary value in the Department's jurisdiction, Property personnel will work in conjunction with CIB and/or the seizing officer and the reporting agency to determine disposition.
13. Property personnel shall include a list of case numbers set to be destroyed, sold or forfeited for law enforcement use.
14. The list will be forwarded to the District Attorney's Office and/or City Attorney's Office for review and approval for disposal.
15. The Legal Advisor, or another designated agent of the Department, will request a court order to destroy or convert the firearms.
16. The Property Room supervisor will arrange to have the firearms disposed or forfeited per court order and current state statute. The Property Room supervisor will notify the armorer of the scheduled disposal. The armorer will review the firearms to determine:
 - a. Any firearms suitable for forfeiture;
 - b. Need for procuring weapons for training purposes; and
 - c. Inspecting the condition of the weapons to determine if they are fit for resale.
17. The Property Room supervisor shall sign the converted firearms over to the armorer. The armorer shall provide a form letter to property indicating he or she has taken possession of the firearms. The armorer will attach an ECR to the letter.
18. Property personnel shall ensure that a Department employee is present at any firearms destruction as a witness.

4.18.12 TEMPORARY STORAGE LOCKERS

A number of raids and the seizure of evidence and property occur late at night and cause overtime to process and properly package evidence. This policy is designed to reduce overtime and still bring the evidence and/or property under the control of the Property Room before the end of the officer's shift. <84.1.1b>

A. Security

1. The narcotics secure storage vault will no longer be used to store evidence for processing.
2. Only narcotics officers may use the Property Room temporary storage lockers.

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3. Each narcotic officer will be issued an individual combination padlock.
4. Officers will not share their combination number with any other officer.
5. The supervisor of the Property and Evidence Unit will designate lockers in the Property and Evidence locker bank on the first floor as temporary storage lockers.
6. These lockers shall automatically lock when they are shut and only property personnel shall have access to these keys. The narcotic officer shall also place their assigned padlock on the locker when it is used.
7. The rear door of the temporary storage lockers will be padlocked and the key retained by the Lieutenant of the Narcotics Unit.
8. In order to remove the items from the locker the narcotics officer must be present to remove the padlock and a Property Room employee must then unlock the door.
9. All Property Room temporary storage lockers will be clearly marked with a warning that a padlock is required to secure evidence.

B. Property Room Procedure

1. The Property Room supervisor has ultimate responsibility and control over the temporary storage lockers.
2. Once property is placed in the temporary storage lockers, the supervisor of the Property and Evidence Unit shall ensure the evidence/property is processed within three (3) working days.
3. If property is improperly stored in lockers or the property is in the locker more than three (3) days the Property and Evidence Unit supervisor will notify the Lieutenant of the Narcotics Unit and determine the course of action to be taken.

C. Narcotics Unit Procedure

1. All property must be placed under the Property Room control before the end of the officer's shift; exceptional circumstances defined in policy.
2. If the officer assigned to narcotics executes a search warrant and seizes evidence and/or property that will require overtime to process they will contact their supervisor.
3. The supervisor will determine if the officer should be placed on overtime status or the evidence will be held in the Property Room temporary storage lockers.
4. If the supervisor authorizes the use of the Property Room temporary storage locker, the officer will:
 - a. Seal the container in a manner that the seizing officer can determine that the container has not been opened during storage, if the evidence includes drugs and/or money; and
 - b. Place all evidence and property in the Property Room temporary storage locker and place the padlock on the locker.

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5. No evidence or property will be stored in the Property Room temporary storage lockers without the approval of the supervisor and notification to the Property Room.
6. The next working day, the officer will properly package evidence. An evidence custody receipt (ECR) will be completed and turned in with the evidence as required.

4.18.13 INSPECTIONS AND AUDITS

Inspections, inventories and audits of the Property and Evidence Room are addressed in Departmental policy 2.3, 'Inspections and Audits.'