

Georgia Department of Public Safety

Policy Manual

SUBJECT EVIDENCE AND PROPERTY	POLICY NUMBER 12.01
DISTRIBUTION ALL EMPLOYEES	DATE REVISED 6/6/2014

12.01.1 Purpose

It is the purpose of this policy to define member's responsibility for the proper collection, preservation, and control of evidence; and to establish guidelines for the disposition of all evidence that an employee may obtain or receive in the course of their official duties.

12.01.2 Policy

It is the policy of the Department of Public Safety (DPS) that all evidence obtained or received is properly secured, labeled, stored and disposed of. All changes in custody shall be properly documented. To achieve this goal all members shall adhere to the established guidelines and specific responsibilities.

12.01.3 Definitions

- A. Evidence - any property, thing of value, specimen or duplication of events recorded, collected or created by a member during the exercise of official duties, which is stored outside a case file.
- B. Secure Storage Area – an area of controlled access designated by the evidence custodian for long-term security of evidence as specified by the Standard Operating Procedures for the Evidence Custodian.
- C. Temporary Storage – A secure container or area designated by policy or the evidence custodian to allow for short-term security of evidence/property when the secure storage is not reasonably available. Temporary storage areas include drop boxes, refrigerator/freezers, hazardous materials lockers, and secure parking lots.
- D. Owner – a person having ownership, a legal interest, custodial rights or who otherwise exercises a lawful interest in any evidence.

12.01.4 Objectives

- A. To protect the integrity of the evidence by establishing and maintaining the chain of custody.
- B. To protect all members handling evidence from allegations of impropriety.
- C. To provide for proper documentation and packaging of all evidence.

- D. To protect the legal rights of all persons involved.
- E. To conform to state statutes and evidentiary procedures.
- F. To identify and notify the owner or custodian of the evidence being held.
- G. To establish procedures for temporary and final resolution from the evidence control function.

12.01.5 Responsibilities

- A. Troop/Region Commander/Unit Supervisor
 - 1. Review all reports from the Evidence Custodian.
 - 2. Conduct an annual audit of each evidence room and prepare a report to be directed to the respective adjutant.
 - 3. Conduct unannounced inspections of the evidence storage area a minimum of two times per year.
 - 4. Conduct an inventory when an evidence custodian leaves the position.
 - a. The inspection shall be conducted jointly by the newly designated evidence custodian and a designee of the Colonel to ensure the records are correct.
 - b. The parting evidence custodian shall attend the inventory.
 - 5. Ensure compliance with the guidelines established in the Evidence Custodian Standard Operating Procedure Manual.
- B. Primary Evidence Custodian- Post/Asst. Region Commander
 - 1. Adhere to the guidelines established in the Evidence Custodian Standard Operating Procedure Manual.
 - 2. Appoint a Secondary Evidence Custodian to be approved by the Troop/Region Commander.
 - 3. Conduct a semi-annual audit to determine adherence to procedures used for the control of evidence.
 - 4. Make a semi-annual report to the respective Troop/Region Commander/Unit Supervisor indicating the following information:
 - a. The number of pieces of evidence in the facility by Post/Station and county;
 - b. The number of cases disposed of, by Post/Station and county;
 - c. The number of additional pieces of evidence received at the facility by Post/Station and county, and
 - d. The number of pieces of evidence returned to the owner.

C. Secondary Evidence Custodian/Assistant Post/Station Commander

1. Maintain a secure storage area for submitted evidence.
2. Maintain records of the chain of custody at the storage area.
3. Maintain an adequate supply of approved containers and evidence tape.
4. Maintain submitted evidence and be able to account for the evidence through final disposition within the records system.
5. When authorized by policy, dispose or return evidence consistent with the approved final disposition methods.
6. Adhere to the guidelines established in the Evidence Custodian Standard Operating Procedure Manual.

D. Members

1. The first member to arrive at the scene is responsible for protecting the collision/crime scene unless relieved by proper authority.
2. The member investigating the collision/crime scene shall determine the scope of the investigation, and is responsible for identifying, collecting, recording and labeling all evidence consistent with training and policy.
3. The member shall check all seized or recovered evidence that has a serial number through the NCIC/GCIC files.
4. Every effort shall be made to identify and notify the owner or custodian of evidence in custody and provide a signed receipt, when possible, for such evidence to the owner or custodian.
5. When evidence is located, the member shall complete a DPS Incident report, which describes the circumstances and include a copy in the case file.
6. A properly completed DPS-819 form shall accompany all evidence.
7. After all necessary information has been recorded; evidence shall be turned over to a local entity (law enforcement agency, task force, etc.) or submitted to the Post/Station Evidence Custodian for storage.

12.01.6 Types of Evidence

A. Blood and Urine evidence

1. Qualified medical personnel shall collect all blood samples from all persons. Urine specimens may be collected by the arresting member or qualified medical or law enforcement personnel.
2. All samples shall be sealed in containers approved by the State crime lab.
3. It shall be the investigating/arresting Member's responsibility to ensure all samples are properly packaged and prepared for shipping at the end of their shift to be delivered to a state crime lab facility.

4. Delivery to a state crime lab facility may be achieved through the United States Postal Service, United Parcel Service (UPS) or personal delivery.
 5. Regardless of the method used in the delivery of the sample to the Crime Lab, a Chain of Custody Form shall be filled out and the tracking number of the Postal shipment shall be documented on the form.
 6. In exigent circumstances the investigating member may request another member to obtain blood and urine samples. If requested, the member collecting the sample shall be responsible for following guidelines set forth in this policy.
 7. In the event a member from another Post/Station or Troop/Region requests another member to collect a sample, the requested member shall make every effort, unless circumstances prevent, to accommodate the request.
- B. Video Recordings (DVD, VHS or other media)
1. Shall be considered evidence and treated as such.
 2. Shall be maintained at the Post/Station as outlined in this, the Mobile Video/Audio Recording Policy #12.03 and all other applicable policies.
- C. Weapons
1. When an inventory or search is conducted, any weapons located shall be checked through GCIC/NCIC to determine if they have been reported lost or stolen. Unless such checks are positive, weapons shall not be seized from persons who are legally entitled to possess them, unless needed as evidence.
 2. When a weapon will be left in a vehicle to be towed by a rotation wrecker, or released to another agency, the serial number and model of the weapon shall be recorded on the DPS-811 Vehicle Inventory Form.
 3. Weapons collected as evidence shall be secured in an authorized storage area.
 4. Firearms collected as evidence shall be unloaded in a safe and secure manner. They shall not be transported in a patrol vehicle or turned in at any evidence facility with ammunition in the firearm. Ammunition shall be properly labeled in a separate evidence bag from the firearm.
 5. Edged weapons shall be secured and stored in a manner that not only protects the evidence, but also protects anyone who comes into contact with the evidence.
 6. It is the investigating/arresting member's responsibility to ensure all weapons, which are to be submitted for analysis, are properly packaged and prepared for shipping at the end of their shift to be delivered to a state crime lab facility within 24 hours of collection.
 7. The investigating member, NCO or their designee shall deliver all weapons, which are to be submitted for analysis to state crime lab facility. Chain of custody forms shall be completed in each case.
- D. Alcoholic beverages

1. Alcoholic beverages shall not be seized from persons who are legally entitled to possess them, unless needed as evidence.
2. When alcoholic beverages are seized, these shall be documented and stored as all other evidence.

E. Controlled substances

1. All controlled substances seized shall be placed in evidence bags or other appropriate containers, properly labeled and secured at the drop box until submitted to the State Crime lab.
2. It is the investigating/arresting Member's responsibility to ensure all controlled substances are properly packaged and prepared for shipping at the end of their shift to be delivered to a state crime lab facility, except as provided in paragraph 4 of this section.
3. The investigating member, NCO or their designee shall deliver controlled substances to a state crime lab facility. Chain of custody forms shall be completed in each case.
4. In misdemeanor cases, marijuana may be tested by a member who has successfully completed certified training for marijuana analysis or it shall be submitted to the State Crime lab for analysis.
5. When controlled substances are returned from the crime lab they shall be transported to the evidence facility without delay.
6. The evidence custodian upon receipt shall follow procedures as outlined in their Standard Operating Procedural Manual.

F. Motor Vehicles

1. All motor vehicles seized as evidence shall be removed, by appropriate method, to an approved evidence storage facility.
2. Post/Station Commanders/Section Supervisors shall ensure a facility within their territory has a secure location for these purposes.
3. A complete inventory of the motor vehicle shall be conducted prior to storage and the contents shall be recorded on a Vehicle Inventory Report (DPS-811), in addition to the Evidence Sheet (DPS-819).
4. Each member, prior to the end of their shift, who places an evidentiary hold on a vehicle shall notify the on call NCO informing them of the circumstances. No vehicle shall be held longer than is legally necessary.

G. Valuables

1. Valuables that require extra security precautions shall be temporarily secured in the safes or lock box at each post or at the evidence facility. Valuables include, but are not limited to, currency, jewelry, collectibles, coinage, checks and bonds.
2. Currency shall be counted and the amount and denominations recorded immediately following seizure unless exigent circumstances prohibit. (Example - \$475.00, 12 - \$20 bills, 12 - \$10 bills, 20 - \$5 bills, 15 - \$1 bills.) The count and

recording should be done in the presence of a law enforcement witness. The name and badge number or address/agency of the witness shall also be clearly documented.

3. The member who locates/receives the valuables shall maintain continuous custody of the valuables until they are documented and sealed as evidence.

H. Known Samples

After all legal processes have been satisfied, materials and substances needed as evidence shall be documented and collected from a known source. Samples shall be submitted to the Crime Laboratory by the investigating member to be used as a standard for comparison with the physical evidence.

I. Computer Crimes Evidence

1. If the computer has a modem, either external or internal, a telephone line may be attached to the back of the computer or modem. This should be disconnected to prevent deletion from a remote location.
2. If the computer is on, disconnect the power cord and battery (if applicable). Do not turn off the computer through the operating system. If it is off, do not turn it back on. Do not perform any action with the computer.
3. Use adhesive labels to attach numbered labels to all cables and their associated connecting points.
4. Remove all peripheral equipment such as printers, scanners, disks, manuals etc and insert a blank disk into each disk drive.
5. It is investigating/arresting member's responsibility to ensure all computers and peripheral equipment are properly packaged and prepared for shipping at the end of their shift to be delivered to a state crime lab facility or the Office of Professional Standards within 24 hours.
6. Delivery to a state crime lab facility or the Office of Professional Standards may be achieved through the United States Postal Service, department approved or contracted commercial carrier, or personal delivery.

J. State Issued Property

1. Cellular telephone; Still Camera (digital, 35mm, or any device used to capture still images; Video Camera (handheld or any device used to capture action images, but not including "in-patrol vehicle" camera).
 - a. If device is "off," do not turn "on." If device is on, leave on.
 - b. Photograph device and screen display, if available.
 - c. Label and collect all cables, to include power supply, and transport with device.
 - d. Keep device charged. If device cannot be kept charged, analysis by a specialist must be completed prior to battery discharge or data may be lost.
 - e. Seize additional storage media (memory sticks, compact flash, film, etc.)

- f. Document all steps involved in accordance with 12.01.07.
2. In-Patrol Vehicle Camera: WatchGuard or other camera installed in DPS patrol vehicles.
- a. Download current data onto DVD or a flash drive from which to create DVD. Each copy of DVD will be documented on a property/evidence receipt. Dissemination of each copy of DVD will be reflected on the receipt.
 - b. Photograph device and screen display, if available.
 - c. Disconnect power source to the camera in accordance with manufacturer recommendation.
 - d. Secure vehicle (see 17.01.6, J-3) with camera until device can be removed from vehicle by Radio Shop personnel as authorized by the Headquarters Adjutant (or designee) or Office of Professional Standards Investigator.
 - e. If appropriate, the device will be examined and/or downloaded by authorized Computer Services personnel. Any media that results from such analysis shall be documented on evidence/property receipt.
 - f. DVD, device, and/or any resulting media will be managed in accordance with Policy 12.01.07. Each transfer of evidence will be documented on receipt(s) to ensure proper maintenance of the chain of custody.
3. Patrol Vehicle or Pool Vehicle
- a. The first NCO or Troop Officer on scene will secure the vehicle at the scene to evaluate subsequent action.
 - b. This Troop Officer or NCO shall photograph vehicle at the scene.
 - c. If appropriate, this Troop Officer or NCO will provide access to the vehicle to other investigating entities (SCRT, OPS, GBI).
 - d. If seized and secured, an NCO, Troop Officer, SCRT or OPS Investigator will conduct a vehicle inventory, photographing and documenting (in accordance with 12.01.07) of any items of value, and seizing items of evidentiary value.
 - e. If determination is made to secure the vehicle as evidence, an NCO, Troop Officer, SCRT or OPS investigator will arrange for the vehicle to be transported to Headquarters or other temporary secure towing/wrecker storage facility, until it can be transported to DPS Headquarters Garage. The wrecker company used shall be from the DPS Approved list. Upon arrangement with DPS Garage, the vehicle and the wrecker transporting it will be followed and observed by an NCO, Troop Officer, SCRT or OPS Investigator to maintain chain of custody.

- f. Once at HQ Garage, the vehicle will be examined further as appropriate by SCRT or OPS Investigator, and/or other investigating entity.

12.01.7 Procedures

A. Reporting/Marking

1. Any investigative actions including those listed above shall be documented in incident report or investigative files.
2. The complete chain of custody, including all transfers shall be documented on the DPS-819.
 - a. The white copy shall always remain with the evidence in all circumstances.
 - b. The yellow sheet is used for another agency if it is needed.
 - c. The gold sheet shall act as the evidence control sheet at the authorized evidence storage facility. Any activity concerning the listed evidence shall be noted on the gold sheet and on the white sheet if available.
 - d. The pink sheet is given to the owner of the property if one is known.
 - e. A photocopy of the DPS-819 shall be filed at the Post initiating the seizure and shall be attached to the incident report.
3. Prior to any storage, all evidence shall be tagged, marked, or otherwise identified with evidence bags or evidence tape.
4. All evidence markings shall include as much information as possible pertaining to the case such as:
 - a. Victim or suspect's name(s);
 - b. Source from which Known Sample(s) is obtained;
 - c. Serial Number(s);
 - d. Model Number(s);
 - e. Brand(s);
 - f. Type(s);
 - g. Color(s), and
 - h. Other identifying features that describe the evidence.
 - i. The date, time, incident/crash number, and the seizing member's name shall also be included.
5. Any release from storage shall be documented by the evidence custodian or member who has custody of the evidence on a receipt and given to the custodian of such property. It should also be noted on the gold copy of the DPS-819.

6. Records shall be maintained on all evidence.
 - a. The evidence custodian shall maintain records at the evidence facility.
 - b. Records shall be maintained for a minimum of seven years and the current year or 6 months following final disposition, whichever is later.

B. Control of Evidence

1. The evidence area shall be secure at all times. Only personnel designated by the Troop/Region Commander shall have access to the evidence facility.
2. The chain of custody shall be continuously recorded and maintained through the final disposition of the evidence.
3. Evidence is only stored in a patrol vehicle under the following circumstances;
 - a. When the evidence custodian is unavailable and no secure drop box is available.
 - b. When properly sealed and secured out of view within a locked area of the vehicle.

C. Submission of Evidence to the Crime Lab

1. The evidence custodian is responsible for submitting evidence to the crime lab except as otherwise provided in this policy, upon receipt of evidence from a temporary storage.
2. All documentation relevant to evidence testing shall be maintained in the Post/Station files and with the evidence custodian.
3. Supervisors are entrusted with the following responsibilities regarding evidence.
 - a. Monitor the Members under their command to ensure all evidence is submitted as required by this policy.
 - b. Monitor the recording of the chain of custody and make sure it is adhered to.
 - c. Check all reports for accuracy and ensure an incident report is completed when personnel under their command seize evidence.

D. Final disposition of evidence

1. Evidence shall never be converted for any type of personal use.
2. Disposal of Evidence
 - a. All unclaimed evidence shall be held for a period of six months. After six months, the evidence shall be properly disposed of by the evidence custodian.
 - b. Evidence associated with prosecutions shall not be disposed of until written authorization has been received from the prosecuting attorney, at which time it must be disposed of within three months.

- c. Documentation of all evidence destruction shall be maintained in the Post/Station Evidence Files.
 - 1) Destruction shall be witnessed by at least one other sworn member of equal or higher rank.
 - 2) All persons who witness the destruction of the evidence shall be listed on and sign the DPS-819.
- 3. Return of Evidence
 - a. Items without apparent evidentiary value, determined to be "property," may be returned to the owner provided they:
 - 1) Show identification;
 - 2) Are legally entitled to possess the item(s), and
 - 3) Sign the DPS-819 as a receipt.
 - b. When the above guidelines are not met, this evidence/property shall be relinquished to the evidence custodian.