

FLORIDA HIGHWAY PATROL POLICY MANUAL

	SUBJECT EVIDENCE AND PROPERTY CONTROL	POLICY NUMBER 12.02
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12.02.01 PURPOSE

To establish minimum guidelines for the identification, documentation, control, and disposition of physical evidence and non-evidentiary property.

12.02.02 AUTHORITY

The Florida Highway Patrol is granted authority under the provisions of Chapter 321, Florida Statutes, to seize contraband and stolen property, and to make arrests for violations of federal, state, county laws or municipal ordinances. Along with these responsibilities is the care and protection of property taken as evidence or for safekeeping.

12.02.03 POLICY

It is the policy of the Florida Highway Patrol (FHP) to:

- A. Collect, receive, preserve, document, transport, store, and dispose of physical evidence and non-evidentiary property in a standard and consistent manner.
- B. Provide, or approve for Division use, secure receiving and storage facilities at locations throughout the state to which access is restricted to authorized personnel only.
- C. Properly identify, package, and promptly deliver evidence/property into the appropriate evidence function.
- D. Provide a receipt describing the evidence/property received and to identify the seizing and receiving officer to whom the property was delivered to.
- E. Document the transfer of custody of evidence/property between Division personnel and other laboratory, agency, and court functions.
- F. Apply the same security, records, and inspection procedures to non-evidentiary property as those that apply to evidence.

12.02.04 OBJECTIVES

- A. To protect the integrity of evidence or property by establishing and maintaining the chain of custody.

- B. To protect the integrity of members handling evidence/property.
- C. To provide proper documentation, packaging, and storage of all evidence/property.
- D. To minimize the time a member has personal possession of evidence/property.
- E. To protect the rights of all persons involved.
- F. To conform to state statutes and court orders.
- G. To require an effort to promptly identify and notify the owner of property in the Division's custody.
- H. To establish procedures for temporary and final release of property items from the E/P control function.
- I. To require final disposal of all evidence/property in a manner consistent with state statutes and department policies and procedures.
- J. To establish progressive E/P policies, procedures and training programs that enhances the job proficiency and minimizes the health risks of all Division personnel handling evidence/property.

12.02.05 RESPONSIBILITIES

- A. The Troop Commander of each troop will ensure that the troop is following proper evidence and property procedures by:
 1. Approving the number, type, and location for all E/P storage facilities needed in the troop.
 2. Appointing all E/P supervisors in the troop and ensuring that written notification is provided to them upon assignment and/or rescission of E/P duties, with a copy to the E/P custodian. A master file will be maintained at troop headquarters.
 3. Ensuring that all annual audits, quarterly inspections, and special inventories are properly assigned and conducted on the EPR.
 4. Reviewing the findings of all reports related to the operations of the EPR, including responses to discrepancies in order to evaluate the effectiveness of the actions taken to resolve problems identified in these reports.
 5. Reviewing the monthly status reports on all drugs, currency and vehicles seized by members in the troop.
 6. Overseeing the proper coordination and timely case management on all evidence/property submitted to the troop's E/P control function.
 7. Assessing the need for an appropriate number of safe deposit boxes at local financial institutions for the security of items with exceptional value.

8. Ensuring that training is conducted in accordance with policy and to continually monitor the overall effectiveness of the troop's E/P training program.
 9. Continually assessing the level of consistency in the proper management of the E/P control function throughout the troop and to develop options for alternative action when consistency is lacking.
 10. Enforcing written agreements with outside agencies for services rendered in the E/P control function and to ensure that the following documents are maintained at troop headquarters:
 - a. Copies of all written agreements for the troop's use of E/P storage facilities operated by outside agencies.
 - b. Copies of all written agreements for the use of the troop's E/P storage facilities by officers from outside agencies.
 - c. Verification that such facilities are operated in accordance with CALEA Standards.
 11. The overall integrity of the E/P management system in the troop.
- B. The District Commanders for each district in the troop are responsible for ensuring:
1. That all E/P policies and procedures are carried out and enforced within their district.
 2. That members who submit evidence/property into the E/P control function of an outside agency follow all provisory instructions and conditions outlined in the written agreement.
 3. The overall integrity of the E/P management system in their district.
- C. The E/P custodian for each troop shall be responsible for:
1. Ensuring the maintenance of neat, organized, sanitary and secure E/P storage facilities for submitted evidence/property and E/P records entered only by authorized personnel. Facility entrance logs will be maintained for the EPRs and VIFs.
 2. Providing initial orientation and annual refresher training in evidence/property control to all E/P supervisors, including timely notification of current updates. Entries will be made in the E/P computer program that include, at a minimum, the name of the instructor and person(s) receiving the training, date, subject, number of hours, and whether the training was for initial orientation or annual refresher. In addition, all members assigned to the troop will be provided with prompt notification of new changes and updates in E/P policies and procedures. Whenever possible, the E/P custodian will attend district/troop meetings to address E/P issues.

3. Control and accountability for all keys to the troop's E/P storage facilities.
4. Ensuring that submitted articles are properly accounted for in the E/P record system that reflects the location of the evidence/property, date and time when the evidence/property was received or released, character, type, and amount of evidence/property on hand, and chain of custody from the time the evidence/property was seized until its destruction or other final disposition. This includes evidence/property submitted to the E/P control function of an outside agency, with the exception of the requirement to track the chain of custody once the evidence/property is turned over to the other agency.
5. Ensuring that E/P receipts are properly submitted. Each E/P receipt submitted to the troop's E/P control function will be carefully reviewed for completion and accuracy.
6. Ensuring that members are provided with passwords to the Web-based E/P computer system for submitting evidence/property to the E/P control function.
7. Ensuring that all articles submitted are properly packaged.
8. Ensuring that all articles are labeled or tagged for convenient recall. Each bag, box, or envelope that contains evidence/property will have a bar code sticker attached that contains the following: FHP case #; E/P control #; Item #; storage location; owner/suspect's name; trooper's name and PIN/I.D. #; date and time seized; and description of the item.
9. Ensuring that an inventory of all evidence/property held by the Division is kept current and available for review by authorized persons at any time.
10. Ensuring that evidence to be submitted to a laboratory is: promptly and accurately submitted; returned and stored until the case is concluded; and that the results of the analysis are submitted in writing. Upon receipt of the crime lab analysis report, the original will be placed in the E/P case file and a copy will be promptly forwarded to the lead investigator.
11. Ensuring that all evidence/property submitted is properly logged, secured, and maintained in the E/P control function.
12. Ensuring that weight scales are readily accessible to members for the weighing of drugs.
13. Ensuring that the necessary information is entered in the E/P record system for entry and release of evidence/property from any E/P storage facility.
14. Ensuring that the EPR maintains an E/P case file that contains all required records on each evidence/property case.
15. Ensuring that the troop is properly stocked with an adequate supply of all necessary materials needed for the proper packaging and processing of evidence/property.

16. Ensuring that evidence/property initially submitted to the E/P control function is processed for case management during the same day it was submitted or subsequent day whenever reasonable conditions permit, but no longer than 96 hours from the time of submission. Case management includes creating the E/P case file, verifying the assigned E/P control number and item numbers, entering the appropriate information into the E/P computer program, inspecting for proper packaging, attaching the bar code sticker(s), cataloguing and storage placement, and making arrangements for prompt delivery of the article(s) to the lab if necessary, etc. Priority should be given to expediting case management on all THH evidence.
17. Ensuring that evidence/property is properly sealed with evidence tape and marked.
18. Ensuring that any errors committed by members in the handling of evidence/property or the completion of related forms and reports are promptly brought to their attention for corrective action.
19. The proper disposal of all evidence/property held by the troop. Property held for safekeeping will be promptly returned to the owner. Final disposition of evidence/property shall be accomplished within six months after legal requirements are satisfied and in a manner as prescribed by state statutes and department/division policies.
20. Ensuring the accuracy of the E/P receipt and E/P computer program in regard to the names of persons releasing evidence/property, names of persons receiving evidence/property, dates/times of the transactions, methods and locations of disposal/destruction on all items of evidence/property seized by the Division.
21. Carrying out all Records Destruction Requests as they pertain to E/P case files.
22. Maintaining a master file in the EPR that contains copies of all E/P receipts for which the evidence/property has been temporarily checked out of the EPR until such is returned.
23. Maintaining a master file in the EPR that contains reports on all unusual occurrences that have occurred in the EPR.
24. Ensuring that members picking up evidence for a court hearing are provided with a copy of all related E/P receipts and a printout of a complete chain of custody record generated from the E/P computer program.
25. Ensuring proper coordination in the availability of an E/P supervisor to assist members with the handling of evidence/property, particularly during times when large amounts of money, drugs or unusual seizures occur.
26. Ensuring that a written response is prepared and forwarded to the Troop Commander regarding discrepancies identified in all internal and external reports related to the EPR.

27. Ensuring that evidence/property submitted by officers from other agencies is processed in accordance with all provisory instructions and conditions outlined in the written agreement and the FHP Policy Manual.
28. Maintaining a master file in the EPR for the following disposal actions:
 - a. Copies of all destruction notices approved by state attorneys, court orders for destruction of evidence/property, Notices of Return and related correspondence.
 - b. Copies of all advertisements on lost/found property and related correspondence.
 - c. Copies of all documents and correspondence related to evidence/property that becomes vested to the state.
29. Maintaining a master file in the EPR on all reports, findings and responses for annual audits, quarterly inspections, and special inventories conducted on the EPR, including external reports for audits and inspections generated from persons outside the Division. Entries will be made in the E/P computer program regarding all audits, inspections, and inventories that include, at a minimum, the name of the person(s) conducting the activity and name of the E/P supervisor(s) that witnessed it, date, and specific activity performed; quarterly inspections will be noted as either "announced" or "unannounced", special inventories will note the purpose (i.e., new E/P custodian, relocation of an EPR, closing of one EPR and consolidation with another EPR, etc.).
30. Ensuring that host agencies provide timely notice of final disposition on all evidence/property submitted to their respective E/P control function.
31. Providing the Troop Commander with monthly status reports on all drugs, currency and vehicles seized and stored by members in the troop. Copies will be forwarded to all district commanders.
32. Ensuring that current copies of the FDLE Crime Laboratory Evidence Submission Manual, DHSMV Management Manual Policy #10.06, FHP Policies 12.01, 12.02, 12.03 and 21.01 and related memorandums are maintained in the EPR and accessible to all E/P supervisors. In addition, a current edition of the FDLE Crime Laboratory Evidence Submission Manual shall also be readily accessible to all members.
33. Ensuring that all members have direct access to an adequate supply of all necessary materials needed for the proper packaging and processing of evidence/property.
34. Acting as the primary facilitator and liaison among all E/P supervisors to ensure continuity in the efficiency and effectiveness of the E/P control function throughout the troop.
35. Enforcement of all evidence/property policies and procedures to ensure the overall efficiency and effectiveness of the E/P management system throughout the troop.

- D. The assistant E/P custodian shall be responsible for ensuring:
1. That any errors committed by members in the handling of evidence/property or the completion of related forms and reports are promptly brought to their attention for corrective action.
 2. Their availability in assisting members with the handling of evidence/property, particularly during times when large amounts of money, drugs or unusual seizures occur. This includes assistance in the processing of evidence/property at any crime scene for which their presence is requested by a member.
 3. That appropriate assistance is provided to the E/P custodian with the relay of evidence/property and related forms and reports in order that case management commences within the first 96 hours, from the time of initial submission to the E/P control function.
 4. That appropriate assistance is provided to the E/P custodian with the relay of evidence/property and related forms and reports for the purposes of lab analysis, court presentation, and returning property to owners.
 5. That appropriate assistance is provided to the E/P custodian in the disposal or destruction of evidence/property.
 6. That they personally carry out the duties and responsibilities of the E/P custodian whenever the E/P custodian is not readily available or otherwise directed by the Troop Commander. An exception will be the responsibilities involving the control of all the keys to the troop's E/P storage facilities.
 7. Enforcement of all evidence/property policies and procedures to ensure the overall efficiency and effectiveness of the E/P management system within their district.
- E. Members seizing evidence/property shall ensure that:
1. A complete inventory and detailed description including, but not limited to, amount, make, size, and serial number of all items seized is logged on the E/P receipt. E/P receipts will contain the weight of all drugs.
 2. All items are marked for identification, placed in appropriate packaging, and sealed using evidence tape as necessary.
 3. The original signed copy of the E/P receipt is attached to the evidence/property, along with an accompanying report. If the evidence/property was taken from a juvenile pursuant to a criminal investigation, the word "Juvenile" will be clearly written in the upper right corner of the E/P receipt.
 4. All evidence/property, including found property, abandoned property and unclaimed property, is submitted to the E/P control function before the end of the member's assigned shift. In the event the E/P supervisor is not on duty, the member that made the seizure shall deposit the

evidence/property into the TSF or DDD. Evidence/property may be given to another member who will make the deposit prior to the end of the assigned work shift. The steps taken to secure the evidence must be documented in the accompanying report and the chain of custody section of the E/P receipt.

5. All evidence/property has a detailed report describing the circumstances by which the property came into the Division's possession. Copies of all updates to these reports shall be forwarded to the E/P custodian for placement in the respective E/P case files. A copy of the letter to the DEA Diversion Control Group will suffice as a detailed report for respective canine training drug scent packs submitted for destruction.
6. E/P receipts and accompanying reports for property returned to the owner during the same shift it was seized will be submitted to the E/P control function within 96 hours from the time of seizure, including "non-arrest" cases when firearms are turned over to the Sheriff's Office.
7. As the lead investigator, prompt notification is made to the state attorney's office regarding any evidence seized as a result of a criminal investigation. An E/P supervisor will ensure the proper duplication of video and audio evidence upon the request of the state attorney's office.
8. Whenever utilizing the E/P control function of an outside agency, the E/P receipt and accompanying report are submitted to the FHP E/P control function within 96 hours from the time of submission to the outside agency.
9. Every effort is made to promptly ascertain and notify the owner of non-evidentiary property (i.e., lost, found, abandoned property) that comes into their possession in order that it may be returned as soon as possible.
10. Whenever notified of a court hearing that will require the delivery of evidence to the hearing, the member will promptly contact the E/P custodian for advance pick-up arrangements.
11. Prompt notification is given to the E/P custodian regarding the final disposition of any investigation and associated evidence they seized in order to initiate disposal procedures.
12. Tight security is maintained on all evidence/property held in their personal custody and control.

12.02.06 PROCEDURES

A. EVIDENCE/PROPERTY CONTROL

1. The E/P custodian is in charge of the EPR and will be assisted by an assistant E/P custodian(s) in the processing of all evidence/property for case management and carrying out the daily operations of the E/P control function.

2. The Troop Commander will assign the appropriate number of assistant E/P custodians (lieutenants) to ensure the continuity of daily E/P operations.
 - a. Only the E/P custodian and assistant E/P custodian(s) will be issued keys to all of the troop's E/P storage facilities. These E/P supervisors will have unlimited access to the E/P storage facilities and E/P computer program.
 - b. The assistant E/P custodian(s) will be assigned to work with the E/P custodian on shifts that maximize accessibility to the E/P control function.
3. Troop Commanders are authorized to formulate agreements (standard language) with commanders of adjoining troops for shared use of their E/P control functions.

B. CHAIN OF CUSTODY

1. When evidence/property has been received or obtained, the chain of custody has been initiated. From this point forward, each time the evidence/property is transferred from one responsible individual to another, another link is attached to the chain of custody. The E/P receipt shall be used for obtaining the original signature of any person taking custody of the evidence/property.
2. For evidence/property to remain legally valid and admissible in court, the existence of each link must be supported by documented proof of its creation and continuous existence.
3. This custody chain must continue without interruption until the evidence is presented in court, returned to the rightful owner, or legally destroyed or disposed of in accordance with policy.
4. This record must be maintained by using the Division's E/P receipt and E/P computer program and will be updated at the time of each transaction.
5. Any time evidence/property is being checked out temporarily from the EPR, the E/P supervisor will generate three computerized E/P receipts: one that will be attached to the evidence/property, one for placement into the E/P case file, and one for placement into a "Checked out of EPR" master file. The copies attached to the evidence/property and retained in the E/P case file will contain original signatures. Upon the return of the evidence/property, the E/P supervisor will sign and complete the chain of custody section of the E/P receipt (returned copy). The duplicate E/P receipt contained in the E/P case file will then be shredded and replaced with the signed returned copy. The E/P supervisor will then shred the duplicate E/P receipt held in the "Checked out of EPR" file. This ensures that the EPR maintains secure custody of all E/P receipts with original signatures in the chain of custody section.

6. E/P supervisors will ensure that the information contained in the chain of custody section of the E/P receipt is accurate for the specific item(s) being checked out of the EPR.
7. When evidence/property is checked out to a member, it shall be returned to the E/P control function before the end of the member's shift. Exceptions are as follows: when it is returned to an owner or otherwise disposed/destroyed the same day; checked out for lab analysis and mailed or hand-delivered the same day; checked out for mechanical/physical examinations and inspections by industry experts (i.e., vehicle parts in a THI case); or taken to a court hearing and turned over to the custody of a court official.
 - a. When evidence is checked out for a court hearing, the E/P supervisor will provide the member with a printout of the complete chain of custody record generated by the E/P computer program.
 - b. If the evidence is retained by the court, the member will ensure that the E/P receipt is signed by the court official who took custody of the evidence. A photocopy of the E/P receipt will then be attached to the evidence and the member will return the signed original copy of the E/P receipt to the E/P control function within 96 hours from the time of custody taken by the court official. When a member is directed to pick up the evidence from the court official, the member will obtain a computer-generated copy of the E/P receipt from the E/P supervisor. Upon retrieval of the evidence, the member will ensure that the chain of custody section of the E/P receipt is properly completed and returned along with the evidence to the E/P control function prior to the end of the shift.
 - c. When the E/P record system indicates that the property and/or E/P receipt has not been returned to the E/P control function within 10 days, the E/P custodian will take appropriate action to determine its status, including an explanation in the E/P computer program.
8. Only E/P supervisors will personally relay evidence/property between the EPR and the lab, unless an E/P supervisor has made special arrangements for another member to pick up a specific evidence/property package.
 - a. Only crime labs that provide analyses in writing are to be used.
 - b. If evidence/property is checked out of the EPR and being personally delivered to a lab, a computer-generated E/P receipt will be attached to the item. The evidence/property shall either be delivered to the lab or returned to an E/P storage facility prior to the end of the member's shift. The lab employee will complete the chain of custody section of the E/P receipt and the member will return the E/P receipt to an E/P storage facility within 96 hours from the time of delivery to the lab.

- c. If picking up an evidence/property package from any entity (i.e., lab, medical examiner, post office, etc.), the member will ensure that an E/P receipt is properly completed to account for “real time” pick-up and transmittal of the E/P package(s). This is particularly important if such evidence is turned over for first-time custody by a member of FHP and was never initially processed for case management.
9. When evidence/property is mailed to a lab, no copy of the E/P receipt will be necessary for obtaining and verifying chain of custody information from lab employees; “return receipt requested” slips and “lab test result” sheets will serve this purpose and shall be retained in the E/P case files. E/P supervisors will transfer all pertinent chain of custody information into the E/P record system.
10. When an active evidence/property case is transferred permanently from one EPR to another, the original E/P case file will be transferred to the acquiring EPR with appropriate notations of such transfer contained in the E/P record system.
 - a. A new E/P control number will be assigned and inserted directly above the old control number on the E/P receipt. The E/P supervisor receiving the evidence/property will “strike through” the old control number and place their initials and date next to the change.
 - b. A new bar code sticker will be affixed to the evidence/property and E/P case file. The E/P supervisor will mark an “X” across the old sticker and insert their initials and the date in the upper right corner of the sticker.
 - c. A printout from the EPR computer database that contains a complete history of the chain of custody information on the evidence/property will be placed in the E/P case file at the time of transfer. E/P supervisors will ensure that the E/P computer database from which the evidence/property case is being transferred reflects a “closed” classification.
11. Any items of evidence/property or related E/P records that are discovered tampered, missing or stolen will be brought to the immediate attention of the Troop Commander via the district commander.
12. If evidence/property is required to be delivered by policy or state law to another person or agency and such evidence/property is refused by such person/agency, the chain of custody section of the E/P receipt will contain the name of the person refusing, including the date, time and reason for refusal. This same information will be noted in the accompanying report and the E/P computer program. The district commander and appropriate E/P supervisor will be promptly notified of any such incident.
13. Original E/P receipts and E/P case files will be maintained in the sole custody of the E/P custodian and assistant E/P custodian(s).

C. EVIDENCE/PROPERTY TRANSMITTAL WITH OTHER AGENCIES

1. In the event a crime laboratory unit responds to the scene and takes evidence into their custody, the E/P control function for the Division will begin when the evidence is returned directly to a FHP employee or FHP E/P storage facility.
2. In the event the member is working with another city, county, state, or federal agency, and after the seizure of evidence/property takes place, the member may release the evidence/property to the other agency under the following conditions:
 - a. The case is one that will be turned over to their agency.
 - b. It is an interstate case that a federal agency has jurisdiction over.
 - c. In either event, the member will fill out the E/P receipt, and after consulting with a supervisor, release the E/P to the other agency.
 - d. The E/P receipt and accompanying report will be entered into the E/P control function before the end of the member's shift. It will be entered into the E/P record system and a control number will be assigned.
3. If there is a FDLE or local crime laboratory that the Division is authorized to use, a member may, with the approval of a supervisor, submit evidence for analysis before the end of the shift. However, the E/P receipt and the accompanying report must also be completed and submitted to the evidence control function before the end of the shift.
4. Use of E/P control functions and services provided by outside agencies that are accredited by CALEA may be utilized upon approval by the Troop Commander. Such facilities include crime laboratories that have the capabilities for analyzing, storing, and destroying evidence upon final disposition. For use of facilities that are not accredited, the Troop Commander shall submit a request in writing to the Director for final approval. Requests must contain verification that the E/P control function satisfies the required CALEA Standards. Authorization letters will be filed at troop headquarters. This policy does not apply to the submission of certain firearms and other weapons that shall be turned over to the Sheriff or Chief of Police as required by Section 790.08, Florida Statutes.
5. E/P control functions offered to FHP by an outside agency will require the establishment of a written agreement, including the use of the FHP E/P control function by an outside agency.
 - a. Members utilizing the services of an outside agency will be provided with a copy of the written agreement and shall be given orientation training by E/P supervisors regarding special instructions, policies, and procedures utilized by the outside agency.

- b. Outside agencies that utilize the FHP control function will be provided a copy of FHP Policies 12.01, 12.02, and 12.03 as a supplement to the indoctrination training that will be provided by E/P supervisors to the officers of these outside agencies.
6. If evidence/property is submitted to the E/P control function by an officer employed by an outside law enforcement agency, the officer will:
- a. Complete an FHP E/P receipt.
 - b. Complete the "Property Impounded in Official Performance" section normally used by members by crossing out the title "Trooper" and inserting their official title.
 - c. In the upper right corner of the E/P receipt, print the name of their agency.
 - d. Attach a copy of an accompanying report and photocopy of any type of property receipt utilized by their agency.
 - e. Retain a copy of the FHP E/P receipt.
 - f. Follow all applicable evidence/property procedures as outlined in the FHP Policy Manual.

D. EXCEPTIONAL, VALUABLE AND SENSITIVE ITEMS

- 1. An E/P supervisor shall be notified immediately to arrange for the proper security of the following:
 - a. When cash in excess of \$1,000, or other exceptional property (i.e., jewelry, etc.) valued in excess of \$5,000 is seized.
 - b. Major drug seizures and any other major investigations that require special accommodations in the initial delivery of evidence to the E/P control function.
- 2. Jewelry or any other item of exceptional value placed in a safe deposit box will be photographed prior to removal from the EPR. Photos of such items will be stored in their respective E/P case files. Digital photos should be stored in the E/P computer program.
- 3. Currency, negotiable securities, or jewelry with an apparent value of \$500 or greater, shall be verified by at least two persons that sign the E/P receipt.
 - a. One person will be the member seizing the property. If the second person is someone other than a law enforcement officer, there must be a professional affiliation to law enforcement (i.e., firefighter, paramedic, nurse, correctional officer, etc.). The second party signature will be placed in the Witness Signature section of the E/P receipt. Identification of the person/agency

providing a second party verification will also be made in the accompanying report.

- b. Cash in the amount of \$5,000 or greater shall be counted and verified together by the seizing member and the E/P supervisor that places the cash directly into the EPR. Arrangements should then be made to place it in a safe deposit box or into a FHP authorized bank account, unless the EPR is equipped with specially enhanced protection devices. Confiscated currency shall be handled in accordance with FHP Policy 12.03.05,D. – F.
- c. Drugs and other contraband items with a street value greater than \$5,000 shall be verified by two law enforcement officers.
- d. The description for any value of currency, negotiable securities, jewelry, and drugs will include the following: currency and other negotiable securities will be itemized by denomination, check numbers, etc.; jewelry will be identified by generic descriptions of color, basic type, and any other identifiable characteristics or markings without reference to the authenticity of precious metals or stones; and drugs will be described as specifically as possible in recording their type and weight.

E. FACILITIES FOR STORAGE OF EVIDENCE/PROPERTY AND RELATED RECORDS

- 1. The space that is designated as the E/P room (EPR) for evidence/property and E/P record system should be a secure room with a metal or heavy solid core wood door and a secure ceiling. It is recommended that the door be hinged on the inside of the room. However, if the door is hinged on the outside, it shall include a security feature that prevents removal of the door from the outside. The door may be of a type that slides horizontally or vertically. The contents of the EPR shall be properly protected from outside weather elements.
- 2. The EPR door will be equipped with a minimum of two (2) separate locks with separate keys. High security locks are recommended.
- 3. The EPR should have sufficient lighting, size and capacity for adequate shelving and storage bins. The room should also be equipped with a desk and filing cabinet and personal computer if space is available. Any file cabinet, desk or personal computer used to store E/P control records on active cases that is not located within the EPR shall be maintained in a protected room as described in "1." above, with a secure locking mechanism accessed solely by designated E/P supervisors.
- 4. In the event a secure room is unavailable, a heavy steel locker with locking bars may be utilized as an EPR.
 - a. The locker shall be constructed of heavy gauge steel. Under no circumstances will a standard metal file cabinet or standard metal supply locker be utilized as an EPR.

- b. The locker shall be kept in a secure area that is not available to the general public.
 - c. The locker shall be securely mounted to the floor or wall to prevent movement and to maintain the integrity of the evidence/property.
 - d. Under no circumstances will the locker designated as an EPR also be utilized as a temporary storage facility (TSF).
5. All TSFs shall be a vault type locker of heavy metal construction with locking bars. Under NO circumstances shall the TSF be a standard metal file cabinet. The TSF is for temporary use and must have a secure locking system for each individual TSF compartment.
- a. Each TSF shall be equipped with a tab type lock or a handle type that uses a pad lock to secure the door. Use of a salvaged U.S. Postal Service mail box with the top drop hatch and side entry removal door is acceptable.
 - b. The TSF will be securely mounted to the floor or wall to prevent movement, and to maintain the integrity of the evidence.
 - c. The TSF will be located in an area of the building not available to the general public.
 - d. The TSF will remain unlocked, except when in use to secure property.
 - e. Each FHP station that is staffed by office personnel shall have a TSF. It shall be located in a secure area within the facility that is not open to public access.
 - f. TSF compartment space should be of an appropriate size to accommodate the most common sizes of articles seized by the agency, including package deliveries by a postal/parcel carrier service.
 - g. The maximum time limit for the storage of evidence/property in a TSF is 96 hours.
 - h. An evidence/property package received at a patrol station via a postal/parcel carrier service will be received directly by E/P supervisors, except in those cases when they are absent from the premises and not in close proximity. In these instances, the receiver will place the package directly into the TSF and lock it. The receiver will attach a note to the package that contains their name and the date/time of placement into the TSF. The receiver will immediately notify the Shift Commander to ensure that the appropriate E/P supervisor is contacted regarding the placement of the package in the TSF. The Shift Commander will immediately send notification via e-mail to the E/P custodian, with copies to all assistant E/P custodians.

- i. For troops with multiple TSFs, each TSF shall be labeled in sequential number: for example, "TSF-1", "TSF-2", etc. Each individual storage compartment within the TSF will be labeled sequentially by TSF number and alphabet: for example, "TSF-1-A", "TSF-1-B", etc. Identification labels will be conspicuously posted for the user. Identification numbers will also be assigned to VIFs if more than one is utilized in the troop: for example, "VIF-1", "VIF-2", etc.
6. A direct deposit door (DDD) is an optional E/P storage facility that may be attached to the outside wall of the EPR or EPR door for "drop deposits" of evidence/property during times when no E/P supervisor is available on the premises. It shall be manually operated with the use of a handle that swivels the compartment door open and closed for a secure portal entry of small sized articles directly into the EPR. Items that are heavy, fragile or subject to easy leakage or discharge shall not be placed in the DDD.
7. The evidence/property control function shall ensure the proper preservation of all evidence that requires refrigeration. Reasonable efforts should be made to provide refrigeration for all perishable property held for safekeeping.
 - a. If possible, a refrigerator will be maintained in the EPR. In the event there is insufficient space in the EPR, or if additional refrigerators are needed in other facilities in the troop, the refrigerator shall be kept in a secure area that is not available to the public. In the event the refrigerator is not maintained in the EPR, it shall be equipped with two locks with separate keys and shall remain secured at all times.
 - b. If an outside agency is providing refrigeration services at their facility, the EPR files will contain a written agreement.
 - c. Photos or video should be taken of perishable items when the likelihood of spoilage is imminent; such photos/video will be maintained in the E/P record system.
8. All EPRs, DDDs, TSFs, and refrigerators shall be free of vermin and insects, maintained in a sanitary condition, and contain only those items that relate directly to evidence/property. Readily consumable food and non-alcoholic drink products should not be stored within E/P storage facilities.
9. With the approval of the Troop Commander, additional facilities under the full control of FHP may be utilized to augment the troop's central EPR under certain conditions.
 - a. Large bulky items (i.e., bicycles, car parts, etc.) that are too large in size and/or quantity to store within the EPR.
 - b. Extensions of the central EPR may be set up in the troop. If extensions are maintained in the outlying districts, only that

evidence/property seized within those districts will be authorized for storage. E/P supervisors will ensure that all evidence/property initially submitted is processed for case management within the 96-hour requirement. All E/P case files related to the seizure of all evidence/property seized within the district will be maintained at this facility.

- c. Each facility must comply with the same policies as required for an EPR.
10. Seized vehicles shall be stored at a properly secured vehicle impound facility (VIF) approved by the Troop Commander. At a minimum, the VIF must have a securely locked entry and a chain link fence that is at least six feet in height with high strand barb-wire and sufficient security lighting during nighttime hours. VIFs will be free from trash and hazards to personal safety. VIFs with a grass surface will be mowed on a regular basis. Written agreements should be established with outside agencies (i.e., FDLE, FDOT, FWCC, S.O., P.D., etc.) to allow the storage of large vehicles (i.e., recreational vehicles, buses, tractor-trailers, etc.) that are too large to accommodate at VIFs operated by FHP.
 11. Storage of livestock or other animals will require special contingency plans on the part of E/P supervisors. In the event that it becomes absolutely necessary to seize such property, local agreements should be established with outside law enforcement agencies that have adequate facilities.
 12. The outside of the entrance door to any E/P storage facility that contains biohazards will have a warning placard that clearly identifies the storage unit as a biohazard containment area. A first aid kit and fire extinguisher will be readily accessible within the EPR, including a supply of personal protective equipment (i.e., plastic gloves, gowns, face masks, anti-bacterial/germicidal hand wipes, etc.). A red warning placard shall be posted of sufficient size at the entry to any EPR and VIF that reads **“DO NOT ENTER WITHOUT AUTHORIZATION.”** In addition, VIFs will have **“NO TRESPASSING”** signs posted around the perimeter fence.
 13. Keys to the troop’s E/P storage facilities shall only be assigned to, and remain in the sole possession of, the troop’s E/P supervisors.
 - a. An exception will be keys to the VIF. The Troop Commander may authorize a sergeant(s) to be issued keys to the VIF(s) for the purpose of direct access only during times when an E/P supervisor is unavailable.
 - b. All keys will have etched or stamped numbers, unless the key contains its own serial number.
 - c. A key control logbook and spare keys will be stored in a locked cabinet or compartment within an EPR or TSF selected by the E/P custodian. When a logbook has been completed, the E/P

custodian will sign and date the front cover and store it for safekeeping in the EPR.

- d. Keys assigned to the troop's E/P custodian will be issued directly by, and returned to, the Troop Commander. The exchange of keys will be conducted in the company of an assistant E/P custodian that is present solely for the purpose of providing controlled access to the keys and as an independent witness to the transaction. The assistant E/P custodian will also ensure that the key control logbook and spare keys are properly secured in the E/P storage facility upon the conclusion of the transaction.
 - e. Keys assigned to an assistant E/P custodian(s), or a sergeant(s) who is authorized direct access to a VIF(s), will be issued directly by, and returned to, the E/P custodian.
 - f. The key control log will contain the following: date and time the keys are issued, the key numbers, the signatures of the persons issuing and receiving the keys, the date and time the keys are returned and the signatures of the persons returning and receiving the keys. When keys are being issued to an E/P custodian, the log will include the signature of the assistant E/P custodian that witnessed the transaction and subsequently secured the logbook and spare keys.
 - g. The E/P custodian will maintain a master key control log in the E/P computer program that contains a current history and status of all transactions of keys that are used to access the troop's E/P storage facilities.
- 14. When unlocked, no E/P storage facility, other than an empty TSF compartment, shall be left unattended by E/P supervisors and no person will be allowed access without the authorization of an E/P supervisor. Persons allowed access into an EPR or VIF shall be carefully observed at all times by an E/P supervisor.
 - 15. An E/P facility entrance log will be maintained by E/P supervisors in the E/P computer program and will contain the following information: name; date; time in/out; and purpose. The log will contain the names of all persons entering any EPR or VIF.
 - 16. Troops may utilize safe deposit boxes at local financial institutions for the purpose of temporarily holding either large sums of money prior to legal disposition, or exceptionally valuable jewelry or other sensitive items. In lieu of a safe deposit box, the Troop Commander will determine if the EPR has enhanced security features (i.e., electronic alarm system, locked safe or vault).

F. RECORDS MANAGEMENT

- 1. The master "computerized" record for all evidence/property shall be maintained in the iEvidence program.

- a. This computerized system replaces the E/P log sheet (HSMV 61804) and shall contain a complete description and tracking history of the entire existence of each item of evidence/property seized by the Division from the point of initial submission to final disposal/destruction, including a complete record of each link in the chain of custody.
 - b. The E/P custodian shall ensure that all the data contained on all "active" E/P log sheets currently in existence is transferred to the iEvidence computer program. Upon transferring the data, the E/P log sheet will no longer be utilized to capture information and will be retained in the E/P case file.
2. An E/P control number will be generated and assigned for all submissions to the Division's E/P control function, including submissions made by members to the E/P control function operated by outside agencies.
 - a. This includes the return of non-evidentiary property to the rightful owner and "non-arrest" cases when weapons are turned over to the Sheriff's Office during the same shift that the items were seized.
 - b. All evidence/property submissions that share the same FHP case number shall also share the same E/P control number, including new submissions of evidence/property that share the same FHP case number as previously submitted items. Special attention will be given to microanalysis evidence. It is common practice for labs to conduct microanalyses of original evidence, thus resulting in the creation of additional exhibits or "pieces" of forensic evidence (i.e., fibers, Petri dishes, cuttings, swabs, etc.). For each new submission of items with related FHP case numbers and E/P control numbers, the E/P supervisor that received the evidence will ensure that a new E/P receipt accompanies the evidence into the E/P control function in order to document the date and time such evidence was received by the Division. The iEvidence computer program will be updated to reflect a current and accurate record of all subsequent submissions of this nature; comments will indicate the manner in which the evidence was created (i.e., "Microanalysis conducted by lab").
 - c. All E/P control numbers shall have their own individual E/P case file.
 - d. E/P control numbers will be placed on the tabs of E/P case file folders. E/P case files will be organized in the sequential order of their E/P control numbers and by the year.
3. The EPR shall have an E/P case file on each evidence/property case that includes the following:
 - a. Copy of E/P receipt(s).

- b. Copy of accompanying report.
 - c. Copy of Felony Forfeiture Report (if applicable).
 - d. Copy of DUI Forfeiture Report (if applicable).
 - e. Original copy of crime lab analysis results and copies of related lab request forms (if applicable).
 - f. Return receipt requests for certified and registered mail (if applicable); recommended that they are placed in an envelope that is marked "Return Receipts."
 - g. Original copy of General Release and Indemnity Agreement (if applicable).
 - h. Copy of the "other agency" property receipt for E/P submitted to the E/P control function of an outside agency (if applicable).
 - i. Checklists for release of property (if applicable).
 - j. Copy of driver license/I.D. card for returned property picked up in person.
 - k. Copies of any correspondence, personal notes, and documents related to disposal of evidence/property.
 - l. Bar code inventory sticker(s) affixed to lower inside front cover.
4. The following documents stored in the E/P computer program will be utilized in the daily management of the EPR. Due to preference considerations by courts and state attorneys, the forms listed that require transactions with these entities may be modified or replaced to meet their needs; however, all other documents listed will be used in their present form:
- a. Quarterly Inspection/Annual Audit Checklist
 - b. Letter of Administration
 - c. Abandoned/Lost Property Checklist
 - d. Public Notice of Lost/Abandoned Property
 - e. Certified Letter to Owner of Property
 - f. Return of Property Checklist
 - g. Return of Firearm Checklist
 - h. General Release and Indemnity Agreement
 - i. Evidence Disposal Request and Authorization Form
 - j. Motion for Destruction of Evidence

- k. Order Granting Motion for Destruction of Evidence
 - l. Notice of Return
5. "Closed" E/P case files will be separate from the "active" files.
 6. E/P case files involving evidence/property submitted to the perpetual control of another agency's E/P control function will be separate from files related to evidence/property held in the FHP E/P control function.
 - a. E/P supervisors will classify the status of all E/P computer records as "closed" whenever evidence/property is submitted to the perpetual control of another agency's E/P control function.
 - b. E/P supervisors will mark the E/P case file as "closed" only after proper notice has been provided by the host agency verifying that the case has attained final disposition and has been officially classified as "closed" by their agency. The iEvidence computer program will be updated in the comment section to indicate the date and manner of verification.
 7. "Active" and "closed" cases involving an internal personnel investigation will have a "blue" file folder or a tab marked with a "blue" highlighter or sticker.
 8. Cases involving juvenile suspects will have "yellow" file folders or have a tab marked with a "yellow" highlighter or sticker. They shall be secured separately from the other file folders. The outside of the front cover of the folder will be ink-stamped with the word "JUVENILE" in large red letters.
 9. Upon final disposition of the evidence/property, the tab of the E/P case file folder will be marked with a "red" highlighter or sticker to indicate that it is now classified as "closed" and that it has been completely removed from the E/P control function.
 10. The E/P receipt(s) and E/P computerized tracking report verifying a complete history of the chain of custody and final disposal/destruction, will be stapled to the inside of the front cover of the case file folder.
 11. Original E/P case files shall be maintained in the custody of E/P supervisors and will not be loaned to anyone for possession outside the confines of the E/P storage facilities from which they are stored.
 12. An E/P computer software program and barcode scanner system for tracking all evidence/property will be maintained and secured with full access authority given to the E/P supervisors with protective passwords. The access level will be automatically restricted to the "Field" user level upon removal from an E/P supervisor position.
 - a. The E/P custodian for each troop will be the liaison between the field and Chief Technology Officer at GHQ and will ensure that members are provided with "Field" level passwords to the Web-

based iEvidence computer system to give them the capability for submitting evidence/property to the E/P control function.

- b. The Technology/Communications Section Administrator at GHQ, with approval from a Deputy Director, may issue or revoke passwords to other persons with “view only” access to the E/P computer database.
- c. Passwords will be automatically revoked upon a member’s termination from employment or at any other time at the discretion of the Director.

G. HANDLING, PACKAGING, LABELING, STORING AND SHIPPING

- 1. All evidence/property will be handled, packaged, labeled, stored and shipped with the utmost care. Any questions will be referred to E/P supervisors. Unless specifically outlined in FHP policy, a current FDLE Crime Laboratory Evidence Submission Manual shall be used as a guide, or a member of the local FDLE crime lab will be consulted to ascertain acceptable procedures.
- 2. All liquid blood and urine samples should be packaged singularly and separately in a container that will contain all contents and prevent crushing and leakage during handling, storage, and transport. Warning labels are required on all biohazard evidence. These labels must contain the international biohazard symbol. They are to be placed on the container and, if mailed, on the outside of the packaging. When submitting any liquid evidence package to the lab, the container will be placed in a zip-lock bag with absorbent material to contain any spills or leaks, then placed into a manila envelope or similar container.
 - a. Unless otherwise instructed by the state attorney’s office, refrigeration will not be required for liquid blood evidence prior to submission to the lab, nor after analysis.
 - b. Unless exigent circumstances dictate otherwise, liquid blood evidence will be either hand-delivered or mailed to the lab within 96 hours from the time of initial placement into an E/P storage facility. Any such delay will be documented in writing and submitted immediately to the Troop Commander, with a copy to the E/P case file. In addition, E/P supervisors will enter comments into the iEvidence computer program to explain the delay.
 - c. Under NO circumstances will liquid blood evidence be un-refrigerated past seven days prior to analysis, nor delayed in delivering it to a crime lab for analysis past 30 days from the date of seizure.
- 3. A “sharp” is any object or device capable of puncturing the skin. Sharps include glass tubes, razors, hypodermic syringes, needles, blades, scalpel blades, knives, and other such items.

- a. Sharps that have been exposed to bloodborne pathogens such as AIDS, HIV, hepatitis, and other such diseases can transmit the disease if accidental puncture of the skin occurs.
 - b. Sharps shall be packaged in a crush-proof, puncture resistant, leak-proof (sharps) container. The international biohazard symbol and warning label containing the word "SHARPS" must be attached to the package.
4. Items seized as evidence should not be packaged together with non-evidentiary property. In addition, evidence such as drugs and currency should not be packaged together and should have their own separate packages that include no other items.
5. Firearms and other weapons, including chemical agents, will be properly secured to prevent accidental discharge. Loaded firearms shall be hand-delivered, person to person, in the chain of custody. No firearm or chemical agent will be placed in a DDD. Packages in storage that contain weapons will be individually packaged with no other items and clearly marked in large bold letters (example: "FIREARM" or "PEPPER GAS").
6. Items considered as *highly* flammable, combustible, explosive, radioactive, corrosive or toxic will not be placed in any FHP E/P storage facility. When in doubt, the local fire department, or State Fire Marshal's Office will be contacted for assistance in proper identification, handling and disposal. Most fire departments have their own disposal systems for various types of hazardous materials and may be available for use by FHP upon request. If the item is related to a criminal investigation, the state attorney shall be contacted for options other than storage that will retain its validity for court presentation (i.e., preservation of "empty" containers, photos/video of the material prior to disposal, etc.).
7. Materials that are lethal by touch, ingestion or inhalation (i.e., Anthrax, Ricin, certain pesticide compounds, poisons, etc.) will not be permitted into any FHP E/P storage facility and will be handled by members only after it has been initially examined by a hazardous materials specialist and packaged by a crime scene technician or lab analyst. Such materials shall be hand-delivered, person to person, in the chain of custody to E/P storage facilities operated by other approved agencies.
8. Drugs shall be packaged to prevent any leakage. Special attention must be given to the health hazards imposed with the handling of liquid drugs such as "liquid PCP." For easy identification of contents, drugs should be stored in clear, transparent evidence bags with zip-lock type seals. Whenever shipped, these bags will be placed in a secondary (leak-proof) container or package that does not reveal the nature of the contents. Paraphernalia will be packaged separate from the drugs. Field test kits that are submitted as evidence will also be packaged separate from the drugs and shall be wrapped with absorbent material and placed in a durable, leak-proof container.

9. The weight of drugs (i.e., marijuana, cocaine, etc.) will be recorded on the E/P receipt by the seizing member. In addition, pills, capsules, and tablets (other than those sold over the counter) will also be weighed and counted.
 - a. Drugs should be weighed in their original container (i.e., plastic bag, bottle, etc.) if that is how the drug was impounded. Discretion may be used depending on how heavy the packaging is and if the drug can be weighed separately without spillage or contamination. If the total weight is determined with the packaging, this must be indicated on the E/P receipt (example: one gram of crack cocaine, including package).
 - b. If pills, capsules and tablets are officially sealed in tamper-proof protective packaging (i.e., blister packs or a sealed bottle from the manufacturer), they may be "weighed" only.
10. If analysis is needed on groups of items seized in a major investigation, they should be hand-delivered to and from the lab in lieu of mailing, particularly for items that are very fragile, sensitive, large and/or heavy, dangerous or lethal, etc. The same should apply to large amounts of controlled substances and/or currency seized in major drug investigations.
11. Packaging of other items.
 - a. Plastic zipper bags are suitable for small, dry objects.
 - b. Paper envelopes, paper bags, and boxes are suitable for most garments, tools, vehicle parts, and large items.
12. All packaged evidence/property will be properly sealed and marked with evidence tape. The date and initials of the member packaging the item will be placed on the evidence tape. Large, bulky items will not require packaging due to unusual size; however, they will display a bar code inventory sticker.
13. Anytime it becomes necessary to break an evidence seal, the member breaking the seal will do it in the presence of another member, official of the court, or other law enforcement officer. Once the package is resealed with evidence tape, the date and initials of the member breaking the seal will be placed upon the new seal. The member will submit a supplement to the accompanying report that documents the date, time and reason for opening the package, including the name(s) of the witness, and a copy will be placed into the E/P case file. If the seal is broken and resealed by an E/P supervisor, the same rules will apply; however, a comment in the iEvidence computer program will suffice in lieu of a supplement to the accompanying report.
14. Firearms, drugs, precious jewelry, and currency stored in the EPR shall be segregated, secured, and locked in a designated area away from the

other inventory. Biohazard items will be packaged separately and stored within a designated area of the EPR.

15. Generally, if evidence/property is being transported via postal/parcel service shipment, it will be sent certified mail, return receipt requested.
 - a. Drugs, firearms, and exhibits of large monetary value shall be sent via registered mail, return receipt requested.
 - b. Liquid blood evidence mailed to a lab shall be via priority mail, overnight delivery service, or other equivalent delivery service.
16. The direct handling of any material that poses an obvious health risk that is openly exposed and unpackaged (i.e., drugs, biohazards, etc.) shall require the wearing of appropriate personal protective equipment.
17. Any spills or leaks observed during the handling or storage of any biohazard item will be brought to the immediate attention of the Troop Commander via the chain of command. In case of any obvious hazardous materials spill/leak, the area will be secured immediately. If indoors, the air ventilation system will be shut off immediately if potentially toxic fumes or particles may have been released that could circulate throughout the building. The type, location, volume, and exposure level of the material will determine the need for a partial or complete building evacuation and assistance from the local fire department and/or paramedics. Appropriate decontamination and documentation procedures will be followed in accordance with FHP Policy 21.01.
18. A master file will be maintained in the EPR files that contains documentation on unusual occurrences that have taken place within any E/P storage facility (i.e., container leaks/spills, fires, floods, unauthorized entry, tampered/missing/stolen articles, injuries, etc.).

H. SEIZED MOTOR VEHICLES

1. Seized vehicles will be processed in the same manner as any other evidence/property. The member shall attach a copy of the Inventory and Vehicle Storage Receipt to the E/P receipt along with an accompanying report. At a minimum, the E/P receipt will contain the year, make, model, VIN, and current mileage of the vehicle, including any other special equipment features. In addition, it should also include a description of any noticeable damage or malfunctions associated with the vehicle.
2. Digital photos shall be taken that attest to the general physical condition of the vehicle at or near the time it was seized. Photos will be downloaded into the iEvidence computer program and the photo memory card/stick will be placed into the E/P case file by the E/P supervisor. The E/P computer program will contain the date such photos were taken.
3. Upon final review, a copy of the Felony Forfeiture Report or DUI Forfeiture Report will be forwarded by the District Lieutenant to the appropriate E/P supervisor for placement in the E/P case file, including copies of subsequent updates to the original case report.

4. E/P supervisors will place a copy of the E/P receipt, a copy of the Inventory and Vehicle Storage Receipt, a bar code inventory sticker (affixed to the reverse side of the E/P receipt) in an unsealed manila envelope for storage within the interior of the vehicle, on the driver side dash if possible. The manila envelope should be contained within a zip-lock type bag if the interior of the vehicle is exposed to the weather and then secured in the best possible location (i.e., glove box or console). The FHP case number and E/P control number should be prominently displayed on the front windshield with a removable, weatherproof marker.
5. E/P supervisors will conduct a visual inspection at least once each month on all seized vehicles, including a check of the engine and other major components that were known to be intact/functional at the time of seizure. To the best possible extent, the vehicle will be maintained in the same basic condition as it was in at the time of seizure. All inspections will be documented and include any maintenance performed on the vehicle. Notations will be entered in the iEvidence computer program to document each inspection and any required maintenance or repairs. The Troop Commander will determine the acceptable level of cost for each expenditure in vehicle maintenance.
6. Keys to seized vehicles shall be secured in a lock box or on a key rack within the EPR or TSF. The interior of the vehicles shall be properly secured and locked, unless it is impractical due to pre-existing damage or equipment malfunction. If the interior is directly exposed to the elements of weather, the exposed openings shall be securely covered with a sheet of plastic or other appropriate material.
7. Arrangements shall be made with the crime lab prior to any movement of a vehicle if it needs to be removed from the scene for lab analysis. A vehicle to be examined externally should be driven as little as possible. If it is necessary to transport it a long distance, it should be carried in a covered truck or trailer. A vehicle to be examined for blood, hair, fibers, fingerprints, or other physical evidence should not be driven prior to evidence collection and access shall be limited to reduce the possibility of contamination.

I. DISPOSITION OF EVIDENCE/PROPERTY

1. Evidentiary property shall be retained until the case is concluded or release of the property is authorized by the State Attorney's Office. No case shall be considered closed until a final disposition has been reached and the right of appeal by either party has been exhausted.
2. If personal property held for safekeeping has remained in the E/P control function in excess of 30 days from the date of seizure, the E/P custodian will ensure that specific documentation is entered in the iEvidence computer program as to the attempts made to return the property. Such documentation will be provided in 30-day intervals until the property is returned or otherwise declared as unclaimed property and removed from the current inventory. A certified letter will be forwarded to the last

known address of the owner that explains the intentions of the agency if the property is not claimed as outlined in “K.,4.,a.” below.

3. At least quarterly, the E/P custodian will review the E/P inventory listing for the troop and prepare a list of items eligible for disposal. Procedures for final disposal will be carried out on a regular basis during the calendar year to ensure compliance with FHP Policy 12.02.05C19.
4. By the 10th of each month, the E/P custodian will provide the Troop Commander with a monthly status report as to the total inventory of all drugs, currency and vehicles maintained in the E/P control function in the troop as of the previous month. This report will include these same types of items that were submitted to the E/P control functions operated by outside agencies *during* the previous month.
 - a. The drug report will provide all types, total weight for each type, and the total street value for all combined.
 - b. The currency report will include the total amount held in the EPR.
 - c. The vehicle report will include a list of all types, year, make, model, mileage, “Kelly Blue Book” value for each, and total value for all combined.
 - d. Each monthly report will indicate which specific items are currently undergoing forfeiture proceedings. In addition, it will contain a breakdown as to the seizures made by individual districts.
 - e. The master file for these reports will be maintained in the office of the E/P custodian. Copies will be forwarded to all district commanders.

J. PROPERTY RETURNED TO OWNER

1. E/P supervisors shall ensure that evidence/property which is no longer required in the E/P control function and may be lawfully possessed by its owner is promptly returned.
2. The E/P receipt will be signed by the individual accepting custody of the item(s) being returned in person and then placed in the respective E/P case file.
3. If the owner cannot receive personal property, either in person or via postal/parcel service shipment, E/P supervisors will follow all applicable guidelines as outlined in “K.,5” below.
4. Unclaimed evidence shall vest permanently to the state when 60 days has lapsed since the conclusion of the court proceeding. After consultation with the Troop Commander, the E/P custodian will make arrangements for conversion of property to state/local government use, donation to a charitable organization, auction, or destruction in accordance with DHSMV Management Manual Policies #10.01 and #10.06. If unclaimed evidence is currency, and not subject to forfeiture, it

shall be deposited in the local authorized bank account as a separate deposit (not part of the daily deposit used for crash records) for transfer to the Law Enforcement Trust Fund. The E/P custodian will ensure that a deposit slip is completed and that each copy is validated at the designated bank upon deposit. The FHP case number and E/P control number will be written in the lower left corner of each slip; one copy will be placed in the E/P file and a fax copy will be sent to the Bureau of Accounting within 24 hours following the bank deposit.

5. Firearms held in the EPR for temporary safekeeping under the conditions outlined in FHP Policy 12.01.06,C.,2., will be returned to the owner after meeting the following criteria:
 - a. The person is 18 years of age or older.
 - b. FCIC/NCIC and local check for wants/warrants and criminal history check do not reveal the following:
 - (1) Convicted of a felony in a Florida court. (OK if civil rights have been restored)
 - (2) Found, in the courts of this state, to have committed a delinquent act that would be a felony if committed by an adult and such person is under 24 years of age.
 - (3) Found to have committed a delinquent act in another state, territory, or country that would be a felony if committed by an adult and which was punishable by imprisonment for a term exceeding 1 year and such person is under 24 years of age.
 - (4) Found guilty of an offense that is a felony in another state, territory, or country and which was punishable by imprisonment for a term exceeding 1 year.
 - (5) An injunction that is currently in force and effect and that restrains the person from committing acts of domestic violence.
 - c. A driver license query indicates no past traffic-related felonies.
 - d. A subsequent FCIC/NCIC "stolen" check on the firearm has been conducted immediately prior to returning the property.
 - e. The person exhibits no obvious signs of being under the influence of alcohol/drugs.
 - f. The person exhibits no obvious signs of being mentally/emotionally disturbed.
 - g. A driver license/I.D. card of the person has been copied for the E/P case file.

- h. A current address and phone number has been provided by the person and are contained within the E/P case file.
- i. The Return of Firearms Checklist is completed and placed in the E/P case file.

K. DISPOSAL OF ABANDONED, LOST, FOUND AND UNCLAIMED PROPERTY

1. Unless the property is returned to the rightful owner, a Division member who discovers or takes custody of lost, found or abandoned property shall submit such property to the E/P control function prior to the end of the shift.
2. The Chief of the Bureau of Accounting shall be responsible for the establishment of the appropriate property records and assignment of property identification numbers to the items, if ownership is ultimately vested to the state.
3. Disposition of such property shall be handled as indicated in Chapters 705 and 717, Florida Statutes; DHSMV Management Manual Policy #10.06; and the FHP Policy Manual.
4. Upon the submission of personal property held for safekeeping in the EPR, E/P supervisors will ensure prompt notification to the owner for return of the property.
 - a. If the owner or personal representative is unable to receive the property in person, the Certified Letter to Owner of Property correspondence should be mailed, return receipt requested, notifying the owner/personal representative that FHP is in possession of the property. The letter will consist of the appropriate contact information of the E/P custodian and indicate that if the property remains unclaimed after 90 days, it will become property of the state and disposed of in accordance with Chapter 705, Florida Statutes. The shipping costs will be paid by FHP whenever the property is being shipped outside the troop or whenever the shipping distance within the troop exceeds 50 miles. Under extraordinary circumstances, the Troop Commander may approve payment by FHP for shipments within the 50 mile limit. Authorizations will be noted in the iEvidence computer program.
 - b. Property shipped to the owner or personal representative shall be sent "return receipt requested." This receipt will be placed in the E/P case file and will serve as verification of possession for purposes of the chain of custody and final disposition. Information from the returned receipt will be used to update the E/P record system.
 - c. Detailed notes of each discussion with the owner/personal representative should be placed in the E/P case file, along with copies of all related correspondence.

5. In the case of personal property of a deceased person, the property should be released to a spouse, or a parent/legal guardian in the case of a deceased minor. In the absence of a spouse, or a parent/legal guardian, the property may be returned to another immediate family member (parent, grandparent, adult brother/sister, adult son/daughter, legally adopted adult son/daughter, or adult grandson/granddaughter) of the deceased.
 - a. In the event that no spouse or parent/legal guardian is available, nor any other immediate family member of the deceased, the property may only be released by court order or Letter of Administration issued by the court that designates a personal representative of the deceased. A copy of the court order will be placed in the respective E/P case file.
 - b. If the spouse, parent, other immediate family member or personal representative is unable to personally accept the property, such person may submit a notarized letter appointing an individual to accept the property on their behalf.
 - c. Upon notification to the spouse, parent/legal guardian, other immediate family member or other personal representative that FHP is holding property of the deceased, the property will be considered unclaimed and abandoned if retained by FHP after the 90-day timeframe.
 - d. The lead investigator will be responsible for promptly notifying a member/personal representative of the decedent's family regarding the return of property and will coordinate with the E/P supervisors for its release. The procedures outlined in "4." above will be followed as applicable.
6. The Public Notice for Lost/Abandoned Property shall be posted for advertisement within the first 45 days when property is declared lost and no identifiable owner can be ascertained (Section 705.103, Florida Statutes). The E/P custodian will ensure that all applicable sections are followed in DHSMV Management Manual Policy #10.06, IV, A.
7. After reasonable efforts have been made to return unclaimed property within the allowable timeframes, to no avail, the E/P custodian will inform the Troop Commander. Removal from the E/P control system will be consistent with the final disposition for unclaimed evidence as outlined in FHP Policy 12.02.06,J.,4.
8. If the property is a firearm or other weapon identified in Florida Statute 790.08, it will be turned over to the Sheriff's Office within 60 days of seizure.
9. Driver licenses will be turned over to a local driver license office.
10. Generally, vehicle tags will be returned to the local county tax collector or state DMV office. Tags obtained as a result of a FCIC/NCIC "Seize Tag

Order” must be delivered to a driver license office or county tax collector’s office (where driver licenses are issued) within five days from the date of seizure.

11. Unclaimed items with no apparent intrinsic value that are unfit for donation or government use (i.e., prescription drugs, keys, credit cards, personal documents, etc.) will be destroyed. These items shall be cut up, shredded, or burned in an incinerator; however, prescription drugs shall be destroyed in the same manner as all other narcotics.
12. Unclaimed items that possess exceptional value (i.e., expensive jewelry, collectable coins, etc.) will require consultation with the Bureau of Accounting, Fixed Assets and Inventory, to formulate other options for disposal that may include public auction.
13. Items that are unlawful to possess by the owner will not be returned, but will be disposed of in accordance with FHP policy and Florida Statute 705.
14. Under no circumstances will evidence/property that is authorized for disposal be placed in a trash receptacle in a condition that allows a person to salvage the item for personal use.
15. Unless the evidence/property is released to another person, disposal of items will be witnessed by another person(s) and shall be documented in the E/P record system. With the exception of items destroyed by court order, a witness signature will be placed next to the signature of the E/P supervisor that is handling the disposal; the ”Reason” section of the E/P receipt will contain the word “Destroyed.”

L. EVIDENCE TO BE DESTROYED OR DISPOSED BY COURT ORDER

1. A court order shall be obtained prior to the destruction or disposition of the following types of evidence:
 - a. Narcotics.
 - b. Currency.
 - c. Vehicles forfeited to the state.
 - d. Items seized by search warrant.
 - e. All criminal cases, except those cases that only require a state attorney’s authorization for final disposal.

Note: Any questions on the issue of court orders and the destruction of evidence shall be referred to the appropriate State Attorney’s Office or DHSMV General Counsel by the E/P custodian. Responses shall be in writing and maintained in the EPR files.

2. Drug evidence shall be disposed of in accordance with Section 893.12, F.S.

3. The E/P custodian shall keep a full and complete record of all controlled substances received, and of all controlled substances or listed chemicals disposed by showing:
 - a. The exact kinds, quantities (weight), and forms of such controlled substances.
 - b. The persons from whom received and to whom delivered.
 - c. By whose authority received, delivered, and destroyed.
 - d. The dates of the receipt, disposal, or destruction.
4. All records shall be open to inspection by all persons charged with the enforcement of state and federal drug abuse laws.
5. The E/P custodian should contact the appropriate State Attorney's Office to obtain a signed written release indicating that evidence is no longer needed for prosecution or appeals.
6. Exhibits listed on the court order shall accurately describe the exhibit to be destroyed (i.e., weight, type of substance, etc.). In addition, the E/P control number and FHP case number will be listed with each exhibit.
7. A record shall be maintained that verifies the place where evidence/property was seized, a description that includes types and quantities destroyed, and the time, place, and manner of destruction.
8. A Notice of Return with an attached copy of the court order and exhibits list shall be submitted by the E/P custodian to the judge or magistrate that signed the court order.
 - a. This should be accomplished within five (5) days following the date the court order was carried out, unless a more restrictive deadline is specified by the issuing authority. Court orders should be carried out within fourteen (14) days from the date of issuance, unless a more restrictive deadline is specified by the issuing authority.
 - b. The E/P custodian who destroyed the evidence, along with a witnesses to the destruction, shall sign the Notice of Return. In addition, the date, location, and manner of destruction shall be included on the notice.
 - c. At least one of the witnesses that signed the Notice of Return shall have observed the movement of each drug evidence package as it was physically removed by the E/P custodian from its storage location in the EPR, placed into the container used to transport the evidence, and followed to the point of actual destruction. This witness will also have personally verified that the items placed in the container by the E/P custodian match all corresponding items/control numbers listed on the destruction order.

- d. The container(s) used to transport drug evidence shall be sealed with evidence tape that is signed and dated by the E/P custodian and a witness (same witness as described in "c." above) prior to the container's removal from the confines of the EPR. The E/P custodian and two witnesses (one of which will be a witness as described in "c." above) will inspect the integrity of the evidence seal again as the container is placed into the incinerator.
9. In addition to FHP policy, the E/P custodian shall follow all other rules and procedures of the judicial circuit with original jurisdiction as they relate to official releases/requests for destruction of evidence, court orders, and return notices.
10. All drug evidence authorized for destruction shall be destroyed at a licensed incineration facility.
11. Biohazard material shall be disposed in designated biohazard waste containers contracted for disposal. Video tapes that meet the requirement for disposal shall be erased, and the plastic cartridge mutilated, unless it will be destroyed by incinerator.

M. QUARTERLY INSPECTIONS

1. The quarterly inspection will consist of a close physical inspection, conducted each quarter on each EPR, of evidence/property and related records generated during the preceding quarter and every facet of the E/P control function that includes:
 - a. Security of E/P storage facilities and records.
 - b. Maintenance and supplies.
 - c. E/P facility entrance log for EPR and VIF.
 - d. Consistency of information contained in key control logbooks and the key log maintained in the E/P computer program.
 - e. E/P computer program and inventory tracking.
 - f. Inventory records kept on E/P held by outside agencies.
 - g. Chain-of-custody throughout the E/P record system. (This is inclusive of all newly submitted items received during the preceding quarter that share the same E/P control numbers generated during any previous quarter).
 - h. E/P case files, master files and general administrative files.
 - i. Handling, packaging, labeling, storage and shipping. (All items currently stored in the EPR that were received during the preceding quarter, packaged or unpackaged, will be inspected).
 - j. Storage of sensitive/valuable/dangerous/biohazard items.

- k. Abandoned/lost/found/unclaimed property management.
 - l. VIF and seized vehicles.
 - m. Disposal efficiency and related records.
 - n. Internal controls and accountability.
 - o. Health and safety.
 - p. Consistency in administration and operations.
 - q. Training.
 - r. Management oversight; includes timely corrections to deficiencies discovered in previous inspection/audit reports.
2. The quarterly inspection will be conducted in the company of the E/P custodian by a lieutenant or captain assigned by the Troop Commander. When practical, an E/P custodian from an adjoining troop should be assigned.
 3. The quarterly inspection will not be conducted by any member that is within the same organizational component as the E/P custodian and the assistant E/P custodian(s).
 4. A quarterly inspection will be conducted during the months of January (covering the entire months of October/November/December), April (covering the entire months of January/February/March), July (covering the entire months of April/May/June), and October (covering the entire months of July/August/September). The E/P custodian will be notified of the date that the inspection will be conducted during the first and third quarters of the calendar year. Inspections conducted during the second and fourth quarters will be unannounced.
 5. The member conducting the quarterly inspection will initial the E/P case file folder (upper right corner of the inside rear cover) to verify the status of each new item that was seized and the content of the case files for all the new evidence/property cases generated during the previous quarter. This inventory verification process will include a scan of all bar codes contained within these E/P case files.
 - a. To ensure compliance with proper packaging and bar coding requirements, a sight verification process will be conducted on all corresponding evidence/property packages contained in the EPR.
 - b. Bar code scan results will be carefully reviewed in order to verify the accuracy of item descriptions and current status as contained in the E/P record system.
 - c. If E/P log sheets (HSMV 61804) are the only means by which to check the history of chain of custody and current status of evidence/property (for items submitted to the E/P control function

prior to implementation of this policy and not entered into the E/P computer program), they will be reviewed and compared for consistency with information contained in the E/P record system.

6. The quarterly inspection report shall be submitted to the Troop Commander within 30 days from the date it was conducted, with a copy forwarded to the E/P custodian. It will contain an analysis of any noted discrepancies and recommendations. In addition, positive observations of the operation will be noted in the report.
7. Within 30 days from the date a quarterly inspection report is received by the E/P custodian, and only if a discrepancy is noted, the E/P custodian will complete a written response and submit it to the Troop Commander. The response will outline the corrective action taken on the discrepancy(s). The E/P custodian will forward a copy to the member that conducted the quarterly inspection.
8. A file will be maintained in the EPR on all quarterly inspections and related responses for corrective action.

N. ANNUAL AUDITS

1. The annual audit will be similar to the quarterly inspection in scope, process, and reporting format. However, an annual audit includes an annual check of the entire inventory of all seized property and related records on all active cases within the E/P control function of each EPR.
2. The Troop Commander will assign a lieutenant or captain to conduct an annual audit of the EPR.
 - a. When practical, an E/P custodian from an adjoining troop should be assigned.
 - b. It will be conducted at the conclusion of each fiscal year, during the month of July, in the company of the E/P custodian. If the E/P custodian is unavailable, the Troop Commander will designate an assistant E/P custodian to attend the audit. The results shall be documented to the Troop Commander by July 31 for the preceding fiscal year, with a copy forwarded to the E/P custodian.
3. The annual audit will not be conducted by any member within the same organizational component as the E/P custodian and assistant E/P custodian(s).
4. The member conducting the annual audit will initial and date the E/P case file folder (listed sequentially each year in the upper left corner of the inside front cover) on all E/P case files that are classified as "active" cases. The same inventory verification process will be followed as outlined in "M.,5." above.
5. The annual audit report will contain an analysis of any noted discrepancies and recommendations. In addition, positive observations

of the operation will be noted in the report. The audit will also include a review of EPR operations as outlined in "M.,1." above.

6. The E/P custodian will prepare a written response that outlines the corrective action taken on any discrepancies noted in the annual audit. It will be forwarded to the Troop Commander within 60 days from the conclusion of the audit, with a copy forwarded to the member that conducted the audit.
7. The annual audit will be separate and independent from the quarterly inspection and conducted on different dates.
8. The annual audit of an EPR shall not lapse more than one month past the scheduled audit date. If extraordinary circumstances prevail, the Troop Commander may request permission for an extension from the respective deputy director, not to exceed 14 days. Only the Director may authorize any subsequent extensions.
9. Annual audits will not be performed by FHP personnel on E/P control functions operated by outside agencies.
10. A file will be maintained in the EPR on all annual audits and related responses for corrective action.

O. SPECIAL INVENTORIES

1. Whenever a change of E/P custodian takes place, a special inventory will be conducted by a lieutenant or captain assigned by the Troop Commander. It will be conducted on the troop's entire EPR system with the incoming and outgoing E/P custodians. In the absence of the outgoing E/P custodian, an assistant E/P custodian will participate.
2. The special inventory will not be conducted by any member within the same organizational component as the outgoing E/P custodian.
3. The special inventory will consist of a bar code scan of all E/P case files classified as "active" cases and a sight verification of the corresponding E/P packages contained in the EPR. Bar code scan results will be reviewed to ensure the current location and status of all evidence/property items related to these "active" cases.
4. The member designated to conduct the physical inventory will forward to the Troop Commander, within thirty (30) days following the change in E/P custodians, a memorandum that attests to the status of the inventory, with a copy forwarded to the incoming E/P custodian.
5. When an entire EPR is closed down for consolidation with another EPR, a special inventory on all transferred items will be conducted immediately before and after the consolidation. All procedures will be followed as outlined in "O.,2.,3. & 4." above. All movement of the evidence/property will be properly documented in the E/P record system that includes the E/P receipt and E/P computer program.

6. A file will be maintained in the EPR on all special inventories and related responses for corrective action.

P. TRAINING

1. Upon a member's appointment to any E/P supervisor position, orientation training will be provided at the time of the effective date. In addition, all E/P supervisors will receive a minimum of four hours of annual refresher training. E/P related training courses/seminars offered outside the Division may be utilized for the annual refresher training.
2. Orientation training for E/P supervisors will consist of a complete review of the overall evidence/property control function that includes the following: FHP Policies 12.01, 12.02, 12.03 and 21.01; DHSMV Management Manual Policy #10.06; and the FDLE Crime Laboratory Evidence Submission Manual. Special emphasis will be placed on the handling of dangerous evidence/property (i.e., biohazards, weapons, sharps, etc.) that present a potential risk to health and safety. Such training will include the proper wearing of personal protective equipment (PPE) and decontamination procedures in the event of a leak, spill or direct contact during the handling of a hazardous substance, including biohazard evidence.
3. Training for E/P supervisors will be recorded in the iEvidence computer program, with written documentation contained within the local E/P files and the troop training coordinator's files.
4. The Troop Commander shall coordinate with the troop's E/P custodian and assistant E/P custodians to ensure that all members in the troop receive timely updates in policies, procedures, and the most current techniques in the handling of evidence. District commanders should include evidence/property issues on all supervisor and district meeting agendas. Troop training coordinators should include evidence/property related subjects for inclusion in the troop's regular in-service training program. Training in the field will be recorded and maintained in the troop training files with copies forwarded to the FHP Training Academy for inclusion in the member's official training record.
5. The chief training officer at the FHP Training Academy shall be responsible for regularly evaluating the depth and quality of evidence/property related training provided to all members during basic recruit training and mandatory retraining programs.