


FLORIDA HIGHWAY PATROL POLICY MANUAL

	SUBJECT COLLECTION AND PRESERVATION OF EVIDENCE	POLICY NUMBER 12.01
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12.01.01 PURPOSE

To define an employee's responsibility for proper collection, preservation and control of evidence and property, and establish guidelines that will govern the disposition of all evidence and property, which an employee may obtain or receive in the course of their official duties. The EPC is classified as a mandatory-testing position, and therefore subject to the requirements of HSMV Policy #3.07 – Maintaining a Drug and Alcohol Free Workplace.

12.01.02 POLICY

It is the policy of the Florida Highway Patrol that all employees properly collect, document, process, and control, all evidence and property items that come into their possession. To accomplish this goal, the Division has established guidelines, specific responsibilities, and an Evidence/Property (E/P) Procedures Manual that will strictly govern the actions of its employees.

12.01.03 OBJECTIVES

- A. To ensure that evidence and property collection, preservation, and management procedures conform to Florida Statute, applicable court orders, Division Policy, and the E/P Procedures Manual.
- B. To protect the integrity of evidence by establishing and maintaining a continuous chain of custody.
- C. To protect the rights of all individuals involved.
- D. To protect the integrity of all employees handling evidence or property.
- E. To minimize travel and to reduce the time an employee has evidence or property in his/her possession.
- F. To establish progressive E/P policies, procedures and training programs that enhance job proficiency and to minimize the health risks for all personnel that handle evidence/property.

12.01.04 RESPONSIBILITIES

- A. Each Troop Commander, or designee shall ensure that:

1. An E/P storage facility is available and accessible at all times for the storage of evidence and/or property. Storage facilities will include E/P Rooms, Temporary Storage Facilities (TSFs), Vehicle Impound Facilities (VIFs), refrigerators, and satellite storage facilities where available.

TSFs may be installed at other law enforcement agencies that have signed a Memorandum of Understanding with the FHP Director. The installation of these TSFs will follow the same guidelines as for FHP facilities.
 2. At least one Troop E/P employee shall be available for unusual or after hours evidence/property situations that require immediate access to the E/P Room or VIF.
- B. The Chief Training Officer shall ensure that employees receive proper training to enable them to investigate, preserve and collect evidence, and to accurately record and systematically process any crash or crime scene that may be assigned to them during the performance of their duties.
1. The Academy Staff shall provide and oversee curriculum development services for E/P related courses when requested by the field, as necessary and appropriate.
 2. The Chief Training Officer shall ensure that documentation of employees' training as required and detailed in the E/P Procedures Manual is maintained at the FHP Training Academy.
- C. The Troop Office Operations Consultant (OOC) in conjunction with the Secondary EPC shall ensure that employees have:
1. Available to them all forms necessary to initiate and complete a thorough and comprehensive crash or crime scene investigation,
 2. Access to adequate supplies and equipment necessary for crime scene preservation and the safe and proper collection, recording, packaging, processing and storage of evidence/property.
- D. Employees are responsible for the proper collection, documentation and security of all evidence and property that comes into their possession.

12.01.05 PROCEDURES

All employees are responsible for ensuring the security, custody, and disposition of all evidence/property that comes into their possession. To this end, the Division has developed the **Florida Highway Patrol Evidence/Property Procedures Manual**.

- A. The protection of any crime scene is most important. The responsibility rests with the first member who arrives on the scene unless and until relieved of such responsibility as provided in FHP Policy 22.01 – Investigative Responsibilities. Depending upon the severity of the crime, crash or incident, the following should be considered:

1. Conduct a preliminary survey - This is a planning stage to form objectives of the search.
2. Protect the incident/crime scene - Allow only those persons with a legitimate investigative interest into the crime scene area and document their names and purpose in the investigative report.
3. Crime scene search - Conduct a crime scene search to locate physical evidence and/or witnesses to the incident/crime.
4. Develop a narrative description of the incident/crime scene - This includes the investigator's original notes, which can be used to refresh his/her memory at trial.
5. Sketch the crime scene - A rough sketch of the scene shall be prepared, and exact measurements of all pertinent details penciled in.
6. Photograph the crime scene - The exterior and interior should be photographed.
7. Collect, identify, document and preserve the evidence:
 - a. Collection:
 - (1) Evidence must be collected legally in order to be admissible in court.
 - (2) When found during a search, evidence should be shown immediately to another investigator, if present, so both can testify as to its source.
 - (3) All evidence should be fully described in the field notes, and photographed prior to being collected.
 - b. Identification:
 - (1) All evidence should be carefully marked for identification, preferably on the article itself.
 - (2) Markings should include initials, date, time, case number, location of seizure, and any other information to assist the member in identifying the evidence later.
8. The member making the seizure shall ensure that all seized and recovered items with serial numbers are checked through FCIC/NCIC and local networks.
9. The member making the seizure shall provide recovery information to the Regional Duty Officer (RDO) for entry into the FCIC/NCIC system if the owner is determined. If the item is considered lost property without an identifiable owner, the RDO will be instructed to enter the serial number and classify the item accordingly in the FCIC/NCIC system. The member shall provide a copy of the accompanying report for retention in the Regional Communications Center (RCC) files. If the item remains

unclaimed after advertisement and is returned to the finder or becomes vested to the state for appropriate disposal, the EPC shall notify the RDO to remove the article from the FCIC/NCIC network. The EPC shall make the appropriate notation on a supplement to the accompanying report for placement in the E/P case file, along with an attached computer printout validating removal of the item from the network.

10. When a member takes into possession property known to be stolen, verification shall be made to ensure that the originating agency and the victim have been notified of the recovery of the stolen property, where it is stored, and how the rightful owner may recover the property as expeditiously as possible.
 11. All evidence/property in Division care must be listed on the E/P receipt. The circumstances under which it came into the member's possession shall be explained in the accompanying report.
 12. Employees shall not, under any circumstances, convert to their own use, loan, or give away any items of evidence/property coming into their possession in the course of their official duties. They shall not destroy or otherwise dispose of any such evidence/property except by proper authority established in FHP Policy, DHSMV Policy, and Florida Statute.
- B. Any transfer of custody, including the relaying of all or any part of the materials, shall be documented in the chain of custody section of the E/P receipt and the Evidence/Property Record System.
1. Regardless of whether the transfer was between the collection point and the E/P storage facility, or subsequently transferred and documented on another form, copies of the transaction documents shall be placed in the E/P case file. If requested, additional copies will be made to ensure that each intervening person has a copy of the transaction.
 2. Receipts from laboratories, sheriffs, prosecutors, postal/parcel carrier services or other agencies receiving the articles shall be promptly submitted to the E/P control function and placed in the respective E/P case file.
- C. There may be an incident where a crime scene unit is requested by the lead investigator. When necessary, a supervisor may request assistance from the FDLE or a local agency crime scene unit. When these crime scene units are not available, arrangements should be made to ensure the proper handling of all critical evidence or property.
- D. All evidence submitted to a laboratory for analysis shall be returned directly to the E/P control function.
- E. 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.
1. Such facilities include crime laboratories that have capabilities for analyzing, storing, and destroying evidence upon final disposition.

2. Non-accredited facilities may only be utilized for housing an FHP TSF, with the requisite MOU. Authorization letters or MOUs shall be filed at troop headquarters.
3. 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 Statute.

F. DISPOSITION OF EVIDENCE/PROPERTY

1. Evidentiary property shall be retained until the case is concluded. Refer to the Comprehensive Case Information System (CCIS) for final disposition of cases at: <https://www.flccis.com/ccis/> (Just because the case is not found in the CCIS does not mean the evidence may be disposed. The case could still be active and the evidence would be needed at a later date. When there is no reference to the case in the CCIS, an inquiry into the destruction of the evidence shall be referred by the Primary EPC to the appropriate State Attorney's Office or the Troop's Legal Advisor.)
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 Primary EPC shall ensure that specific documentation is entered in the E/P Record System as to the attempts made to return the property. Such documentation shall 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 shall be forwarded to the last known address of the owner that explains the intentions of the agency if the property is not claimed.
3. At least quarterly, the Primary EPC shall review the E/P inventory listing for the troop and prepare a list of items eligible for disposal. Procedures for final disposal shall be carried out on a regular basis during the calendar year.