

# WINTER HAVEN POLICE DEPARTMENT

## GENERAL ORDER 84.1

### PROPERTY AND EVIDENCE CONTROL

**ACCREDITATION STANDARDS:** CALEA – 84.1.1, 84.1.2, 84.1.3, 84.1.5, 84.1.6;  
CFA – 27.02, 27.07, 27.09, 27.12, 27.13, 27.14, 27.15, 28.01,  
28.02, 28.03, 28.05,

**EFFECTIVE:** OCTOBER 30, 1995

**RESCINDS:** G.O 84.1 January 5, 2018 and all applicable Amended/Temporary Orders prior to  
March 18, 2020

**LAST REVISED DATE:** March 18, 2020

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#### **POLICY**

It shall be the policy of the Winter Haven Police Department to establish procedures for the custody and control of property and evidence seized, found, controlled and maintained by the agency.  
(CALEA 84.1.1)

#### **PURPOSE**

The purpose of this General Order is to establish procedures and guidelines for the collection, storage and disposition of evidence and property.

#### **SCOPE**

This General Order shall apply to all Department members.

## **PROCEDURE**

- I. Evidence Custody (CALEA 84.1.2, 84.1.1h)**
  - A.** The Property and Evidence (P&E) Manager shall be the property custodian and shall be accountable for control of all property and evidence accepted by, or stored in, the Department's P&E storage areas. (CFA 28.03)
    - 1.** The P&E Division shall be placed at a location which has no public access. The P&E's doors shall be closed and locked to all who have no official reason for being there. Members assigned to the P&E Division and a designee assigned by the Chief of Police shall be the only members who have keys and security codes to the internal storage facility.
    - 2.** Only authorized members, as designated by the Chief of Police, shall have access to areas used by the Department for the storage of property and/or evidence. Any visitors entering the P&E Division shall be required to sign the Visitor Log Book indicating date, time, purpose of the visit and shall be escorted at all times.
    - 3.** Whenever the P&E storage area is left unattended or when leaving the building area all points of entry shall be secured and locked. The alarm in P&E shall be activated, when leaving the premises.
  - B.** All evidence and property stored by the Department shall be within designated secured areas. Secure facilities are provided for storage of in-custody or evidentiary property during periods when the P&E room is closed. (CALEA 84.1.3) (CFA 27.09, 27.14d, 28.03)
  - C.** Weapons, narcotics, dangerous drugs, currency, jewelry and precious metals shall be stored in separate, locked, secure areas located within the Department's P&E storage areas.
  - D.** Secured temporary refrigerated storage lockers are available for all perishable items of evidence (i.e. urine, blood samples), and shall be used in accordance with proper evidentiary procedures. The P&E Manager or Technician shall be notified when these lockers are full and the need to secure additional items is necessary. (CFA 27.09, 27.14d)
  - E.** All found, recovered, or evidentiary property needing security shall be placed in designated storage areas provided at the Department, such as the secured evidence lockers, evidence drop box, etc. Larger items (i.e. vehicles, appliances) shall be placed in the designated storage area.
  - F.** On an annual basis the P&E Manager and a member assigned by the Chief of Police or their designee shall conduct an inventory of property and evidence maintained by the agency, the number of item selected shall be in accordance with the Department's Guidelines for Annual Audit and Inventory of Property and Evidence, a report shall be submitted to the Chief of Police detailing the inventory. (CFA 27.13c, 28.02c)
    - 1.** During the inventory, the amount of samples of evidence and property shall be the same (e.g. 100 pieces of evidence and 100 pieces of property).

2. The annual inventory may be completed at the same time as the annual audit listed in Section 1. I of this General Order.

- G. Whenever a new P&E Manager is designated, an inventory/audit of evidence and property shall be conducted by the Agency Inspector to ensure that records are correct and properly annotated. This inventory/audit shall also involve the newly designated and the outgoing P&E Manager unless the member is no longer available or it would be in the best interest of the agency to not allow the outgoing person to assist. (CALEA 84.1.6b) (CFA 27.12, 28.05)
- H. The Investigative Services Bureau Commander or their designee shall conduct a semi-annual inspection for compliance to all procedures used for the control of evidence and property. (CALEA 84.1.6a)
- I. On an annual basis a supervisor who is not routinely or directly connected to the control of property and evidence assigned by the Chief of Police or their designee shall conduct an audit in accordance with the Department's Guidelines for Annual Audit and Inventory of Property and Evidence, during this audit the supervisor shall ensure even numbers of property as well as evidence are selected, the audit will determine the adherences to procedures used for the control of property and evidence. A report shall be submitted via the chain of command to the Chief of Police.  
(CALEA 84.1.6c) (CFA 27.13a, 28.02a)
- J. At least annually, the Chief of Police or their designee shall direct the Agency Inspector to conduct an unannounced inspection of all P&E storage areas to ensure accountability and that security procedures are being maintained. These inspections are in addition to, and in support of, other regularly scheduled inspections. (CALEA 84.1.6d) (CFA 27.13b, 28.02b)
- K. The P&E Manager is responsible for ensuring that proper records are maintained, which reflect the status of all P&E held by the Department. This system shall reflect the location of the property, date and time when the property was received or released, character, type and amount of property on hand and chain of custody, from the time the property was stored, until its destruction or final disposition. (CALEA 84.1.5)(CFA 27.02 a,b,c)
- L. If any item is unable to be located during an audit and/or inventory of P&E, the P&E manager shall investigate to determine the status of the item (i.e., misplaced, missing, lost, or stolen). The P&E manager shall document the findings and determine if further investigation is warranted. (CFA 27.13d, 28.02d)

**II. Evidence and Property Submission (CALEA 84.1.1d) (CFA 27.15e, 28.01e)**

- A. All evidence seized by, property taken for safe keeping or found by members of the Department shall be maintained in the personal custody of the seizing/recovering member and shall be logged into P&E as soon as possible. The item shall be logged into the appropriate Evidence (whpd-131a) or Found Property (whpd-131b) Logbook.
- B. All members shall submit any newly acquired evidence or property to the designated P&E lockers or approved storage facility, prior to the end of their tour of duty.  
(CALE 84.1.1a, b) (CFA 27.15a,b, 28.01a, b)

1. During times of exceptional circumstances (e.g. member injury, relieved of duty, etc.) the member's supervisor is responsible to ensure any evidence collected by the member is turned in by the end of the supervisor's tour of duty. (CFA 27.15c, 28.01c)
- C. Each member submitting evidence and/or property shall complete a written report detailing the circumstances by which the evidence and/or property came into the Department's possession and describing each item obtained.  
(CALEA 84.1.1c) (CFA 27.15d, 28.01d)
- D. Each item submitted for storage, processing or laboratory analysis, which is to be presented as evidence at trial, shall have a WHPD barcode completed and attached. The member shall print their name, identification number and date on the WHPD barcode.
  1. An evidence tag shall be completed in detail, if the system is down.
- E. Members obtaining possession of abandoned/found property shall:
  1. Make every attempt to locate the property owner and return the property;  
(CALEA 84.1.1f) (CFA 27.15g, 28.01g)
    - a. If the property owner cannot be located the member shall submit the item to P&E for storage, attaching a WHPD barcode to each item.
    - b. The P&E Division shall then attempt to contact the owner to return the property. If unable to make contact via phone then a letter will be sent to the property owner.
  2. If the property has a serial number an NCIC/FCIC inquiry shall be completed.
- F. Members obtaining possession of evidence and/or property shall attach a WHPD barcode to each item entered into P&E. If the member is unable to print a WHPD barcode, the member shall complete a property card (blue, white or yellow) and attach it to the item.
  1. Found/Safe Keeping - White Tag
  2. Firearm - Yellow Tag
  3. Evidence, Seized, or Recovered - Blue Tag
- G. The item shall be described to include manufacturer, model number and serial number, if available.
- H. Currency, jewelry, precious metals and small unbreakable items shall be placed in the "Drop Box" located next to the P&E Division's door. This drop box shall be used **ONLY** for the above listed items.
- I. Appliance batteries shall be removed from the item (flashlights, radios, etc.) and packaged separately in a clear plastic bag. The item and the batteries shall each have the WHPD barcode attached.

- J. Hazardous Materials shall not be placed in lockers or brought into the P&E room. The following items shall be placed in the lockers located on the west side of the shed, located in the impound lot, with a WHPD barcode placed on each item:
1. Car batteries;
  2. Gas cans (emptied)
- K. No fireworks shall be kept in evidence. The member shall soak the fireworks in water and dispose of them. Members should take photographs of fireworks prior to destruction and disposal if they are to be used as evidence.

**III. Currency, Jewelry and/or Precious Metals (CALEA 84.1.1e) (CFA 27.15f, 28.01f)**

- A. All currency shall be packaged separately from other items of evidence and property.
- B. Currency shall be put in a transparent bag or wrapper so P&E members can see the currency. The currency should be laid flat and not packaged in a roll.
- C. All currency items placed in P&E shall be accompanied by a Currency Inventory Sheet (whpd-122), regardless of the amount. **DO NOT** put the Currency Inventory Sheet into the evidence package.
- D. All currency counting shall be witnessed, approved and signed by a supervisor.
- E. Each package of currency shall have its own WHPD barcode. An evidence tag shall be completed in detail if the system is down.
- F. All currency shall be sealed and all seals shall be initialed and dated.
- G. The P&E Manager or Technician shall be notified of all currency, jewelry or precious metals valued at one thousand dollars or more. It will be at their discretion to respond to the Department to take control of the item(s). (CALEA 84.1.1e) (CFA 28.01f)

**IV. Firearms**

- A. All firearms, whether evidence, recovered, seized or found, shall have a WHPD barcode attached. An evidence tag shall be completed in detail if the system is down.
- B. A complete description of the firearm, including manufacturer, model number and serial number shall be included on the WHPD barcode.
- C. All firearms shall be made safe and packaged in a cardboard firearm box, using cable ties in such a way that the firearm will not be able to move in the box. All seams of the box shall be sealed with evidence tape and marked with the member's initials and date. A WHPD barcode shall be attached. The package shall be marked "**SAFE**" to denote that the firearm has been made safe and is not loaded. Members shall attach an orange warning label and check the appropriate box, initial, and date the label.
1. Any firearm that will not fit in a firearm box shall be wrapped in brown wrapping paper and marked "**SAFE**" on the outside of the package.
  2. If a firearm is believed to be contaminated by bio-hazardous material a bio-hazardous sticker shall be placed on the front and the back of the package.

3. If a firearm cannot be unloaded or there are special circumstances as to why the firearm will not be unloaded, the box shall be boldly marked with “**LOADED GUN**”. The P&E members shall be notified by phone or other means (email, note, etc) that there is a loaded firearm in a locker, along with an explanation as to why it cannot be unloaded.
- D. The ammunition shall be removed from the firearm and magazine, if applicable. The ammunition and/or magazine shall be packaged separately in clear plastic bags, sealed and the WHPD barcode attached.
- E. An NCIC/FCIC inquiry shall be completed on all firearms and a copy of the results shall be turned in with the firearm to P&E. **DO NOT** put the inquiry results inside the package.
- F. An NCIC/FCIC inquiry shall be completed on the owner, to determine if they are a convicted felon. A copy of the results shall be turned into P&E along with the item.
- G. If the firearm is to be returned to the owner, a signed Property Receipt (whpd-05) with the results of the NCIC/FCIC inquiry and the criminal history inquiry of the owner, shall be attached and forwarded to P&E. No firearm shall be returned without the case member’s signature on the Property Receipt (whpd-05).
- H. If a person who has been involuntarily committed under a Baker Act requests their firearm to be returned, the firearm shall be returned without delay as long as one of the following does not apply.
  1. The firearm is evidence in a criminal case.
    - a. If the Department has filed charges in the criminal case with the State Attorney’s Office, the firearm shall not be released until approved by the State Attorney’s Office or a court order is issued.
    - b. If charges have not been filed in the criminal case, Property and Evidence shall confer with the case agent and their bureau commander on whether the firearm may be released.
  2. The person is a convicted felon and has not had their right to possess a firearm restored.
- I. The P&E Division shall not return ammunition at the same time that the firearm is returned.
- V. **Suspected Controlled Substances (CFA 27.07)**
  - A. All suspected controlled substances seized by members of the Department shall be maintained in the personal custody of the seizing member until it can be properly turned over to P&E, no later than the end of their tour of duty.
  - B. Controlled substances submitted to P&E shall include the following:
    1. WHPD barcode;

- a. If the system is down the member shall complete in detail an evidence tag.
  2. Quantity, by count (i.e. pills); color, shape, and imprints.
  3. Raw weight shall be included in the offense report; and
  4. Total Package Weight (sealed bag with WHPD barcode attached) shall be entered on the package by P&E members.
- C. Following the seizure of suspected controlled substances, the member shall place each item in an evidence container and attach a WHPD barcode.
1. The WHPD barcode shall bear the description of the item, the case number, date and location seized, suspect(s) name (if applicable) and member's name and identification number.
- D. The seizing member shall write their initials on the seal in such a manner as to include the tape and packaging.
- E. Except when otherwise required by Florida State Statute 90, controlled substances shall be packaged separately. This includes separating the controlled substance from the drug test kit, paraphernalia, etc.
- F. In addition to a physical description, the quantity and raw weight shall be recorded on WHPD barcode and in the offense report.
- G. The evidence and/or property shall be entered into the correct logbook.

## VI. Sharp Objects - Needles and Syringes:

- A. Needles and syringes are presumed to be bio-hazardous and shall be submitted as follows:
1. Packaged in crushproof plastic tubes provided in the evidence packaging area.  
**NO EXCEPTIONS**
  2. Re-sheathing, cutting or bending the needle from a syringe exposes the member to the risk of injury and offers no protective benefit.
  3. Inserted (sharp end first) into the plastic tube and the screw cap shall be firmly tightened.
  4. Bio-hazardous evidence labels shall not be attached to the plastic tube, as this would obstruct the view of the needle.
  5. The plastic tube containing the needle or syringe shall be packaged in a sealed plastic evidence bag and bio-hazardous evidence labels shall be attached to both sides of the bag. Members shall attach an orange warning label checking the appropriate box and attaching it to the plastic evidence bag.
  6. All packages shall be sealed and a WHPD barcode attached to the property. An evidence tag shall be completed in detail if the system is down.

## VII. Knives and Other Sharp Objects

- A. Knives and other sharp objects shall be placed in cardboard knife boxes. If these boxes are not available the cutting edge/points shall be covered with cardboard or layers of heavy paper.
- B. If the item is stained with suspected bio-hazardous fluids, bio-hazardous evidence labels shall be attached to both sides of the package. The package shall be sealed.
- C. Glass objects should be wrapped in bubble wrap or paper and packaged in a box when possible. A **“Fragile” label** shall be attached to both sides of the package.
- D. A WHPD barcode shall be attached to the property. An evidence tag shall be completed in detail if the system is down.

## VIII. Bio-hazardous Materials (CALEA 84.1.1e)

- A. Bio-hazardous is defined as any item containing blood or body fluids or any item(s) stained or contaminated by blood or body fluids or is believed to be contaminated. All material of this type is presumed to be hazardous and shall be handled accordingly.
- B. The acceptance of bio-hazardous items by P&E shall be regulated by strict adherence to the following:
  - 1. The P&E Division retains the right to refuse any evidence that is improperly packaged.
  - 2. In cases involving bio-hazardous evidence, it shall be packaged according to General Order 83.1 along with bio-hazardous labels attached to both sides of the package.
  - 3. Evidence containing wet blood or body fluids shall be placed in a special drying room and dried prior to logging the item into P&E.
  - 4. All packages shall be sealed with a WHPD barcode attached to the property. An evidence tag shall be completed in detail if the system is down.
  - 5. Members shall wear protective gloves anytime they handle bio-hazardous materials and shall thoroughly wash their hands immediately thereafter.
  - 6. In the event a member comes into direct contact with a contaminated item, or if they believe they have been exposed to contamination in any manner, the member shall immediately report the incident to their supervisor. The supervisor shall file a detailed report and follow procedures for exposure as outlined in General Order 96.1.
- C. Clothing stained by biological fluids shall be handled as follows:
  - 1. The impounding of stained items not needed for evidence should be avoided whenever possible. These items should be released to the victim or other responsible parties at the scene.
  - 2. Contaminated clothing should not be returned to the owner due to the health hazards involved.

3. Stained clothing should be submitted in a standard brown paper evidence bag or cardboard box. The bag/box shall be properly sealed and labeled with a WHPD barcode attached. An evidence tag shall be completed in detail if the system is down.
4. Bio-hazardous evidence labels shall be attached to both sides of the bag/box.

## **IX. Evidence Processing**

- A. A Crime Scene/Evidence Work Order (whpd-141) shall be completed for each item that requires special handling, processing or laboratory analysis. Members shall submit a copy of the Crime Scene Work Order with the evidence and retain a copy for their report. The P&E member, shall then forward that specific work order to the Crime Scene Investigator.
- B. Each item of evidence or property shall be recorded and a WHPD barcode attached to the package. The following items shall be completed by the submitting member:
  1. Case Number;
  2. Type of Property;
  3. Type of Case;
  4. Address and exact location where items were found;
  5. Date and time impounded (latent prints - inside or outside);
  6. Name, address and phone number of persons involved, if known; if unknown, indicate N/A. Owner's name, address and phone number, if known; if unknown indicate N/A;
  7. The quantity of each item listed;
    - a. Pills shall be counted, and described, and all bulk drugs shall be weighed for raw weight and documented in the offense report. Once received by P&E, the total package weight (which includes the package, WHPD barcode and seal) shall be entered on the WHPD barcode by P&E;
  8. A complete description of the item including physical description, model number(s) and serial number(s) if available; and
  9. The member packaging and logging in the property shall sign their name on the WHPD barcode and include their identification number. The member signing the seal shall log in the property to maintain chain of custody;
- C. The practice of using staples to close evidence bags and attach property tags, when the system is down, creates risks for all members who handle evidence packages.
  1. Impounding members should limit the number of staples used.
  2. Impounding member should make sure all staples are neatly crimped (no sharp points protruding).

3. Members handling evidence packages should be aware of the potential for cuts and should use caution.
4. Members opening evidence packages should use staple pullers to remove staples and should wear protective gloves.

**X. Temporary and Final Release of Property (CALEA 84.1.1g) (CFA 27.15h, 28.01h)**

- A. When property is to be released to the owner or rightful representative and the case is inactivated or closed at the initiating level, the member shall complete the Property Receipt (whpd-05) and forward it the Records Division with proper documentation.
- B. When evidence is signed out to a member for transport to court, the State Attorney's Office or another location (other than a FDLE District Laboratory), a Property Receipt (whpd-05) shall be sent with the member. This form shall be completed by the member who shall obtain the signature of the individual receiving and keeping custody of the evidence. The completed form shall be returned to P&E the same day as the property was released. (CFA 27.07)
- C. Any evidence not kept by the State Attorney, Clerk of the Court, etc., shall be returned to P&E by placing the evidence into the designated lockers. Evidence Log (whpd-131a) shall be completed. This shall take place at the end of each court/hearing day.
- D. When evidence is signed out for transport to a FDLE District Laboratory, an FDLE Laboratory Analysis Electronic Packing Slip listing the items to be released to the laboratory personnel shall be completed. Laboratory personnel will scan this slip acknowledging the receipt of these items. The transporting person shall be issued a FDLE Case Tracking Form in return. Both documents shall be placed in the case file, in the Records Division. (CFA 27.07)
- E. Once final disposition of property is attained, the release of this property shall be documented. The use of the Property Receipt (whpd-05) shall be utilized when applicable to obtain a signature to indicate who received the property.

**XI. Bicycles**

- A. All impounded bicycles shall be checked for serial numbers, make, type and description of bicycle to ensure the accuracy of the property receipt information. A WHPD barcode shall be attached to the bicycle and entered into the logbook. Bicycle(s) shall be placed in one of the evidence lockers located at the east side of the evidence shed in the impound lot secured with the padlocks provided. The barcode label should be placed in a plastic evidence bag and secured with a zip tie to the left handle bar of the bicycle(s). (CFA 28.03)
- B. The WHPD barcode shall indicate if the bicycle is evidence, found property or held for safekeeping. If it is being held for safekeeping, a Property Receipt (whpd-05) shall be submitted, stating to whom and when the property should be released.
- C. If the bicycle(s) need processing a Crime Scene Work Order shall be completed and turned into Property and Evidence. The Crime Scene Work Order shall not be attached to the bicycle(s).

## **XII. Final Disposition of Evidence/Property**

- A.** Final disposition of found, recovered and evidentiary property is accomplished within six months after legal requirements have been satisfied. This is to prevent an overload on the property management system and reduces the requirement for additional storage space. The lack of prompt disposition procedures further deprives owners of the use of their property. (CFA 27.13e, 28.02e)

## **XIII. Definition**

- A.** *Abandoned Property* – All personal property which does not have an identifiable owner, and which has been disposed of on public property, in a wrecked, inoperative, or partially dismantled condition; or which has no apparent value to the rightful owner.
- B.** *Chain of Evidence* – A written record referring to the continuity of custody of items collected as physical evidence whether at the crime scene or not.

The connotation under the law is the item introduced into court at the time of trial must be proved to be the same as obtained initially from the crime scene.

1. The chain of custody begins when an item of evidence is collected and is maintained until final disposition of the evidence is made. It assures continuous accountability. If custody is not properly maintained on a particular item of evidence, that item may be inadmissible in Court.
2. Each person in the chain of evidence/custody shall be responsible for ensuring that integrity and control of evidentiary property is not jeopardized while under custody.

Property must be packaged, marked, logged in and stored. Every time that piece of evidence or property is moved, the chain of custody must be maintained. Evidence personnel shall record who took it and why, where it went, when it was returned and by whom. Finally, each piece of property must be properly disposed of when a case is finished.

- C.** *Evidence* – Any property or substance, which may be used during criminal prosecution to establish a case and to prove facts of a crime before a court of law. All evidence submitted to the evidence room shall be properly identified, marked and recorded.
- D.** *Evidence Room* – A secure area within the Department to ensure the integrity of all evidence/property that is stored.
- E.** *Found Property* – Property that is discovered by chance or happened upon. This property can be either lost or abandoned.
- F.** *Handling* – Used in the broad connotative sense to indicate one or more of the following general actions that may be performed in the course of processing evidence or property: collection, identification, preservation, receipt, analysis, storage, trial presentation, and eventual disposition or destruction.
- G.** *Hazardous Materials* – Flammable or combustible liquids, substances or materials, caustic acids, explosives, hazardous chemicals, or other substances and materials that could be a hazard to the health or well-being of Department members.

- H. *Lost Property* – All personal property which does not have an identifiable owner and which has been mislaid on public property, upon a public conveyance, on premises used at the time for business purposes, or in parks, places of amusement, and public recreation area; or other places open to the public, in a substantially operable, functioning condition; or which has an apparent value to the rightful owner.
  
- I. *Refrigerated Storage* – Perishable items, such as body fluids, shall be stored so that their properties shall be as unchanged as possible prior to being examined in a laboratory.

APPROVED



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**Charles E. Bird**  
**CHIEF OF POLICE**