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I. PURPOSE

Procedures have been established to ensure the safekeeping and proper disposition (including efforts to identify and notify the owner or custodian) of all property and evidence coming into the control of the Orlando Police Department.

II. POLICY

Responsibility for ensuring that procedures are followed is assigned to the supervisor of the Property and Evidence Section, who will be considered the property custodian. To monitor compliance, periodic audits, and inspections shall be conducted by individuals who are not directly involved with the control of property and evidence.

III. DEFINITIONS

None

IV. PROCEDURES

1. CLASSES OF PROPERTY

Property shall be categorized and defined as follows:

Biohazard – Includes, but not limited to, items contaminated with bodily fluids (e.g., blood, urine, or feces), sharp objects (e.g., syringes, needles, or broken glass), materials infested with pests (e.g., bedbugs, lice, or rodents), heavily soiled clothing or bedding that cannot be safely handled.

Currency - All currency (whether genuine or counterfeit), which must be separated from other property and entered separately, regardless of amount, and which may or may not have evidential value.

Drugs - Controlled substances and paraphernalia containing drug residue, which may or may not have evidential value.

Evidence - Property not included in drugs, guns, currency, and valuables, which will, or has the potential to, be needed for the prosecution of a criminal case.

Found - Property that is not included in any of the above categories. If there is any possibility that the property may be needed for prosecution, it should be classified as Evidence, not as found property.

Gun/Firearm - Any weapon designed to, or capable of being made to, propel a projectile by explosive action, which may or may not have evidential value.

Personal - Property not included in drugs, guns, currency, valuables, and evidence, whose owner is known. This includes property in an arrestee's possession, property belonging to a deceased person, and property taken from an impounded vehicle. NOTE: Personal property will automatically be released to the owner with photo identification. If there is any possibility that the property may be needed for prosecution, it should be classified as Evidence, not as Personal Property. All personal property must include the owner's full name, date of birth, and home address on the Quick Property Receipt and all submitted packages.

Property and Evidence staff will send a Release of Property postcard to the owner after their property has been in Property and Evidence's custody for over 90 days. If the owner does not claim the property within 30 days of the postcard being mailed, it will be disposed of.

2. SEIZING PROPERTY

Department employees may seize property under the following circumstances:

a. When the property is evidence of a crime.
b. When the property is in the immediate custody of an arrestee or person who is taken into protective custody under the Marchman Act or Baker Act, and its seizure is for safekeeping.
c. When the property constitutes contraband.
d. When the property is in an impounded vehicle and its seizure is for safekeeping.
e. When the property is turned over to an employee as found property or is found by the employee in the course of his or her duties.
f. When the property is that of a deceased person and its seizure is for safekeeping.
g. With the property owner or agent's approval, a firearm may be held for safekeeping when a disturbance or circumstances warrants its removal from the scene until the dispute or threat is resolved.
h. When the property is a weapon in the possession of a person who is reasonably believed to have threatened or attempted to commit suicide.

2.1 SEIZING MONEY

When a member seizes money, a receipt shall be provided. The type of receipt depends upon the nature of the seizure. If the amount of the seizure appears to be too much to count on the scene OR if the money will be counted by a contracted third-party money counting service, a temporary estimate documented on the appropriate receipt/form will suffice for the receipt (see section 3.5.7 for bulk cash or amount not feasible to count on the scene).

2.1.1 MONEY SEIZED FOR FORFEITURE

Per P&P 1106, Contraband, Forfeiture, and Seizure, when money is seized according to the Florida Contraband Forfeiture Act, a Notice of Forfeiture and Property Receipt form shall be completed (this form is available in the Quartermaster Unit: refer to P&P 1106 for additional procedures). The person in possession or claiming the money will be asked to sign the receipt. If feasible, the money will be counted in their presence. A witnessing officer shall be present at the time the money is counted. For procedures on submitting seized money into evidence, refer to section 3.5.7 of this policy, which addresses specific handling requirements for money.

2.1.2 ALL OTHER MONEY SEIZED

For all other money seized, the person shall be provided a Seized Money Receipt (Attachment A). This form is available in the Quartermaster Unit. The person will be asked to acknowledge the amount seized by signing the Seized Money Receipt form. If feasible, the money will be counted in the presence of the person from whom it is seized. A witnessing officer shall be present at the time the money is counted. Officers equipped with a body-worn camera shall record while counting all money.

2.2 FOUND PROPERTY

When finding property while on duty, or receiving property found by someone else, the finding or receiving employee shall:

a. Check the property through Teletype if it has a serial number.

b. Attempt to contact the owner if one can be identified via telephone. If unable to reach by telephone, a Release of Property Postcard (Attachment E) must be mailed to the owner.
c. Complete an Incident Report when applicable, including if the owner was contacted.
d. Submit the property to the Property and Evidence Section if it cannot be immediately returned to the owner.
e. Note in the Incident Report and the Quick Property Receipt if the finder wishes to claim the property.

Found property will be treated and noticed in the same manner as lost property and pursuant to provisions in Florida Statute 705.103.

For found property valued over $100, OPD shall decide which election below to apply, and Property and Evidence shall publish a notice of intended disposition by posting an advertisement once a week for 2 consecutive weeks in a newspaper of general circulation in Orange County within the first 45 days after the property was found.

Election choices for disposition of property:

1. Retain the property for use by the unit of government,
2. Donate the property to a charitable organization,
3. Surrender such property to the finder,
4. Sell the property, or
5. Trade the property to another unit of local government or state agency.

If the value of the property is $100 or less, notice shall be given by Property and Evidence posting a description of the property in the lobby of Orlando Police Department Headquarters for 14 days within the first 45 days after the property was found.

The notice must describe the property in a manner reasonably adequate to permit the rightful owner of the property to claim it." Florida Statute 705.103

Proof of Published Notice shall be entered in Property and Evidence.

If the property was found by someone else, the submitting employee shall inquire as to whether the finder wishes to make a claim to the property if the rightful owner cannot be identified or located. If the finder wishes to make such a claim, the finder shall be advised that the Agency will charge the finder $25.00 to cover the Agency's cost for transportation, storage, and publication of the notice. The finder will have 30 days following the 90 day holding time to physically claim the property. The Finder is required to bring photo identification and pay the $25.00 fee payable to the City of Orlando in order to retrieve the property. This fee can be waived by the Property and Evidence Manager in exceptional circumstances. Property and Evidence shall document the release of the property to a finder.

All found property, which cannot be returned to a rightful owner, is eligible to be disposed of 120 days following the date of receipt of the article. Disposition of found property shall be in accordance with established procedure and governing statute. If found money is not claimed within 120 days of being submitted, it will be deposited to the City's account within a reasonable amount of time thereafter.

Employees act as agents for the City and are not considered as the finder entitled to the return of the found property.

Found firearms will not be returned to a finder. Firearms will be turned over to the Orange County Sheriff's Office's Evidence Unit for disposition in accordance with Florida Statute 790.08.

2.3 DECEDENT'S PROPERTY

Normally, a decedent's residence and the property therein will be left in the control of a close relative or representative of the estate. If such a relative or representative is not immediately available, the premises shall be secured and the key will be submitted to the Property and Evidence Section. In the event, a decedent's residence cannot be secured and property is taken into custody for safekeeping, a note listing the items taken shall be left in a prominent place inside the premises advising that OPD will keep the items for 90 days unless they are claimed within that period by a representative of the estate. The assigned detective shall attempt to contact a representative of the estate.

The Property and Evidence Section shall not release a decedent's property to a claimant unless the claimant can provide documentary evidence of his or her appointment as a personal representative of the estate or a court order directing the release of the property.

2.4 PROPERTY IN AN UNLOCKABLE/UNSECURABLE VEHICLE

Members who find or are directed to an unsecured vehicle shall do the following:

a. If there is no property in plain view, and the vehicle is lockable, the member shall secure the vehicle and leave a business card inside (printed side up) indicating the date and time of the discovery.
b. If there is property in plain view, which can be completely hidden and the vehicle is lockable, the member shall hide the property inside the vehicle and leave a business card inside (printed side up) indicating the date and time of the discovery.
c. If there is property in plain view that cannot be completely hidden, regardless of whether the vehicle is lockable or unlockable, the member shall take custody of the property. Per the current issue of P&P 1113, Initial Police Reports (concerning found property where the owner is known and the property is not immediately returned), an Incident Report will be completed. The member shall leave a business card inside (printed side up). The business card will indicate the case number, the date and time of the custody, and the telephone number for the Property and Evidence Section or Airport Lost and Found (as applicable).

2.5 DISABLED PARKING PERMITS

A law enforcement officer may confiscate a disabled parking permit from any person who fraudulently obtains or unlawfully uses such a permit. Additionally, a law enforcement officer may confiscate any disabled permit that is expired, reported as lost or stolen, or defaced, or does not display a personal identification number.

a. The permit number of each confiscated permit must be submitted to the Department of Highway Safety and Motor Vehicles, and the fact the permit has been confiscated must be noted in the permit holder's record. Members who confiscate a disabled parking permit must call the Department of Highway Safety and Motor Vehicles at 1.850.617.2000.
b. A confiscated permit must be held as evidence until a judicial decision about the violation has been made. After a finding of guilt has been made or a plea of nolo contendere has been entered, the charging agency

shall destroy the confiscated permit. A confiscated permit may not, under any circumstances, be returned to its registered owner after a finding of guilt has been made or a plea of nolo contendere has been entered in court. The permit number of each destroyed permit must be reported to the Department of Highway Safety and Motor Vehicles.

Members who confiscate a disabled parking permit must do the following:

a. Contact the Department of Highway Safety and Motor Vehicles at 1.850.617.2000 and report the permit number and the circumstances behind the confiscation.
b. Submit the permit into evidence.
c. Document on the Quick Property Receipt (LERMS entry) with the following information:
    1. Disabled Parking Permit Number
    2. DHSMV Employee Name that was contacted
    3. Date and Time DHSMV was contacted
    4. Circumstance for confiscation

Property and Evidence Personnel must do the following:

a. Upon judicial judgment or finding of guilt or a plea of nolo contendere has been entered in the court, the disabled permit shall be destroyed. Before the destruction of the disabled parking permit, Property and Evidence personnel must contact the DHSMV at 1.850.617.2000 and report the permit number.
b. Document on the evidence receipt the name of the DHSMV employee who was contacted.

NOTE: Refer to the current issue of P&P 1113, Initial Police Reports, for incident report requirements.

3. SUBMITTING ITEMS TO THE PROPERTY AND EVIDENCE SECTION

Any item that may contain latent, trace, or biological evidence and is to be processed must be handled with a fresh set of latex gloves. Before handling another potential evidence item, a fresh set of gloves must be used. Officers are not to handle such evidence with their personal black gloves in order to avoid cross-contamination.

Officers who need assistance with the handling of any evidence should contact a Crime Scene Investigator (CSI) for guidance.

All seized property, except for those items requiring off-site storage, shall be submitted to the Property and Evidence Section as soon as possible and in all cases before the end of shift, except those items seized by Crime Scene Investigators (CSIs). All documentation of such property shall be completed before the end of the seizing employee's end of shift. CSIs will ensure that their seized property is properly secured in the Forensic Lab until such time that it is turned over to the Property and Evidence Section, which shall occur no later than 30 days from the time of seizure.

It should be noted that documented supervisory approval is needed for exceptional circumstances allowing items to be secured and submitted after the officer’s end of shift.

Property and Evidence custodians shall enter all submissions into agency records within 24 hours of receipt, excluding weekends and holidays.

3.1 QUICK PROPERTY RECEIPT

All property, including latent cards (P&P 1136), submitted to the Property and Evidence Section shall be documented on a Quick Property Receipt, which is generated by entering the items into LERMS. To enter the items into LERMS, the employee will select the Property Quick Entry option in LERMS, under the Property Room tab. Each item entered should include a description, manufacturer, model, and serial number, if obtained. Once employees enter the item into LERMS, the occurred incident will show what type of case the item belongs to. If a report was not completed, the occurred incident will not show. Each item submitted must be entered separately into LERMS, even if they are in the same package. Once completed, the employee will be able to print the Quick Property Receipt via LERMS. The Quick Property Receipt shall be delivered to the Property and Evidence Section or the nearest substation along with the items.

3.2 PACKAGING, SEALING, TAGGING, AND MARKING

Employees who submit items to the Property and Evidence Section are responsible for ensuring the items are properly identified, packaged, sealed, and labeled before submitting them. Material for packaging, sealing, and labeling items, will be available in the patrol substations and the Property and Evidence section.

When marking valuable items for later identification in court, care shall be taken to avoid defacing the items. Handguns must be boxed and sealed with red tamper-resistant evidence tape. Once the officer has verified the firearm is unloaded, they must place a “Weapons Cleared” sticker on the gun box. If the firearm is submitted in a locker at the Property and Evidence section without a “Weapons Cleared” sticker, the Property and Evidence specialist will not remove the firearm from the locker. They will email the officer, who will then return to the Property and Evidence section, verify the firearm is unloaded, and place a yellow “Weapons Cleared” sticker on the gun box.

If the firearm is submitted in a locker at an evidence pick-up substation without a “Weapons Cleared” sticker, the Property and Evidence specialist will not remove the firearm from the locker. The Property and Evidence specialist will email the officer, who will then come to the Property and Evidence section. The officer will be provided with the locker key. The officer will go to the substation, retrieve the firearm, verify the firearm is unloaded, and place a yellow “Weapons Cleared” sticker on the gun box. The officer will then immediately return to the Property and Evidence section to turn in the key and the firearm.

All property submitted, except firearms, bicycles, and exceptionally large or bulky items, must be packaged in sealed bags or envelopes. Every item (or package) shall have a standard 3” x 6” tag attached to it. There are three different types of tags:

1. Bicycles
2. Firearms
3. All other items

If the item being submitted is packaged in a bag or manilla envelope and is not a firearm, a standard 3” x 6” tag is not needed. The employee shall write their name, employee number, date, the offense, the item number, and a full description of the item on the package.

If items are submitted as personal property, the Quick Property Receipt and each package must include the owner's full name, date of birth, and home address. If the home address is not known, write, "Home address is unknown." All contents must be itemized on the Quick Property Receipt and packages. Descriptions such as "miscellaneous clothing" or "miscellaneous toiletries" are acceptable; however, the terms "miscellaneous property" and "miscellaneous items" may not be used. The Quick Property Receipt and packages must clearly identify the specific type of items contained in each package.

Backpacks must be submitted in an evidence bag. If the backpack is improperly packaged, you will be contacted to repackage the backpack.

3.2.1 EVIDENCE PACKAGING

The following guidelines should be utilized when packaging evidence to ensure the preservation and integrity of the evidence:

a. Employees shall attempt to obtain sufficient amounts of the evidence to be tested and preserved for evidentiary value.
b. Select an appropriate container based on the type of evidence and its condition.
c. Generally, the package should be only slightly larger than the object so it does not shift and become damaged.
d. Always use clean containers to prevent contamination.
e. Paper bags, envelopes, or cardboard boxes (not plastic garbage bags) should be used for most items.
f. Wet items must be thoroughly dried before being packaged. After the item has been dried, it should be packaged in a paper bag or cardboard box. Do not use plastic bags or other airtight containers. (See Section 3.5.6 for instructions on drying wet evidence.)
g. Liquid evidence and samples must be placed into leak-proof containers. The containers must then be placed in a clear inner bag and packaged in a large clear drug bag.
h. All controlled substances such as pills, powders, and other solid substances must be packaged in a clear inner bag and then packaged in a large clear drug bag to allow visual inspection without opening the package.
i. Cannabis must be packaged in a brown paper bag or manila envelope. Small amounts of loose cannabis or seeds must be placed in a clear inner bag and then packaged in a brown paper bag or manila envelope.
j. Label the package with the proper safety warning, if appropriate.

Additional information is available in the FDLE Crime Laboratory Evidence Submission Manual, which is available on OPD Online under the Training tab, "Reference Guides" (titled: FDLE Submission Manual).

3.2.2 EVIDENCE PACKAGE SEALING

To prevent inadvertent or improper handling of the evidence, the evidence package should be closed and secured as soon as practical after it is collected. In the field, simply stapling the bag shut will enable you to detect if anyone else has gained access to your evidence.

Packages will be completely sealed at all openings and along any seams that could easily come open.

The specially designed evidence tape should be used. The person packaging the evidence will initial and date the seals. If the evidence is to be submitted to the FDLE Lab, FDLE requires that ALL openings and seams of the package be sealed with red evidence tape.

If a sealed evidence package must be opened, do not cut or break the original seal if at all possible. It is better to open the package at another point and retain the original package. It must be correctly resealed, and the chain of custody label affixed and annotated properly.

3.3 IMPROPERLY SUBMITTED EVIDENCE

When evidence is improperly submitted to Property and Evidence, the submitting employee will receive an email indicating there is a problem with the packaging, labeling, or accompanying documentation. The employee shall respond to the Property and Evidence section and correct the problem within 72 hours of receipt. If the corrections are not completed during this time, additional emails will be sent to the employee's chain of command, beginning with their immediate supervisor, until the evidence is corrected.

Firearms must now be submitted with a "Weapons Cleared" sticker on the gun box. Please see 3.2 Packaging, Sealing, Tagging, and Marking for all details regarding the firearm being submitted without the "Weapons Cleared" sticker.

3.4 AFTER NORMAL WORKING HOURS

After normal working hours, access to the packaging room can be gained by deactivating the Property and Evidence lobby alarm and using your control access card. Packaged and tagged items, along with the Quick Property Receipt, shall be placed inside the evidence storage lockers or closets. After placing the items in the storage locker or closet, the submitting employee shall ensure the locker is locked and sign the After Hours log sheet.

Large bulky items such as bicycles and safes, which will not fit into lockers, must be stored in the storage closets. Should all storage lockers and closets be full, the submitting employee will contact Communications, who will contact the on-call Property and Evidence personnel to respond. Large bulky items shall not be stored at patrol substations.

Also located in the packaging room is a refrigerator with bolted-down lockboxes inside for the storage of items that require refrigeration.

3.5 SPECIFIC HANDLING REQUIREMENTS

Several types of items require special handling procedures. Extra security measures, such as, but not limited to, separate rooms and/ or locked storage units, are in place for handling exceptional, valuable, or sensitive items, i.e. currency, precious metals, jewelry, weapons, and drugs.

3.5.1 DRUGS

Drugs submitted to the Property and Evidence section fall into three categories:

1. Contraband only, to be destroyed
2. Drugs deposited through the MedReturn Drug Collection Site
3. Evidence

When an employee submits drug evidence as “Found Drugs” it must also have the words “No Evidentiary Value” or “To Be Destroyed“ annotated on the package. This procedure will help eliminate non-evidentiary drugs being stored in Property and Evidence unnecessarily. If drugs are needed for court and/or evidentiary purposes, they must be coded as “Evidence”, not “Found”. Property and Evidence personnel shall ensure this is completed at the time of submission or Property and Evidence will initiate the form for improperly submitted evidence.

All of the below-listed procedures, except for the assignment of Q-numbers, apply to both categories. Q-numbers apply only to drug evidence that will require laboratory analysis.

All drugs, except those deposited through the MedReturn Drug Collection Site, must be separated by type and sealed in individual bags or envelopes. All controlled substances such as pills, powders, and other solid substances must be packaged in a clear inner bag and then packaged in a large clear drug bag to allow visual inspection without opening the package. Liquid evidence and samples must be placed into leak-proof containers. The containers must then be placed in a clear inner bag and packaged in a large clear drug bag. Cannabis must be packaged in a brown paper bag or manila envelope. Small amounts of loose cannabis or seeds must be placed in a clear inner bag and then packaged into a brown paper bag or manila envelope. If the baggies/containers of the confiscated or found drugs are to be submitted to the OPD Forensic Lab for latent processing, the drugs must be repackaged in another container. Only empty baggies/containers will be forwarded for processing. No drugs are to be forwarded to the OPD Forensic Lab except for drying purposes in the OPD Forensic Lab Drying Room. It shall be the confiscating officer’s responsibility, under a CSI’s supervision, to secure the drugs in the Drying Room and ultimately turn the same into the Property and Evidence Section once they are dry. Pills, except those deposited through the MedReturn Drug Collection Site, in quantities of 100 or less will be counted, while larger quantities will be weighed. All other drugs, including drug residue, must be weighed. The amount and description of the drug (to include all markings) will be entered on all applicable forms (i.e., Quick Property Receipt, evidence tag, Laboratory Transmittal form if one is prepared, and on the bag/envelope). Each bag/envelope will be assigned a Q-number, which will become part of that drug's description on all applicable forms (e.g., Q1 - 5 white pills, Q2 - 2 yellow capsules, Q3 -1 baggie marijuana, etc.). Each bag/envelope will be sealed, with the submitting employee's signature written across the seam of the tape.

If the drugs constitute evidence for either a juvenile felony case or adult trafficking cases, the submitting employee shall prepare a Laboratory Transmittal form when submitting the drugs. (See section 5.2) (Note: Laboratory analysis in other drug cases will be performed at a later date when requested by the State Attorney's Office, at which time the submitting officer shall prepare a Laboratory Transmittal form. The Property and Evidence personnel will prepare the Laboratory Transmittal forms for Fast Tracks (Notice to Transport Drugs to Crime Lab only.)

Drug paraphernalia will be packaged separately. Paraphernalia to be examined by the lab for drug evidence will be given a Q- number. All other paraphernalia with no residue present will be entered as either personal property or evidence.

Wet material, such as a green marijuana plant, will be placed in a paper bag marked "to be dried." The evidence tag will be stapled to the bag. Wet material must be dried before being submitted to Property and Evidence (see Section 3.5.6).

Should a member of the department need drugs for court, a Disposition of Property form will be given to the member. Should the court decide to keep the drugs, the officer must complete the Disposition of Property form and have the person taking custody of the drugs sign the form. Once the form is completed, the form must be submitted back to Property & Evidence within the same day.

Before the purging of drugs, the Property & Evidence supervisor must obtain a Motion of Forfeiture and Destruction of Narcotic and Dangers Drugs form, which must be signed by a Legal Advisor. The Property & Evidence supervisor must then get a criminal court judge to sign an Order for Forfeiture and Destruction of Narcotic and Dangerous Drugs form. Once these forms are completed, the Property & Evidence supervisor has 10 days for the drugs to be destroyed.

Legal drugs put under personal property (owner's information) can be given back to the owner. If legal drugs are put into Evidence, a sworn member of the department must approve the Property & Evidence custodians for release.

3.5.1.1 DRUGS DEPOSITED THROUGH THE MEDRETURN DRUG COLLECTION SITE

The MedReturn Drug Collection Site is a depository for citizens to voluntarily submit prescription drugs for disposal. The key to the MedReturn Drug Collection box will be maintained by the Special Enforcement Section commander. A Drug Enforcement Division (DED) manager or supervisor will accompany a DED detective to collect the drugs from the box, weigh the drugs collectively, package the drugs together and complete an incident report. The DED detective will notate on the package, "MedReturn Drug Collection, To Be Destroyed." Property and Evidence personnel will handle the abandoned drugs in the same manner as "Found Drugs."

3.5.2 FIREARMS

All firearms submitted to Property and Evidence shall be documented in an incident report, arrest report, or supplement. For all firearms to be returned to the owner, a report must be completed by the person obtaining the firearm. The report shall detail the circumstances of the seizure, including where the weapon was located (e.g., under seat of car, in trunk, etc.); the identity of the owner and how it was determined; why the weapon was seized; and what charges, if any, were filed by the officer.

If the firearm is submitted to the lab for testing, it should be noted in the incident report, and all results shall be forwarded to the State Attorney's Office, when appropriate. If no charges were filed in an incident where charges would initially appear to be appropriate, the reason shall be indicated in the incident report or supplement.

Firearms will normally be submitted in an unloaded, safe condition. Do not place anything in contact with the interior of the barrel of any firearm. When submitting a loaded magazine and/or loose ammunition in a box with a firearm, it is required that these items be placed into an envelope in the same box to ensure the firearm remains in an unloaded condition. Once the officer verifies the firearm is unloaded, they must place a "Weapons Cleared" sticker on the gun box. Please see 3.2 Packaging, Sealing, Tagging, and Marking for all details regarding the firearm being submitted without the "Weapons Cleared" sticker on the gun box. If it is necessary to submit a loaded firearm, the Property and Evidence specialist receiving the firearm will be advised of its condition. If submitted after working hours, the firearm will be placed inside an evidence locker with a note attached on the gun box and front of the locker, indicating there is a loaded weapon inside. The officer will then email Property and Evidence group, informing them of the loaded

firearm. A Property and Evidence specialist handling the loaded firearm locker must summon an on-duty range officer to assist in rendering the firearm to a safe condition.

Any time a firearm is confiscated, the officer must run the serial number on Teletype. The employee is responsible for ensuring any applicable message is canceled. Persons who have had a weapon confiscated for any reason should be informed by the employee who confiscated their weapon to contact the Property and Evidence section to request the release of the weapon and that the release review process could take a month or longer, with no guarantee of the desired outcome. The Property and Evidence Supervisor will review the request for the release of the weapon based on the criteria established by the Police Legal Advisor. Notification of the request will be sent to the submitting employee. If the firearm has been submitted to FDLE, the Police Evidence Supervisor can retrieve the weapon from FDLE and release it to the owner based on the criteria for release on the Return of Property form. If the case does not meet the criteria for release (e.g., convicted felon, domestic violence injunction), the Property and Evidence section will forward the matter to the Police Legal Advisor for review.

An officer, CSI, or CSO who comes into contact with a loaded firearm shall not attempt to unload or render safe any firearm they are not familiar with operating/unloading. The officer should request an on-duty range officer to respond and assist in rendering the firearm to a safe condition. The firearm should be secured either in place or in the trunk of the officer's vehicle until a range officer is contacted.

A Departmental bullet trap/snail drum shall be used during the extraction process in rendering the firearm safe when dealing with a firearm that is unfamiliar to the range officer. A range officer or other sworn member may render a firearm safe on the street and extract the round if the weapon is pointed safely to soft ground and he or she is familiar with the operation of the firearm.

Firearms will no longer be accepted through the OPD Forensic Lab. Once the firearm is entered by a Property and Evidence specialist, the OPD Forensic Lab will maintain the chain of custody by checking out the qualifying firearms for forensic processing.

All firearms will be documented on the Quick Property Receipt and gun tag. The Quick Property Receipt and gun tag must be filled out completely, documenting all of the following information: serial number, manufacturer (e.g., Smith & Wesson, Colt, etc.), firearm type (rifle, shotgun, pistol, etc.), caliber, country of origin, the owner (if known), first and last names of the possessor of the firearm, the possessor's DOB, the first and last name of any associates with the possessor, the recovery location, and the address. This required information is being collected for ATF to be entered into the Electronic Trace Submission System (ETSS or eTrace).

Each firearm submitted will require a separate gun item tag and any accessories for the firearm, such as bullets, magazine, and holster, may be submitted with that firearm under the same case number. Place round removed from the chamber in its own envelope inside the gun box. All loose ammunition submitted not to be processed shall be counted, and the description for the casing that circles the primer will be recorded, e.g., "Win, 9mm Luger." Loaded magazines shall not be unloaded; the CSI shall count and describe the rounds after processing.

In those cases involving a handgun that qualifies for submission to the FDLE Crime Lab (see below), the submitting employee will submit the handgun to the FDLE lab for examination and ensure the handgun is placed into a box

sealed using the red tamper-proof evidence tape. The submitting employee will complete an FDLE Lab Transmittal form (see Section 5.2, completing the top portion, and in the bottom portion will list:

a. Q-1 – Weapon description including the serial number
b. "Please enter Q1 into the NIBIN database"
c. A brief summary of seizure, e.g., "Handgun confiscated during a traffic stop" or "Handgun found at 123 Smith Street"

The NIBIN (National Integrated Ballistics Information Network) database searches firearms that eject a shell casing; this would normally include shotguns, semi-automatic weapons, and full-auto weapons only (eliminating revolvers).

The FDLE Evidence Submission Manual case acceptance policy for firearms is:

1. All firearms associated with violent crimes (homicide, attempted homicide, robbery, assault/sexual assault with a firearm, battery/sexual battery with a firearm, kidnapping, home invasion) should be submitted.

2. Firearms associated with non-violent crimes (such as: carrying concealed weapon, drug offenses, search warrants) may only be submitted if they meet NIBIN criteria or with the prior approval of the Firearms Section supervisor.

3. Only found property firearms that meet NIBIN criteria may be submitted.

4. Firearms used to self-inflict a fatal gunshot should only be submitted when the firearm is directly related to a crime or when there is a projectile for comparison.

5. Firearms from gun-buy-back programs, domestic violence injunctions, Baker Act, or firearms maintained for safekeeping will not be accepted.

6. Black powder firearms, replica firearms, BB guns, and pellet guns will only be accepted with the prior approval of the Firearm Section supervisor.

7. A maximum of five firearms will be accepted per submission. A case may have multiple submissions with up to five firearms each.

8. Firearms from Federal agencies will be accepted only with the prior approval of the Firearm Section supervisor.

Firearms confiscated and submitted to Property and Evidence for safekeeping only will not be submitted to the FDLE Crime Lab or any other crime lab. Safekeeping firearms will be retained in the Property and Evidence section until released to a lawful owner or otherwise lawfully disposed of.

When an FDLE investigator directly collects an officer's firearm during the investigation of an officer-involved shooting, the name and employee number of the FDLE investigator receiving the firearm shall be noted in the CSI's Narrative Supplement report. Once FDLE has completed the firearm inspection or necessary processing, the FDLE

investigator will notify the assigned OPD Homicide investigator, who shall arrange for the firearm to be returned to the original primary CSI for appropriate disposition.

In all other instances, the OPD CSI shall collect the firearm under the direction of the FDLE investigator or the assigned OPD Homicide investigator according to established evidence handling policy. If FDLE requires a subsequent inspection or necessary processing of the evidence, the assigned OPD Homicide investigator shall check the evidence out of the Property and Evidence section and deliver it directly to the FDLE investigator, maintaining the chain of custody. Once FDLE has concluded the evidence inspection or necessary processing, the FDLE investigator will notify the assigned OPD Homicide investigator, who shall arrange for the firearm to be returned directly to the Property and Evidence section.

Employees will not notify the Bureau of Alcohol, Tobacco, and Firearms (ATF) if a firearm is contraband as defined by the National Firearms Act unless:

a. A large quantity of weapons is confiscated, or
b. Investigate assistance is needed, or
c. A firearm is recovered in the possession of a juvenile while committing a violent crime, or while committing any crime in a school zone

The number for contacting ATF is 1.800.ATF.GUNS.

3.5.3 EXPLOSIVES AND COMBUSTIBLES

Explosives and combustibles shall not be stored in the Property and Evidence section, except for special types or quantities as specified in Sections 3.5.3.1 and 3.5.3.2.

3.5.3.1 EXPLOSIVES

Explosives (e.g., gunpowder, dynamite, plastic explosives, blasting caps, nitroglycerin, etc.) shall be stored off-site as directed by the Orlando Fire Department.

Ammunition and small quantities (i.e., several packages or assorted boxes) of fireworks may be stored in the Property and Evidence section if the material is not in a deteriorated condition. When in doubt about the condition of the material, the submitting officer should contact OFD.

3.5.3.2 COMBUSTIBLES

If needed for evidence, small quantities of petroleum-based substances, such as gasoline, kerosene, diesel fuel and, paint thinner, shall be stored in the following manner:

a. Two small samples will be placed into two small specimen bottles supplied by the Property and Evidence section.
b. The level of the liquid will be marked and initialed on the original container.
c. The OFD Hazardous Materials Response Team will be contacted for instructions on how to dispose of the remaining liquid.
d. The empty container, unsealed for ventilation, will be submitted to the Property and Evidence section.

3.5.4 BIOHAZARDOUS MATERIAL

Evidence that has been contaminated with potentially infectious substances should be handled with care and with appropriate protective equipment (e.g., rubber gloves) in order to minimize exposure. If the material is wet or damp, it will be dried before being submitted. (See Section 3.5.6) When the material is submitted to the Property and Evidence section, it will be packaged in either a paper bag or brown wrapping paper and have a BIOHAZARD label affixed to it.

3.5.4.1 BIOHAZARDOUS EVIDENCE STORAGE GUIDELINES

The following guidelines must be followed:

a. **LIQUID BLOOD SAMPLES**: Must be kept in secured refrigerated storage
b. **LIQUID URINE SAMPLES**: Must be kept in secured refrigerated storage
c. **WHOLE TISSUE SAMPLES**: Must be kept frozen in secured refrigerated storage
d. **SEXUAL ASSAULT EVIDENCE COLLECTION SAMPLES ("swabs" obtained from Medical Examiner)**: Ensure the swabs have been air-dried before being packaged. Must be kept in air-conditioned storage
e. **ITEMS STAINED WITH SEMEN, VAGINAL FLUID, OR OTHER BODILY FLUIDS**: Ensure the items have been air-dried before being packaged. Items that have been thoroughly dried may be kept in air-conditioned storage
f. **HAIR SAMPLES**: Air-conditioned storage. (NOTE: Hair samples are not considered a biohazard unless contaminated with blood or other body fluids)
g. **BLOODSTAINED ITEMS**: Ensure the items have been air-dried before being packaged. Items that have been thoroughly dried may be kept in air-conditioned storage
h. **SALIVA SWABS AND SAMPLES**: Ensure the samples have been air-dried before being packaged. Items that have been thoroughly dried may be kept in air-conditioned storage

Blood and other perishable evidence must be delivered to the FDLE Crime Laboratory or refrigerated storage promptly.

3.5.4.2 HANDLING BIOHAZARDOUS PROPERTY (NOT EVIDENCE) DURING AN ARREST

Personal property belonging to arrestees classified as biohazardous, which does not have value as Evidence, must not be transported or brought to Property and Evidence upon arrest under any circumstances.

Notify the Arrestee their property is classified as biohazard and explain the nature of the contamination. Provide a detailed description of the biohazardous property in your report, ensuring compliance with applicable legal standards (reference specific statutes or departmental policies where necessary). Note the contamination and any actions taken to handle or dispose of the items. If the biohazardous property is a container (e.g. backpack), which may contain other property, which is not biohazardous, the non-biohazardous contents of the container should be removed, inventoried, and transported to either Property and Evidence or the jail with the arrestee if it is possible to remove such items from the container safely.

Dispose of biohazardous materials by following established biohazard protocols for safe disposal. If required, coordinate with appropriate city services (e.g., Public Works or Environmental Services) to ensure proper disposal of hazardous materials. Always use proper personal protective equipment (PPE) when handling biohazardous materials.

In cases of uncertainty, contact your supervisor or the Property and Evidence Unit for guidance.

This policy is designed to prioritize the safety of personnel while ensuring compliance with local, state, and federal biohazard handling regulations.

For further clarification or assistance, please contact the Property and Evidence Unit.

3.5.5 SHARP OBJECTS

A needle and syringe should be placed into a puncture-resistant container (i.e., "Sharps" container) before being submitted to the Property and Evidence section. Any other sharp object, such as a knife, will have its blade wrapped in masking tape before being placed into a paper bag; however, if the blade requires crime lab processing, it should not be taped. If special packaging is required, a CSI should be contacted for processing. If there is some reason to believe the item has been contaminated with an infectious substance, a BIOHAZARD label will be affixed to the outside of the bag. As with all potentially infectious materials, appropriate protective equipment shall be used when handling.

3.5.6 WET MATERIAL

Wet or damp materials will not normally be stored in the Property and Evidence section. The submitting employee shall contact a CSI to gain access to the air-drying room where the material will be thoroughly dried before it is submitted.

The following are drying procedures for wet evidence:

a. Place barrier paper, absorbent side up, on the drying rack before laying out the evidence. DO NOT ALLOW BIOHAZARD MATERIAL TO COME INTO CONTACT WITH THE DRYING RACKS.
b. Indicate on the paper, or by similar means, the case number, date, and identity of the person responsible for the evidence.

NOTE: Drying may take two or more days, depending on the circumstances. Periodically check on the evidence, and package and submit it to the Property and Evidence section as soon as it is dry. After an item is removed from the drying rack, the surface will be cleaned with a disinfectant solution.

Packaging materials are provided in the drying room.

3.5.7 MONEY

The money shall be counted in front of another employee who will verify the amount by cosigning the Quick Property Receipt. Both officers will then sign their names followed by their employee numbers on the Quick Property Receipt. This process should be documented on a body-worn camera.

The money will be itemized on the package and Quick Property Receipt, listing the quantity of each denomination of bill or coin submitted. In the event there is a partial portion of a bill, it shall be counted as a 0 full bill if at least half of the bill is still intact.

Money seizures over $5,000 must be brought for submission to the Property and Evidence section; it cannot be temporarily stored at any of the patrol substations. A supervisor must be present when money seizures over $5,000 are submitted. If an officer seizes or recovers bulk cash that appears to exceed $10,000 or cannot reasonably be counted at the scene, the officer shall seal the cash in an appropriate evidence package on scene which shall be recorded on body worn camera. The officer shall document the estimated amount on the evidence package and the applicable receipt/form. When feasible, the officer shall ask the owner how much cash they believe is present and document the owner's stated amount on the evidence package. Prior to submitting the cash into Property and Evidence, the officer shall notify the appropriate Supervisor. If the bulk cash was seized and narcotics were present, then the officer shall notify the Drug Enforcement Division's Supervisor. If the bulk cash was seized ABSENT of narcotics, then the officer shall notify the Financial Crimes Unit Supervisor.

The appropriate Supervisor or a designee will, as soon as possible, contact the contracted money counting service and schedule an appointment. A Supervisor or designee, along with at least one witness, will sign the money out from Property and Evidence and transport the money to the money-counting service. The money will be counted twice, and a receipt will be provided by the money-counting service. Money seized for evidentiary value only will be placed back into the original evidence bag if feasible and will be returned to Property and Evidence. The Supervisor or designee will complete a supplemental report, upload the final count receipt, and notify the original case officer of the final amount. Money seized for forfeiture will be deposited into the Orlando Police Department's Escrow Account by the money counting service if previously approved by OPD Legal. The Supervisor or designee will inform the Police Legal Advisor via an email of the final amount of money seized for forfeiture and will provide a receipt from the money counting service. The Supervisor or designee will complete a supplemental report documenting the final count of money seized for forfeiture and shall upload the receipt.

If the money was seized but not forfeited, a copy of the Seized Money Receipt shall be included with the submitted evidence.

3.5.8 PERISHABLES

Perishables should not be stored in the Property and Evidence section. They should be photographed for evidential purposes. If the perishables cannot be immediately returned to the owner, they should be disposed of properly.

3.5.9 LARGE ITEMS

An employee submitting a large item that cannot be stored within the Property and Evidence storage areas inside of their main facility shall contact a Property and Evidence employee to arrange for storage. Should the submission occur after normal business hours, the on-call Property and Evidence employee will be called in to arrange for storage in the Property and Evidence section. Should the item(s) exceed the capabilities of the Property and Evidence storage facility, the supervisor of the Property and Evidence Section shall be immediately notified. Large items, such as bicycles, backpacks, and potato sack bags shall not be submitted at patrol substations.

3.5.10 BICYCLES

Bicycles in the possession of prisoners, both juveniles and adults, will be stored in the Property and Evidence bicycle storage room. During normal working hours, a Property and Evidence specialist will provide access to the bicycle

storage room. After normal working hours, bicycles submitted for storage as property or evidence will be stored in the secure storage closets located at Property and Evidence.

Should all the storage closets be full, the submitting employee will contact Communications, who will contact the on-call Property and Evidence personnel to respond. Bicycles shall not be submitted at the patrol substations.

3.5.11 OTHER VEHICLES

Motor vehicles, trailers, mopeds, and registered boats will be processed, stored, and released as prescribed by the current issue of P&P 1130, Vehicle Towing, Storage, and Inventory.

3.5.12 PRESERVING EVIDENCE IN ALCOHOL ORDINANCE CASES

Samples of contents from seized alcohol bottles, cans, cups, or glasses will be preserved for evidence in glass vials, which are available at the Quartermaster window and Property and Evidence. The sample vial will be placed into an evidence envelope and labeled "ALCOHOL." After the sample is taken, the container should be emptied. The submitting employee will package the container separately from the sample vial (the same case number should be used) and place it into evidence.

These samples should not be sent to the lab without a specific request from the City Prosecutor.

3.5.13 DIGITAL DISCS (CD OR DVD)

Prepare an evidence envelope or small bag and write in the description, “DVD” or “CD.” Place the disc into a plastic jewel case, available in the packaging area of Property and Evidence, patrol substations, or in the Quartermaster Unit. Place the jewel case inside the evidence envelope or small bag and seal the package. Do not seal the plastic jewel case. Never package digital discs with other items.

3.5.14 AUDIO CASSETTE TAPES

Prepare an evidence envelope or small bag and write in the description, “Audio Tape.” Place the tape inside the evidence envelope or small bag and seal the package. Never package audio tapes with other items.

4. EVIDENCE RELEASED TO OWNER PENDING TRIAL

Stolen property, except for money or contraband seized as evidence, shall be returned to its rightful owner as soon as possible. This is provided there is no uncertainty as to who the rightful owner is and there is no law enforcement reason for retaining the property. Stolen firearms are generally needed as evidence for trial; therefore prior to any release of a firearm, the assigned Assistant State Attorney must be contacted to determine if the firearm can be released to the owner.

When such property is returned, the following procedures shall be followed:

4.1 MISDEMEANOR SHOPLIFTING CASES

In misdemeanor shoplifting cases, the property will be returned to the merchant who will be advised to hold it until the case is adjudicated, if it may be needed for trial. Before releasing the property, the officer should obtain a picture of the property, a sworn statement, and a receipt showing the value of the property (if possible).

4.2 OTHER CASES

The return of property held as evidence in all other cases will involve the following steps:

a. Documentation of the release to the owner will be made in the Incident Report and/or arrest report.
b. If the property was submitted to Property and Evidence, the employee will email Property and Evidence, requesting release.
c. If it is not obvious that the item's value is sufficient to constitute a felony (in a case of theft), an expert witness should be found to appraise it and provide a sworn statement stating its value. The sworn statement will be forwarded to the State Attorney's Office and a copy will be filed in the Records Unit.
d. A photograph depicting the property will be taken, along with close-up shots of the property's serial number, price tag, and any other significant details.

5. PROCESSING EVIDENCE

5.1 FORENSIC IMAGING LAB REQUESTS

Digital imaging media will not be submitted to the Property and Evidence section as evidence. The submitting employee shall complete the Forensic Imaging Lab Photo Request Order form (using the form and submission process outlined in the current issue of P&P 1902, Forensic Photography, Digital Cameras, and the Digital Imaging Archive. Photographs taken for evidentiary purposes shall be submitted to the OPD forensic Imaging lab for processing, printing, and archiving per P&P 1902, Forensic Photography, Digital Cameras, and Digital Imaging Archive.

5.2 FDLE CRIME LAB AND OPD FORENSIC LAB SUBMISSIONS

If the evidence requires examination and analysis by the FDLE Crime Laboratory, the submitting employee will complete the Lab Transmittal form. The Lab Transmittal will be filled out via the link on OPD Online under the Links tab (titled: Lab Transmittal). One copy of the lab transmittal will be submitted to the Property and Evidence section with the evidence. The date, time, name, and signature of the person in the laboratory receiving the evidence are noted on the FDLE Lab Transmittal form.

Note: Property and Evidence does not receive copies of lab transmittals once it is submitted via LIMS Prelog. Officers shall either email or interoffice the lab transmittal to OPD Property and Evidence Unit.

In DUI cases in which a blood analysis is requested, the submitting employee shall also prepare a Toxicology Services Work Request (Attachment C) along with the FDLE Lab Transmittal form.

If the evidence requires processing by the OPD Forensic Lab, the submitting employee will complete the CSI Evidence Processing Request (Attachment D). The evidence itself must be packaged and submitted to the Property and Evidence section.

If the baggies/containers of the confiscated or found drugs are to be submitted to the OPD Forensic Lab for processing latents, the drugs must be repackaged in another container. Only empty baggies/containers will be forwarded for processing. No drugs are to be forwarded to the OPD Forensic Lab.

5.3 ELECTRONIC EVIDENCE CREATED IN THE COURSE OF A DIGITAL FORENSIC EXAMINATION

During a digital forensic examination, electronic evidence files and reports are created. The electronic evidence may include forensic image files, extracted device data, screen captures, and analysis reports generated through forensic software. The electronic evidence shall be archived in the secure network storage within the Digital Forensic Lab. These items will not be stored in the Property and Evidence section.

If any electronics were stored in Property and Evidence and need to be submitted to FDLE, FDLE requires an Electronic Evidence Submission Form (Attachment H) to be submitted along with the FDLE lab transmittal. These forms can be found in the Property and Evidence packaging room.

6. ASSIGNMENT OF EVIDENCE AND EVIDENCE DISPOSAL

An employee who submits evidence shall be responsible for purging (i.e., authorizing the disposal of) the evidence until it has either been disposed of or reassigned to another employee.

6.1 PURGING RESPONSIBILITIES

Evidence: Employees are emailed final case dispositions from the State Attorney's Office. Upon receipt of said email, employees will review the case in order to authorize evidence disposal. Before authorizing the purge of any evidence, the employee shall ensure the evidence is no longer needed for trial or codefendant trial and no appeals are pending (Appendix A – Purging Research Instructions). Employees must ensure this is done timely and no later than three months after receiving the final disposition email from the State Attorney's Office. All authorizations to purge items coded as "evidence" must be completed via email to Property and Evidence. Employees must include the case number, item number, and description of the property. All employees shall review and purge their evidence every six months from their respective Purge List in LERMS.

Please note: Officers will be fully responsible for any property inadvertently approved for disposal, which should have been held.

Personal/Found Property: If an officer submits items with the property code "Personal" or "Found" property, the items will be disposed of after 90 days if the owner does not claim the property. If these items are needed for court or evidentiary purposes, they should be coded as "Evidence".

The Property and Evidence Section supervisor is authorized to purge evidence relating to a State misdemeanor or Orlando City Code violation 90 days after receiving either the applicable case disposition form from the State Attorney's Office or the final disposition of the case from the Clerk of the Court upon confirmation that the evidence is no longer needed for trial or codefendant trial and no appeals are pending.

The Property and Evidence Section supervisor is authorized to purge evidence relating to a 3rd Degree felony violation 180 days after receiving either the applicable case disposition form from the State Attorney's Office or the final disposition of the case from the Clerk of the Court upon confirmation that the evidence is no longer needed for trial or codefendant trial and no appeals are pending.

The Property and Evidence Section supervisor is authorized to purge evidence relating to all narcotic violations 2 years after days after receiving either the applicable case disposition form from the State Attorney's Office or the final

disposition of the case from the Clerk of the Court upon confirmation that the evidence is no longer needed for trial or codefendant trial and no appeals are pending.

Physical evidence regarding sexual offenses or homicides will not be disposed of for seventy-five (75) years and one hundred (100) years, respectively, from the date of collection, regardless of whether the case is active, inactive, or the State Attorney's Office declined to file charges or dismissed the case. Any doubts regarding the disposal of this evidence must be resolved in favor of retaining the evidence. The Property and Evidence Section supervisor will be responsible for ensuring the evidence in these cases is not purged unless ordered by the court or the aforementioned amount of years have elapsed.

6.2 MAKING NECESSARY CONTACTS

When submitting found property for which an owner has been identified, or when releasing evidence for return to its owner, the submitting/assigned employee shall attempt to notify the owner. Making the necessary contacts will involve sending a Release of Property postcard (Attachment E) or Release of Found Property postcard (Attachment F) to the owner's last known address. If the address is unknown, but a telephone number is available, the employee shall attempt to make the contact by telephone if there is no known way to contact the owner, it will be noted on the Disposition of Property form (Attachment G) and in the case report.

Necessary contacts regarding evidence will also be made with the State Attorney's Office or court clerk's office to ensure there are no relevant appeals or trials of co-defendants pending.

If the found property belongs to an individual who is arrested and incarcerated, the arresting officer must advise the owner they have 90 days to retrieve their property, or it will be destroyed. If the individual is still incarcerated during this time, he/she or the arresting officer must contact Property and Evidence to place a hold on the property or it will be destroyed.

Prior to the return of a firearm or ammunition seized pursuant to a Risk Protection Order, Florida Statute 790.401:

1. The lead officer shall attempt to make contact with and/or provide written notice (See Attachment I) to any family or household member via phone or in person. The lead officer shall file the completed written notice in LERMS and provide property and Evidence with a copy.

2. Property and Evidence shall obtain proof of written notice (Attachment I) to any family or household members of the respondent/owner prior to returning a firearm

6.3 REASSIGNMENT OF EVIDENCE

Evidence will normally be reassigned to another employee when a case is assigned for investigation by the Criminal Investigations Division (CID) or when an employee leaves employment with the Orlando Police Department and is no longer working the case. This shall be accomplished by the employee's supervisor.

6.3.1 ASSIGNMENT TO EMPLOYEES

CID supervisors will promptly review and assign cases forwarded to CID. The Property and Evidence section will reassign evidence based on information within the case management system. Evidence not needed will be signed off for disposal by the assigned detective/employee.

6.3.2 SEPARATING EMPLOYEES

Employees' letters of resignation or retirement will be forwarded to the Property and Evidence section by the Chief's office. The supervisor of the Reserve Unit will ensure that the Property and Evidence section is notified of the resignation/termination of these officers. The employee's supervisor shall review the separating employee's evidence purge print-out to ensure that purging is complete. When purging is complete, the employee must have his/her supervisor sign the Orlando Police Department Sign-Out Form under the Property and Evidence section.

Evidence that cannot be purged will be reassigned to:

a. Another employee who was a partner in the investigation of the case for which the evidence was submitted, or
b. The separating employee's or reserve officer's supervisor for cases in which no partner is available. The supervisor shall, as soon as possible, review the evidence and purge any that will not be needed.

Employees or reserve officers who have been terminated will not purge evidence. The evidence will be reassigned to their supervisor.

6.4 DISPOSITION OF CERTAIN TYPES OF PROPERTY

6.4.1 FIREARMS

Property and Evidence will email the case officer and their Sergeant when a requested firearm is approved for release to an owner. The email will require the case officer to respond within 72 hours as to whether the firearm is still required as evidence in any pending case. If no response is received by Property and Evidence within the 72 hours provided, the Property and Evidence Supervisor will be authorized to release the firearm to the owner.

Firearms or ammunition seized or voluntarily surrendered pursuant to involuntary examination procedures (Baker Act) must be made available no later than 24 hours after the person taken into custody provides OPD with documentation of release from an inpatient treatment facility, unless:

1. A risk protection order under Florida Statute 790.401 is being sought or is entered; or
2. A person has been adjudicated mentally defective and committed to a mental institution pursuant to Florida Statute 790.064; or
3. A person is subject to a legal disqualifier (i.e., convicted felon, active court order to not possess firearm). The process for the actual return of firearms or ammunition seized or voluntarily surrendered under this paragraph may not take longer than 7 days.

A firearm seized pursuant to a risk protection order must be returned to an owner/respondent, as requested, only after confirming through a background check that the owner/respondent is eligible to own or possess firearms and

ammunition under federal and state law and after confirming with the court that the risk protection order has been vacated or ended without extension.

A firearm seized from a defendant as the result of an on-view breach-of-peace incident shall be authorized for release to the Orange County Sheriff's Office only unless a court orders otherwise. EXCEPTION: If a weapon or firearm used in a crime has been determined to have been stolen from someone else, it may be authorized for release to the owner/reporting agency.

A weapon used in the commission of a crime for which the defendant has been found guilty of a felony shall be authorized for release to the Orange County Sheriff's Office only.

6.4.2 STOLEN PROPERTY

Suspected stolen property seized from a defendant shall be authorized for release to the defendant in cases in which the charges have been dropped or dismissed unless the defendant has admitted the property does not belong to them, or the property is verified to have been stolen from another person.

6.4.3 DRUGS

Property and Evidence employees are responsible for purging drugs. The Property and Evidence Supervisor will obtain a computer-generated list of case numbers for drugs ready to be purged. The drugs and the Quick Property Receipts will be compared for quality control. Packaging will be inspected to ensure that drugs have not been tampered with.

7. WITHDRAWING EVIDENCE

When withdrawing evidence temporarily, for either court use or investigative purposes, the employee must sign the LERMS signature pad. Care will always be taken to preserve the chain of custody.

7.1 FOR INVESTIGATIVE PURPOSES

Detectives assigned to fraudulent document cases may, with supervisory approval, withdraw documentary evidence for use in an investigation for a period of up to 30 days per the current Property and Evidence "Temporary Out" system. If an extension is needed, the approving supervisor must personally notify the Property and Evidence section. When not being used, the withdrawn documents will be secured in metal lockboxes, which have been assigned to individual detectives for this purpose. Immediately upon completion of the investigation, the documents will be returned to the Property and Evidence section.

If evidence is released to another law-enforcement agency, a Disposition of Property form will be signed and delivered to the Property and Evidence section.

Members may, with written authorization from the Chief of Police, acquire items such as guns, narcotics, etc., for use in their investigations (i.e., reverse stings). A copy of the written authorization signed by the Chief of Police will be kept in Property and Evidence. The acquiring member will also be required to document the use of this evidence in an Orlando Police Incident Report or Supplemental Report.

7.2 FOR COURT

If the evidence is confiscated by the court, the trial clerk or other duly authorized representative of the court shall be asked to sign the Disposition of Property form or provide a receipt for the items. The form or receipt will be delivered to the Property and Evidence section within 24 hours. Evidence withdrawn for court use but not confiscated by the court will immediately be returned to the Property and Evidence Section.

7.3 EVIDENCE RECEIVED FROM FDLE

Any employee who picks up evidence from FDLE must return the evidence directly to the Property and Evidence section. If the evidence is needed by the employee for immediate use (i.e., respond to Court), the employee shall contact the Property and Evidence section by phone so that the evidence may be assigned to the employee as a "Temporary Out." Any documents provided by FDLE or the Court, including disposition forms or property receipts of any type, must be taken to the Property and Evidence section within 24 hours.

8. DEPARTMENTAL USE OF UNCLAIMED PROPERTY

In some instances, unclaimed property may be acquired for use by the Police Department.

8.1 PROCEDURES FOR ACQUIRING

Unclaimed items are released to PropertyRoom.com monthly for auction or disposal. Any requests for the departmental use of such items shall be addressed to the Property and Evidence supervisor.

Upon identifying an article that could be used by the Police Department, an employee shall submit a memorandum via the chain of command and Police Legal Advisor to the Chief of Police requesting the article for Department use. The memorandum should include a complete description of the article, its item number, and an explanation of how the Department would make use of it. Once approved, the memorandum will be returned to the Investigative Services Bureau Commander who will make arrangements with the requesting Division Manager to receive the item. All approved memorandums will be forwarded to the Property and Evidence supervisor for proper notation and filing, with a copy to the OPD Quartermaster Unit property supervisor.

8.2 INVENTORY CONTROL

The Quartermaster Unit shall issue control numbers for all requested items (capital and noncapital) held by the Property and Evidence section.

8.2.1 CAPITAL ITEMS

A capital item will be assigned to a division, section, or unit after completion of the Property Control Form, which can be obtained from the Quartermaster Unit. Capital items will not be issued to an individual. A City of Orlando property control number will be placed on capital items. This number will be recorded on the approving memorandum and the master copy of the disposal list. The Property and Evidence section will retain the original memorandum. The Quartermaster Unit will retain a copy of the memorandum.

8.2.2 NONCAPITAL ITEMS

Quartermaster Unit personnel shall mark all nonexpendable, noncapital items with an OPD control number. The division/section manager will be issued the item from the Property and Evidence section. The original approving memorandum authorizing the issue will have the OPD control number noted beside the item and will be retained by

the Property and Evidence section. This control number will also be noted on the master copy of the disposal list. The Quartermaster Unit will retain a copy of the memorandum.

8.2.3 CONSUMABLES

If the items are consumables, they will be turned over to the Quartermaster Unit. The Quartermaster Unit will issue the consumable items after the completion of a Requisition Form with the appropriate signatures.

9. AUDITS, INSPECTIONS, AND INVENTORIES

The Property and Evidence supervisor and evidence custodians are accountable for all property within their control. Accountability is verified through audits, inspections, and inventories as follows:

a. Every week, the Property and Evidence section will conduct an audit of the items entered into LERMS to ensure all items have been submitted. In cases where the property has not been submitted and there exists no documentation to indicate the LERMS entry should be deleted, the Property and Evidence section will email the officer, requesting an explanation within 72 hours. Failure to respond within the aforementioned time may result in disciplinary action.
b. The Accreditation Manager shall conduct an annual audit consisting of an examination of conformance with agency controls, policies, and procedures, of the property and evidence function. The audit will be conducted by a member not routinely or directly connected with the control of property or evidence. The audit should confirm that:
    1. Property and Evidence storage areas are being maintained in an orderly manner;
    2. The location of evidence/property is properly documented and can be easily accessed;
    3. Property and evidence is being protected from damage or deterioration;
    4. Property and evidence having no further evidentiary value are being disposed of promptly.
c. An annual inventory of Property and Evidence is conducted by the Accreditation Manager and a designee(s) of the Chief of Police (CEO) not routinely or directly connected with control of evidence. The inventory shall consist of a random sampling of 20% of Property bin locations, 100 bin locations from the Evidence storage area and 20% of high liability items (i.e., drugs, guns, money).
d. A partial inventory is conducted whenever the person responsible for the property and evidence control function is assigned to and/or transferred from the position. The inventory shall be conducted by the Accreditation Manager and a designee(s) of the Chief of Police (CEO).

Property and Evidence audits, inventories, and inspections may be conducted concurrently but must be documented as separate functions.

10. CALL-OUT PROCEDURE

Should an after-hours need arise or access be needed for the Property and Evidence section, refer to the current issue of P&P 1103, Call-Out Procedures, for assistance.

11. LOST, MISSING, STOLEN, OR DAMAGED PROPERTY AND EVIDENCE

Property that comes into the possession of any officer, CSO, or CSI of the Department in the course and scope of their duties that is not their own shall be delivered to the Property and Evidence section, and the necessary reports shall be completed before the end of the current tour when the property was acquired. If property that came into

possession of the officer, CSO, or CSI of the Department through the course of their duties is missing or damaged, the discovering party shall notify their supervisor by the end of the tour of duty when the discovery was made. The supervisor, upon becoming aware of any missing/damaged property, will immediately notify their chain of command and conduct a search for the missing property or investigate the cause of the damaged property. If the property is not located within the first 24 hours of being reported missing, the supervisor will initiate an INOI according to the procedures outlined in P&P 1604, Discipline. Depending upon the circumstances, damaged property may be the subject of an INOI according to the procedures outlined in the P&P 1604, Discipline.

The Property and Evidence Supervisor will initiate a follow-up investigation for any lost, missing, or stolen items of property or evidence identified during the annual inventory in accordance with Orlando Police Department Policy 1604, Discipline, City Policy 808.20 Disciplinary Action, and any relevant bargaining agreement.

V. FORMS AND APPENDICES

ATTACHMENT A-Seized Money Receipt
ATTACHMENT B-Gun Processing Request
ATTACHMENT C-D.U.I. Work Request Form
ATTACHMENT D-CSI Evidence Processing Request
ATTACHMENT E-Release of Property Card
ATTACHMENT F-Release of Found Property Card
ATTACHMENT G-Disposition of Property
ATTACHMENT H-Electronic Evidence Submission Form
ATTACHMENT I-RPO Notification of Household Member
APPENDIX A-Purging Research Instructions

VI. REFERENCES

This policy rescinds Policy and Procedure 1123.32

Related Policies: Not Applicable

Related Laws: Florida Statute 705.103 and 790.08