



# TALLAHASSEE POLICE DEPARTMENT

## GENERAL ORDERS

 Proudly Policing Since 1841	<b>SUBJECT</b>  Impounding and Controlling of Property and Evidence	 Nationally Accredited 1986	
<b>CHIEF OF POLICE</b>  <i>Signature on File</i>			
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### AUTHORITY/RELATED REFERENCES

ER-22, Separation from Employment  
 FSU-11, Digital Image Management System  
 General Order 8, Mentally Ill Persons  
 General Order 11, Communicable Disease Control  
 General Order 19, Digital Devices and Media  
 PE-6, Controlled Substances and Weapons Used for Training or Investigations  
 Property and Evidence Packaging Manual

### ACCREDITATION REFERENCES

CALEA Chapters    61, 82, 83, 84  
 CFA Chapters        27, 28

### KEY WORD INDEX

<b>Access Protocols – Temporary Evidence Storage Room</b> <b>Found Property and Personal Property Protocols</b> <b>High-Risk Property Impoundment Protocols</b> <b>Hold and Release/Disposal Protocols</b> <b>Impoundment and Transfer to Property &amp; Evidence Unit</b> <b>Impoundment Protocols – Airport Police Unit</b> <b>Impoundment Protocols – Crime Scenes</b> <b>Member Responsibilities and Prohibitions</b> <b>Property and Evidence Packaging Manual and Supplies</b> <b>Property Retained for Department Use</b> <b>Recovered Stolen Property</b> <b>Release of Firearms from the Property &amp; Evidence Unit</b> <b>Requests for Forensic Analysis</b> <b>Seizure/Impoundment Guidelines – Electronic Equipment</b>	Procedure XVI Procedure III Procedure IV Procedure XI Procedure II Procedure VI Procedure VII Procedure I Procedure XVII Procedure XIV Procedure IX Procedure XII Procedure VIII Procedure V
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<b>Use of Seized Property for Training and Investigations</b>	Procedure XIII

### POLICY

Members are responsible for adhering to established Department protocols and statutory mandates in the collection, packaging, storing, and disposal of all property under Department control.

### DEFINITIONS

**Business Day:** Any weekday (excluding holidays observed by the City of Tallahassee).

**Case Officer:** The impounding officer, Community Service Technician (CST), or Community Service Aide (CSA), with primary responsibility for a case not assigned to a detective.

**Chain of Custody:** Documented successive possessions of property.

**Destroy:** To damage something so badly it cannot be used.

**Dispose/Disposal:** To lawfully discard, destroy, transfer ownership, surplus, donate, or return to rightful owner any property under the control of the Property and Evidence Unit.

**Evidence:** Any property needed or necessary to persuade, establish, prove or disprove an issue or fact before any civil, administrative, or criminal tribunal (e.g., electronic or digitally stored record, written document, exhibit or object).

**FDLE Request for Analysis Form (PD 140):** A Department form which is utilized to request the Florida Department of Law Enforcement to analyze evidentiary items.

**Forensic Unit Request Form (PD 167):** A Department form which is utilized to request the Forensic Unit to analyze evidentiary items.

**Found Property:** Other than evidence or suspicious property, any item which is abandoned or lost, claimed or unclaimed, where ownership cannot be substantially determined, or the rightful owner cannot be located by the seizing member.

**Global Jacket:** A designated repository of information within certain modules of LERMS about a specific person (*Global Subjects*), firearm (*Global Guns*) or vehicle (*Global Vehicles*).

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**High-risk Property:** Property requiring added security and/or needing to be stored separately from other property. High-risk property includes firearms, currency, negotiable securities (e.g., bonds, stock certificates), jewelry, precious metals, gemstones, artwork, and controlled substances.

**Hold:** An order to retain for cause any property or evidence until its value as evidence has ceased or policy or law permits its release.

**LERMS:** Law Enforcement Records Management System.

**LERMS Property Quick Entry:** A LERMS inventory control module utilized to track all property under the control by the Property and Evidence Unit. An entry captures the property description and chain of custody information (e.g., date/time, transfer method, member information, reason for impounding/transfer).

**Personal Property:** Other than evidence or suspicious property, any item belonging to a person, alive or deceased, and temporarily kept by the Property and Evidence Unit for safekeeping.

**Property:** Any article, private or public, that is real, tangible, visible, or moveable, and has value of any amount at the time of possession or prior to impoundment.

**Property & Evidence Disposition Form (PD 143):** A Department form which is utilized as a means of documented communication between the Property & Evidence Unit and non-unit members regarding the case status and disposition of property held by the Property & Evidence Unit. The **PD 143A** is the PD 143 in electronic form.

**Property & Evidence Disposition Module:** A module in LERMS which is utilized for Officers/Detectives to provide updates on a case when a target date is reached for review. The Officer/Detective can direct P&E to hold, dispose or release evidence in a case.

**Property & Evidence Receipt (PD 139):** A Department form which is utilized to document relevant information related to the seizure, impoundment and transfer of property or evidence by a member.

**Property Withdrawal Receipt:** A computer-generated document utilized by the Property and Evidence Unit to document the chain of custody of property under its control when the property is transferred to a person outside the unit.

**Suspicious Property:** Any property existing under circumstances which create a reasonable concern or likelihood it has some connection to a criminal act.

**PROCEDURES**

**I. MEMBER RESPONSIBILITIES AND PROHIBITIONS**

A. All Members –

1. Members shall seize property only when authorized to do so by Florida Statute or Department written directive.
2. Members are deemed agents of the City of Tallahassee (COT) while taking possession of found property, evidence, suspicious property, or other items for impoundment.
3. Members are responsible for the safety and security of impounded items under their control and shall ensure evidence is not contaminated beginning from the time of seizure to the completion of impoundment.
4. Members handling and/or responsible for impounded items are responsible for maintaining a documented chain of custody from the time of Department possession until proper disposal.
5. Members are authorized to make video, audio, or image recordings of impounded items only for Department purposes.
6. When all of the following conditions are met, members are authorized to destroy and properly dispose in compliance with applicable laws (i.e., littering) of drug paraphernalia:
  - a. The item was abandoned or discarded, and no potential owner is identifiable.
  - b. There is no criminal case associated with the drug paraphernalia.
  - c. There are no narcotics present.
  - d. A second officer (with an operational, activated body-worn camera) is present to observe the destruction.
  - e. The destruction can be safely performed.
  - f. The officer performing the destruction completed detailed documentation about the incident in the Computer Assisted Dispatch (CAD) Report.

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7. Members are required to promptly report the following situations to their supervisor or, if more appropriate, the Watch Commander:
  - a. Impounded property which is, or appears to be, improperly secured, stored or impounded.
  - b. Seized or impounded property is misplaced, lost, missing, stolen, contaminated, or damaged while under the control of a member.
8. Members shall not purchase, convert to their own use, or have any claim to any found, impounded, abandoned, or recovered property, or any property held or released by the Department. This prohibition is not applicable:
  - a. To those uses outlined in the temporary release of evidentiary items in section X below,
  - b. When the property is already owned by the member, or
  - c. When the property is advertised for auction through the COT.
9. Members are prohibited from soliciting or receiving gifts, rewards, in-kind donations, or any other material benefit from the recovery of (or return of) lost property or any other found item.
10. Members are not authorized to retain or store any seized, recovered, abandoned, found, suspicious property, or evidence in any personal conveyance, unapproved facility or location, including any personal home or dwelling.

### B. Members and Forensic Specialists –

1. When property is impounded as evidence or suspicious property, the member or forensic specialist conducting the impoundment is responsible for ensuring the completion of an offense report (original or supplemental).
2. Members are not required to complete a separate offense report when the circumstances and conditions of the impoundment are documented in another Department offense report (e.g., a mask thought to have been used in a robbery is impounded and the impoundment is documented in the robbery offense report).
3. Any time a firearm is impounded, regardless of the reason or circumstances, the sworn member or forensic specialist who is conducting

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the impoundment is responsible for ensuring the completion of an offense report (see subsection IV A 1 below for more information).

4. Members notified by the Property & Evidence (P&E) Unit of a problem with the packaging or documentation of property impounded by a member shall report to the P&E Unit within three (3) business days to address and/or correct the problem.
5. Members who receive an electronic notification (i.e., e-mail) from the Disposition Module or P&E Disposition Form regarding the case status/disposition of property being retained under a hold are responsible abiding by the protocols in section XI below.

### C. Property and Evidence Unit Members –

1. The P&E Unit serves as the Department's property and evidence control function, and impounded items shall only be disposed of by, or under the direction of, the P&E Unit.
2. P&E Unit members are responsible for adhering to established unit policies and protocols in the handling of property and evidence under their control.
3. P&E Unit members are responsible for adhering to established unit policies and protocols, and the *General Records Schedule GS2 for Law Enforcement* in the disposition of property and evidence under their control.

### D. Supervisors –

1. Supervisors are responsible for ensuring property is impounded in compliance with this written directive, to include the following:
  - a. Verifying members under their command appropriately transfer property to the P&E Unit, and
  - b. Reviewing for approval, and signing as needed, the PD forms associated with the impoundment and analysis of property.
2. Supervisors shall ensure members under their command who receive an electronic Disposition Module notification or P&E Disposition Form abide by the protocols in section XI below.
3. When made aware of property which is, or appears to be, improperly secured, stored or impounded, supervisors are responsible for taking or

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directing the needed action(s) to ensure the security and appropriate impoundment of the property.

4. When notified by the P&E Unit of a problem with the packaging or documentation of property impounded by a member under their command, supervisors are responsible for ensuring the affected member reports to the P&E Unit within four (4) business days to address and/or correct the problem.

## II. IMPOUNDMENT AND TRANSFER TO THE PROPERTY & EVIDENCE UNIT

### General Protocols –

- A. All seized, recovered, abandoned, found, suspicious and evidentiary property shall be logged into and placed under the control of the P&E Unit prior to the end of a member's tour of duty, except:
  1. When a bonafide emergency prevents such impoundment,
  2. In limited circumstances as permitted for the Airport Police Unit (see section VI below),
  3. In limited circumstances as permitted for the Forensic Unit (e.g., collection of oversized items or wet items, crime scene evidence in need of analysis), and
  4. In limited circumstances as permitted in CIB-37 (Search Warrant Procedures).
- B. To delay impoundment of an item because of a reason outlined in A 1 above (or any other reason not addressed in this policy), the member must first receive approval to do so from the Watch Commander, a Section Commander in their chain of command, or any Bureau Commander or higher authority.
- C. Whenever the size of an item exceeds the capacity of the P&E Unit's Temporary Evidence Storage Room's containers or storage locations, or an appropriate area designated to secure large items is unavailable, a Forensic Specialist shall take possession of such item(s).
  1. If a Forensic Specialist is not involved in the case, approval of the impounding member's supervisor (or higher authority) is required to summon a Forensic Specialist.

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2. If the oversized item was collected by the sworn member and is transferred to the Forensic Specialist:
    - a) The transfer shall be documented on a PD 139, and
    - b) The PD 139 shall be forwarded to the Records Unit.
  3. If the oversized item is collected by the Forensic Specialist without a sworn member taking physical custody of it (i.e., the item was not moved from where it was found), a PD 139 is not required.
- D. Whenever an item exhibits an identification number (e.g., serial number, owner applied number) members are responsible for querying the number in NCIC/FCIC prior to impounding the item.
1. Sworn members impounding an item are responsible for querying the number.
  2. Forensic Specialists impounding an item are responsible for requesting the query from the case officer, assigned detective, or if appropriate, another sworn member.

### Packaging and Transfer –

- E. Members shall ensure an impounded item is dry before sealing it in a package.
1. Items containing moisture (e.g., blood, water, liquid non-toxic chemicals) may be transferred to the Forensic Unit for drying prior to impoundment.
  2. When a wet item has been transferred to the Forensic Unit, it is the responsibility of the Forensic Unit to transfer the item to the P&E Unit after the item is dry.
  3. In situations where a member transfers custody of a wet item to the Forensic Unit:
    - a. The transfer shall be documented on a PD 139, and
    - b. The PD 139 shall be forwarded to the Records Unit.
- F. When handling an impounded item which is liquid blood, body fluid, or a body part, or an item containing liquid blood or body fluid, members are responsible for the following:



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1. Adhering to the applicable protocols in General Order 11 (Communicable Disease Control) such as wearing protective gloves and properly discarding of the gloves after use,
  2. Affixing a "BIOHAZARD" label to the package, and
  3. Ensuring each item is stored in the refrigerator, or freezer as applicable, as soon as possible after seizure or receipt.
- G. When impounding property and placing it under the control of the P&E Unit, members shall:
1. Ensure each package is securely closed and evidence tape is affixed to the seal(s) of the package,
  2. Write their initials and the impoundment date on/across the evidence tape, and
  3. Access LERMS Property Quick Entry on the computer in the Temporary Evidence Storage Room (TESR), and:
    - a. Enter the appropriate information,
    - b. Retrieve the computer-generated bar code, and
    - c. Attach the bar code(s) to the package(s).
- H. During the operating hours of the P&E Unit (7:00 am – 4:00 pm on any business day), members shall present the properly packaged item(s) directly to a P&E Unit member at the unit's intake window.
- I. During the non-operating hours of the P&E Unit, members shall place the properly packaged item(s) in the appropriate location(s) of the TESR (i.e., evidence locker, drop box, refrigerator).

### III. FOUND PROPERTY AND PERSONAL PROPERTY PROTOCOLS

The information in this section augments the procedures found in section II above and those found in the *Property and Evidence Packaging Manual*.

#### A. Found Property –

1. The impounding member shall take reasonable steps to identify the rightful owner of found property and make proper notification concerning the property being found.

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2. When able to return found property to the rightful owner, members shall:
  - a. Complete a PD 139 documenting the transfer of custody,
  - b. Request the owner acknowledge the transfer by signing the PD 139 in the first "Received by" area of the form,
  - c. If the owner refuses, or otherwise cannot sign the PD 139, indicate the reason for not obtaining the signature in the first "Received by" area of the form, and
  - d. Forward the PD 139 to the Records Unit.
3. When unable to return found property to the rightful owner, members shall impound the property.
4. If the impounding member makes owner notification *after* the found property has been impounded, the member shall promptly advise the P&E Unit via e-mail that owner notification was made.
5. P&E Unit members are responsible for the disposition of all found property placed under their control, and members shall ensure items are held for at least 90 days from the date of impounding, and:
  - a. Notifications or attempted notifications to rightful owners are made in accordance with unit protocols,
  - b. Advertisements by public notice are made pursuant to law prior to disposal, and
  - c. If not claimed by the rightful owner, items are disposed of in accordance with unit protocols and applicable laws and ordinances.

### B. Personal Property/Arrestee –

1. When property in the possession of an arrestee is not considered evidence or suspicious property, members are responsible for ensuring the property is:
  - a. Kept by the arrestee, or
  - b. With permission of the arrestee, given to a family member or friend, or

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- c. Delivered to intake personnel at the detention facility (also see subsection 2 below).
2. In circumstances where the detention facility refuses to accept, or otherwise does not receive, the arrestee's personal property the member is responsible for the safekeeping of the property, and the member shall:
  - a. Complete a PD 139 for the property,
  - b. Request the arrestee acknowledge the seizure by signing the PD 139 in the "Signature of person received from (if present)" area,
  - c. If the arrestee refuses, or otherwise cannot sign the PD 139 (e.g., handcuffed behind their back), indicate the reason for not obtaining the signature in the "Signature of person received from (if present)" area,
  - d. Provide the arrestee a copy of the PD 139,
  - e. Impound the property, and
  - f. Forward the PD 139 to the Records Unit.
3. The P&E Unit shall store impounded personal property at least 60 days after:
  - a. Notice has been provided to the rightful owner the property is in Department custody, or
  - b. Reasonable and documented attempts have been made by members to inform the rightful owner the property is in Department custody.
4. Notwithstanding the protocols in subsection 3 above, any arrestee's personal property not claimed within 60 days shall be considered unclaimed and may be disposed of pursuant to applicable policy and law.
5. Members are authorized to release an arrestee's impounded personal property to another person on behalf of the arrestee only when that person presents:
  - a. Government-issued photographic identification from either the United States of America or a political subdivision thereof, and
  - b. One or more of the following documents:
    - 1) Power of attorney to act on behalf of the arrestee/rightful owner.

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- 2) Signed/notarized letter from the arrestee/rightful owner specifically directing or authorizing release of the property.
  - 3) Court order specifically directing or authorizing release of the property.
6. The member releasing the property shall ensure the provided documentation cited in subsection 5 b above (original or copy as directed by the P&E Unit Supervisor) is retained in Department custody.

### C. Personal Property/Deceased Person –

1. Property in the possession of a deceased person which is not considered evidence or suspicious property shall be given to an available adult family member or representative of the deceased person. Family members and representatives are limited to the following:
  - a. Spouse or domestic partner
  - b. Child
  - c. Parent
  - d. Sibling
  - e. Persons authorized by law or court order to receive or take possession of property in the custody of or owned by the deceased.
2. In situations where a person described in subsection 1 above is not available or does not wish to receive the property, the member is responsible for the safekeeping of the property and shall impound the property.
3. The P&E Unit shall store impounded personal property for at least 60 days, and if unclaimed by a person as described in subsection 1 above in that timeframe, dispose of the property in accordance with unit protocols.

### D. Personal Property/Persons Involved in Traffic Crash –

1. When a person involved in a traffic crash is incapacitated and in possession of property which is not considered evidence or suspicious property, members at the crash scene shall take steps to reasonably safeguard the person's personal property.

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2. Members shall follow the protocols in subsection C above for safeguarding and disposing of an incapacitated person's personal property.

### IV. HIGH-RISK PROPERTY IMPOUNDMENT PROTOCOLS

The information in this section augments the procedures in section II above and those found in the *Property and Evidence Packaging Manual*.

#### A. Firearms (to include antique firearms as defined in FS) –

1. Regardless of the reason for the impoundment, the member who impounds a firearm shall:
  - a. Query LERMS to determine if the firearm has a global jacket (see definition) and if one does not exist, the member is responsible for creating a global jacket for the firearm, to include the make model, serial number,
  - b. Take a clear photo of both sides of the firearm, capturing all the markings of the firearm, and upload the photos into Evidence.com. And,
  - c. Document the circumstances and conditions of the impoundment in a Department offense report:
    - 1) Members are not required to complete a separate offense report when the circumstances and conditions of the impoundment are documented in another Department offense report (e.g., the firearm is impounded during a theft investigation and the impoundment is documented in the theft offense report).
    - 2) In traffic crash incidents where a firearm is impounded solely for safe keeping, members ARE required to complete an offense report in LERMS, to document the circumstances and conditions of the impoundment.
2. Documentation of impounding a firearm solely on the PD 139 is not authorized.
3. Members who impound a firearm are responsible for ensuring the firearm is safe, unloaded, and unable to fire any cartridge or cause combustion which may inflict injury or damage.

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4. Members who are unfamiliar with, or otherwise unsure of how to safely unload, the firearm being impounded shall consult with a supervisor or firearms instructor prior to attempting to manipulate or unload the firearm.
- B. Currency, Securities, Jewelry, Precious Metals, Gemstones, Artwork –
1. Members shall impound currency, negotiable securities, jewelry, precious metals, gemstones, and artwork separately from other items and documented on the PD 139.
  2. Verification of currency shall be denoted on the PD 139 (as described in the *Property and Evidence Packaging Manual*) and the PD 139 shall be forwarded to the Records Unit.
  3. Currency up to \$1,000 will be verified by impounding officer and a second sworn member.
  4. Currency in excess of \$1,000 will be verified by impounding officer, a second officer and a sworn supervisor.
  5. Currency will be listed by the breakdown total of individual denominations on a PD 139 and by use of **PD Form 145A Evidence Decal**.
  6. BWC will be activated and positioned to capture the view of the count of impounded currency, ensuring the count of individual bills and coins can be verified via video footage review.
  7. The investigating or impounding member shall indicate the serial numbers of any counterfeit currency or suspected counterfeit currency impounded in LERMS Property Quick Entry.
  8. Members may request impounded currency not be deposited into a bank account only when one or more of the conditions listed below exist regarding the currency.
    - a. It is designated for investigative purposes.
    - b. It is known to be part of a special collection intended for display and not general circulation.
    - c. A biological hazard contamination has, or may have, occurred and may be present on the currency.
    - d. A dye pack explosion has occurred, and ink is present on the currency.

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- e. A forensic examination is required.
  - f. It is subject to evaluation by a certified narcotics detection dog.
  - g. It contains electronic markers designed to track its geographic location.
9. Members requesting impounded currency to not be deposited shall denote the request and the reason for the request in LERMS Property Quick Entry.

### C. Controlled Substances (Sworn Members Only) –

1. Prior to impoundment, a field test shall be completed on all illicit drugs or suspected illicit drugs, if such field test is available, and the member is responsible for annotating any test results in LERMS Property Quick Entry.
2. Members are responsible for using due caution when handling illicit drugs, suspected illicit drugs and field test kits, and shall wear protective gloves (e.g., vinyl, latex, nitrile) while handling these items and clean their hands after the field testing.
3. Members are responsible for the proper disposal of used field test kits and protective gloves, and field test kits are **NOT** to be impounded or reused.
4. Members of the Special Investigations Section may be consulted for assistance in identifying controlled substances.
5. When drug paraphernalia or other items require latent print processing, the impounding member is responsible for ensuring the item is separated from any controlled substance and each is impounded separately.
6. When the controlled substance to be impounded is of an organic origin (e.g., cannabis), members are responsible for ensuring the controlled substance is:
  - a. Completely dry,
  - b. Separated from any growing plant, and
  - c. Packaged in a porous envelope or paper bag.
7. When a controlled substance to be impounded is in pill, tablet or capsule form, and the number of pills, tablets or capsules is 50 or less, the impounding member shall weigh and count the items.

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8. When a controlled substance to be impounded is in pill, tablet or capsule form, and the number of pills, tablets or capsules is over 50, the impounding member need only weigh the items.
9. When impounding liquid narcotics, refer to the *Property and Evidence Packaging Manual*.

### V. SEIZURE/IMPOUNDMENT GUIDELINES FOR ELECTRONIC EQUIPMENT

The information in this section augments the procedures in section II above and those found in the *Property and Evidence Packaging Manual*.

- A. This section is applicable to the seizure of electronic equipment and other devices capable of storing data in an electronic format. Such devices include, but are not necessarily limited to computers, smartphones, smartwatches, fitness trackers, video game systems, and portable data storage units.
- B. When the seizing of equipment described in subsection A above DOES NOT involve a Criminal Investigations Bureau (CIB) or Special Investigation Section (SI) detective, the case officer shall:
  1. Impound the item as found (e.g., if the item is turned off, leave it off), and
  2. Adhere to the instructions of the *Property and Evidence Packaging Manual* concerning the impounding of electronic equipment and other devices capable of storing data in an electronic format.
- C. When the seizing of equipment described in subsection A above DOES involve a CIB or SI detective, the detective is responsible for summoning, if warranted, other members (e.g., Forensic Unit, Technical Operations Unit) to facilitate the seizing of the equipment.
- D. Forensic Specialists and Technical Operations Unit detectives are responsible for adhering to applicable unit protocols in the impounding of seized electronic equipment and other devices capable of storing data in an electronic format.
- E. Regardless of the member seizing and impounding the equipment, the following protocols are applicable:
  1. If possible, collect and impound power cords/charging cables and data transfer cables for the equipment,



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2. Document attached peripherals (e.g., printers, cameras) and seize if relevant to the investigation, and
3. Document digital storage devices (e.g., USB drives, CD-ROMs, HDDs) and seize if relevant to the investigation.

### VI. IMPOUNDMENT PROTOCOLS FOR THE AIRPORT POLICE UNIT

- A. All portions of this written directive are applicable to officers assigned to the Airport Police Unit (APU); however, the provisions outlined in this section for the temporary storage of property within the APU's secure storage cabinet supersede other conflicting impoundment protocols.
- B. This section is only applicable to officers permanently or temporarily assigned to the APU.
- C. Except as delineated in subsection D below, APU officers are authorized to temporarily store found property and property for safekeeping (known owner) in the APU's designated secure storage cabinet.
- D. Barring specific permission as outlined in subsection E below, APU officers are not authorized to store found property and property for safekeeping (known owner) when the property is:
  1. Currency exceeding a value of \$500,
  2. A firearm (including an antique firearm),
  3. A controlled substance or drug paraphernalia,
  4. Jewelry (other than obvious costume jewelry),
  5. A precious metal or gemstone,
  6. Negotiable securities,
  7. Artwork, or
  8. Pornography (or other material deemed graphically violent or obscene).
- E. In unusual, exigent, or emergency circumstances, the Special Operations Assistant Bureau Commander or higher authority may approve the temporary storage of an item listed in subsection D above in the APU's designated secure storage cabinet.

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- F. Evidence and suspicious property shall not be stored in the APU's designated secure storage cabinet.
- G. APU officers temporarily storing property in the APU's secure storage cabinet shall complete the property control ledger and place the property into the storage cabinet prior to the end of their tour of duty.
- H. APU officers are responsible for transferring all temporarily stored items to the custody of the P&E Unit as soon as reasonably possible.
- I. The APU Sergeant is responsible for ensuring each temporarily stored item is transferred to the P&E Unit no later than seven (7) business days from its date of impoundment.
- J. The APU Sergeant is responsible for conducting a documented quarterly inspection of the unit's secure storage cabinet and impoundment processes to ensure compliance with this section.
  - 1. The inspection shall be unannounced and conducted at random times each quarter.
  - 2. The inspection cannot be delegated to an APU officer and if the APU Sergeant is unable to conduct the inspection, the Special Operations Assistant Bureau Commander is responsible for conducting the inspection.
  - 3. The type of documentation is at the discretion of the Special Operations Bureau Commander.
  - 4. The inspection will be composed of the following elements:
    - a. Verifying the security of the secure storage cabinet,
    - b. Ensuring any property in the cabinet on the day of the inspection is accurately reflected in the property control ledger, and
    - c. Reviewing a sampling of the impoundment and transfer of custody documentation of items kept in the secure storage cabinet during the quarter.
      - 1) The sampling will be at least 10 items.
      - 2) If there were less than 10 items kept in the cabinet during the quarter, the review will include 100% of the items impounded.

**VII. IMPOUNDMENT PROTOCOLS AT CRIME SCENES**

- A. The Forensic Unit is responsible for processing and collecting evidence at any major or serious crime scene unless otherwise authorized or directed by:
  - 1. The Watch Commander,
  - 2. A CIB Lieutenant,
  - 3. Captain (if applicable), or
  - 4. Any Bureau Commander or higher authority.
- B. When practical, evidence shall be processed at the scene and released to the rightful owner (regardless of who processes the evidence).
- C. Any evidence collected by the Forensic Unit may be retained in their custody until the completion of all forensic examinations conducted by the unit.
- D. The Forensic Unit shall dispose of an item when, after all forensic examinations are completed, all of the following criteria are met:
  - 1. The item has no evidentiary value,
  - 2. The item does not retain any real value, and
  - 3. The item is either unwanted by the rightful owner or the owner is unknown (deemed such after reasonable efforts were made to ascertain ownership information).
- E. Property having evidentiary value, or any real value shall be transferred from the Forensic Unit to the P&E Unit upon completion of all forensic examinations conducted by the unit.
- F. If no Forensic Unit examination is necessary for an item, it shall be transferred from the unit to the P&E Unit as soon as reasonably possible.

**VIII. REQUESTS FOR FORENSIC ANALYSIS**

- A. General Protocols –
  - 1. The P&E Unit is responsible for submitting and retrieving evidence from the Forensic Unit and external accredited forensic laboratories (e.g., Florida Department of Law Enforcement [FDLE]).

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2. The P&E Unit is responsible for ensuring chain of custody documentation accompanies and remains with the evidence when submitted to the Forensic Unit or an external forensic laboratory.
3. The FDLE Request for Analysis (PD 140) or the Forensic Unit Request Form (PD 167) is required for all forensic analysis requests (see subsections B and C below).
4. The information on the PD 140 and PD 167 provides the laboratory with case information, the examination requested, and a synopsis of the event (or other relevant information).
5. Each transfer of custody to and from the laboratory, including the date(s) and time(s), shall be documented in LERMS.
6. The Department requires all laboratory results be submitted in writing.

### B. External Laboratories –

1. Members are required to complete a PD 140 for submission to an external laboratory.
2. Before submitting a PD 140, case officers shall ensure a detective has not been assigned the case.
3. Supervisory approval of the PD 140 is required in the following situations:
  - a. The submission is related to an on-scene arrest or a follow-up investigation, and the submitting member is not the assigned detective.
  - b. The submission is of an unknown substance suspected of being a controlled substance.
4. Deoxyribonucleic Acid (DNA) evidence for analysis or evaluation may be submitted to an external forensic laboratory which is not FDLE only with approval from either a CIB or Traffic Homicide Unit supervisor (depending on the case type).
5. Any analysis shall be conducted only by a laboratory accredited for law enforcement DNA analysis.
6. Any evidence submitted for DNA analysis or evaluation shall conform to FDLE policies and rules regarding storage, handling, packaging, and transportation.

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7. Any computer submitted to FDLE for data mining or data recovery shall not be processed for latent or other residual evidence until after the requested forensic data analysis has been completed.

### C. Forensic Unit –

1. Members are required to complete a PD 167 for submission to the Forensic Unit.
2. Supervisory approval of the PD 167 is required when the member is requesting expedited completion of the request.

## IX. **RECOVERED STOLEN PROPERTY**

- A. Whenever possible, members shall promptly return recovered stolen property to the rightful owner.
- B. Whenever recovered stolen property is returned to the rightful owner without it first being delivered to the custody of the P&E Unit, members are responsible for the following:
  1. Completing a PD 139 to document the recovery and transfer of custody to the rightful owner,
  2. Requesting the owner acknowledge the transfer by signing the PD 139 in the first “Received by” area of the form.
  3. If the owner refuses, or otherwise cannot sign the PD 139, indicating the reason for not obtaining the signature in the first “Received by” area of the form,
  4. Taking photographs of the property prior to its release in accordance with General Order 19 (Digital Devices and Media) and, for Forensic Specialists, FU-11 (Digital Photography System), and
  5. Forwarding the PD 139 to the Records Unit.
- C. Whenever recovered stolen property is releasable, but not returned to the rightful owner as described in subsection B above, and the property ownership is known to the case officer or assigned detective, it is the responsibility of the case officer or detective to make prompt owner notification.
  1. The member is responsible for informing the rightful owner the property is available for retrieval by contacting the P&E Unit.

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2. If needed, the member should provide the owner with the address of the Department, the contact telephone number for the P&E Unit (891-4317), and the unit's days and hours of operation (9:00 am – 3:00 pm Monday through Thursday).
3. Once notification to the rightful owner is made, the member making the notification is responsible for ensuring prompt notification to the P&E Unit by either:
  - a. Completion and forwarding of a P&E Disposition Form, or
  - b. An e-mail addressed to [TPDprop@talgov.com](mailto:TPDprop@talgov.com) ("TPD Property & Evidence" in the COT e-mail address book).

### **X. TEMPORARY RELEASE AND VIEWING OF EVIDENCE**

#### **A. General Protocols –**

1. The temporary release and transfer of evidence in the custody of the P&E Unit may occur only for legitimate and authorized purposes, to include:
  - a. Presentation in a judicial proceeding,
  - b. Duplication of documents or recordings,
  - c. Investigative purposes (to include forensic analysis), and
  - d. Viewing and examination.
2. Members are responsible for the integrity and security of evidence at all times while in their custody.
3. Whenever evidence is removed from its packaging (e.g., when duplicating a document), the member re-impounding the evidence is responsible for ensuring it is properly resealed (to include initialing and dating the seal) before resubmitting to the P&E Unit.
4. Members are responsible for maintaining the property's chain of custody record (via the Property Withdrawal Receipt) to include instances where the property is transferred to any other person (even if temporarily).
5. Members suspended from duty are not authorized to receive evidence for the duration of the suspension without specific written permission from their Bureau Commander.

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### B. Release for Presentation in a Judicial Proceeding –

In addition to abiding by the protocols of subsection A above, members shall follow the procedures listed below regarding the release of evidence for presentation in a judicial proceeding.

1. In order to receive controlled substance evidence, members are required to present a subpoena duces tecum for the specific case to the P&E Unit.
2. When evidence is retained by the court, the member providing it to the court is responsible for:
  - a. Ensuring the Property Withdrawal Receipt is signed by an officer of the court (or another responsible person), with the date and time of the transfer indicated, and
  - b. Returning the Property Withdrawal Receipt to the P&E Unit within three (3) business days.
3. A delay in the 3-business-day mandate of subsection 2 b above may be granted only by a Bureau Commander or their designee.
4. When evidence is not retained by the court, the member is responsible for:
  - a. Returning the property to the P&E Unit by the end of the business day, or
  - b. If the P&E Unit is closed, impounding the evidence in the TESR.

### C. Release for Duplication or Investigative Purposes –

In addition to adhering to the protocols of subsection A above, members shall follow the procedures listed below regarding the release of evidence for duplication or investigative purposes.

1. Members shall return the evidence or other property to the P&E Unit within three (3) business days of its release to the member, and
2. If additional time is required, the member shall provide the P&E Unit Supervisor with written documentation (memorandum or e-mail) from their supervisor authorizing more time for duplication or investigative efforts.

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### D. Release for Viewing or Examination –

In addition to adhering to the protocols of subsection A above, members shall follow the procedures listed below regarding the release of evidence for viewing or examination in relation to a criminal prosecution.

1. Any viewing or examination of evidence by an attorney, government representative, media representative, or similar person requires the specific authorization of an attorney or detective of the State Attorney's Office (SAO) or the United States Attorney's Office (USAO), or the Legal Advisor, prior to exhibition.
2. Any attorney, or representative of a defendant, requesting a viewing or examination of evidence shall be directed to contact the Court Liaison or the assigned detective (or the case officer) for coordination.
3. The Court Liaison, case officers and assigned detective are responsible for coordinating viewings or examinations of evidence with the SAO/USAO or the Legal Advisor.
4. The P&E Unit is authorized to release evidence for viewing and examination to only the following members/persons:
  - a. Officers or detectives,
  - b. Court Liaison,
  - c. Representative of the SAO/USAO,
  - d. Legal Advisor,
  - e. Bureau Commander or higher-ranking member, or
  - f. Any other person authorized by the Chief of Police.
5. At least one of the members/persons listed in subsection 4 above shall be present throughout the viewing and examination of evidence, and is responsible for ensuring no alteration, destruction, manipulation, or any action occurs which might compromise the integrity of the evidence.
6. After the viewing/examination is complete, it is the responsibility of the member(s) present to promptly return the evidence to the P&E Unit (in person or, if the unit is closed, impounding the evidence in the TESR).



**XI. HOLD AND RELEASE/DISPOSAL PROTOCOLS**

A. Utilization of the P&E Disposition Process –

1. The P&E Unit utilizes three methods of notification for the disposal of evidence. The LERMS Disposition Module and PD-143 (paper version) or PD 143A (electronic version).
  - a. The LERMS Disposition Module is a notification that is sent to Department members via email. When a target date has been reached, the module notifies the responsible member that they have evidence that must be reviewed for retention. The member will log into the Disposition Portal with their credentials. They will determine whether the evidence needs to continue to be held, disposed of or released to the owner. Follow the prompts in the Disposition Module.
  - b. The PD 143 is available for member use and is located in the forms section on SharePoint, listed as “Inventory Status Report” and in the P&E Unit (office window and TESR).
2. When a member receives a Disposition Module notification or P&E Disposition Form from the P&E Unit, the affected member is responsible for the following:
  - a. Determining the need to continue to hold or dispose of the property listed in the Disposition Module or the P&E Disposition Form (e.g., checking with the Clerk of the Court, the SAO/USAO, or the Justice Information System),
  - b. Completing the disposition in the Disposition Module or P&E Disposition Form to indicate disposal or continued hold, and
  - c. Completing the disposition in the Disposition Module or returning the P&E Disposition Form to the P&E Unit within 10 business days.

B. Hold Authorizations and Limitations –

1. A hold is authorized for suspicious property and evidence.
2. A hold is not authorized for found property.
3. A hold is not authorized on impounded property when the property is subject to immediate release.

C. Release and Disposal –

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1. Case officers and assigned detectives are responsible for promptly notifying the P&E Unit whenever they are aware impounded property is available for release or disposal. Examples include:
  - a. The case is closed and there will not be a judicial prosecution (unless release prohibited by statute or court order).
  - b. The case is closed with a judicial conviction and the appeal deadline has passed (unless release prohibited by statute or court order).
2. Members shall not release property which is illegal to possess (e.g., narcotics).
3. The release protocols in this subsection are NOT applicable to the release of certain firearms from the P&E Unit (see section XII below).
4. When a hold is indicated for the property, it may be subject to disposal only when the P&E Unit receives one or more of the correspondences listed below.
  - a. A notification from the member/detective via the Disposition Module, P&E Disposition Form, or other written or e-mail message from one of the following members indicating the property may be released or otherwise disposed:
    - 1) Case officer or assigned detective,
    - 2) Case officer's or assigned detective's supervisor,
    - 3) Watch Commander or the assigned detective's Section Commander (lieutenant),
    - 4) Captain (if applicable), or
    - 5) Any Bureau Commander, Deputy Chief of Police, or the Chief of Police.
  - b. A court order or letter from a judge authorizing release or other disposal.
  - c. A letter from the SAO or the USAO authorizing release or other disposal.

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5. When available for release, impounded property may be released to the rightful owner by case officers, assigned detectives, their immediate supervisors, Watch Commanders and other lieutenants, Captains, Bureau Commanders, and members of the P&E Unit.
6. When P&E Unit members release impounded property to the rightful owner or a representative of the owner, the protocols below are applicable.
  - a. Members shall ensure the person presents:
    - 1) Government-issued photographic identification from either the United States of America or a political subdivision thereof, and
    - 2) One or more of the following documents:
      - a) Power of attorney to act on behalf of the rightful owner.
      - b) Signed/notarized letter from the rightful owner specifically directing or authorizing release of the property.
      - c) Court order specifically directing or authorizing release of the property.
  - b. The member releasing the property shall ensure the documentation cited in subsection 6 a 2) above is retained in Department custody (original or copy as directed by the P&E Unit Supervisor).
  - c. The member shall document the transfer of custody on the Property Withdrawal Receipt, and the protocols below are applicable to the transfer.
    - 1) Members shall indicate the type of identification provided and its associated number.
    - 2) Members shall request the person to acknowledge the transfer by signing the Property Withdrawal Receipt and obtain their signature in the appropriate area.
    - 3) If the person refuses to sign the Property Withdrawal Receipt, the member shall not release the property.
7. When a P&E Unit member provides impounded property to a non-unit member for the purpose of returning it to the rightful owner or a

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representative of the owner, members are responsible for adhering to the protocols below.

- a. The P&E Unit member shall print a Property Withdrawal Receipt showing the property being transferred to the receiving member.
  - b. The receiving member shall sign the Property Withdrawal Receipt documenting the transfer of custody.
  - c. The P&E Unit member shall provide the property and a photocopy of the signed Property Withdrawal Receipt to the receiving member.
  - d. Upon delivery of the property to the rightful owner or a representative of the owner, the receiving member shall have the person sign the copy of the Property Withdrawal Receipt in the appropriate area and return it to the P&E Unit within three (3) business days from when the property was received from the P&E Unit.
  - e. If the rightful owner or representative of the owner refuses to sign the Property Withdrawal Receipt, the member shall not release the property but instead promptly return it to the P&E Unit.
  - f. Upon receiving the Property Withdrawal Receipt for property delivered to the rightful owner or their representative, the designated P&E Unit member shall:
    - 1) Update the database reflecting the release of property, and
    - 2) Make a notation in the database regarding the original signature being on the Property Withdrawal Receipt.
8. The P&E Unit shall retain impounded property for 60 days after the final disposition of a criminal case, and after 60 days if the rightful owner has not obtained the property or requested an extension on its retrieval, the property will be considered unclaimed and subject to disposal by other means.
9. The Chief of Police is authorized to contract or utilize a commercial disposal service to remove, transfer, or otherwise dispose of property maintained by the P&E Unit when such property is subject to disposal.

## **XII. RELEASE OF FIREARMS FROM THE PROPERTY & EVIDENCE UNIT**

- A. The protocols in this section are applicable only when a firearm is under the control of the P&E Unit.

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- B. The protocols for the release of a firearm (and ammunition) seized or voluntarily surrendered as part of a Baker Act situation are found in General Order 8 (Mentally Ill Persons).
- C. The protocols for the release of a firearm (and ammunition) seized in a Department-initiated Risk Protection Order related search warrant service are found in General Order 8.
- D. If a firearm was impounded for a reason related to a felony and the rightful owner is the suspect/arrestee in the criminal act, it may be released to the owner or a representative of the owner only upon the presentation of a court order directing the release of the firearm.
- E. When the situations described in subsections B – D above are not applicable, the firearm release protocols are the same as the release and disposal protocols for other property (see XI C above).
- F. A P&E Unit member with questions about whether or not a court order is required for the release of an impounded firearm should contact the Legal Advisor for guidance.

### **XIII. USE OF SEIZED PROPERTY FOR TRAINING AND INVESTIGATIONS**

- A. The Department does not utilize seized or forfeited explosives for investigative or training purposes.
- B. The Department does not authorize its members to utilize seized or forfeited weapons for investigative purposes.
- C. The Department authorizes its members to utilize seized or forfeited weapons for training purposes only when the member has received authorization to permanently convert or transfer a weapon for Department use (see section XIV below for protocols).
- D. The Department authorizes its members to utilize seized or forfeited controlled substances and drug paraphernalia for investigative and training purposes (see PE-6 [Controlled Substances and Weapons Used for Training or Investigations] for protocols).
- E. No weapon or controlled substance (or drug paraphernalia) considered evidence in an open investigation or ongoing prosecution (including appeals) may be utilized for investigative or training purposes.

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- F. The Department authorizes its members to utilize seized or forfeited ammunition for NIBIN and training purposes.

### **XIV. PROPERTY RETAINED FOR DEPARTMENT USE**

- A. Members may request property subject to disposal be retained for Department use, and in doing so members shall adhere to the following:

1. The member making the request shall do so by numbered memorandum to the Administrative Services Bureau Commander denoting the following:
  - a. Basic case information (e.g., case number, date impounded, case type),
  - b. Property description,
  - c. Brief summary of the need for Department requisition, and
  - d. An approximate date the member wishes the property to be available for Department utilization.
2. The Administrative Services Bureau Commander is responsible for reviewing the request and indicating approval or disapproval on the numbered memo, and:
  - a. Advising the requesting member of the decision and, if approved, the availability of the item from the Supply Management Office (SMO), and
  - b. If approved, direct the P&E Unit Supervisor to transfer the property to the SMO to be recorded in Department inventory.
3. When directed to do so, the P&E Unit Supervisor shall ensure the property is transferred to the SMO, and the transfer is reflected in unit records.
4. Upon receipt of the property, the SMO Supervisor shall ensure the property is added to Department inventory control records and issued in adherence to unit protocols.

- B. Members may request property subject to disposal with little or no monetary value (e.g., video and audio recordings, photographs and digital images) be retained for training or case file purposes, and in doing so members shall adhere to the following:

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1. The member's Bureau Commander is responsible for requesting the use of the property by written correspondence (i.e., memorandum or e-mail) to the Administrative Services Bureau Commander.
2. Property retained pursuant to record retention laws is not available for training or case file use.
3. The Administrative Services Bureau Commander is responsible for reviewing the request for approval or disapproval, and:
  - a. Advising the Bureau Commander of the decision, and
  - b. If approved, advise the P&E Unit Supervisor the property is available for release.
4. The property will be released to the member following established protocols for release.
5. Members shall not provide any image or recording of an autopsy or any pathology report to a non-member.

### **XV. SEPARATION FROM EMPLOYMENT PROTOCOLS**

- A. When separating from COT employment, a member is responsible for contacting the P&E Unit as part of their separation process (refer to ER-22 [Separation from Employment] and PD 283 [Internal Clearance Form]).
- B. In situations where the member is deceased or otherwise unable to, or refuses to, adhere to the separation procedures in ER-22, the Employee Resources Office is responsible for notifying the P&E Unit of the member's separation from employment.
- C. Upon notification of a member's separation from employment, the P&E Unit shall promptly review all property under the control of the unit which was impounded by the former member.
- D. If there is any evidence or other property under a hold by the former member, the P&E Unit Supervisor or designee is responsible for advising the affected Bureau Commander (by memorandum or e-mail) of the property items and their status.
- E. Upon notification as cited in subsection D above, the affected Bureau Commander is responsible for:

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1. Selecting another member to take responsibility for the identified property, and
2. Advising the P&E Unit (by memorandum or e-mail) of the member selected.

### **XVI. ACCESS PROTOCOLS – TEMPORARY EVIDENCE STORAGE ROOM**

A. Unescorted access to the TESR is limited to the following:

1. P&E Unit members,
2. Sworn members, and
3. Members specifically authorized by the Chief of Police, Deputy Chief of Police, or the Administrative Services Bureau Commander (or their designees).

B. Any person not listed in subsection A above must be escorted by a member listed in subsection A at all times when inside the TESR.

C. Only the persons listed below are authorized to retrieve property from the secured, locked, or closed evidence lockers located in the TESR:

1. P&E Unit members,
2. Certain CIB members in limited circumstances as described in CIB-37, and
3. Members specifically authorized by the Chief of Police, Deputy Chief of Police, or the Administrative Services Bureau Commander (or their designees).

### **XVII. PROPERTY AND EVIDENCE PACKAGING MANUAL AND SUPPLIES**

A. The P&E Unit Supervisor is responsible for creating, maintaining, and updating a *Property and Evidence Packaging Manual*.

1. The manual will provide clear instructions and accurate information to assist members in properly packaging impounded items and will be available at all times in the TESR.
2. The *Property and Evidence Packaging Manual* is available in Power DMS.



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- B. Unless directed otherwise by a member of the P&E Unit, members are responsible for following the instructions of the *Property and Evidence Packaging Manual* when packaging impounded items.
- C. The P&E Unit Supervisor is responsible for ensuring adequate and appropriate evidence containers and impoundment supplies are available in the TESR.
- D. Members are authorized to utilize only impoundment supplies and evidence containers provided or approved by the Department.

History: previous title (*receiving and control of evidence and personal property*) – issued 07/15/1985, revised 01/01/1991, 03/01/1992, 11/17/1995, 09/04/1998, 02/19/1999, 10/29/2001 (*change of title*), 08/01/2006, 09/10/2009, 02/24/2017, 02/16/2018, 04/02/2019, and 10/19/2021.