

# COLCHESTER POLICE DEPARTMENT

SUBJECT: Property and Evidence Management

EFFECTIVE DATE: July 24, 2019

NUMBER: General Order # 45

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## I. Policy:

The policy of the Colchester Police Department is to provide for the reasonable safekeeping of all property and evidence that comes into the possession of this agency. With respect to evidentiary items, this agency shall maintain a proper chain of custody and secure such items in a manner that will ensure that the evidence is available to be admitted at trial.

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## III. Definitions

- a. Found Property — Property having no evidentiary value that comes into the possession of the department. This includes items that are found, abandoned or other, whether the owner is known or not.
- b. Safekeeping/inmate property — Property having no evidentiary value that is acquired at a scene or from a person that cannot immediately be returned to the owner.
- c. Evidence — Property related to an incident or crime that may tend to prove or disprove a person's involvement in a suspected crime.
- d. Critical evidence/property — guns, drugs, money, or precious metals/jewels that are taken into evidence or otherwise seized or taken for safekeeping. Extra security precautions are taken with

such items as described in this policy. Money totaling less than \$ 50.00 that is taken as described Sections III (a) and/or (b) above will not be considered Critical Property.

- e. Contraband - Item(s) that by their very nature are illegal to possess or that is illegal for the person in possession at the time of law enforcement contact to possess. Example: illegal narcotics, alcohol by a minor, firearm possession by a felon, etc.
- f. Property/Evidence manager — an employee designated by the Chief of Police with specific training who is responsible for the day to day management of the property/evidence function. This may be a civilian or sworn position.
- g. Property/Evidence supervisor — A sergeant assigned to oversee the property/evidence function, usually the BCI sergeant.
- h. Chain of custody — Documentation of continuity of custody and control of evidence and/or property, from time of original collection to final disposition.
- i. Audit — Conducted at least once annually or at change of evidence manager or supervisor. Conducted by a supervisor designated by the Chief of Police and not connected with the property/evidence management function. An audit includes all components of an inspection plus all items of "critical evidence" will be audited. The audit will be documented on the semi-annual inspection form with an appendix detailing all items of critical evidence. Both the auditor and the property/evidence manager assisting will sign the form. The completed form will be submitted to the Chief of Police.
- j. Inspection — Conducted semi-annually by the Support Services LT. The semi-annual evidence inspection form [Appendix A] shall be completed by the Support Services LT and witnessed by another sworn officer not affiliated with the evidence function. An inspection includes a review of logs, general conditions of evidence areas, confirmation of double lock procedures and a complete audit of the following items and affiliated incidents:
  - i. Five items selected by auditor from the RMS system.
  - ii. Five items selected by auditor from the evidence room.
  - iii. Five items selected by auditor from the critical evidence room.
- k. Unannounced inspection — Conducted at least once every calendar year by the Chief of Police with no prior notice given to any member of the property/evidence management team. The semi-annual evidence inspection form shall be used.  
**\*\*\*All items audited or inspected shall be selected at random with no prior notice given to any member of the property/evidence management team.**

#### IV. General Procedures

- a. Members of this department shall only seize items under the following conditions:
  - i. Officer has probable cause, at the moment of seizure, that the item to be seized is stolen.

- ii. Officer has probable cause to believe that an item is contraband.
  - iii. Officer has probable cause, at the moment of seizure, to believe that the item is evidence of a crime.
- b. When seizing "critical evidence" (money, drugs, jewelry, precious metals, or guns) officers shall make a written inventory of the items at the scene of the seizure when practicable, but prior to submission into evidence/property holding. Two officers shall conduct this inventory of the property and both shall sign the handwritten copy of the inventory.
- c. Once at headquarters, the following procedures apply for items of critical evidence:
  - i. All items of critical evidence shall be photographed prior to packaging in such a manner that as much identifying detail is captured as possible. Photos shall be added to the incident.
  - ii. For currency — a currency worksheet is completed for any amount of currency over \$50.00. A second officer counts and verifies the primary officer's worksheet to ensure accuracy. The currency worksheet is copied for the case file and the original remains with the currency.
  - iii. For drugs — a second officer should witness the drug field testing, weighing and packaging of any suspected drug evidence. Weights should always be indicated as "approximate" in recognition that our scales may differ from lab scales and the weight recorded in house is for audit/inventory purposes and not for evidentiary purposes. Each different type of drug should be packaged in its own control bag.
  - iv. For jewelry/gems/precious metals — items should be packaged or tagged with another officer present. The secondary officer shall confirm any identifying serial numbers, marks, inscriptions, etc. and sign the evidence tag.
  - v. For firearms — Each weapon will be checked to make sure they are unloaded and safe. Handguns will be packaged in cardboard boxes provided for this purpose.
- d. The department will provide inventory control bags for packaging items of critical evidence. They come in different sizes and each has a unique control number printed on it. The primary officer shall record the inventory control number in the "description" field of Valcour.
- e. In cases where professional expertise is required to make a proper accounting of the property, the Support Services Lieutenant shall be notified so that the services of an expert may be obtained.
- f. Once an item is seized it shall be transported to the Colchester Police Department as soon as possible and processed in accordance with this policy. Except under unusual circumstances and only with the permission of a supervisor, all items of evidence/property shall be processed and placed in the appropriate temporary evidence location as soon as possible and no later than prior to the end of the officer's shift.

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- g. The Officer who seized the property shall create a Property Record in Valcour to include its initial storage location. The Officer shall then print an evidence tag for each item of property that will accompany the items into temporary evidence. Items of evidence shall be properly marked or tagged with the case number, the date of seizure, the investigating officer's name and number, as well as the suspect's name where applicable.
- h. If an item of evidence will require laboratory analysis, the investigating officer shall make such request to the Property/ Evidence Manager and supply the necessary the information for proper paperwork submission.
- i. Except as provided below, all items of evidence shall be secured in an appropriate temporary pass through evidence locker located on the basement level of the Colchester Police Department.
  - i. The following items will be stored in the evidence drying room located adjacent to the sally port:
    - 1. Any item of evidence that is wet which will require drying.
    - 2. Any item of evidence that is odiferous (e.g. raw marijuana) requiring ventilation.
    - 3. Any item of evidence too large to fit in a temporary evidence locker shall be secured in either the evidence drying room adjacent to the sally port, or the cold storage building.
  - ii. Vehicles or other similar items that are seized as evidence and intended to be kept on site, shall be secured in either the cold storage building or the outdoor impound area. Should there be a need to store an item of evidence at a facility or location other than the Colchester Police Department, it shall be approved on a case by case basis by a Command Level Supervisor.
  - iii. The Sally Port garage area of the Colchester Police Department shall only be used to secure evidence as a last resort and provided that the evidence is sufficiently secured with additional evidence tape so as to maintain the integrity of the evidence.
- j. With the exception of Subsection (i)(iii) above, once evidence has been secured in temporary evidence the Property / Evidence Manager will become responsible for the item.

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- k. The Property / Evidence Manager will conduct an accounting of all items that are removed from temporary evidence prior to transferring them to the evidence room or a laboratory for further analysis. It shall be the responsibility of the Property / Evidence Manager to monitor any items left in the drying room adjacent to the Sally Port and move them into the evidence room as soon as possible.
- l. The CPD RMS (Valcour or similar) in conjunction with CPD evidence management software (FileOnQ or similar) shall be used to record the transfer of all evidence within the Colchester Police Department as well as to any outside location for the purposes of court, laboratory analysis, etc.
- m. If any discrepancies are discovered between items listed on the evidence tag and the items being delivered to the evidence room, the officer shall report this discrepancy, in writing, to his or her supervisor. The Property / Evidence Manager shall report the discrepancy, in writing, to the Property / Evidence Supervisor. In cases where a discrepancy has been reported, the Property / Evidence Room Supervisor shall cause an immediate investigation to resolve the discrepancy. If the discrepancy cannot be resolved, the Chief of Police shall be notified to determine if an internal investigation is warranted.
- n. When evidence is needed for court, the case officer shall request the evidence from the Property / Evidence Manager and complete the chain of custody in the RMS and evidence management software system. Evidence must be signed in / out each day in accordance with the procedures set forth herein. Under no circumstances is evidence to be stored in any other manner than outlined in this policy when held in the custody of this department and its members.

**V. Critical Evidence and Storage**

- a. All items of critical evidence as described in this policy, whether evidentiary, found or safekeeping/inmate property, shall be handled with extra security and accountability measures.
- b. Certain temporary evidence lockers shall be designated for receipt of critical evidence items. Officers tagging in items of critical evidence shall only use the designated lockers unless size prohibits their use. In order to access these lockers, the property/evidence manager must obtain assistance from a second manager or supervisor who maintains a second key in order to be able to remove items from the temporary lockers. These lockers have a double lock system in place and cannot be accessed by one person.

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- c. The critical evidence storage room also has two separate locks on it and requires the presence of two persons to unlock it. Two officers shall be present and witness all movement of items of critical evidence.
- d. At no time shall any member of CPD possess both of the keys required to access critical evidence.
- e. The Support Services LT shall maintain a list of who has which keys.

**VI. Evidentiary Control Items (Critical):**

- a. Officers who seize controlled substances shall conduct a field test anytime there is potential for charges to be filed. The officer shall properly package and tag the controlled substances as outlined above.
- b. Additional Requirements for Controlled Substances Processing:
  - i. Have a second sworn officer present while weighing and packaging all suspected drugs. Both officers' names should be on the inventory control packaging.
  - ii. Remove unnecessary exterior packaging and weigh or measure as appropriate.
  - iii. Plants shall be counted by their individual root systems. Other items such as pills or patches should be counted per each dose/item.
  - iv. Powdered or solid substances shall be weighed in Grams Gross Weight.
  - v. Liquids shall be measured in Milliliters.
  - vi. Each type of drug shall be packaged and bagged separately. Only one type of drug per bag. Each bag shall have its own evidence tag.
  - vii. Any large or bulk seizures will be weighed by any available means.
  - viii. Evidence Laboratory Examination Request forms (DPS Form 305, or similar) shall be completed neatly so they are legible.
- c. The tagged and bagged controlled substances should then be placed in the pass through temporary evidence lockers and recorded in the RMS (Valcour) System.
- d. The Property / Evidence Manager will receive electronic notification daily of any items in temporary evidence. Upon retrieving any controlled substance evidence, the Property / Evidence Manager shall confirm what has been entered into the RMS matches the items submitted. If the Property / Evidence Manager finds any discrepancies, he or she shall immediately notify, in writing, the Property / Evidence Supervisor and return the item to the case officer for correction/validation.

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- e. The Property / Evidence Manager shall submit the controlled substance evidence to the Vermont Forensic Laboratory for analysis as required. A member of that agency will sign a receipt for that evidence which will be included in the RMS and evidence software system.

**VII. Non-evidentiary controlled substances (Critical)**

- a. In situations where an officer seizes a minute amount of controlled substances that are insufficient for criminal prosecution, the seizing officer shall complete a report of the seizure in the RMS and submit the item into the pass-through evidence storage system. The item of evidence shall be marked in the RMS as to be destroyed.
- b. In situations where drugs are turned over to a member of this agency, the surrendered item(s) shall be bagged and sealed and marked with the Officer's initials and date. The bagged item will then be marked with an overall gross weight and submitted for destruction through the pass-through locker system and detailed in the RMS and in the evidence control software. (See General Order # 45A for Drug Take-Back procedures.

**VIII. Controlled Substance Disposal (All):**

- a. Controlled Substances seized pursuant to this article must be inventoried, reported, audited, handled, tested, stored, preserved, and or destroyed pursuant to procedures promulgated by the State of Vermont and the U.S. Drug Enforcement Administration.
- b. The Chief of Police or his / her designee, after one year following the conviction, guilty plea, plea of Nolo Contendere, or other disposition of the criminal case, may order the destruction or other lawful disposition of the controlled substances unnecessary for evidentiary purposes in accordance with procedures promulgated by this agency.
- c. The Chief of Police or his / her designee, after a reasonable period of time following the seizure, may order the destruction or other lawful disposition of substances that do not come within the jurisdiction of the Court.
- d. When large amounts of substances are seized and storage is impractical, a law enforcement officer, only with the prior written approval and consent of the prosecuting attorney, may substitute photographs or videotapes of the substances at trial so long as a representative sample (collected in accordance with the standards of the Vermont Forensic or DEA Laboratory) is analyzed for proof of the matter that the controlled substances actually are present. When substitutions are used, the Chief of Police or his / her

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designee may authorize the destruction of the substances ten days following seizure with authorization from the prosecuting attorney.

- e. It shall be the responsibility of the Property / Evidence Manager to perform a semi-annual reconciliation between the drugs within the custody of this department and the disposition of cases. The purpose of this reconciliation is to determine those cases where the controlled substances will no longer be needed as evidence. In cases where the controlled substances are no longer needed, they will be destroyed according to this policy.
- f. A Controlled Substances Destruction sheet indicating which controlled substances are ready for destruction shall be prepared by the Property / Evidence Manager on a semi-annual basis. The destruction sheet shall include the following information: incident number, inventory control bag number, disposition of case, gross weight of the controlled substances, and two open categories for the initials of the officer who ultimately destroys the controlled substances as well as the outside witness and a second category where the date of destruction will be filled in following destruction.
- g. The Controlled Substances Destruction Sheet shall be forwarded to the Property / Evidence Supervisor who will verify the dispositions of the case. Once all information has been verified and checked for accuracy, the Controlled Substances Destruction Sheet shall be forwarded to the Support Services Lieutenant to determine compliance with the above listed procedure. Once compliance has been verified, the Support Services Lieutenant shall authorize the destruction in writing. No controlled substances will be destroyed before there is complete compliance with the above listed procedure.
- h. Destruction of controlled substances shall be accomplished by one of the following methods:
  - i. Incinerated (Commercial)
  - ii. Turned over to a contracted company that specializes in pharmaceutical waste or hazardous material destruction.
  - iii. Other methods that may become available to law enforcement must be reviewed and approved in writing by the Chief of Police.
- i. Once the controlled substances have been destroyed, the Controlled Substances Destruction Sheet shall be forwarded to the Chief of Police for filing.



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**IX. Stolen Property**

- a. Property that officers believe to be stolen shall be seized and submitted as evidence under the general provisions of this policy. The item shall be entered in the Valcour System under the appropriate case number. If the item was previously listed as stolen by this agency, the original property record shall be updated with the date of recovery. If no property record exists by this agency for the item, the officer seizing the item shall create a new one.
- b. The items shall then be secured in evidence as outlined by this policy.
- c. The Property / Evidence Manager may deliver or make arrangements for the return of stolen property to its rightful owner upon satisfactory proof of ownership provided it is no longer needed for a pending criminal case.
- d. Anytime a firearm is returned to any person, the returning officer shall request photo identification from the person receiving the firearm. Such identification will be included in the incident. The officer shall conduct a criminal history check to determine if the person receiving the weapon is disqualified under Federal Law from possessing a firearm. Also, the specific weapon shall be checked through the NCIC system prior to its release regardless of how long the weapon has been in the custody of this agency.
- e. All firearms that come into the possession of this agency shall have a trace performed through the Bureau of Alcohol Tobacco & Firearms and noted in the Valcour System under the case number.
- f. Firearms may be submitted to the Vermont Forensic Laboratory for the purposes of NIBN / IBIS cataloging. The NIBN/IBIS system is administered by the Bureau of Alcohol, Tobacco, Firearms & Explosives. NIBIN (National Integrated Ballistic Information Network) IBIS (Integrated Ballistics Identification system) links firearms evidence (guns, bullets, and cartridge cases) to provide investigative leads in serial shooting cases that the police would not otherwise have known were related. Images of casings and bullets are captured and automatically matched against regional databases of firearms and crime scene evidence.

**X. In-Custody Property**

- a. In situations where custody of a person will continue, their personal property will be handled in the following manner:
  - i. All possessions that will not be accepted at corrections will be inventoried and handled according to the provisions of this policy.

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- ii. If a personal effect is found to have evidentiary value, then it is to be handled as evidence in accordance with this policy.
- iii. Notice will then be given and explained to the detainee that their property will be held for thirty (30) days to be picked up. If the detainee cannot personally appear within thirty days, it is incumbent upon them to make arrangements for a third party to retrieve (See iv. Below) the personal items, or they will be disposed of in accordance with this policy.
- iv. Personal property of a person in-custody may only be released to that person. Written permission or authenticated verbal permission may be made to release to a third party.

**XI. Inventory Policy**

- a. Items of evidentiary nature shall be properly inventoried and listed on evidence forms. All evidentiary items, including alcohol in closed containers, small amounts of "shake" or other trace amounts of drugs, paraphernalia with residue, etc. shall be properly tagged and entered into temporary evidence by the officer. Nothing in the following inventory policy is intended to circumvent the legal requirements for proper search and seizure of evidence.
- b. The following provision applies for found property or safekeeping/inmate property. These guidelines are in place to ensure proper accounting of items in our custody, to safeguard employees from allegations of theft and to protect the personnel and physical plant of CPD.
  - i. No items shall be placed into the temporary or permanent property/evidence storage areas of CPD without a complete inventory of items being documented on a CPD property receipt form.
  - ii. No food/beverage or other items that may attract vermin/pests shall be entered into property holding area and/or temporary evidence unless the food item itself is of evidentiary value. Any food/beverage items should be listed on the inventory sheet and destroyed.
  - iii. Alcohol in closed containers may be entered in to temporary evidence, but opened containers shall be photographed in the field and emptied and rinsed prior to entering into temporary evidence.
  - iv. No hazardous material, dangerous devices or explosives, animals/insects or other items that could potentially endanger CPD personnel or the physical plant shall be allowed in temporary evidence. A supervisor should be contacted to determine appropriate action if any dangerous items are discovered during an inventory search.

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- v. Items containing combustible material such as gasoline are to be stored outside of the building, in cold storage, the vehicle impound area, or other suitable location.
- vi. It shall be the responsibility of the property/evidence manager(s) to dispose of items that do not require long term retention as evidence. Safekeeping/found property should be disposed of by the case officer when allowed by this policy.
- vii. Vehicles are not subject to this policy as they do not enter the physical building of CPD.

**XII. Disposition of Seized and Other Property Held**

- a. Seized property, abandoned property, and articles found which come into the custody of this department shall be initially handled in accordance with the general provisions of this policy. Unless other disposition is specifically provided by law, when property seized is no longer required as evidence or property being held is no longer needed, it shall be disposed of by in the following manner:
  - i. Found property — when found property is received by the agency, the initial officer shall make and document reasonable attempts to notify the owner. Once the item has been received by a property/evidence manager, it shall be his/her responsibility to make and document reasonable efforts to notify the owner. Found property that has no evidentiary value shall be stored for 90 days. After 90 days the department may dispose of the property.
  - ii. Safekeeping/inmate property — at the time items are taken from a person he/she shall be notified in writing that CPD will only store their items for 30 days. After 30 days the department may dispose of the property.
  - iii. Property stolen, embezzled, obtained by false pretenses, or otherwise obtained unlawfully from the rightful owner thereof shall be restored to the rightful owner.
  - iv. Money shall be restored to the owner unless it was used in unlawful gambling or lotteries or it was used or intended to be used to facilitate a violation of the narcotics laws in which case the money shall be forfeited and disposed in compliance with law.
  - v. Contraband shall be destroyed unless they may reasonably be returned to a condition or state in which such goods may be lawfully used or possessed.
  - vi. Firearms, explosives, ammunition, bombs, and like devices shall be destroyed. Firearms which may have a lawful use may be held without destruction and used for lawful purposes with the express written permission of the Chief of Police.

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- vii. Under 20 V.S.A. Section 2302(a): "Any unlawful firearm in the possession of an agency which is not needed as evidence for or in a criminal prosecution or other judicial or administrative proceeding shall, within 30 days of its receipt by the agency, be delivered to such place and in such manner as the commissioner of public safety designates for ultimate disposition in accordance with the provisions of this chapter."
- viii. Under 20 V.S.A. Section 2302(b): "Any unlawful firearm in the possession of an agency needed as evidence for or in a criminal prosecution or other judicial or administrative proceeding may be retained by the agency for such purposes and until conclusion of such prosecution or proceeding. Upon notice to the agency from a state's attorney, other prosecuting official, or other state or federal official having jurisdiction over the subject matter that the unlawful firearm may be released, the agency shall, within 30 days of such notification, deliver the unlawful firearm to such place and in such manner as the commissioner of public safety designates for ultimate disposition."
- ix. Animals which are seized and are no longer required as evidence shall be disposed of in a humane and lawful manner.
- x. Motor vehicles or other similar items of evidence shall not be released to the owner or insurance company until proof is shown that all outstanding towing charges have been satisfied. If payment is not made to the towing company within ten days of notice being given to the rightful owner once the vehicle or item is no longer needed as evidence, shall be returned to the towing company.
- xi. Anytime property is returned to a person, the returning officer shall verify the person's identification and record it in the incident.
- xii.

**XIII. Logs/Record Keeping**

- a. The following logs will be maintained by the property/evidence manager(s) and inspected during all inspections and audits. Unless implementation of a software system makes these individual logs redundant, the following logs are to be maintained by the property/evidence managers. Specific items to be tracked are described below:

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- i. In/Out log for the evidence room. All persons who do not have electronic access to the room must record any entrance/exit from the evidence area including date/time, purpose of visit and who the escort was.
- ii. Critical evidence log — a listing of all items considered critical evidence shall be maintained.
- iii. Gun logs — logs indicating a complete inventory of guns on hand at any time; a gun destruction log; a gun sign out log for using firearms for Hunter's Education.
- iv. Drug destruction log/sheet
- v. Evidence destruction log/sheet
- vi. Master log — this shall be considered the master record indicating all items received into temporary evidence and indicating the chain of custody/movement of all pieces of evidence and property handled by the agency.

**XIV. Transportation to and from Lab/Court**

- a. Whenever an evidentiary item from CPD needs to be transported to the VT State Lab or court, it shall be signed out to a sworn member of the agency by a property/evidence manager. The transporting officer and property/evidence manager signing the item out should not be the same person. In unusual circumstances, a supervisor can serve as the second party if the property/evidence manager is the transporting officer. All items of critical evidence require two key holders to be present in order to remove from CPD evidence.
- b. All items transported shall be left in their original packaging and all labels/seals intact. If the item is for court it must remain in the custody of the responsible officer at all times.
- c. The transporting officer shall obtain either a written or electronic chain of custody transfer from the lab and ensure that it is included in the case file.
- d. Only the BCI Sergeant or Support Services LT can authorize the lab to release evidentiary items back to CPD custody.
- e. Any sworn member of CPD is authorized to transport items back from the lab to CPD. Whenever an item is picked up from the lab, the officer must notify dispatch to make a log note that he/she is retrieving evidence from the lab. The officer shall provide dispatch with his/her EQ number and starting mileage. The officer shall notify dispatch of his/her ending mileage and a log note documenting the time will be made. The officer is to immediately place the item back into temporary evidence.

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**XV. Inspections/Audits**

- a. All completed inspection or audit forms shall be forwarded through the chain of command to the Chief of Police. It shall be the responsibility of the Chief to maintain and preserve these records.
- b. At least semi-annually, the Support Services Lieutenant will conduct an inspection of and adherence to procedures used for the control of property; this inspection shall be witnessed by another sworn member and documented on the Semi-Annual Evidence Inspection form.
- c. Whenever the primary Property / Evidence Manager is changed, an audit will be conducted. An audit includes all components of an inspection plus an audit of all pieces of critical evidence. An audit shall be completed by a supervisor not affiliated with the property/evidence function and is conducted jointly by the newly designated Property/Evidence Manager and the outgoing property/evidence manager.
- d. Whenever the supervisor who oversees the Property/Evidence function changes, an audit will be conducted and documented.
- e. In the event there are no personnel changes to trigger an audit within a calendar year, an audit will be conducted and documented.
- f. Whenever a new Chief of Police is hired, an audit of 100% of the items held by CPD will be conducted and documented.
- g. Unannounced inspections of the Property / Evidence storage areas shall be conducted at least annually as directed by the Chief of Police. Unannounced inspections shall be documented on the Semi-Annual Evidence Inspection form.
- h. During every inspection or audit the auditor shall ensure that the "two-person" rule is in place. In order to access the temporary evidence lockers designated for critical evidence, two separate key holders must be present. The same is true for the separate room within the evidence area designated for storage of critical evidence.

**###End###**