



# **Fishers Police Department**



## ***General Order 56***

Property and Evidence Control

CALEA Standards 84.1.1 – 84.1.7

### 56.1.1 Evidence and Property Control System

- A. All property or evidence transactions made by any officer will be documented on the appropriate Department form and case report, if necessary, by the officer involved in the transaction. There are four methods used for the following transactions:
  - a. Computerized Evidence Tracking System - To be used whenever any property is found, recovered, accepted, seized as evidence, safekeeping or destruction.
  - b. Vehicle Tow-in Record - To be used whenever cars, trucks, boats or other vehicles are towed, at the request of a Fishers Police Officer.
  - c. Quick Property in LERMS shall be completed for any item placed into a property locker. **<84.1.1c>**
  - d. A Fishers Police Department Forensic Services Unit "Request Form" shall be used for any/all transactions from the property room, indicating the request.
  - e. A report shall be completed ANY time items are submitted to the property room.
  
- B. Officers shall, in every instance, place all property obtained in the course of their duties in the Department's property system prior to going off-duty and as soon as practical. In no instance shall an officer store property in a vehicle, their personal locker or any other unauthorized locations unless a supervisor gives permission to the officer to take other appropriate action with the property (i.e. return property to its lawful owner).  
**<84.1.1a&b>**
  
- C. Classification of property will include the following:
  - a. Evidence - Property which is believed to be related to a crime or suspected criminal offense.
  - b. Found Property - Non-evidentiary property of intrinsic value which, after coming into the custody of the Department, has been determined to be lost or abandoned.
  - c. Safekeeping - Non-evidentiary property which is in the custody of the Department for temporary protection.
  - d. Forfeiture - Property being held for confiscation under IC 35-33-5-5 and Department Rules and Regulations.
  - e. Contraband - Items that are illegal to possess and are to be destroyed with no formal charges filed. The records shall indicate the date and by whom the items were destroyed.
  
- D. Any item(s) recovered by members of this department that is turned into the property room will be the responsibility of the property room officer or those assigned and authorized by the Chief of Police to process property into the property room.

- E. Any item(s) recovered by members of this department that are categorized under section C, shall be submitted to the property room temporary storage lockers located just outside the property room. Any item(s) that requires refrigeration are to be put in the provided refrigerated temporary secured storage facility located in the same area as the other temporary storage lockers. Any item(s) put into either the temporary regular storage lockers or the refrigerated temporary storage lockers will have Quick Property completed at the time of submission.
  
- F. Generally, property / evidence shall be secured in the appropriately sized temporary storage lockers provided.
  - a. If an item of property or evidence is too large to secure inside a temporary storage locker, it may be secured in the sally port or a Property Officer should be contacted to secure the item.
  - b. All shoplifting evidence should be retained by the business with the necessary documentation made.
  - c. Firearms shall be unloaded prior to submission. If necessary, a firearms instructor may be called to unload the weapon. If, for some reason, the weapon cannot be unloaded, an authorized property room custodian shall be contacted and informed of the situation. The firearm will not be secured in the property room until it is deemed safe for storage by the division commander or his designee.
    - 1. Firearms from major cases (homicides, suicides, robberies, police action shootings, rapes etc.) should be left alone. The area around the firearm should be secured and an Evidence Technician contacted. The Evidence Technician will process and submit the firearm.
  - d. All sharps (needles etc.) will only be submitted in a syringe sharps tube provided by the FSU These items will not be submitted to the ISP Laboratory. However, FSU personnel may perform a flush of the syringe if necessary.
  - e. Biological waste materials will be submitted in a bio-waste container (red) only. These items will only be placed in the designated temporary storage locker.
  
- G. Drugs either known or unknown (suspected):
  - a. Drugs taken into custody by a member of this department should be handled with particular attention to ensure that cross contamination does not occur either during the packaging or handling of the suspected drug. If at all possible, the suspected drug should remain in its original packaging. Department members shall, prior to placing the item(s) into the temporary storage lockers, place and seal the item(s) into a clear plastic bag (baggie) or in the case of drugs that are moist or wet, into a paper bag, prior to placing the item(s) into the temporary storage lockers. All loose (not contained in the original suspect's packaging) powders, rocks, crystal, and crushed tablets shall be double-bagged and sealed in plastic. The outer package must be initialed at the seals.
  - b. Capsules and tablets should be separated by type, size or brand and packaged separately if further drug analysis is to be performed.
  - c. Any suspected hallucinogenic drug should be handled only while wearing protective gloves and placed into a plastic bag. Mark "boldly" on the outside of the paper bag what you suspect the contents are.

- d. Powders or vegetation need to be packaged separately
  - e. Placed by the confiscating officer, in a temporary storage locker and locked.
- H. Confiscated money shall be counted and verified by the case officer and a supervisor. The total amount of money should be noted in the item description and the money must be sealed and initialed in a clear plastic bag by the submitting officer.
  - I. All items seized shall be held by the Property Officer until such time that court documents are obtained for disposal of the property, or the officer indicates that the item(s) are no longer needed, or as directed by the current Indiana IC code book. The Property Officer shall be responsible for the disposal of the item.
  - J. When evidence is to be destroyed, it shall be fully documented and witnessed by another officer. When items are returned to the legal owner, the transaction will also be documented. <84.1.1g>
  - K. Officers involved in the collection of property (i.e. reporting officer or property room officer) shall make an effort to identify and notify the owner or custodian of the property in the agency's custody. <84.1.1f>
  - L. Items considered exceptional, valuable, or sensitive- such as guns, drugs, jewels and cash, will have additional security within the property room. These items will be secured in designated locked areas inside the property room. <84.1.1e>

### 56.1.2 Storage and Security

- A. All evidence / property storage by the Department will be within secured, designated areas.
  - a. When first impounded, evidence and other property will be stored in either a temporary storage area or the sally port of the Police Department, unless otherwise directed by FSU personnel.
  - b. The Property Officer will be responsible for logging evidence / property and placing the items within the secure confines of the property room.
- B. Only a property officer is authorized to release or dispose of evidence / property and withdrawal may only be authorized for the following reasons and requirements:
  - a. For documented inter-agency reasons (i.e. court, lab exams / analysis, transfer to another police department etc.);
  - b. To return to the lawful owner;
  - c. Lawful auction or conversion to City use; and/or
  - d. For lawful destruction;
- C. The investigating officer (initiating officer or Detective if assigned) is the only officer who can withdraw property from the custody of the Property Officers.
- D. Secure refrigerated storage is available for perishable items.

### 56.1.3 Temporary Security<84.1.3>

- A. Secure facilities are provided for storage of evidence / property at times when the evidence / property room is closed.
- B.
  - a. Officers impounding evidence / property will complete Quick Property and the item to be held, in the appropriately sized temporary storage locker located outside the property room.

- b. A Property Officer shall be contacted for advice when evidentiary items are too large for a temporary storage locker.

#### **56.1.4 Restricted Access**

- A. Generally, business hours for the Fishers Lab will be from 8:00 a.m. to 4:00 p.m., Monday through Friday, holidays excluded.
  - a. The public shall be advised to schedule an appointment or make some other arrangements with Property personnel for property pick-up.
- B. Only certain people have access to the evidence / property room within the Department.
  - <84.1.2>**
    - a. Forensic Services Unit Personnel.

#### **56.1.5 Records and Status of Property**

- A. The Property Officer will maintain records which reflect the status of all evidence / property held by the Department, including any items used for investigative or training purposes. The information will include, but may not be limited to:
  - a. Date and time of receipt;
  - b. Description of item
  - c. Location of item; and
  - d. Chain of custody including its final disposition

#### **56.1.6 Inspections and Reports**

- A. At least semi-annually, the Investigations Commander, or designee, will conduct an inspection of adherence to procedures used for the control of property. The inspection is conducted to ensure:
  - a. The evidence / property room is maintained in a clean and orderly fashion;
  - b. That policy is being followed;
  - c. That evidence / property is being protected from damage or deterioration;
  - d. That proper accountability measures are being maintained;
  - e. That any property used for investigative or training purposes is accounted for and has been maintained in a secure manner; and
  - f. That property having no further evidentiary value is being disposed of promptly.**<84.1.6a>**
- B. The property room of the Fishers Police Department will be audited annually. A ranking officer, not routinely or directly connected with the evidence / property function, will be named by the Chief of Police to conduct the audit. The purpose of the audit is to ensure the integrity of the system, not to account for every item in custody. **<84.1.6c>**
- C. Unannounced inspections of evidence / property storage areas will be conducted annually or as directed by the Chief of Police. The focus of this inspection should be on:
  - a. Evidence / property accountability;
  - b. Security procedures; and

- c. Random comparison of records with physical evidence / property.  
<84.1.6d>

D. Changing Evidence / Property Room Custodians <84.1.6b>

- a. Whenever a new property officer is designated, an inventory of property to ensure that records are correct and properly annotated will, whenever possible, be conducted jointly by the newly designated and the out-going officers.
- b. The inventory will be reviewed by the Investigations Commander;
- c. All discrepancies will be recorded prior to the assumption of evidence / property accountability by the newly appointed officer.

**56.1.7 Final Disposition <84.1.7>**

- A. This Department strives to return property to its rightful owner as soon as practical. When the prosecutor allows or by order of the courts, evidence may be photographed and promptly returned to its owner. (IC 35-43-4-4) Evidence that cannot be returned to its proper owner will be destroyed pursuant the guidelines already outlined in this general order. Evidence that is of value and the owner elects to not receive such evidence back will be deemed property of the department and its final disposition will be determined pursuant this general order.
- B. Final disposition of all found property: Items of property that are turned in as “found” maybe claimed by the finder of such property if a legal owner for such property has not come forward or the owner has not been established within 180 days. Once a finder has made claim to property that he / she has turned in, there will be a 180-day waiting period before the property can be released to the finder upon the approval of the Chief of Police. In order for the finder to obtain the property, the following steps must be met prior to release;
  - a. The finder must make a written request to the Chief of Police. In this request the finder must furnish the case number for the item(s) as well as a list of the item(s) he / she is requesting to be released.
  - b. The request will be forwarded, after review by the Chief of Police, to the division commander or his designee responsible for the property room operation. The division commander will make contact with the finder and inform him / her of the outcome of the Chief of Police decision. If appropriate the division commander or his designee will set a date and time for the finder to come into the police department to obtain the found property.
  - c. The finder will be required to furnish at the appointed time the following;
    - i. Acceptable photo identification (Drivers License, Government Identification etc.)
    - ii. Some form of acceptable proof of residency such as a utility bill
  - d. If the finder is less than 18 years of age, he / she must be accompanied by a parent or guardian at the time of release of the item(s) and all must meet the requirements outlined in steps 3 & 4 of this general order.
- C. Exceptions:
  - a. The exceptions to property that can be claimed are items of excess value (greater than \$20,000.00), for example cash or electronic equipment. Items of

excess value will become property of the department under this general order after 180 days and used by the department as directed by the Chief of Police.

- b. The Chief of Police or any member of this department may request at anytime, that items such as found bicycles, motorized bikes or any other item, be donated to a charitable or not for profit organization but first must meet the criteria of an owner not coming forward or established during the 180 day waiting period. A member who request an item(s) be released under this exemption must first submit a request to the Chief of Police stating the organization and its status. The Chief of Police will review it and forward it on to the division commander for the property room operation for release.
- c. Any disputed claims will be reviewed by the Chief of Police and a decision made which could also include the sale at public auction of any item listed as found property being held by this department, this includes any item that has not either had an owner or finder come forward during that 180 day period.

### **56.1.8 Disposal and Destruction of Property;**

- A. A reasonable effort will be made to return all property that can be disposed of to the rightful owner. All property that is being disposed of will be considered property in evidence until destruction has occurred and will be treated as such.
- B. Under no circumstance will it be permissible for any unclaimed property or disposable property that is being destroyed, be released to anyone other than the owner unless a specific written request has been submitted to and approved by the Chief of Police. All items either being destroyed, released to owner, auctioned or retained by the police department, will have the property room inventory tag removed and destroyed prior to release or destruction.
- C. Items of property that have a value will be held by the department and will be considered as forfeited property if a proper owner cannot be determined. In such case, items of value that is considered forfeited can be;
  - a. unclaimed or unknown owner of cash
  - b. sold at public auction
  - c. donated to a public charity
  - d. used by the department and will be considered police department inventory
  - e. destroyed
- D. Items sold at public auction will be done so pursuant to Indiana Code.
- E. Items given to a charity will be listed in the following manner;
  - a. item description
  - b. item serial number (if one)
  - c. item model number (if one)
  - d. name and address of the charity
  - e. date donated
  - f. persons name representing the charity as well as their DOB, SSN and address
- F. In the case of disposal property being retained by the police department for use, a letter shall be drafted by the Chief of Police and maintained by the Chief of Police, and will contain the following;
  - a. description of the item
  - b. item serial number

- c. model numbers
- d. the date of claimed ownership of the item
- e. the item will then be added to the police department's inventory.

**G. Suggested manner for destruction or dissolution of property;**

- a. paper products are to either be shredded, cut or burned
- b. compact disk (CD) or DVD's are to either be cut in two or smashed or burned
- c. clothing of no value will be cut and made unusable or burned
- d. video tapes (all types) may be soaked in water and detergent solution and smashed or burned
- e. photo's are to be shredded, cut or burned
- f. illegal paraphernalia may be crushed, smashed or burned to make the item unusable
- g. fireworks will be turned over to the departments range master who will destroy the items in a safe manner
- h. knives will have the blades broken or sawed in two, or burned
- i. still photo film will be shredded, cut to small pieces or burned

**H. Blood and Tissue Evidence**

- a. Any item that has been collected and is going to be processed for destruction that would contain any type of bodily fluid such as blood, semen, excrements, human tissue and material with any type of bodily fluid will be handled as a bio-hazard. All items set for destruction will then be collected by a certified company specializing in the destruction of biohazard material.

**I. Destruction of Firearms and Ammunition**

- a. Under no circumstance will a firearm, either by manufacture or design or ammunition will be sold at a public auction. All firearms set for destruction will be logged and the log to the following will be kept within the police department property room. This log will contain the following information;
  - i. photograph of the firearm before the destruction,
  - ii. notation of serial number,
  - iii. make of the weapon,
  - iv. model of the weapon,
  - v. caliber of the weapon,
  - vi. date of destruction,
  - vii. location of destruction
  - viii. responsible property officer doing the destruction signature and verified by the signature of the property officers commanding officer or superior officer
  - ix. manner of destruction

**J. Any item that has been deemed a firearm either by its manufacture or by design and set for disposal will be destroyed in one of the following manners;**

- a. taken to a high heat incinerator facility and melted
- b. the receiver and barrel sawed into at least two pieces
- c. placed in an approved firearms pulverizer and made unusable
- d. relinquish to ISP for NIBIN firearm reference collection

K. Ammunition that is processed for disposal will be turned over to the police department's firearm training division for disposal or disposed by another accepted method according to Indiana law.

**L. Destruction of Illegal Substances and Prescription Meds**

a. Any substance falling under this procedure is to be considered a bio-hazard and all precautions in the handling these items will be strictly adhered to. Items that are marked disposable and set for destruction will be categorized in one of the following;

- i. plant or vegetation material
- ii. solid (pill, capsule or powder)
- iii. liquid
- iv. aerosol

b. It is suggested that one of the following is the preferred method of destroying plant material and solids is;

- i. burned at high heat incinerator away from possible accidental inhalation by humans

c. The method of destruction for any known liquid substance is the following;

- i. a neutralizing reagent added to the mixture and destroyed as a bio-hazard as described above under blood and tissue evidence.

**56.2- Asset Seizure and Forfeiture**

**Purpose**

The Purpose of this Policy is to provide law enforcement officers of this agency, the Fishers Police Department, with guidelines and procedures for the consistent processing and control of property being seized and forfeited by the Fishers Police Department.

**Policy**

It is the policy of this law enforcement agency that officers aggressively pursue the seizure and forfeiture authority given them under all applicable statutes in order to further deter specific criminal activity while maximizing the fiscal advantages to the Fishers Police Department. At no time shall bias of any kind be used as a factor in asset seizure and forfeiture cases. In all cases, the criminal prosecution of suspects shall be the primary concern and focus of this agency and its officers. All asset forfeiture and seizure documentation will only be served by sworn officers and will be subject to legal guidelines listed in Indiana Code 34-24-1-1.

**PROCEDURE**

**Reporting Requirements**

A. During an investigation in which a forfeiture action is foreseeable, the officer conducting the investigation/making the case report must include the following:



- a. An email stating the case number, suspect name, and items to be seized shall be sent to the Forfeiture Unit Lieutenant or his/her designee. The email should indicate: "Attention: Forfeiture Unit"
  - b. The words "**Hold Forfeiture**" must be indicated in the vehicle section and on the "Comment" line of the property section for each item being held for seizure; and
  - c. The reason for the forfeiture as well as supporting evidence must be included in the probable cause and/or the narrative.
- B. Officers are responsible for maintaining correspondence with the Forfeiture Unit, when necessary, about the forfeiture case.

### **Forfeiture Procedures**

The Forfeiture Unit Lieutenant or his/her designee must be immediately notified via email of any requested forfeiture. In addition, to help guarantee that the proper items seized get processed correctly, officers will adhere to the following procedures for the following forfeiture items:

### **Vehicles**

- A. Vehicles valued at less than \$500.00, or having an excessive lien, may be released at the discretion of the Forfeiture Unit. However, this should not preclude any officer from placing a forfeiture hold on a legally seized vehicle. To begin forfeiture proceedings on a vehicle, the reporting officers shall take the following actions:
- a. FPD officers should use Axon to photograph and document the incident prior to towing. If the officer on scene does not have Axon, an officer who does shall report to the Fishers Police Department at the earliest opportunity to photograph the vehicle.
  - b. Officers must photograph the vehicle in the following manner:
    - i. Individually photograph all four sides of the vehicle from ground to roof.
    - ii. A close-up photo must be taken of the odometer reading.
    - iii. Three photos should be taken of the interior of the vehicle to include the:
      - 1. Dashboard that captures the stereo or area where a stereo would be installed;
      - 2. Front seating area; and
      - 3. Rear seating area.
    - iv. A photo of the interior of the trunk or truck bed.
    - v. Officers must ensure that a thorough inventory of the vehicle is conducted, including the engine compartment, before having the vehicle towed.
    - vi. Tow the vehicle to a contract wrecker lot or other location as directed by the Forfeiture Unit. The ignition key must be placed with the vehicle when it is towed.
      - 1. Write "**Hold Forfeiture**" on the top of the **Tow-in Sheet** before the tow slip is given to the wrecker drive. Any vehicle placed in Hold or Forfeiture Hold status without all of the procedures identified in this entire section being followed will not be entered into the report management system with a Forfeiture Hold.
    - vii. The reporting officer shall also contact the Hamilton County Communications Center and report the tow and advise a Hold has been

- placed on the vehicle.
- viii. In the absence of any other arrest report or case report associated with the property, complete a case report, indicating the condition of the vehicle, including damage and vehicle ownership information, in the appropriate section of the case report.
  - ix. Remove any valuable items from the vehicle and place them in Property. Valuables removed from the vehicle must be submitted to the Property Room and marked as "**Hold Forfeiture**." Any perishable item(s) in the vehicle should also be removed as many of these vehicles are at the wrecker lots for months before being awarded to the department.

### **Money and Property**

- A. Currency less than \$50 will NOT be submitted for forfeiture unless the money is seized at the same time as a vehicle or other valuable property. To begin forfeiture proceedings on currency seized from a defendant, officers must take the following actions:
  - a. Write/Type "**Hold Forfeiture**" in Quick Property.
  - b. Indicate on the property slip from which person the money was confiscated.

### **Unusual Situations**

- A. In the event an unusual situation involving a forfeiture occurs (i.e., seizure of a vehicle too large to tow, the size of the item does not allow for storage in the property room, real estate, etc.), officers should contact the Forfeiture Unit through the Communications Center.

## **56.2.1 Exculpatory Evidence**

The policy of the Fishers Police Department is to provide the prosecutor any exculpatory information in the possession of the Police Department. This rule applies in all criminal cases; state or federal, misdemeanor or felony.

Exculpatory material is evidence that may be favorable to the defendant, and which tends to show that the defendant did not commit the crime with which he is charged and any material which tends to impeach the prosecution's evidence or testimony of prosecution witnesses, including the police employees involved in the investigation of the crime. Exculpatory evidence includes evidence to:

- \* Support a defendant's alibi
- \* Show a person other than the defendant committed the crime
- \* Discredit a witness
- \* Chain of custody deficiencies
- \* Testing or forensics deficiencies, errors, and non-corroborating results

Exculpatory material also includes any Police Department or City records containing evidence that a police employee involved in the investigation of the crime has:

- \* Been untruthful (includes any witness, informant, sworn or unsworn personnel)
- \* Prejudice or bias
- \* Committed a crime

The record need not show beyond a reasonable doubt that the involved employee has been untruthful, has a prejudice or bias, or has committed a crime. Rather to be subject to disclosure under this section, the record must contain credible evidence of one or more of

the above points.

**Responsibilities for Disclosure to the Prosecutor <42.1.6>**

**A. Employee**

Any employee who has knowledge of exculpatory information must provide that information to the prosecutor regardless of pre or post-conviction status. Records of exculpatory evidence submission will be kept in the Records Management System. When digital data is provided to the prosecutor, an email notification will be sent.

**B. Department**

The Police Department shall send to the prosecutor the name of any officer whose personnel file contains exculpatory/impeaching information that is required to be provided to a criminal defendant as BRADY or GIGLIO material. Upon receipt of a request from the prosecutor, the Police Department will give the prosecutor all the exculpatory information in any case in which the prosecutor believes the named officer is a material witness. At the request of the Prosecutor or the Police Department, the Chief or his/her designee will conduct such inquiries as may be necessary to establish the existence of such records

All information the Police Department furnishes to the prosecutor shall contain the following provisions:

\* The Police Department has provided this information to the prosecutor in a manner and for a purpose allowed by law.

\* Any dissemination of this material not authorized by law is a misdemeanor. Examination by any person not authorized by law to examine this material is a misdemeanor.

