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| Policy #**Property Room/Evidence Management** | Related Policies: |
| *This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third-party civil claims against employees. A violation of this policy, if proven, can only form the basis for internal discipline and/or criminal charges.* |
| Applicable State Statutes:  |
| KACP Accreditation Standard: 27.1, 27.2, 27.3, 27.4, 27.5, 27.6, 27.7 |
| Date Implemented: | Revision Date: May 1, 2025 |

1. **Purpose**
2. To identify, preserve, and address the proper handling and storage of evidence and other property.
3. Procedure under this section shall be in accordance with Chapter 67 of the Kentucky Revised Statutes and KRS 95.845.

**II. Definitions**

1. "Evidence” includes any piece of property, regardless of its nature, confiscated or impounded by the department as part of an investigation and will be used to substantiate the investigation in court.
2. “Found property” is non-evidentiary property which has been determined to be lost or abandoned and is not known or suspected to be connected with any criminal offense.
3. “Property” includes items of evidence and other items submitted for secure retention.
4. “Property room manager or designee” means the employee designated to oversee and manage the property room or the person authorized to act in their place.
5. “Recovered” is any piece of property identified as being stolen, which may also be classified as evidence.
6. “Safekeeping” is non-evidentiary property for which the rightful owner is known.

**III.** **Introduction**

1. It is the responsibility of the property room manager or designee to address compliance with this procedure.
2. Access to the secure property room is limited to the property room manager or designee.
3. No other person shall enter the secure area of the property room unless accompanied by one of the persons designated in the subsection above and upon signing in and out of the entry log.
4. All officers/deputies have access to the property intake room.
5. Evidence should be submitted prior to the end of the officer’s/deputy’s tour of duty. If not practicable, a supervisor must approve alternate arrangements. Evidence should not be left unsecured in an officer’s/deputy’s cruiser or residence after their tour of duty.

**IV.** **Procedures for Property Submission**

1. The submitting officer/deputy is responsible for properly marking, labeling, and packaging all property.
2. All property should be processed in an authorized area.
3. All property to be submitted must be properly recorded in the evidence management system.
4. Property should be packaged whenever possible, labeled with a property tag affixed to the package, and sealed with evidence tape.
5. Property submitted should be packaged as follows:
6. **Firearms**
7. The submitting officer/deputy is responsible for ensuring that the firearm is unloaded and verifying the stolen status of any firearm through KYOPS and NCIC prior to submission.
8. The firearm is rendered “safe” by placing some type of device on the weapon to keep it from functioning as designed. A property tag is affixed to the firearm or appropriate container holding the firearm.
9. Any firearm that is to be processed or is potentially contaminated with a biohazard shall be placed in an appropriate container and labeled with a biohazard sticker.
10. Ammunition is to be packaged separately from the firearm.
11. **Edged Weapons**
12. Any weapon that has a blade, requires processing, or is potentially contaminated with a biohazard shall be rendered safe by placing it in the manufacturer’s sheath or wrapping the blade in an improvised container like cardboard and packaging it in an appropriate container and labeling it with a biohazard sticker.
13. **Money/Currency**
14. The amount of money/currency should be documented, photographed, or videoed by the submitting officer/deputy in a secure area prior to submission.
15. The package will be sealed with evidence tape that is to be initialed and dated by the officer/deputy and properly secured.
16. If more than $10,000 is being submitted, the supervisor should notify the property room manager.
17. **Drugs/Narcotics**
18. All drugs must be weighed and the amount recorded in the evidence management system unless risk of exposure exists.
19. All drugs must be properly packaged and labeled.
20. If a lab request is required, the lab request form (KSP 26) must be submitted with the package.
21. **Electronic Evidence**
22. Any property that is subject to electronic examination should be properly marked, labeled, and packaged.
23. **DUI Blood Kits**
24. Properly sealed and labeled kits should be placed in the regular U.S. Mail.
25. **SAEKs** (Sexual Assault Examination Kits)
26. A label is to be affixed to the outside of the kit with the kit being placed in no other packaging.
27. The kit and the nurse examiner’s documentation must be packaged and logged separately.
28. Applicable statutes: KRS 15.334, KRS 15.440, KRS 17.175, KRS 216B.400, KRS 403.707, and KRS 524.140.
29. **Motor Vehicles**
30. Any motor vehicle retained for evidence processing is to be stored in the designated secured location and entered into the evidence management system.
31. **Sharps/Needles**
32. Only submit into evidence syringes and needles when significant evidentiary value exists.
33. Sharps shall be placed into a Sharps container or other rigid container that will resist puncture.
34. Personal protective equipment (gloves) shall be worn to handle evidence.
35. **Flammable Liquids and Explosives**
36. Under no circumstances should explosive material be brought into any police facility.
37. This type of evidence should be photographed, with the photos submitted as digital evidence in lieu of submission of the physical evidence. The commanding officer should coordinate with the appropriate agency (KSP, ATF) to request assistance handling, identifying, or storing the explosive material.
38. **Found Property**
39. The officer/deputy should attempt to locate the owner of any found property prior to the end of their shift.
40. If the property is unable to be returned by the officer/deputy, it shall be secured in a temporary evidence locker and logged into the evidence management system.
41. **Other Property**
42. Other property should be properly marked, labeled, and packaged as trained.
43. Any property too large or voluminous to be packaged should have the evidence label affixed in a prominent location.
44. If necessary, a supervisor may contact the property room manager or designee for directions regarding storage of large or numerous items.
45. The submitting officer/deputy is responsible for any necessary cleaning or decontamination of the property intake room.

**V.** **Retrieval of Evidence for Court**

1. Officers/Deputies requiring evidence for court shall notify the property room manager at least 48 hours prior to the scheduled court date.
2. The officer/deputy will sign that the evidence has been checked out.
3. Officers/Deputies are responsible for requesting the court to make a disposition on the evidence.
4. Evidence being returned to the property room will either be returned directly to the property room manager or secured in an evidence locker and checked back in via the evidence management system.

**VI.** **Property Return or Release**

1. The property room manager is responsible for the return of any evidence or property.
2. Any evidence to be released after charges have been filed requires an order from the court as to the disposition.
3. Persons retrieving property or evidence must show a government-issued photo identification and sign a receipt for the item.
4. Prior to the return of any firearm, the person receiving the firearm shall be checked through the NICS system for active protection orders, felony convictions, or court adjudicated mental illness.
5. When any property is released to another agency for prosecution, that agency shall assume custody for all the property associated with that case.

**VII.** **Administration of the Property Room**

1. The property room manager is responsible for the receiving, storing, maintaining, transferring, and releasing of property and evidence.
2. Acceptance of only those items of evidence or property that have been properly packaged and accompanied by supporting documents that have been completed in full. Any items of evidence or property submitted outside the guidelines of this policy shall be returned to the submitting officer/deputy, through said officer’s/deputy’s supervisor, with deficiencies noted.
3. Removal of evidence or property from evidence lockers and assign that property or evidence to a permanent storage location in the property room. The new location is to be logged into the evidence management system.
4. Certain items of evidence or property that require added protection must be secured in the appropriate location. This includes the separation of money, firearms, controlled substances, biohazards, and high-value items.
5. As needed, the property room manager is responsible for coordinating the transport of evidence to and from forensic laboratories or other facilities and making the appropriate notations in the evidence management system.
6. As needed, the property room manager will notify officers/deputies to review the status of evidence in the evidence management system for disposition as ordered by the court.
7. For property that is to be released, returned, or disposed of, the following procedures apply:

1. Property in cases where charges have been filed or obtained as a result of a search warrant will be released, disposed of, or forfeited in accordance with a court order.
2. Other property collected, including found, abandoned, or lost property, will be released, disposed of, or forfeited after 90 days. KRS 67.594(4)(a)
3. Any property that is contraband should be destroyed.
4. Firearms and ammunition that are not retained for departmental use or returned to a lawful claimant shall be transferred to the Kentucky State Police.
5. Money abandoned with no known lawful claimant after 90 days will be forfeited to the agency.
6. Property that retains a value can be placed for auction after 90 days.
7. Property that retains no value can be disposed of after 90 days.
8. The agency can retain property that can be used for departmental purposes after 90 days.
9. Electronic devices that remain unclaimed shall be properly disposed of after 90 days.
10. Cash, other than currency retained for specific evidentiary purposes, may be deposited into a non-interest-bearing departmental account.
11. The property room manager will include a copy of the evidence management system item submission form along with the cash for deposit.
12. The property room manager will retain a copy of the deposit slip.
13. When the property room manager receives a court order regarding the disposition of any cash, they will attach a copy to the file in the evidence management system and then forward the original order to the individual for appropriate disbursement.
14. The property room manager is responsible for coordinating random audits or taking inventory.
15. A complete inventory should be taken after a new chief/sheriff takes command.
16. Quarterly random audits are to be conducted and should include at least 10% guns, drugs, and monies.
17. The random audits or inventories should be conducted by someone other than the property room manager or their designee. The property room manager or their designee should accompany the person conducting the random audit or inventory.
18. The results of any audit or inventory should be documented and reviewed through the chain of command, with a copy to the property room manager.

