



Sheridan Police Department
Policies and Procedures
12.1 Replaces 305.1 & 411.1
Chapter 12 – Evidence & Property
Section 1 – Evidence Handling

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Signature:

The requirements of criminal proceedings as well as modern professional standards demand that all evidence received and released is properly handled. Members of the department shall adhere to strict guidelines concerning the collection, processing and ultimate disposition of evidence and other property entrusted to their care.

12.1.1 Seizing Property

- A. Department employees may seize property under the following circumstances:
1. When the property is evidence of a crime;
 2. When the property constitutes contraband;
 3. When the property is turned over to an employee as found property or is found by the employee in the course of his or her duties; and
 4. When the seizure is for safekeeping. (Property seized in the interest of public safety or to provide safe storage until the property can be claimed by the owner will be classified as “safekeeping.”)
 5. Vehicles may be impounded for safe keeping. See section 18.3.4.C.
- B. Any property coming into the possession of an employee shall be delivered to the proper custodian and a report made of the transaction.

12.1.2 Evidence Collection and Packaging

- A. Training in crime scene processing, evidence collection and handling shall be provided to all police officers. Select members of the department will be trained in specialized techniques and skills required in processing major incidents.
- B. The department will procure and maintain the equipment, tools and supplies necessary to photograph, mark, collect and preserve physical evidence found at the scene of a crime.
- C. The primary responsibility for ensuring that a crime scene is properly processed lies with the investigating officer.
- D. Evidence must be properly collected, packaged, sealed, and marked while maintaining the continuity of custody.
- E. Officers will make every effort to appropriately preserve the condition of evidence during the process of collection. These efforts will be directed toward preventing the introduction of foreign materials or contaminants into the evidence and ensuring a sample that is as complete as is practical.
- F. The following practices are to be followed concerning the collection and preservation of evidence:
1. Evidence shall be properly marked or labeled for identification as it is collected or as soon as practical thereafter.

2. Packaging
 - a. Money, jewelry, firearms and drugs shall be packaged separately from other items.
 - b. Consideration should be given to processing needs and disposition when packaging evidence.
 - i. If it is known that a particular item will likely be sent for examination it should be packaged separately.
 - ii. If it is known that property will be released to multiple people it should be packaged separately to aid in the return process.
 - c. Items will be packaged in new, clean and uncontaminated envelopes, bags, boxes, or wrapped in paper with the exception of Sexual Assault Evidence Collection Kits and Blood Alcohol Test Kits which will be stored in the original manufacturer's box. Plastic zipper bags are suitable for small dry objects. Paper envelopes, paper bags and boxes are suitable for most garments, tools and large items.
 - d. Packages will be sealed with tape. The sealing officer's initials shall be placed on the edges of the tape and adjacent surface to prevent tampering.
 - e. All evidence containing liquids will be packaged and sealed to prevent leakage during handling, storage and transport.
 - f. Wet or bloody articles shall be allowed to air dry in the evidence dryer prior to final packaging and storage.
3. All employees collecting evidence are to complete a narrative report documenting the location where it was collected and who it was obtained from or who discovered it.
4. The evidence custodian will not accept property that has not been properly packaged. The officer and his or her supervisor will be notified of the corrections necessary before being accepted.
- G. The evidence collection protocol for shoplifting and minor in possession cases shall be as follows:
 1. Misdemeanor cases
 - a. When possible, photograph each stolen/recovered item **separately** and then photograph all the items **together** for the case report.
 - b. Collect a copy of the register receipt for the case showing the value of the items stolen.
 - c. The items can then be left at the store.
 2. Felony cases
 - a. Collect all items for evidence.
 - b. Collect a copy of the register receipt for the case showing the value of the items stolen.
- H. All property to be submitted shall be secured in an evidence pass-through locker of appropriate size. The locker shall be secured by closing the self-locking door.
- I. Exceptions to the use of evidence pass-through lockers include:
 1. Large items that will not fit in an evidence locker. Such items must be properly tagged and stored in the evidence barn. The evidence custodian shall be notified of the property's location.

2. Evidence which must be refrigerated shall be secured in the evidence refrigerator. The item should be properly tagged and the evidence report delivered to the evidence custodian.
- I. In cases where evidence cannot be otherwise secured, the shift supervisor will determine the need for call out of the evidence custodian.
- K. In general, perishable items should not be collected. Photographing and otherwise documenting the items should be considered first. If it is necessary to take the item into custody, the officer will get supervisory approval and attach a note to the item explaining the need.
- L. Money will be logged into evidence separately with the total amount listed. Traveler's checks, money orders and food stamps will be handled in the same manner as money.
- M. Safety
Before packaging any evidence, investigating personnel should make a determination of safety and take appropriate precautions. Articles shall be packaged in a manner to prevent injury of personnel who must handle them.
 1. All hypodermic needles will be packaged in a plastic puncture proof collection tube to reduce the risk of accidental exposure.
 2. Firearms will be unloaded. Officers who come into contact with a loaded firearm shall not attempt to unload or render it safe if they are not familiar with it. The officer should request assistance from someone familiar with it to make it safe. Before unloading, note the position of the safety, bolt, breech lock, hammer, cylinder, magazine, etc.
 - a. Semi-automatic firearms should be placed in a locked open or open chamber condition with the ammunition magazine removed.
 - b. Revolvers – Prior to unloading, note the position of loaded chambers, empty chambers, and chambers containing fired cartridges with respect to position of the cylinder in the firearm as found. Mark and package the rounds separately and package the gun with the cylinder open if possible.
 - c. Long guns – Rifles and shotguns need to be placed in a rifle box.
 - d. Do not mark cartridge cases or bullets in any manner. Place in a package and mark the package.
 - e. Zip ties or similar devices may be used through portions of firearms to make them non-operational.
 3. Whenever a weapon cannot be unloaded:
 - a. The officer shall attach a warning note to the weapon indicating the weapon is loaded.
 - b. The officer shall personally notify the evidence custodian or in the custodian's absence, prominently display a message on the custodian's door.
 - c. If the inability to unload the weapon is due to a mechanical failure, the evidence custodian shall make arrangements to have the weapon unloaded by qualified personnel prior to placing it into storage.
 4. All sharp objects will be packaged in a manner to prevent injury. The point, blade or edge shall be covered or otherwise packaged and marked as a sharps hazard. Folded knives and knives in sheaths are not considered sharps and their condition should be listed as "safe" on the evidence form.

5. Serology evidence and all property suspected of being contaminated with biological fluids may be infected. Any possible biohazards shall be packaged in biohazard bags or packages marked with biohazard stickers.
 6. When dealing with explosives, flammable materials, or chemicals, safety of personnel and of the facility is of primary importance. Storage of such materials shall be limited to small quantities needed for laboratory analysis. Chemical glassware associated with a clandestine drug lab shall be referred to a state department of criminal investigation clandestine lab specialist.
- N. All items with serial numbers will be checked through NCIC to determine if stolen.
- O. When an officer takes into his or her possession property known to be stolen, he or she will verify that the originating agency and the victim have been notified of the recovery, where it is stored, and how it may be recovered by the rightful owner as expeditiously as possible.
- P. Whenever an officer has taken property belonging to a victim for evidence, and long term storage will create a hardship for the owner/victim, the officer will, with the approval of the prosecutor, promptly photograph and return the property to the owner. If the prosecutor requires this property be held for court, the officer will insure it is returned to the owner as soon as it is no longer needed for court.
- Q. Officers in possession of property will transfer it to evidence as soon as possible following the completion of the call and in all cases prior to the end of the officer's shift. With supervisor approval, evidence may be temporarily stored in the evidence room lockers. This storage will not exceed the time needed to process the property.
- R. Officers taking possession of evidence will make certain it is within their care until such time as it is secured in an evidence locker to insure the chain of custody and the integrity of the evidence.
- S. Evidence and property shall not be stored in an officer's car, desk, locker, or office.
- T. Any transfer of custody prior to storage will be documented in the narrative report.
- U. Found property
1. The investigating officer will attempt to contact the owners of found property at the time the property is recovered. The incident report shall indicate whether or not contact was made with the owner and whether or not the property may be returned to the owner.
 2. Whenever possible (if ownership can be established and the found property has no apparent evidentiary value) employees will release found property directly to the owner and document who it was released to.
 - a. An evidence property form will be completed for the item;
 - b. An evidence disposition form will be completed to document the release.
 3. After storing found property, officers will continue their efforts to locate the owner and will notify the evidence custodian when the rightful owner has been identified.
- V. In the case of drug evidence, the recovering officer shall obtain a gross weight (content and package). In cases involving pills the number of pills will also be listed.
- W. Unless otherwise provided in this chapter, officers do not have the authority to destroy or make final disposition of evidence or contraband in the field.
- X. Vehicles seized as evidence
1. All vehicles seized as evidence should be secured. The vehicle keys will be delivered to the evidence custodian. All vehicles must be inventoried for safety purposes before being towed. (Policy 10.4.2 - F)

2. Vehicles impounded as evidence should not be retained beyond their evidentiary need. Once an officer determines that an impounded vehicle will be of no value in the prosecution of the underlying criminal case, it should be immediately released. Moreover, the impounding officer should strive to determine the evidentiary value of the vehicle at the earliest practical moment.
3. Evidence Custodian or designees will be the only personnel authorized to release vehicles.

12.1.3 Access to the Evidence Facility

- A. The Sheridan Police Department will maintain secure property/evidence rooms for the purpose of storing property.
- B. The evidence custodian is responsible for maintaining the security of the evidence facility.
- C. Access to the evidence facility will be limited to the following:
 1. Evidence custodians;
 2. Other persons approved by the evidence custodian and in his or her presence.
- D. A log shall be kept by the evidence custodian that identifies personnel other than evidence custodians entering the evidence rooms.
- E. Evidence facility doors will be kept locked at all times. Keys will be limited to authorized personnel.

12.1.4 Storage

- A. As the evidence custodian removes submitted items from the lockers or other storage areas, he or she will compare the items removed to those listed on the evidence sheet to ensure all items are accounted for. The evidence custodian shall check property forms and evidence tags to ensure they have been completed properly and legibly. Packages will be checked to ensure proper packaging.
- B. The records system used by the evidence custodian shall reflect the status of all property being held and shall include:
 1. Case number;
 2. Item number;
 3. Description of the property;
 4. The specific location where the property is held; and
 5. Date and time the property was received and released.
- C. Extra security measures shall be taken for items constituting an increased security risk. Items of property requiring added protection will be maintained in separate secured areas of the evidence facility. They include:
 1. Narcotics / Dangerous Drugs;
 2. Currency; and
 3. Firearms.

12.1.5. Transferring Custody

- A. The evidence custodian will record all transfers of evidence including:
 1. To department personnel for review or court;
 2. To a crime lab for analysis.
- B. Officers removing property for any purpose will sign for the evidence and indicate the purpose for removal.

- C. On occasions when an officer attempts to return evidence that has previously been checked out and no evidence custodian is available, the officer will secure the evidence in an evidence locker with a note giving the date and time of return.
- D. In order to track evidence that has been logged out for court:
 - 1. When an officer checks out evidence for court the evidence custodian will provide the officer with a copy of the evidence tracking form.
 - 2. When evidence is left with the court, the officer will complete the evidence receipt to reflect the chain of custody of the evidence.
 - 3. The person receiving the evidence will sign the chain of custody section on the evidence receipt.
 - a. In municipal court the clerk of court should sign for the evidence;
 - b. In circuit court the court clerk should sign for the evidence;
 - c. In district court it will generally be the court reporter who keeps and signs for the evidence.
 - 4. If the officer is unable to obtain a signature, the evidence receipt will be left with the clerk of court. The officer will complete the chain of custody excluding the signature.
 - 5. If the evidence receipt is left with the clerk of court they will have the form signed and return it to the evidence custodian.
 - 6. If the officer is able to obtain a signature, the officer will return the evidence receipt to the evidence custodian. The signed form can be placed into the evidence custodian's mailbox.
 - 7. The copy of the evidence receipt does not need to be completed if the officer maintains custody of the evidence and is able to return all of the evidence.
 - 8. The evidence custodian will be responsible for following up on the evidence receipt left with the clerk of court.
 - 9. The signed and completed copies of the evidence receipt will be placed with the original evidence forms in evidence.
 - 10. If at a later date, the court returns the evidence to the Sheridan Police Department, the evidence receipt will be completed to reflect that the evidence was returned.
- E. At any time the custody of evidence temporarily removed from the evidence room is relinquished to some other agency or person, it will be the responsibility of the relinquishing officer to obtain a receipt for such evidence which will be provided to the evidence custodian. Such receipt should be specific as to what evidence has been received, who received it and the purpose of such transfer of custody.
- F. The responsibility for requesting laboratory analysis of any evidence lies with the assigned investigating officer. Officers shall notify the evidence custodian of:
 - 1. The items to be submitted;
 - 2. The analysis to be conducted; and
 - 3. The court date if known.
- G. Items requiring laboratory examination shall be prepared, packaged, and delivered in accordance with the requirements of the receiving lab by the evidence custodian. There may be circumstances when an officer will need to personally take evidence to a lab. When this is done the officer will coordinate with the evidence custodian and ensure that all necessary paperwork is completed and returned.
- H. A written record of any evidence submitted to a laboratory for examination shall be maintained. The record shall include the following information:

1. The name of the person submitting the item;
 2. The date and time of submission or mailing and the method used;
 3. The date and time of receipt in the laboratory; and
 4. The name and signature of the person in the laboratory receiving the evidence.
- I. If a sealed package is to be opened for processing, do not cut or break the original seal if at all possible. It is better to open the package at another point and retain the original seal.

12.1.6. Releasing / Disposition

- A. After the Property/Evidence Technician has received either a Judgment and Sentence, declination notice, or notice no charges were filed, he/she will email the responsible officer notifying him/her that said evidence is scheduled for disposition. This is to insure there are no other documented reasons to hold the evidence (IE evidence is needed in another criminal case, pending court appearance by other defendants, pending/possible civil litigation, etc).
- B. The responsible officer will have 14 days following the date of notice to request the evidence be retained. The officer must also articulate specific reason(s) for the retention. The Property/Evidence Technician will then hold the evidence and document the reason for retention.
- C. Sexual assault DNA evidence, with a conviction, will be held for at least 5 years, or until the person convicted is out of prison. Sexual assault DNA evidence with no suspect will be held until the victim has died. Homicide evidence will be kept forever.
- D. Property may be disposed of in one of the following methods:
 - a. Returned to the owner;
 - b. Sold at public auction; (If property is abandoned or unclaimed, the department shall seek court authority to sell at public auction per Wyoming Statute and Sheridan City Code. To avoid the appearance of a conflict of interest, employees of the department will not be allowed to purchase items at the auction that have been seized as evidence or found property.)
 - c. Destroyed:
 - a. Abandoned, damaged, or non-working property of no apparent value will be destroyed or disposed of by placing it in a city refuse container;
 - b. Alcoholic beverages will be poured down the sewer system drain;
 - c. Controlled substances will be burned after receiving a court order for destruction;
 - d. Knives, firearms and deadly weapons will be rendered inoperable by the evidence custodian or city shop employees prior to disposal.
 - d. Converted to city use after receiving a court approval per W.S.S 7-2-105 (j).
 - e. Forfeited to the department under federal or state forfeiture proceedings.
 1. Unclaimed money that is not subject to forfeiture proceedings shall be delivered to the State of Wyoming according to the terms of the Uniform Unclaimed Property Act, Wyoming Statutes 34-24-101 to 34-24-140.
 2. When controlled substances of sufficient quality are available at the conclusion of their evidentiary value, the K-9 supervisor may request court ordered conversion through the chief of police for use as a training aid (Wyoming Statute 35-7-

1049). Only the amount of controlled substance necessary for proper training of the K-9's will be kept.

- F. The final disposition of property should be accomplished within six months of all legal requirements being satisfied.
- G. Evidence that has been retained for possible civil litigation will only be released with the chief of police and or city attorney's approval.
- H. Employees shall not purchase, convert to their own use, or have any claim on any found, stolen, abandoned, or recovered property, or property held as evidence. Employees shall not temporarily or permanently convert any property to their own private and/or personal use or to that of another person.
- I. Firearms
 - 1. Before a firearm is authorized to be released to an owner, the officer will be responsible for conducting a criminal history check on that person to ensure that they are not a convicted felon or otherwise prohibited from possessing a firearm.
 - 2. The evidence custodian will require owners of firearms to sign an affidavit attesting they are not prohibited from possessing a firearm before releasing it.

12.1.7. Accountability / Inspections

- A. The administrative bureau supervisor will conduct periodic (at least quarterly) facility inspections to determine the following:
 - 1. The property room is being maintained in a clean and orderly fashion;
 - 2. Property is being protected from damage or deterioration;
 - 3. Proper accountability procedures are being maintained;
 - 4. Property having no further evidentiary value is being disposed of promptly;
 - 5. Provisions of agency policy are being followed.
- B. Semi annual audits of property will be conducted by the special operations lieutenant. These audits will be utilized to ensure the integrity of the property function. Random comparisons of records with physical property will be made with emphasis on money, guns and drugs.
- C. An inventory of all property shall be completed whenever the evidence custodian is transferred or discontinues employment. The inventory will be performed jointly by the outgoing and newly appointed evidence custodians and the special operations lieutenant. The purpose of this inventory is to insure that all items of evidence and other property are accounted for and all records are in proper order.
- D. Other inspections and/or audits shall be conducted as deemed appropriate by the chief of police.

12.1.8. Evidence Custodian Responsibilities

- A. The evidence custodian shall be accountable for control of all property received as evidence, found property or property held for safekeeping and stored in the property rooms and storage areas.
- B. The evidence custodian shall maintain property so items are secure from theft, loss, contamination, deterioration, and can be located in a timely manner.
- C. The evidence custodian shall log all received property, and insure that all stored property is properly documented in property records of the department.
- D. The evidence custodian shall arrange delivery of evidence for laboratory examination.
- E. The evidence custodian shall make final release / disposal of all property by

1. Returning to owner;
 2. Destroying;
 3. Auction; or
 4. Conversion.
- F. The evidence custodian shall maintain an adequate supply of evidence packaging supplies.
- G. The evidence custodian will document the chain of custody of all property from receipt to final disposition by having the necessary information and signatures on the evidence tracking form before relinquishing the evidence/property.
- H. The evidence custodian shall provide testimony in court on the chain of custody of any evidence submitted.
- I. The evidence custodian shall ensure unauthorized persons do not enter the evidence facilities.