



# Apex Police Department General Order



<b>Title</b> Evidence and Property Management and Control	<b>Order Number</b> 801-22
<b>Effective Date:</b> January 26, 2022	<b>Amends:</b> General Order 801-17
<b>CALEA Standard:</b> 84.1.1, 84.1.2, 84.1.3, 84.1.4, 84.1.7, 84.1.6, 84.1.5, 84.1.8, 83.3.2	<b>Rescinds:</b> Bulletin B001-20
<b>Reference:</b> N.C.G.S. 15A-268(a1)(a2) N.C.G.S 15A-223, -254, -257 <a href="#">Apex Police Department Evidence Submission and Packaging Guide</a> , <a href="#">Raleigh/Wake City-County Bureau of Identification Evidence Submission Guide</a> , <a href="#">North Carolina State Bureau of Investigations Evidence Guide</a> , <a href="#">United States Department of Justice Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies</a> , <a href="#">Federal Rules of Criminal Procedure</a>	<b>Pages:</b> 25
<b>Forms:</b> <a href="#">F801 – Evidence/Property Control Form</a> <a href="#">F801a – Currency Log</a> <a href="#">F801b - Evidence Room Visitor Log</a> <a href="#">F801c – Receipt for Property</a> <a href="#">F801d – Property/Evidence Inspection Form</a> <a href="#">F801e – Property Release to Owner Form</a> <a href="#">F801f – Court Order SBI-5 – Request for Examination of Physical Evidence</a> <a href="#">CCBI-002.1 – CCBI Laboratory Examination Request</a> <a href="#">US Dept. of Justice National Tracing Center Request</a>	

## Evidence and Property Management and Control

### Purpose

The purpose of this directive is to establish a policy and uniform guidelines for the handling of all property and evidence coming into the official possession of any employee of the Apex Police Department. Additionally, to provide guidelines for the evidence storage system to include

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processing, recording, storing, releasing, and disposing of physical evidence and property in accordance with federal and state laws; to establish standard evidence, found property, and confiscated property handling procedures; and to define the duties and responsibilities of all employees involved in the evidence collection and preservation process.

### **Policy**

It is the policy of the Apex Police Department (APD) that all property which is found, confiscated, comes into the official possession of the department, or is otherwise obtained by any employee, while acting in an official capacity, be reported to the department's Property and Evidence function. Employees are not authorized to destroy, retain, or otherwise dispose of any item of property that has come into their custody or possession except as outlined in this General Order and permitted by applicable law, statute, regulation, or any other written directive. All employees are responsible for the collection, preservation, and proper handling of physical evidence and found property.

### **Definitions**

*Audit* – A documented accounting of high-risk items (i.e., cash, precious metals, jewelry, firearms, and drugs) and other non-agency property to establish that all property is accounted for and records can reasonably be assumed correct. (SOURCE: CALEA)

*Chain of Custody* – The continuity of the custody of physical evidence from the time of original collection to the final disposal.

*Confiscated Property* – Any seized item of property that does not meet the criteria for evidence or found property but is suspected of being illegally or improperly possessed.

*Evidence* – Any item which may be or is intended for use in court, is related to a case under investigation, and can be considered the fruits of a crime or is suspected of being linked to criminal activity.

*Evidence Clerk* – An employee of the department so designated by job description or responsibility as having control over the department's Property and Evidence function. When applicable, the term also includes the Limited Service Employee Evidence Clerk and/or the Alternate Evidence Clerk.

*Found Property* – Any item of property received by an employee with the intent to return the property to the rightful owner, whether or not the owner's identity is known.

*Inspection* – A careful and critical examination; a formal review of all components of a particular requirement and an examination of their application. (SOURCE: CALEA)

*Inventory* – A detailed itemized list of agency-controlled property in the possession of the agency, which includes a definition of what is to be itemized and a written certification by the person conducting the listing. (SOURCE: CALEA)

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*Property and Evidence Facility* – A designated room, building, lot, or area under the exclusive control of the Evidence Clerk and used for the secure storage of any property or evidence that comes into the official custody of the department.

### Procedures

1. Employees collecting evidence, confiscated, found, surrendered, or any other type of property are responsible for complying with all applicable procedures up to and including the final disposition of property.
2. Once the property is received and accepted by the Evidence Clerk, he/she is responsible for the custody, control, and accountability of all property and evidence.

### Property and Evidence Storage Facilities (84.1.2)

1. The following are designated department Property and Evidence facilities:
  - Property/Evidence Processing Room 154 and the areas within this storage area
  - Property/Evidence Storage Lockers—Located in the hallway outside Room 154-Property/Evidence Processing Room
  - Property/Evidence Refrigerator—Located in the hallway outside Room 154-Property/Evidence Processing Room
  - Property/Evidence Drop Rooms A and B (Room 10) —Located in the Sally Port Area of the main police facility
  - Property/Evidence Storage Room 09—Located in the basement level of the main police facility
  - Property/Evidence Storage Building—Located outside the main police facility
  - **Property/Evidence Impound Lot and Storage Building** Information redacted pursuant to N.C. General Statute 132 - Public Records.
  - Temporary Property and Evidence Storage—Located within the Criminal Investigations Division (CID)
  - Any other area so designated by the Evidence Clerk, Administrative Division Commander, **Deputy Chief of Police**, or Chief of Police that is secured and under the control of the Property and Evidence function

### General

1. All seized and/or acceptance of property will be completed in accordance with this General Order and applicable policies, procedures, statutes, written directives, and other regulations.
  - **When property is seized during a search warrant, form AOC-CR-206 will be left with the property owner, an individual in control of the property, or at residence pursuant to Federal Rule 41 Search and Seizure "Executing and Returning the Warrant" Section C and any NC applicable guidelines.**

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2. All property will be safely kept in designated and secured departmental Property and Evidence storage areas. (SOURCE: NCGS 15-11.1)
3. Whenever an employee takes possession of property or evidence, as a result of an official act, form F801 – *Evidence/Property Control Form* or electronic Property and Evidence Voucher will be completed fully.
  - The electronic Property and Evidence Voucher is completed in OSMCT/Mobile (MFR) and is the preferred method of recording property and evidence items.
    - The electronic Property and Evidence Voucher will be used the same way as outlined in this General Order as form F801 – *Evidence/Property Control Form*
  - All property will be turned into the department's Property and Evidence function through a designated Property and Evidence facility, or if available directly, to the Evidence Clerk before the end of the officer's tour of duty.
  - Form F801 – *Evidence/Property Control Form* or electronic Property and Evidence Voucher is required for all property and evidence taken into official custody, including those cases when the department does not store property (i.e., investigating officer returns property directly to the owner); with exceptions as noted below:
    - When an officer seizes a driver's license or a registration plate pursuant to a "Pick Up Order" of the North Carolina Department of Motor Vehicles (DMV); in which case form DL-53A – *Law Enforcement Acknowledgement/Receipt for NC License/Registration Plate* will be completed
    - When an officer takes found property into custody and returns it directly to the rightful owner before going off duty; in which case form F801c – *Receipt for Property* will be completed
    - When an alcoholic beverage is to be destroyed under the guidelines approved by this General Order and [General Order 802 – Collection and Preservation of Evidence](#); in which case the officer will complete and note the destruction
4. Incomplete or inaccurate property documentation or submitted evidence will be referred back to the officer for correction.
5. All items recorded on form F801 – *Evidence/Property Control Form* electronic Property and Evidence Voucher will be numbered consecutively and described in sufficient detail to make the items readily identifiable.
6. Prior to turning in any found property, the officer will attempt to return the property to the rightful owner. If there is any question about the ownership of any property, the officer will advise his/her immediate supervisor. (84.1.1 (f))
7. When property is released to a known owner, the person accepting custody of the property will sign the completed F801c – *Receipt of Property* in the appropriate space. The form will then be forwarded to the Evidence Clerk.

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- **NOTE:** This form may also be used as a receipt for found or confiscated property.
8. All persons involved in the chain of custody will sign and date (including the time) all appropriate forms for proper accountability of the property.
  9. Any transfer of custody of physical evidence while in the field will be documented in the Incident Report, form F801 – *Evidence/Property Control Form* electronic Property and Evidence Voucher, or any other form appropriate to the case.
    - The Evidence Clerk will inform the officer of any needed corrections.
    - The officer will make any necessary corrections by the end of his/her shift upon receipt of the correction notice.

### Temporary Property and Evidence Storage

1. Temporary property and evidence storage may be kept within the CID for use by division personnel only.
  - **NOTE:** The designated storage area must be in a secure area with access limited to authorized personnel. (84.1.2)
2. The CID Commander is responsible for the supervision, security, and control of the temporary storage.
  - **NOTE:** The CID Commander must approve the storage location and method.
3. If a need arises, a detective may temporarily place property and evidence within the approved temporary storage while conducting interviews, executing search warrants, and other official duties.
4. Detective's responsibilities:
  - Seek approval from a division supervisor before temporarily placing property and evidence within the temporary storage
  - Ensure the property and evidence is secured within the temporary storage
  - Submit the property and evidence to the department's Property and Evidence function, complete the appropriate forms, and document such in the Records Management System (RMS) as outlined in this General Order
    - Under no circumstances may property and evidence be left within the temporary storage past the detective's tour-of-duty

### Property and Evidence Management and Control

1. The Property and Evidence function of the department is the responsibility of the Administrative Division and under the supervision and control of the Administrative Division Commander.
2. All Evidence Clerks will be selected through a hiring process. (**NOTE:** The Chief of Police may designate **the Administrative Division Commander** as the alternate Evidence Clerk when necessary and will disseminate such information to departmental personnel using a Personnel Order or Bulletin.) All Evidence Clerks (including any identified alternates) will have the duty and responsibility for:
  - Accountability, preservation, chain of custody, and final disposition of all property and evidence submitted
  - Maintenance of all Property and Evidence facilities
  - Documentation of all activities related to each item of property and evidence under his/her control from receipt through final disposition
  - Testimony on the chain of custody and procedures used
  - Security of and preventing unauthorized persons from entering any Property and Evidence facility
  - Releasing and disposing of all property and evidence in accordance with this General Order and applicable statutes
  - Submittal of all evidence that requires examination and/or processing to the appropriate lab or facility, maintaining proper record keeping and chain of custody, and routing all lab reports to the appropriate person as needed
  - Reporting to the Property and Evidence facility during off-duty hours to assist with the securing of any property or evidence
  - Logging of authorized visitors into the Property and Evidence secure areas
  - Completing a monthly report (primary Evidence Clerk) documenting Property and Evidence and Quartermaster activities for the month
  - Other duties as assigned and in accordance with the job description for the position
3. Once property or evidence is received, the Evidence Clerk will:
  - Verify the property or evidence submitted with the information on the accompanying paperwork to ensure accuracy of the description, type, and amount of property
  - If acceptable, approve form F801 – *Evidence/Property Control Form* or electronic Property and Evidence Voucher and indicate the date and time received as well as where the property is stored
  - Upon approval of an Incident Report, the RMS will generate a Property and Evidence Report
    - Assign items a bin or other location in a Property and Evidence facility and place a label on each item accordingly

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- Maintain the Property Report in the RMS Evidence Module documenting all activity from the time the property or evidence was stored until its final disposition (84.1.5)
  - The Evidence Clerk will maintain a record-keeping system, in both hardcopy and computer files

### **Access and Security of Designated Property and Evidence Facilities (84.1.2)**

1. Access to a designated Property and Evidence facility is restricted to maintain accountability and ensure the chain of custody and the integrity of all property and evidence in the care and custody of the department. Therefore, access to the Property and Evidence facilities will be limited to authorized personnel.
  - The Evidence Clerk, (LSE) Evidence Clerk, Administrative Division Commander, **Deputy Chief of Police**, and Chief of Police are the only employees authorized to access designated, secured Property and Evidence facilities or to remove property and evidence items from such designated facilities.
  - If an Evidence Clerk is not available for any prolonged period, which hinders the timely processing of property and evidence, the Administrative Division Commander **or Deputy Chief of Police** may recommend an alternate to the Chief of Police. The Chief of Police may then designate this person to assume the Evidence Clerk duties for a specified period.
2. Only the Evidence Clerks, Administrative Division Commander, **Deputy Chief of Police**, and Chief of Police will be issued keys and/or electronic access cards to designated Property and Evidence facilities.
  - All employees issued keys and/or access cards will ensure the security of the keys and/or access cards and will not lend, loan, or authorize another person to use or duplicate the keys and/or access cards.
  - At no time will any designated Property and Evidence facility (containing property and evidence) be left unsecured.
3. When it is operationally necessary for a person to enter a designated Property and Evidence facility, other than the Chief of Police, **Deputy Chief of Police**, Administrative Division Commander, or Evidence Clerks, the authorized person who is providing the escort will ensure the person completes form F801b – *Property and Evidence Facility Entry Log*. The log will contain the following information: (84.1.2)
  - Date
  - Name of person entering and signature
  - Organization
  - Entry time

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- Exit time
  - The purpose for entry (i.e., inspection, assist custodians with property, inventory, etc.)
  - Name of the authorized person providing the escort and signature
4. The Evidence Clerks or any other employee who learns of or discovers an access violation will immediately report the incident to the Chief of Police through the Administrative Division Commander.
- If an access violation occurs, no one will enter until the Administrative Division Commander provides the authorization to enter.
    - Authorization for general access will not be given until any crime scene processing and evidence collection relating to the unauthorized access is completed.
  - At the earliest possible point in the investigation and when authorized by the Chief of Police, an Evidence Clerk and a supervisor will conduct an accountability inventory of the facility.
    - A written report detailing the findings will be forwarded to the Chief of Police through the Administrative Division Commander.
    - The Chief of Police will determine if an internal investigation should be conducted. Internal investigations will be conducted in accordance with [General Order 302 – Personnel Complaint Investigation](#).

### **Packaging and Processing Property and Evidence (84.1.1(d))**

1. When packaging and processing property or evidence, the employee will follow all rules for personal protection and will take safety precautions with any item that is or may be contaminated with any bodily fluid or chemical and will follow the provisions outlined in the Town of Apex Safety Policy/Procedures 205 – *Bloodborne Pathogens Exposure Control Plan*.
2. Prior to being submitted to the Property and Evidence function, all items must be packaged and labeled in accordance with the APD Evidence Submission and Packaging Guide, and where applicable, the North Carolina State Bureau of Investigation (SBI) Evidence Guide and the City County Bureau of Identification (CCBI) Evidence Submission Guide.
  - If any of the manuals conflict, the APD Evidence Submission and Packaging Guide will be used, and the conflict will be reported to an Evidence Clerk.
  - If the listed guides do not address a specific item or circumstance for packaging and labeling a piece of evidence, an Evidence Clerk, Administrative Division Commander, or Deputy Chief of Police will be consulted for guidance.
  - The guides are made available to all employees on the department's approved document management system (i.e., PowerDMS) and in the printed form located in



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the Property and Evidence function designated packaging area within the police facility.

3. Property and evidence will be packaged in an approved box, bag, envelope, or container.
  - **NOTE:** If an item is too large or does not fit within an approved supplied packaging option, the property and evidence will be properly labeled using the appropriate property and evidence tag and submitted as is.

### Submission of Property and Evidence to the Property and Evidence Function

1. All property and evidence collected in the field must be logged into departmental record and placed under the control of the department's Property and Evidence function before the officer ends his/her tour of duty. Under no circumstances will an employee hold any property in his/her personal possession beyond the end of the shift the property was seized. (84.1.1 (a)(b))
  - "Submit" means entering all applicable information into the property section of the Incident Report in the RMS, electronic Property and Evidence Voucher, and placing items into a designated Property and Evidence facility.
  - Officers collecting property and evidence items will: (84.1.1 (c))
    - Describe each item obtained in an electronic Property and Evidence Voucher.
    - Document in the narrative section of the Incident Report the circumstances by which items came into possession of the department.
  - The facility/locker will be locked.
  - Employees are not permitted to store, maintain, or otherwise keep any evidence, recovered or found property, or contraband in his/her personal possession or leave the items in any location other than as outlined in this General Order.
2. Once the property or evidence has been properly packaged and labeled, the officer will:
  - Take the packaged property or evidence to any supervisor for review
    - The supervisor's approval of the incident report will be considered approval of the reviewed evidence
  - Once approved, the officer will secure the property or evidence in a designated Property and Evidence facility
3. All property and evidence will be placed in a secure designated Property and Evidence facility. (84.1.2, 84.1.3)
  - Most property and evidence items will fit within a Property and Evidence storage locker. However, the drop rooms should be used for larger property and evidence items.
  - If property and evidence items are too large for the Property and Evidence storage lockers and/or drop rooms, the on-duty supervisor or the Watch Commander will

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notify the Evidence Clerk or, if unavailable, the Administrative Division Commander or Deputy Chief of Police, for purposes of allowing access to submit items or vehicles into the Property and Evidence function.

- The Evidence Clerk may relocate any item to another secured location and update applicable records to document the move.

### 4. Property and Evidence Impound Lot:

- The APD Property and Evidence Impound Lot is Information redacted pursuant to N.C. General Statute 132 - Public Records.
- Vehicles, trailers, large machinery, etc. seized will be stored within the impound lot
- The impound lot is divided into two secure sections, a temporary drop area and a storage area
  - **NOTE:** The storage area section of the impound lot contains a Storage Building that an Evidence Clerk may use to store property and evidence items such as bicycles, large appliances, etc.
- Each section of the impound lot, to include the Storage Building, will be controlled by key access and secured in a manner that will keep unauthorized persons from gaining access
  - Evidence Clerks will maintain all keys, using an appropriate key control process
- The temporary drop area of the impound lot will remain unsecured to allow officers to submit seized property into the Property and Evidence function as outlined in this General Order
  - Once an officer has submitted the seized property into the Property and Evidence function, he/she will secure the temporary drop area of the impound lot by using a provided lock to secure the gate
    - If a need arises for another officer to submit items or vehicles into the temporary drop area of the impound lot and the designated area is secure, an on-duty supervisor or Watch Commander will recall an Evidence Clerk or, if unavailable, the Administrative Division Commander or Deputy Chief of Police for purposes of allowing access to submit the items or vehicles into the Property and Evidence function
  - Evidence Clerks will move seized property into the storage section of the impound lot and process the seized property into the Property and Evidence function as outlined in this General Order
- Access is limited to authorized personnel. The storage section and Storage Building of the impound lot will only be accessed by authorized employees as defined in this General Order. The temporary drop area of the impound lot may be accessed by an employee who is submitting seized property for processing into the Property and Evidence function. Any non-employee (i.e., wrecker driver) that is assisting with the storage, moving, or removal of any property will be under the direct observation, control, and supervision of the seizing officer, another officer, or Evidence Clerk
  - If the temporary drop area contains seized property and there is a need to submit additional seized property, the Evidence Clerk or, if unavailable, the

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Administrative Division Commander or Deputy Chief of Police, will be notified and recalled as necessary to assist in processing any seized items

### Request for Evidence Processing or Examination (83.3.2)

1. The following evidence may require processing, analysis, or examination by the SBI or CCBI Laboratory:
  - Controlled substances
  - Evidence containing DNA
  - Firearms discharged during a crime
  - Latent fingerprints
  - Other items that need processing as a reasonable investigative method
    - **NOTE:** Items to be processed for DNA or latent prints must be packaged in paper or cardboard
2. All items confiscated or seized may not require processing.
  - The decision to submit a specific item for evidence processing should be made in consultation with the arresting/investigating officer, an Evidence Clerk, CID Commander, and if appropriate, the Wake County District Attorney's Office.
3. The officer who seized the evidence or the assigned investigator will complete either form SBI-5 - *SBI Request for Examination of Physical Evidence* or CCBI-002.1 – *CCBI Laboratory Examination Request* and submit the form to his/her immediate supervisor, an on-duty supervisor, or Watch Commander for review.
  - The officer will:
    - Ensure that the item number for submission on the appropriate laboratory examination form and the item number on form F801 – *Evidence/Property Control Form* or electronic Property and Evidence Voucher is the same
    - Note any analysis requested on the appropriate form F801 – *Evidence/Property Control Form* or electronic Property and Evidence Voucher
  - The reviewing supervisor will:
    - Review the request form, and if appropriate, indicate approval
    - Return the request form back to the officer, who will submit the form to the Evidence Clerk.
4. Upon receipt of the appropriate laboratory examination request form, the Evidence Clerk will:
  - Prepare the evidence and arrange transportation and delivery of the evidence to the proper laboratory facility
    - Items to be submitted for analysis/examination will remain sealed in the packaging as submitted to the Property and Evidence function (83.3.2 (b))

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- The Evidence Clerk will transport any items to the proper laboratory facility in their original packaging (83.3.2 (b))
- Further procedures for packaging and transmitting evidence to the laboratory facility are outlined in the SBI Evidence Guide or the CCBI Evidence Submission Guide (83.3.2 (b))
- Transport the evidence to the proper laboratory facility
- Submit the evidence, appropriate laboratory examination request form, and any other appropriate document to laboratory personnel (83.3.2 (a)(c)(d))
  - When the Evidence Clerk personally delivers items to the SBI or CCBI Laboratory for examination, the Evidence Clerk is responsible for maintaining the chain of custody, to include obtaining an appropriate receipt for the items
  - The Evidence Clerk will note any analysis requested on form F801 – *Evidence/Property Control Form* or electronic Property and Evidence Voucher
- Following analysis, the results will be returned to the department in writing by the appropriate laboratory and will be made part of the appropriate case file and/or uploaded into the department's RMS under the appropriate incident report (83.3.2 (e))

### Submission to the Integrated Ballistics Identifications System (IBIS)

1. Spent shell casings or firearms collected from a crime scene during a criminal investigation or as found property will be submitted into evidence in accordance with [General Order 802 – Collection and Preservation of Evidence](#) and will be submitted for IBIS analysis.
  - When a firearm is collected, the investigator assigned the case will contact a department firearms instructor to have the weapon test-fired at an appropriate firearms facility, collect the shell casings, and submit them for processing as evidence.
2. The investigator assigned the case will complete the SBI form, SBI-5 – *Request for Examination of Physical Evidence*, notate "IBIS ONLY" on both the form and evidence packaging, and transport the casings to the SBI for analysis.
3. Only the following calibers of spent ballistic shell casings can be uploaded into IBIS:
  - 25 auto
  - 32 auto
  - 380 auto
  - 40 auto
  - 45 auto
  - 9mm
  - 10mm
  - .223
  - 5.56 x 45mm
  - 7.62 x 39mm

### Special Situations

1. Requests from citizens to destroy old ammunition, firearms, and fireworks will be permitted as follows:
  - Ammunition
    - Small amounts
    - Must be factory load and in its original container
    - May NOT be unstable, corroded, or showing signs of deterioration
    - **NOTE:** No other ammunition will be accepted
  - Firearms
    - Not permitted
    - **NOTE:** Officers are to refer citizens to the Wake County Sheriff's Office (WCSO)
  - Fireworks
    - Are permitted
    - Any amount
2. Authorized items turned over for destruction by a citizen will be processed as found property in accordance with this General Order and turned over to the SBI Bomb Squad Unit for final destruction.
  - **EXCEPTION:** If during normal Town of Apex (TOA) business hours, an Evidence Clerk, Administrative Division Commander, or Deputy Chief of Police may contact the SBI Bomb Squad Unit and request the items be picked up for destruction.
    - **NOTE:** Generally, upon request, a member of the SBI Bomb Squad Unit will collect items for destruction the same day the request is made.
    - In these cases, only form F801c – *Receipt for Property* must be completed.
3. All property acquired through a civil process function or asset forfeiture proceedings will be accounted for in department records (i.e., inventories) and will only be disposed of in accordance with applicable laws, regulations and written directives. (84.1.8)
  - The APD does not have a civil process function. The WCSO typically handles those duties within Wake County.
  - The United States Department of Justice Guide to Equitable Sharing for State and Local Law Enforcement Agencies will be followed for property acquired through federal asset forfeiture.
  - North Carolina Department of Revenue procedures will be followed for property acquired through North Carolina Controlled Substances Tax.

### Handling Procedures for Exceptional, Valuable, or Sensitive Property Items (84.1.1 (e))

1. Currency (Money and Counterfeit Money):

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- All currency (foreign, US, or counterfeit) seized with a search warrant, confiscated during a traffic stop, found by departmental employees, or turned over to any employee for safekeeping will be submitted to the Property and Evidence function
    - **NOTE:** Traveler's checks will be treated and packaged as cash
  - The receiving officer will issue form F801c – *Receipt of Property* to the person from whom the currency is seized or received, unless the officer finds the currency
  - The receiving officer who processes/recovers currency will complete F801a – *Currency Log* in addition to Form F801 – *Evidence/Property Control Form* or electronic Property and Evidence Voucher
  - The Evidence Clerk will store all currency using extra security measures (i.e., safe, etc.) within designated Property and Evidence facilities
  - All currency must be packaged and labeled in accordance with the *Apex Police Department Submission and Packaging Guide* and placed in an approved currency evidence bag/envelope
    - Form F801a – *Currency Log* must accompany all currency entered into the Property and Evidence function and must be signed by the investigating officer and a supervisor
    - In the following instances, currency may be packaged immediately using a self-sealing evidence bag and a copy of Form F801a – *Currency Log* be returned to the owner within three business days via certified mail:
      - Money seizures of \$5,000.00 or greater
      - Money seizures of 100 bills or greater of of varying denominations
      - In all instances, form 801a – *Currency Log* will be affixed to the outside of the sealed evidence bag after the currency has been counted
    - All currency bags must be placed into the locker and will be sealed with clear packing tape, signed, and dated
    - The Evidence Clerk will not unseal the bag/envelope for the purpose of a recount
    - The Evidence Clerk will store all currency using extra security measures within designated Property and Evidence facilities
  - The Evidence Clerk will not accept any funds without properly completed forms
2. Jewelry and Precious Metals:
- Jewelry and precious metals will be packaged separately from any other item and submitted in accordance with this General Order and packaged as outlined in the *Apex Police Department Submission and Packaging Guide*
  - The Evidence Clerk will store all jewelry and precious metals using extra security measures within designated Property and Evidence facilities
3. Narcotics and Other Drugs:
- The officer responsible for a seizure of narcotics or other drugs will count each individual bag, dosage, container, plant, or other description and weigh the narcotics/drugs before placing these items into a sealed container

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- Narcotics and other drugs will be packaged separately from any other item and submitted in accordance with this General Order and packaged as outlined in the *Apex Police Department Submission and Evidence Packaging Guide*
- The Evidence Clerk will store all narcotics and other drugs using extra security measures (i.e., Narcotics Storage Room) within designated Property and Evidence facilities
- When the quantity of narcotics or other drugs meets the threshold as defined by the North Carolina Department of Revenue, the officer will complete BD-4 – *Report of Arrest/Seizure Involving Non-taxed Paid (unstamped) Controlled Substance*. (SOURCE: NCGS 105-113.108)
  - Prior to submitting the BD-4 form, the employee's immediate supervisor, on-duty supervisor, or Watch Commander will review the form for accuracy and ensure any corrections are completed

### 4. Firearms:

- The officer responsible for a seizure of a firearm will make the firearm "safe" by completely unloading it by: emptying the cylinder, chamber or removing any magazine, clip, or ammunition carrier
  - If the firearm was/suspected of being used in a crime, the investigator will be consulted before unloading, handling, or moving a firearm, unless it needs to be moved for safety reasons
  - If an officer is unable to unload a weapon and/or render it "safe," the officer should contact a departmental armorer for assistance
    - **NOTE:** If an armorer is not available, a warning tag/notice will be placed on the firearm and on the evidence storage facility, locker, etc.
  - The officer/supervisor should not attempt to disassemble the firearm nor put any type of tape on the firearm
- The officer will protect the firearm and any magazines, ammunition, and internal parts for processing (i.e., fingerprints, etc.)
  - **NOTE:** Officers should wear latex gloves to handle and secured firearms/ammunition
- Firearms will be packaged separately from any other items and submitted in accordance with this General Order and packaged as outlined in the *Apex Police Department Submission and Packaging Guide*
  - The on-duty supervisor will verify that the firearm is unloaded and rendered "safe" and indicate so in writing on the outside top/front of the box
  - A long gun (i.e., rifle, shotgun, BB gun, etc.) with a scope attached must still be packaged in a provided box
    - **NOTE:** If necessary, the box can be modified to accommodate the scope (i.e., box cut and re-taped to allow room, etc.)
  - The slide, bolt, or the cylinder of the weapon must be secured in the open position with a tie
    - **NOTE:** Do not place the tie or any object inside the barrel of the firearm

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- The Evidence Clerk will store all firearms using extra security measures within designated Property and Evidence facilities
- Officers seizing a firearm will request a firearm trace through the ATF as outlined in the ATF Firearms Tracing Guide (<https://www.atf.gov/file/58631/download>)
  - Officers will complete and submit ATF form F3312.1 - *National Tracing Center Trace Request* with the property and evidence as outlined in this General Order
    - This form can be found at <https://www.atf.gov/file/11771/download> or requested from the ATF Distribution Center by calling (202) 648-6420
  - The Evidence Clerk will submit a trace request to the ATF by:
    - ATF's paperless firearms trace submission system, "eTrace," at [www.atfonline.gov](http://www.atfonline.gov)
    - Mailing the completed form to the ATF National Tracing Center 244 Needy Road, Martinsburg, WV 25401 or faxing it to 1-800-578-7223
    - **NOTE:** Detectives may submit a trace request to the ATF

### 5. Knives/Swords and Other Blade Weapons:

- Knives, swords, and other blade weapons will be packaged separately from any other item and submitted in accordance with this General Order and packaged as outlined in the *Apex Police Department Submission and Packaging Guide*
- The Evidence Clerk will store all knives, swords, and other blade weapons using extra security measures within designated Property and Evidence facilities

### 6. Other Exceptional, Valuable, or Sensitive Items:

- Other exceptional, valuable, or sensitive items will be packaged separately from any other items and submitted in accordance with this General Order and packaged as outlined in the *Apex Police Department Submission and Packaging Guide*
- The Evidence Clerk will store all exceptional, valuable, or sensitive items using extra security measures within designated Property and Evidence facilities

## Procedures for Removing Property and Evidence from Storage (84.1.1(g))

### 1. When needed for court prosecution, evidence may be removed as follows:

- Unless hindered by the size or weight of the item, officers are responsible for retrieving property from storage for submission to court
  - If assistance is needed, the officer will advise the Evidence Clerk
- Unless directed by a supervisor or being held by the court, the officer originally removing property and evidence will return the property and evidence to storage no later than the end of the court day and before going off-duty
- If an officer attempts to return property or evidence and an Evidence Clerk is not available, the officer will place the property or evidence in a designated Property and Evidence facility



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2. When needed for further investigation, property or evidence may be removed as follows:
  - For submittal to a laboratory for examination (i.e., SBI, CCBI)
  - To make copies of papers, documents, or media (i.e., CDs, DVDs, etc.)
  - For an officer, victim, witness, etc. to view media
  - Any other purpose reasonably determined to be necessary to further the investigation as approved by an appropriate supervisor or Division Commander
3. The Evidence Clerk may remove property or evidence for legitimate purposes in compliance with all applicable policies, procedures, and statutes:
  - To return the property to the rightful owner
  - To take evidence to a lab or processing facility
  - To facilitate the sale or destruction of property
4. Records will be maintained for all property removed from a designated Property and Evidence facility.
  - When retrieving property, the person receiving the property (i.e., officer, owner, etc.) will sign form F801 – *Evidence/Property Control Form* or electronic Property and Evidence Voucher and provide a purpose.
  - The Evidence Clerk will indicate the purpose for removal in the evidence module of the RMS.
5. If property or evidence is taken to court and it is necessary to leave it in the custody of the court or the Wake County District Attorney's Office, the officer originally removing the property or evidence from storage will:
  - Obtain a signed receipt; the officer must sign in the "Released To" space, and an official of the court or District Attorney's Office must sign in the "Received By" space in the chain of custody portion of Form F801 – *Evidence/Property Control Form* or electronic Property and Evidence Voucher
  - The officer will return the document to the Evidence Clerk no later than the end of the court day and before going off-duty the day the property or evidence was checked-out

### **Release, Disposal or Destruction of Property and Evidence (84.1.1(g))**

1. All evidence or other property will be disposed of according to a court order and as outlined in this General Order and any other applicable written directives. (84.1.7)
  - For the purposes of this policy, court order refers to form F801f – *Court Order*.
2. For any property (other than found property and/or incidents where no crime has occurred) or evidence that will be released or destroyed, the Evidence Clerk must have a signed court

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order disposition form and/or a printout from the NC Administrative Office of the Courts (AOC) indicating disposal instructions for each item of property or evidence. The form must be executed by either:

- District or Superior Court Judge (for a felony)
- Magistrate (for a misdemeanor)
- District Attorney (DA) or an Assistant District Attorney (ADA)

### 3. The Evidence Clerk is responsible for requesting the disposition of all evidence held by the department at least twice per calendar year. (84.1.7)

- The Evidence Clerk will distribute printouts obtained from the RMS to the appropriate officer indicating assigned cases with associated property and evidence.
- Officers are responsible for:
  - Reviewing the printouts
  - Determining the disposition status of each case (i.e., CJLeads, AOC)
  - For active cases, the officer will note on the appropriate printout that the case is "Active"
    - Officers are not required to provide a copy of the AOC printout to the Evidence Clerk
  - For cases that are disposed of, the officer will note the disposition date and status on the appropriately associated printout
    - Officers will attach a copy of the AOC documentation to the appropriate printout associated with the disposed of case
  - All documentation will be forwarded to the Evidence Clerk for review and filing purposes within 30 days of receipt
- If the case is disposed of, the officer will complete and submit form F801e – *Court Order* to the appropriate judicial authority for signature and return the signed court order to the Evidence Clerk.
  - The Evidence Clerk will follow up with the Wake County District Attorney's Office to obtain the signed court orders if needed.
    - **NOTE:** Officers may be required to pick up signed court orders as needed.

### 4. Upon receipt of court orders, the Evidence Clerk will review the signed forms to determine if the property will be:

- Returned to its rightful owner
- Disposed of in accordance with federal and state laws
- Retained in a designated Property and Evidence facility

### 5. Property and evidence to include found, recovered, and evidentiary property that has been released by the courts will be disposed of by the Evidence Clerk as soon as possible, but no later than six months from the date released. (84.1.7)

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6. Unless otherwise directed by the court, items of:
  - No evidentiary value and/or unlawful will be destroyed
  - No evidentiary value where the owner can be identified will be returned to the rightful owner
  - Value for which rightful ownership cannot be established will be sold at public auction
  - Use to the APD may be requested to be turned over for the official use by the department
7. The person determined to be the rightful owner of the property must come to the department, in person or by a lawful representative (i.e., attorney), to claim any items and must present proper identification (i.e., government ID, passport, driver's license, etc.) before any property may be released by the Evidence Clerk.
8. Found property will be held for at least 180 days from the date of receipt (60 days for bicycles).
9. If, after a 180-day holding period, the officer or Evidence Clerk is unsuccessful in locating the owner of any found property by using all appropriate means available (i.e., RMS, DCI, contacting other agencies, etc.) and the original owner has failed to file a lost property report, then the found property will be disposed of as follows: (84.1.1. (f))
  - If the finder of the property requests in writing that the property be returned to him/her, the property may be returned to the finder
  - If the finder of the property does not request that the property be returned to him/her, the property will be treated as unclaimed property and disposed of in accordance with unclaimed property procedures
  - Bicycles may be returned to the finder, auctioned, or donated to a charitable organization after a 60-day holding period from the date of receipt (**SOURCE:** NCGS 15-12 (b))
10. If, after a 180-day (60 days for bicycles) holding period, the officer or Evidence Clerk is unsuccessful in locating the owner of the unclaimed property by using all means available (i.e., RMS, DCI, contacting other agencies, etc.) and the original owner has failed to file a lost property report, then the found property will be disposed of as follows:
  - Notice of Unclaimed Property:
    - After the 180-day (60 days for bicycles) holding period, a "Notice of Unclaimed Property" must be published in a newspaper within Wake County
    - The notice must contain a brief description of the property, specify the listed items in the custody of the department, state that any person who may have or claim any interest in the property must report that claim to the department within 30 days of the publication of the notice, and a statement that any unclaimed property will be sold or otherwise disposed
  - Notice of Sale:

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- In addition to the "Notice of Unclaimed Property," the department must advertise and post the sale of the unclaimed property
- This may be combined with the "Notice of Unclaimed Property"
- The Notice of Sale must:
  - Be published at least one time in a newspaper in Wake County
  - Be posted at the Wake County Court House
  - Be posted at three other public places in Wake County: APD, TOA Town Hall, and the Eva Perry Regional Library
  - All be posted at least 10 days prior to the sale
  - Specify the time and place of the sale
  - Contain a sufficient description of the property to be sold
- Sale of Property:
  - If property remains unclaimed for 30 days after both Notices of Unclaimed Property and Sale have been properly published, then the property may be sold at public auction
- Bicycles may be donated to a charitable organization exempt under section 501(c)(3) of the Internal Revenue Service (IRS) Code
  - **NOTE:** This must be stated in the Notice of Unclaimed Property
- Proceeds of Sale:
  - The proceeds from the sale will be used to pay the costs and expenses of the sale, and the remaining balance will be delivered to the Treasurer of the Wake County Board of Education (SOURCE: NCGS 15-15)
  - All proceeds of the sale will be turned over to the TOA Finance Department
- Exception
  - If property has been lawfully seized pursuant to NCGS 15-11.1 and has either remained unclaimed for at least 180 days (60 days for bicycles) or has been determined by the Wake County District Attorney's Office to have no more evidentiary value, an officer may request that this property be turned over to the department for training purposes or request the item be disposed of per state and federal laws (SOURCE: NCGS 15-12 through 15-16)

11. Property and evidence associated with cases where no arrest has been made may be disposed of after the statute of limitations has expired without the signature required in this policy.

- **EXCEPTION** – Evidence in the following cases must be maintained indefinitely:
  - Homicide cases
  - Sexual assault investigations
  - Kidnapping investigations
  - Suicides
  - Suspicious deaths (until a cause of death can be determined)
  - Missing person cases (until the missing person is located)
  - Bank robbery investigations

## Evidence and Property Management Control

- All felony investigations
- DNA/Biological evidence (SOURCE: NCGS 15A-268(a1))

12. Found, "unlawful" property where no arrest has been or will be made, including recovered property controlled substances, can be destroyed after 120 days.

- The Evidence Clerk will seek court authorization for each item before the destruction.

13. All destruction of property will be performed by the Evidence Clerk and witnessed by another employee.

- All persons involved in the destruction of evidence will sign records attesting to the destruction and the signed records will be maintained in the evidence files.
- Destruction of firearms, drugs, or controlled substances will require at least one armed, sworn police officer to accompany the Evidence Clerk.
- All firearms will be turned over to the WCSO, pursuant to a court order.
  - Destruction of firearms will be completed in conjunction with the WCSO.

14. The investigating officer or assigned investigator in a case where evidence has been collected is responsible for obtaining the proper destruction order within 90 days after a disposition on the case has been rendered.

- When the defendant is found guilty or has pled guilty, the officer will obtain a court order.
  - The evidence will be held for 14 days to allow for a notice of appeal to be filed.
  - If no appeal has been filed, the evidence will be destroyed according to law and departmental policy.
- All evidence in a misdemeanor case with no known suspect will be held for two years from the date of the offense and then disposed of according to applicable regulations.
- If the charges are dismissed or the defendant is found not guilty, the charging officer or assigned investigator will obtain a court order, and the evidence will be disposed of as soon as possible according to applicable regulations.
- In a felony case where the defendant has pled or been found guilty, the officer will obtain a court order, and the evidence will be held for 14 days to allow for a notice of appeal to be filed.
  - If no appeal has been filed, the evidence will be disposed of according to applicable regulations.
- If the charges are dismissed or the defendant is found not guilty, the officer will obtain a court order within 90 days of adjudication, and the evidence will be disposed of as soon as possible according to applicable regulations.
- Exceptions:
  - NCGS 15A-268(a1)) requires that "a governmental entity in the custody of evidence shall preserve any physical evidence that is reasonably likely to

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contain biological evidence collected in the course of a criminal investigation or prosecution"

- NCGS 15A-268(a2)(3) requires that "for conviction of an offense requiring sex offender registration, the evidence must be preserved by the governmental agency during the period of incarceration and any period of mandatory supervised release or probation"
- NCGS 15A-268(a2)(2) requires for a conviction of a "violent felony the evidence shall be preserved during the period of incarceration except when there is a guilty plea, then the evidence shall be preserved for three years"
- NCGS 15A-268(a2)(1) requires the biological evidence from a conviction resulting in a sentence of death be preserved until execution

15. The CID Persons Crimes Supervisor will be responsible for determining the disposition of the evidence in the event that the assigned officer or investigator is no longer employed by the department or unavailable to do so.

16. Annually, the CID Persons Crimes Supervisor will complete a documented review of all DNA evidence related to a homicide, rape, or any other case deemed appropriate to determine if there is a need to re-submit DNA evidence to the lab for data bank comparison. (**NOTE:** The Persons Crimes Supervisor is responsible for re-submitting identified DNA evidence to the lab as outlined in this General Order and any other applicable written directive.)

- This review may be a part of the annual cold case investigation review as outlined in [General Order 1101 – Criminal Investigations](#).
  - **NOTE:** If there is no DNA evidence to review, this must be noted in the review.
- The review will be completed and submitted to the Chief of Police through the chain of command no later than February 25th of the year following the period subject to the review.
  - This date may be extended with the written approval of the Chief of Police.

17. Property Returned to Owner:

- If approved by the Wake County District Attorney's Office or US Attorney's Office, an effort will be made to return evidence not needed for prosecution back to its rightful owner as soon as possible and after it has been photographed and processed as outlined in [General Order 802 – Collection and Preservation of Evidence](#)

18. Property Turned Over for Use of the APD: (84.1.4)

- Any officer who investigates a case that includes evidence or property that the department may use will forward a memorandum describing the particulars of the case and the intended use of the property to the Chief of Police through the chain of command, prior to requesting the property through the courts
  - A copy of all related case documents will be included with the request

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- Upon specific court order, confiscated or found property may be released to the department for use in its official duties
- Any property turned over to the department will be accounted for in department inventories and/or records by the Administrative Division Commander, another appropriate Division Commander or designee
- The division, section, unit or employee to which the property is assigned is responsible for the security and accountability of any items, as with all other property assigned to the division
- Weapons turned over to the department are the responsibility of the Range Master
- The department may accept narcotic training aids from the US Drug Enforcement Agency (DEA) as outlined in [General Order 1701 – Canine \(K-9\) Unit Program](#) for training purposes
  - The department does not accept and prohibits the use of explosives for training or investigative purposes

### 19. Return of Property

- If known, the property owner will be sent a certified letter by the Evidence Clerk, which includes a description of the property and indicates the deadline for retrieving the property.
  - If the owner cannot be located or will not come to retrieve the property, it will be disposed of in accordance with this General Order and applicable laws.
- When evidence or property is returned, the owner must sign form F801 – *Evidence/Property Control* or electronic Property and Evidence Voucher and form F801e – *Property Release to Owner Form*.
- Firearms that are obtained in any way, for any reason, will only be returned after an effort is made to verify proof of ownership and after verifying the legal ability of the owner to possess the weapon through a criminal records check and verification that no court orders are in effect prohibiting the possession, such as a Domestic Violence Protective Order (50b), etc.
- If a firearm is returned, it will be unloaded and, if the return is accompanied by ammunition, the firearm will remain temporarily inoperable (zip tie, etc.) until the owner leaves the police facility. The Evidence Clerk may request the person be escorted out by an officer.
  - Prior to releasing a firearm, the Evidence Clerk will conduct a criminal history check to verify that the owner is not a wanted person, convicted felon, the subject of an active Ex Parte Order or a 50B Restraining Order, or in anyway prohibited from legally possessing a firearm.

### Inspections/Inventories/Audits

1. Designated Property and Evidence facilities which will be inspected include:
  - The main Property and Evidence storage facility

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- Secure storage locations located within the main storage facility
  - Drop rooms
  - Vehicle storage locations
  - K-9 Unit Storage locations for controlled substance training aids
  - Impound lots and Storage Buildings
  - Any other storage locations in use by the department
2. The following inspections, inventories, and audits will be conducted:
- Quarterly Inspection (84.1.6 (a)) (84.1.6 (d))
    - The Administrative Division Commander or his/her designee will, on a quarterly basis, conduct an inspection
    - The inspection will not be announced, but will be conducted at random and include a variety of facilities and storage locations
  - Annual Audit (84.1.6 (c))
    - An annual audit will be conducted during the first quarter of the year by a supervisor designated by the Chief of Police
    - The auditor will not be assigned to the Administrative Division
    - The auditor will refer to and use CALEA Appendix K while conducting the audit
      - **NOTE:** Appendix K is located in the department's document management system (PowerDMS) under the CALEA Standards Manual tab
        - The auditor will click on the most recent version, scroll down the manual tabs, click on the Appendix tab, and click on Appendix K
    - The inspection will not be announced but will include all facilities and storage locations
  - Change of Custodian Audit (84.1.6 (b))
    - An audit to ensure records are correct and properly annotated will be conducted whenever a new primary Evidence Clerk is appointed or assigned
    - The new primary Evidence Clerk and the Administrative Division Commander, or his/her designee with the approval of the Chief of Police, will conduct the audit
    - The auditors will refer to and use Appendix I while conducting the audit
      - **NOTE:** Appendix I is located in the department's document management system (PowerDMS) under the CALEA Standards Manual tab.
        - The auditor will click on the most recent version, scroll down the manual tabs, click on the Appendix tab, and click on Appendix I
    - The audit will include a significant representative sampling of property, including high-risk items, and ensure that all records are current and properly annotated



## Evidence and Property Management Control

### 3. Inspections will ensure:

- The designated Property and Evidence facilities are being maintained in a clean and orderly fashion
- The integrity of the property is being maintained
- Procedures, orders, and directives concerning the property management system are being followed
- Property is being protected from damage or deterioration
- Proper record-keeping and accountability of property and evidence is being maintained
- Property having no further evidentiary value is being disposed of promptly and in accordance with applicable statutes

### 4. Inventories will ensure:

- The continuity of custody for property and evidence but will not require the accounting of every single item of property unless ordered by the Chief of Police
- The inventory will be sufficient in the number of items identified to ensure the integrity of the system and the accountability of property

### 5. Audits will ensure:

- The verification of property and evidence items as well as record-keeping, and will include a significant representative sampling of property, including high-risk items (i.e., narcotics/drugs, precious metals, weapons, cash, other valuables)

### 6. All inspections and audits will be documented on Form F801d – *Property/Evidence Inspection Form*.

- The original form will be forwarded to the Chief of Police through the Administrative Division Commander.

Text in "Green" denotes a significant change in policy.

**BY ORDER OF:**



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Jason P. Armstrong  
Chief of Police