

# GENERAL ORDERS | SOUTH MIAMI POLICE DEPARTMENT



<b>G.O. Number:</b> 35.3	<b>Subject:</b> Property and Evidence Handling	
<b>Chapter:</b> 35 Collection and Preservation of Evidence	Number of Pages: 04	
<b>CFA Standard(s):</b> 27.01, 27.02	<b>Effective:</b> 08/01/2014	
<b>By Order of Chief of Police:</b> Rene G. Landa Chief of Police		<b>Revised:</b> 04/18/2022 <b>Status:</b> Amended

## SECTIONS:

- 35.3.1 Evidence, Transfer of Custody**
- 35.3.2 Evidence, Laboratory Submission**

**RESCINDS:** All existing orders in conflict.

**PURPOSE:** To establish uniform procedures for handling evidence, to include the transfer of custody and laboratory submission of evidence.

**SCOPE:** All departmental personnel.

**POLICY:** The proper collection, preservation, and handling of physical evidence is crucial. The chain of custody from the recovery to the time of court presentation is carefully scrutinized by the court system. The proper handling of physical evidence may be a determining factor in the successful prosecution of criminal cases.

To insure that the physical evidence collected by South Miami Police Department personnel will meet the requirements of the judicial system, a standard procedure which will permit the proper collection and preservation of evidence is mandated. All evidence shall be the responsibility of the person accepting the impound until such time as the evidence is delivered to the SMPD Property/Evidence Custodian and/or the Miami-Dade Police Department Lab for analysis.

### 35.3.1 Evidence, Transfer of Custody

- A. The Miami-Dade Police Department Property Receipt is required to be used to document, by printed name, signature, identification number, reason, and date and time, each change of custody and location of the property. [CFA27.02M(a)] The receiving officer and each succeeding person who has custody of the property, will inspect the property and affix his/her signature, rank, and appropriate information on the Property Receipt. These changes are reflected at the bottom (and back pages if necessary) on the Property Receipt. [CFA27.02M(b)] Once the evidence has been properly secured in the evidence bag and the Property Receipt is attached, the property is placed either in the Property/Evidence Room by the Property/Evidence Supervisor/or his designee, or into a property locker by the impounding officer.
- B. Property placed into an evidence locker will be removed by the Property/Evidence Supervisor or his designee. At this time, the Services Unit Supervisor or designee will then remove the property from the locker and will enter the property into the RMS indicating that the property has been placed in the property room (electronic chain of custody information). Records reflecting the location and status of all property placed in the Property/Evidence Room will be prepared by the custodian at the time the item(s) is placed in the Room as described in G.O. 36.1.5.
- C. The reason for any transfer of custody of physical evidence will be documented as required in this directive. Transfer may take place when the evidence is taken to a crime analysis laboratory, presented in court as evidence, or for further investigative processing. [CFA27.02M(c)] Transfer of property will be hand-to-hand whenever possible. Personnel working outside regular business hours not able to personally pick up property/evidence will contact the Services Supervisor via email and request to have the property secured inside a designated temporary property locker. The officer will then checkout the respective key from the KEYTRACK system and retrieve the property/ evidence. Property/ Evidence being returned to the Services Supervisor will be conducted in the same (above) manner. In no case will any personnel leave property for another member on someone's desk, in their mailbox, or in their office.
- D. Whenever evidence is checked out of the property room (i.e.: court, processing, lab, etc.) the Services Supervisor or designee will document its release in the RMS Log (Property and Evidence Module). A monthly out of inventory report will be conducted to ensure evidence is returned in a timely manner when applicable.
- E. When impounding and packaging property and/or evidence, department personnel will:

1. Fill out a Miami-Dade Police Property Receipt to accompany the item(s) being submitted and package the item(s) properly in a clear plastic or brown paper evidence bag, when possible. Oversized items (bicycle, shovel, etc.) do not have to be bagged. If evidence is to be submitted to the crime lab, a lab request form must be completed.
2. If the item is wet, allow it to air dry prior to packaging. (See the supervisor to place the item in a secure environment until dry).[CFA27.01M(f)] If the item is plant material or anything that may dry while in property, package it in a paper bag. If the item is dry, package it in a plastic bag.
3. On the outside of the property/evidence bag or envelope, the officer/employee will write the following:
  - a. Officer's name and ID number;
  - b. Date of impound;
  - c. Case Number.
4. Seal the bag/ envelope with the heating element and/or with evidence tape, even if it is only found property. Property is to be bagged separately; there are five categories:
  - a. Firearms
  - b. Narcotics
  - c. Money
  - d. Valuable jewelry
  - e. Other (includes ammunition)

Property from different categories will require different property receipts. Example: Officer impounds cash, cocaine, and a gun. 3 property receipts will be generated, because these items will be stored in different locations in the property room.
5. The impounding officer or employee will place his/her initials half on the evidence tape and half on the bag.
6. If the bag contains property that has been or was possibly exposed to a bio-hazardous substance, place a "Bio-Hazardous" sticker on the bag where it will be easily seen, and place a "Bio-Hazardous" sticker on the property receipt in the proper location.
7. Have the shift sergeant place the item(s) in an evidence locker and note same on offense/incident report.

8. If hand delivered to the Miami-Dade Police Department laboratory, the name of the receiving person will be obtained and they will sign on the property receipt in the appropriate location (see section 35.3.2). A copy of the property receipt will be made and placed in the Services Unit supervisor's mailbox.
9. Evidence mailed or shipped shall always be sent by registered mail.

### **35.3.2 Evidence, Laboratory Submission**

- A. The Property custodian will be responsible for submitting evidence to the Miami- Dade Police Department Laboratory. If necessary (i.e. after hours, etc.), the Property Supervisor may assign another departmental employee to transport and submit the evidence to the lab. When items of evidentiary value are submitted to the laboratory, the transaction will be documented on the chain of custody section of the property receipt, with the transporting officer's name, signature, ID, location, date, and time. [CFA27.02M(e)]

The green copy of the property receipt will be returned to the transporting officer by the crime lab personnel accepting the evidence after the lab personnel sign their names and signature for receiving the items. This copy will be maintained in the "items at lab" file in the property room.

Blood draw or urine samples taken by Breath Test Operators ("DUI Certified Officers") will be transported by the BTO to the MDPD lab during business hours, or MDPD property section after hours, as soon as practicable, and without undue delay.

#### **Laboratory Analysis:**

1. Evidence will be submitted to the Miami-Dade Police Department Crime Lab for several reasons, including: narcotics testing, D.N.A., test-firing, etc.
2. Once the property has been analyzed and is being returned, the Property Supervisor will verify the returned property and its green receipt. A copy will be removed from the "items at lab" file and attached to the evidence.
3. Any item being submitted to the Miami-Dade Police Crime Lab for testing must be accompanied by a Lab Analysis Request form. The officer completing the form will give brief description of the event that resulted in the item being impounded and what tests are requested. [CFA27.02M(d)]