

MACON COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURE MANUAL

G.O. III-9

EFFECTIVE DATE:
JULY 15, 2003

HANDLING AND STORAGE OF EVIDENCE

The purpose of this policy is to establish procedure for the handling and storage of evidence. The proper collection, preservation, handling, storage, security and maintaining chain of custody for the physical evidence pertaining to a case is instrumental in the successful prosecution of criminal cases. Many times cases are dismissed due to improper evidence collection and storage, or the integrity of evidence being compromised because of improper documentation concerning chain of custody. To ensure that the physical evidence collected by this agency meets the requirements of the court system, the Macon County Sheriff's Office adopts the following policy in regard to handling and storage of evidence.

Definitions:

Evidence Custodian - The evidence custodian will be appointed by the Sheriff and will be responsible for the internal handling and security of all evidence or property until its disposal in accordance with court order or state statute.

Evidence Room or secure area - The evidence room, or secure area is where all evidence and paperwork concerning evidence records are stored. This can include, but is not limited to any building, safe, or room that is secure and is only accessible by the evidence custodian who has access and control.

Chain of Custody - Chain of custody is the written documentation of person or persons who have had physical control or custody of the evidence.

Found or Abandoned property - Any property that is seized or taken into custody for safe keeping that has no evidentiary value and is maintained until the rightful owner can be identified.

Procedure:

1. All evidence, or found/abandoned property must be properly documented (receipt for evidence and/or property form), tagged, labeled and packaged prior to submitting to evidence custodian. Submitting officer will complete all NCIC checks on items and submit documentation to this effect attached to the evidence receipt form. All items of evidence with proper paper work attached will be completed and submitted to the evidence custodian within 24 hours of seizure.

2. The evidence custodian will only be responsible for the storage and handling of items once they have been properly documented and received into her custody. ***Officers have the responsibility to correctly complete all required paperwork before submitting evidence***, and will assist the evidence custodian in the disposition of property and/or evidence by finding the rightful owner and/or obtaining a release order from the court that allows for destruction of evidence or property. ***An order from the court must be obtained in writing showing disposition of these items once the case is completed.***

3. No evidence or found/abandoned property seized or taken into custody by any member of this agency will be left unattended. Evidence left unattended after being seized results in the chain of custody being broken and compromises its integrity. Items seized are to remain in the officer's physical control until being secured before end of shift.

4. Items should be placed in paper or plastic bags after seizing. Items too large for bags should have a property receipt attached with the information concerning the item. Each bag, or item should contain the following information:

- A. Date and Time seized
- B. Item Number
- C. Location seized
- D. Suspects name (if known)
- E. Seizing Officers name and ID
- F. Case or OCA number
- G. Location found, (i.e) Master bedroom, dresser unit, top left drawer.

5. Biodegradable, or perishable items, such as, blood evidence, or plant material (green leafy marijuana) will be packaged in plastic bags. The moisture content of these items will cause the evidence to become unfit for analysis.


6. Evidence that must be sent to the North Carolina State Bureau of Investigation laboratory for analysis must be packaged according to the S.B.I. regulations concerning the proper handling of evidence. An S.B.I. 5 form must be filled out correctly and submitted with the evidence. Evidence must then be mailed first class to the laboratory with the following return address:

Macon County Sheriff's Office
P.O. Box 1539
Franklin, N.C 28734

Once processed, the evidence will be returned to a post office box designated solely for the use of evidence. The evidence custodian will recover the evidence and return it to the evidence facility for safekeeping. The evidence custodian will make a copy of the results of analysis form and give it to the officer for his records.

7. All items of evidence or lost/abandoned property collected after 5:00PM or on the weekend will be stored in the evidence locker located adjacent to the squad room area. All items are to be properly packaged with the necessary forms completed and attached.

8. When turning evidence, lost/abandoned property over to a supervisor, or investigator, the proper chain of custody form must be filled out.
9. Syringes will be placed in a container approved for this purpose. Needles are to be removed and disposed of in the detention center in the sharp object disposal unit. Proper caution should be used to prevent injury from the needle or contents of syringe. Syringes with needles *will not* be submitted as evidence.
10. Officers wishing to remove evidence from the evidence room must submit a written request along with a receipt form to the evidence custodian. The custodian will then sign out evidence to the officer, thereby maintaining the chain of custody.
11. *In all cases where items are collected as evidence, found or abandoned property, documentation of the item or items will be done by the officer.* In cases of seized vehicles, the proper impound forms will be completed and forwarded as soon as practical.
12. All questions concerning the proper packaging of evidence should be referred to the Shift Sergeant or Investigator working on that shift.


ROBERT L. HOLLAND, SHERIFF
MACON COUNTY SHERIFF'S OFFICE