

DALTON POLICE DEPARTMENT

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Subject Property and Evidence Policy and Procedure			
Reference CALEA Standards – 83.3.2, 84.1.1, 84.1.6, 84.1.7		Revised May 28, 2019 April 27, 2021	
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I. Policy

It is the policy of the Dalton Police Department to receive, maintain, and dispose of evidence, found property, and recovered property in a lawful and ethical manner and to be accountable for the same. It is also the policy of the Dalton Police Department to require that all property acquired through the civil process function or asset forfeiture proceedings is be accounted for in agency Department records and is disposed of as required by law.

II. Purpose

To this end, this directive lists the types of and criteria for property and evidence storage areas; establishes a Property and Evidence Unit Section, staffed by Property and Evidence Technicians (PET) with enumerated duties and responsibilities; establishes procedures for the receipt, deposit, maintenance, and disposal of property and evidence; establishes record keeping requirements; and provides for inspections, audits, and inventories.

III. Definitions

- A. **Audit** – A ~~sampling of the total amount~~ documented accounting of high-risk items (e.g., ~~money~~ cash, precious metals, jewelry, firearms, and drugs) and other evidence and non-Department property to establish that all property is accounted for and records can be reasonably assumed correct. ~~property records under the agency's care must be reviewed with respect to documentation and accountability.~~
- B. **Evidence** – Property which may be related to a crime or which may implicate or clear a person of a criminal charge.
- C. **Found Property** – Non-evidentiary property, which, after coming into the custody of the Department, has been determined to be lost or abandoned and is not known or suspected to be connected with any criminal offense.
- D. **Inspection** – An inspection is conducted to determine that the Property ~~room~~ and Evidence Section is being maintained in a clean and orderly fashion, that the

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integrity of the property is being maintained, that provisions of ~~agency~~ Department orders or other directives concerning the property management system are being followed, that property is being protected from damage or deterioration, that proper accountability procedures are being maintained, and that property having no further evidentiary value is being disposed of properly and promptly. The inspection can be an inspection of cleanliness, orderliness, and tracing a few pieces of property and evidence to assure they are in the proper place as stated in the area's records.

- E. *Inventory* – A 100% accountability of all high-risk items and additional sampling of items in general storage. An inventory shall be conducted if the audit exceeds a 4% error rate.
- F. *Property and Evidence Custodian* – The Support Services Operations Supervisor who supervises the Property and Evidence Technician(s) and oversees the overall function of the Property and Evidence Section.
- G. *Property and Evidence Technician (PET)* – A sworn or non-sworn employee assigned to the day-to-day operations of the Property and Evidence Section, which includes receiving, logging, storing, and disposing of items of property and evidence.
- H. *Recovered Property* – Non-evidentiary property that is in the custody of the Department for temporary protection on behalf of the owner, property checked in for disposal, and property under observation or awaiting further action.

IV. **Property and Evidence Section ~~Custodian~~ Established**

A. Property and Evidence Section

- 1. ~~Section Established~~ The Property and Evidence Section is established to provide for the systematic and efficient processing of all evidence, found property, and recovered property taken into custody by the Dalton Police Department.
- 2. ~~Organizational Placement~~ The Property and Evidence Section is under the command of the Support Services Division Commander.
- 3. ~~Staffing~~ The Property and Evidence Section shall be staffed by at least one full-time person who may ~~or may not~~ be a sworn or non-sworn employee. ~~Police Officer.~~

B. Property and Evidence Technician

- 1. ~~Position Established~~ A full-time person employee shall be on-duty to handle the day-to-day activities of the Property and Evidence Section.
- 2. ~~Chain of Command~~ The PET is functionally supervised by the Support Services ~~Commander, or his / her designee~~ Operations Supervisor, who is designated as the Property and Evidence Custodian.

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3. Duties and Responsibilities

- a. The PET is authorized and designated by the Chief of Police to be in charge of all elements of property management, to ensure that all records are correct and in order, and to maintain accurate inventory and disposition records of all property.
- b. The PET shall be responsible to see for ensuring that access to the Property room and Evidence Section, large items storage area, and any temporary storage areas for property is limited and controlled for security and chain of possession custody purposes.
- c. The PET shall note on the Property Record / Receipt form and the property tag the storage location for each item of property placed in the Property room and Evidence Section or large items area. Copies of records / receipts are to be distributed as necessary for receipt, investigation, or other purposes.
- d. The PET shall ~~maintain a control register showing~~ enter the dates of receipt, disposition, and any changes, along with a and description of ~~the various categories of~~ each item of property and evidence into the Department's Records Management System. ~~This shall be accomplished by a computer program.~~
- e. A detailed description of the PET's duties ~~are~~ is enumerated in the Property and Evidence Technician job description.

4. On-call Status

- a. The Property and Evidence Section shall maintain an "on-call" list of Technicians and make the list available to all personnel.
- b. The PET that has been called out is responsible for responding to the Police Services Center within one (1) hour of being notified.
- c. If the PET is unable to complete his / her on-call responsibilities, he / she is required to find a replacement and notify the Watch Commander.

C. Internal Control

- 1. Internal control procedures shall be documented in a procedure manual that is written and carefully followed as a checklist to ensure there is consistency in accounting for property and evidence, to ensure that changes in personnel do not affect the thoroughness of what the Department expects, and to ensure the objectives of accreditation standards are being met.
- 2. The PET is responsible for regularly reviewing and updating the manual to ensure current procedures and practices are documented and being followed.

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3. The procedure manual shall be kept in the office area of the Property and Evidence Section.

V. **Property and Evidence Storage Area**

A. Limited Access Property ~~Room~~ and Evidence Section

1. The Property ~~room~~ and Evidence Section is located on the second floor of the Police Services Center.
2. ~~The~~ This ~~property-room~~ section includes:
 - a. Shelving and bins constructed to facilitate orderly storage of items within each area clearly marked with a letter or number or a combination of both to readily locate specific items. The appropriate location number ~~will~~ shall be noted on all the various property records.
 - b. Special racks, lockers, ~~vaults~~, and safes constructed to hold rifles, shotguns, and handguns, to safeguard narcotics, cash, and other small valuable items that need added protection.
 - c. A refrigerator / freezer to house small amounts of perishables and to preserve evidence.
 - d. A separate area designated for storage of Department-~~issued~~ equipment, supplies, uniforms, etc.
 - e. An office area for the storage of the various records kept by the Property and Evidence Section.
3. All property and evidence, with the exception of automobiles, very large items, flammables, and explosives are stored in this area.

B. Storage Area for Large Items

1. The storage area for large items is located in the northwest corner of the building in a fenced area.
2. This is a fenced-in area with a bicycle rack and other measures to facilitate the storage of large items.
3. Large items, i.e. washers and dryers, tires, paper racks, etc., and bicycles are stored in this location.

C. Storage Area for Flammables

1. The storage area for flammables shall be determined on a case-by-case basis after a consultation between the ~~city-fire-marshal~~ Dalton Fire Department Marshal's Office and the PET.

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2. Flammables and explosives shall be maintained under strict safety guidelines as prescribed by the ~~city fire marshal~~ Dalton Fire Department Marshal's Office.
3. The type of explosives and flammables stored shall be contingent upon what the explosive and / or flammable is composed of. No storage shall be accomplished without a consultation with ~~the city fire marshal and / or~~ the Dalton Fire Department Marshal's Office.

D. Storage Area for Vehicles

1. ~~Tow Service Companies~~ Vehicles shall be towed by tow service companies to their place of business unless the Officer feels that evidence might be destroyed, in which case the vehicle shall be towed to the Department's impound lot.
2. ~~Towing and Storage Fees~~ All towing fees incurred by the Department as a result of the towing of vehicles, ~~except for those cases in which the Department is seeking to seize a vehicle~~, shall be charged and received from all owners of said vehicles before being released.

E. Temporary Storage Areas

1. Temporary storage areas are located adjacent to the Property ~~room~~ and Evidence Section.
2. Temporary storage lockers are designed for Officers to place property and evidence in during night hours and weekends when the Property and Evidence Section ~~control room~~ is closed.
3. The lockers are of various sizes to accommodate different shapes and sizes of evidence or property.
- 4.3. Any evidence, found property, or recovered property shall be placed in the temporary storage lockers when the Property and Evidence Section is closed.

F. Other Storage Areas

If for any reason none of the aforementioned storage facilities are satisfactory for the item(s) needing to be secured, the PET ~~will~~ shall arrange for other storage. In the PET's absence, ~~a watch Supervisor~~ the Watch Commander shall make the determination.

Security of Property Storage Areas

A. Entry to Property Storage Areas

1. Except as provided in this directive, entry to any evidence / property storage area shall only be made under the supervision of the PET.

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2. In the absence of the PET, the storage areas may be entered only when the following conditions are met:
 - a. The evidence / property cannot be secured in any of the temporary storage areas ~~(i.e. P&E Locker)~~.
 - b. The entry is logged pursuant to guidelines for the property storage area log. Such notations shall include the name of the person substituting for the PET and inclusive dates that the substitute was in possession of the keys.
3. All storage areas shall be adequately secured during all non-business hours whenever the PET is absent.

B. Property Storage Area Keys

Only the following keys to the property storage areas are authorized:

1. One complete set of keys to the limited access Property ~~room~~ and Evidence Section, storage area for large items, impound lot, and temporary storage area shall be assigned to each of the PETs.
2. A key to the storage area for large items and impound lot is issued to all Supervisors. Whenever this key is used, an entry shall be made on the log provided as to the date, time, and reason for using the key.
3. Duplication or possession of keys to the property storage areas or temporary storage lockers shall be made by the PET or with permission by the Chief of Police.
4. Whenever the PET leaves the position or is reassigned, all locks to the property storage areas shall be re-keyed and the intrusion alarm codes changed.

C. Property Storage Area Log

A log shall be maintained to note entry into all storage areas. Notations shall be made on the log to document:

1. Any entry of anyone into the storage areas besides the PET.
2. Any entry to the storage areas in the absence of the PET. Notations shall include date, time, circumstance, justification for entry and the name of the employee(s) and Supervisor(s) that entered. Such notations shall include the name of the person substituting for the PET and inclusive dates that the substitute was in possession of the keys.

VII. Procedures for Initial Receipt and Deposit of Property

A. Duties of Officer ~~/Employee~~ taking Property into Custody

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1. The Officer ~~or employee~~ shall, in every instance, place all property obtained during the shift or duty period into the property control system prior to going off duty. In no instance shall any evidence or property be placed or stored in a personal locker or elsewhere.
2. The Officer ~~or employee~~ coming into possession of property shall prepare a Property Record / Receipt form (Appendix C) describing the property.
 - a. The Officer ~~or employee~~ shall submit the Property Record / Receipt ~~form~~ with the ~~property~~ item ~~of property or evidence~~ to the PET.
 - b. Except for items that are placed in a marked and sealed evidence container, the Officer ~~/employee~~ shall prepare a ~~Dalton Police~~ Department property tag (red - evidence; green - recovered; white - found) and attach ~~same~~ it to ~~the~~ property item(s). Each item of evidence / property received shall be placed in a separate evidence container and be given a corresponding number to the ~~evidence /~~ Property ~~Record~~ / Receipt form. When the owner of the property / evidence is unknown, ~~it~~ ~~multiple items~~ may then be placed in one ~~bag~~ ~~container~~ and so marked.
 - c. ~~The exception to this procedure will be during undercover drug operations. Whenever any member of the Drug Unit determines that it would be detrimental to an ongoing drug investigation to reveal the name of any suspect outside of the Drug Unit, the following procedure will be observed:~~

For cases in which it would be detrimental to an ongoing investigation to reveal the name of the suspect(s), such as an undercover drug investigation, the items of evidence shall be packaged in the same manner as other evidence without listing the suspect(s)'s name. An intelligence file number shall be listed on the evidence packaging / paperwork in the place of the incident case number.

 - ~~(1) Evidence will be placed in an evidence envelope with all pertinent information listed on it.~~
 - ~~(2) The completed envelope will then be placed in a plain envelope with only an intelligence file number written on it.~~
 - ~~(3) The plain envelope will then be sealed with tamper resistant tape and turned over to the Property and Evidence Section.~~
 - ~~(4) The PET will then record the evidence and enter it into the system.~~
 - ~~(5) The Drug Unit Supervisor shall be responsible for the transportation to the crime lab of any evidence handled in this manner.~~

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3. The Officer ~~/employee~~ shall make appropriate inquiries to GCIC regarding serialized or identifiable items of property to determine if the property has been reported stolen and attach the results to the Property ~~Record / Receipt form~~ ~~and Evidence Report~~.
4. The Officer ~~/employee~~ shall complete an incident report describing in detail the circumstances by which the property and / or evidence came into ~~their~~ ~~his / her~~ possession.

B. Special Handling Procedures

1. When the PET is on duty, the Officer ~~/employee~~ shall deliver property taken into custody to the Technician.
2. When the PET is off duty, the Officer ~~/employee~~ shall place:
 - a. Small-sized property items, tagged or bagged, with the Property Record / Receipt form in a temporary storage property locker.
 - b. Large-sized items in the storage area for large-sized items, i.e., bicycles, tires, etc. The key to the storage area for large items shall be obtained by a Supervisor, as set forth in Section VI, B, 2 of this directive.

3. Items Requiring Special Handling

- a. All firearms shall be unloaded by the Officer before ~~entering the submitting them to the~~ Property ~~and Evidence~~ Section. If a firearm cannot be unloaded due to a malfunction or unfamiliarity with the firearm, the Officer shall attach a note describing the malfunction and give a warning that the firearm has not been unloaded before ~~depositing same with~~ ~~submitting it to~~ the Property ~~and Evidence~~ Section.
- b. Ammunition shall be packaged separately from any firearms and shall be entered into the Property ~~and Evidence~~ Section as a separate item.
- ~~c. b.~~ Flammables and explosives shall not be brought to the Property ~~and Evidence~~ Section until the ~~fire marshal or~~ Dalton Fire Department ~~Marshal's Office~~ has been consulted to determine the proper procedure for storage.
- ~~d. e.~~ Perishable items or evidence in need of freezing or refrigeration shall be kept in the refrigerator / freezer in the Property ~~room~~ ~~and Evidence Section~~.
- ~~e. d.~~ Items that may contain infectious diseases should be handled in accordance with directive GO89-4.20, Blood Borne Pathogens and Other Infectious Diseases.

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VIII. **Initial Processing of Property by the Property and Evidence Custodian Technician**

- A. Property that has been taken into police custody that has been properly packaged, tagged, and accompanied by a properly completed Property Record / Receipt form ~~will~~ shall be accepted by the PET personally from the Officer or, in his / her absence, from a temporary storage locker.
- B. Each duty day, except under special circumstances, the PET ~~will~~ shall remove all property from the temporary storage lockers, check all paperwork for errors and completion, and if found to be proper, accept the property into the system. On days when an audit or inventory is being performed, lockers and paperwork ~~will~~ may be completed the next business day.
- C. Upon acceptance of the property, the PET ~~will~~ shall place his / her signature on the Property Record / Receipt form and retain it for accountability and record purposes.
- D. All property that has been taken in shall be assigned a specific location and the location number (bin, wall, aisle, row, etc.) shall be placed beside the listed items on the Property Record / Receipt form and on any property tags. The assigned location number and shall be recorded in the ~~control register~~ Records Management System.
- E. A systematic storage procedure shall be established to segregate evidence, and found property, and recovered property. Narcotics, firearms, and other valuables (cash, jewelry, precious metals, etc.) are to be further segregated and placed in a separate security area.
- F. Appropriately sized boxes, bags, and containers ~~will~~ shall be used to store property in a neat and orderly fashion so as to make use of all space available in order to easily locate items when necessary.
- G. Security tape shall be used on all evidence containers or envelopes where narcotics / drugs are contained and where other items of evidence are placed for latent print purposes to be sent to the crime lab. Security tape need not be used for other items of property unless deemed absolutely necessary for its preparation or non-contamination. ~~(GA. Code Ann. 17-5-50)~~
- ~~H.F.~~ After the storage of property, the original Property Record / Receipt form (Appendix C) shall be filed in the Property and Evidence Section office.
- ~~I.G.~~ Liquids from open containers (alcoholic beverage, etc.) that pose storage problems when ~~it is~~ they are difficult or even impossible to seal to prevent evaporation, spillage, or contamination of other property, may be placed in small sterile glass jars with a threaded cap for preservation of a sample of the substance. The remainder ~~will~~ shall be destroyed.
- ~~J.H.~~ Perishable items of quantity ~~will~~ shall not be stored but ~~will~~ shall be photographed and returned to the owner. Small amounts of perishables, including blood samples, etc. ~~will~~ shall be stored in proper and separate containers in the

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refrigerator / freezer.

K.† A victim's property, i.e., hand tools, prosthetic devices, health aids, or other personal belongings, seized as evidence, but necessary to a victim's well-being, occupation, etc., should not be held in custody at an inconvenience to the victim. These items may be returned when all of the following conditions are met:

1. The item(s) is the victim's property.
2. The item(s) has been seized as evidence.
3. The item(s) is needed by the victim.
4. The District Attorney's Office approves the release with a photo of the item. All photographs in these cases shall be saved in the Records Management System, saved in case files, or submitted as items of evidence.

~~5. The item(s) can be returned within the uniform Officer's tour of duty and within twenty-four (24) hours by a Detective.~~

~~All photographs in these cases will be verified, authenticated and placed in secure property containers as if the actual property were on hand. Detectives may store the photos they make within the appropriate files.~~

L.‡ Narcotic and dangerous drug evidence (capsules, pills, etc.) ~~should~~ shall be counted, as well as weighed. Counting should be performed in addition to, not in lieu of, weighing. The package and Property Record / Receipt form ~~should~~ shall note the number and weight of the evidence. Exceptions to weighing the substance are permissible when the substance is officially sealed in tamper-proof protection packaging. An original package found with drugs shall be retained, ~~and~~ ~~so~~ marked, and submitted as a separate item of evidence. Additionally, all containers of narcotics and dangerous drugs should be inspected for tampering, and, if any is detected, it should be immediately brought to the attention of the Officer submitting the drugs and the Officer's immediate Supervisor.

VIII. Movement of Property

A. ~~Movement of Property to be Recorded on Property Record / Receipt form~~

All movement of property in and out of the property storage areas ~~must~~ shall be recorded, signed out by the PET, and receipted for by an authorized withdrawer. The date, time, and purpose of withdrawal shall be noted on the Property Record / Receipt form corresponding to the number for each item that is ~~numbered~~ listed.

B. ~~Property Release Authorization Form~~

The person who has checked out the property is to be provided a Property Release Authorization form (Appendix A), upon which a description of the property is given, including the incident case number and the Property Record / Receipt item number.

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1. When the item(s) is kept by the court, the person who checked out the item(s) is required to return the **Property** Release Authorization form to the **Property and Evidence** Section. The returned copy ~~will~~ **shall** be attached to the **Property** Record / Receipt form.
 2. In instances where a court trial is not concluded in one day, the items that are not kept by the court ~~must~~ **shall** be returned to the **Property ~~room~~ and Evidence Section** and be checked out again on the next court date.
- C. Submissions to the Georgia Bureau of Investigation (GBI) Crime Lab
1. The PET ~~will~~ **shall be responsible for** submitting ~~all~~ evidence to a GBI crime lab. ~~Exception – section VI. (A)(2)(c)(5).~~
 2. All evidence submitted to a GBI crime lab, ~~will~~ **shall** be packaged and transmitted in an orderly fashion, consistent with the requirements of the crime lab. Officers should reference the Property and Evidence Procedure Manual, found in the mail room, if guidance is needed when packaging items for submission to a crime lab. The GBI also maintains an online manual through their Division of Forensic Sciences, if additional guidance is needed.
 3. All evidence submitted to a GBI crime lab shall be accompanied with a GBI Crime Lab Submission Form. The following information should also be provided when evidence is submitted to a crime lab:
 - a. Name (suspect and / or victim)
 - b. Brief description of contents of packaging
 - c. Location where collected
 - d. Date of incident
 - e. Officer's name, agency, and agency case number
 4. When submitting evidence at a GBI crime lab in person, the submission form shall be time / date stamped upon arrival and a copy made. The evidence ~~will~~ **shall** then be secured in a lock box at the crime lab.
 5. If evidence must be mailed to a GBI crime lab, a copy of the submission form shall be made prior to mailing. If this method of submission is utilized, the evidence shall be sent by certified mail.
 6. The transfer of custody to a GBI crime lab shall be documented on the back of the Property Record / Receipt form ~~(Appendix G)~~ and in the Department's Records Management System.
 7. GBI crime labs provide an electronic report of laboratory findings as standard procedure on all requests for laboratory examination. These reports are made accessible to the **Police** Department via ~~the Internet~~ **an**

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online database.

IX. Disposal of Property

A. Disposal of Property in General

1. Authorized Methods of Disposal
 - a. Return to owner
 - b. Sell / Auction
 - c. Destroy
 - d. Turned over to the Sheriff of Whitfield County or other agencies
 - e. Retained by the Department
 - f. Given to charity
2. No item of property shall be disposed of in any manner until a Property Release Authorization form (Appendix A), a Property / Evidence Release Authorization form (Appendix B), or a Property and Evidence Expired Diary Date Report, containing an approving Supervisor's signature and a listing of disposal instructions, has been received by the PET.
 - a. Any disposition or release forms requesting weapons to be returned to owners ~~must~~ shall be accompanied by a current criminal history or verification of citizenship for the owner. In addition, any disposition or release forms requesting the return of a firearm to its owner shall be accompanied by a current GCIC check of the firearm's serial number to ensure it has not been reported as stolen.
 - b. The completed Property Release Authorization form, Property / Evidence Release Authorization form, or Property and Evidence Expired Diary Date Report is to be attached to the Property Record / Receipt form and then ~~to be~~ filed in the Property and Evidence Section by class, pending the disposal of each item. Separate file sections are maintained to indicate classes of disposition, i.e., return to owner, destroy, or hold for sale. Return to owner, destroy, or hold for sale files ~~is~~ are to be maintained by incident ~~case~~ report number.
3. The PET shall cause to be reviewed, through the ~~use of the computer~~ Records Management System, the review date to ensure timely release or disposition of property that comes into the custody of the Department. This shall be accomplished on a monthly basis by means of a computer-generated Property and Evidence Expired Diary Date Report for each item of property / evidence which has a review date that falls within that month. These forms ~~will~~ shall be disseminated to the proper employee ~~through their shift Commander / Supervisor~~ and returned to the Property and

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Evidence Section within ~~twenty-one (21)~~ fifteen (15) days of dissemination, with a recommendation and signature of approval ~~of shift Commander /~~ by a Supervisor ~~affixed~~.

4. The PET shall send a property release notice by letter to the owner, when known, of the location and method by which the property is available for release. A copy of the letter of release notice is placed in the file for the property to be released and followed up on within the time specified on the notice.
5. The disposition of personal property in the custody of the Department shall be in accordance with OCGA 17-5-54.

B. Return of Property to Owner

1. The person to whom property is released ~~must~~ shall sign a declaration of ownership. When completed, the Property / Evidence Release Authorization form is to be attached to the original Property Record / Receipt form and maintained by the PET. ~~(OCGA 17-5-50)~~. In some instances, the owner may not be available (i.e. deceased, in jail, etc.). In such instances, the Officer shall verify that the property may be released to another person.
2. Property which was found, valued under \$50, and is unclaimed for ninety (90) days by the owner; ~~will~~ shall be disposed of by sale, converted to Department use, or destroyed. For found property valued over \$50, the same procedure applies, except that the item must be publicized as being found, and if not claimed by the owner, the item is to be disposed of as set forth above. No property ~~will~~ shall be released to any employee for use unless first ~~cleared through~~ approved by the Chief of Police.
3. Property suspected of having been stolen and in possession of a dealer in secondhand sales, upon which a hold has been placed, shall not be disposed of for a period not to exceed ninety (90) days or until the court or investigating Officer authorizes the release.
4. Prior to the release of any ammunition along with a firearm, approval shall be obtained from a Division Commander or ~~their~~ his / her designee. After the applicable paperwork is complete, an Officer shall turn over the ammunition to the owner outside of the Police Services Center.

C. Unclaimed Property

1. The PET shall be thoroughly familiar with the state code / law and county / city ordinances regarding the sale of property that comes into the Department's custody for whatever reason and is unclaimed. (OCGA 44-12-193 through 44-12-194). The PET shall be responsible for the sale and accountable for any monies gained, less any costs incurred for advertisement, etc., as a result of the sale. Monies are to be deposited in an account, as required by the City Finance Department.

RESTRICTED LAW ENFORCEMENT DATA

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2. Stolen or embezzled property, other than cash, negotiables, firearms, or narcotics, not claimed by the owner at the expiration of ninety (90) days after notification that the owner may obtain it, shall be disposed of by law.
 3. Found property, which is not returned to the owner, and which was found in the course of the Department's regular operations, ~~must~~ shall be disposed of by law.
- D. Forfeiture of Weapons used in Commission of Crime or Illegally Concealed
1. Any device which is used as a weapon in the commission of any crime against any person or any attempt to commit any crime against any person and any weapon for which a person has been convicted of the crime of carrying a concealed weapon, as provided for by ~~Code Section~~ OCGA 16-11-126, is declared to be contraband and is forfeited. (OCGA 17-5-51)
 2. When the final judgment is entered finding a defendant guilty of the commission or attempted commission of a crime against any person, any device which was used as a weapon in the commission of the crime shall be turned over by the person having custody of the device to the sheriff, Chief of Police, or other executive officer of the law enforcement agency that originally confiscated the weapon or device when the device is no longer needed for evidentiary purposes. If the device used as a weapon in the crime is not the property of the defendant, there shall be no forfeiture of such weapon. (OCGA 17-5-52)

XI. Inspections, Audits, and Inventories

- A. The PET shall maintain an accurate ~~running~~ inventory and listing of all items currently in possession of the Property and Evidence Section ~~through the Records Management System. This can be accomplished with the computer.~~
- B. Semi-annual Inspection
1. The Support Services Division Commander or his / her designee shall complete an inspection of the Property and Evidence Section two (2) times per year.
 2. The inspection is conducted to determine that the Property and Evidence Section is being maintained in a clean and orderly fashion, that the integrity of the property is being maintained, that provisions of Department policies and directives concerning the property management system are being followed, that property is being protected from damage or deterioration, that proper accountability procedures are being maintained, and that property having no further evidentiary value is being disposed of properly and promptly.
 3. The inspection shall include tracing a few pieces of property and evidence to assure they are in the proper location as referenced by the Records Management System and the Property Record / Receipt forms.

RESTRICTED LAW ENFORCEMENT DATA

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4. The results of the inspection shall be documented with a copy of the report being forwarded to the Chief of Police, the Accreditation Manager, and the PET(s).

C. Unannounced Inspection

1. The Chief of Police shall direct a Supervisor, not associated with overseeing or controlling the property and evidence function, to conduct an unannounced inspection of the Property and Evidence Section one (1) time per year.
2. The inspection is conducted to determine that the Property and Evidence Section is being maintained in a clean and orderly fashion, that security measures are effective, and that provisions of Department policies and directives concerning the property management system are being followed.
3. The inspection shall include an accounting of a percentage of randomly selected property and evidence items being stored in the Property and Evidence Section. The minimum percentage of items to be checked during the inspection is as follows:
 - a. 100% of the safes
 - b. 100% of the impound lot
 - c. 100% of the firearms rack
 - d. 10% of the drug vault
 - e. 10% of the large item storage area
 - f. 10% of the general property and evidence storage areas
4. The results of the inspection shall be documented with a copy of the report being forwarded to the Chief of Police, the Accreditation Manager, the Support Services Division Commander, the Property and Evidence Custodian, and the PET(s).

D. Annual Audit

1. The Chief of Police shall direct a Supervisor, not associated with overseeing or controlling the property and evidence function, to conduct an audit of the Property and Evidence Section one (1) time per year. The Supervisor may select other members to assist with conducting the audit.
2. The purpose of the annual audit is to ensure the continuity of custody and not to require the accounting of every single item of property. The audit should be sufficient to ensure the integrity of the system and the accountability of property.
3. The audit shall include an accounting of a percentage of randomly selected

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property and evidence items being stored in the Property and Evidence Section. The minimum percentage of items to be checked during the audit is as follows:

- a. 100% of the safes
 - b. 100% of the impound lot
 - c. 100% of the firearms rack
 - d. 25% of the drug vault
 - e. 25% of the large item storage area
 - f. 25% of the general property and evidence storage areas
4. The results of the audit shall be documented with a copy of the report being forwarded to the Chief of Police, the Accreditation Manager, the Support Services Division Commander, the Property and Evidence Custodian, and the PET(s).

E. Change in PET Personnel Audit

1. The Chief of Police shall direct a Supervisor, not associated with overseeing or controlling the property and evidence function, to conduct an audit of the Property and Evidence Section whenever a PET is assigned to and / or transferred from the position.
2. If the audit is conducted in conjunction with the assignment of a new PET, the audit shall be conducted jointly by the newly designated PET and the assigned Supervisor to ensure that records are correct and properly annotated. All discrepancies shall be recorded prior to the assumption of property accountability by the newly appointed Technician.
3. The audit shall include an accounting of a percentage of randomly selected property and evidence items being stored in the Property and Evidence Section. The minimum percentage of items to be checked during the audit is as follows:
 - a. 100% of the safes
 - b. 100% of the impound lot
 - c. 100% of the firearms rack
 - d. 25% of the drug vault
 - e. 25% of the large item storage area
 - f. 25% of the general property and evidence storage areas

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4. The results of the audit shall be documented with a copy of the report being forwarded to the Chief of Police, the Accreditation Manager, the Support Services Division Commander, the Property and Evidence Custodian, and the PET(s).

F. Inventory

1. If an audit of the high-risk items (e.g., cash, precious metals, jewelry, firearms, and drugs) reveals an error rate of more than four (4) percent, the Support Services Division Commander shall complete an action plan to correct the deficiencies, and an inventory of all high-risk items and other property and evidence shall be required.
2. At any time, the Chief of Police may require an inventory of the Property and Evidence Section to be conducted.
3. The inventory shall consist of an accounting of every item of property and evidence stored in the Property and Evidence Section and related storage areas.
4. The Chief of Police shall direct a Supervisor, not associated with overseeing or controlling the property and evidence function, to conduct the inventory. The Supervisor may select other members to assist with conducting the inventory.
5. Errors consist of the following:
 - a. An item is found to have the wrong disposition, such as being wrongfully destroyed.
 - b. An item is not located in the designated location, as referenced by the Records Management System or Property Record / Receipt form.
 - c. A high-risk item is assigned or located in the wrong or inappropriate location (e.g., drugs assigned to a location other than the drug vault)
 - d. A discrepancy between the Records Management System and the Property Record / Receipt form.
 - e. An item has the wrong label on the packaging.
 - f. An item that has already had a final disposition is still documented as being in custody of the Department.
 - g. Paperwork for an item is unable to be located even though the item is documented as still being in the custody of the Department.
6. The results of the inventory shall be documented with a copy of the report being forwarded to the Chief of Police, the Accreditation Manager, the Support Services Division Commander, the Property and Evidence

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Custodian, and the PET(s).

~~Whenever the person responsible for the primary control of the property and evidence function is assigned to and / or transferred from the position, an audit of property to ensure that records are correct and properly annotated is conducted jointly by the newly designated PET and a designee of the Chief of Police. All discrepancies should be recorded prior to the assumption of property accountability by the newly appointed PET. A written copy of this audit shall be forwarded to the Chief of Police, the designated certification manager, and the PET. The Division Commander, Chief of Police, accreditation manager, and PET will maintain a file on this audit.~~

~~C. The Support Services Division Commander, or his / her designee, shall perform an audit of the Property and Evidence function semi-annually to determine adherence to procedures and for the control of property. A written copy of these audits shall be forwarded to the Chief of Police, the designated accreditation manager, and the PET. The Division Commander, Chief of Police, accreditation manager, and PET will maintain a file on these audits.~~

~~D. An annual audit of property and evidence held by the Department shall be conducted by a Supervisor not routinely or directly connected with control of the property and evidence function, at the direction of the Support Services Division Commander. A copy of this audit shall be forwarded to the Chief of Police, the accreditation manager, and the PET. The Division Commander, Chief of Police, accreditation manager, and the PET will maintain a file of these audits.~~

~~E. At least one unannounced inspection shall be conducted annually of the Property and Evidence Section by the Chief of Police, or his / her designee. This inspection shall be documented and a copy forwarded to the Chief of Police, accreditation manager, and the PET. The Support Services Division Commander, the Chief of Police, accreditation manager, and PET will maintain a file on these unannounced inspections.~~

~~F. If there is more than a 4% error rate during the audit or inspection, a written action plan will be developed by the Support Services Division Commander and an inventory shall take place to correct the deficiency. The plan will be forwarded to the Chief of Police.~~

XII. Property and Evidence Section Forms Completion

A. Property Record / Receipt

1. Purpose

The Property Record / Receipt form (Appendix C) is used to record evidence, recovered property, and found property that comes into the custody of the ~~Dalton Police~~ Department.

2. Origin

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The Property Record / Receipt form originates with the ~~law enforcement~~ Officer. The form is completed each time an ~~Dalton Police~~ Officer takes possession of a piece of property ~~and/~~ or evidence.

3. ~~Number of Copies~~

One copy is prepared by the Officer for each incident.

4. ~~Completion~~

The Property Record / Receipt form is completed in accordance with the guidelines set forth in the property and evidence procedure manual.

B. Property Transfer

1. ~~Purpose~~

The Property / Evidence Release Authorization form (Appendix B) is used to record the transfer of evidence or property from the custody of the Property and Evidence Section to the court, district attorney, laboratory, or others.

2. ~~Origin~~

The Property / Evidence Release Authorization form originates with the PET and is attached to the top rear of the ~~PET copy of~~ Property Record / Receipt.

3. ~~Number of Copies~~

Only one copy is prepared by the PET.

4. ~~Completion~~

The Property / Evidence Release Authorization form is completed by the person transferring or releasing the property. The form ~~will~~ shall be completed in accordance with the guidelines set forth in the property and evidence procedures manual.

C. Property Release Authorization form

1. ~~Purpose~~

The Property Release Authorization form (Appendix A) is used to obtain the proper disposition of property in the custody of the ~~Dalton Police~~ Department.

2. ~~Origin~~

The Property Release Authorization originates with the ~~law enforcement~~ Officer.

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3. ~~Number of Copies~~

Only one copy is prepared by the Officer releasing the item.

4. ~~Completion~~

The Property Release Authorization form shall be is completed in accordance with the guidelines set forth in the property and evidence procedures manual.

D. Notice to Claim Property Letter

1. ~~Purpose~~

The purpose of the Notice to Claim Property letter is to notify citizens that property in the possession of the Department is ready for pick-up or disposition.

2. ~~Origin~~

The Notice to Claim Property letter is completed by the Property and Evidence Section.

3. ~~Number of Copies~~

Only one copy is prepared is prepared by the PET.

E. Limited Access Property Room Entry Log

1. ~~Purpose~~

The Limited Access Property Room Entry Log (LAPREL) is used to maintain a listing of all entries into the Limited Access Property Room in the absence of the PET.

2. ~~Origin~~

The LAPREL is kept in the Limited Access Property Room so that entries can be made by those persons who have a need to enter.

3. ~~Number of Copies~~

Only one copy is prepared.

F. Large Item Storage Area Entry Log

1. ~~Purpose~~

The Large Item Storage Area Entry Log (LISAEL) is used to maintain a listing of all entries into the large item storage area in the absence of the

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PET.

2. ~~Origin~~

The LISAEL is kept inside the weatherproof boxes installed inside the LISA and the Impound Lot.

3. ~~Number of Copies~~

Only one copy is prepared.

XIII. Procedures for Destroying Personal Property

No personal property shall be destroyed until a court order is obtained from a Superior Court Judge. The PET and ~~a Department Supervisor~~ ~~the Property and Evidence Custodian~~ shall verify all forms, related paperwork, and the item of personal property prior to it being destroyed.

X~~III~~IV. Procedures for Medication Collection Box

- A. The medication collection box is securely mounted to the floor of the lobby in the Police Services Center and shall remain locked until its use is required.
- B. When a citizen requests to deposit an item(s) into the collection box, a Records Technician ~~will~~ ~~shall~~ first verify that the item(s) ~~are~~ ~~is~~ acceptable. The Records technician ~~will~~ ~~shall~~ then unlock the box and re-secure it once the item(s) ~~are~~ ~~is~~ deposited.
- C. Once per year, ~~an Officer~~ ~~the PET~~ shall ~~be directed to~~ obtain a case number which ~~will~~ ~~shall~~ be used to track that year's collected medication.
- D. At least once per month, the PET and ~~an Officer~~ ~~will~~ ~~a Supervisor~~ ~~shall~~ empty the collection box, and the deposited items ~~will~~ ~~shall~~ be bagged, weighed, and then submitted into the Property ~~and Evidence~~ Section as found property. The items ~~will~~ ~~shall~~ be marked for destruction.
- E. The PET ~~will~~ ~~shall~~ periodically transport the collected items for destruction to the GBI Crime Lab.
- F. On a quarterly basis, the PET ~~will~~ ~~shall~~ compose a report of the total gross weight of items collected from the medication collection box. This information ~~will~~ ~~shall~~ be included in the Support Services quarterly report and ~~will~~ ~~shall~~ also be forwarded to the CVS Pharmacy Corporation.

This policy supersedes any policies previously issued.

BY ORDER OF

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CHIEF OF POLICE
Appendix A

DALTON POLICE DEPARTMENT PROPERTY RELEASE AUTHORIZATION		
Date of Release	<input type="checkbox"/> Evidence <input type="checkbox"/> Found Property <input type="checkbox"/> Recovered Property	Citation or Case Number
Item Number	Description	

Disposal Instructions:

☐ Destroy ☐ Auction ☐ Return to Owner ☐ Charity
☐ Owner Notified ☐ Other (specify) _____

Print the Name and Address of Person Receiving Property:

NAME

ADDRESS

CITY / STATE / ZIP

I certify, under penalty of perjury, that I am
the lawful owner/guardian of the above-
described property and that I have taken
possession of the above-described property.

OFFICER'S SIGNATURE

DATE

APPROVING SUPERVISOR SIGNATURE

DATE

OWNER/GUARDIAN'S SIGNATURE

DATE OF BIRTH

SOCIAL SECURITY NUMBER

PHONE NUMBER

EPF REL 880904 R0503

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Appendix B



DALTON POLICE DEPARTMENT PROPERTY / EVIDENCE RELEASE AUTHORIZATION

Date of Release:

Incident / Citation #

Item# Description

Release Type:

- | | | |
|---|--|--|
| <input type="checkbox"/> Destroy | <input type="checkbox"/> Auction | <input type="checkbox"/> Return to Owner |
| <input type="checkbox"/> Release To Officer | <input type="checkbox"/> Charity | <input type="checkbox"/> Other Agency |
| <input type="checkbox"/> Other (Specify) | <input type="checkbox"/> Wrecker Service | |

Name / Business

Address

City / State / Zip

Phone #

Officer's Signature

Supervisor Signature

Signature

I certify, under penalty of perjury, that I am the lawful owner / guardian of the above items, an authorized designee of the owner / guardian to receive the above items, or an authorized officer / designee of the court authorized to receive these items.

For Property Custodian Use Only

2 of 2

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Appendix C

DALTON POLICE DEPARTMENT PROPERTY RECORD/RECEIPT

Page _____ of _____

Offense	Officer Obtaining Property	Receipt/Citation/Case Number	
Where Property was Obtained	Date & Time Property Obtained	APPROVED FOR IMMEDIATE RELEASE	
Beat #			
Name and Mailing of Person from whom Property was obtained		Check Proper Box:	Retention Type
Check One:		<input type="checkbox"/> Evidence	<input type="checkbox"/> Misdemeanor 90 Days
<input type="checkbox"/> Suspect		<input type="checkbox"/> Recovered Property	<input type="checkbox"/> Felony 1 Year
<input type="checkbox"/> Victim		<input type="checkbox"/> Found Property	<input type="checkbox"/> Rape Forever
<input type="checkbox"/> Owner			<input type="checkbox"/> Homicide Forever
<input type="checkbox"/> Finder			<input type="checkbox"/> Sex Crimes w/DNA Forever
Name		Race _____	Sex _____
Address		DOB _____	
City, State, & Zip	Phone No. _____		

PROPERTY itemized, detailed description, including color, size, serial number, etc. Number each item consecutively from number one. If second page of the Property Record is needed, identify the first item described on the second page as item number 6, etc.

Item [] _____	Storage Location
_____	Value
Item [] _____	Value
_____	Value
Item [] _____	Value
_____	Value
Item [] _____	Value
_____	Value
Item [] _____	Value
_____	Value

Comments or additional suspects' names and addresses:

Signature of Employee Completing Report Approving Supervisor Signature EPF PRO 880901 R 1307	To Be Filled In by Property Custodian Date Received _____ Time Received _____ Received By _____
--	---

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PROPERTY TRANSFER RECORD

Signature of Person Who Received Item & Destination of Item	Date & Time Property Is Checked Out	Property Custodian Signature	Signature of Person Who Returned Item	Date & Time Property Is Checked In	Property Custodian Signature
Item [] _____					
Item [] _____					
Item [] _____					
Item [] _____					
Item [] _____					
Item [] _____					
Item [] _____					
Item [] _____					

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