

BATON ROUGE POLICE DEPARTMENT

General Order
No.305

Effective Date
01-15-1999

Revised Date
06-02-2016

Subject: Evidence

Reviewed 6/2/16

POLICY

It is the policy of this department to secure all evidence for analysis and/or eventual presentation at trial. It is absolutely essential that all property be entered into the department's evidence tracking system and dropped in any approved evidence drop box before the officer ends his/her shift. Officers must strictly adhere to the following procedure in order to maintain the integrity of all evidence.

The Evidence Division will be the repository of all evidence/property collected by this department. Officers will deliver all property/evidence before the end of the officer's tour of duty and not keep evidence in his/her possession longer than necessary to deliver it to Evidence.

Under exceptional circumstances, those times that it would be impossible for the officer to get evidence to the evidence drop box before the end of his/her shift, the officer may secure the evidence in his/her unit to be turned in the next calendar day. However, the officer must obtain permission from his/her supervisor prior following taking this action. If the evidence is to be secured in the unit and turned in the next calendar day, this course of action must be documented in the report. Exceptions are noted below:

EXCEPTIONS:

1. A supervisor approves an extension at which time a report must be documented (under the case file number) showing the status of the evidence/property. At any time when there is a change in the disposition of evidence/property, a report must document the disposition of the evidence/property until it has been placed under the responsibility of the Evidence Division.
2. This exception does not apply to bloody clothing, biohazards, or items subjected to certain chemical processes that may require extensive time to dry before they can be safely submitted.

All evidence/property must be kept secured (maintain the integrity) until the item is placed under the responsibility of the Evidence Division.

The Evidence Division will also act as the keeper of all found property turned in by officers. It will be the responsibility of the Evidence Division to make all reasonable attempts to return property to its rightful owner. If this is not possible, the property will remain in the custody of the department for at least ninety (90) days before being destroyed, released to a charitable organization, or put into service within the Department.

DEFINITIONS

Chain of Evidence: The continuity of the custody of physical evidence from the time of collection to final disposition.

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Evidence: Any substance or material found or recovered in connection with a criminal investigation.

Evidence Technician: An officer assigned to the evidence room responsible for custody and control of all evidence accepted by or stored in the Department's evidence room.

Evidence Room: The space utilized to store all evidence and found property.

Found Property: Anything of value reported to the department as found by a citizen or located by an officer that is out of the owner's immediate control or has apparently been lost.

Personal Property: Anything of value found in the possession of an individual, whether or not ownership can be immediately established.

PROCEDURES

I. Processing of Evidence

- A. Any officer who is called upon to collect evidence will make a report detailing how and where the property/evidence came into the officer's possession and a written inventory of that evidence at the scene of collection. If possible, the evidence will be placed in a departmental evidence bag, and latent prints in a latent envelope. The bag/latent envelope will be completed using the electronic evidence tracking system and delivered to the evidence room or placed in an approved drop box.
- B. The following procedures will be followed when utilizing the departmental evidence or found property bag and latent envelope.
 1. All bags and latent envelopes will be filled out completely (**Hand written descriptions on the evidence bags is optional, but if officer hand writes a description it must match exactly what is typed in the description field(s) in the FileOnQ evidence tracking system**). Once the officer has printed a barcode label for the evidence/latent envelope, he/she will place the barcode label on the evidence/latent envelope in the required location on the envelope.
 2. All bags and latent envelopes will be sealed with evidence tape and have the officer's initials written over the evidence tape.
 3. Only approved evidence or found property bags and latent envelopes will be used.
 4. Only permanent file numbers will be used on bags and latent envelopes; no temporary file numbers.
 5. Do not place the latent envelopes inside the larger evidence bags; the latent envelopes will suffice.

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II. Items Requiring Special Handling

A. Recovered firearms:

1. Officers shall make weapon safe by unloading it when feasible to do so. Officers shall at all times when unloading, point the weapon down toward natural Earth (dirt or grass). While unloading, Officer shall not point the weapon in an upward direction or toward concrete, asphalt, metal, etc. If the officers cannot make the weapon safe for any reason, he/she shall take the weapon to the Pistol Range (as soon as possible) to get the weapon made safe by a range officer.
2. Officer will not attempt to lift latents or swab for DNA on any weapon to be submitted as evidence or found property. A Crime Scene Officer will attempt to lift prints and swab the weapon for DNA. If any latents are lifted he/she shall submit the latent(s) to evidence.
3. Officer will complete an evidence bag, A.T.F. form, and if stolen a copy of the NCIC "hit" and attach forms to bag prior to depositing the weapon into evidence. This will facilitate the return of the weapon to the owner after the case has been disposed of by the court.
4. Officer will place weapon and loaded magazine (if applicable) in a clear heat sealed bag with a tie wrap through the barrel. The magazine shall not be inserted in the weapon and if a live round was recovered from the chamber, it will be placed inside the bag loose. A completed evidence envelope will also be placed inside the clear bag where the information can be read through the bag. If the weapon is too large for the clear bag, an evidence envelope shall be attached to the weapon. For high capacity magazines the magazine shall be tagged separately from the weapon. All weapons will have a completed A.T.F. form attached to the outside of the bag along with the NCIC hit if it is reported stolen.
5. **Firearms shall be tagged separately from casings, bullets recovered separately from firearm (box of bullets or another location), and any recovered projectiles shall be submitted in separate evidence bags from all other evidence in an investigation.**

- B. **Bulk items** (do not overfill an evidence bag): A larger bag may be used and the evidence bag attached to it. If the evidence is too large for any container, the bag will be attached to it with evidence tape. When utilizing the evidence lockers in the Evidence Division processing room, under no circumstances place any evidence/property into a locker forcibly. All item(s) placed into the locker must leave enough clearance as to not interfere with the locking mechanism of the locker and enough clearance for its removal. During the normal working hours of the Evidence Division, any evidence/property too large to fit into the lockers must be checked in at the window, after it has been entered into the FileOnQ evidence tracking system. For after hours of the Evidence Division the officer must call Communications, who will have the call-out officer respond and receive the large item from the case officer. At no time leave any unsecured evidence/property in the Evidence Division processing room or approved drop location. **Note:** Evidence

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/property that may have gasoline or diesel in it must have the fuel removed prior to delivery to the Evidence division.

C. **Money**

1. Currency must be tagged separate from any other evidence retrieved in an investigation and placed into a separate evidence bag(s). **Note:** When currency is seized from different suspects or locations at a crime scene, officers are to individually package the currency into separate evidence bags and document the seized locations in their incident reports. Supervisors shall ensure that officers adhere to these guidelines and properly document their currency seizures in their reports.
2. Any amount over \$100.00 must be counted in the presence of a supervisor and the officer must document the supervisor's name in their incident report.
3. During business hours, the money will be submitted directly to the Evidence Division window, after it has been entered into the FileOnQ evidence tracking system.
4. After business hours money in an amount over \$300.00 is to be deposited into the drop box located in the Evidence Division processing room.
5. After business hours a supervisor shall call out an Evidence Division officer to deposit any amount of \$5000.00 (total amount for entire case) or more. This is so the money can be deposited directly into the evidence room safe.

D. Evidence to be delivered to the crime lab must be accompanied by a Request for Scientific Analysis Form (see IV. Submittals to LSP Crime Lab below).

E. No glass, breakables, or liquids will be placed in drop boxes. Glass, breakables or liquids will be turned in at the Evidence Division window during business hours. For after hours these items will require the officer to contact a Communications officer, who will contact the call-out officer for the Evidence Division. **Exception:** All evidence bags containing alcohol vials (no bottles or cans) will be dropped in the **Orange** evidence drop box located in the Evidence Division processing room.

F. Any evidence that is contaminated with bodily fluid must be collected by Crime Scene personnel and clearly marked "BIOHAZARD".

G. Any flammable or accelerant must be collected, packaged, and stored by the Fire Department Arson Investigation Team.

H. Any explosive or explosive device must be collected by the Explosives Section.

I. Some bulk items may require the utilization of DPW. A supervisor must authorize the request after normal working hours.

J. Material and substances are to be collected from a known source, when available, for comparison with samples collected as evidence. These comparative samples are to be packaged and preserved separately from all evidence samples.

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- K. Jewelry must be tagged separate from any evidence retrieved in an Investigation.
- L. **Sharp Objects** (knives, syringes, glass, etc.)
 - 1. Officers will make sharp objects safe prior to placing them inside the evidence bag.
 - 2. Knives and glass should be wrapped with cardboard to protect the sharp area from cutting or puncturing the bag or anyone handling the bag. The cardboard will be secured to the object in a fashion that it does not slip off the sharp area.
 - 3. Syringes will be placed into a vial, secured in a fashion that the syringe does not slip out of the vial. The bags will be marked “ made safe “ and” Bio Hazard “.

M. **Prisoner Personal Property**

The following procedures have been established for the handling of the personal property of prisoners that the East Baton Rouge Parish Prison will not accept. Prisoner property not accepted at the Parish Prison includes cigarettes, lighters, knives and weapons of any kind and anything larger than what will fit in a 12 x 13 x 8 basket.

The **Prisoner Property Intake Receipt** form will be completed in duplicate. The yellow copy is given to the arrestee and the white copy affixed to the outside of the clear plastic bag, paper bag, or on the outside of large articles.

All prisoner personal property not accepted by the East Baton Rouge Parish Prison will be heat sealed in a clear plastic storage bag or put into a brown paper bag, unless the size of the article prohibits use of the bag. Officers are to use evidence tape after the bag(s) are sealed and initial the tape. The prisoner personal property will be entered into the FileOnQ evidence tracking system and placed into an evidence drop box or evidence locker in the Evidence Division processing room. Any property too large for the drop boxes or lockers at the Evidence Division processing room will be treated as over sized evidence (**See Bulk Items**).

- 1. Complete inventory of property description. This section allows arrestee to designate someone to retrieve his/her property and informs the arrestee that if the **property is not claimed within 90-days, it will be disposed of**. This section requires the signature of the arrestee (if capable) and witnessing officer.

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2. This section allows the arrestee to give permission for the Baton Rouge Police Department to dispose of any property having little or no value, i.e papers, cigarettes, lighters, ink pens, etc. If any property is to be disposed of, it must be listed in this section and the form signed by the arrestee and witnessing officer. The officer will enter the property in the FileOnQ evidence tracking system and drop the property into the drop box or evidence locker in the Evidence Division processing room. Evidence Division personnel will dispose of the prisoner personal property.
3. This section instructs arrestee where and when his/her property can be retrieved.

III. Photographs In Lieu Of Evidence Collection

- A. All rented or leased evidence (pagers, cellular telephones, etc.) may be photographed and then returned to the owner.
- B. Any large item of evidence where the suspect in the case is unknown will be photographed and returned to the owner unless it is a firearm or evidence to be further analyzed.
- C. Use photographs in all cases, if possible, along with an evidence release to conserve space in the evidence room.
- D. Any photograph taken at a crime or crash scene is considered property of the department. All photographs will be placed in evidence and properly documented. Officers will not take photographs as souvenirs, nor will digital images be circulated for purposes other than investigation.
- E. The following guidelines will be adhered to when submitting any form of digital imaging into evidence.
 1. Any officers using a digital camera, either departmental or personally owned, while photographing evidence, crime scenes, or documents that will be submitted to evidence, must document the use of a digital camera in a written police report.
 2. Digital images will be saved on a non-rewritable CDR/DVDR by the officers who took for enhancement or documentation.
 3. No alterations of the images, whatsoever, will be made to the image while in the camera, or device.
 4. The officer who photographed and copied the images to the CDR will do so in its entirety and then will review and confirm that the photographs/files were complete and accurately copied. This procedure will also be documented in a police report. To include the name of the photographer, the date the images were taken, and the case file number.

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5. The "original" CDR will be treated as evidence. It will be placed into custody and documented consistent with established guidelines.
6. Additional CDs may be copied and marked as such, for investigation purposes. All images will be downloaded using licensed software. The CDR/DVDR case along with the actual disc will be marked.
7. All images will be maintained and follow the proper chain of custody and procedures for authentication purposes.
8. A separate CDR(s) will be used to store images for each case. The CDR will be labeled dated and initialed when submitted as evidence.

IV. Submittals to LSP Crime Lab

- A. Any officer collecting evidence that may be analyzed at the LSP crime lab will fully complete all fields in the FileOnQ evidence tracking system for submission. Evidence Division Personnel will print an electronic automated LSP Crime Lab for Scientific Analysis form, once it is requested to be sent to the LSP Crime Lab. All detectives requesting DNA evidence to be submitted to the LSP Crime Lab for analysis will provide a fully completed " LSP Authorization for Consumption of DNA Evidence " form and " LSP DNA Case Supplemental Information Sheet " form to the Evidence Division personnel.
- B. Evidence Division personnel will submit the evidence to the LSP Crime Lab, and collect and maintain all receipts for evidence submitted.
- C. All laboratory results will be submitted in writing to the Evidence Division, which is accessible through iResults via LSP Crime Lab web site.
- D. The LSP Crime lab will not accept cases where the suspect is unknown, except rape and murder. Submit all other cases with reference name or indicate: Hold - Pending Reference subject.
- E. All Crime lab submittals may be on the same form providing they are under the same file number, no matter how many evidence bags. If more space is needed, then another form can be added. **Exceptions:** If the evidence is either an additional or resubmission item of evidence, it has to be on a separate LSP Request for Scientific Analysis form.
- F. If several items will be delivered to the crime lab, they may be packaged separately and included in the same evidence bag.
- G. For the detective divisions that the LSP Crime Lab has set a limited number of submissions for analysis per month, that division will keep track of their submissions. The number of submissions will not be maintained by the Evidence Division.

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V. Delivery of Evidence

- A. Officers are able to use the drop boxes and lockers at the Evidence Division processing room or other approved drop boxes. Evidence placed in the drop boxes and lockers will be collected by the Evidence Division once daily Monday – Friday. All evidence will be entered into the electronic evidence tracking system (FileOnQ) and then placed into evidence drop boxes or lockers. The following procedures apply:
1. No evidence/property will be left outside drop boxes or lockers.
 2. All large evidentiary/property items will be delivered to the evidence room during normal working hours. After hours Communications will be contacted for items that are too large to fit in the drop boxes or lockers. The Communication dispatcher will contact the call-out officer for the Evidence Division, who will respond to receive the large item.
 3. All evidence requiring refrigeration will be placed in the refrigerator inside the Evidence Division processing room. The evidence refrigerator has individual cubicles with keys. After the officer has entered the evidence into the evidence tracking system, the officer will place the evidence in the cubicle. Officers are to lock the cubicle and drop the key inside the keyhole slot.
- B. No evidence will be accepted without charges.

VI. Storage of Evidence

- A. Evidence technicians will assign a storage location to each piece of evidence and record this in a master file (FileOnQ evidence tracking system).
- B. Evidence requiring added security including, but not limited to money, precious metals, and gemstones, weapons, and narcotics will be stored in a separate more secure area.
- C. Perishable items will not be accepted by the Evidence Division. If a large quantity of perishable food items have been recovered or seized and cannot be returned to the owner, before spoiling, they may be given to a charitable organization or destroyed after being photographed. This will be documented by report.
- D. Only Evidence personnel or those with legitimate business may enter the evidence room facility. A log will be kept of all that enter, except for evidence technicians assigned to the facility.
- E. Items such as blood and rape kits that require refrigeration should be placed in the refrigerator, which is located in the Evidence Division processing room.

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VII. Transfer of Custody

- A. Evidence technicians will record any change of custody of all physical evidence/property. This will be done by an electronic signature pad signed by the recipient, as well as any computer record that may be made of such transfer.
- B. Officers who assume custody of any evidence bear responsibility for ensuring its security and return upon demand. If required by a prosecutor, officers may effect a change of custody by completing the appropriate form furnished by the evidence technician.
- C. Both individuals exchanging custody must sign the form. The officer relinquishing custody must deliver the form to the evidence room where the change of custody will be recorded.
- D. Property (found property of court ordered evidence) that is to be used for training and/or narcotics activities will have a written request specifying the required item(s) through the chain of command to the Chief of Police. Once the request has been approved, the officer will obtain the specified items from the Evidence Division. The Evidence Division will inspect the item(s) for marking, serial number, and/or the weight of the item(s) prior to releasing it to the officer. The officer will be solely responsible for returning the item(s) to the Evidence Division in the same condition in which the item(s) was/were received. Once the item(s) has been returned to the Evidence Division, the item(s) will be inspected and/or weighed by the evidence officer to ensure that the item(s) returned is the same as the item(s) checked out; the item(s) must be consistent in marking, serial numbers, and weight.

VIII. Disposal of Evidence

- A. When no longer needed for evidentiary purposes all evidence except firearms and contraband will be returned to the owner unless title to the evidence is transferred to the Department or the owner fails to claim the evidence. In such cases the Commander of the Evidence and Property room may:
 - 1. Destroy the evidence.
 - 2. Release it to a charitable organization.
 - 3. Retain it for use by the Department.
- B. Firearms not claimed by the owner will be retained for use by the Department or destroyed.
- C. Nothing contained herein will be construed as to contradict a court order.

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- D. All narcotics and dangerous drugs will be disposed of in keeping with proper environmental procedures.
 - 1. Randomly selected drug evidence to be destroyed will be weighed in the presence of an Internal Affairs investigator. The weight will then be compared with any previous weight indicated to check for possible discrepancies. If other than nominal difference is noted, the contraband will be impounded, and an investigation will be conducted by the Internal Affairs unit.
 - 2. If no discrepancy is found, the evidence will be destroyed. The investigator from Internal Affairs will accompany an evidence technician during the disposal process.
 - 3. Prior to the destruction of evidence the District Attorney's Office will be notified and, if possible, a representative from that office will accompany Department personnel during the destruction process.
 - 4. After the destruction, a report will be submitted to the Chief of Police containing the following elements:
 - a. Date, time and location of the destruction.
 - b. An inventory of all items destroyed.
 - c. A list of those present during the process.

IX. Found Property

- A. An officer investigating a report of found property will make every attempt to contact the owner of the property. If all reasonable attempts fail, the officer will place the property in a departmental approved evidence/property bag. Only if there is no indication as to who the owner is will the officer mark "UNKNOWN" in the space provided for the owner's name in the FileOnQ evidence tracking system. If there is a reasonable belief as to who the owner is, then that individual's name will be indicated.
- B. A report will be filed giving a summary of the officer's attempts to locate the owner and the name of the individual notifying police. In some instances, this individual may be eligible to claim the property. He will be given the file number of the report and advised to contact the evidence room for details.
- C. If the property is too large to place in a found property bag, attach a completed bag to the property and deliver to the Evidence Division processing room.
- D. All property will be entered into the FileOnQ evidence tracking system and delivered to the Evidence Division for storage.

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X. Personal Property

- A. Personal property may be taken from an individual only under the following circumstances:
 - 1. The possessor is injured, arrested, intoxicated, or otherwise unable to properly care for his property.
 - 2. The officer has an articulate, reasonable belief the property is stolen.
- B. The officer confiscating the property must give the possessor a signed receipt, which describes the property and includes the file number of the case. If the owner is unable to accept the receipt, it will be left in a conspicuous place or given to a family member.
- C. The reason for confiscating the property must be detailed in the report, along with any information regarding ownership. The individual's name must be in the space provided for owner's name in the FileOnQ evidence tracking system. If the officer reasonable believes the property is stolen, do not list an owner's name in the FileOnQ evidence tracking system, but document in his incident report the person's name who was in possession of the property.

XI. Dispositions of Property

- A. Evidence technicians will continue the attempts to locate the owner of the property. A letter will be sent to any identifiable owner. If all attempts fail, the property will be held for at least ninety (90) days; then destroyed, released to a charitable organization, or put into service within the Department.
- B. Division commanders may request any property held for over ninety (90) days be made a part of the department's inventory and assigned to them or an officer under their command. Division Commanders will email the commander of the Evidence Division their request for the property they want assigned to their division. The email must include the file number and the description of the requested property.
- C. Property that is assigned to a division will be noted in the Evidence Division Tracking System as to what division it is being assigned to and what officer from that division is taking possession of it. That officer will also be required to sign for the item by electronic signature through the Evidence Division Tracking System.
- D. The division the property is assigned to will be responsible for keeping an accurate record for inventory purposes.