

MONROE COUNTY SHERIFF'S OFFICE

General Order

CHAPTER: 054		TITLE: Evidence and Found/Recovered Property
EFFECTIVE DATE: November 4, 2014	NO. PAGES: 13	REVIEWED/REVISED: June 25, 2018
REFERENCE: CALEA 83.2.1, 83.3.2, 84.1.1, 84.1.2, 84.1.3, 84.1.5, 84.1.6, 84.1.7 CFA 15.10, 27.09, 27.13, 28.02		RESCINDS:
 Sheriff of Monroe County		

- I. **PURPOSE:** The purpose of this directive is to establish procedures for the collection, storage, disposition of evidence and property, and guidelines for the Evidence and Found Property component.
- II. **DISCUSSION:** This directive shall apply to all Sheriff's personnel. It is the policy of the Sheriff of Monroe County to maintain evidence and seized or recovered property in accordance with Federal, State, and Local Statutes and court decisions relating to evidence and seized or recovered property; and to return such property to its rightful owner(s) in a timely manner. In all criminal or civil cases where physical evidence is collected, that evidence or seized and recovered property is the responsibility of the seizing member. All evidence and seized or recovered property, once collected by a member, and is turned into the proper temporary lockers or storage facility of the Property and Evidence Division is then the responsibility of the Property and Evidence Technician or Director.

The Property and Evidence Director is responsible to the Chief of the Bureau of Administration. The Monroe County Sheriff's Office follows guidelines set forth by the Florida Department of Law Enforcement, Property and Evidence Association of Florida and International Association of Property and Evidence for the collection and preservation of evidence.

III. DEFINITIONS

- A. **Evidence:** any property that comes into the custody of a Monroe County Sheriff's Office Law Enforcement Officer when such property may tend to prove or disprove the commission of a crime, or the identity of a suspect, pursuant to an official criminal investigation. For example, physical or chemical evidence left at the scene of a crime by a victim or suspect; recovered stolen property; or property which is suspected to have been used in, or be the result of, the commission of a crime.
- B. **Found Property:** any property of no evidentiary value whatsoever, which comes into the custody of a Law Enforcement Office, and whose rightful owner, may or may not, be known to the finder or the agency. Due diligence must be exercised to discover the rightful owner. If the owner can't be located, the agency will dispose of the property in a timely manner, pursuant to Florida Statute 705.
- C. **Safekeeping:** any property of no evidentiary value surrendered to an officer for temporary custody with the understanding that the person surrendering the property has the legal right to do so, and that the property will be returned to the rightful owner(s) at the end of a specified period of time, unless disposition by the department, in a manner prescribed by law, is requested by the owner(s).

- D. District Property/Evidence Personnel:** a member or members appointed by the Sheriff, under the Supervision of the Property/Evidence Director is responsible for all evidence and property physically within the district (to include, but not limited to, all evidence in criminal cases, found and abandoned property.) He/she will oversee the chain of custody procedures, and ensure that evidence-handling procedures are followed. He/she will notify Headquarters Property/Evidence of all items received into or transferred out of the District Property Room on a weekly basis (to include, but not limited to, all evidence in criminal cases, found and abandoned property).
[CALEA 83.3.2 a]

IV. POLICY AND PROCEDURES

A. DOCUMENTATION [CALEA 83.3.2]

1. All property and evidence that is taken into custody by a MCSO officer must be documented in the offense report prepared by the officer accepting the property or evidence.
2. Who, what, where, when, and how he/she came into possession, and the disposition of that property shall be described in the offense report. [CALEA 83.3.2]
3. All property and evidence must be listed in the property section of the report. If any evidence is down loaded to MCSO arbitrator or VeriPic systems, the item should be listed in the property section noting where it has been down loaded.
4. After each item entry in the property section the officer should print the bar code and the computer will assign the next item number available on that case.
5. The officer must specify the location where he/she is submitting the property and evidence.
6. Items that are released at the scene should also be listed in the property section. When the Property and Evidence Division receives the property receipt with the owners' signature that item will be updated in the evidence module.
7. Officers should note in the offense report what they want done with their property and evidence. If items are to be released to the owner, sent for analysis, or to be destroyed.
8. All property and evidence in the custody of MCSO shall be documented on a property receipt. (This does not include vehicles, boats etc. These go on a Motor Vehicle Acquisition form.) All property and evidence must be properly identified, marked, sealed initialed and the property receipt completely filled out.
9. Property and evidence is not to be secured in personal lockers, files, desks or vehicles. Note: If the item is needed for investigative purposes you can speak with the property/evidence personnel who will sign it in and then sign it right back out to you. Under no circumstances shall an officer retain property or evidence beyond their tour of duty each day. The original (top copy) of the property receipt shall accompany the property and evidence at all times. A copy of the property receipt shall be furnished to the MCSO Records Division.
10. A copy of the property receipt shall be furnished to any person, regardless of status, anytime property is taken from that person irrespective of the classification of that property.
[CALEA 84.1.1 a,b,c]

B. CHAIN OF CUSTODY [CALEA 83.3.2]

1. The Chain of Custody assures continuous accountability. It begins when an item of evidence is collected or when any property is recovered or turned over to a member of the Monroe County Sheriff's Office. The Chain of Custody is maintained until final disposition of the property. If the Chain of Custody is not maintained, an item of evidence may not be admissible into Courts of Law.
2. Each individual in the chain of custody is responsible for any item of property while it is in his/her custody, to include its final disposition
3. When all lines for Chain of Custody are used up, a continuation sheet will be added to the back of the Property receipt. The sheet has been designed with spaces on the top right corner for the offense number and property receipt number and approximately 12 additional lines for signatures.
4. Whenever a transfer of custody of physical evidence takes place, it will be documented on the property receipt to include the following:
 - a. receiving person's name/ signature
 - b. Item # for items they are taking into custody
 - c. Reason for the transfer of item(s)
 - d. Date and time taking custody
5. The chain of custody will be maintained to its final disposition. The final disposition of evidence, found and recovered property is accomplished within six months after all legal requirements have been satisfied. [CALEA 83.2.1, 84.1.7]

C. MARKINGS AND PACKAGING [CALEA 83.3.2]

1. All property that is collected or seized shall be marked for identification and packaged to avoid contamination and to ensure the integrity of the evidence.
2. There are a variety of containers and materials that can be used to package physical evidence and property. Officers should strive to use the appropriate size and type of container for the type of property they are packaging. An assortment of packaging materials and supplies for this purpose will be maintained near the property processing areas at the MCSO stations. There are boxes for rifle/long guns, smaller boxes for handguns, boxes for knives or sharp objects, small tubes for syringes, several sizes of plastic and paper bags for other property and evidence. The self-sealing bags don't need evidence tape. The package should not be made smaller than 5" x 7". The property receipt should never be sealed inside the evidence container. Every item must be bar coded.
 - a. Always use new, clean containers to prevent contamination.
 - b. Plastic bags are suitable for small, dry objects. WARNING: do not place damp or biological evidence in plastic.
 - c. Items of clothing for evidence should be placed in paper bags, cardboard boxes or wrapped in paper.
 - d. Keep items of evidence separate if cross-contamination is a factor. Every item secured from different locations at the scene should be packaged separately.
 - e. Property that requires fingerprint processing should be clearly marked on the comment section of the property receipt.

- f. Larger items such as safes, vehicle bumpers, etc., that require further forensics processing can be wrapped in paper and secured with tape.
- g. Paint cans, heavy mil quality plastic bags or other suitable containers are used to store arson evidence and hazardous material samples. Officers should check with the Fire Department Marshall and/or Arson Investigators for specifics.
- h. Plastic tubes or sharps boxes/containers are used to store hypodermic syringes or other sharp objects. WARNING: do not use paper or plastic bags to package any sharp weapon or object.
- i. Do not over-seal a package or container. Do not use staples. Put evidence tape with member's initials over the opening of the package if being submitted to FDLE.
[CALEA 84.1.1 d]

D. CATEGORIES OF PROPERTY AND EVIDENCE: All property and evidence must be documented on a property receipt. Items that are turned into custody and released to owner at the scene should also be documented on a property receipt. Property and Evidence personnel will update the computer on every item listed on the property receipt. All items should be listed in the offense report property section. Under no circumstances will property and evidence leave the custody and control of the Property and Evidence Division personnel without the person gaining custody of the property and evidence signing the property receipt with reason, date and time. Every item must be packaged, sealed with the member's initials. Bulk items will be labeled with the members initials.
[CALEA 83.3.2 d]

a. Firearms: All firearms will be unloaded. If for any reason a loaded firearm must be submitted, the officer shall attach a warning note to the weapon indicating the weapon is loaded. The firing mechanism must be protected to prevent an accidental discharge. Notify the Property and Evidence Division to have the firearm unloaded as soon as possible.

- 1. All firearms must be packaged in cardboard boxes that are provided at each station. Exceptions can be made for those firearms which, due to size or other considerations, are not compatible for storage in such boxes.
- 2. All firearms shall be logged and packaged into evidence separate from all other evidence.
- 3. Ammunition, magazine and holster should be package separate from the firearm.
- 4. Unfired cartridges may be left in the magazine provided the magazine is removed from the gun.
- 5. Never pick up weapons by placing a pencil or other object into the end of the barrel.
- 6. Don't attempt to clean firearms or bullets before sending them to the laboratory, except in the case of bullets removed from a body.
- 7. Try handling fired bullets as little as possible to prevent damage to the ID characteristics in the rifling markings or loss of material adhering to the bullets. Never use forceps or other tools to handle bullets.
- 8. Don't take the firearms apart.
- 9. If blood or other material of interest is present on the muzzle of the gun, place a small paper bag over the muzzle and seal it to the barrel with tape to prevent loss of the sample.
- 10. All firearms should be handled with care so as not to damage the stock, metal surfaces, or the operating mechanisms.

b. Dangerous Weapons (Knives, Clubs, Stun Guns, etc.)

- 1. Never submit a charged Taser stun gun or other type of electronic weapon or device that could accidentally be activated or discharged. Remove or disconnect the battery(s) from the unit prior to entering into evidence.

2. Always package sharp objects in a "Sharps" container to avoid injury to the person handling the item. If the item is too large to place into a standard container as provided at each station work area, cardboard, paper, Styrofoam or other suitable material should be wrapped around the cutting edge or point.

c. Hazardous Materials/Devices

1. Never transport or store in or about the MCSO facilities any unexploded or suspected unexploded devices.
2. Never transport or store in or about the MCSO facilities any Class A explosives such as dynamite, desensitized nitroglycerin, large quantities of fireworks or more than one pound of black powder.
3. The MCSO Bomb Squad or local military EOD unit must be called to examine, dismantle, transport or dispose of any explosive device or quantity of explosive material.
4. When flammable liquids are collected, they must be secured in containers to eliminate the risk of fire or explosion and to prevent the loss of fluid or vapors. Only small quantities (no more than 2 oz.) of fluids will be retained as evidence. Only package one exhibit per container. Samples of volatile fluids found in open jars or cans should be poured into clean metal or glass containers then completely sealed to prevent any loss or contamination of the sample.

d. Controlled Substances: Special precautions must be taken when handling known and unknown substances believed to be narcotics. All presumptive tests should be conducted outdoors or, when indoors under a fumigating hood with the fan activated. All employees shall wear protective gloves or use forceps in handling all suspected drugs. All employees are encouraged to wear a respiration filter.

1. All controlled substances and drug paraphernalia should be packaged separately and labeled. All controlled substance and drug paraphernalia should be sealed and initialed on evidence tape onto the package.
2. Needles should always be capped and placed with the needle facing down in a plastic tube to prevent accidental injury to persons handling the item and then placed in an evidence bag.
3. Officers submitting suspected controlled substances are responsible for examining, field testing, weighing, packaging and requesting laboratory analysis. (Note: If the substance is suspected of containing Fentanyl, extreme caution should be taken. No field test is to be done. The substance shall be packaged and submitted for laboratory analysis. The packaging shall clearly indicate the substances is suspected of containing Fentanyl.)
4. To avoid molding, fresh plant material, such as marijuana, should be packaged in paper bags.
5. All other drugs can be packaged in plastic bags.
6. Do not empty the drugs into the evidence package. The substance must be inside a tiny plastic bag then placed inside a larger bag no smaller than 5" x 7". That baggy with the substance must be clearly visible. The original drug containers need to be in a separate package.
7. Pills/tablets/capsules should be removed from pill bottles or other packaging which would prevent a visual inspection. You should weigh rather than count the pills/tablets/capsules just in case the pills become crushed and the count change.
8. The latent fingerprint evidence (wrappings or containers) from the drug evidence must be in a separate package.
9. Drug paraphernalia needing analysis from FDLE will need prior approval and it must be the only item on the case.

10. Suspected cannabis items with a total weight of less than 20 grams of plant material will not be accepted without prior approval from the FDLE Chemistry section supervisor.
 11. Only the item(s) substantiating the highest penalty scheduled per F. S. 893 will be analyzed.
 12. The evidence package with the drugs shall be weighed by the officer. The weight should be written on the package and on the property receipt. The officer should specify if it is just the drugs or drugs and packaging (1 s. pkg. or total package weight "tpw").
 13. The package should be re-weighed when it is received in the evidence room by the property and evidence assistant or director. The gross weight (substance and its container/package) shall be logged on the property receipt on the comments section. Property and evidence employee shall note weight of item (i.e., 1 s. pkg. or tpw) and initial next to it.
 14. On synthetic marijuana it will be accepted for analysis by FDLE. It needs to specify on the description that it is synthetic marijuana. It doesn't need to be a certain amount.
 15. If you have plants you must shake excess dirt off the roots before submitting. If you have plants for FDLE take a sample from each plant which is about 5" off the top of each plant. [CALEA 84.1.1 e]
- e. Currency/Money:** All currency must be broken down into denominations. All currency should be packaged separate from all other property and evidence. Currency bags are provided at the work areas at all the MCSO stations.
1. When officer collect more than \$3,000.00, the Property and Evidence Division personnel for that area should be notified so it can be secured into the vault and not left in the overnight lockers for any length of time.
 2. Counterfeit money will be counted by the number of bills. The face value of the counterfeit money will not be counted, as it has no value. It will always be packaged separately from genuine US currency. Once approved for release, it will be released to United State Secret Service. [CALEA 84.1.1 e]
- f. Jewelry:** All jewelry items should be packaged in paper or plastic bags. Jewelry items should be packaged separate from all other property/evidence.
1. Officers submitting large quantities of expensive jewelry or gemstones should notify the Property and Evidence Division personnel requesting that additional security measures be taken such as storing inside vault.
 2. Each item of jewelry should be listed individually with as much of the description as possible. Do not use words like diamond and gold to describe the item. Always use yellow metal, white metal, white stones, and red stones. [CALEA 84.1.1 e]
- g. Photographs, audio/video tapes, CD, DVD:** The investigating officer's first step in the investigation of any major crime is to record, completely and accurately, all aspects of the scene before any items of evidence are removed or disturbed.
1. All photos, audio/video tapes, CDs, and DVDs are to be packaged separately and submitted into the Property and Evidence Division using the appropriated size plastic bags found at the station.
 2. If photos are in arbitrator or VeriPic, do not print a bar code, but it should be listed in the F7 section of the offense report. Make a note on that entry "arbitrator" or "VeriPic".
- h. Bicycles:** All bicycles or portions thereof, that are retained by the MCSO will be transported to and placed into the bicycle compound for that district. Bicycles that are prisoner property will be turned into the jail facility for that district.

- i. **Motor Vehicles:** Motor vehicles should be listed on a Motor Vehicle Acquisition Receipt. Motor vehicles requiring retention may be transported to the Station facility to facilitate vehicle examination and/or evidence processing.
- j. **Alcohol:** Open containers of alcohol shall not be logged into the Property and Evidence Division. The contents should be poured out at the scene, in an appropriate manner, by the investigating officer who will then describe the condition of the containers and its contents in the offense report. In rare situations when a sample of the evidence is necessary for prosecution, retain one unopened container (bottle, can, etc.), photograph, and destroy the remainder.
- k. **Fingerprints/Fingerprint Processing** –All items that need to go to MCSO Crime lab must be submitted to the Property and Evidence Division first. The Property and Evidence Division will deliver and pick up property and evidence from the lab at least once a week. All items to be processed for fingerprints will be turned over to MCSO crime laboratory by the Property and Evidence personnel. If for some reason it can't be processed, it will be returned to the Property and Evidence Division and they will mail it to FDLE laboratory. Latent cases will also be submitted into the Property and Evidence Division first and then delivered to the Identification Section at least once a week. They will be evaluated and, if sufficient characteristics, they will be entered into the AFIS, IAFIS and/or AFIX system. A report will be completed by the Identification Technician on the findings of the evaluation of the latent(s). A report will also be completed if the latent prints are of no value/insufficient characteristics. The report will be sent to the property and evidence division and the investigating officer. The evidence will be returned to the Property and Evidence Division.
 - 1. If items need to be processed, it will be done at the MCSO Crime Lab. If you are not prepared to lift the print on the item don't process it. FDLE will not accept items that we started to process.
 - 2. When items are processed for fingerprints and fingerprints are developed, the fingerprints/latent must be on a new property receipt and the offense report updated.
 - 3. All latent cards submitted into the Property and Evidence Division shall be packaged in the appropriated size bag, sealed and initialed by the officer.
 - 4. If you have more than one latent card you can package together in the same package and list it on the property receipt as one item consisting of the amount of latent cards.
 - 5. Every latent card must have the following information on the back: offense number, location print was lifted from, date and name of person taking lift.
 - 6. Property and Evidence personnel will forward all cases with suspects to FDLE when the case is returned from the Identification Section.
- l. **Perishable items-** Perishable items such as body fluids, must be stored immediately or as soon as possible so that their properties are as unchanged as possible prior to their being examined in a laboratory. Blood and urine must be refrigerated, never frozen. There are refrigerators for property and evidence at the Headquarters break room, Cudjoe Station, Marathon Station, and Spottswood Station.
 - 1. Blood and urine should be properly packaged to prevent spillage and in a crush-proof container.
 - 2. Items for DNA analysis should be in paper bags.
 - 3. All items that have the possibility of containing an infectious disease must have a BIOHAZARD sticker affixed to the packaging and ensure proper handling.
- m. **Sexual Assault Evidence:** All sexual assault kits must be sealed with evidence tape. The kit must be refrigerated if liquid blood is included. The first submission of evidence on a sexual

assault case to FDLE is limited to the sexual assault evidence kit plus one pair of underwear if available.

1. If positive results are obtained in the assault kit, additional items will not be examined, unless the cases circumstances dictate the need for additional processing.
2. If negative results are obtained in the assault kit, other clothing or bedding item will be accepted with a limit of 5 items per submission.
3. Package each item of clothing separately to avoid contamination. All clothing should be in paper bags. The subjects name should be written on the outside of the package.
4. All items that are wet or suspected to have any body fluids should be packaged in paper bags. Use additional paper for absorbency if necessary.
5. All items that have the possibility of containing an infectious disease must have a BIOHAZARD sticker affixed to the packaging and ensure proper handling.
[CALEA 84.1.1 e] [CFA 15.10 c]

n. Stains and Fibers: Do not leave any stained objects in the sun. If not completely dried before packaging, decomposition will occur which may prevent complete testing. If items are wet contact the Property and Evidence Division or crime scene laboratory for drying areas.

1. When stain is dry, package in paper or paper bags, **never use plastic bags**. If possible submit the entire item with suspected bloodstains for lab analysis. Place each stained item in a separate package.
2. When collecting hairs, place in vial or paper envelope with sealed corners. Do not mix samples recovered at different locations. Never use gummed tape to pick up hairs and never clean them.
3. When collecting fibers or threads use tweezers. They should be packaged in plastic bags, glass or plastic vials. Do not place loose fibers directly into mailing envelopes or other paper containers since they are difficult to locate in the laboratory and the paper itself may contain fibers.
4. Avoid picking up any type of stains, fibers, and threads on gummed tape unless no other method of recovery of the evidence is available.
5. Keep items away from fans or extreme heat, but make sure the item is air dry before packaging.
6. The following items are always packaged separately:

Currency	Jewelry	Digital disks/DVDs
Firearms	Drugs/narcotics	Tapes/records
Glass	paraphernalia	Photographs
Biohazards	Knives/sharps	Sexual assault kits
Blood kits	Fingerprints/latent	[CALEA 84.1.1e]

o. Prisoner Property: When a subject is transported to the jail facility, his or her personal property, including bicycles, must be turned in to the Jail Property Division so they can retrieve it upon release. Any contraband that a subject possesses can be submitted into the Property and Evidence Division. This must be listed on an offense report and property receipt completed.

E. CRIME LABORATORY SUBMISSIONS [CALEA 83.3.2]

1. All evidence will be submitted into the Property and Evidence Division first. If analysis is requested it will be the responsible of the Property and Evidence Division personnel to deliver or mail it to the designated lab. (This includes evidence to be submitted to FDLE, ID section or MCSO Crime Lab).

2. When analysis is requested the officer will note it on the comment section of the property receipt or send an email to the Property and Evidence Division personnel. Packages shall be no smaller than 5" x 7" with evidence tape on all openings and initials on tape onto the package.
3. Any property or evidence for analysis will be mailed to the designated FDLE laboratories on a weekly basis. On regular basis all drugs and sexual assault kits will be submitted according to FDLE guidelines. The Property and Evidence Division personnel will sign into the FDLE website's Evidence Submission Section, log all information on all cases for submission; print the screen (case information form) and attach the screen-print to the evidence package. All cases are mailed. When the items are received, a case tracking form with the FDLE case number is sent. This form is then attached to the property receipt and the evidence record updated in the evidence module on the FDLE case #. When notification that analysis is complete is received, print the analysis, attach it to the property receipt and email a copy to the investigating officer. After analysis, FDLE will return the evidence to the Property and Evidence Division.
4. It shall be the duty of the member assigned to the case to ensure the proper examination has been requested.
5. It shall be the duty of the Property and Evidence Division to send results to the investigating officer.
6. Items that are wet must be dried before packaging. The officer must contact the Crime Lab or the Property and Evidence Division to make arrangements to get the items dry before they are submitted.

F. SPECIAL HANDLING: Four types of property and evidence; drugs/narcotics, currency/monies, firearms and jewelry, will be stored separately and according to the guidelines listed below. These categories require extra security and will be segregated from all other types of property and evidence within the property and evidence vault. The Property and Evidence Division personnel shall not open any sealed containers of property and evidence. The only exception will be if the investigating officer or the State Attorney's Office authorizes the Property and Evidence personnel to break the seal.

1. DRUGS/NARCOTICS:

- a. When drugs/narcotics are to be destroyed, a Court Order shall be obtained authorizing the destruction of the drugs/narcotics evidence identified by offense number and description of the each item to be destroyed. Each case shall have a final disposition from the State Attorney's Office or the investigating officer authorizing the case be destroyed. A return affidavit will be filed with the courts after the drugs are destroyed.
- b. The District Commander (or designee), shall conduct an inventory prior to the destruction date to verify that all the items on the court order are being destroyed. If at any time during the preparation phase of an evidence destruction, the Property and Evidence Director or the Commander (or designee) should find a package of evidence that appears to have been tampered with, that evidence shall be set aside and retested to ensure its integrity.
- c. The District Commander (or designee), shall accompany the drugs/narcotics to the destruction site and shall witness the complete destruction. He/she shall also provide security to the destruction site and during the burn.

2. CURRENCY/MONIES: All items of currency will be packaged separately and stored in the designated locked area within the vault. Under no circumstance will the Property and Evidence Division personnel open any packages with currency. When the case is closed and the currency must be turned over to the MCSO Finance Division, the Property and Evidence personnel will be present to witness the package seals being cut and the money being counted. The property receipt and evidence module will also be updated.
3. JEWELRY: All jewelry items will be packaged separately and stored in the designated locked area within the vault. Under no circumstances will the Property and Evidence Division personnel open any packages with jewelry.
4. FIREARMS: All firearms must be in boxes which are sealed, initialed and properly labeled. The bar code will be placed on the appropriate side of the box to accommodate the shelving for the specific vault location. If a firearm is noted as being loaded, the Property and Evidence Division personnel will contact one of the firearms experts in the department to render it safe. If the firearm requires processing, the Property and Evidence personnel will coordinate with the crime scene tech and the firearms expert who will determine the sequence of processing and unloading before placing into the Property and Evidence Division.

G. DISPOSITION OF PROPERTY AND EVIDENCE

1. **Pursuant to Florida Statue 90.91 Photographs of property wrongfully taken; use in prosecution, procedures; return of property to owner(s)** In any prosecution for a crime involving the wrongful taking of property, a photograph of the property alleged to have been wrongfully taken may be deemed competent evidence of such property and may be admissible in the prosecution to the same extent as if such property were introduced as evidence. Such photograph shall bear a written description of the property alleged to have been wrongfully taken, the name of the owner of the property, the location where the alleged wrongfully taking occurred, the name of the investigating law enforcement officer, the date the photograph was taken, and the name of the photographer. Such writing shall be made under oath by the investigating law enforcement officer, and the photograph shall be identified by the signature of the photographer. Upon the filing of such photograph and writing with the law enforcement authority or court holding such property as evidence, the property may be returned to the owner from whom the property was taken. This is located in the Florida Law Enforcement Handbook. All photographs must be packaged separately.
2. **Pursuant to Florida Statute 705.103 Procedure for abandoned or lost property**
 - a. Whenever a law enforcement officer ascertains that an article of lost or abandoned property is present on public property and is of such nature that it can be easily removed, the officer shall take such article into custody and shall make a reasonable attempt to ascertain the rightful owner or lien holder pursuant to the provisions of this section.
 - b. Whenever a law enforcement officer ascertains that an article of lost or abandoned property is present on public property and is of such nature that it cannot be easily removed, the officer shall cause a notice to be placed upon such article in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: (setting forth brief description) is unlawfully upon public property known as (setting forth brief description of location) and must be removed within 5 days; otherwise, it will be removed and

disposed of pursuant to chapter 705, Florida Statutes. The owner will be liable for the costs of removal, storage, and publication of notice. Dated this: (setting forth the date of posting of notice), signed: (setting forth name, title, address, and telephone number of law enforcement officer).

3. Pursuant to Florida Statute 705.105 Procedures regarding unclaimed evidence

- a. Title to unclaimed evidence or unclaimed tangible personal property lawfully seized pursuant to a lawful investigation in the custody of the court or clerk of the court from a criminal proceeding or seized as evidence by and in the custody of a law enforcement agency shall vest permanently in the law enforcement agency 60 days after the conclusion of the proceeding.
- b. If the property is of appreciable value, the agency may elect to:
 - 1) retain the property for the agency's own use
 - 2) transfer the property to another unit of state or local government
 - 3) donate the property to a charitable organization
 - 4) sell the property at public sale, pursuant to the provisions of FSS 705.103.
- c. If the property is not of appreciable value, the law enforcement agency may elect to destroy it.

H. OFFICE PROCEDURES

1. The Property and Evidence Director shall be responsible and accountable for the control of all evidence and found/recovered property accepted by or stored in the Office's evidence storage areas.
2. All evidence stored by any member of the office shall be within the designated secured areas.
3. At least semi-annually, the Property and Evidence Director shall conduct an inspection for adherence to the procedures set forth for the control of evidence. [CALEA 84.1.6 a]
4. Whenever a new Property and Evidence Director is designated, an inventory of evidence, to ensure that records are correct and properly annotated, shall be jointly conducted by the newly designated Property and Evidence Director and the outgoing Property and Evidence Director. [CALEA 84.1.6 b]
5. Annually, an audit and inventory of evidence and evidence records held by the Office shall be conducted by Staff Inspections. [CALEA 84.1.6 c]
6. At least once annually, the Sheriff shall direct an unannounced inspection and/or inventory of all evidence storage areas to insure accountability and that security procedures are being maintained, as well as the other operational duties of the evidence/property unit. These inspections are in addition to and in support of other regularly scheduled inspections. [CALEA 84.1.6 d]
7. Items of property requiring added protection, include money, precious metals, jewelry, gemstones, weapons, narcotics, and dangerous drugs, shall be stored in separate, locked, secure areas located within the Office's property storage areas/vault. [CALEA 84.1.1 e]

8. The Property and Evidence shall ensure that all members under his/her command maintain records, which reflect the status of all evidence held by the Office. This is done daily through computer data entry. [CALEA 84.1.5]
 9. Lost, missing or stolen property/evidence: Whenever the Property and Evidence Technician is unable to locate an item of property/evidence, which is alleged to be stored, he/she will make a reasonable search for the item(s). If this search fails to locate the missing item, the Property and Evidence Technician will advise the Property and Evidence Director. If the Director is also unsuccessful in locating the item, the Director will advise the Bureau of Administration Commander by memorandum, stating the fact of the matter. The memo will be submitted as soon as practicable, but in no event later than two weeks after the initial discovery the evidence was missing. [CFA 27.13 d, 28.02 d]
 10. Secured refrigerated storage shall be available for all perishable items of evidence and shall be used in accordance with proper evidentiary procedures.
 11. During those periods the evidence room is closed, all found, recovered, or evidentiary property needing security shall be placed in the facilities provided in Districts I, II, III and IV.
 12. Evidence lockers are equipped so items may be stored inside the locker and, once locked, cannot be reopened except by the Property and Evidence Technicians who maintain the only key. [CALEA 84.1.3]
 13. The original property receipt with the property and/or evidence shall be placed inside the locker.
 14. The schedule for picking up property and evidence.
 - a. The Property and Evidence Division lockers and refrigerators will be emptied at least once a week.
 - b. At least once a week property and evidence needing analysis, long term storage and/or disposal will be transported to the Key West Office.
 - c. The Property and Evidence Division personnel will do other pick-ups upon request.
 - d. If a certain pick up must be cancelled or postponed, it must be approved by the Property and Evidence Director. [CFA 27.09]
- I. PROPERTY AND EVIDENCE DRY ROOM USE:** Deputies must call the Property and Evidence Division Personnel for assistance with large amounts of drugs or wet items. The impounding officer will transport the property or evidence to the Key West office. The impounding officer will place them in the dry room. There are two keys to this room. The Property and Evidence Division personnel will give him/her the keys to the dry room. The officer will lock the dry room. The Property and Evidence personnel will have to be present to let the officer into the vault. The officer should return on a weekly basis to check the item(s). If the item(s) are dry it will be packaged according to policy and relocated. If the items are still wet or moist the officer should return the following week until the items are dry. The keys will be returned to the Property and Evidence Personnel as soon as the evidence/property has been packaged. Neither employee can have complete access without the other being present.
- J. IMPROPER SUBMISSIONS:** Every item submitted into any of the locations of Property and Evidence Division is expected to be done in a safe, complete and thorough manner consistent with the guidelines set forth in this chapter and FDLE policies.
1. Property personnel shall not accept any property or evidence that is not properly packaged.

2. The Property and Evidence Division Personnel shall, as soon as practical, notify the submitting officer or the officers' supervisor, who shall immediately make the corrections for submission.
3. Arrangements will be made with the officer to get the evidence to him/her. The officer must sign the chain of custody. After the officer corrects the mistake it will be placed back into the locker or hand delivered to the Property and Evidence Division which it will be signed back into custody.

K. SIGN-OUT OF PROPERTY AND EVIDENCE: The Property receipt and the evidence module shall indicate that the property or evidence has been signed out and not returned. A copy of the property receipt must be furnished with the items when items are signed out and will be returned with the items after examination or Court. If the items are retained by the Clerk of the Court or an Assistant State Attorney, the officer will notify the Property and Evidence Division and will return the copy of the property receipt with the signature of whom is retaining the item on the chain of custody section.

The property and evidence personnel shall keep track of all the property and evidence that is signed out for investigative purpose, to crime lab for processing, and to ID Section and at the temporary locker locations. This shall be reviewed every week.

L. EVIDENCE VAULT: A secure area to ensure the integrity of all stored evidence/property. Only authorized personnel shall have access to areas used by the Office for the storage of property and/or evidence. Any person(s), other than the Property and Evidence Director and Property and Evidence Technician, who are granted access to the storage and vault areas will sign and date an Entry Log for the Property Custodian, or access will be denied.

1. Every person granted access shall sign and date an entry log maintained at the Evidence Room door or he/she will be denied access.
2. Persons granted access to a specific Property Room shall be escorted at all times by an authorized member for that Property Room.
3. Inspections of the evidence area by other supervisory personnel shall be conducted in the presence of an authorized member for that Property Room.
4. Only authorized personnel shall have entry control devices (keys, security passwords, combinations, etc.) for unlimited access to the evidence and vault areas. This shall be strictly enforced by the Property Director. An emergency entry control device (key, combination, etc.) for the Headquarters Property area shall be maintained by the Property Director. An emergency entry control (key, combination, etc.) for the District property areas shall be maintained in a sealed container in the personal control of the Property Director.

[CALEA 84.1.2]

5. The Monroe County Sheriff's Office maintains its' primary storage facility at 500 Whitehead Street, Key West, Florida 33040. Satellite property rooms are located at Marathon Substation and Spottswood Station (Plantation Key). All property and evidence that is stored with the MCSO is entered into an in-house computer system, which gives the exact location of property.