

GENERAL ORDER
FAIRFAX COUNTY POLICE DEPARTMENT



SUBJECT: CUSTODY OF PROPERTY	NUMBER: 610.1
CANCELS ORDER DATED: 10-1-07	DATE: 1-1-09

I. PURPOSE

In order to ensure a valid chain of custody for evidence and found property seized or coming into the control of Department personnel; to eliminate the possibility of lost or mishandled property; and to avoid an unnecessary accumulation of property in the Property Section, uniform procedures for the storage and disposition of evidence and other property shall be utilized.

II. SAFEGUARDING PROPERTY REMOVED FROM ARRESTED PERSONS

In order to ensure the safety of the arresting officer and prevent possible harm to the prisoner or other persons, officers shall search all persons in their custody for weapons or other objects which could be used to inflict harm or effect an escape.

A. District Station Lock-Up Procedures

All property, other than evidence or contraband, removed from a prisoner who is to be detained in a district station lock-up, shall be listed on PD Form 171, Receipt of Cash and Property, and stored in the location specified by the district station commander.

1. The prisoner's property shall be returned upon release. The prisoner shall acknowledge receipt by signature on the PD Form 171.
2. If the prisoner is transferred to another facility, their personal property shall be transferred at the same time. An official at the receiving facility shall be requested to sign the PD Form 171 for the prisoner's property.

B. Adult Detention Center

All property, other than evidence or contraband, removed from a prisoner who is to be detained at the Adult Detention Center, shall be turned over to the receiving officer at the Booking Desk of the Adult Detention Center.

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C. Juvenile Detention Center

All property, other than evidence or contraband, removed from a prisoner who is to be detained at the Juvenile Detention Center, shall be turned over to the shift supervisor at the Juvenile Detention Center.

III. PROPERTY, OTHER THAN CONTROLLED SUBSTANCES AND CONTROLLED PARAPHERNALIA

A. Rights of Property Owners and Finders

1. Property acquired by the Department, other than by seizure or required for court, shall be claimed by the rightful owner within sixty (60) days of the date of the Department's possession.

Property seized or otherwise taken possession of by the Department, which is necessary to any court action, must be claimed by the rightful owner within sixty (60) days from the date of the final disposition of court proceedings.

2. If the rightful owner does not claim such property within the sixty (60) day period, the property shall be released to any person who found and delivered, or caused the property to be delivered, to the Department.

Finders shall claim property within ten (10) days of the expiration of the initial sixty (60) day period. The finder's failure to claim property within the ten (10) day period shall be deemed a waiver of any claim the finder may have to the property and the property shall be disposed of as unclaimed property.

Based on Section 2-2-4 of the County Code, finder's rights provided in Section 2-2-1 of the County Code do not apply " . . . to pistols, revolvers, derringers, bowie knives, dirks, sling shots, metallic knuckles, or other deadly weapons of like character . . ." Officers receiving such found property from citizens shall inform the finder of this exclusion.

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Finders shall not claim property in the possession of the Department if they are a Department employee, or a member of the employee's immediate family.

3. Exception: Bulky or hazardous property may be disposed of immediately. This includes the disposal of bicycles. Found bicycles for which no owner is known and the finder does not wish to take possession will be disposed of immediately. When the owner is known, bicycles will be held long enough to allow the owner to reclaim them.

B. Responsibilities of Submitting Personnel

1. All property which is seized or comes into the possession of Department personnel, shall be properly packaged and the item(s) shall be marked with the appropriate case number. Additionally, a bar code label shall be securely attached to the package. A Field Investigation Report shall be completed describing the circumstances under which the property came into police possession.
 - a. All property will be appropriately and securely packaged in accordance with established procedures prior to submission into the property system. These procedures are provided in the FCPD Evidence Packaging Guide.
 - (1) All potentially dangerous articles shall be rendered safe. Firearms shall be unloaded, and secured in an approved weapons box. Open-bladed knives will have exposed edges covered.
 - (2) Large items not suitable for packing in containers will be appropriately identified with a bar code label on a securely attached bulk item tag.
 - (3) Property opened for any reason must be resealed before submission to the Property Section for safekeeping.

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- b. Each item or group of like items will be sequentially numbered when entering property into the Property and Evidence Management System. A bar code label will be attached to the exterior of the package of each item or group of like items.

- c. Currency
 - (1) All currency or negotiable items coming into the control of Department personnel will be packaged and sealed as an individual item in a translucent Department currency envelope. This includes currency removed from arrested persons. If the currency is such an amount that it will not fit into a currency envelope, then it may be packaged in a box.

 - (2) The separate and sealed individual package of currency will list the exact contents, including the breakdown of denominations, and the grand total of the currency. This information will be recorded on the exterior of the currency envelope, using a computer generated currency label. This label shall be signed by the counting officer and a verifying officer.

 - (3) A verified counting procedure has been established to accurately record all currency and to eliminate the possibility of a miscount. The following procedure will be utilized for all currency which is in the control of the Department for any reason:
 - a) At the first reasonable opportunity, the employee responsible for the custody of the currency shall count the currency by separating it into each denomination.

 - b) The total amount of each denomination should be added to determine a grand total.

 - c) The currency will also be counted in the same manner by another sworn employee, preferably a

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supervisor. The second officer or supervisor shall be documented as a part of the case or property record.

- d) After confirming the amount, the money will be placed in a separate sealed currency envelope and the exact currency count recorded on the exterior of the currency envelope, using a computer generated currency label.
- d. Prior to the end of the collecting officer's shift, the property will be entered into the property management data base. It shall then be transported directly to the Property Section, secured in a pre-designated evidence location at the respective district station or division, or released to the owner. If the property room is closed, officers must use the temporary evidence lockers outside the main Property and Evidence Section entrance to securely store evidence until retrieval by an evidence technician. Any property which is released to the owner must be recorded by obtaining the owner's signature. Deviation from requirements in this subsection must be approved by a command staff officer.
- e. Officers/detectives who have been designated by the Department as supplemental crime scene technicians, or detectives assigned to CIS, may temporarily retain evidence at a station for the intent of further processing or retrieving additional information from the evidence. The collecting officer will enter the retained item(s) into the Property and Evidence Management System and show an initial storage location as "Held for Processing" at the respective officer's assigned station (i.e., Held for Processing Station 4). The item(s) will initially be stored at the station in a location designated for such evidence. When processing has been completed, the processing officer/CIS detective will update the storage location of the item to the respective station property room, at which time it will be transported through normal means.

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Evidence retained for either stated purpose shall not be held at the station more than 14 days beyond its date of collection.

- f. Officers recovering bicycles shall ask finders of such bicycles if they are interested in claiming the bicycle in the event the owner cannot be identified. If so, officers are to note the finder's name and daytime telephone number in the Property and Evidence Management System. The Property Section will contact the finder and arrange for release and pickup of the bicycle. Officers are not to advise finders to contact the Property Section.
- g. Virginia Department of Motor Vehicles (VDMV) temporary and permanent license plates and VDMV operators' licenses.
 - (1) VDMV license plates shall be placed in a secure evidence locker at the station property room or delivered directly to the Property and Evidence Section. Each license plate shall have a bar code label attached.
 - a) License plates that are not needed as evidence will be marked as "release to owner," VDMV. These license plates will be transported to the VDMV by an employee of the Property and Evidence Section.
 - b) All VDMV license plates and operators' licenses that are needed for court are handled as evidence and shall be processed as any other evidence pursuant to Section III of this Order.
 - c) Out of state license plates and operator's licenses that come into possession of Department personnel shall be treated as any other property pursuant to Section III of this Order. VDMV does not accept these items.
 - (2) Operators' licenses seized for suspension or revocation shall have the appropriate VDMV suspension/revocation

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notice attached in lieu of completing a bar code label. Station/Division commanders may utilize any of the following methods in handling this type of VDMV property:

- a) The licenses may be placed in the secured tag box if commanders ensure this box is checked on a daily basis to ensure the licenses are transported to VDMV within the mandatory 24-hour requirement; or
- b) The licenses may be placed in a separate tray which is checked on a daily basis and the licenses transported within the 24-hour requirement; or
- c) These licenses may be mailed directly to DMV.

2. Ownership

- a. Personnel submitting property which may be claimed shall make a determined effort to locate the rightful owners of property without known ownership. This includes an NCIC check when appropriate. Personnel shall inform finders that should the rightful owner be located after property was released to them, the owner may take action to reclaim the property in the possession of the finder.
- b. An Owner Notification Letter shall be sent by an Evidence Technician to the owner/finder of all releasable property. This letter shall be sent when property is received into the Property and Evidence Section as releasable or when the disposition of property is changed to releasable.

3. It is the responsibility of the current case officer/detective to notify the Property Section when the disposition of property changes. This includes changes from "evidence" to "release to owner" or "owner unknown, dispose of in accordance with law." When a case is assigned to a detective, it is that detective's responsibility to update

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the case officer information in the Property and Evidence Management System.

C. Responsibilities of Property Section Personnel

1. Property Section employees will not accept any property which is not appropriately packaged in a container according to established guidelines.
2. The Property Section will maintain a sufficient supply of materials for sealing and resealing containers presented for storage.
3. The Property Section will conduct a regularly scheduled property and evidence collection from the district stations' property rooms.
4. The Property Section will conduct annual audits of the district stations' property rooms in coordination with the station commanders.

IX. ACCREDITATION STANDARDS REFERENCE

- VLEPSC
- ADM.
- 16.01
- 16.02
- 16.03
- 16.04

This General Order becomes effective January 1, 2009 and rescinds all previous rules and regulations pertaining to this subject.

ISSUED BY:

APPROVED BY:

Chief of Police

County Executive