


FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: PROPERTY AND EVIDENCE		NUMBER: 612
	EFFECTIVE DATE: May 13, 2022	REVIEW: May 2025	
RESPONSIBLE ENTITY: RESOURCE MANAGEMENT BUREAU			<input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Replaces: GO 610.1 <input type="checkbox"/> Revised
ACCREDITATION STANDARDS	CALEA: 83.2.1, 83.2.2, 83.3.2, 84.1.1, 84.1.7 VLEPSC: ADM.16.01, ADM.16.02, OPR. 07.07		

I. PURPOSE

The purpose of this General Order is to establish guidelines and procedures for the proper handling, storage, and disposition of evidence and other property that comes into the control of the Fairfax County Police Department (FCPD).

II. POLICY

It is the policy of the FCPD to maintain strict control and adherence to proper procedures over all evidence and property lawfully obtained by the Department. All officers shall handle property and evidence that comes into their possession in the performance of their duties with the utmost care to ensure that proper chain of custody is facilitated in criminal investigations in order to maintain the public trust and the promote the tenets of procedural justice for all.

III. DEFINITIONS

- A. Administrative Disposal: A process utilized to clear an item's storage location and voucher from the evidence management system.
- B. Administrative Review: A process that occurs when the supervisor of a collecting employee attempts to locate missing items of property.
- C. Audit: A review of the policies, procedures, and processes of property and evidence collection functions of the Department to determine whether they meet best practices and state national accreditation standards.
- D. Case Inventory Form: Document used exclusively by Crime Scene Section personnel to record the contents in a Temporary Evidence Storage Point (TESP).

- E. Chain of Custody Record: Chronological record of the movement of property/evidence from collection until final disposition in the current Evidence Management System.
- F. Custodian of Property: Supervisor who oversees the Property and Evidence Section and oversees audits, property transports, temporary property collection points, and overall property management for the Department.
- G. Digital Evidence: Any content contained on electronic devices, stored in binary format, and is of evidentiary value to an investigation.
- H. Electronic Device: Any item capable of analyzing, creating, displaying, converting, storing, receiving, or transmitting electronic, magnetic, optical, or other binary data. Includes, but is not limited to, computers, tables, cellular telephones, thumb drives, and portable hard drives.
- I. Evidence: Any item that may tend to prove or disprove the commission of a crime or identity of a suspect in an official criminal investigation.
- J. Found Property: Property item with no evidentiary value that comes into Department custody and whose rightful owner may or may not be known to either the finder or the Department.
- K. Hazardous Items: Property or evidence that poses potential or substantial risk to either public health or the environment. (i.e. ignitability, corrosivity, toxicity, etc.)
- L. Immediate Family: Includes a spouse, child, parents or parents-in law, siblings, grandparents, or children with whom an individual has legal guardianship or is designated as the primary caregiver. For purposes of this General Order, the Custodian of Property resolves any question of whether a person constitutes an immediate family member.
- M. Inspections: A periodic review of designated aspects of property and evidence functions, to include security, access control, packaging, etc.
- N. Inventory: The process of individually checking all, or specified portions of, property and evidence items against Department records.
- O. Material: For purposes of this General Order, any controlled substance, marijuana, or paraphernalia as defined by the Drug Control Act of Virginia.
- P. Narcotics Control Officer: Officer assigned to the Resource Management Bureau responsible for storage, security, and destruction of narcotics-related evidence.

- Q. Property: For purposes of this General Order, any item deemed to be evidence, found, or marked for destruction.
- R. Property for Destruction: Any item, to include firearms and ammunition, seized from or released to the Department from an individual to be disposed of.
- S. Temporary Evidence Storage Point (TESP): A secure, Department authorized location within the physical confines of the Crime Scene Section Facility designated to house property collected by a Crime Scene Detective for purposes of documentation and analysis prior to transport to the Property and Evidence Section. Access to this location is restricted to Crime Scene personnel.
- T. Temporary Property Collection Point: A secure, Department authorized location, designated by each station and certain divisions to house property from the time it is collected by an officer or detective until it is picked up by Property and Evidence technicians or delivered directly to the Property and Evidence Section.
- U. Temporary Property Supervisor: A supervisor designated by a station or division commander to oversee the authorized temporary property collection point.

IV. GENERAL PROCEDURES

- A. **Property and Evidence Packaging Manual**: All property that comes into the possession of any Department employee shall be packaged in accordance with the [Property and Evidence Packaging Manual](#). The Property and Evidence Section (PES) shall regularly update the manual to ensure compliance with Department of Forensic Science (DFS) and national best practices. Property or evidence submitted by an officer that does not meet the standards outlined in the manual shall not be accepted for storage by PES. Absent extenuating circumstances, officers who have property items rejected during the weekly pick-up shall correct any identified deficiency prior to the following week's pick-up.
- B. **Documentation**: Officers shall complete an incident report in the current Records Management System (RMS) any time an item of property comes into their possession within the course of their official performance of duty.
- C. **Searches Incident to Arrest**: Whenever an officer searches an individual incident to arrest or pursuant to a temporary detention order (TDO) and removes property from that individual, the item(s) shall be placed in a clear plastic bag and turned over to receiving personnel at the appropriate holding facility assuming custody of the individual. Transfer and specific nature of the property shall be documented by the officer in the accompanying incident report. Where the item

constitutes evidence of a crime, it shall be seized and packaged in accordance with the [Property and Evidence Packaging Manual](#).

- D. **Personal Storage of Items**: No employee may store any item of property in a vehicle, desk, personal locker, or any other unauthorized location beyond the tour of duty in which they came into possession of the item.
- E. **Temporary Property Collection Points**: Temporary Property Collection Points (TPCP) shall be used solely for holding property, and should be designed to hold sensitive items, to include currency, firearms, narcotics, and precious metals, separately and more securely than other evidence. Latent prints and photo processing requests should also be stored separately. These locations will also maintain a locker under the access control of the station/division commander and supervisors to be used for rejected and releasable property. Authorized TPCP points include FCPD district stations, the Operations Support Bureau (OSB), the Major Crimes Bureau (MCB), and the Organized Crime and Narcotics (OCN) Division. TPCPs shall operate under the authority of the PES.
- F. **Temporary Evidence Storage Points**: Crime Scene Section (CSS) Detectives and personnel may utilize Temporary Evidence Storage Points (TESP) for purposes of securing evidence during documentation and analysis of complex crime scenes. TESP shall conform with current CSS Standard Operating Procedures (SOP) and shall strictly adhere to the following procedures:
1. Only CSS personnel shall utilize a TESP.
 2. Evidence from no more than one case may be stored in a single TESP and shall be documented on a Case Inventory Form and affixed to the TESP.
 3. While in use, the TESP shall be locked and the detective shall maintain custody of the key. An additional key shall be secured for CSS supervisors for auditing purposes.
 4. Within seven (7) days, all property shall be entered into the RMS and an Evidence Collection Voucher shall be created and affixed to the Case Inventory Form.
 5. Within thirty (30) days, evidence should be transported by the CSS Detective to the primary PES. Evidence may only be initially held in a TESP beyond 30 days with approval from a CSS Supervisor.
 6. Detectives may use a TESP to store evidence signed out from the primary PES in accordance with Department policy.

7. A weekly audit of TESP's shall be conducted by a CSS supervisor.
8. Extensions of the prescribed time restrictions may only be approved by a CSS supervisor in the event of a significant or catastrophic incident.

G. **Officer Responsibilities:** Absent extenuating circumstances, officers shall package and store all property obtained in the performance of duty by the end of their shift into the nearest TPCP. Items should be sequentially numbered in the RMS property module, with a barcode attached to the exterior of the package of each item. Where property cannot be packaged and entered into the RMS by an officer prior to the conclusion of their shift and with supervisory approval, the item may be temporarily secured in the TPCP. Whenever this occurs, officers shall include their name, date, and case number on the property and properly process the item immediately upon their return to duty.

1. Officers assigned to specific cases shall notify the PES via the current RMS whenever the disposition of property changes. Review, destruction, or release of property and evidence is the responsibility of all acquiring and/or lead officers in an investigation. The review of property includes the changing of an item's status from "**EVIDENCE**" to "**ELIGIBLE TO BE DESTROYED**," or "**ELIGIBLE TO BE RELEASED**." Status changes from "**ELIGIBLE TO BE DESTROYED**" to "**ELIGIBLE TO BE RELEASED**" shall be made by the assigned case officer's supervisor in the current RMS at the officer's request.
2. Any employee submitting an item of property that is immediately claimable should make a reasonable effort to locate, contact, and notify the item's rightful owner. All attempts to locate, including NCIC checks, shall be noted in the officer's incident report. PES shall notify known owners of property items once the disposition of the item is changed to "releasable."
3. **Exceptions:** (1) DUI blood evidence, (2) items requiring immediate transport to an approved laboratory and (3) large or bulky items may be transported and stored in accordance with other Department procedures. Where an item does not fit into a TPCP, the item shall be transported to the PES, placed in an after-hours drop off location locker, and secured with the provided padlock. Where the drop-off location cannot accommodate the size or quantity of the item, the Police Liaison Commander (PLC) shall be contacted for consultation with the Resource Management Bureau (RMB).

H. **Property Owner and Finder Rights:** All property acquired by the Department, other than by seizure or necessary for court, must be claimed by the rightful owner within sixty (60) days of the Department taking possession of the item.

Where property is not claimed within this time period, the item shall be disposed of in accordance with the [Code of Virginia](#). Officers shall not advise finders of property (other than bicycles), that they may claim the property where an owner cannot be located or identified. Finders who are Department employees or members of a Department employee's immediate family may not claim any property in possession of the Department.

- I. **Northern Virginia Forensics Laboratory:** Any evidence that an officer intends to personally transport to the Northern Virginia Forensics Laboratory shall first be taken to the PES so that the chain of custody record can be updated.
- J. **Property Acquired From Other Law Enforcement Agencies:** All property received from other law enforcement agencies of evidentiary value shall be documented in a police service report in the current RMS.
- K. **Property Held for Release:** Officers may temporarily package and hold items of property at their assigned district station for direct release to the owner in accordance with the Property Section of the [Department's Report Writing Manual](#) unless otherwise authorized by the station or district commander. Each item shall have an affixed note attached to it that states "**HOLD FOR RELEASE TO OWNER,**" with the officer's name, EIN, and date secured in the station's TPCP rejection locker. Officers are still required to enter the item into the current RMS and releasing employees shall complete a supplement to the original incident report when the item is released to the owner. Where the notified owner has failed to claim the item within 72 hours of notification, the item will be packaged by the collecting officer and collected during the weekly PES pickup.
- L. **Supplemental Crime Scene Officers:** Supplemental crime scene officers may temporarily retain evidence at the station beyond the weekly collection period whenever further processing is required. The collecting officer shall enter the item into the current RMS and store the item at the supplemental crime scene officer's assigned station in a blue crime scene locker with "**EVIDENCE HELD FOR PROCESSING**" labels affixed to the outside of the door listing the case officer, case number, property ID number, and date for inspection purposes. If the blue lockers are full, the item shall be sent to PES during the next weekly collection and held at that location until the supplemental crime scene officer can retrieve the item. The collecting officer shall also complete the Crime Scene Request Form in the current RMS and forward a link to the CSS. Once processing is completed, the supplemental crime scene officer shall update the storage location of the item to the station's TPCP. Evidence retained for this purpose shall not be held at the station for more than thirty (30) days beyond the initial date of collection.

- M. **Bicycles and Mopeds:** Officers who recover bicycles may ask the finder if they wish to claim the bicycle in the event the proper owner cannot be located. Where the finding individual wishes to claim the bicycle, the officer shall note their name and telephone number(s) in the "Item Notes" section of the property record in the current RMS. The PES will contact the finder and release the bicycle to them once conditions outlined in the [Code of the County of Fairfax, Virginia](#) have been met. Bicycles or mopeds not classified as "**EVIDENCE**" that are found and delivered to the Department by any individual and remain unclaimed for thirty (30) days after the publication requirement has been met may be released to the finder per the [Code of Virginia](#).
- N. **Virginia Department of Motor Vehicles License Plates:** Virginia Department of Motor Vehicles (DMV) temporary and permanent license plates shall be placed in the TPCP or directly delivered to the PES with a barcode label attached.
- O. **Virginia Department of Motor Vehicles Operators' Licenses:** Virginia DMV operators' licenses seized for Driving While Suspended or Revoked infractions shall have a DMV suspension/revocation noticed attached to them in lieu of a barcode. District stations shall either require their officers to place the operators' licenses and suspension/revocation forms in a separate tray and transported to DMV within 24 hours or mailed directly to Virginia DMV headquarters.

V. **HAZARDOUS ITEMS**

- A. **Storage of Hazardous Items:** The PES does not accept hazardous items, with the exception of certain biohazard items. Hazardous items classified as "**EVIDENCE**" shall be transported to the appropriate state or federal lab and not stored at the PES nor any TPCP. If a sample is required for an active criminal investigation, the officer shall only collect the minimum amount necessary for laboratory analysis and contact specially trained personnel for safe handling of these items, to include Explosive Ordinance Disposal (EOD) and/or Hazmat Technicians, OCN and/or Crime Scene Detectives, and Fire Marshals.
- B. **Responsibilities of Property Owners:** Property owners are responsible for ownership and disposal of any hazardous item(s) found on their property in accordance with the [\(Comprehensive Environmental Response, Compensation, and Liability Act \(Superfund\), 42 U.S.C. §9601 ET SEQ. \(1980\)\)](#).
- C. **Potentially Explosive Items:** Consumer fireworks in small quantities sufficient to make a criminal charge may be accepted by PES. Ammunition larger than .50 caliber shall be rendered safe by an EOD technician or forensic lab before it will be accepted by PES. For black powder, officers should contact EOD (703-280-

0692) or the PLC if after hours for guidance. Other hazardous items that shall not be accepted by the PES include, but are not limited to, the following:

1. **Bomb Materials:** Includes Weapons of Mass Destruction (WMD), imitation WMDs, Improvised Explosive Devices (IED) material (except for inert IED components that are rendered safe by an EOD unit and marked “**RENDERED SAFE**” with an EOD supplemental report attached to the case in the current RMS), match heads compressed in an IED container, blasting caps, and bottle bomb remnants.
2. **Dangerous Powders:** Includes highly explosive powders, liquids, compounds, or solutions, hoax powders or similar substances not analyzed and declared safe, Anthrax spores (weaponized or natural), Ricin or similar toxins, Nerve agents or similar compounds.
3. **Chemical Compounds or Solutions:** Used to illicitly manufacture explosives, manufacture drugs, or directly related to an asphyxiation death, Chemical compounds containing anhydrous ammonia, hydrogen chloride gas, or sodium metal. Includes any chemical listed in [OSHA 1910 Appendix A, List of Highly Hazardous Chemicals, Toxics and Reactives](#).
4. **Other Items:** Any gas compressed in a gas cylinder (see CO2 cartridge exception above), caustic acids, bleach, or pool chemicals (chlorine or similar), and used drug kits (Disposed of in provided hazardous waste pails located at each property and evidence collection point).

VI. CONTROLLED SUBSTANCES AND PARAPHERNALIA

- A. Narcotics held as property or evidence shall be stored in designated narcotics storage containers within the TPCP or transported directly to the PES.
- B. **Laboratory Requests:** Only those materials intended to be introduced as evidence at trial shall be forwarded for laboratory analysis.
 1. **Request for Laboratory Examination:** Materials transported to the lab require officers to complete the Request for Laboratory Examination (RFLE) form. PES technicians will not collect any materials with packaging or RFLE errors and shall identify outstanding error(s) to the station/division property supervisor. The material will then be left in the TPCP for the officer to correct the outstanding error(s).
 2. **Hand-Carrying Materials to the Lab:** Officers with supervisor approval may elect to hand carry materials seized for evidence to the lab depending upon

the case and type of evidence involved. Material carried in-hand shall be packaged appropriately and have a completed RFLE attached. Officers with packaging questions should contact the Northern Virginia Forensic Laboratory (703-334-9755) or review online packaging manual at www.dfs.virginia.gov.

- a. Officers shall first bring hand-carried material(s) to the PES to update chain of custody records. Officers may then transport the material(s) to the Northern Virginia Forensic Laboratory during normal business hours, submit the RFLE at the receiving desk, and retain a copy for their case.
 - b. **Certificate of Analysis:** Once analysis is conducted, the submitting officer should receive by mail, three (3) copies of a Certificate of Analysis. The officer shall file a copy of the Certificate with the court no less than seven (7) days prior to the assigned court date.
- C. **Destruction:** Where items are no longer required for court, the officer shall notify the PES and ensure the property status is changed from “**EVIDENCE**” to “**DESTROY**” in the RMS. The PES technician shall retrieve the item and obtain court approval for destruction.
- D. **Non-Evidentiary Materials:** Officers shall package drug and narcotic materials not held as evidence in Department approved clear plastic bags or boxes and enter each item into the current RMS with a status of “**DESTROY.**” A barcode label displaying this status shall be affixed to the package exterior, and the item shall be placed in the narcotics storage area of the TPCP for weekly pickup.
- E. **Prescription Medications:** Officers who hold prescription medications in police custody as found property or for temporary safeguarding purposes should ensure all items contained within correspond to the prescription label. For guidance, officers should contact Poison Control via telephone (1-800-222-1222) or through the Poison Control website (www.poison.org). Prescription medications may only be released under the following circumstances:
1. The medication must be packaged in the original pharmacy-issued container and have an affixed label identifying the pharmacy, patient, medication type, dosage, prescription date, and prescribing doctor.
 2. The medication must be released to the adult for whom the medication was prescribed upon satisfactory proof of identification with a valid photo ID. If the claimant is not the prescription holder, they may receive the medication where legal custody or guardianship of the prescription holder (ex: child, other family member) can be conclusively established.

- E. **Misdemeanor Offenses:** Materials collected and submitted in quantities constituting a misdemeanor offense shall be stored by the PES for two (2) years to allow the investigating officer to prosecute the offense. The officer is responsible for notifying the PES and updating the evidence records if the item is needed for a longer period of time. Where officers fail to make this request, the status of the item will be changed to “**ELIGIBLE TO BE DESTROYED,**” by the Narcotics Control Officer and destroyed during the next scheduled drug disposal.
- F. **Narcotic Burns:** A sworn supervisor from the Inspections Division of the Internal Affairs Bureau (IAB) shall attend all scheduled narcotic burns for auditing purposes and to ensure compliance with legal and accreditation standards.
- G. **Use of Narcotics for Training Purposes:** Both the Canine Section within the Special Operations Division (SOD) as well as Organized Crime and Narcotics Section employ Police Service Dogs that are trained to detect certain narcotics. As such, these sections often utilize narcotics sourced directly from the Drug Enforcement Agency (DEA) for training purposes; however, where the DEA is unable to supply either section with a requested narcotic, seized drugs may be utilized for such training once all associated court proceedings have concluded. Narcotics used for training purposes shall be endorsed via a signed court order from a circuit court judge, and all property conversions of these narcotics shall be documented accordingly in the current RMS.
1. All drugs obtained for training purposes required a property case to be created by the obtaining employee in the current RMS. This ensures requisite documentation exists whenever current training narcotics are required to be destroyed prior to new issuances by the DEA. Once created, the Property Room will sign the narcotics back out for training purposes only.
 2. All training narcotics shall be kept in a secure location at Canine Section and OCN County facilities. A logbook shall be kept to document whenever narcotics are signed out for either training or inventory purposes. Whenever training narcotics are lost or destroyed during training, an administrative inquiry/investigation at the direction of either the OCN or SOD commander shall be conducted to ascertain all relevant facts and circumstances that led to the narcotics being lost or destroyed.
 3. Periodic inventories of training narcotics shall be conducted by an OCN or Canine supervisor (or their designee) in accordance with current Virginia Board of Pharmaceutical criteria.

VII. COLLECTION OF CURRENCY

A. **Monetary Currency:** All monetary currency that comes into the possession of a Department employee in the performance of their duties shall be properly accounted and recorded to minimize any possibility of a miscount using the following procedures:

1. The employee, once taking custody of the currency, shall promptly count the currency by separating it into each denomination of bills and coins. A supervisor shall then verify the count in the same manner.
2. The collected currency shall be packaged in a Department approved plastic currency bag or box (with an empty plastic currency bag affixed to the box) if the amount is too large to fit into a bag. Under no circumstances may a paper bag be used to collect currency.
3. The bag shall list the exact contents, including a listing of each denomination (bills and coins) and the total amount collected. This information shall be recorded on the exterior of the currency bag, signed by the collecting officer and verifying supervisor, and documented by the officer in the RMS.

B. **Categories of Currency:** Categories of currency include:

1. **Currency Held in Original Form:** Officers shall package this type of currency by (1) determining whether the property needs to be sent to either the lab, CSS, or the PES and (2) checking the **“HOLD CURRENCY FOR LAB PROCESSING, DO NOT OPEN”** block on a currency bag. Bags received by PES with this block checked shall not be opened until the final disposition of **“ELIGIBLE TO BE RELEASED,”** is received from the case officer. Currency shall be classified in this category under the following circumstances:
 - a. Currency marked as **“EVIDENCE”** needed to identify it as being located at a particular time, place, or in possession of a particular individual.
 - b. United States currency collected during a homicide investigation.
 - c. Foreign currency that cannot be deposited in a United States bank.
 - d. Rare or valuable currency having a value greater than the face value (ex: silver coins 1964 or older, silver certificates).
 - e. Currency having unique forensic value, such as (1) blood spatter stains, (2) dye pack ink, or (3) handwriting, DNA or fingerprint evidence.

2. **Currency to be Deposited:** Currency not fitting the above criteria shall constitute currency to be deposited. Money that is marked “**RELEASABLE**” shall be immediately counted and deposited upon receipt at the PES. Money marked “**EVIDENCE**” shall also be counted but not initially deposited when received at the PES. Officers shall also ensure the following in these cases:
- a. The Motion to Deposit Funds form shall be completed and presented to the Assistant Commonwealth Attorney during the first court appearance where the defendant and/or their attorney is present.
 - b. Once the form is signed by all parties, to include the presiding judge, copies of the motion shall be distributed as indicated on the bottom of the form. The Custodian of Property’s copy shall be returned to the PES immediately after the hearing. Once received, the PES shall update the case record and deposit the funds in the approved financial institution.

Note: Where a defendant is a fugitive from justice and an active capias or warrant remains on file for more than one year, the investigating officer shall provide the completed Motion to Deposit form to the Office of the Commonwealth’s Attorney and request a judge sign a court order requiring deposit of the funds into the approved financial institution.

Where employees are uncertain about which currency category to utilize, they should contact the PES (703-246-4216) for guidance.

- C. **Release of Currency:** Officers seeking to release currency initially collected as evidence and thus, subject to potential seizure (ex: prostitution and narcotics cases) shall consult with the Asset Forfeiture Section of OCN to determine if it is eligible for release. If eligible, the investigating officer must update the currency to “**ELIGIBLE TO BE RELEASED**” in the RMS. The PES will then notify the owner of the updated status. Owners must make an appointment to retrieve their currency, which will be returned to them in the form of a check, and provide a valid form of government ID that corresponds to the owner information in the RMS for pick up. Where an owner is unable to retrieve their currency, a valid power of attorney or notarized letter shall be required in order to allow a third party to retrieve the currency on the owner’s behalf.
- D. **Counterfeit Currency:** Counterfeit currency has no monetary value and shall not be packaged as currency. Where counterfeit currency is recovered, but is not evidence of an active criminal case, the officer may contact the United States Secret Service (202-406-8000) to inform them the item will be available for pickup at the PES.

VIII. DRIVING UNDER THE INFLUENCE-BLOOD EVIDENCE

- A. Blood evidence collected as part of a Driving Under the Influence of Alcohol or Drugs (DUI/DUID) investigation shall be packaged in accordance with the [Property and Evidence Packaging Manual](#) and [DUI Investigation Reference Guide](#) published by the OSB-Traffic Division.
- B. **Procedures:** Officers may only use non-expired DUI/DUID blood kits and shall strictly adhere to the following procedures:
 - 1. Once blood is collected by the collecting authority, officers shall place the RFLE inside of the box containing the collected blood prior to sealing it with evidence tape. In the event the blood evidence is to be hand carried to the lab for analysis, the RFLE shall not be sealed inside the box, and shall instead be given to receiving personnel at the lab for signature.
 - 2. Once captured, blood evidence shall be entered into the current RMS as soon as practical. Proper postage should be applied and the box shall be dropped in a nearby United States Postal mailing box. The location of the postal box, date, and time of mailing shall be documented in the officer's incident report. Where no postage is available, the kit may be secured in the PES after-hours locker with a note attached that postage was unavailable. In these cases, officers should ensure the RFLE is not sealed inside the box, but rather is attached to the outside of the box. The PES will then ensure the evidence is submitted to the appropriate laboratory.

IX. MOTOR VEHICLES

- A. In rare instances, motor vehicles may be stored as evidence when the vehicle itself constitutes evidence or an instrumentality of a crime. Where this occurs, officers shall follow procedures outlined in [FCPD General Order 522](#), Impoundment and Seizure of Motor Vehicles and the [Property and Evidence Packaging Manual](#). The Custodian of Property shall have final authority over the collection and storage method of any motor vehicle.
- B. Vehicles to be held as evidence shall be towed to either a district station, the Department's forensic facility, or the Crash Reconstruction Unit (CRU) facility for further processing when it is not possible to process and release the vehicle at the original scene. The investigating officer shall note in their report why any vehicle must be held beyond the necessary time required to process it for forensic evidence whenever the vehicle is not an instrument of the crime.

- C. **Release of Vehicles:** Where a vehicle is not evidence, but contains forensic evidence in or on the vehicle, the vehicle shall be processed, processing should be fully documented in an incident report in the current RMS, and the vehicle shall be handled as evidence eligible to be released. Vehicles released at police facilities prior to PES transfer shall be handled in accordance [FCPD General Order 522](#), Impoundment and Seizure of Motor Vehicles. Vehicles released after PES transfer shall require the owner to contact the PES (703-246-2786) to arrange a release appointment.
- D. **Documentation:** The investigating officer shall file a supplement to the original incident module in the current RMS for all vehicles held as evidence in excess of one calendar year, and each subsequent year thereafter. The report shall state the investigative reason(s) the vehicle still needs to be held by the Department. The officer shall then forward an electronic copy of the supplement to the PES. If the PES does not receive the annual supplement, the Custodian of Property will coordinate with the investigating entity for guidance on disposal of the vehicle.
- E. **Motor Vehicle Seizures:** An Asset Forfeiture Detective or on-call OCN supervisor shall be notified via telephone through DPSC for any motor vehicle seizure. Any vehicle seized under asset forfeiture laws shall be transported to a police facility as directed by the detective or on-call supervisor. The collecting officer is responsible for listing the vehicle as “**SEIZURE**” in the incident module.
- F. **Long-Term Storage:** Long-term storage of vehicle pursuant to an active criminal investigation shall be the responsibility of CSS and CRU respectively. Officers may consult with PES if preparing a vehicle for long-term storage. PES will take custody of vehicles held as evidence that are not part of asset forfeiture cases.
- G. **Vehicle Auctions:** Vehicles that are marked “**ELIGIBLE TO BE RELEASED**” that remain unclaimed for sixty (60) days will be forwarded to the Fairfax County Department of Procurement and Material Management (Warehouse) and listed for auction through either the County Surplus Program or by a County-approved private vendor. The PES shall assume responsibility for either having the vehicle towed to the auction site or picked up by the private vendor. All profits generated from the auction of the vehicle shall be kept in a RMB managed fund to cover costs associated with securing, towing, and storing vehicles held as evidence.

X. FIREARMS AND OTHER WEAPONS

- A. **Firearms:** Firearms shall only be released at the PES. Exceptions shall be subject to approval by the Custodian of Property and documented in the current RMS. Releasing employees are required to complete a NCIC/VCIN criminal background check using purpose code “**F**” on the person retrieving the firearm.

The results of this background check shall be recorded on the Firearm Release Verification form (PD210) and sent to the PES.

B. **Firearm Categories:** Firearms and other weapons held as evidence or property shall be packaged in accordance with the [Property and Evidence Packaging Manual](#) and stored in the TPCP or transported to the PES. Firearms may only be categorized as follows:

1. **EVIDENCE:** Used when ownership of a weapon is unknown and/or used in commission of a crime for which the defendant will be charged.
2. **DESTROY:** Any weapon surrendered to the Department by the custodian or owner who no longer wishes to keep it, or a weapon used in concluded criminal cases not subject to appeal where the owner cannot be determined. Disposal of firearms shall be in accordance with the [Code of Virginia](#).
3. **RELEASABLE:** Any weapon held for the owner while that individual is in custody, unable, or otherwise prohibited from securing their weapon and any associated criminal case has concluded and is not subject to appeal.

C. Owners of firearms marked “**RELEASABLE**” or “**ELIGIBLE TO BE RELEASED**” may take custody of their property from the PES upon appointment and successful passing of a background check. Background checks are not required for firearms issued by the United States Military or another law enforcement agency if that firearm is returned to an authorized representative from that agency. Weapons not claimed [within 120 days](#) will be destroyed at the next scheduled sensitive item destruction.

1. Individuals who wish to turn over firearms into the custody of law enforcement should be instructed not to enter into a law enforcement facility with their firearm without first making telephone contact with staff inside the facility and receiving specific instructions.
2. Officers may assist individuals with making firearms safe for transport. If an officer is unsure with how to render a specific firearm safe, they may contact the Firearms Range Staff or PLC if after hours for guidance.

D. **Prohibitions on Release:** Firearms shall not be released to the following individuals per the Code of Virginia:

1. [Individuals acquitted by reason of insanity.](#)
2. [Individuals determined to be legally incompetent or mentally incapacitated.](#)
3. [Individuals subject to active protective orders.](#)

4. [Individuals convicted of certain drug offenses.](#)
5. [Individuals convicted of felony offenses.](#)
6. [Individuals who are not citizens or permanent residents of the United States.](#)
7. [Individuals who are minors \(under 18 years of age\).](#)
8. [Individuals involuntarily admitted to a facility, ordered to outpatient treatment, or voluntarily admitted after a temporary detention order was issued.](#)
9. [Individuals subject to emergency substantial risk orders or substantial risk orders while the order is still in effect.](#)
10. [Individuals enrolled in the Voluntary Do Not Sell Firearms List.](#)
11. [Individuals convicted, within the last three \(3\) years of assault and battery of a family or household member on or after July 1, 2021.](#)

E. **Release to Third Parties:** Firearms may be released to third parties where that individual (1) is not legally prohibited from possessing or transporting a firearm in Virginia, (2) the original owner has transferred ownership to the third party via a notarized bill of sale, (3) the third party is made aware in writing that it is a felony in Virginia to provide a firearm to anyone prohibited by law from possessing or transporting a firearm, and (4) is permitted by Fairfax County court order.

F. **Protective Orders:** The Fairfax County Sheriff's Office (FCSO) will take custody of firearms when the respondent of a protective order cannot legally possess the firearm due to the issuance of a protective order. Turnover of firearms can be coordinated with the FCSO via telephone at 703-246-3227 or 703-246-4406, or 703-246-3279 (after-hours). The FCSO may respond to the district station or scene to collect the firearms. The FCPD may also provide long-term storage of firearms as necessary or if the FCSO is unavailable. Firearms collected in these circumstances shall be classified as "**EVIDENCE**" in the current RMS. The officer shall note in the narrative of their incident report the reason(so) for long-term storage and forward a copy to PES electronically.

G. **Collection of Firearms:** All firearms collected and entered into property shall be documented on the Department's [Gun Seizure Entry Form](#). Firearms collected as evidence shall be submitted the Virginia Department of Forensic Science for laboratory analysis. Officers submitting firearms shall request ETrace and NIBIN test requests in addition to any other required RFLE tests (ex: DNA, latent fingerprints) no later than seven (7) days after collecting the firearm. The collecting officer shall conduct a stolen property check for any firearm taken into police custody and note the results of the check in their incident report.

1. **Detectives and Investigative Entities:** FCPD detectives and investigative entities that work directly with ATF may request an ETrace request through ATF resources. The detective requesting the trace must document in a supplement the date the trace was requested, the ATF designee who

performed the trace, and the ETrace submission confirmation number. Once received, ETrace results shall be documented in a supplement.

- H. **ATF Firearm Trace Request:** Collecting officers shall complete ATF Firearm Trace Request supplements for all firearms they obtained that are seized, forfeited, found, or otherwise come into their possession and are believed to have been used in the commission of a crime. The supplement shall be forwarded to the Concealed Weapons Unit which is responsible for submitting the trace information to the ATF and will notify the officer of the results electronically.
- I. **Packaging of Firearms:** Firearms shall be packaged unloaded in an approved hard container with the exterior marked “**WEAPON MADE SAFE.**” Any related ammunition shall be packaged separately in an appropriate container and marked under a different property number. No ammunition larger than .50 caliber shall be accepted for storage until rendered safe by an Explosive Ordinance Disposal Unit or forensic lab.

XI. ELECTRONIC DEVICES AND DIGITAL EVIDENCE

- A. The Digital Forensics Section (DFS) shall be the primary entity responsible for the analysis of electronic devices believed to contain evidence that are collected by the Department.
- B. With prior approval from a Bureau Commander, and only after receiving appropriate training and requisite certifications required by the DFS, a detective assigned to certain entities within the Department may process or analyze an electronic device in lieu of seeking the assistance of the DFS. Recovering entities shall be responsible for proper maintenance of any recovered digital evidence under these circumstance.
- C. With supervisor approval, detectives may enlist the assistance of other law enforcement agencies to process and/or analyze electronic devices and document this transfer of responsibility in the current RMS. Where a detective has already begun processing an electronic device or sought the assistance of another law enforcement agency, the DFS supervisor may elect to decline assistance in evidentiary recovery.
- D. The DFS shall be responsible for timely publications of guidelines and best practice for proper collection, packaging, and storage of electronic devices, to specifically account for the presence of digital countermeasures or encryption, or the need to be attached to a power source, in order to safeguard the integrity of any digital evidence contained therein.

- E. Officers shall note that depending upon the type of evidence and increasing presence of encryption methods in consumer electronics, digital evidence can be highly volatile and subject to corruption and inaccessibility if handled improperly. As such, any officer or detective who is unsure of how to safely collect an electronic device should seek the input of a member of the DFS or, if after hours, contact the on-call Cyber and Forensics Division supervisor for further guidance.
- F. Officers and detectives are not prohibited from accessing the contents of an accessible electronic device under circumstances where there is an articulable exigent need for information pertaining to the danger or welfare of any individual. Such immediate access shall be documented by the seeking officer or detective in the current RMS.

XII. COMMANDER AND SUPERVISOR RESPONSIBILITIES

- A. **Temporary Property Supervisor Responsibilities:** Division and station commanders with authorized TPCPs shall designate one supervisor to serve as the Temporary Property Supervisor for that TPCP. That supervisor shall serve as the primary point of contact with PES regarding all property matters at their division or station, and be responsible for conducting weekly, documented inspections, which shall include:
 - 1. Checking the rejection locker for items needing corrections, ensuring property is not left unattended for extended periods of time, and ensuring there is no evidence or property left unsecured in the TPCP.
 - 2. Ensuring blue crime scene locker items have appropriate documentation, to include case number, item numbers for all property, officer name and date the item was placed in the locker.
 - 3. Ensuring security and access control to the TPCP are functioning properly.
 - 4. Examining the list of remaining property after PES staff performs weekly pickups. Where property left is not in the rejection or crime scene lockers, the supervisor should determine where the item was located at the time of pickup.
 - 5. Documenting weekly inspections on the Temporary Property Collection Point Inspection form and placing the form chronologically in the orange binder in the TPCP. This form shall be kept in the binder for no less than one year.
 - 6. Notifying station or division command of any TPCP issues identified during weekly pickups.

- B. **Commander Responsibilities:** Commanders may conduct audits or inspections of the TPCP at any time. The PES supervisor should be contacted for these inspections so that the lockers may be accessed.

XIII. PROPERTY AND EVIDENCE SECTION PERSONNEL PROCEDURES

- A. The PES will maintain sufficient supplies of packaging materials for the collection, documentation, and storage of evidence and property. Evidence Technicians shall collect evidence from the TPCP on a weekly basis in accordance with a scheduled set and maintained by the PES supervisor. Where a location experiences a high volume of evidence, a supervisor may request additional pickups by PES personnel. The Custodian of Property shall be responsible for finalizing all administrative disposals.
- B. **Property Errors:** Evidence Technicians shall not accept property that is not appropriately packaged. Upon completion of the TPCP pickup, the Evidence Technician shall produce an "Error Report" to division or station commanders for needed corrections.
- C. **Quarterly Inspections:** The PES supervisor shall conduct a quarterly inspection to ensure adherence to policies and procedures as it pertains to control and accountability of property held at the PES. This may include, but is not limited to, inspection of security and access control, and review of internal processes and procedures followed by Evidence Technicians.

XIV. ADMINISTRATIVE DISPOSALS

- A. Officers shall exhaust all efforts to locate any missing property items. Where a case involves missing firearms, currency, or narcotics, a supervisor shall conduct an administrative investigation in accordance with FCPD General Order 301, Internal Investigations prior to administrative disposal.
- B. Where an item cannot be found during an inventory review, officers and or supervisors shall review pertinent case documents, to include incident reports, supplements, property records, video footage, and any vouchers for the missing item. Follow-up should also be conducted with the listed owner to ensure they are not in possession of the item, and the PES should be consulted for guidance.
- C. If the item still cannot be located, an administrative disposal item memorandum shall be routed through the affected officer's station/division commander to RMB. Upon receipt of the memorandum, the Judicial Services Division (JSD) will provide a copy to the Custodian of Property who will document the change of

property disposition and scan and attach the memorandum into the current RMS property record.

XV. PROPERTY SIGN-OUTS

- A. Property items may only be signed out of the PES for official purposes (ex: court, evidence processing, etc.). Chain of custody procedures shall be strictly adhered to, and the item(s) shall immediately be returned to the PES once the official purpose has been completed. With the exception of detectives assigned to CSS and DFS, items shall not be signed out for more than thirty (30) days.
1. Detectives assigned to CSS and DFS may sign out property for up to sixty (60) days for evidentiary processing and analysis. Additional 60 day extensions may be granted to a CSS/DFS detective by the CSS/DFS supervisor in coordination with the Custodian of Property. Any extension past 120 days shall have the approval of a Cyber and Forensics Division Commander and the Judicial Services Division (JSD) Commander.
- B. **Court:** Property checked out of the PES for court shall be returned once court proceedings have concluded unless the court retains the item. When this occurs, the officer who checked the item out shall provide a PD 7 form for all retained items to an Evidence Technician at the PES. Where court runs beyond normal PES working hours, the officer will return the PD 7 to a temporary holding locker at the PES after-hours drop off area.
- C. **After-Hours:** Any property item that has been checked out and requires a return after normal PES business hours shall be placed in a temporary holding locker at the PES after-hours drop off area. The item(s) shall be marked with a note that states **“RETURNED FROM COURT/REVIEW”** with the officer’s name and EIN.

XVI. PROPERTY RELEASED TO OTHER AGENCIES

- A. Any property item(s) released to another agency shall be performed at the PES. The initiating officer shall provide the PES with justification for the transfer in either the incident report narrative or a supplement in the current RMS, which shall be forwarded electronically to the PES. Where questions arise as to whether an item shall be released, the final decision will be made by the Custodian of Property.
- B. Officers should inform the receiving agency to send an agent or representative to the PES to complete the transaction and necessary paperwork. The receiving agency representative shall not be any employee of Fairfax County.

XVII. PROPERTY AND EVIDENCE PURGES

- A. Officers shall purge evidentiary property items once they are no longer part of active prosecutions and the term for appeals has passed per the [Library of Virginia Records Retention and Disposal Schedule](#). Evidence that is no longer part of an active prosecution shall be purged in accordance with the following statute of limitations, unless written waiver is obtained from the Office of the Commonwealth's Attorney:
1. **No Time Limit:** Abduction, Arson, Assault and Battery, Burglary, Manslaughter, Murder, Rape, and General Felonies.
 2. **One Year Time Limit:** Disorderly Conduct and General Misdemeanors.
 3. **Five Year Time Limit:** Larceny.
- B. Officers who keep evidence beyond the statute of limitations shall submit a supplement annually to indicate why the item(s) needs to be retained by the Department. Officers who are promoted to supervisor or leave a specialty unit should purge or TOT any evidence not needed for active prosecution or appeals prior to beginning their new assignment. Officers planning to retire or separate from the Department shall purge or TOT all evidence in their name prior to reporting to the PES during the check-out process.

XVIII. CONVERSION OF PROPERTY FOR DEPARTMENTAL USE

- A. The Department may take possession of unclaimed property seized or collected during the normal course of business once a good faith effort is made to locate the owner. These items must be offered first to the Virginia Department of Treasury, and if the Commonwealth does not retain the property, it may be auctioned, destroyed, or converted to Departmental use.
- B. Department employees who wish to convert unclaimed property for Department use shall complete the online [Property Conversion Request Form](#). This form is automatically routed to RMB and the Office of the Commonwealth's Attorney. The submitting employee will be notified once conversion has been approved.
- C. One property is approved for conversion, the requesting employee or division representative shall be notified to pick the item up at the PES during normal business hours. Converted property will be issued an inventory number, and if the value exceeds \$5,000, assigned a county capital equipment barcode number.
- D. The commander of the submitting employee will be responsible for the converted property item as any other Department equipment. Converted property that is no

longer usable shall be returned to the PES or County Warehouse for disposal. Converted property that is classified as County property may not be unilaterally disposed of or transferred to a private individual.

XIX. LEGAL REFERENCES

- A. [Va. Code Ann. § 15.2-1719](#) Disposal of unclaimed property in possession of sheriff or police.
- B. [Va. Code Ann. § 15.2-1720](#) Localities authorized to license bicycles, electric power-assisted bicycles, mopeds, and electric personal assistive mobility devices; disposition of unclaimed bicycles, electric power-assisted bicycles, mopeds, and electric personal assistive mobility devices.
- C. [Va. Code Ann. § 15.2-1721](#) Disposal of unclaimed firearms or other weapons in possession of sheriff or police.
- D. [Va. Code Ann. § 18.2-308.1:1](#) Purchase, possession, or transportation of firearms by persons acquitted by reason of insanity; penalty.
- E. [Va. Code Ann. § 18.2-308.1:2](#) Purchase, possession, or transportation of firearm by persons adjudicated legally incompetent or mentally incapacitated; penalty.
- F. [Va. Code Ann. § 18.2-308.1:3](#) Purchase, possession, or transportation of firearm by persons involuntarily admitted or ordered to outpatient treatment; penalty.
- G. [Va. Code Ann. § 18.2-308.1:4](#) Purchase or transportation of firearm by persons subject to protective orders; penalties.
- H. [Va. Code Ann. § 18.2-308.1:5](#) Purchase or transportation of firearm by persons convicted of certain drug offenses prohibited.
- I. [Va. Code Ann. § 18.2-308.1:6](#) Purchase, possession, or transportation of firearms by persons subject to substantial risk orders; penalty.
- J. [Va. Code Ann. § 18.2-308.1:7](#) Purchase, possession, or transportation of firearms by persons enrolled into the Voluntary Do Not Sell Firearms List; penalty.
- K. [Va. Code Ann. § 18.2-308.1:8](#) Purchase, possession or transportation of firearm following an assault and battery of a family or household member; penalty.
- L. [Va. Code Ann. § 18.2-308.2](#) Possession or transportation of firearms, firearms ammunition, stun weapons, explosives or concealed weapons by convicted felons; penalties; petition for permit; when issued.

- M. [Va. Code Ann. § 18.2-308.2:01](#) Possession or transportation of certain firearms by certain persons.
- N. [Va. Code Ann. § 18.2-308.7](#) Possession or transportation of certain firearms by persons under the age of 18; penalty.
- O. [Va. Code Ann. § 42.1-85](#) Records Management Program; agencies to cooperate; agencies to designate records officer.
- P. [Va. Code Ann. § 42.1-86.1](#) Disposition of public records.
- Q. [Fairfax County Code Section 2-2-2](#) Sale or donation of unclaimed bicycles.
- R. [Fairfax County Code Section 2-2-5](#) Property seized by police; duty of officer to deliver property to Chief of Police.
- S. [Fairfax County Sheriff's Office SOP 803a](#) Protective Orders; Relinquishment of Firearms.

General Order 612 becomes effective on the above date and rescinds all previous rules and regulations pertaining to the subjects.

ISSUED BY:

APPROVED BY:



Chief of Police



County Executive