

I. PURPOSE:

To provide guidelines for employees in the proper collection, marking, packaging, storage, and disposition of evidence or personal property taken into our custody for retention by whatever means.

II. POLICY:

It is the policy of the Fairfax County Sheriff's Office that all evidence seized or personal property taken into our custody for retention by whatever means be collected, marked, packaged, stored, and disposed of in accordance with the guidelines established by the Division of Forensic Science; the Rules of Evidence set forth by the Virginia Supreme Court; and state law as applicable. Personal property held for individuals conducting business at the courthouse or property taken from individuals committed to jail is excluded.

Inmate personal property will be handled in keeping with Standard Operating Procedure 528.

III. DEFINITIONS:

A. Physical Evidence:

1. Any substance, material, object, weapon, article, or property found or recovered constituting evidence of the commission of a crime.

B. Personal Property:

1. Non-evidentiary personal property found, impounded, seized for forfeiture, turned over to a deputy or taken into custody through the service of civil process requiring retention.

C. Chain of Evidence:

1. The continuity of the custody of physical evidence from time of original collection to final disposal that may be introduced in a judicial proceeding.

D. Primary Evidence Custodian:

1. Fairfax County Sheriff's Office personnel accountable for controlling and maintaining all evidence accepted by or stored in the property/evidence room.

E. Secondary Evidence Custodian:

1. Fairfax County Sheriff's Office personnel accountable for controlling and maintaining all evidence accepted by or stored in the property/evidence room in the absence of any Primary Evidence Custodian.

F. Property Section/Evidence Room:

1. Facility or location used by the Fairfax County Sheriff's Office to store evidence.

IV. PROCEDURES:

A. General:

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1. The policy and procedures in SOP 528 outline measures to be utilized to itemize and receive personal property from incoming prisoners.
2. No person(s) will be allowed access to the Evidence/Property Room unless accompanied by an authorized Primary Property /Evidence Custodian, or in the absence of any Primary Property/Evidence Custodian, an authorized Secondary Property/Evidence Custodian.
3. All evidence seized by deputies and personal property taken into the Sheriff's Office custody for retention will be collected/marked/package/labelled in accordance with the Fairfax County Sheriff's Office policies and procedures and stored in the Fairfax County Sheriff's Office Property/ Evidence Room pending final disposition.
4. During normal business hours, the Primary or Secondary Evidence Custodian will take custody of all seized evidence for proper storage. The Evidence Drop Box and safe will be utilized for after hour operational needs. In circumstances where the Drop Box cannot accommodate the seized evidence, the On-Duty Confinement Supervisor will contact the Confinement Branch Chief/Evidence Custodian to respond and take possession of the seized evidence.
5. Items needing climate control or special storage (i.e., vehicles, jewelry, furs) will be stored in a vehicle impound lot, bank vault or climate controlled facility at the expense of the plaintiff when seizure is ordered by the court.
6. Any deviations from this policy must be approved by the on-duty Confinement Division Shift Supervisor
 - a. Deputies shall properly collect, mark, package, and transport all evidence/personal property to the evidence room or other approved location before the end of their tour of duty. An Incident Report 108 Form will be submitted whenever evidence is seized or whenever non-evidentiary property is found detailing the circumstances by which the evidence/property came into the deputy's possession and describing each item obtained. All drugs seized that are to be used in a trial will be submitted to the Division of Forensic Science for analysis utilizing the "Request for Laboratory Examination" form. Large seizures may necessitate submission of only random samples. This should be discussed with the Commonwealth's Attorney. A copy of the request form and "Certificate of Analysis" will be included in the case file with the Incident Report 108 Form. All procedures are outlined in SOP 511, Handling Controlled Substances.
 - b. Deputies collecting evidence will, whenever possible, photograph and follow the procedures set aside in Virginia Code 19.2-270.1
 - c. Deputies will check all property taken into custody through NCIC/VCIN to determine if the property has been stolen.
7. The Property/Evidence Custodian will:
 - a. Ensure the evidence/personal property is stored and maintained properly, safely, and accurately to maintain the chain of custody, prevent loss, or deterioration. This process includes maintaining the appropriate Property and/or Evidence Log Book.

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- b. Obtain necessary court orders at the appropriate time for disposition and/or destruction.
 - c. Contact the Fairfax County Sheriff's Office, Internal Affairs Officer to destroy evidence/personal property when authorized.
 - d. For property that may lawfully be released to the owner, the recovering deputy will notify the Property/Evidence Custodian of the status. The Property/Evidence Custodian will notify the owner via U.S. Postal Service certified mail that the Sheriff's Office is holding the property and the owner must make arrangements to obtain the property within 60 days or it becomes unclaimed property and is subject to destruction. (Virginia Code 15.2-1719).
 - e. Release and obtain signatures from property owners picking up property.
8. The Property/Evidence Custodian will consult with the Commonwealth's Attorney concerning the disposition/release of evidence/personal property prior to final destruction or release of evidence/personal property.
9. All evidentiary/personal property submitted to the Property/ Evidence Room must be accompanied by an Incident Report 108 Form and the Evidence/Property Storage Receipt Form (Attachment 5). The Incident Report 108 Form will accompany all evidence/property submitted to the Property/Evidence Custodian or through any other authorized storage location identified for use. Property shall be rendered safe for handling, be properly packaged and have an Evidence Tag attached prior to submission to the Property/Evidence Room or any other authorized storage location. The evidence tag shall provide at a minimum the submitting deputy's name, EIN, incident number, the quantity and description of the property. All portions of the Incident Report 108 Form shall be filled in by the submitting deputy. It shall be the responsibility of the deputy to notify the Property/Evidence Custodian of any changes to status, ownership or other pertinent information discovered during investigation.
- a. A copy of the Incident Report 108 Form will be included in the case file.
 - b. Each division will maintain a supply of Evidence Bags, Tags, etc., as needed. The Material Management Section will coordinate the acquisition and replenishment of these items with the Property/Evidence Custodian.
10. Incident Number:
- a. Deputies will obtain an "Incident Report Number" from the Fairfax County Sheriff's Office automated report writer before submitting evidence/property to the Property/Evidence Room or other authorized storage location. The Incident Report 108 Form and assigned number is automatically generated as part of the process, can be printed from any Fairfax County Sheriff's Office computer twenty-four hours a day, seven days a week.
 - b. At a minimum, the following information must be provided within the Incident Report 108 Form:
 - (1) Offense

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- (2) Name of property owner or subject arrested
 - (3) Quantity and description of evidence/property to be stored
 - (4) Owner/finders name, address, home telephone number, work telephone number, social security number, and date of birth.
 - (5) Deputy's name, EIN, and work telephone number, date of event.
11. Closed Containers
- a. Containers with unknown contents will not be accepted into the Property/Evidence Room.
 - b. When a seizure is ordered by the court and the contents of a closed container cannot be determined, entry into the container may be gained through the expense of the plaintiff. In such cases the following applies:
 - (1) All items will be described on a list of contents and attached to the outside of the container, along with the Evidence Tag.
 - (2) A copy of the inventory list will be made and attached to the Incident Report 108 Form.
 - (3) Any item discovered that may be of evidentiary value, the Deputy will notify the Fairfax County Public Safety Communication Center to have the appropriate law enforcement agency respond to take command of the scene.
 - c. Exigent circumstances may necessitate forcing entry into a secured container. Entry into these containers should be done in such a manner so as to cause as little property damage as possible. The Staff Duty Officer will be notified of the event.
12. The submitting deputy will coordinate efforts to identify Found and Recovered Property and expedite its return to the lawful owner.
13. All drugs, drug paraphernalia and related evidence will be properly packaged, tagged, and stored in the designated Drug Storage Vault. The submitting deputy will accompany the Property Section personnel to the drug storage vault and observe the storing of the item(s) in the designated location. No person(s) will be allowed access to the Drug Storage vault Room unless accompanied by authorized Evidence/Property Room personnel. Those persons entering the Evidence/Property Room will sign the logbook, within said room, indicating the date/time and person's name.
14. Monies in excess of fifty dollars (\$50.00), valuable jewelry and other valuables will be properly packaged, tagged and stored in the designated storage facility.
15. All weapons will be rendered safe prior to submission to the Evidence/Property Room.
16. Seized/abandoned vehicles will be stored in the authorized impound facility for Fairfax County Police vehicle seizures.

17. Any item(s) submitted for storage, which are deemed to be improperly packaged, improperly identified, unsafe, or otherwise not acceptable for admittance into the facility will be refused. The submitting deputy will be responsible for rendering the item(s) in an acceptable condition.
18. Any high value items, including but not limited to, large sums of cash (\$10,000.00 or more), valuable jewelry, large quantities of drugs, etc., will necessitate notifying the Staff Duty Officer. The Staff Duty Officer will be advised of the circumstances of the case, the type and value of the property, time and day of the event and the time that item(s) are ready for storage. Based on this information, the Staff Duty Officer will ensure one of the following occurs:
 - a. Property Section Personnel respond to receive and store the item(s) in the appropriate storage area.
 - b. Other arrangements, storage facilities, responses, as deemed necessary and appropriate by the Staff Duty Officer may be approved in unusual circumstances of a particular case.
19. Temporary and Final Release of Property:
 - a. The Evidence/Property Storage Receipt Form (Attachment 5) shall be the control document used to temporarily release property from the Property Section for court or evidence examination, etc. The property shall be signed in and out on the Receipt thereby documenting the chain of custody.
 - b. Final release of property to the owner, for disposal, or otherwise provided shall be recorded on the Evidence/Property Storage Receipt Form(Attachment 5).
 - c. Final disposition of all property will be accomplished within six months after the legal requirements have been satisfied and in accordance with Section 55-210.1-30, Code of Virginia.
20. Retention of Unclaimed Property:
 - a. Virginia State Code provides that Unclaimed Personal Property may be retained for use by the Department if in the opinion of the Sheriff there is a legitimate use for the property and the retention of the item is a more economical alternative than purchase of a similar or equivalent item.
 - b. The Property Supervisor will review unclaimed property scheduled for disposal and evaluate it for Department use. Property deemed suitable for use will be submitted to the Sheriff for retention approval.
21. Disposal of Unclaimed Personal Property:
 - a. The Fairfax County Sheriff's Office, Security Division, Court Services Division and the Evidence/Property Custodian will be responsible for complying with Article VII of the County Code, Unclaimed Personal Property, Administrative Requirements and Maintenance of Property Records.
 - b. Unclaimed Firearms and Weapons will be disposed of as set forth in

Paragraph 17, a. and b. of this policy.

- c. Drugs, drug paraphernalia and related evidence will be destroyed as provided in Virginia State and County Code.
- d. Unclaimed Personal Property and Evidence may be destroyed, disposed of by public auction or retained for use by the Department.
- e. All unclaimed property and evidence scheduled for disposal will be disposed of as provided in Virginia State and County Code.
- f. Advertisement of Sheriff Sales and Auctions are posted in the lobby of the Fairfax County Courthouse and the Fairfax County Sheriff's Office Web Site. Anyone may bid at Sheriff Sales and Auctions except employees and relatives of employees of any constitutional officer in the state of Virginia.

22. Disposal of Unclaimed Firearms or other Weapons:

- a. The Sheriff may cause a firearm or weapon to be evaluated through reference from the Virginia Association of Museums for the purpose of determining:
 - (1) If the item has unique historical value, or
 - (2) If the item is a bona fide antique, or
 - (3) If the item has a significant collectable value beyond the administrative cost of offering the item for competitive purchase.
 - (4) Should an item be classified as one of the above, the Sheriff shall initiate through the Office of the County Attorney and the County Administrator to have ownership of the item transferred:
 - (a) To a recognized historical society or museum, or
 - (b) Through the competitive sealed bidding process, as defined by the State and County Code.
- b. All other unclaimed firearms or weapons not retained for use by the Department will be destroyed in accordance with Section 55-210.1, Code of Virginia.

23. Use of the Evidence/Property Storage Receipt Form:

- a. The Evidence/Property Storage Report and Receipt Form (Attachment 5) will be used for all property coming into custody of the Sheriff's office with the exception of property that is:
 - (1) Recovered under court order, (A copy of writ or court order and 108 Incident Report Form is attached to the property), or;
 - (2) Inmate property, (Personal Property Receipt Form is attached to the property and a receipt is given to the inmate, this is outlined in SOP 201).

- b. When handling lost/found property, a copy of the Evidence/Property Storage Receipt Form will be made and given to the citizen in cases where property has been turned over to the Sheriff's office by a citizen. Additionally, a 108 Incident Report Form will be completed for documentation purposes.
 - c. The recovering deputy will complete an Evidence/Property Report on a 108 Incident Report Form as completely as possible, excluding a property control report number. This number will be filled in by the Evidence/Property Custodian.
 - (1) The Evidence/Property Storage Report and Receipt Form is for classifying property or evidence, so that the custodian can easily track the status.
 - (2) The Deputy filing out the Evidence/Property Storage Report and Receipt Form will describe the evidence/property as accurately as possible, including color, model numbers, brand names, serial numbers, approximate value, etc.
 - (3) The Evidence/Property Storage Report and Receipt Form will serve as a release form with the name and address of the recipient. The custodian authorizing release must sign, date, and give a reason for the release.
- B. Evidence/Property Room Inspections:
- a. All required inspections will be conducted by the Fairfax County Sheriff's Office.
 - (1) The Chief, Confinement Branch will conduct by the 15th of the quarterly month an inspection of the Evidence/Property Room to ensure adherence to procedures outlined in the Standard Operating Procedure. This inspection is to be documented with notification to the Confinement Division Commander of the findings no later than the last day of the quarterly month.
 - (2) The Confinement Division Commander will conduct unannounced spot inspections as ordered by the Sheriff of Fairfax County, of the Evidence/Property Room no less than twice in a calendar year. These inspections are to be documented and retained by the Confinement Division Commander.
 - (3) The Sheriff of Fairfax County will order an annual audit of the Evidence/Property Room. The Supervisor, Inmate Records & Transportation, will conduct this audit once a calendar year no later than December 31 with a written report to the Sheriff of Fairfax County. These inspections are to be recorded with notification to the Confinement Division Commander no later than January 15 of the following calendar year.
 - (4) Whenever there is a change of Primary Evidence/Property Officer, an inventory of all property and evidence will be conducted jointly by the existing Primary Custodian and newly

appointed Primary Evidence/Property Officer.

C. Weapons

1. Deputies will not, under any circumstances, keep any weapons in their possession that are found, turned in, or confiscated.
2. All weapons coming into the custody of this agency will be inspected immediately to insure their safe condition for storage. It is imperative that all firearms are unloaded immediately.
3. All firearms coming into the custody of the Sheriff's Office will be checked against NCIC/VCIN stolen files by the recovering deputy.
4. All firearms will be packaged separately, and all firearms will be made safe.

D. Drugs/Narcotics

1. Drugs/Narcotics found within the Judicial/Detention Complex will be handled in accordance with SOP 511.
2. Civil Enforcement deputies finding illegal drugs/narcotics during the execution of a court order outside the Judicial Complex will secure the area, and call the local police authority to investigate and determine if charges should be filed.

E. Crime Scene

1. The Fairfax County Sheriff's Office is not the responsible authority for processing a crime scene. At any time a Deputy Sheriff becomes aware of a crime scene, the Deputy will notify the Fairfax County Public Safety Communication Center to have the appropriate law enforcement agency respond to take command of the scene.
2. The responsibility of the highest ranking Deputy at the scene will be to take command until the appropriate law enforcement agency arrives. The highest ranking Deputy will ensure the following procedures are followed:
 - a. Render aid to a victim at the scene, unless the Deputy must immediately protect himself from a suspect still at the scene.
 - b. If the Deputy has probable cause to believe that the suspect committed a felony, the suspect will be placed under arrest, searched, and any spontaneous statements the suspect may make will be noted. The suspect will not be questioned further until the responsible authority arrives at the scene.
 - c. Assist in protecting the crime scene if requested.
 - d. Preparing a 108 Incident Report Form outlining all details of the Deputy's actions taken at the scene.

F. Disposal of Unclaimed Property and/or Evidence

1. The Internal Affairs Officer is charged with coordinating with the Evidence/Property Custodian the disposal of all authorized unclaimed property

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and/or evidence. The Internal Affairs Officer will ensure, in addition to himself, at least one additional Deputy Sheriff will provide assistance in the disposal of any unclaimed property and/or evidence.

G. Legal Requirements

1. Deputies need to understand several important legal principles regarding physical evidence. As noted in the procedure, Deputies must exercise a chain of custody of all evidence.
 - a. A chain of custody is the series of documented links between the time the evidence was obtained until presented in court. The links are deputies, laboratory technicians, evidence custodians, etc. who handled the evidence, and where and when they did so.
 - b. Deputies shall rigorously maintain a chain of custody and shall always remain mindful of constitutional safeguards.

REFERENCE: Department of Criminal Justice Services, Division of Forensic Science Evidence Handling Guide, March 2000.



**STACEY A. KINCAID
SHERIFF**

**01/01/00
DATE APPROVED**

**07/19/99
EFFECTIVE DATE**

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