

GREELEY POLICE DEPARTMENT

General Order 153.00

Reviewed: 03/17

**153.00 DISPOSAL OF EVIDENCE / FOUND PROPERTY**

- The final disposition of evidence will be accomplished within six months after legal requirements have been satisfied. Legal requirements shall include any post conviction appeals, or as follows:
  - Expiration of the statute of limitations for the crime will be considered final case disposition, allowing for the disposal of evidence in the case. Statute of limitations criteria will be taken directly from C.R.S. 16-5-401 and any specified extensions will apply. One exception to the statute of limitations has been authorized by the Weld County District Attorney's Office. Evidence collected during the investigation of forgery cases may be destroyed if the evidence has been held for 10 years or longer, there are no suspects, and the loss is less than \$2,500.
  - Upon notification from the Court or District Attorney's Office on the conviction or final disposition of a case and considering post conviction appeal possibilities, evidence may be destroyed in the approved manner or released as authorized.
  - The courts or the District Attorney's Office may request the retention of evidence in excess of these criteria if there is cause to believe that a conviction could be challenged. The District Attorney's Office wants the ability to re-try a case if a plea is withdrawn or a conviction is overturned. In such cases, evidence may need to be held until the sentence time has been satisfied.
- The owner of any found property will be notified by the Evidence Unit or by the recovering officer when the item may be released. The notification may occur by personal contact, telephone or letter and will be documented with a property owner notification letter or evidence phone contact form.
  - The finder, excluding City employees, may claim found property after ninety days if the owner remains unidentified after a legitimate attempt to identify and contact the owner has been made.
  - To claim the property, the finder shall submit a written claim to the Evidence Unit. The claim will be approved by the Chief of Police or his designee prior to release

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- The owner of any safekeeping property will be notified by the Evidence Unit via Property Release Letter (appendix B, Evidence Manual)
  - Property with value greater than \$500 requires a certified letter to be sent to the owner.
  - The owner of safekeeping property must claim his/her property within 90 days or it will be forfeited and considered abandoned property.
  - All abandoned property items are subject to destruction, auction or conversion to City use, at the discretion of the evidence staff.
- Auction of abandoned property

When the owner of an evidence or found property item cannot be determined and/or located, the item shall be sold at auction. The following procedure will be followed:

- The Evidence Technician will provide the items to a City of Greeley approved contractor to auction the items.
  - All proceeds from the auction will be forwarded to the Finance Department of the City of Greeley in the form of a check. No cash will be accepted by any employee of the City of Greeley Police Department for the sales of auctioned items
  - Documentation of items sold, proceeds, and fees will be maintained by the Evidence Unit for a period of time that complies with the City of Greeley retention schedule for financial records.
- When an item of evidence/found property cannot be auctioned or released, the item shall be destroyed.
  - When an item to be released has been contaminated with a bodily fluid, chemical agent, or other dangerous substance, the person accepting the item will be provided with form GPD2132 giving the information about the contaminant. The form will be signed by the person accepting the item and will be obtained by the Evidence Technician prior to release.
  - Release of firearms
    - Each gun (found, safekeeping and evidence) is subject to being sent through E-trace by an investigator from the submitting agency. The gun may be checked out of evidence to perform a function test. A spent casing will be collected and processed through NIBN.

**Commented [SJ1]:** This section is for us to dispose of belongings in a timely manner including firearms.

**Commented [SJ2]:** This section of the document was worked on by Matt Hader, Stacey Aurzada, Mark Jones and Adam Turk. Changed to comply with the Colorado gun laws.

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- The Investigating Officer will confirm the weapon has not been reported stolen by running the serial number through the NCIC/CCIC system. When appropriate, the Investigating Officer will confer with the DA's Office to determine if the gun(s) need to be held as evidence.
- The Investigating Officer will notify the evidence unit when firearms which are not contraband may be released to the owner. The following steps shall be completed by an Evidence Technician prior to release.
- Gun owners will be sent a certified letter stating the following:
  - (Name) have been identified as the owner of this gun
  - Proper authorities have authorized its immediate release
  - A criminal history will be run through NCIC/CCIC to confirm the owner is not prohibited from possessing a firearm per 18 U.S.C. § 922(g).
  - If the Evidence Technician receives information that there is pending court judgment of a felony and/or domestic violence charge with any jurisdiction, or if the owner is prohibited from possessing a firearm the firearm(s) in the custody of the Greeley Police Department may not be released to the owner.
  - The owner has the right to transfer ownership to a direct relative (mother, father, grandparent, sibling etc.). Proof of transfer such as a bill of sale must be submitted by the new owner. A criminal history will be completed on the person the firearm was transferred to.
- Any firearm held as property at the Greeley Police Evidence Storage facility must be claimed in person within 90 days of the date the letter was sent or it will be forfeited and considered abandoned property.
- The owner will be required to complete and submit Greeley Police Department form GPD2130 to the Evidence Technician.
- If the gun owner attempted suicide or was placed on a mental hold in addition to the criminal history, the owner is required to complete form GPD2131 (Waiver and liability release and acknowledgement of receipt revised 07/2016). Upon receipt of that form, the firearm(s) shall be released.
- Firearms, bullets and casings that are submitted into evidence as "found property" will not be released or destroyed until a detective has reviewed the circumstances and authorized its release.

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- Destruction of firearms

Unclaimed legal firearms, illegal firearms or firearms which have no legitimate use will be destroyed, barring a written directive from the Chief of Police to preserve the firearm.

- Firearm destruction entails rendering the weapon permanently inoperable, i.e. putting it through a metal shredder.
- When transporting the firearms to the destruction site, the evidence technician must be accompanied by at least one sworn officer. That officer will follow the evidence van in a separate vehicle.
- The identification of each firearm will be recorded as it is loaded for destruction.
- The evidence technician and officer will remain at the destruction site until they have witnessed the firearms reach a point where retrieval is no longer possible.

- Destruction of narcotics

Narcotics and dangerous drugs shall be incinerated. Professional Standards Sergeant will verify the destruction of these substances by adhering to the following procedures:

- Prior to the scheduled date of destruction, a random sample of the items designated for destruction will be selected. The Professional Standards Sergeant will weigh the selected drugs and confirm their identification using the appropriate presumptive test kit.
- These results will be compared with any prior testing conducted by the laboratory. If no discrepancies are found, the items will be returned to the Evidence Room for normal processing.
- If any discrepancies are found, Professional Standards shall immediately notify the Chief of Police who shall ensure the appropriate investigation is initiated.
- On the date of destruction, Professional Standards will monitor the loading of the items to be destroyed, accompany the items to the destruction site, and observe the destruction process.
- After completion of the destruction process, Professional Standards shall submit a report to the Chief of Police which shall include:

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- The date, time, and location of the destruction.
  - The inventory of the items destroyed.
  - A list of those present at the destruction.
  - The lab results of the random test cases submitted for re-testing.
  - A copy of the above report will also be routed to the Evidence Unit.
- Destruction of electronic media
    - All electronics require secure removal or destruction of restricted data prior to equipment reassignment or disposal. This includes but is not limited to pornography, personal name/DOB/SSN, bank numbers etc.)
    - To ensure secure removal/destruction of restricted information, all electronics will be submitted to the Regional Lab including cellular telephones, laptop computers, cameras, hard drives, memory cards, etc.

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Authorized by: Jerry Garner, Police Chief

Effective Date: March 22, 2017

Signature:  Date: 3-22-2017