



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 84.1

TITLE: EVIDENCE AND PROPERTY

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PURPOSE

This Chapter provides for the proper collection, storage, security, chain of custody, and disposition of evidence and property entrusted into the care of the New Orleans Police Department at Central Evidence and Property (CE&P). This Chapter does not cover the collection, handling, and storage of evidence of sexual assault, which is covered in **Chapter 42.2 – Sexual Assault** and the **Sex Crimes Unit Standard Operating Guidelines**.

DEFINITIONS

CE&P—Acronym for the **C**entral **E**vidence and **P**roperty Section.

Concursus—A proceeding in which two or more persons having competing or conflicting claims to money, property, or mortgages or privileges on property are required to assert their respective claims contradictorily against all other parties to the proceeding. The property may be held by a third party (i.e. police department). See La. Code Civil Procedure Art. 4651.

Controlled Substance or Controlled Dangerous Substance (CS / CDS)—Drugs and other substances that are considered controlled substances under the Controlled Substances Act (CSA) and/or Louisiana law are divided into five schedules. Substances are placed in their respective schedules based on whether they have a currently accepted medical use in treatment in the United States, their relative abuse potential, and likelihood of causing dependence when abused.

Disposal—The disposition of an item classified as evidence once the prosecutorial and judicial process is concluded. The three methods of disposal are

- (a) Return it to the rightful owner (if allowed by law);
- (b) Legally forfeit the item for use by the law enforcement agency; or
- (c) Physically destroy it.

All evidence disposal methods require legal process and court approval.

Drug—A substance used to treat an illness, relieve a symptom, or modify a chemical process in the body for a specific purpose.

Evidence—Property as defined herein, including documentary or oral statements, material objects admissible as testimony in a court of law, and items taken or recovered in the course of an investigation that may tend to prove or disprove the facts of a case.

Exhibit—Physical or documentary evidence which could be brought before the jury / judge and or shown and identified in court in a case. The artifact or document itself is generally presented for the court or jury's inspection. Examples may include a weapon allegedly used in the crime, an invoice or written contract, a photograph, or a video recording.

Found Property—Property found by a department member or other person where the owner cannot be readily identified or contacted and has no apparent evidentiary value in a criminal investigation.

Gross Package Weight—The sum (total) weight of the package and contents.

Narcotic—Any of a class of substances that blunt the senses, such as opium, morphine, belladonna, and alcohol, that in large quantities produce euphoria, stupor, or coma, that when used constantly can cause habituation or addiction, and that are used in medicine to relieve pain, cause sedation, and induce sleep. The US FDA has restricted the word narcotic to mean opioid.

Property—Any object of value, however slight, whether tangible or intangible.

Safekeeping—The police department has a fiduciary and **legal** obligation to store and protect items of evidence and **property** in its **custody**, and an obligation to legally restore **property** to the rightful owner as soon as practical or dispose of the **property** in a **legal** manner. This includes property obtained by the Department for safekeeping/storage pending return to owner, or personal property of an arrestee not taken as evidence in a criminal investigation.

POLICY STATEMENT

1. The evidence and property function exists in order for this Department to receive, catalog, safely store, and maintain the integrity of evidence, found property, or property for safekeeping.
2. This Department has the legal obligation to restore property to the rightful owners or facilitate the legal disposition of evidence or property in its possession. The Commander of Central Evidence and Property shall ensure that timely notification of possible release to the owner is made on all items of property, where the owner has been identified.
3. The determination of the suitability of a particular item of evidence for forensic testing is made by the Crime Lab after the investigator's determination that the item will be needed in a case investigation and a laboratory request for forensic testing has been made by the case investigator. The method of forensic testing to be used on a particular item shall be determined by the appropriate forensic laboratory technician based on the Crime Lab Standard Operating Guidelines and best practices.
4. The classification of a particular item or object as either property or evidence for purposes of this Chapter is made by the investigating officer based on the nature of the object and its impoundment necessity as proof of an element of the offense or the possibility that forensic testing of the object may provide additional evidence as to the identity of a suspect (i.e. DNA and fingerprints). In the event the item or object is to be retained as evidence so that forensic testing can be conducted, the required Crime Lab Request form shall accompany the item when confiscated from the scene and logged into CE&P. Items that do not have evidentiary value and are capable of being documented on the scene by photographs and sketching can be processed as "property."

CENTRAL EVIDENCE AND PROPERTY INTEGRITY AND SECURITY- MAIN FACILITY

5. CE&P shall maintain and operate a main warehouse facility manned and open for the receipt of evidence and property 24 hours per day seven days per week including holidays. A commissioned officer shall be on the premises at all times, and a security camera system shall be in continuous operation. Exterior doors and windows shall be locked and secured with key card access, allowing only authorized members or individuals with appropriate, verified identification and a need to enter the facility. Doors to interior areas shall be locked and secured when not in active use, allowing only authorized members to enter those areas. Under no circumstances shall any individual not assigned to CE&P be allowed to roam freely or unescorted through any portion of the secure area(s).
6. All items stored at CE&P or any satellite facility shall be stored above base flood elevation for the location of the facility according to the most recent revised FEMA flood hazard data.
7. Drugs, narcotics, controlled substances, currency and other valuables, and firearms and related exhibits shall be stored separately from the main warehouse in an area subject to additional access security and restrictions.

EVIDENCE AND PROPERTY INTAKE

8. All evidence and/or property except motor vehicles or suspected explosive devices taken into custody of an NOPD member while working must be delivered and logged at CE&P prior to a NOPD member going off-duty, and a written report (EPR) shall be made detailing how the evidence and/or property came into the control of the member along with a complete, detailed description of each item including serial numbers or identifying marks if applicable. Motor vehicles are processed according to **Chapter 61.22 – Impoundment of Motor Vehicles Involved in Criminal Activity**. Information on explosive devices is provided below.

EVIDENCE AND PROPERTY BOOKING PROCEDURE

9. Exhibits delivered to CE&P shall be packaged, sealed, and labeled by the receiving counter member per current CE&P standard operating guidelines (SOG), including but not limited to the following:
 - (a) Exhibits shall be described so precisely that physical viewing of the packaged item is not necessary to identify what it is.
 - (b) Exhibits of evidence shall not be packaged with items of property.
 - (c) Exhibits for which ownership can be, or has been, established shall be packaged separately.
 - (d) Members submitting items for forensic processing shall indicate the owner and/or custodian's name, address, and telephone number (if known).
10. All pertinent information regarding articles received at CE&P shall be entered into the Section's computer system and a receipt shall be generated. The receipt shall be supplied to the submitting member for his/her record and verified for accuracy and completeness by the submitting member prior to his/her leaving CE&P. This receipt shall become part of the submitting member's investigative report (EPR).

DRUGS, NARCOTICS AND CONTROLLED SUBSTANCES

11. Drugs, controlled substances and narcotics exhibits, including paraphernalia, shall be packaged separately, always in the presence of both the submitting and receiving

member. They shall be particularly described, itemized, weighed and packaged according to CE&P Standard Operating Guidelines (SOG) and deposited into the narcotics depository in the presence of the submitting and receiving members.

12. The gross package weight (GPW) will be verified every time the package is checked in or out of Central Evidence and Property. Any discrepancies shall be noted on the outside of the package on the chain-of-custody label. Any change in weight shall be immediately reported to the discovering member's supervisor. The supervisor shall determine if the change in weight was due to documented re-packaging or testing. If not, the supervisor shall initiate an investigation and report the actions, in writing, to his/her Commander.

CURRENCY AND OTHER VALUABLES

13. Currency, coinage and other valuables (jewelry, etc.) shall be packaged separately in the presence of both the submitting and receiving member, along with a copy of the receipt that the submitting member issued to the person from whom it was obtained (if applicable). They shall be particularly described, itemized and packaged according to CE&P Standard Operating Guidelines (SOG), and deposited into the valuables depository in the presence of the submitting and receiving members.
 - (a) Cash/currency/coinage which has been submitted for processing and is in a government or bank-sealed bag need not be opened for verification, providing that the submitting member has documentation of the contents.
 - (b) In all other cases, CE&P members shall verify the amount of cash/currency/coinage received prior to packaging and depositing into the valuables depository.

FIREARMS AND RELATED EXHIBITS

14. Firearms received at CE&P shall be unloaded and made safe by the submitting member prior to presenting for intake at CE&P.
15. For firearms related items:
 - (a) Live ammunition shall be packaged separately from spent ammunition.
 - (b) All live ammunition shall be packaged separately from firearms.
 - (c) Firearm magazines shall be removed from the weapon, and the firearm slide shall be locked in the open position, if possible.
 - (d) Revolvers shall be submitted with the cylinder open and empty, if possible.
 - (e) All firearms shall be accompanied by a completed NOPD **Confiscated Report Form #42**.

EXCEPTIONAL HANDLING

16. Certain exhibits require specific processing. The following classes of exhibits shall be processed in the described manner once presented at CE&P intake:
 - (a) Any evidence collected which may contain trace DNA and that is designated for testing shall be properly labeled as such.
 - (b) Evidence stained with bodily fluids shall be air-dried prior to being packaged for storage.
 - (c) The ISB – Special Investigations Division – Narcotics Section – Asset Forfeiture Unit shall be contacted for evidentiary cash in excess of \$1,000.
 - (d) Evidence requiring unusual or specific storage requirements pursuant to laboratory procedures shall have those clearly indicated storage requirements noted on the appropriate form(s) and specifically brought to the attention of the CE&P intake member.

- (e) Items that are potential biohazards shall be appropriately packaged and labeled to reduce the risk of exposure or contamination.
- (f) City owned property, unless connected to a known criminal case, should be released directly to the appropriate City department. In cases where no responsible person from that department can be located, the City property should be booked for safekeeping and written notification of the circumstances and location made to the appropriate City Department director before the member placing the item on the books finishes his/her tour of duty.

EVIDENCE DROP-BOXES

- 17. Certain evidence or property may be deposited into secure and authorized containers (drop boxes) located in police facilities such as District stations, Police Headquarters and the Family Justice Center.
- 18. Where drop boxes are present the following guidelines apply:
 - (a) Allowed or prohibited exhibits:
 - i. **Allowed property** - Only non-perishable and completely-dry property that reasonably fits into a drop-box without any risk of damaging any other property or evidence in the drop-box may be submitted in a drop box.
 - ii. **Allowed evidence** - Fingerprint cards or photographs/videos (whether printed, CD/DVD or VHS) may be submitted in a drop box.
 - iii. **Prohibited items** - Firearms, ammunition, drugs, narcotics, CDS, drug paraphernalia, currency/coin, jewelry, sexual assault kits, or DNA / biological / biologically contaminated items.
 - (b) Each individual exhibit placed into a drop-box must be contained in a sealed bag or envelope and contain the following:
 - i. The item number and officer's name/assignment must be printed on the bag or envelope.
 - ii. The CE&P intake form must be completed, legible, approved and signed by the submitting member's supervisor and included inside the bag or envelope.
 - (c) A drop-box hard-bound ledger book, provided by CE&P, shall be kept at each drop-box location. The following information shall be recorded in the ledger book by the member submitting the evidence or property:
 - i. Date and time of submission into the drop box,
 - ii. The NOPD item number,
 - iii. The number of exhibits with each exhibit's description,
 - iv. The submitting member's name, badge number, and signature,
 - v. The approving supervisor's name and signature, and
 - vi. The retrieving CE&P member's initials and date of pickup.
 - (d) A supervisor of the submitting member who is depositing the evidence or property into the drop-box shall monitor the drop-box procedure and affix his/her printed name, badge number, and signature on the CE&P intake form. The completion of the form and signature verifies that the supervisor checked and approved the forms for accuracy and shall observe the placing of the exhibit(s) into the drop-box.
 - (e) The member writing the incident report shall attach a copy of the completed, approved and signed CE&P Intake form to the EPR.
 - (f) CE&P forms are available on nopd.org under Forms and may not be altered.

DROP-BOX CUSTODIAN

- 19. Only authorized CE&P members (drop-box custodians) shall open a drop-box and collect the exhibits placed therein. The following guidelines shall be followed:

- (a) Only the CE&P Commander or his/her designee shall have access to the keys for the drop-boxes.
 - (b) Drop-box pickups shall be at least weekly.
 - (c) Drop-box custodians who open a drop-box and transport the exhibits contained therein must be sworn/armed members and travel in an authorized police vehicle.
 - (d) The drop-box custodian shall unlock the drop box, verify the contents against the exhibits listed in the ledger book and the information on the intake forms, and affix his/her initials and pickup date in the hard-bound ledger book,
 - (e) The drop-box custodian shall empty and lock the drop-box.
 - (f) The drop-box custodian shall address any discrepancies discovered during the process with the unit supervisor on-scene, leave a copy of the pick-up form for the unit Commander, and maintain the original pick-up form for CE&P records.
 - (g) The drop-box custodian shall maintain security while transporting the evidence/property, by not making any stops while transporting the evidence/property. The custodian shall deliver the exhibits to a CE&P intake member for normal processing.
 - (h) The drop-box custodian shall remain with the exhibit(s) at all times from pickup at the drop-box until intake at CE&P thereby maintaining chain of custody, until all items are securely and completely packaged for storage in accordance with CE&P intake system procedures and entered into the CE&P property and evidence computer records system.
 - (i) CE&P intake member shall note in the record that the exhibit being entered was placed in a drop-box, along with the delivery custodian's name and badge number. The initial intake form, completed by the investigating member, shall remain with and be included with the property/evidence at CE&P.
20. Nothing in this Chapter is intended to preclude a member from transporting evidence or property directly to the CE&P facility in lieu of utilizing a drop-box.

EXPLOSIVES

21. Officers who encounter a suspected explosive device shall promptly notify his/her immediate supervisor or Platoon Commander. The Special Operations Division – Bomb Squad will be notified by the supervisor through Communications Services (OPCD) to respond to the explosive-related incident and will be responsible for the handling, storage, sampling and disposal of all suspected explosives(see also: **Chapter 46.3 – Bomb Calls**).
22. Explosives are not permitted to be delivered to, nor retained at, CE&P. Explosives are the exclusive responsibility of the SOD-Bomb Squad.

RIGHT OF REFUSAL

23. CE&P members have the right to refuse any piece of property or evidence that is hazardous. For hazardous materials, the member who has had the piece of property or evidence refused shall contact his/her supervisor. The member's supervisor, in consultation with the CE&P supervisor, shall reach a determination as to the hazardous nature of the item(s) and a process to follow. Both SOD and NOFD can be consulted to provide guidance and assistance. (See also: **Chapter 4.3.4 – Hazardous Materials Exposure and Response**).
24. CE&P members have the right to refuse any piece of property or evidence that has not been properly documented or packaged until corrective action is taken by the submitting member. Any dispute shall be immediately referred to the member's supervisor who

shall consult the CE&P supervisor for guidance.

PACKAGING OF EVIDENCE AND PROPERTY

25. Packaging must conform to defined CE&P packaging procedures. Guidance on packaging requirements can be provided by CE&P members and Crime Scene Technicians. Certain items require special consideration and shall be packaged and processed separately as follows:
- (a) Controlled substances.
 - (b) Firearms (ensure they are unloaded, rendered safe, and packaged separately from ammunition).
 - (c) Property with more than one known owner.
 - (d) Drug paraphernalia.
 - (e) Contraband.
 - (f) Biohazards.

PACKAGING CONTAINERS

26. Members shall package all property in a suitable container that is appropriate for its size.
- (a) Knife tubes should be used to package knives or any other sharp items.
 - (b) Handgun boxes should be used for handguns.
 - (c) Syringe tubes should be used to package syringes and needles.
27. A completed property/evidence tag shall be securely attached to the outside of all items or group of items packaged together.

RECORDING OF PROPERTY

28. The CE&P intake member receiving custody of evidence or property shall create a computer record for each item of property or exhibit received. The computer record will be the permanent record of the exhibit in Central Evidence and Property. The computer record shall record, by item number, the date received, exhibit number, description, location, the date released or disposed (if applicable), and any other pertinent information.
29. For all narcotics exhibits, a hard-bound logbook shall also be maintained for each exhibit received.
30. Any changes in the location of evidence or property held by the New Orleans Police Department shall be noted in the computer record.

EVIDENCE AND PROPERTY CONTROL

31. Each time a CE&P member receives an evidence or property form or releases evidence or property to another person, he/she shall update the information in the evidence and property control computer system.
32. Items that have been misclassified as evidence, according to the guidelines of this Chapter, shall be immediately brought to the attention of the commander of CE&P by any member of CE&P.
33. The commander of CE&P shall investigate the circumstances of the items classification and if an error has been made:
- (a) Contact the investigating officer's immediate supervisor and inform him/her that the officer must correct the error at CE&P within 48 hours of notification,

- (b) Request that the supervisor review the guidelines for determination of the classification of an item as property or evidence with the member and document the counseling / training in INSIGHT.

TRANSFER OF EVIDENCE TO SCIENTIFIC CRIMINAL INVESTIGATIONS SECTION (SCIS - CRIME LAB)

- 34. The Scientific Criminal Investigations Section (SCIS or Crime Lab) member assigned to transport items from CE&P to the Crime Lab for testing will check the evidence out of CE&P, document the transfer in the evidence and property control computer system when needed for laboratory analysis and return the item(s) to CE&P as soon as practicable after testing is completed.

RELEASE OF EVIDENCE OR PROPERTY

- 35. Each member transferring evidence or property to another will make the appropriate entry in the evidence and property control computer system to document the chain of custody.
 - (a) Property may only be released to a rightful owner or disposed in accordance with Departmental regulations and law.
 - (b) Property that has no apparent evidentiary value, excluding contraband, may be released to the owner if known.
 - (c) A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922 (d).
 - (d) The property owner, present in person or through a legally authorized representative, shall sign the appropriate form acknowledging receipt of the item. A copy of the legal document appointing a representative to retrieve the property for the owner shall be maintained as part of the property release file.
 - (e) The Commander of the CE&P Section shall designate hours during the business day where owners or his/her authorized representatives can retrieve property authorized for release.
 - (f) Items classified as evidence may not be released to non-judicial or non-laboratory civilians and may only be released for official purposes, except:
 - i. Upon the written direction of a prosecuting attorney; or
 - ii. Pursuant to a signed, embossed original court order.
 - (g) CE&P members shall obtain the signature of the person to whom evidence or property was released and the reason for release.
 - (h) Any department member receiving evidence shall be responsible for maintaining the chain of custody and the physical security of such evidence until it is returned to CE&P.
- 36. The return of previously released evidence shall be recorded in the evidence and property control computer system indicating date, time and the person who returned it along with any necessary documentation indicating the continuous, unbroken chain of custody of the evidence since its removal from CE&P.

DISPUTED CLAIMS TO PROPERTY

- 37. More than one party may claim an interest in property being held by the Department. If legal rights of the parties cannot be clearly established, such property shall not be released until one party:
 - (a) Has obtained a court order for the release of the property into his/her sole custody; or
 - (b) He/she establishes proof of the undisputed and undivided right to the property.

38. All parties should be advised that their claims to an interest in the property are civil in nature. In extreme situations, legal counsel for the City / Department may be requested to file a concursus in court to resolve the disputed claim.

PROPERTY (NON-EVIDENCE) DISPOSAL

39. All non-evidence property received by CE&P shall be held for at least six months from the date it was received, after which it may be disposed in the following manner:
- (a) If the property has a known owner with address known (in CE&P's computer system as provided by the submitting member/investigator), the owner shall be sent a letter notifying him/her to retrieve his/her belongings, at least 30 days prior to disposal. If additional contact information exists and is available to CE&P Disposal personnel, it shall be utilized to contact the known owner if the letter does not garner a response.
 - (b) At least 30 days prior to disposal, NOPD will advertise on its website that the property is to be disposed if unclaimed.
 - (c) The advertisement will note that the property may be available, if unclaimed by rightful owner, to a nonprofit youth facility or to another nonprofit organization, if appropriate and usable (R.S. 33:2333).
 - (d) Property that has completed these prerequisites and timeframes, fully eligible for disposal, may be converted to city use in accordance with this Chapter.
 - (e) After prescribed time periods have been met, disposals shall be conducted as specified in this Chapter.

EVIDENCE DISPOSAL

40. Evidence shall only be disposed by court order, after consultation with the District Attorney with regard to state evidence or the City Attorney with regard to municipal evidence, to ensure it will not be needed for prosecution or appeal, under the following guidelines:
- (a) Evidence shall not be disposed in cases of murder, rape, aggravated kidnapping, or armed robbery regardless of the time since the offense, the status of legal proceedings in the case, or whether the department has closed the case.
 - (b) Trace evidence - including biological evidence and digital evidence in any case in which the felony is punishable by 10 years or more should be retained through the statute of limitations for the offense if it is an open case, or the duration of the incarceration of the last defendant in the case if the case is closed with conviction.
 - (c) Contraband evidence must be completely destroyed during a disposal process, if not used for official Department purposes (e.g., K9 training, Crime Lab use) in which case the Departmental use must be documented in the CE&P computer system.
 - (d) With regard to non-contraband evidence:
 - i. Once a court order is obtained to dispose, procedures outlined above in paragraph 38 of this Chapter regarding owner notifications shall be followed unless the court order dictates a specific manner of disposal.
 - (e) If non-contraband evidence is claimed, it must be claimed by an actual owner.
 - (f) Evidence that is fully eligible for disposal may be converted to city use in accordance with this Chapter.
 - (g) After prescribed time periods have been met, disposals shall be conducted as specified in this Chapter, unless otherwise dictated by court order.

CONVERSION TO CITY USE

41. Useable property or evidence (other than firearms) that is fully-eligible for disposal or destruction under this Chapter may instead be converted to City use and signed out by

Department member for official business, in an effort to spare city funds from being spent to purchase similar new items needed for official Departmental operations, under the following guidelines:

- (a) Such property or evidence may only be converted to city use by approval of the Commander of CE&P or his designee who is a supervisor and shall be updated in the computer system.
- (b) The member signing out an item converted to city use:
 - i. Is responsible for the item;
 - ii. Must return the item upon request; and
 - iii. Must return the item when it is no longer serviceable or needed so that it may be updated in the computer system and accounted for then disposed accordingly.

DISPOSAL PROCEDURE

42. In accordance with the **City Memorandum issued on June 30, 2011**, unless a court order dictates otherwise, disposals shall take place via the City of New Orleans contract with <https://www.propertyroom.com/>. However, some items by their very nature should be excluded and destroyed instead:
 - (a) Contraband.
 - (b) Biohazards.
 - (c) Firearms and other weapons.
 - (d) Items of a personal nature or having identifying characteristics (e.g., licenses, credit cards).
 - (e) Anything that **Propertyroom.com** does not accept according to their policies.
43. Every disposal and/or destruction shall be conducted in the presence of a supervisor not assigned to CE&P, chosen by the Superintendent of Police, who will review the process as an independent observer to ensure integrity and compliance with laws and Departmental regulations.

INSPECTIONS OF CE&P

44. On a monthly basis, an Investigation and Support Bureau (ISB) supervisor, assigned by the Deputy Chief of ISB and not assigned to CE&P, shall inspect CE&P facilities to ensure adherence to appropriate policies and procedures concerning safety and physical storage and security. A report from the assigned inspector shall be generated outlining the details of the inspection process and any deficiencies or recommended corrective measures. This report shall be completed within one week of the inspection and submitted to the Deputy Chief of ISB and copied to the Commander of Central Evidence and Property. The reports shall be maintained on file at both commands for a minimum of three years.
45. Unannounced inspections of CE&P by the Audit and Review Unit of the Compliance Bureau shall be conducted annually, as directed by the Superintendent of Police. The report of the audit shall be submitted within one month of the completion of the audit. A report shall be submitted to the Superintendent of Police and copied to the Deputy Chief of ISB.
46. Whenever a change is made in command of CE&P or any members who have responsibility for "sensitive evidence" (guns, money, jewelry, drugs, DNA) in Central Evidence and Property, an audit of the inventory of evidence/property under their control shall be made by an individual not associated with Central Evidence and Property or the Section's function to ensure that records are correct and all evidence and property is accounted for. The audit/inventory must be sufficient to ensure the integrity of the

system and the accountability of the exhibits.