

## 12.715 PROPERTY AND EVIDENCE: CONFISCATION, ACCOUNTABILITY, PROCESSING, STORAGE, AND RELEASE

### **Reference:**

Procedure 12.265, Wrecker and Towing  
 Procedure 12.350, Automated Fingerprint Identification System (AFIS)  
 Procedure 12.400, Incident and Miscellaneous Reporting  
 Procedure 12.403, Crime Victim/Witness Notification and Assistance  
 Procedure 12.555, Arrest/Citation: Processing of Adult Misdemeanor and Felony Offenders  
 Procedure 12.615, Deceased Persons/Prisoners and Death Notifications  
 Procedure 12.710, Unit Property Book  
 Procedure 12.720, Evidence: Submitting for Physical Analysis  
 Procedure 12.725, Blood Drying Facility: Processing of Evidence Exposed to Bloodborne Pathogens  
 Procedure 12.735, Federal and State Forfeitures  
 Ohio Revised Code 2901.13, Statute of Limitations for Criminal Offenses  
 Ohio Revised Code 2933.82, Retention of Biological Evidence  
 Forensics Manual  
 Investigations Manual

### **Definitions:**

**Property** – Any material object of value, however slight, tangible or intangible to which an owner has a legal right.

- Property marked as “found” or “personal” is returnable to anyone with proof of ownership. No disposition order will be sent to the responsible officer and the property could be disposed of in 90 days if not claimed.
- Property marked as “court” is any property held as evidence or has the potential to be evidence. A disposition order will be sent to the responsible officer to determine the disposition.
- Property held as “confiscated” will be disposed of after one year unless Court Property Unit (CPU) is otherwise advised. A disposition order will not be sent to the responsible officer. Do not submit evidence or potential evidence as confiscated.

**Evidence** – Legally obtained, documentary or oral statements and material objects submitted to a court of law as proof to ascertain the truth regarding an offense that occurred.

**Biological Evidence** – Any item that contains blood, semen, hair, saliva, skin tissue, fingernail scrapings, bone, bodily fluids, or any other identifiable biological material, including the contents of a sexual assault examination kit, that was collected as part of a criminal investigation or delinquent child investigation and that reasonably may be used to incriminate or exculpate any person for an offense or delinquent act.

**Biological Material** – Any product of a human body, containing DNA.

**Deoxyribonucleic Acid (DNA)** – the material inside the nucleus of a cell that carries genetic information.

**National Integrated Ballistic Information Network (NIBIN)** – Assists federal, state and local law enforcement agencies by providing the ability to compare an agency's ballistics evidence against evidence from other national, regional and local violent crimes involving firearms.

**Purpose:**

Provide for the security, care, custody, and control of seized, recovered, and evidentiary property as well as abandoned, lost, or found property.

Eliminate questionable confiscation and reduce complaints of illegal search and seizure.

Establish procedure regarding firearms coming into police possession.

**Policy:**

Police personnel confiscating, seizing or recovering property of any kind will be in compliance with local, State and Federal laws.

Property used in an unlawful manner will be seized and held as evidence in connection with the arrest.

Police personnel will not confiscate lawfully possessed property. An exception will be made if, in the judgment of a supervisor, the confiscation is deemed necessary for the safety or welfare of the public or individuals involved. Items falling into this category are firearms, knives, other dangerous weapons, explosives, poisons, etc.

All recovered or found firearms, ammunition, bullets and casings will be treated as evidence. The history of how they came to be recovered will be investigated.

Police Department personnel are responsible for inventorying and processing all property coming into their custody before terminating their tour of duty.

**Information:**

Police personnel are encouraged to read the Investigations Manual and Forensic Manual found on the Department Intranet. These manuals instruct investigators and field personnel on the proper collecting techniques for property held as evidence or how it is to be submitted for analysis.

The Hamilton County Coroner's Laboratory has the ability to process items submitted for DNA analysis. A DNA profile can be obtained from samples of skin, hair, blood, and other body fluids. Once a profile is made, it is maintained in a local data base and forwarded to the state for submission into the Combined DNA Index System (CODIS), where it is compared to established profiles of known offenders.

**Procedure:****A. Processing Property**

1. All property confiscated, seized, found, or coming into police custody will be properly marked, packaged and submitted by the officer into the district/section/unit property room before terminating their tour of duty.
  - a. Complete a Form 330, Property Receipt.
    - 1) All Forms 330 pertaining to one arrest or case will have the same officer listed as the primary officer.
    - 2) If property is confiscated, a copy of the Form 330 will be provided to the subject from whom the property was confiscated.
      - a) When possible obtain a signature from the subject.
  - b. Complete a Form 64, Property Tag or Form 327 Court Tag.
  - c. Complete all required forms and follow specific guidelines for property requiring special processing, for example: money, drugs or firearms.
    - 1) Refer to Procedure 12.735, Federal and State Forfeitures, when processing property believed to be subject to forfeiture.
  - d. Submit the property for approval to a supervisor.
  - e. Enter the property in the district/section/unit property book.

**B. Supervisors will:**

1. Verify the contents of the property envelope, bag or package placing their signature in the space provided.
2. Ensure all required forms are complete and attached to the property and sign the property receipt.
3. Ensure the property is properly marked and entered in the property book.

**C. Non-personal Property on Prisoners**

1. When property other than personal property on prisoners or property submitted for analysis comes into the custody of Cincinnati Police, officers will prepare the property for the CPU.
  - a. The officer will complete a Form 330.
    - 1) All Forms 330 pertaining to one arrest or case will have the same officer listed as the primary officer.
    - 2) A copy of the Form 330 is to be issued to the subject from whom the non-personal property was confiscated. Obtain a signature from the subject when possible.

- b. Enter the property in the district/section/unit property book.
  - 1) Personnel will record all information according to Procedure 12.710, Unit Property Book.
- c. Put the property in the property locker, lock the locker, and deposit the property locker key in the locker.
- d. The master property locker key will be kept in a secured place within the district/section/unit and will only be accessed by a supervisor. The master property locker key is required to reopen lockers once they are locked.
  - 1) Officers requiring access to a locked property locker will notify a supervisor.
  - 2) The supervisor will accompany the requesting officer to the locker, open the locker, and witness any action taken regarding the property.
  - 3) The supervisor will not, under any circumstances, give the master key to the requesting officer.
  - 4) If a supervisor has reason to open a secured property locker, it must be done in the presence of a second officer or supervisor.
2. A supervisor will review all Forms 330 for accuracy and place their name and badge number in the block provided.
  - a. Send all copies of the Form 330 with the property to the CPU by 0830 hours, Monday through Friday.
3. CPU personnel will inspect the property for correct packaging and completeness of tags and receipts.
  - a. Incorrectly prepared and tagged property will not be accepted.
  - b. Incorrectly prepared and tagged property, such as drugs, firearms or money, will be retained at CPU.
  - c. A copy of the related Form 330, with a notation of the errors, will be given to the delivering officer. The district property officer will deliver the Form 330 with the error notice to the district/section/unit Administrative Assistant or a supervisor by 1000 hours that day.
  - d. A supervisor from the affected district/section/unit will respond to CPU within three days to correct the error.
  - e. After the correction is made, CPU will process the property.
  - f. Date and initial the Form 330, assign the location number, and put the property number on each copy.
    - 1) White copy of the Form 330 is filed at CPU.

- 2) Yellow copy of the Form 330 is given to the delivering officer for filing.
    - a) A supervisor designated by the district/section/unit commander will be sure the location and property numbers are entered in the district/section/unit property book.
  - g. Enter all submitted property into the Automated Control of Evidence (ACE) computer database. A bar code identifier is generated and assigned to each individual item.
4. To avoid recalling personnel after normal business hours, submit property in the following manner:
- a. Property valued up to \$999.99 will be held at the district/section/unit property room. Property valued from \$1,000.00 to \$9,999.99 must be taken to the Court Property Unit lobby and secured in a locker. Property valued at \$10,000.00 and above requires the recall of CPU personnel.
    - 1) Officers responding to CPU after hours must respond to CIS located at 801 Linn Street, 6<sup>th</sup> floor to sign out a key allowing entry into the CPU lobby. If valuable property does not fit in a CPU locker, CPU personnel must be recalled.
    - 2) Officers must enter the property into the CPU property book located in the lobby.
  - b. Hold all other items in the district/section/unit property facility for submission to CPU on the next business day.
    - 1) Special Investigations Section (SIS) may retain up to \$5,000 in U.S. currency in its safe.
    - 2) SIS may retain drugs in its safe if the quantity can be placed there in its entirety.
      - a) Drug evidence too bulky for the safe will be taken directly to CPU in accordance with established procedures.
  - c. Recall CPU personnel, with approval of a Captain or above, if the property exceeds any of the above values and/or cannot be stored as indicated above.
  - d. Officers must record property in the district/section/unit property book before delivery to CPU.
  - e. Evidence, including packaging, must be smaller than 76 " x 16" x 20 " .
  - f. Evidence must be properly packaged and sealed with evidence tape. The officer sealing the package must date and initial the seal.
  - g. Attach completed property receipts and tags.

- h. CPU personnel will process items from the lockers at the beginning of each business day. Two members of CPU will check and audit the items. Discrepancies will be brought to the attention of an affected district/section/unit supervisor and the Evidence & Property Management Director.

D. Personal Property Found on Prisoners

1. Property that is found on prisoners and not needed for court will accompany the prisoner to the appropriate detention facility.
2. Property not accepted by the detention facility will be processed, held at the district/section/unit property room, and transported to CPU on the next business day.

E. Property Contained in Towed or Moved Vehicles

1. All property contained in vehicles will be processed according to Procedure 12.265, Wrecker and Towing.

F. Hamilton County Coroner's Cases

1. In accordance with Procedure 12.615, Deceased Persons/Prisoners and Death Notifications, personal property such as clothes, wallets, money, jewelry, medicine, etc., will accompany bodies to the Coroner's Office and be retained there. The morgue attendant will issue a receipt to the delivering officer.
2. Other property not accompanying the body to the Coroner's Office should be processed through the appropriate district/section/unit property book. Mark the Form 330 "Hold for Coroner".
  - a. Deliver property processed through units other than CIS to the CPU.
  - b. Property requiring special handling by Homicide Unit personnel will be processed by the Criminalistics Squad, in accordance with Procedure 12.615, and may be taken directly to the Coroner's Office or processed at CIS.
    - 1) The officer delivering evidence to the Coroner's Office will complete a Form 330 and a Property Location Card, signed by the officer.
    - 2) Process all copies of Forms 330 through CPU by the next business day.
  - c. The Homicide Unit is responsible for delivery of all property held for the Coroner's Office. CPU is responsible for the return of all property released from the Coroner's Office.

3. The Coroner's Office will return the following property:
  - a. Homicide cases - all property determined to be evidence, including the fatal weapon.
    - 1) Motor vehicles are evaluated individually.
    - 2) The decision to retain or return is made by the Coroner's Office.
  - b. Questionable deaths later determined not to be a homicide - property related to the death, but not the property of the deceased.
  - c. Suicide cases – property related to the suicide.

#### G. Air-Dried Evidence

1. If an on-scene supervisor is uncertain about whether to hold wet, bloody clothing and items as evidence, the supervisor should contact a Homicide Unit supervisor for further guidance per Procedure 12.725, Blood Drying Facility: Processing of Evidence Exposed to Bloodborne Pathogens.

#### H. DNA Evidence

1. Officers requesting a DNA analysis should limit their requests to evidence involving serious crimes or felonies, violent misdemeanors, or a pattern of offenses that might be connected to one person.
2. Other items that can be submitted for analysis include clothing, hats, or tools used in an offense. These items may provide a profile from particles left by the suspect.
3. Only trained personnel may submit a buccal swab for analysis. Contact an Investigative Unit supervisor to request a trained officer for assistance with buccal swabs.
4. Every effort should be made to prevent cross contamination of evidence submitted for analysis. Evidence containing wet blood or body fluids can be placed in one of the blood drying cabinets at CIS. See Procedure 12.725 for instructions.
5. The CPU will submit evidence to the Coroner's Office.
6. Results from testing generally take 30 days to complete. A report will be forwarded to CPU from the Coroner's lab. CPU will attach a copy of the report to the evidence returned from the lab. A copy of the report will also be forwarded to the submitting officer.
7. When CODIS matches a profile with a known person in the data base, the Coroner's Lab will send a report to the investigating officer requesting a buccal swab sample from the suspect to confirm the match.

- I. Release of Property at the Recovering Unit
  1. Property of the victim will be returned pursuant to Procedure 12.403, Crime Victim/Witness Notification and Assistance.
  2. The claimant will sign a Form 330 for any property released by the recovering unit.
    - a. The recovering unit will file all three copies of the Form 330.
- J. Release of Property at the CPU
  1. CPU personnel will release property according to their Standard Operating Procedure (SOP). CPU personnel will be sure they release property to the rightful owner and obtain a signature on the ACE Property Withdrawal Receipt.
    - a. A police officer may not check out property to deliver it to its rightful owner.
  2. A Department employee removing property from CPU for court, identification purposes, test firing, etc., must complete and sign an ACE Property Withdrawal Receipt. The Department employee is responsible for returning the property to CPU. CPU will verify the identity of the individuals by checking their police identification card, through personal knowledge, or by having their identity established by other personnel known to the CPU personnel.
  3. Property is normally returned to CPU on the same day it is checked out. It is the responsibility of the person returning the property to ensure the ACE Property Withdrawal Receipt is appropriately marked indicating the return of the property.
    - a. Mark property tags and envelopes when returning property to indicate whether there is further need for its use.
  4. When unable to return property on the day it is checked out, the officer must notify CPU on the next business day.
    - a. If a court hearing extends beyond CPU business hours, officers will secure the property in a locker located outside the CPU and record the property in the Court Property log book.
  5. CPU will review the file for property not returned each day. CPU will initiate an inquiry into the status of all property not returned within two days.
  6. If the court directs the release of property, direct the person to retrieve the property at CPU. The arresting officer will not release the property directly to any person in the courtroom.
    - a. Police officers will not request the court to release any property for their personal use.

7. If the court retains custody of the property, the officer will obtain the prosecutor's signature, printed name, and date in the "Turned Over to Court" section of the ACE Property Withdrawal Receipt.
    - a. The officer will return the completed receipt to CPU immediately following the court appearance.
- K. Property Requiring Special Processing
1. Money or jewelry in excess of \$100
    - a. A supervisor, in the presence of the recovering officer, must verify the amount of money or jewelry.
      - 1) Money coming into police custody will be processed through CPU.
      - 2) Officers submitting money will determine if the money is required as actual evidence (marked money, exploded dye pack monies, etc.) or if the bills are not particular to the case.
        - a) The Form 330 and property package will be marked "Hold at CPU" in the case of money being held at the CPU.
        - b) The Form 330 and property package will be marked "Deposit into Account" in the case of money being deposited.
    - b. A supervisor will verify the contents of the property envelope, placing their signature in the space provided on the envelope.
    - c. Photograph all jewelry that comes into Department possession. The recovering officer will place the photograph inside the property envelope.
    - d. A supervisor will ensure the property is properly marked and entered in the property book and sign the property receipt.
    - e. The property will be placed in the property locker along with the property locker key.
    - f. When an officer seizes over \$200.00 in change, it will be taken to the City Treasurer's Office for an accurate count prior to submission to CPU.
      - 1) After normal business hours, the property will be placed in the district/section/unit property locker. A notation will be made in the district/section/unit blotter advising first relief to transport the change to the City Treasurer's Office.
  2. Controlled substances
    - a. A controlled substance is any drug, compound, mixture, preparation, or substance included in Schedule I, II, III, IV, or V. Any drug requiring a prescription for dispensation is also a controlled substance.

- b. A supervisor will verify the weight of the drug or substance, the weight recorded on the Form 330, and the weight listed on the property envelope. The supervisor will conduct the verification in the presence of the recovering officer.
    - c. A supervisor will ensure the property is properly marked and entered in the property book and sign the property receipt.
    - d. The property will then be placed in the property locker along with the property locker key.
  3. The presence of a supervisor is required when any property listed in Sections K.1. or K.2. is placed in or removed from a unit property room. The supervisor will remain until the transaction is completed.
  4. Potentially hazardous materials
    - a. Potentially hazardous material is any property possibly contaminated by blood or other body fluids.
    - b. Place biohazard warning labels on all property possibly contaminated by blood or other body fluids. Ensure the label is plainly visible to other personnel handling the property.
    - c. Use a syringe tube to package any needle coming under police control. Place a biohazard warning label on the container.
      - 1) Attach a property tag to the syringe tube. Do not place the tube in a property envelope. The lab will not accept syringes packaged in a property envelope.
    - d. The property will then be placed in the property locker along with the property locker key.
    - e. If the syringe is of no evidentiary value and not needed for court, after placing the syringe in a syringe tube package with a biohazard warning label on the container, transport the syringe to the nearest Cincinnati Fire Department (CFD) fire station for disposal in their sharps container.
- L. Perishable Property Requiring Refrigeration
  1. Store in the refrigerator located at CPU.
    - a. After CPU business hours, perishable property can be secured in a refrigerated property locker located outside the CPU.
      - 1) Complete a Form 330 and mark "Held at CPU".
      - 2) Mark the unit property book at the originating unit "Held at CPU".
      - 3) Deliver the property and all copies of the Form 330 to the refrigerated locker at the CPU.

- b. CPU personnel will remove and process the property from the refrigerated lockers each weekday morning.
  - 1) CPU will assign a property number on the Form 330 and send the yellow copy of the Form 330 to the responsible officer's unit of assignment.
  - 2) CPU retains the white copy for their files.

M. Storing Gasoline Powered Equipment

- 1. Take mopeds, power lawn mowers, or other gasoline powered objects to the Impound Unit for storage.
  - a. Report mopeds on a RMS Case Report.
  - b. Report power lawn mowers or any items other than vehicles using gasoline on a Form 330 as well as a Form 64, Property Tag, or Form 327, Court Tag.

N. Storing of Flammable Liquids, Fireworks, etc.

- 1. Flammable liquids such as gasoline, kerosene, fuel oil, or similar substances capable of ignition, creating an explosion, or burning with extreme rapidity, are kept in a locked outdoor storage facility under the control of the Impound Unit.
- 2. Summon a supervisor if there is any doubt about the safe transportation of the above substances to the Impound Unit. If necessary, call the CFD to assist in the safe transportation of volatile substances.
  - a. After normal business hours, contact a Captain or above for authorization to recall Impound Unit personnel.
- 3. Flammable liquid requiring analysis
  - a. Obtain a suitable specimen container from the Impound Unit. Transfer liquid to the container, properly seal, and identify with the recovering officer's name and badge number.
  - b. The specimen, along with the Evidence Submission Sheet completed by the recovering officer, will be picked up from the Impound Unit by CPU personnel. CPU personnel will have the specimen analyzed according to Procedure 12.720, Evidence: Submitting for Physical Analysis. After analysis, return the specimen container to the Impound Unit storage facility.
- 4. Form 330, Property Receipt
  - a. The Impound Unit will forward the Form 330 to CPU if no analysis is requested.

- b. Upon completion of processing, CPU personnel will distribute the copies as follows:
            - 1) Yellow copy to the district/section/unit commander.
            - 2) White copy retained at CPU.
  5. Request the CFD respond whenever high-powered explosives are encountered.
- O. Reporting Lost or Found Property
1. Complete a RCIC/NCIC query for all identifiable lost or found property bearing a serial or model number, manufacturer's name or other official information etc., to determine if it was previously reported lost or stolen.
    - a. If the property is stolen, complete a RMS Case Report, contact the CIN1 operator and provide the recovery information.
    - b. The CIN1 operator will teletype the information to the originating agency for removal of the computer file.
  2. Indicate that a query and necessary follow-up has been completed by listing the verifying officer's name and badge number in the lower right-hand portion of the Form 330.
    - a. If the found property is not identifiable, note "N/A" in the lower right-hand portion of the Form 330 along with the officer's name and badge number.
  3. Complete a RMS General Conditions Report for all lost or found property, including lost or found firearms.
    - a. If the lost or found property can be readily identified by a serial or model number, manufacturer's name, or other official information, (e.g., firearms, driver's licenses, credit cards, cell phones) include the information on the report.
- P. Form 330, Property Receipt
1. When forwarding articles such as firearms, TVs, bicycles, lawn mowers, watches, or any other items which have an identifiable serial number to CPU, the forwarding unit should include the following information on the Form 330:
    - a. Type of item
    - b. Brand name
    - c. Serial number
    - d. Model number
    - e. Color

- f. Characteristics which would aid in identification of the item
- g. Name and badge number of processing officer checking computer file

Q. Processing Firearms, Bullets and Casings

1. Firearms related to an active criminal investigation should be submitted to Criminalistics for fingerprinting and DNA swabbing. All other firearms must be processed by the district/section/unit investigative unit.
  - a. **All semi-automatic pistols and semi-automatic rifles**, not associated to a particular individual, must be processed for DNA.
    - 1) If the officer is not trained to collect DNA, they must contact a trained district investigator for processing.
    - 2) If there is no trained investigator available, submit a blotter entry to the district investigative unit requesting the firearm be processed for DNA.
2. Follow Procedure 12.720 for processing the DNA.
  - a. Place the swab(s) used to collect the DNA sample in a small property envelope marked with the date, initials and badge number of the DNA collecting officer.
  - b. Insert the small envelope containing the swab(s) into the gun envelope with the firearm. This DNA evidence will be held at CPU in the event a NIBIN lead occurs from the firearm or shell casing.
    - 1) If a NIBIN hit occurs, the DNA sample will be processed for submission to the Hamilton County Coroner's Lab by the investigating officer. Organized Crime Investigative Squad personnel are available to assist if needed.
3. On the Form 330, include as much information as possible regarding the circumstances surrounding the incident, including suspect descriptions and witnesses.
  - a. Search the area for shell casings on all "Shots Fired" calls for service, even when no RMS case report is completed. Collect and process any located casings and thoroughly document all pertinent information on the Form 330.
  - b. Ensure all evidence placed in the property envelope (e.g., DNA swabs, bullets, casings) are listed on the Form 330.
4. Recovery of firearms
  - a. Photograph each firearm prior to moving it, when possible.
    - 1) Weapons may need to be secured for safety reasons, or if the scene will undergo an uncontrollable change such as fire, explosion, flooding, etc.

- 2) Note the time, location, where it was placed, and the person who moved the weapon.
  - b. Sketch the location of the firearm and all persons associated with it. When possible, measure the distances of the firearm to the person.
  - c. Make the firearm safe without obliterating fingerprints or other evidence, when possible.
  - d. If a firearm cannot be made safe without destroying evidence, a supervisor will determine if, how, and where the firearm will be transported.
  - e. Transport all Black Powder Muzzle Loader style firearms to the Target Range for inspection before submission to the CPU.
    - 1) If during non-business hours for Target Range personnel, the firearm will be maintained in a district armory until the next business day.
5. Report all firearms coming into police control on Form 313, Firearm Report.
  - a. Fill out all blocks completely except "Barrel Length". CPU personnel will complete this block.
  - b. List the complete number found on the frame, including prefix and suffix letters.
  - c. If a firearm does not have a serial number, note this in the "Serial Number" block.
  - d. In all felony arrests involving the confiscation of a firearm, whether or not a weapons offense has been charged, the submitting officer will print "**ATTENTION RIP CASE**" in bold lettering in the "Detail/Remarks" section of the Form 313.
6. Query all firearms coming under police control through the Regional Crime Information Center (RCIC) and the National Crime Information Center (NCIC).
  - a. The officer having original control of the firearm will run the query.
  - b. If the firearm is reported lost or stolen from outside of the City of Cincinnati, the officer running the query must notify CIN1 to contact the originating agency and confirm the stolen status. Officers will not contact the originating outside agency for confirmation.
    - 1) Confirmed stolen or lost firearms recovered will be reported to Teletype by the CPU and receive a cancellation teletype number.

- 2) CPU will fax a copy of the Form 313, which will include the cancellation teletype number, to Teletype. CPU officers must call to confirm receipt of the fax and record the teletype number on the Form 313.
  - c. CPU will not accept firearms unless they have been queried through the computer.
7. Attach Form 327, Court Tag, Form 330, Property Receipt, and Form 313, Firearm Report, to all firearms coming into police control.
8. Place all firearms in a gun envelope.
  - a. If a firearm will not fit in a gun envelope, attach a Form 327, Form 330, and Form 313, along with the computer query, to the firearm.
9. Place the computer printout and Form 313 inside the gun envelope. Ensure the following information is on the printout:
  - a. The words "To Court Property Unit".
  - b. Date and time the printout was forwarded to CPU.
  - c. The originating agency terminal identifier (e.g., DST1, CVCS).
10. If body fluids are on the firearm, attach all paperwork to the outside of the gun envelope.
  - a. Place a biohazard label on the outside of the gun envelope or cardboard firearms property box.
11. Routing of the Form 313
  - a. Route all copies of the Form 313 to the CPU with the firearm.
  - b. CPU will copy the Form 313 upon receipt and will return the top two copies back to the reporting district/section/unit via the property officer.
  - c. CPU will fax a copy of the Form 313 to Teletype for entry into NCIC/RCIC Gun recovery file.
  - d. CPU will enter the firearm in the ATF's Electronic Tracing System (eTrace).
    - 1) If an investigator needs a copy of an eTrace report they should contact the Intelligence Unit.
    - 2) CPU does not have access to eTrace reports.
12. Test firing weapons
  - a. The primary officer is responsible for test firing the weapon as soon as possible.

- b. If no weapons charges are filed or the firearm is found property, no test firing is required by the primary officer.
  - c. In situations where officers believe it is unsafe to test fire the weapon, they will transport the firearm to CIS. The weapon will be logged into the CIS property book and stored in a property locker.
    - 1) The property will be marked, "Unsafe weapon – hold for Criminalistics Squad.
    - 2) If the Criminalistics Squad officer believes the weapon is unsafe, the weapons will be transported to the Target Range for inspection by an armorer. If the weapon is determined to be safe, the Criminalistics Squad officer will test fire the weapon or witness the test.
13. Packaging of Magazines, Ammunition, Bullets, and Casings
- a. Package magazines, ammunition, bullets, and casings separately in a cartridge envelope and place them in a property envelope.
  - b. When a firearm is not found at the scene or not involved in the recovery, package magazines, ammunition, bullets, and casings in standard property envelopes.
    - 1) Search the area for shell casings on all "Shots Fired" calls for service, even when no RMS case report is completed. Collect and process any located casings and thoroughly document all pertinent information on the Form 330.

R. Return of Confiscated Firearm(s)

- 1. If an officer confiscates a firearm from a citizen, the citizen may get the firearm back if:
  - a. There is a court order from a judge, or
  - b. The Police Chief approves a written request from the citizen requesting the return of the firearm.
  - c. Officers will query the confiscated firearm(s) and person requesting the firearm(s) to ensure he/she is in compliance with ORC 2923.13, Having Weapons While Under Disability. The person requesting the firearm must prove ownership or the right to possession of the firearm and sign Form 332, Release of Firearms.
    - 1) The Form 332 is available electronically in the CPDFORMS folder of Department computers.
    - 2) A photocopy of the completed Form 332, if requested, will be provided to the person requesting the firearm(s) be returned, and the original Form 332 shall be maintained at the CPU for the duration specified by the retention schedule.

2. When a confiscated firearm is returned to its owner, the Police Department will, before returning the firearm, require the owner to prove ownership or the right to possession of the firearm.
  - a. An owner may demonstrate ownership or the right to the possession of a firearm using one of the following:
    - 1) A bill of sale with the description, serial number, and owner's name.
    - 2) A police query showing the firearm is registered to the owner.
    - 3) Possession of a court order ordering the return of the firearm to the owner.
    - 4) Presenting his homeowner's insurance showing the firearm is listed and reported lost or stolen from the owner.
    - 5) A dealer presenting an inventory with the firearm and serial number listed and that the firearm was reported stolen or missing from the owner's business.

#### S. Concealed Carry Licenses

1. Concealed Carry Licenses may be seized when a license holder is arrested for any of the following:
  - a. Any felony offense.
  - b. Any misdemeanor offense of violence as defined in Section 2901.01 of the Ohio Revised Code.
  - c. Any drug offense.
  - d. Violation of a Temporary Protection Order (TPO).
2. Process Concealed Carry Licenses separately from other seized property. Attach a copy of the Form 527, Arrest and Investigation Report, or the Form 314, Notice to Appear, to the Form 330, Property Receipt.
  - a. If the license is required as evidence for court proceedings, mark the license as needed for "Court".
  - b. If the license is subject to confiscation but not required as evidence for court proceedings, mark the license as "Confiscated".
    - 1) Upon receipt of a Concealed Carry License, CPU will make the necessary notification of the license seizure to the issuing agency. Confiscated licenses will be immediately mailed back to the issuing agency. Licenses held for court will be mailed back to the issuing agency upon conclusion of any criminal proceedings.
  - c. All seized Concealed Carry Licenses should be submitted to CPU. Licenses should not be retained in the Form 527E, Case Investigation Jacket, or in personal case jackets if a Form 527E is not required.

- d. Found Concealed Carry Licenses will be processed as found property per CPU's current SOP.
- T. Safes, Bicycles, and Large Evidence
1. Take the property directly to the CPU during normal business hours.
- U. Fraudulent Checks
1. Fraudulent checks are maintained in secure case jackets by the assigned Financial Crimes Squad or district investigator and are not delivered to CPU.
  2. Enter checks received into the Check Complaint Book maintained by the Financial Crimes Squad. Entries will consist of the:
    - a. Complainant's name and address
    - b. Suspect's name
    - c. Charge
    - d. Assigned investigator
    - e. Amount of the check
    - f. Date received
  3. Checks remain a part of the file and will not be disposed of after the court action.
- V. Fraudulent Prescriptions
1. Fraudulent prescriptions are maintained in secure case jackets by assigned Special Investigations Section investigators and are not delivered to CPU.
  2. Provide pharmacies with a Form 328, Prescription Receipt Form, (pharmacy - top copy, case jacket - bottom copy) for prescriptions kept as evidence.
  3. Prescriptions remain a part of the file and are not disposed of after the court action.
- W. Evidence suspected of containing bed bugs
1. Collect and package the evidence in accordance to the Investigations Manual and the Forensics Manual. Completely seal all openings with packing tape (evidence tape may not thoroughly hold). Proper collection and packaging techniques will properly contain bed bugs to prevent escape.
  2. Process the evidence outdoors when possible.
  3. Line work area with plastic sheeting.
  4. Upon completion, carefully fold the plastic and dispose of by placing and tightly sealing in a plastic bag/garbage bag. Place this bag in another tightly sealed plastic bag/garbage bag for disposal.

5. Clearly indicate on the outside of the property envelope/bag that the evidence may contain bed bugs.

X. Status of Property Items

1. When property is being held as evidence, the CPU clerk will initiate a disposition order. The clerk will forward the orders to the responsible officer's commander.
2. The district/section/unit commander will ensure the responsible officer completes the disposition order and returns it to CPU within 14 days.
  - a. Officers requesting evidence be held for a longer period of time must provide a written explanation as to why the evidence needs to continue to be held.
  - b. When officers indicate property may be released, CPU will complete a Form 274 to notify the owner via USPS their property is available for pickup.
3. Officers should consult and be aware of the statute of limitations for offenses as outlined in the Ohio Revised Code 2901.13, Statute of Limitations for Criminal Offenses, when completing disposition orders.
  - a. Limitation for prosecution of a felony is six years.
    - 1) The following felony offenses have no statute of limitations:
      - a) 2903.01, Aggravated Murder
      - b) 2903.02, Murder
    - 2) The following have an extended statute of limitations of twenty years (unless otherwise noted):
      - a) 2903.03, Voluntary Manslaughter
      - b) 2903.04, Involuntary Manslaughter
      - c) 2905.01, Kidnapping
      - d) 2907.02, Rape – 25 years
      - e) 2907.03, Sexual Battery – 25 years
      - f) 2907.04, Unlawful Sexual Conduct with a Minor
      - g) 2907.05, Gross Sexual Imposition
      - h) 2907.21, Compelling Prostitution
      - i) 2909.02, Aggravated Arson
      - j) 2909.23, Making Terroristic Threat
      - k) 2911.01, Aggravated Robbery

- l) 2911.02, Robbery
  - m) 2911.11, Aggravated Burglary
  - n) 2911.12, Burglary
  - o) 2903.11, Felonious Assault (If victim is a peace officer)
  - p) 2903.12, Aggravated Assault (If victim is a peace officer)
  - q) 2903.13, Assault (If a felony or violation of former Section 2907.12 as it defined sexual penetration)
  - r) 2923.01, Conspiracy (conspiracy to commit any of the above)
- b. Limitation for prosecution of a misdemeanor is two years.
  - c. Limitation for prosecution of a minor misdemeanor is six months.
4. Retention of biological evidence:
- a. Biological evidence must be retained for the following crimes:
    - 1) 2903.01, Aggravated Murder
    - 2) 2903.02, Murder
    - 3) 2903.03, Voluntary Manslaughter
    - 4) 2903.04, Involuntary Manslaughter (Felony of the first or second degree)
    - 5) 2903.06, Aggravated Vehicular Homicide, Vehicular Homicide, Vehicular Manslaughter (Felony of the first or second degree)
    - 6) 2907.02, Rape
    - 7) 2907.03, Sexual Battery
    - 8) 2907.05(A)(4) or (B), Gross Sexual Imposition
    - 9) Attempt to commit a violation of 2907.02, Rape
  - b. Biological evidence will be retained for the period of time the offense or act **remains unsolved** for the following offenses:
    - 1) 2903.01, Aggravated Murder
    - 2) 2903.02, Murder
  - c. Biological evidence will be retained for thirty years for the following offenses if the offense or act **remains unsolved**:
    - 1) 2903.03, Voluntary Manslaughter
    - 2) 2903.04, Involuntary Manslaughter (Felony of the first or second degree)

- 3) 2903.06, Aggravated Vehicular Homicide, Vehicular Homicide, Vehicular Manslaughter (Felony of the first or second degree)
  - 4) 2907.02, Rape
  - 5) 2907.03, Sexual Battery
  - 6) 2907.05(A) (4) or (B), Gross Sexual Imposition
  - 7) Attempt to commit a violation of 2907.02, Rape
- d. Biological evidence will be retained in cases where a person is **convicted** or pleads guilty of one of the offenses listed in X.4.a. of this procedure for 30 years or until the expiration of the latest period of time that the person is:
- 1) Incarcerated
  - 2) Under community control sanction
  - 3) Under any order of disposition for the offense
  - 4) Under judicial or supervised release for the offense
  - 5) On probation or parole for the offense
  - 6) Under post-release control for the offense
  - 7) Involved in civil litigation or subject to registration
- e. Biological evidence can be disposed of prior to the expiration of listed time periods under two circumstances:
- 1) When an offender is **found guilty** of one of the offenses listed in X.4.a. of this procedure:
    - a) A written notice of intent to dispose of the biological evidence must be provided to the following by certified mail:
      - 1] The offender
      - 2] The attorney of record for the offender
      - 3] The Ohio public defender
      - 4] The county prosecutor
      - 5] The Ohio Attorney General
    - b) When there is no response received after one year, the biological evidence may be disposed of.
    - c) The biological evidence will be retained if any of the listed parties requests its retention.

- 2) When an offender **pleads guilty or no contest** to one of the offenses listed in Section X.4.a. of this procedure, biological evidence can be destroyed five years after the plea and any appeals from the plea have been exhausted, unless the offender requests retention and a court finds good cause to retain the evidence.

Y. Reassignment of Responsible Officer

1. Once an investigator is assigned a case, any previous evidence submitted to CPU belonging to the case must be transferred into the newly assigned investigator's name.
  - a. The newly assigned investigator will contact CPU and provide the property ACE number(s) in order to have the property reassigned. If the ACE number is unknown, CPU can query by the suspect name or submitting officer's name.
  - b. Whenever a submitting officer or initial investigating officer receives a disposition order from CPU regarding evidence previously assigned to them, they must document the newly assigned investigator's name on the disposition order and return it to CPU.
2. When Personnel Management is given notice an officer is leaving the Cincinnati Police Department, they will advise CPU.
  - a. CPU will query all evidence assigned to the departing officer and send disposition orders to the officer's unit commander or their designee, who will ensure the officer completes the disposition orders.
    - 1) The officer's immediate supervisor will coordinate the status of evidence responses with the officer and approve the disposition orders.
      - a) If the evidence needs to continue to be held, the officer will, if possible, identify a new responsible officer for the evidence and return the disposition order with the new responsible officer clearly marked.
      - b) If an officer is terminated or leaves prior to the arrival of the disposition orders, the unit commander or their designee will determine a new responsible officer for evidence that still needs to be held in connection with reportable offenses.