

5.00.000 EVIDENCE AND PROPERTY, HANDLING OF

5.00.005

POLICY STATEMENT:

07/06

It is the policy of the Sheriff's Office to establish procedures for handling the various types of evidence and properties its members seize or acquire. With the consideration of future advancements in forensics and scientific possibilities the value and potential of items as testimonial or exculpatory evidence is too large to disregard, members shall retain evidence recovered during investigations until such time has elapsed that the evidence has no further value for prosecution or investigation. Included in this policy are guidelines to ensure the release of evidence, property, especially firearms, is properly done.

5.00.010

DEFINITIONS:

03/06

For the purposes of this policy:

"Evidence Room" means any room that receives and stores evidence and property at a Precinct, Section, or the Property Management Unit.

"Firearm" means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

5.00.015

EVIDENCE ROOMS:

03/06

No item of property or evidence shall leave the confines of any Sheriff's Office Evidence Room without proper documentation.

5.00.020

EVIDENCE RETENTION:

07/06

Evidence retention shall be governed by this policy in conjunction with RCW 9A.04.080.

1. Any evidence secured during the investigation of a felony crime may not be disposed of prior to the statute of limitations for the crime being investigated has elapsed or a conviction of the accused has been achieved.
2. Any evidence of sexual assault and violent crimes against persons shall be retained until the case has been adjudicated and any suspects have completed serving their sentence.
3. Any evidence involving death shall be retained indefinitely.
4. Any evidence in cases of missing persons shall be retained until the person is safely located.
 - If the person is not located or the investigation turns into a death investigation the

evidence shall be retained indefinitely.

5. Evidence items that are exceptionally large or cumbersome such as vehicles, walls, or structures may be assessed on a case by case basis. For example, if the car was taken for evidence but the only evidence was blood on the interior, the interior may be removed and retained allowing the return or disposal of the remaining car.
6. Evidence items of high monetary value or essential need for the citizens may be assessed on a case by case basis for early return.
7. In circumstances other than those listed above, biological material that has been secured in connection with any criminal case may not be destroyed prior to the statute of limitations for the case being investigated.
8. The determination to release any evidence is the responsibility of the case investigator.
9. Any exceptions to this policy must be approved by a captain or above and documented in the follow-up report.

5.00.025

FIREARMS:

04/05

1. All legally releasable firearms, held by the Sheriff's Office, shall be released by the PMU, Gun Compliance Unit (GCU) detective.
2. When a detective/deputy determines that a firearm can be released to the legal owner, an approved Evidence Disposition Authorization (KCSO Form #B-138) shall be submitted to the GCU detective.
 - a. The GCU detective shall conduct the full background investigation.
 - b. The GCU detective shall make arrangements for release of firearm.
 - In certain circumstances, firearms may be released at other worksites instead at PMU.
3. All questions regarding procedures, ownership, release, etc., of firearms shall be directed to the GCU detective.

5.00.030

DEPUTY/DETECTIVE INVOLVED SHOOTINGS:

07/06

When a deputy or detective is involved in a shooting in which their personally owned firearm was used the following factors must be met prior to returning the weapon to the deputy/detective:

1. The firearm used must be type approved with written authorization to carry it on duty.
2. There are no unapproved modifications or attachments on the firearm.
3. The firearm must have been thoroughly inspected and documented to include:
 - a. Condition.
 - b. Function.
 - c. Trigger pull.
 - d. Ballistics.
 - e. There is no trace or forensic evidence on the weapon. This may include:
 - Proximity of the weapon to the subject struck may preclude release (i.e., the firearm was close enough to have been spattered with blood from the person shot, or the firearm was used to physically strike someone).

4. All legal procedures must be completed prior to returning the firearm to the deputy/detective. These procedures may include, but are not limited to:
 - a. The criminal investigation, the prosecutor review, and trial.
 - b. County executive review.
 - c. The inquest.
 - d. A civil rights review/hearing or wrongful death hearing/trial.
 - e. Any federal hearings and civil suits.
5. The return of the firearm was discussed with the investigator and the prosecutor's office and has been approved by the CID chief and the department legal advisor.
6. In the event it has been determined that the firearm will not be returned for one or more of the above reasons the Sheriff's Office will reimburse the deputy/detective the replacement value of the weapon retained. The following conditions will apply to the reimbursement:
 - a. The weapon must be type approved and the deputy/detective must have authorization to carry it.
 - b. Any modifications or attachments must have been previously approved for duty use by the department.
 - In lieu of reimbursement, accessories may be returned if deemed appropriate following the procedures mentioned above

5.00.035

DRUGS, MONEY, AND OTHER PROPERTY:

09/00

1. Department members shall deliver all seized or acquired drugs, money, and other property to either a Precinct/Section Evidence Room or the PMU.
 - a. All property shall be itemized on a Master Evidence Record and a report shall be made using an Incident Report.
 - b. The word "MISCELLANEOUS" shall not be used to describe property.
2. All property shall be packaged in accordance with T.B. 9.21.200.
 - When evidence is no longer needed, the investigating deputy/detective shall forward a signed and approved Evidence Disposition Authorization (KCSO Form #B-138) to either the appropriate Precinct/Section Evidence Room or the PMU, whichever is requesting disposal.
3. Department members shall not dispose of property in any other manner.

5.00.040

PROPERTY, SAFE KEEPING ONLY (SKO):

09/00

When the King County Jail refuses a suspect's property, deputies shall comply with the SKO procedures in T.B. 9.73.300 and GOM section 8.12.000.

5.00.045

GIFTS OR DONATIONS:

03/06

1. When citizens donate personal property that has value to the Sheriff's Office, deputies shall comply with the following procedures:
 - a. Complete an Incident Report using the title "Civil Problem - Donated Property" and the FCR Code "555".
 - The report shall state the reason for the donation.
 - The deputy shall ensure the property is not reported lost or stolen.
 - The deputy shall ensure the donor has legal authority to make the donation.
 - b. Complete a Master Evidence Record.
 - List the property in detail.
 - Block #14 shall be marked for immediate disposal.
2. Deputies should not accept property that has no value to the Sheriff's Office.
 - Deputies should advise the property owners to donate the property to charities or to dispose of the property themselves.
3. Deputies should accept all firearms and ammunition from citizens when:
 - a. They wish to donate the item(s).
 - b. They wish to dispose of the item(s).
4. When deputies are personally requested to accept articles, they shall respectfully decline per G.O. 3.00.015 (2e) Gratuity.