

Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 11.2
	Effective Date: 05/03/04 Prv. Rev. Date: 11/10/17 Revised Date: 05/29/23
	Accreditation Standards: KACP: 27.1, 27.2, 27.4
Chapter: Evidence and Property	
Subject: General Guidelines	

11.2 GENERAL GUIDELINES

11.2.1 PROPERTY

The Louisville Metro Police Department (LMPD) Evidence and Property Unit (EPU) will accept the following types of property (KACP 27.2, 27.4):

- **Found property:** The initiating member will make reasonable efforts to determine the owner and release the property in lieu of it being placed in the EPU. A preliminary incident control number (ICN) is required for all items to be deposited into the EPU.
- **Items of value from an impounded vehicle:** Valuable property that is in plain view may be secured by placing it in the EPU or by removing it from plain view (e.g., placing the property under the seat or in the glove box).
- **Personal property/valuables of collision victims:** The officer should make every effort to return property to the owner. Only if the victim is unable to exercise custody and control should the property be placed in the EPU.
- **Personal property of prisoners:** The Louisville Metro Department of Corrections (LMDC) will not accept items such as weapons, illegal items, or large items such as bicycles, backpacks, bags of clothing, or blankets. The LMDC does accept small items such as keys, purses, currency, identification (ID) cards, properly-labeled prescription medicine, etc. The initiating member should book these items at the LMDC facility with the prisoner. The EPU will accept items of personal property that the LMDC refuses to accept. Members should advise the owners that personal property may be claimed at the EPU from 0730 to 1730 hours, Monday through Friday.
- **Evidence:** The seizure of items of evidence will be consistent with governing statutes. When possible, members should document the evidence at the scene and use discretion as to whether the evidence should be collected and placed in the EPU.
- **Property for safekeeping:** Pursuant to Kentucky Revised Statute (KRS) 95.435, this is "property taken from persons supposed to be insane, intoxicated, or otherwise incapable of taking care of themselves."
- **Fossil fuel/flammable powered equipment:** Fossil fuel-powered equipment (e.g., push mowers, weed eaters, leaf blowers, chain saws, go-carts, etc.) will be brought to the EPU by the member. Items of this nature cannot be stored inside of the EPU due to Occupational Safety and Health Administration (OSHA) and fire code regulations. The item will be entered into the Records Management System (RMS) and stored in the outside storage area of the EPU. Gasoline and other fossil fuel storage containers will be handled in the same manner. The EPU is responsible for maintaining records of this equipment and releasing it.

The EPU will **not** accept the following types of property:

- **Motor vehicles:** Motor vehicles will be taken to the Vehicle Impoundment Lot where their records will be maintained. The vehicles will be stored and released from this location.
- **Trailers designed to be towed behind a vehicle:** These items will be taken to the Vehicle Impoundment Lot where they will be stored and released.
- **Explosives:** Explosives will not be accepted by the EPU for storage. All explosives will be examined by a member of the Bomb Squad and transported to the explosives bunker for storage by a Bomb Squad member.

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11.2.1 PROPERTY (CONTINUED)

- **Biohazard/DNA evidence that is wet or not prepackaged:** These items will be stored at the Crime Scene Unit (CSU) until they are dry. Once they have been packaged by CSU personnel, the items will be delivered to the EPU by the CSU technician.
- **Food items:** In cases of theft, shoplifting, etc., food items should be photographed and released to the owner. These items will not be stored in the EPU.
- **Cans, bottles, or coolers containing ice or liquid:** The original container will be photographed and, if testing is required on any liquid, only the amount required for testing will be accepted. Sterile containers are maintained at the CSU in order to collect samples for testing.
- **Animals:** All animals are to be taken to Louisville Metro Animal Services (LMAS), located at 3528 Newburg Road.
- **Unknown chemical substances:** Chemicals, including precursors used to manufacture narcotics, will not be accepted unless the member has had the substance identified, properly packaged the substance to comply with Environmental Protection Agency (EPA) and OSHA regulations, and weighed the substance prior to having packaged it. Only the amount necessary to be tested will be accepted. Only members with Hazard Materials (HAZMAT) Technician Level training may handle, collect, or transport unknown chemical substances. The EPU Supervisor or a Drug Vault Detective will immediately be notified to place the item(s) in the chemical locker.
- **Pressurized containers containing hazardous materials:** The contents of any pressurized containers that are unmarked, or appear to have been tampered with, must be tested prior to being brought to the EPU. Cylinders or tanks that are unmarked, or appear to have been tampered with, will not be accepted by the EPU (refer to SOP 11.4 and SOP 12.4). If a cylinder or tank is connected to a grill or other device, the cylinder or tank may be removed from the device and the grill or other device can then be stored in the EPU. If the cylinder or tank is clearly marked and has no apparent signs of having been tampered with, the EPU will accept it. It will be stored with the fossil fuel-powered equipment in the outside storage area of the EPU. These items will be handled in the same manner as fossil fuel-powered equipment.
- **Firearms that are loaded with ammunition:** Firearms will not be accepted until the depositing member can demonstrate to the clerk that the weapon is not loaded. Bullet traps are located in the member's lobby for this purpose. Eye and ear protection is available for the clerk and the member (refer to SOP 11.4).
- **Human remains:** These will be retained by the Jefferson County Coroner's Office.

If the item(s) is listed as stolen, instead of depositing the item(s) into the EPU, the officer will:

- Notify the rightful owner to pick up the item(s);
- Photograph the item(s);
- Upload the images into the Digital Evidence Management System (DEMS) for evidentiary purposes; and
- Release the item(s) to the rightful owner.

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11.2.2 EVIDENCE PROCEDURES

Evidence will be properly collected, accurately documented, and secured, thereby keeping the chain of evidence short and the integrity of the chain complete (KACP 27.1). The chain of evidence begins with the seizing member.

The chain will be kept as short as possible and will be thoroughly and accurately documented on the property voucher. Items requiring lab analysis or processing must be placed in separate packages.

At no time will any evidence be left unsecured prior to being turned over to the EPU.

Evidence will only be handled by more than one (1) member when:

- Several items of evidence have been collected and a commanding officer has authorized one (1) or more members to transport all the evidence to the EPU.
- An officer is assigned to login evidence during the service of a search warrant.

The seizing member or technician will transport the physical evidence to the EPU, as soon as possible, prior to the end of their tour of duty.

For the EPU to transfer evidence disposal rights from one (1) member to another, the Property Disposition form (LMPD #0070-97) or the Active Evidence Report must be completed by the member who is transferring the disposal rights to another member.

The officer/detective who has been assigned as the lead investigator of a case with property that has been deposited into the EPU by another member is responsible for verifying that the property has been transferred to them. The lead investigator will assume responsibility for evidence disposal.

11.2.3 DOCUMENTARY EVIDENCE

Documentary evidence, including, but not limited to, written statements, court-ordered records, Miranda Rights Waiver forms (LMPD #0006-96), photo-packs, and identification forms may be retained in the member's investigative case file, if the case files are stored in a secured area (refer to SOP 8.35). These items may be scanned and stored electronically as attachments in the RMS, but the original documents will be placed in the EPU if a secure area for investigative case file storage is not available in the member's division/section/unit.

11.2.4 DIGITAL IMAGE EVIDENCE

Any property that is recovered as evidence, pursuant to offenses defined in KRS Chapter 514 (Theft and Related Offenses) or KRS Chapter 515 (Robbery), where the property has been obtained unlawfully or unauthorized control of the property has been exerted, will be processed in accordance with the following, except as stated in SOP 11.2.6:

- Members will photograph recovered property that is likely to spoil or ruin if deposited into evidence and arrange for the immediate return to its rightful owner.

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11.2.4 DIGITAL IMAGE EVIDENCE (CONTINUED)

- Recovered stolen items that are unusually bulky, large, or are unnecessary to hold for evidentiary purposes will be photographed and released to the owner as soon as possible.
- Any property that is recovered by store personnel in shoplifting cases, prior to the member's arrival, may remain in the custody of the business. It is at the member's discretion if photographs need to be taken. Items must be properly described in all reports.
- Any property in a shoplifting case, which is recovered by the member away from the business and has been out of the control/custody of the business, may be released after photographing the property.

Photographed items will be properly described, and all owners will be identified in all reports.

KRS 422.350 states that in a prosecution of any offense covered in KRS Chapter 514 (Theft and Related Offenses) and Chapter 515 (Robbery), the court will receive, as competent evidence, a photograph of property over which the accused is alleged to have exerted unauthorized control or to have otherwise obtained unlawfully, if the photograph:

- Will serve the purpose of demonstrating the nature and identity of the property; and
- Is otherwise admissible into evidence under all other rules of law governing the admissibility of photographs into evidence.

The member will have to testify to the authenticity of the picture, including the date, time, etc., just as they would if the item had been collected as evidence.

Pursuant to KRS 422.350, the fact that it is impractical to introduce into evidence the actual property for any reason including its size, weight, or unavailability, need not be established for the court to find a photograph of that property to be competent evidence. If a photograph is found to be competent evidence, it is admissible into evidence in place of the property and to the same extent as the property itself.

All digital evidence, for discovery purposes, will only be released to the Office of the Commonwealth's Attorney, the Office of the United States (US) Attorney, or the Jefferson County Attorney's Office.

Digital images taken by LMPD members for law enforcement use reside in the DEMS (refer to SOP 4.26).

11.2.5 EVIDENCE REQUIRING SPECIAL HANDLING (KACP 27.1)

Evidence that requires special handling will be processed in compliance with SOP 11.4. Examples of evidence that require special handling include, but are not limited to, the following:

- Evidence that requires drying
- Firearms
- Sharps
- Vehicles
- Combustible articles
- Digital images

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11.2.5 EVIDENCE REQUIRING SPECIAL HANDLING (CONTINUED)

- DNA evidence
- Hazardous materials

11.2.6 PLACING EVIDENCE IN THE EPU

Sworn members, Police Report Technicians (PRTs), and CSU technicians will transport evidence to the EPU prior to the end of their tour of duty. EPU personnel are responsible for entering information into the RMS for evidence deposited by sworn members and PRTs.

CSU technicians, using the RMS, will create an evidence voucher for the evidence that they are depositing into the EPU, prior to submission. Members should refer to the RMS Manual for the proper procedures on entering this information into the system.

All evidence requires an ICN.

Stolen, found, recovered, and evidentiary property files are maintained in the EPU, via the RMS, by using unique serial numbers.

KRS 422.350 allows evidence to be photographed for prosecution of offenses defined in KRS 514 (Theft and Related Offenses) and 515 (Robbery). Once it is photographed, the property may be returned to its owner, pursuant to EPU property release procedures and SOP 11.6.

11.2.7 OPERATOR'S LICENSES AND MOTOR VEHICLE REGISTRATION PLATES

Any operator's license which has been suspended or revoked by court order, or by the Kentucky Transportation Cabinet, may be seized from a driver who is still in possession of the license. If the driver is cited for driving with a suspended or revoked operator's license and the license is seized, the officer will state in the narrative of the citation that the operator's license was seized. Officers will immediately deliver the seized operator's license to the Circuit Court Clerk's Office. If the license is seized outside of the normal working hours of the Circuit Court Clerk's Office (e.g. 0830 to 1630 hours, Monday through Friday), the officer will take the license to the EPU. Under no circumstance may an operator's license be placed in interdepartmental mail or kept in an officer's possession.

Per KRS 186.181, officers have the authority to seize any registration plate bearing a cancelled number and to report such seizure to the appropriate department (e.g., Jefferson County Clerk's Office). The officer will seize the cancelled registration plate from any vehicle on publicly accessible property. Registration plates may not be seized from any vehicle that is parked on the curtilage of private property. When the registration plate has been seized, it will either be delivered to the Jefferson County Clerk's Office or taken to the EPU, as soon as possible, prior to the end of the seizing officer's tour of duty. If the registration plate is evidence of a crime, it will be deposited as evidence into the EPU. Under no circumstance may a registration plate be placed in interdepartmental mail.

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11.2.7 OPERATOR'S LICENSES AND MOTOR VEHICLE REGISTRATION PLATES (CONTINUED)

Motor vehicle registration plates recovered or seized will be checked through the Law Information Network of Kentucky (LINK) and the RMS to determine if they are stolen or wanted for any other reason (e.g. used in the commission of a crime). Reports related to stolen and/or wanted plates will be cleared in the RMS and the National Crime Information Center (NCIC) Unit will be immediately notified of the recovery. In cases where the seizure of a motor vehicle registration plate is related to the arrest of an individual and/or the plate is considered evidence of a crime, the plate will be deposited as evidence into the EPU, as soon as possible, prior to the end of the seizing officer's tour of duty. The NCIC Unit will be advised if the plate is deposited into the EPU. If the seizure of the motor vehicle registration plate, including a stolen plate, is unrelated to a charged offense, it will be personally delivered to the Jefferson County Clerk's Office, after notifying the NCIC Unit of the recovery.

Under no circumstance may an operator's license or motor vehicle registration plate be seized and retained in a departmental vehicle.

If a member is dispatched to take a report of a stolen registration plate and the registration, at the time of the report, shows "cancelled registration plate for failure to maintain insurance," the member will decline to take the report.

11.2.8 SAFEGUARDING OF EVIDENCE AND PROPERTY

Members who are taking control of evidence or personal property in the course of their official duties (e.g. investigation, arrest) will safeguard the evidence or personal property while it is in their custody. All evidence and/or personal property will be returned to its rightful owner, deposited into the EPU, or delivered, with the arrested subject, to the LMDC. This will occur prior to the end of the member's tour of duty. If the property is discovered after the member's tour of duty, it will be immediately deposited into the EPU.

11.2.9 RELEASE OF PROPERTY

The EPU is responsible for notifying the rightful owner of the property that is being released. If the rightful owner of the property is deceased, the property will only be released pursuant to a court order.