



## CITY OF PORTLAND, OREGON



### Bureau of Police

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## Directive 660.10, Property and Evidence Procedures Executive Summary

### Introduction

The Bureau/Policy Development Team decided to expedite the review process of Directive 660.10 prior to its original scheduled review date in 2019 because the Bureau received new equipment for firearm and cartridge casing identification. The equipment allows PPB to process specific firearms more expeditiously through the Integrated Ballistics Identification System (IBIS), but in turn, modified the process in handling and delivering these firearms. In an effort to address the new procedures which affect all sworn members, the Bureau took the opportunity to open up the review process for community members and Bureau members to see the changes.

### Public Comments

The Bureau received minimal feedback during both iterations of universal review in April and June 2018. Comments ranged from topics involving checking out evidence, handling evidence, and chain of custody for evidence. The Property and Evidence Division (PED) adheres to strict guidelines in the handling, delivering, and processing of evidence in order to maintain a consistent chain of custody for tracking purposes in accordance with state and federal laws. Therefore, we did not have any compelling need to change the current practices.

### The Bureau's Revised Policy

The Bureau incorporated new information regarding the processing of specific firearms and casings in IBIS. This addition required modification throughout the Directive, specifically in Section 7, Processing Firearms, to address the updated process of handling and delivering weapons to the appropriate units. Additionally, the Bureau added new information regarding the processing of digital evidence in Section 16, which has been not previously addressed. The Bureau's primary motivation in reviewing this directive was to capture the changes required by this new equipment rather than a wholesome review of the policy.

The Bureau believes that the revised directive provides more clarity and enhanced guidance to its members; however, any suggestions to further improve this policy are welcome during its next review.

This directive will go into effect on December 30, 2018.

Published on 11/30/18

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## **660.10, Property and Evidence Procedures**

### **Refer:**

- ORS§ 133.033 Peace Officer; Community Caretaking Functions
- ORS§ 475.235 Presumptive Testing of Controlled Substances
- DIR 640.13 Drug Lab Procedures
- DIR 640.20 Sexual Assault Investigations
- DIR 740.00 Explosive Device Incidents and EDU
- DIR 1020.00 Weapons Administration
- Oregon State Police (OSP) Forensic Sciences Request (FSR) Form (Form 49)
- Portland Police Bureau (PPB) Property and Evidence Division (PED) Evidence Transfer Form
- PPB Forensic Processing Request Form
- PPB PED Officer Disposition Report/Trace Form
- PPB PED Order for Property Release Form
- PPB PED Property/Evidence Receipt
- PPB PED Officer Packaging Manual
- PPB PED SOP #4 Firearms – Receive, Store, Transfer/Release, Dispose
- PPB PED SOP #8 Restricted Weapons
- PPB PED SOP #14 Property/Evidence Disposal
- PPB Forensics Processing Request Form

### **Definitions:**

- Evidence: An article(s) taken into police custody that may furnish proof that an offense has been committed and/or certain person(s) committed an offense, or an article(s) taken into police custody that would tend to show a person(s) did not commit a crime.
- Found property: An article(s) accepted into police custody that has been lost or abandoned and not connected with a known or suspected criminal offense.
- Prisoner's property: Personal property belonging to an arrested suspect that is not needed as evidence.
- Safekeeping Property: An article(s) that is voluntarily relinquished to police custody or taken to prevent serious harm to any person or property under the provisions of ORS§ 133.033, Peace Officer; Community Caretaking Functions.
- Satellite Property Room: An area at designated Police Bureau sites set aside for the temporary storage of evidence and property.

### **Policy:**

1. This directive establishes standardized procedures for seizing and storing evidence and/or property in accordance with Property and Evidence Division (PED) practices. Additionally, this directive mandates procedures for requests concerning the testing, transfer, and release of evidence or property.

**Procedure:**

**1. Receipting Property and Evidence.**

- 1.1. Any member who takes possession of property and/or evidence shall complete a PED Property/Evidence Receipt (“PED receipt”).
- 1.2. Members shall provide the following required information in the appropriate spaces on the form:
  - 1.2.1. Date and time.
  - 1.2.2. Case number.
  - 1.2.3. Type of property.
  - 1.2.4. Type of incident.
  - 1.2.5. Delivering member’s name and DPSST number (ID#).
  - 1.2.6. Investigating member’s name and identification (if applicable).
  - 1.2.7. For prisoner’s property:
    - 1.2.7.1. Defendant or suspect’s name (owner).
    - 1.2.7.2. Owner’s address and zip code, when known.
  - 1.2.8. For found and safekeeping property:
    - 1.2.8.1. Owner’s name.
    - 1.2.8.2. Owner’s address and zip code, when known.
    - 1.2.8.3. If the owner is unknown, members shall write “unknown” in the Owner field.
    - 1.2.8.4. When found property is received from a finder, the finder’s name shall be placed in the space marked “Property Taken From” and the member shall issue the finder the yellow copy of the PED receipt.
  - 1.2.9. A full description of each item submitted, including serial numbers, if applicable.
    - 1.2.9.1. Firearms require documentation of the serial number, make, type, model, caliber, importer and country of origin.
    - 1.2.9.2. For currency, the exact dollar and cents amount recovered and the country of origin of the currency. Members are not required to document serial numbers for recovered currency.
  - 1.2.10. Delivery destination (e.g., Property Evidence Division, Oregon State Police (OSP) Crime Lab, Forensic Evidence Division [FED], or if “other”, members must describe). Members must include the locker location and number on the receipt.
- 1.3. Members shall handle copies of the PED receipt as follows:
  - 1.3.1. White copy shall be forwarded to the Records Division (Records).
  - 1.3.2. Yellow copy shall be given to the person the property or evidence was taken from. If the person whose property was impounded is not available, the member shall leave the yellow copy at the scene where the property was found.
  - 1.3.3. Pink copy shall accompany the property/evidence.
    - 1.3.3.1. When delivering items to the satellite property rooms, members shall leave the pink copy of the PED receipt in the designated tray.
    - 1.3.3.2. If property is released at the scene, members shall make an appropriate notation on the receipt and forward the pink copy to PED.
    - 1.3.3.3. Members shall use separate receipts and separate packaging for items that are delivered to different locations.

1.3.3.4. Members shall forward all copies of voided receipts to PED.

**2. Identifying Property and Evidence.**

- 2.1. Members must complete and attach a property tag or evidence tag to items that are not packaged in evidence bags.
- 2.2. Members shall write identifying information on the evidence bag/tag to include: property evidence receipt number, date, PPB case number, delivering member's name and DPSST number, and content description.

**3. Delivering Property and Evidence.**

- 3.1. Members shall deliver property/evidence to PED, a satellite property room, FED, the Oregon State Crime Lab, or the Gun Task Force (GTF) prior to the end of their shift.
- 3.2. Firearms and cartridge casings that are eligible for Integrated Ballistics Identification System (IBIS) and National Integrated Ballistic Information Network (NIBIN) processing shall be delivered to GTF prior to delivery and submission to PED and/or FED. Members shall refer to Section 7, Processing Firearms, for eligibility requirements.
- 3.3. In emergent situations, property/evidence may need to be delivered to another location for investigative purposes; however, members must receive approval from their supervisor prior to delivery. Members shall notify PED of the location of the evidence via email at [property.evidence@portlandoregon.gov](mailto:property.evidence@portlandoregon.gov) as soon as practical.
- 3.4. Members who deliver evidence to a satellite property room shall store items in a locked locker when possible.
- 3.5. Evidence requiring fingerprinting shall be delivered to the FED property drop-off room located in the Justice Center or to any satellite PPB property room. Evidence delivered to a satellite property room shall be delivered to FED by PED personnel. Members shall provide a completed Forensics Processing Request Form along with the pink copy of the property receipt to accompany the evidence. The Forensics Processing Request Form must be affixed to the front of the FED Incoming Evidence Locker where the evidence is placed. If DNA testing is also requested, members must complete an OSP Forensics Sciences Request (FSR) Form and attach it to the evidence.
  - 3.5.1. The packaging in which drugs, drug paraphernalia, and money are recovered may be fingerprinted but the content of the packages themselves may not be delivered to FED. If the packaging requires fingerprinting, all package contents (e.g., money, drugs) must be removed and placed in a separate evidence bag before members deliver the packaging evidence for fingerprinting. Contents placed in a separate evidence bag must have a separate PED receipt with a notation referencing the transfer of the wrapping/container to another PED receipt.
    - 3.5.1.1. When contents of a bag are repackaged in a separate bag, the name of the person removing the original contents and repackaging the original content into new bags must be noted on a tag placed both on the original packaging

and the repackaging. This tag also must include the date of the repackaging and the associated case number that matches the tag on the original packaging.

3.5.2. The packaging for Fentanyl or Fentanyl-related items shall only be accepted by FED if delivered by a sworn Drugs and Vice Division (DVD) member.

3.6. Evidence requiring crime lab analysis may be delivered as follows:

3.6.1. For narcotics, members shall refer to Section 4, Processing Controlled Substances.

3.6.2. All other evidence:

3.6.2.1. Members may deliver evidence directly to PED during business hours or to any satellite property room locker at any time. Members shall include a completed FSR Form and the pink copy of the PED receipt. Members who request DNA analysis must provide an appropriate police report. PED shall transfer the evidence to the crime lab; or

3.6.2.2. Members may deliver evidence directly to the crime lab during the lab's business hours with a completed FSR Form and the pink copy of the PED receipt.

3.6.2.3. Blood and urine samples must either be left in a refrigerator at a satellite property room or delivered to PED during business hours.

3.6.3. Members shall refer to the PED Officer Packaging Manual for packaging instructions.

3.7. Members shall initiate a PED call-out through the Bureau of Emergency Communications (BOEC) to notify PED staff during non-business hours for the following: property/evidence valued at over \$25,000; currency exceeding \$10,000; item(s) too large for a PED van; unusually large quantities of items; extremely heavy items; or samples of meth lab chemicals processed by DVD. The delivering member is responsible for transporting the property/evidence to PED.

#### **4. Processing Controlled Substances.**

4.1. Members shall package narcotics in accordance with the PED Officer Packaging Manual.

4.2. Members shall deliver narcotics based on their street value:

4.2.1. Up to \$25,000 may be delivered to a drop safe or secure locker at any satellite property room or to PED.

4.2.2. Over \$25,000 must be delivered directly to PED. After business hours, members shall initiate a call-out for PED staff via BOEC. If this amount requires crime lab testing, the delivering member shall be required to return to PED during business hours to transport the narcotics to the crime lab.

4.3. If narcotics need to be tested, members should conduct a presumptive test and submit a completed FSR Form to PED. Items shall be delivered to the lab once PED receives approval from the appropriate District Attorney's Office (DA).

- 4.4. Narcotics that have been seized as evidence as part of an Investigative/Reliability Buy operation, or as part of a case that is being prosecuted in federal court, must have the phrase “investigative buy” or “for federal prosecution” written on the property receipt. The investigating member shall fill out an FSR Form and submit it to PED. DA approval is not required for these items.
- 4.5. Members may contact PED or the OSP Crime Lab for information on current narcotics testing procedures.

**5. Processing Marijuana Grow Operations.**

- 5.1. The DVD is responsible for processing marijuana and related items associated with illegal grow operations. Members discovering illegal marijuana grow operations during DVD business hours shall request a DVD team to respond. After business hours, BOEC shall contact the on-call DVD sergeant upon request. Members shall include the name of the DVD supervisor contacted on the PED receipt and document the action in their report.

**6. Processing Money.**

- 6.1. When feasible, members shall photograph seized evidence money in amounts equal to or greater than \$100 at the scene where the money was discovered in order to document where, how, and in what condition the money was seized. If the photograph is not taken at the scene, members may photograph the money at a later time in a manner that shows the currency displayed or stacked with the original packaging. Members shall upload photos to the Digital Image Management System (DIMS) in accordance with Directive 640.02, Photography and Digital Imaging. PED shall not take photos of the seized money.
- 6.2. Money shall be counted together by two members. The names of the two members shall be annotated in the appropriate report.
- 6.3. Members shall document the number of bills and/or coins of each denomination on the PED receipt along with the total amount.
- 6.4. Members may leave currency up to \$10,000 in a drop safe at any satellite property room or deliver it directly to PED. Currency in amounts greater than \$10,000 must be brought to PED. During non-business hours, members shall initiate a call-out for PED staff via BOEC.
- 6.5. PED shall perform a separate count of money greater than \$100. PED shall document any discrepancy in an appropriate report. A copy of the report shall be sent to the delivering officer and the investigating member.
- 6.6. Members shall ensure case envelopes involving money evidence are stamped with “Money Seizure” in red ink.
- 6.7. Evidence money received at PED in amounts equal to or greater than \$100 may be deposited into an Evidence Money bank account after 60 days of storage unless the

DA's Office, the case officer, or a detective directs PED to retain the physical currency for prosecution or investigative purposes. A requester seeking retention may contact PED who shall then send a confirmation back to the individual or agency.

## 7. Processing Firearms.

### 7.1. Firearms eligible for IBIS/NIBIN processing.

7.1.1. Members shall only deliver firearms directly to the GTF for IBIS/NIBIN processing if the firearm(s) is listed below and is considered evidence, found property, or surrendered. Safekeeping and prisoner property firearms are not eligible, unless they are surrendered and meet the eligibility below.

#### 7.1.1.1. Eligible firearms and calibers for submission include:

7.1.1.1.1. .22 Caliber (S/L/LR)

7.1.1.1.2. .22 Caliber (Magnum)

7.1.1.1.3. .25 Auto, 6.35mm

7.1.1.1.4. .32 Auto, 7.65mm

7.1.1.1.5. .380 Auto (9mm Kurz, 9mm Corto, 9mm Browning short)

7.1.1.1.6. 9mm (9mm {9x19} Luger or Parabellum, 9mm largo, 9x18 Makarov

7.1.1.1.7. .357 Sig and Magnum

7.1.1.1.8. .38 Super

7.1.1.1.9. .40 (S&W) 10mm Auto)

7.1.1.1.10. .44 Magnum and Auto

7.1.1.1.11. .45 Auto

#### 7.1.1.2. The following rifles are currently eligible for IBIS/NIBIN testing:

7.1.1.2.1. Semiautomatic rifles in .22 LR

7.1.1.2.2. Semiautomatic rifles in 7.62x25 Tokarev

7.1.1.2.3. Semiautomatic rifles in 7.62x39 (SKS & AK rifles)

7.1.1.2.4. Semiautomatic rifles in .223 REM (5.56)

7.1.1.2.5. Any semiautomatic rifle that fires a handgun round.

### 7.1.2. During a firearm investigation, if a member identifies a need for biological or forensic evidence collection, either of the following must occur:

7.1.2.1. If DNA is needed, members shall not touch the firearm and must contact the on-duty uniform Gang Enforcement Team (GET), on-duty Gun Violence Response Team (GVRT), or page out the on-call Gun Task Force (GTF) member 24/7 to coordinate DNA collection and processing. FED can also assist with DNA collection if TOD personnel (GET, GVRT, GTF) are not available; however, all firearm-related DNA requests must be vetted by the TOD Sergeant who oversees the GTF due to a specific agreement between TOD and the OSP Crime Lab.

7.1.2.2. If a member examines a firearm and observes ridge detail, a fingerprint, or believes that the fingerprint evidence is necessary, the member must complete an FSR form and attach it to the property receipt when securing the firearm in the TOD lockers in North Precinct Satellite Property Room. In most cases, a careful test-fire will come before fingerprint processing, but under rare circumstances, exceptions can be made by consulting with the GVRT Sergeant. Investigations led by the Robbery Detail or Homicide Detail are an exception, and specific direction shall be made by the Detective Sergeant.

- 7.1.3. Members shall deliver eligible firearms and all spent casings directly to the GTF during regular business hours or the secured drop box at the GTF after-hours. In urgent situations, supervisors shall initiate a call-out of GTF personnel through BOEC.
  - 7.1.4. When submitting firearms or casings, members must complete an FSR form to the OSP Crime Lab for IBIS classification and include the form(s) with the evidence when delivering and submitting the item(s) to the GTF. Members may contact the GTF, PED, or the OSP Crime Lab with any questions about IBIS/NIBIN processing.
  - 7.1.5. Once the IBIS/NIBIN process is complete, GTF personnel shall deliver and submit the firearm(s) to PED as soon as practical, but no later than 96 hours.
- 7.2. Firearms not processed in IBIS/NIBIN.
- 7.2.1. Firearms not listed above that require fingerprinting and/or photographing shall be delivered directly to PED or FED.
  - 7.2.2. Members shall deliver any firearm not requiring IBIS/NIBIN or FED processing directly to PED or any satellite property room locker.
  - 7.2.3. Members shall ensure that firearms are unloaded and rendered safe for handling. If a firearm cannot be made safe by unloading and securing the action/cylinder open, or if there is any question as to whether the firearm is loaded, the member shall attach a red "Unsafe Firearm" tag to both the firearm and to the outside of the locker in which the firearm is placed.
  - 7.2.4. Members shall refer to the PED Officer Packaging Manual for instructions on packaging firearms and ammunition.
- 7.3. Surrendered firearms.
- 7.3.1. PPB members should be aware that members of the public may surrender a dangerous or deadly weapon for destruction to any on-duty sworn member at any precinct. Members shall conduct the following at the time of surrender:
    - 7.3.1.1. Members must obtain the name and address of the owner or the person surrendering the weapon, as well as pertinent information related to the weapon (i.e., serial number, make, model, caliber, importer and country of origin) from the person surrendering the weapon.
    - 7.3.1.2. Members must ensure a declaration from the individual is annotated on a property receipt. The declaration should include the statement: "I, [person surrendering property], voluntarily surrender this [weapon name] for destruction with the understanding that I knowingly forfeit any claim to the weapon."
    - 7.3.1.3. Members shall provide the person surrendering the weapon a signed copy of the property receipt.
    - 7.3.1.4. If an individual chooses to surrender a weapon anonymously, the member shall still accept the weapon(s) and provide or attempt to provide a receipt.
      - 7.3.1.4.1. Members shall deliver the surrendered firearm(s) directly to the GTF for IBIS/NIBIN processing if the firearm(s) meets eligibility listed in Section 7.1.1.1 or 7.1.1.2.

## **8. Processing Weapons Other than Firearms.**



- 8.1. Members shall package these weapons in accordance with the PED Officer Packaging Manual.
- 8.2. Members shall refer to Section 7 for information regarding surrendering weapons for destruction.

**9. Processing Alcohol.**

- 9.1. Members who take possession of alcohol are encouraged to photograph and then release or dispose of the property unless it contains forensic evidence. Members shall upload photographs to DIMS in accordance with Directive 640.02, Photography and Digital Imaging.

**10. Processing Hazardous Items.**

- 10.1. With the exception of evidence samples collected by DVD at scenes of illegal drug labs, hazardous or noxious materials shall not be accepted by or stored in any PED facility due to the health risk posed by exposure. Members shall refer to Directive 640.13, Drug Lab Procedure, for additional guidelines. Members encountering hazardous or noxious materials that are not part of an illegal drug lab shall contact BOEC, which shall then notify the Portland Fire Bureau Hazardous Materials Team (HazMat).
- 10.2. DVD personnel shall package lab samples in accordance with the PED Officer Packaging Manual.
  - 10.2.1. DVD personnel shall issue PED receipts and complete an FSR Form for all samples taken. Members shall deliver samples and forms to the crime lab during business hours or to PED during non-business hours using the call-out procedure.
  - 10.2.2. Members shall deliver contaminated firearms (e.g., exposed to drug lab chemicals) from scenes of illegal drugs labs to a PED facility. All other contaminated articles, including paperwork, shall not be accepted or stored at a PED facility.
  - 10.2.3. Members shall not transport contaminated articles, excluding contaminated firearms, from scenes of illegal drug labs in any Bureau vehicle.
  - 10.2.4. Contaminated firearms shall not be available for further investigation or viewing purposes unless handled by DVD personnel wearing the same level of protective gear that was worn during the initial processing.
- 10.3. Items that have been contaminated with blood or other body fluids are considered bio-hazardous; members shall package these items in accordance with the PED Officer Packaging Manual.
  - 10.3.1. Members must deliver items that are wet with blood or other body fluids directly to PED during business hours or to the biohazard shed at the Rivergate Vehicle Storage Facility (RVS) after business hours. Members shall leave the pink copy of the PED receipt at RVS. Members shall not leave bio-hazardous items at any other property/evidence facility.
  - 10.3.2. Members may deliver items contaminated with blood or other body fluids that are dry to PED or any satellite property room locker.

- 10.4. Syringes present a serious health risk and must be handled with extreme care; members shall discard all syringes except those that are essential for prosecution purposes.
  - 10.4.1. Members shall discard unnecessary syringes into approved sharps containers only.
  - 10.4.2. Members shall not deliver syringes or parts of syringes to the crime lab unless authorized by the Deputy District Attorney (DDA) in advance.
  - 10.4.3. Members shall place syringes being submitted as evidence to the crime lab or PED inside plastic syringe holders. The crime lab and PED shall only accept syringes packaged in plastic syringe holders.
- 10.5. Explosives, bomb-making materials, ammunition .50 caliber or larger and commercial size fireworks shall not be accepted or stored at any PED facility. Members shall refer to DIR 740.00, Explosive Device Incidents and Explosive Device Unit (EDU), for additional guidance.
- 10.6. Illegal fireworks that fill less than a regular-sized paper grocery sack may be placed in any PED facility.
  - 10.6.1. Members shall place larger quantities in the orange wooden box adjacent to the bomb room on L-1 in the Justice Center. If that box is full, members shall contact EDU via the Dispatch Coordinator (DC) for disposition instructions. Members shall forward the pink copy of the PED receipt to PED.
  - 10.6.2. Members may place less than a dozen M-80 size devices in any property/evidence facility. Larger quantities and any device more powerful require special handling. Members must contact EDU via the DC for disposition instructions.
  - 10.6.3. Improvised, homemade, or modified fireworks shall not be accepted or stored in any property/evidence facility. Members must contact EDU via the DC for disposition instructions.
- 10.7. Gasoline shall not be accepted or stored at any property/evidence facility.
  - 10.7.1. Members must ensure fuel containers and small engines with gas tanks (e.g., lawn mowers, chain saws, generators) are emptied prior to delivery. Members may utilize equipment located at RVS to remove fuel from such items.
  - 10.7.2. Members shall deliver fuel containers and small engines with empty gas tanks to any property/evidence facility. Members shall not leave these items at RVS.
  - 10.7.3. If the fuel is required as evidence, members shall place a sample of it into a sealed vial or jar and process it for the crime lab using a separate PED receipt and FSR Form. The remainder of the fuel shall be disposed of as outlined above.
- 10.8. Propane tanks and canisters may be left at any property/evidence facility.
- 10.9. Members shall package deployed Conducted Electrical Weapon (CEW) probes in accordance with the PED Officer Packaging Manual.

## **11. Processing Sexual Assault Evidence.**

- 11.1. Members shall not leave items other than the Sexual Assault Evidence Kit and the victim's undergarments and/or pantyhose in the OHSU locker. Members shall refer to Directive 640.20, Sexual Assault Investigations, for additional guidelines.

11.2. Members shall refer to the PED Officer Packaging Manual for specific instructions on documenting and packaging sexual assault evidence.

## **12. Processing Found Property.**

12.1. Members are encouraged to determine ownership of found property and return it, if time and circumstances permit. Identified owners' names shall be written on the PED receipt. Members who return property directly to the owner shall mark the PED receipt with the words "Returned to Owner" and have the recipient sign the face of the receipt. Members shall forward the pink copy to PED.

12.2. Members should inform individuals who want to make a finder's claim for found property to contact PED within five days.

12.3. Members shall write "Finder's Claim" boldly across the face of the PED receipt to avoid unintentional disposal of the property.

12.4. Members may deliver found property to any property/evidence facility, unless the property contains noxious or hazardous materials.

12.5. Members who come across a firearm that meets the eligibility listed in 7.1.1.1. or 7.1.1.2. shall deliver it directly to the GTF for IBIS/NIBIN processing. Firearms that do not meet eligibility shall be delivered to PED or FED.

## **13. Processing Safekeeping Property.**

13.1. When property is obtained for safekeeping purposes, the member shall leave the yellow copy of the PED receipt with the person from whom the property was obtained.

13.2. Members shall inform individuals who want to turn in weapons for safekeeping that policy does not permit PED to be used as a storage facility and weapons may be destroyed after 60 days if they are not retrieved. Members may suggest to individuals the use of commercially-available storage lockers.

13.3. Safekeeping property shall be released to the named owner upon demand after the property has been received at PED, which is usually one working day after turn-in.

13.4. Members may deliver safekeeping property to any property/evidence facility, unless the property contains noxious or hazardous materials.

## **14. Processing Prisoner's Property.**

14.1. Members must provide the yellow copy of the PED receipt to the arrested subject prior to incarceration, as this is the only notification the arrested subject shall receive. Members should inform an arrested subject that the receipt must be maintained on their person or with their personal property kept at the jail, as appropriate. Members shall, when practical, advise arrested subjects that their personal property must be claimed within 60 days or it shall be disposed. Members shall document the delivery or provision of the yellow copy in the appropriate report.

- 14.2. Members may deliver a prisoner's property to any property/evidence facility. The prisoner's property shall be released to the named defendant/subject upon demand after the property has been received at PED, which is usually one working day after turn-in.

#### **15. Processing Interview Recordings.**

- 15.1. Investigators electronically record interviews for a variety of purposes as required by Oregon Law, in situations consistent with division or bureau policies, or at the discretion of the investigator.
  - 15.1.1. In situations where interviews are electronically recorded, investigators are required to make an original copy of the interview as soon as practicable on an external media (e.g., CD disc, thumb drive). The investigators shall submit this original copy with a property receipt to PED.
  - 15.1.2. PED shall retain the original copy and shall use it to make additional copies, as necessary.
    - 15.1.2.1. To preserve chain of custody, any time PED makes a copy of an electronic record, the PED staff member making the copy shall note on the property evidence tag the date the original media is opened and identify themselves as the person opening same, and shall again note their identity and the date the original media is resealed in the original packaging when the copy is complete.
  - 15.1.3. PED may purge the original copy of the interview pursuant to PED SOPs and with the permission of the investigator, the District Attorney's Office or a court of law.

#### **16. Processing Digital Evidence.**

- 16.1. Digital evidence on an electronic device (e.g., laptops, smart devices) shall be processed by the Detectives Division located in the Justice Center. Once the appropriate digital evidence is extracted from the device and copied onto an external media, a member shall forward a copy with a property receipt to PED.
- 16.2. PED may purge the copy pursuant to PED SOPs and with the permission of the investigator, the District Attorney's Office or a court of law.

#### **17. Checking Out Evidence.**

- 17.1. When feasible, members intending to check out evidence should inform PED in advance to avoid delays.
- 17.2. Members shall maintain the chain of custody by signing for the items from PED.
- 17.3. If the possibility exists that a member may turn over custody of the evidence to the court, a prosecutor, another agency, or another member, PED shall provide the member with an Evidence Transfer Form to be used to maintain the chain of custody. The member shall obtain the signature of the person to whom custody was relinquished and ensure that the signed copy is returned to PED. Members must return

either a signed Evidence Transfer Form or the checked-out evidence within 10 business days.

- 17.4. Upon the check-in of evidence, PED shall maintain the chain of custody by obtaining the delivering member's signature. If the member returns the evidence via a satellite property room, the member shall sign and date the Evidence Transfer Form indicating when and in which locker the evidence was left.

#### **18. Transferring Evidence.**

- 18.1. Members may request that evidence be transferred to the crime lab for analysis by submitting a completed FSR Form to PED.
- 18.2. Members may request that evidence be transferred to FED for processing by submitting a completed Forensics Processing Request Form to PED.
- 18.3. Any other requests for transfer of evidence must be in writing and signed by a sworn member.

#### **19. Releasing Property and Evidence.**

- 19.1. It is the responsibility of PED to establish the owner's identity prior to releasing any property or evidence. PED may release the following property upon demand, generally within one business day after turn-in, after they have received it: found property belonging to an undisputed owner, safekeeping property for a named owner, and prisoner property for a named defendant/subject.
- 19.2. In cases where ownership is unknown or in dispute, PED shall refer inquiring persons to the delivering member to obtain written authorization to claim the property. If a member is unable to determine ownership due to conflicting claims, the member shall contact the City Attorney's Office for instructions.
- 19.3. Evidence shall be released to an owner when the item(s) is no longer needed as evidence and has been released by a sworn member, a court, or the DA's Office. Sworn members authorizing the release of evidence shall notify PED in writing.
- 19.4. When address information is available, PED shall attempt to notify property owners in writing of the availability of found, safekeeping, and releasable evidence items. Unclaimed property shall be eligible for disposal after 60 days.
- 19.5. Firearms and restricted weapons shall be released in accordance with the above procedures (Section 19.1. through 19.4.) and PED SOPs 4 and 8.
- 19.6. Money may be released by PED as cash. Money that has already been deposited shall be released via check.
- 19.7. Although the Multnomah County District Attorney's Office (MCDA) encourages the pretrial release of property to victims whenever possible, members should consult with

the appropriate DA prior to releasing property that may be evidence or authorizing PED to release property that may be evidence.

**20. Disposition of Property and Evidence.**

- 20.1. PED shall dispose of unclaimed, found, safekeeping and prisoner's property after 60 days of storage or after 60 days from the date of notice to the owner.
- 20.2. Unclaimed evidence shall be authorized for release by a sworn member, a court, or the DA's Office. Evidence items that are not retrieved within 60 days from the date of notice to the owner are subject to disposal. If the owner is unknown or cannot be located, or the items are contraband, the items shall be eligible for immediate disposal after PED receives authorization from a sworn member, a court, or the DA's Office.
- 20.3. PED shall dispose of firearms and restricted weapons that are not claimed. All unclaimed ammunition shall be removed from PED and destroyed by EDU.
  - 20.3.1. Firearms suitable for use by the Bureau may be transferred to the Training Division armory inventory with the approval of the Chief of Police.
  - 20.3.2. When Bureau-owned firearms no longer meet Bureau requirements or serve Bureau purposes, the Training Division may document the firearms on an inventory sheet, including serial numbers, and turn them over to PED for disposal.
  - 20.3.3. Officially-recognized historical societies may apply for and, subject to approval by the Chief of Police and the City Council, arrange for the transfer of weapons with historical significance.
- 20.4. PED shall send Officer Disposition Reports and Trace forms to members for evaluation of further retention and disposition of evidence either electronically or through inter-office mail. Generally, members should notify PED to dispose of evidence whenever a member determines that it is no longer needed as evidence; however, upon receipt of an Officer Disposition Report, members shall indicate the appropriate disposition of the evidence and return the form or electronic notification to PED within 30 days.

**History:**

- Originating Directive Date: 09/06/2001
- Last Revision Signed: 11/30/18
  - Effective Date: 12/30/18
- Next Review Date: 12/30/20

## 660.10, Property and Evidence Procedures

### Refer:

- ORS§ 133.033 Peace Officer; Community Caretaking Functions
- ORS§ 475.235 Presumptive Testing of Controlled Substances
- DIR 640.13 Drug Lab Procedures
- DIR 640.20 Sexual Assault Investigations
- DIR 740.00 Explosive Device Incidents and EDU
- ~~DIR 761.00 Hazardous Materials Incidents~~
- DIR 1020.00 Weapons Administration
- ~~Evidence Transfer Form (PED)~~
- Oregon State Police (OSP) Forensic Sciences Request (FSR) Form (Form 49)
- [Portland Police Bureau \(PPB\) Property and Evidence Division \(PED\) Evidence Transfer Form](#)
- [PPB Forensic Processing Request Form](#)
- [PPB PED Officer Disposition Report/Trace Form \(PED\)](#)
- [PPB PED Order for Property Release Form \(PED\)](#)
- [PPB PED Property/Evidence Receipt \(PED\)](#)
- [PPB PED Officer Packaging Manual](#)
- [PPB PED SOP #4 Firearms – Receive, Store, Transfer/Release, Dispose](#)
- [PPB PED SOP #8 Restricted Weapons](#)
- [PPB PED SOP #14 Property/Evidence Disposal](#)
- [PPB Forensics Processing Request Form](#)

### Definitions:

- Evidence: An article(s) taken into police custody that may furnish proof that an offense has been committed and/or certain person(s) committed an offense, or an article(s) taken into police custody that would tend to show a person(s) did not commit a crime.
- Found property: An article(s) accepted into police custody that has been lost or abandoned and not connected with a known or suspected criminal offense.
- Prisoner's property: Personal property belonging to an arrested suspect that is not needed as evidence.
- ~~Satellite Property Room: An area at designated Police Bureau sites set aside for the temporary storage of evidence and property.~~
- Safekeeping Property: An article(s) that is voluntarily relinquished to police custody or taken to prevent serious harm to any person or property under the provisions of ORS§ 133.033, Peace Officer; Community Caretaking Functions.
- [Satellite Property Room: An area at designated Police Bureau sites set aside for the temporary storage of evidence and property.](#)

## Policy:

1. This directive establishes standardized procedures for seizing and storing evidence and/or property in accordance with Property and Evidence Division (PED) practices. Additionally, this directive mandates procedures for requests concerning the testing, transfer, and release of evidence or property.

## Procedure:

### 1. Receiving Property and Evidence.

- 1.1. Any member who takes possession of property and/or evidence willshall complete a PED Property/Evidence Receipt ~~(“PED receipt.”)~~.
- 1.2. Members willshall provide the following required information in the appropriate spaces on the form:
  - 1.2.1. Date and time.
  - 1.2.2. Case number.
  - 1.2.3. Type of property.
  - 1.2.4. Type of incident.
  - 1.2.5. Delivering member’s name and DPSST number (ID#).
  - 1.2.6. Investigating member’s name and identification (if applicable).
  - 1.2.7. For prisoner’s property:
    - 1.2.7.1. Defendant or suspect’s name (owner).
    - 1.2.7.2. Owner’s address and zip code, when known.
  - 1.2.8. For found and safekeeping property:
    - 1.2.8.1. Owner’s name.
    - 1.2.8.2. Owner’s address and zip code, when known.
    - 1.2.8.3. If the owner is unknown, members willshall write “unknown” in the Owner field.
    - 1.2.8.4. When found property is received from a finder, the finder’s name willshall be placed in the space marked “Property Taken From” and the member willshall issue the finder the yellow copy of the PED receipt.
  - 1.2.9. A full description of each item submitted, including serial numbers, if applicable.
    - 1.2.9.1. Firearms require documentation of the serial number, make, type, model, caliber, importer and country of origin.
    - 1.2.9.2. For currency, the exact dollar and cents amount recovered and the country of origin of the currency. Members are not required to document serial numbers for recovered currency.
  - 1.2.10. Delivery destination (e.g., Property Evidence Division, Oregon State Police (OSP) Crime Lab, Forensic Evidence Division [FED], or if “other”, members must describe). Members must include the locker location and number on the receipt.
- 1.3. Members willshall handle copies of the PED receipt as follows:
  - 1.3.1. White copy willshall be forwarded to the Records Division (Records).
  - 1.3.2. Yellow copy willshall be given to the person the property or evidence was taken from. If the person whose property was impounded is not available, the member willshall leave the yellow copy at the scene where the property was found.
  - 1.3.3. Pink copy willshall accompany the property/evidence.



- 1.3.3.1. When delivering items to the satellite property rooms, members willshall leave the pink copy of the PED receipt in the designated tray.
- 1.3.3.2. If property is released at the scene, members willshall make an appropriate notation on the receipt and forward the pink copy to PED.
- 1.3.3.3. Members willshall use separate receipts and separate packaging for items that are delivered to different locations.
- 1.3.3.4. Members willshall forward all copies of voided receipts to PED.

## 2. Identifying Property and Evidence.

- 2.1. Members must complete and attach a property tag or evidence tag to items that are not packaged in evidence bags.
- 2.2. Members willshall write identifying information on the evidence bag/tag to include: property evidence receipt number, date, PPB case number, delivering member's name and DPSST number, and content description.

## 3. Delivering Property and Evidence.

- 3.1. Members willshall deliver property/evidence to PED, a satellite property room, ~~the Forensic Evidence Division, or FED,~~ the Oregon State Crime Lab, or the Gun Task Force (GTF) prior to the end of their shift.
- 3.2. Firearms and cartridge casings that are eligible for Integrated Ballistics Identification System (IBIS) and National Integrated Ballistic Information Network (NIBIN) processing shall be delivered to GTF prior to delivery and submission to PED and/or FED. Members shall refer to Section 7, Processing Firearms, for eligibility requirements.
- ~~3.2.3.3.~~ 3.3. In emergent situations, property/evidence may need to be delivered to another location for investigative purposes; however, members must receive approval from their supervisor prior to delivery. Members willshall notify PED of the location of the evidence via email at property.evidence@portlandoregon.gov as soon as practical.
- ~~3.3.3.4.~~ 3.4. Members who deliver evidence to a satellite property room willshall store items in a locked locker when possible.
- ~~3.4.3.5.~~ 3.5. Evidence requiring fingerprinting willshall be delivered to the ~~Forensic Evidence Division (FED)~~ property drop-off room located in the Justice Center. or to any satellite PPB property room. Evidence delivered to a satellite property room shall be delivered to FED by PED personnel. Members willshall provide a completed Forensics Processing Request Form along with the pink copy of the property receipt to accompany the evidence. The Forensics Processing Request Form must be affixed to the front of the FED Incoming Evidence Locker where the evidence is placed. If DNA testing is also requested, members must complete an OSP Forensics Sciences Request (FSR) Form and attach it to the evidence.

~~3.4.1.~~3.5.1. The packaging in which drugs, drug paraphernalia, and money are recovered may be fingerprinted but the content of the packages themselves may not be delivered to FED. If the packaging requires fingerprinting, all package contents (e.g., money, drugs) must be removed and placed in a separate evidence bag before members deliver the packaging evidence for fingerprinting. Contents placed in a separate evidence bag must have a separate PED receipt with a notation referencing the transfer of the wrapping/container to another PED receipt.

~~3.4.1.1.~~3.5.1.1. When contents of a bag are repackaged in a separate bag, the name of the person removing the original contents and repackaging the original content into new bags must be noted on a tag placed both on the original packaging and the repackaging. This tag also must include the date of the repackaging and the associated case number that matches the tag on the original packaging.

~~3.4.2.~~3.5.2. The packaging for Fentanyl or Fentanyl-related items ~~will~~shall only be accepted by FED if delivered by a sworn Drugs and Vice Division (DVD) member.

~~3.5.~~3.6. Evidence requiring crime lab analysis may be delivered as follows:

~~3.5.1.~~3.6.1. For narcotics, members shall refer to Section 4, Processing Controlled Substances.

~~3.5.2.~~3.6.2. All other evidence:

~~3.5.2.1.~~3.6.2.1. Members may deliver evidence directly to PED during business hours or to any satellite property room locker at any time. Members ~~will~~shall include a completed FSR Form and the pink copy of the PED receipt. Members who request DNA analysis must provide an appropriate police report. PED ~~will~~shall transfer the evidence to the crime lab; or

~~3.5.2.2.~~3.6.2.2. Members may deliver evidence directly to the crime lab during the lab's business hours with a completed FSR Form and the pink copy of the PED receipt.

~~3.5.2.3.~~3.6.2.3. Blood and urine samples must either be left in a refrigerator at a satellite property room or delivered to PED during business hours.

~~3.5.3.~~3.6.3. Members shall refer to the PED Officer Packaging Manual for packaging instructions.

~~3.6.~~3.7. Members ~~will~~shall initiate a PED call-out through the Bureau of Emergency Communications (BOEC) to notify PED staff during non-business hours for the following: property/evidence valued at over \$25,000; currency exceeding \$10,000; item(s) too large for a PED van; unusually large quantities of items; extremely heavy items; or samples of meth lab chemicals processed by DVD. The delivering member is responsible for transporting the property/evidence to PED.

#### 4. Processing Controlled Substances.

4.1. Members ~~will~~shall package narcotics in accordance with the PED Officer Packaging Manual.

4.2. Members ~~will~~shall deliver narcotics based on their street value:

- 4.2.1. Up to \$25,000 may be delivered to a drop safe or secure locker at any satellite property room or to PED.
- 4.2.2. Over \$25,000 must be delivered directly to PED. After business hours, members [willshall](#) initiate a call-out for PED staff via BOEC. If this amount requires crime lab testing, the delivering member [willshall](#) be required to return to PED during business hours to transport the narcotics to the crime lab.
- 4.3. If narcotics need to be tested, members should conduct a presumptive test and submit a completed FSR Form to PED. Items [willshall](#) be delivered to the lab once PED receives approval from the appropriate District Attorney's Office (DA).
- 4.4. Narcotics that have been seized as evidence as part of an Investigative/Reliability Buy operation, or as part of a case that is being prosecuted in federal court, must have the phrase "investigative buy" or "for federal prosecution" written on the property receipt. The investigating member [willshall](#) fill out an FSR Form and submit it to PED. DA approval is not required for these items.
- 4.5. Members may contact PED or the OSP [Crime](#) Lab for information on current narcotics testing procedures.

## 5. Processing Marijuana Grow Operations.

- 5.1. The DVD is responsible for processing marijuana and related items associated with illegal grow operations. Members discovering illegal marijuana grow operations during DVD business hours [willshall](#) request a DVD team to respond. After business hours, BOEC [willshall](#) contact the on-call DVD sergeant upon request. Members [willshall](#) include the name of the DVD supervisor contacted on the PED receipt and document the action in their report.

## 6. Processing Money.

- 6.1. When feasible, members [willshall](#) photograph seized evidence money in amounts equal to or greater than \$100 at the scene where the money was discovered in order to document where, how, and in what condition the money was seized. If the photograph is not taken at the scene, members may photograph the money at a later time in a manner that shows the currency displayed or stacked with the original packaging. Members [willshall](#) upload photos to the Digital Image Management System (DIMS) in accordance with Directive 640.02, Photography and Digital Imaging. PED [willshall](#) not take photos of the seized money.
- 6.2. Money [willshall](#) be counted together by two members. The names of the two members [willshall](#) be annotated in the appropriate report.
- 6.3. Members [willshall](#) document the number of bills and/or coins of each denomination on the PED receipt along with the total amount.
- 6.4. Members may leave currency up to \$10,000 in a drop safe at any satellite property room or deliver it directly to PED. Currency in amounts greater than \$10,000 must be

brought to PED. During non-business hours, members ~~will~~shall initiate a call-out for PED staff via BOEC.

- 6.5. PED ~~will~~shall perform a separate count of money greater than \$100. PED ~~will~~shall document any discrepancy in an appropriate report. A copy of the report ~~will~~shall be sent to the delivering officer and the investigating member.
- 6.6. Members ~~will~~shall ensure case envelopes involving money evidence are stamped with “Money Seizure” in red ink.
- 6.7. Evidence money received at PED in amounts equal to or greater than \$100 may be deposited into an Evidence Money bank account after 60 days of storage unless the DA’s Office, the case officer, or a detective directs PED to retain the physical currency for prosecution or investigative purposes. A requester seeking retention may contact PED who ~~will~~shall then send a confirmation back to the individual or agency.

## 7. Processing Firearms.

### 7.1. Firearms eligible for IBIS/NIBIN processing.

7.1.1. Members shall only deliver firearms directly to the GTF for IBIS/NIBIN processing if the firearm(s) is listed below and is considered evidence, found property, or surrendered. Safekeeping and prisoner property firearms are not eligible, unless they are surrendered and meet the eligibility below.

#### 7.1.1.1. Eligible firearms and calibers for submission include:

7.1.1.1.1. .22 Caliber (S/L/LR)

7.1.1.1.2. .22 Caliber (Magnum)

7.1.1.1.3. .25 Auto, 6.35mm

7.1.1.1.4. .32 Auto, 7.65mm

7.1.1.1.5. .380 Auto (9mm Kurz, 9mm Corto, 9mm Browning short)

7.1.1.1.6. 9mm (9mm {9x19} Luger or Parabellum, 9mm largo, 9x18 Makarov

7.1.1.1.7. .357 Sig and Magnum

7.1.1.1.8. .38 Super

7.1.1.1.9. .40 (S&W) 10mm Auto)

7.1.1.1.10. .44 Magnum and Auto

7.1.1.1.11. .45 Auto

#### 7.1.1.2. The following rifles are currently eligible for IBIS/NIBIN testing:

7.1.1.2.1. ~~Semiautomatic rifles in .22 LR~~Members will

7.1.1.2.2. Semiautomatic rifles in 7.62x25 Tokarev

7.1.1.2.3. Semiautomatic rifles in 7.62x39 (SKS & AK rifles)

7.1.1.2.4. Semiautomatic rifles in .223 REM (5.56)

7.1.1.2.5. Any semiautomatic rifle that fires a handgun round.

### 7.1.2. During a firearm investigation, if a member identifies a need for biological or forensic evidence collection, either of the following must occur:

7.1.2.1. If DNA is needed, members shall not touch the firearm and must contact the on-duty uniform Gang Enforcement Team (GET), on-duty Gun Violence Response Team (GVRT), or page out the on-call Gun Task Force (GTF) member 24/7 to coordinate DNA collection and processing. FED can also assist with DNA collection if TOD personnel (GET, GVRT, GTF) are not

available; however, all firearm-related DNA requests must be vetted by the TOD Sergeant who oversees the GTF due to a specific agreement between TOD and the OSP Crime Lab.

- 7.1.2.2. If a member examines a firearm and observes ridge detail, a fingerprint, or believes that the fingerprint evidence is necessary, the member must complete an FSR form and attach it to the property receipt when securing the firearm in the TOD lockers in North Precinct Satellite Property Room. In most cases, a careful test-fire will come before fingerprint processing, but under rare circumstances, exceptions can be made by consulting with the GVRT Sergeant. Investigations led by the Robbery Detail or Homicide Detail are an exception, and specific direction shall be made by the Detective Sergeant.
- 7.1.3. Members shall deliver eligible firearms and all spent casings directly to the GTF during regular business hours or the secured drop box at the GTF after-hours. In urgent situations, supervisors shall initiate a call-out of GTF personnel through BOEC.
- 7.1.4. When submitting firearms or casings, members must complete an FSR form to the OSP Crime Lab for IBIS classification and include the form(s) with the evidence when delivering and submitting the item(s) to the GTF. Members may contact the GTF, PED, or the OSP Crime Lab with any questions about IBIS/NIBIN processing.
- 7.1.5. Once the IBIS/NIBIN process is complete, GTF personnel shall deliver and submit the firearm(s) to PED as soon as practical, but no later than 96 hours.

## 7.2. Firearms not processed in IBIS/NIBIN.

- 7.2.1. Firearms not listed above that require fingerprinting and/or photographing shall be delivered directly to PED or FED.
- 7.2.2. Members shall deliver any firearm not requiring IBIS/NIBIN or FED processing directly to PED or any satellite property room locker.
- ~~7.1.0.~~7.2.3. Members shall ensure that firearms are unloaded and rendered safe for handling. If a firearm cannot be made safe by unloading and securing the action/cylinder open, or if there is any question as to whether the firearm is loaded, the member ~~will~~shall attach a red “Unsafe Firearm” tag to both the firearm and to the outside of the locker in which the firearm is placed.

~~7.2.0.~~7.2.4. Members shall refer to the PED Officer Packaging Manual for instructions on packaging firearms and ammunition.

~~7.2.1. Firearms requiring fingerprinting and/or photographing will be delivered to FED prior to any other destination.~~

~~7.2.2. All firearms not requiring FED processing will be delivered directly to PED or any satellite property room locker.~~

## 7.3. Surrendered firearms.

- ~~7.3.0.~~7.3.1. PPB members should be aware that members of the public may surrender a dangerous or deadly weapon for destruction to any on-duty sworn member at any precinct. Members ~~will~~shall conduct the following at the time of surrender:

~~7.3.1.0.~~7.3.1.1. Members must obtain the name and address of the owner or the person surrendering the weapon, as well as pertinent information related to the weapon (i.e., serial number, make, model, caliber, importer and country of origin) from the person surrendering the weapon.

~~7.3.2.0.~~7.3.1.2. Members must ensure a declaration from the individual is annotated on a property receipt. The declaration should include the statement: "I, [person surrendering property], voluntarily surrender this [weapon name] for destruction with the understanding that I knowingly forfeit any claim to the weapon."

~~7.3.3.0.~~7.3.1.3. Members ~~will~~shall provide the person surrendering the weapon a signed copy of the property receipt.

## ~~8.~~ **Processing for Integrated Ballistics Identification System (IBIS) Classification.**

~~8.1.~~ Members shall submit any firearms that are seized as evidence under the following eligibility categories, to the OSP Crime Lab for IBIS processing:

~~8.1.1.~~ Semiautomatic pistols.

~~7.3.1.4.~~ If an individual chooses to surrender a weapon anonymously, the member shall still accept the weapon(s) and provide or attempt to provide a receipt.

~~8.1.2.~~ Members shall ~~Semiautomatic rifles in .22 LR, 7.62x39, .223 and any semiautomatic rifle that fires a handgun round.~~

~~8.1.3.~~ Semiautomatic/pump action shotguns.

~~8.2.~~ Members may also submit spent casings that have been fired from any of the firearms listed above.

~~8.3.~~ When submitting casings or firearms, members must complete an FSR Form to the OSP crime lab for IBIS classification; however, members should be aware that some firearms and caliber do not qualify for IBIS entry. Members may contact PED or the OSP Crime Lab with any questions about IBIS processing.

~~8.4.0.0.0.~~7.3.1.4.1. ~~Members may deliver these items to PED during business hours, to a satellite property room locker, or the surrendered firearm(s) directly to the crime lab.~~ GTF for IBIS/NIBIN processing if the firearm(s) meets eligibility listed in Section 7.1.1.1 or 7.1.1.2.

## ~~9.~~8. **Processing Weapons Other than Firearms.**

~~9.1.~~8.1. Members ~~will~~shall package these weapons in accordance with the PED Officer Packaging Manual.

~~9.2.~~8.2. Members shall refer to Section ~~7.3.~~ for information regarding surrendering weapons for destruction.

## ~~10.~~9. **Processing Alcohol.**

~~10.1.~~9.1. Members who take possession of alcohol are encouraged to photograph and then release or dispose of the property unless it contains forensic evidence. Members ~~will~~shall upload photographs to DIMS in accordance with Directive 640.02, Photography and Digital Imaging.

## ~~11.10.~~ **Processing Hazardous Items.**

~~11.1.~~ 10.1. With the exception of evidence samples collected by DVD at scenes of illegal drug labs, hazardous or noxious materials willshall not be accepted by or stored in any PED facility due to the health risk posed by exposure. Members shall refer to Directive 640.13, Drug Lab Procedure, for additional guidelines. Members encountering hazardous or noxious materials that are not part of an illegal drug lab willshall contact BOEC, which willshall then notify the Portland Fire Bureau Hazardous Materials Team (HazMat).

~~11.2.~~ 10.2. DVD personnel willshall package lab samples in accordance with the PED Officer Packaging Manual.

~~11.2.1.~~ 10.2.1. DVD personnel willshall issue PED receipts and complete an FSR Form for all samples taken. Members willshall deliver samples and forms to the crime lab during business hours or to PED during non-business hours using the call-out procedure.

~~11.2.2.~~ 10.2.2. Members shall deliver contaminated firearms (e.g., exposed to drug lab chemicals) from scenes of illegal drugs labs to a PED facility. All other contaminated articles, including paperwork, willshall not be accepted or stored at a PED facility.

~~11.2.3.~~ 10.2.3. Members willshall not transport contaminated articles, excluding contaminated firearms, from scenes of illegal drug labs in any Bureau vehicle.

~~11.2.4.~~ 10.2.4. Contaminated firearms willshall not be available for further investigation or viewing purposes unless handled by DVD personnel wearing the same level of protective gear that was worn during the initial processing.

~~11.3.~~ 10.3. Items that have been contaminated with blood or other body fluids are considered bio-hazardous; members willshall package these items in accordance with the PED Officer Packaging Manual.

~~11.3.1.~~ 10.3.1. Members must deliver items that are wet with blood or other body fluids directly to PED during business hours or to the biohazard shed at the Rivergate Vehicle Storage Facility (RVS) after business hours. Members willshall leave the pink copy of the PED receipt at RVS. Members willshall not leave bio-hazardous items at any other property/evidence facility.

~~11.3.2.~~ 10.3.2. Members may deliver items contaminated with blood or other body fluids that are dry to PED or any satellite property room locker.

~~11.4.~~ 10.4. Syringes present a serious health risk and must be handled with extreme care; members willshall discard all syringes except those that are essential for prosecution purposes.

~~11.4.1.~~ 10.4.1. Members willshall discard unnecessary syringes into approved sharps containers only.

~~11.4.2.~~ 10.4.2. Members willshall not deliver syringes or parts of syringes to the crime lab unless authorized by the Deputy District Attorney (DDA) in advance.

~~11.4.3.~~ 10.4.3. Members willshall place syringes being submitted as evidence to the crime lab or PED inside plastic syringe holders. The crime lab and PED willshall only accept syringes packaged in plastic syringe holders.

~~11.5.~~10.5. Explosives, bomb-making materials, ammunition .50 caliber or larger and commercial size fireworks willshall not be accepted or stored at any PED facility. Members shall refer to DIR 740.00, Explosive Device Incidents and Explosive Device Unit (EDU), for additional guidance.

~~11.6.~~10.6. Illegal fireworks that fill less than a regular-sized paper grocery sack may be placed in any PED facility.

~~11.6.1.~~10.6.1. Members willshall place larger quantities in the orange wooden box adjacent to the bomb room on L-1 in the Justice Center. If that box is full, members willshall contact EDU via the Dispatch Coordinator (DC) for disposition instructions. Members willshall forward the pink copy of the PED receipt to PED.

~~11.6.2.~~10.6.2. Members may place less than a dozen M-80 size devices in any property/evidence facility. Larger quantities and any device more powerful require special handling. Members must contact EDU via the DC for disposition instructions.

~~11.6.3.~~10.6.3. Improvised, homemade, or modified fireworks willshall not be accepted or stored in any property/evidence facility. Members must contact EDU via the DC for disposition instructions.

~~11.7.~~10.7. Gasoline willshall not be accepted or stored at any property/evidence facility.

~~11.7.1.~~10.7.1. Members must ensure fuel containers and small engines with gas tanks (e.g., lawn mowers, chain saws, generators) are emptied prior to delivery. Members may utilize equipment located at RVS to remove fuel from such items.

~~11.7.2.~~10.7.2. Members willshall deliver fuel containers and small engines with empty gas tanks to any property/evidence facility. Members willshall not leave these items at RVS.

~~11.7.3.~~10.7.3. If the fuel is required as evidence, members willshall place a sample of it into a sealed vial or jar and process it for the crime lab using a separate PED receipt and FSR Form. The remainder of the fuel willshall be disposed of as outlined above.

~~11.8.~~10.8. Propane tanks and canisters may be left at any property/evidence facility.

~~11.9.~~10.9. Members willshall package deployed Conducted Electrical Weapon (CEW) probes in accordance with the PED Officer Packaging Manual.

## ~~12.~~11. **Processing Sexual Assault Evidence.**

~~12.1.~~11.1. Members willshall not leave items other than the Sexual Assault Evidence Kit and the victim's undergarments and/or pantyhose in the OHSU locker. Members shall refer to Directive 640.20, Sexual Assault Investigations, for additional guidelines.

~~12.2.~~11.2. Members willshall refer to the PED Officer Packaging Manual for specific instructions on documenting and packaging sexual assault evidence.

## ~~13.~~12. **Processing Found Property.**



~~13.1.~~12.1. Members are encouraged to determine ownership of found property and return it, if time and circumstances permit. Identified owners' names willshall be written on the PED receipt. Members who return property directly to the owner willshall mark the PED receipt with the words "Returned to Owner" and have the recipient sign the face of the receipt. Members willshall forward the pink copy to PED.

~~13.2.~~12.2. Members should inform individuals who want to make a finder's claim for found property to contact PED within five days.

~~13.3.~~12.3. Members shall write "Finder's Claim" boldly across the face of the PED receipt to avoid unintentional disposal of the property.

~~13.4.~~12.4. Members may deliver found property to any property/evidence facility, unless the property contains noxious or hazardous materials.

12.5. Members who come across a firearm that meets the eligibility listed in 7.1.1.1. or 7.1.1.2. shall deliver it directly to the GTF for IBIS/NIBIN processing. Firearms that do not meet eligibility shall be delivered to PED or FED.

#### ~~14.~~13. **Processing Safekeeping Property.**

~~14.1.~~13.1. When property is obtained for safekeeping purposes, the member willshall leave the yellow copy of the PED receipt with the person from whom the property was obtained.

~~14.2.~~13.2. Members willshall inform individuals who want to turn in weapons for safekeeping that policy does not permit PED to be used as a storage facility and weapons may be destroyed after 60 days if they are not retrieved. Members may suggest to individuals the use of commercially-available storage lockers.

~~14.3.~~13.3. Safekeeping property willshall be released to the named owner upon demand after the property has been received at PED, which is usually one working day after turn-in.

~~14.4.~~13.4. Members may deliver safekeeping property to any property/evidence facility, unless the property contains noxious or hazardous materials.

#### ~~15.~~14. **Processing Prisoner's Property.**

~~15.1.~~14.1. Members must provide the yellow copy of the PED receipt to the arrested subject prior to incarceration, as this is the only notification the arrested subject willshall receive. Members should inform an arrested subject that the receipt must be maintained on their person or with their personal property kept at the jail, as appropriate. Members shall, when practical, advise arrested subjects that their personal property must be claimed within 60 days or it willshall be disposed. Members willshall document the delivery or provision of the yellow copy in the appropriate report.

~~15.2.~~14.2. Members may deliver a prisoner's property to any property/evidence facility. The prisoner's property willshall be released to the named defendant/subject upon demand

after the property has been received at PED, which is usually one working day after turn-in.

## **15. Processing Interview Recordings.**

~~16.1.~~15.1. Investigators electronically record interviews for a variety of purposes as required by Oregon Law, in situations consistent with division or bureau policies, or at the discretion of the investigator.

~~16.1.1.~~15.1.1. In situations where interviews are electronically recorded, investigators are required to make an original copy of the interview as soon as practicable on an external media (e.g., CD disc, thumb drive). The investigators shall submit this original copy with a property receipt to PED.

~~16.1.2.~~15.1.2. PED shall retain the original copy and ~~will~~shall use it to make additional copies, as necessary.

~~16.1.2.1.~~15.1.2.1. To preserve chain of custody, any time PED makes a copy of an electronic record, the PED staff member making the copy ~~will~~shall note on the property evidence tag the date the original media is opened and identify themselves as the person opening same, and ~~will~~shall again note their identity and the date the original media is resealed in the original packaging when the copy is complete.

~~16.1.3.~~15.1.3. PED may purge the original copy of the interview pursuant to PED SOPs and with the permission of the investigator, the District Attorney's Office or a court of law.

## **16. Processing Digital Evidence.**

16.1. Digital evidence on an electronic device (e.g., laptops, smart devices) shall be processed by the Detectives Division located in the Justice Center. Once the appropriate digital evidence is extracted from the device and copied onto an external media, a member shall forward a copy with a property receipt to PED.

16.2. PED may purge the copy pursuant to PED SOPs and with the permission of the investigator, the District Attorney's Office or a court of law.

## **17. Checking Out Evidence.**

17.1. When feasible, members intending to check out evidence should inform PED in advance to avoid delays.

17.2. Members ~~will~~shall maintain the chain of custody by signing for the items from PED.

17.3. If the possibility exists that a member may turn over custody of the evidence to the court, a prosecutor, another agency, or another member, PED ~~will~~shall provide the member with an Evidence Transfer Form to be used to maintain the chain of custody. The member ~~will~~shall obtain the signature of the person to whom custody was relinquished and ensure that the signed copy is returned to PED. Members must return either a signed Evidence Transfer Form or the checked-out evidence within 10 business days.

- 17.4. Upon the check-in of evidence, PED ~~will~~shall maintain the chain of custody by obtaining the delivering member's signature. If the member returns the evidence via a satellite property room, the member ~~will~~shall sign and date the Evidence Transfer Form indicating when and in which locker the evidence was left.

#### **18. Transferring Evidence.**

- 18.1. Members may request that evidence be transferred to the crime lab for analysis by submitting a completed FSR Form to PED.
- 18.2. Members may request that evidence be transferred to FED for processing by submitting a completed Forensics Processing Request Form to PED.
- 18.3. Any other requests for transfer of evidence must be in writing and signed by a sworn member.

#### **19. Releasing Property and Evidence.**

- 19.1. It is the responsibility of PED to establish the owner's identity prior to releasing any property or evidence. PED may release the following property upon demand, generally within one business day after turn-in, after they have received it: found property belonging to an undisputed owner, safekeeping property for a named owner, and prisoner property for a named defendant/subject.
- 19.2. In cases where ownership is unknown or in dispute, PED ~~will~~shall refer inquiring persons to the delivering member to obtain written authorization to claim the property. If a member is unable to determine ownership due to conflicting claims, the member ~~will~~shall contact the City Attorney's Office for instructions.
- 19.3. Evidence ~~will~~shall be released to an owner when the item(s) is no longer needed as evidence and has been released by a sworn member, a court, or the DA's Office. Sworn members authorizing the release of evidence ~~will~~shall notify PED in writing.
- 19.4. When address information is available, PED ~~will~~shall attempt to notify property owners in writing of the availability of found, safekeeping, and releasable evidence items. Unclaimed property ~~will~~shall be eligible for disposal after 60 days.
- 19.5. Firearms and restricted weapons ~~will~~shall be released in accordance with the above procedures (Section 19.1. through 19.4.) and PED SOPs 4 and 8.
- 19.6. Money may be released by PED as cash. Money that has already been deposited ~~will~~shall be released via check.
- 19.7. Although the Multnomah County District Attorney's Office (MCDA) encourages the pretrial release of property to victims whenever possible, members should consult with the appropriate DA prior to releasing property that may be evidence or authorizing PED to release property that may be evidence.

#### **20. Disposition of Property and Evidence.**

- 20.1. PED willshall dispose of unclaimed, found, safekeeping and prisoner's property after 60 days of storage or after 60 days from the date of notice to the owner.
- 20.2. Unclaimed evidence willshall be authorized for release by a sworn member, a court, or the DA's Office. Evidence items that are not retrieved within 60 days from the date of notice to the owner are subject to disposal. If the owner is unknown or cannot be located, or the items are contraband, the items willshall be eligible for immediate disposal after PED receives authorization from a sworn member, a court, or the DA's Office.
- 20.3. PED willshall dispose of firearms and restricted weapons that are not claimed. All unclaimed ammunition willshall be removed from PED and destroyed by EDU.
  - 20.3.1. Firearms suitable for use by the Bureau may be transferred to the Training Division armory inventory with the approval of the Chief of Police.
  - 20.3.2. When Bureau-owned firearms no longer meet Bureau requirements or serve Bureau purposes, the Training Division may document the firearms on an inventory sheet, including serial numbers, and turn them over to PED for disposal.
  - 20.3.3. Officially-recognized historical societies may apply for and, subject to approval by the Chief of Police and the City Council, arrange for the transfer of weapons with historical significance.
- 20.4. PED willshall send Officer Disposition Reports and Trace forms to members for evaluation of further retention and disposition of evidence either electronically or through inter-office mail. Generally, members should notify PED to dispose of evidence whenever a member determines that it is no longer needed as evidence; however, upon receipt of an Officer Disposition Report, members willshall indicate the appropriate disposition of the evidence and return the form or electronic notification to PED within 30 days.

#1

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Monday, April 16, 2018 1:40:30 PM  
**Last Modified:** Monday, April 16, 2018 1:41:44 PM  
**Time Spent:** 00:01:14

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Page 1

**Q1** Please provide feedback for this directive

Why enhance these directives when police don't follow the current ones? Literally police disappear property and don't handle it the way it should. The city has paid out settlements for property disappeared by officers under current directives. Until their is enforcement of current directives it doesn't make sense to make changes or pretend these are applied by officers.

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**Q2** Contact Information (optional)

**Respondent skipped this question**

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## #2

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Tuesday, April 17, 2018 8:53:31 AM  
**Last Modified:** Tuesday, April 17, 2018 9:05:06 AM  
**Time Spent:** 00:11:34

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Page 1

### **Q1** Please provide feedback for this directive

For the sake of process improvement, in the instance of evidence copies (surveillance footage, for example), section "17. Checking Out Evidence" should provide an option by which requested item copies may be sent via inter-office mail. As it is now, requesting sworn personnel have to drive to the warehouse to physically pick up copies of evidence, using valuable time to do so. Inter-office mail is trusted as a method to send and receive multiple examples of sensitive information; in this instance, there is seemingly no concrete reason as to why the evidence copies in question cannot also be sent via interoffice mail.

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**Q2** Contact Information (optional)

**Respondent skipped this question**

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#1

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, June 01, 2018 1:30:28 AM  
**Last Modified:** Friday, June 01, 2018 1:32:37 AM  
**Time Spent:** 00:02:09

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Page 1

**Q1** Please provide feedback for this directive

Processing Firearms Feedback:

Language should be included surrounding officers wearing gloves when handling recovered firearms to preserve physical evidence like fingerprints. I have seen officers use bare hand

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**Q2** Contact Information (optional)

**Respondent skipped this question**

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#2

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, June 01, 2018 1:34:02 AM  
**Last Modified:** Friday, June 01, 2018 1:35:59 AM  
**Time Spent:** 00:01:57

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Page 1

**Q1** Please provide feedback for this directive

Policy should be improve as currently ordinance may allow officers to take weapons for safekeeping but that ordinance likely violates state and U.S. constitution on search and seizure. Also it puts officers in the position of lawyer and officer as they must make judgement as what might be considered a weapon or dangerous and judge whether their search and seizure is lawful or not. Officers often do not understand constitutional rights enough to decided when its lawful for them to seize property. Just because someone has a sign with a pole at a protest does not give officers any legal justification to seize that property. If sued PPB would lose in Court.

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**Q2** Contact Information (optional)

Respondent skipped this question

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# #3

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, June 01, 2018 8:08:04 PM  
**Last Modified:** Friday, June 01, 2018 8:17:47 PM  
**Time Spent:** 00:09:43

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Page 1

## Q1 Please provide feedback for this directive

As a Criminalist I have concerns the way it is recommended to handle firearms under 660.10-3.2 "Members will deliver all semi-automatic pistols; semi-automatic rifles in .22LR, 7.62x39, and .223; and any semi-automatic rifle that fires a handgun round to GTF for test firing and Integrated Ballistics Identification System (IBIS) analysis prior to delivery to PED and/or FED. Once test firing and IBIS analysis are completed, GTF personnel will submit the firearm to PED and/or FED.

If this is to be done before it comes to FED for fingerprinting, then it will potentially destroy the latent prints. We should be fingerprinting the guns BEFORE all the manipulation for the other tests are done. The more common areas latent prints are found on guns are: the trigger, the slide, the magazines, and grips if they are smooth. The tests prior to sending it to FED will damage these areas.

What has been happening is the firearms come here, we process the guns for latent prints, and the officer includes an OSP Form 49 with the receipt. We then forward it to the Crime Lab for the further testing.

If it doesn't come to FED first then there will be no need to process it for latent prints.

Thanks!

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## Q2 Contact Information (optional)

Name

Email Address

Phone Number

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# #4

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, June 29, 2018 1:35:31 PM  
**Last Modified:** Friday, June 29, 2018 1:36:28 PM  
**Time Spent:** 00:00:57

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Page 1

## Q1 Please provide feedback for this directive

### COMMENTS ON PROPERTY AND EVIDENCE DIRECTIVE, JUNE 2018

To Chief Outlaw, Capt. Bell, Lieutenant Morgan, PPB Policy Analysts, Compliance Officer/Community Liaison Team, Community Oversight Advisory Board staff, US Dept. of Justice, Citizen Review Committee and the Portland Police Bureau:

Below are Portland Copwatch (PCW)'s comments on the Property and Evidence Directive (660.10) posted for review in June . We commented on it back in February 2016, but skipped over it when it was up for 15-day review in April this year. The PPB made some changes based on our old comments, but not others.

We continue to believe:

- 1) the Bureau should give a longer time period to review Directives to allow groups who only meet monthly time to consider and vote on recommendations;
- 2) the Bureau should post comments on Directives as they arrive so that people/entities reviewing the drafts may be exposed to ideas they may not have considered; and
- 3) the Bureau should add numbers or letters to the Definitions, Policy and Procedure sections to make them easier to reference.

### DIRECTIVE 660.10 PROPERTY AND EVIDENCE PROCEDURE

Most of the changes being proposed are in Procedure Sections 3, 7 and 8 around processing of firearms, about which PCW has no comments.

The addition of new Section 17 regarding digital evidence allows the Digital Forensics Unit to copy evidence from an electronic device and forward the copy to the Property and Evidence Division (PED). It doesn't say what happens to the original device and data, nor does it give guidance based on law and court decisions about what limitations are set on searching such devices. The only caution is 17.2, which allows PED to destroy the copy with permission from the District Attorney or a court. This is particularly of concern as police sometimes (though less frequently after changes to state law) seize people's cell phones and/or camcorders, meaning the person's equipment is in custody even though the police may have already made a copy of the "evidence" being examined. PPB needs to explicitly encourage the return of electronic devices to their owners.

One of our old comments is still pertinent. What is now Section 15.1 allows the Bureau to destroy prisoners' property within 60 days. If people remain incarcerated beyond the 60 day timeline it is not likely they can claim the property on that timeline. The same section also says a person will only receive one copy of the receipt, which seems overly burdensome, we wrote, for people who are experiencing houselessness. In particular, because law enforcement and private security are known to dispose of people's property that the officials deem unimportant, such paperwork disappearing could be the responsibility of the state and its proxies, not the person who "lost" it.

## Directive 660.10 Feedback

Moreover, in its May 2018 review of the PPB's crowd control policies, the "Independent" Police Review raised concerns about property confiscated as "dangerous or deadly weapons" (in Directive 635.10); questions about how such property is processed and released should likely also be addressed here and in Directive 650.00 on searches and seizures, which we commented on last month.

Here are summaries of the comments we made in 2016 and what changes, if any, we found:

--We objected to the use of the term "worthless documents," which has been removed.

--We noted the word "printing" should not be used when referring to "fingerprinting." This has been fixed.

--Objecting to the "war on drugs," we still found it odd that the Bureau would limit processing to two types of controlled substances; that limitation has been removed.

--We asked the PPB to move details about which color copies are handed to whom into a publicly posted Standard Operating Procedure; that did not happen.

--We noted there was a conflict between when some drug cases have to be turned over to the Drugs and Vice Division. Numerous drug crimes continue to seem to be within the purview of any officers (Section 3.5.1 and Section 4 "Processing Controlled Substances") while Fentanyl, marijuana grows and drug lab seizures are to be turned over to DVD (Sections 3.5.2, 5 and 11). This reflects some new information-- but the confusion about who investigates what has not been fixed.

--We asked the Bureau to give guidance to officers on photographing weapons with rulers, "including starting the ruler at zero rather than at '1,' measuring blades separately from handles/hilts, and using actual rulers and not handmade replicas." Instead, the reference to using rulers in photographs was removed completely.

### CONCLUSION

As we have said before, we appreciate being invited to provide input into the Bureau's policies. Our goal at Portland Copwatch is to have a Bureau free of corruption, brutality and racism. Our comments are made to promote such a culture. We also noted to the Chief that when the final versions of the Directives are published, we appreciate hearing why the Bureau chooses to disregard public comments, even when we vehemently disagree with the logic.

Thank you for your time,

--Portland Copwatch

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### Q2 Contact Information (optional)

Name

**Portland Copwatch**

Email Address

**copwatch@portlandcopwatch.org**

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