

106.00 - EVIDENCE AND PERSONAL PROPERTY

106.01 Property Management Bureau Procedures

- (1) The Property Management Bureau is open twenty-four (24) hours each day, every day of the year for the purpose of receiving personal and evidentiary property coming into the possession of any officer or agent of the Denver Police Department, with these exceptions:
- a. Documents of evidentiary value related to check/fraud cases will be delivered directly to the Financial Crimes Unit or to the secured locker located in the Property Management Bureau.
 - b. Altered or counterfeit U.S. currency is to be mailed directly to the Secret Service. See OMS 301.24.
 1. Counterfeit currency held for evidence for criminal state forgery charges filed by the Financial Crimes Unit may be secured in the Financial Crime's locked evidence box.
 - c. Found license plate(s) that have no evidentiary value will be taken directly to the Traffic Investigations Bureau of the Special Operations Division for disposition.
 - d. Hazardous, explosive, flammable, or noxious chemicals will be handled by the Hazardous Material Response Team from the Denver Fire Department. See OMS 210.01(2).
 - e. Any potentially explosive evidence, including vehicle air bags, will require notification of the Denver Police Department Bomb Squad for handling. Potentially explosive evidence, including vehicle air bags, will not be stored in the Property Management Bureau.
 - f. During the hours the Bicycle Section is closed, impounded bicycles will be temporarily stored at a District Station or may be taken to the Property Management Bureau. If taken to the Property Management Bureau, bicycles will not be invoiced. Instead, the Bicycle Impounding Notice, DPD 271, will be completed and attached to the bicycle.
 - g. Very large items or a large quantity of property may be photographed examined for all reasonable and relevant DNA evidence, and fingerprints by Crime Laboratory personnel at the scene. In lieu of recovering very large items, Crime Laboratory personnel will collect sections or samples from the item that may contain the relevant DNA evidence. The property can then be released to the owner or another responsible person without being brought to the Property Management Bureau.
 1. A member of the affected investigative bureau/section must respond to the scene to evaluate the validity of this request. The District Attorney's office must be consulted and agree to this handling of the evidence.
 2. The name, DOB, address, and form of identification presented by the person accepting the property shall be noted on the officer's Log Sheet, DPD 120. This information shall be included in any letter sent to the investigative unit assigned to the case.
- (2) Officers shall deliver all evidence or personal/found property to the Property Management Bureau at the earliest possible time before the end of their shift.
- a. Property Management Bureau personnel will not respond to any scene for the purpose of picking up property or evidence to be stored in the Property Management Bureau. Officers can contact Uniform Supply or the Division Chief of Research, Training, and Technology for a truck whenever a large amount of property must be stored by the Police Department.
 - b. The officer delivering the property to the Property Management Bureau is responsible for completing all related paperwork. Such paperwork may include the Property Management Bureau's Invoice and Receipt, DPD 122, Personal Property or Evidence tags, DPD 309, Personal Property/Evidence envelopes or bags, DPD 23, Property Owner's Notification Card, DPD 351, and/or Request for Laboratory Examination, DPD 341.
 - c. Property Management Bureau personnel may refuse to accept any property/evidence for which the appropriate paperwork has not been completed.
 - d. Officers **shall not use the Inter-Departmental Mail** to deliver any evidence, Found property, or Personal property to the Property Management Bureau, except for identification cards, drivers' licenses, or keys as defined in OMS 106.02(2).

- (3) The Property Management Bureau's Invoice and Receipt, DPD 122, (hereafter simply referred to as the Invoice) is the Property Management Bureau's source document and must be completed for all evidence and most personal/found property delivered to the Property Management Bureau.
- a. The Invoice is a three-part form. The ORIGINAL is a permanent record retained in the Property Management Bureau. One COPY of the Invoice is for the investigator assigned to the case and the third COPY is to be retained by the officer placing the evidence in the Property Management Bureau.
 - b. All property will be categorized as:
 1. Evidence (E): Property that is attached to a criminal or alleged criminal investigation.
 2. Personal Property (P): Property that is not of evidentiary value but must be held for safekeeping for the owner.
 3. Found Property (F): Property that is not of evidentiary value. The owner may or may not be known.
 - c. The information on the Invoice must be complete and accurate. It is especially important that the following information be recorded on the Invoice:
 1. The General Session Summons & Complaint, DPD 287, Juvenile Summons & Complaint, DPD 386, or a General Occurrence (GO) report, DPD 250, case number.
 2. Name and serial number of officer(s) recovering the property.
 3. Names of **all prisoners associated** with the property that has been recovered.
 4. The correct street address, where the property was recovered and/or where the offense occurred.
 5. The name of any finder, claimant, or victim associated with the property is needed to link General Occurrence (GO) reports with evidence. Invoices pertaining to multiple suspects and/or victims must have the name of suspect(s) and/or victim(s) listed in the appropriate victim/prisoner spaces on the Invoice. Additionally, the Invoice must have the name of the owner of each item placed in the body of the Invoice, next to the item recovered. This is especially important in serious cases such as homicide, aggravated assault, and sexual assault, where the owner's name must appear beside each separate item of clothing and forensic specimen.
 6. The preferred method for listing property being invoiced into the Property Management Bureau on the Invoice by officers is to list the items in this order:
 - a. Money
 - b. Drugs/narcotics
 - c. Guns/ammo
 - d. All other property
 7. Descriptions of evidence must be accurate. Information such as serial number, make, model, type of action for guns, and color must be included on the Invoice
 - d. **All property related to a single criminal episode must be placed in the Property Management Bureau under a single Invoice number.** All additional invoices will be brought to the Property Management Bureau WITHOUT item numbers. The item numbers for the Additional Invoice will be obtained at the Property Management Bureau from the Property Technicians and placed on the Additional Invoice by the submitting officer.
 - e. When placing items in the Property Management Bureau that were seized pursuant to the execution of a search warrant, the officer will complete only the top part of the Invoice, DPD 122, and attach a photocopy of the Return and Inventory, DPD 373. See OMS 104.11.
 - f. The only time it is not necessary to complete an Invoice is for identification cards, keys, or a driver's license that the officer has found or inadvertently failed to return to the owner. See OMS 106.02(2) Personal and Found Property.

106.02 Personal and Found Property

- (1) Any officer coming into possession of personal and/or found property shall bring such property to the Property Management Bureau at the earliest possible time before the end of the officer's shift. **Officers shall not use the Inter-Departmental Mail system for this purpose.**
- a. An Invoice will be completed and the property will be properly packaged for identification.
 - b. Any information that could assist Property Management Bureau personnel in locating the owner(s) of the property must be included on the Invoice.
 - c. In the absence of an owner, officers will include: name and address of the finder and/or claimant.
 - d. When the property owner is known, the officer transporting the property to the Property Management Bureau will also complete the Property Owner's Notification Card, DPD 351.
 1. When personal property is removed from an impounded vehicle and taken to the Property Management Bureau for safekeeping, this information must be noted on the Impounded/Recovered Vehicle Report, DPD 224. The impounding officer should also leave a note on the vehicle instructing the owner to contact the Property Management Bureau to retrieve the property.
 2. If personal property is removed from a residence, business, or similar premise, the officer removing such property should leave a note at the site instructing the property owner to contact the Property Management Bureau to retrieve the property.
 3. When it is necessary to place personal property belonging to a hospital patient into the Property Management Bureau, a note stating the officer's name, serial number, the name of the patient, and a brief description of the property should be left with the records kept by the hospital. The officer shall request that the patient or family contact the Property Management Bureau to retrieve the property.
 4. Prisoner personal property too large to be stored at the PADF (City Jail) shall be brought to the Property Management Bureau for safekeeping. The officer placing such property into the Property Management Bureau will complete the Property Owner's Notification Card, DPD 351, and hand-carry it to the PADF elevator operator before leaving the building.
- (2) Officers shall make every effort to return all forms of identification at the conclusion of any contact. Identification cards, drivers' licenses, or keys that an officer has found or inadvertently failed to return to the owner(s) must be delivered to the Property Management Bureau. However, it is not necessary for the officer to complete an Invoice.
- a. The ID card, keys, and/or driver's license shall be placed in an envelope. The outside of the envelope will contain the officer's name, serial number, assignment, a brief description of the contents, the name/address of the owner, and where the property was found or recovered.
 - b. The officer recovering this property shall complete a Citizen's Notification Card, DPD 351, and present this card to the Property Technician on duty.
 - c. The envelope may be delivered to the Property Management Bureau by the officer or the officer may use the Inter-Departmental Mail to deliver it. If inter-departmental mail is used, a completed Citizen's Notification Card, DPD 351, must accompany the property.
 - d. **All** inquiries from citizens concerning retrievable property shall be referred to the Property Management Bureau's release phone located in the Lobby at Headquarters via the Security Desk personnel; the telephone number is 720-913-6589.
- (3) The owner(s) of any item classified as personal or found property must be notified that the Denver Police Department holds such property for **ONLY 30 DAYS** before it is disposed of or sold at public auction.
- (4) Property, that has not been declared to be contraband, found by a citizen, and turned over to the Police Department for safekeeping can be claimed by the finder at the end of the 30-day period if the owner has not been identified or the property claimed. (D.R.M.C. Sections 42-78(b) and 42-83). The citizen shall be instructed to contact the Commander of the Property Management Bureau to make such claim.

106.03 Evidence Handling Procedures

- (1) Any property destined to become evidence in a criminal case must be brought to the Property Management Bureau without delay, except for very large items or large quantities of property. See OMS 106.01(1)f.
- (2) The officer(s) bringing the evidence to the Property Management Bureau must complete an Invoice, DPD 122, listing each item being placed into evidence in the Property Management Bureau. If the evidence has been seized pursuant to the execution of a search warrant, the officer will complete only the top part of the Invoice, DPD 122, and attach a photocopy of the Return & Inventory, DPD 373. See OMS 104.11 and 106.01(3) e.
- (3) Each item of evidence must be properly identified and correctly packaged or tagged.
- a. Unless there is a compelling reason, all weapons brought to the Property Management Bureau will be unloaded. Ammunition will be packaged separately from the weapon. **Loaded weapons must be brought to the attention of the property technician so that Crime Laboratory personnel can be called to safely unload the weapon.**
 - b. Dangerous drugs/narcotics will be sealed inside a plastic evidence bag, separate from all evidence. Heat - seal the top after initialing and dating the bag. The sealed bag will then be placed in the appropriate sized Property/Evidence envelope, DPD 23, or box and sealed with evidence tape. Initial the evidence tape. An exception is made for freshly picked marijuana that must be packaged in paper. The bag/box will be sealed with red evidence tape and initialed.
 - c. The responsibility for accurately counting any money placed in the Property Management Bureau rests with the officer(s) submitting the cash.
 1. Officers submitting large quantities of U.S. currency (simply referred to as cash) to the Property Management Bureau may use a coin and bill counter in the Property Management Bureau to expedite the count.
 2. Generally, coin and paper bills will be separated.
 - a. Paper bills will be sorted by denomination. The quantity of each denomination will be listed in the space(s) provided on the face of the Money Envelope, DPD 23M. The officer(s) submitting the money to the Property Management Bureau will complete the calculations, indicate the total amount of cash being submitted, place the money into the tamper-evident Money Envelope, seal it, and remove the numbered receipt.
 - b. Coin
 1. Large amounts of coin will be sealed in a separate plastic, tamper-evident envelope after being counted. If using the detail tape printed by the coin counting machine, the officer(s) submitting the coin will record the quantity of each denomination, calculate the total amount, place the coin and the detail tape inside the Money Envelope, seal the bag, and remove the numbered receipt.
 2. Small amounts of coin may be placed in the same envelope as paper bills.
 3. The officer(s) submitting the cash will seal it in the appropriate plastic bag after the money has been counted.
 - a. Cash amounts from .01¢ or more, but less than \$300.00 will be sealed in the completed tamper-evident Money Envelope, DPD 23M, provided by Property Management Bureau personnel. The SIGNATURE of the officer sealing the money in the Money Envelope; MUST be affixed to the plastic, tamper-evident Money Envelope. The completed plastic Money Envelope will be put inside a completed Blue Property Envelope, DPD 23, when size allows.

- b. Cash amounts that are \$300.00 or more but less than \$5,000.00 requires that the accuracy of the count be verified by a second officer. This officer will not be an officer assigned to the Property Management Bureau. The SIGNATURE of the second officer verifying the count MUST be affixed to the plastic, tamper-evident Money Envelope. The completed plastic money envelope will be put inside a completed Blue Property Envelope, DPD 23, when size allows.
 - c. Cash amounts that are \$5,000.00 or more require that the accuracy of the count be verified by a supervisor or commander. This supervisor or commander will not be assigned to the Property Management Bureau. The SIGNATURE of the supervisor or commander verifying the count MUST be affixed to the plastic, tamper-evident Money Envelope. The completed plastic money envelope will be put inside a completed Blue Property Envelope, DPD 23, when size allows.
4. Once the cash has been sealed in a tamper-evident money envelope, the envelope will only be opened by the officer submitting the cash, or in the presence of one representative from the Property Management Bureau and one representative from the Division Chief of Research, Training, and Technology's office.
5. The officer submitting cash that has been placed in the plastic, tamper-evident Money Envelope will remove the perforated, numbered receipt from the Money Envelope. This numbered receipt will be retained by the officer to ensure the Chain of Custody has been maintained.
6. The total amount of cash placed in the Property Management Bureau and the Money Envelope receipt number must be recorded on the Property Management Bureau Invoice, DPD 122, and the exterior of the evidence envelope or bag.
7. Collector's coins, such as proof sets or gold coins that are packaged for display will be separated from other cash. The value of such coins shall not be included in the final total of cash being placed into the Property Management Bureau.
8. Foreign money and food stamps are handled as any other paper evidence. These documents are not placed into the safe.
9. The investigating detective at the scene of all homicides, suicides, or police shootings will be responsible for placing any currency (evidence or personal property) into the Property Management Bureau. This will exclude Crime Scene detectives.
10. Officers will refer to OMS 304.10 for seizing money related to a narcotics investigation and/or charge.
 - a. Once approved by the Narcotics Unit the seizing officer will respond to the Property Management Bureau with the money where it will be inventoried and receive a Property Management Bureau number. The money will be placed into a completed tamper-evident bag and sealed. If approved, the officer placing the money into the Property Management Bureau must inform the technician that the money must be placed in a "clean" safe.
 - b. The tamper-evident bag will be placed inside a vapor proof plastic bag that will be initialed, heat-sealed by the seizing officer, and returned to the Property Management Bureau technician to be placed in the "clean safe".
 - c. It is the responsibility of the investigator in charge to arrange to have the money submitted for a "sniff" test by a drug detection dog at the earliest possible opportunity. After the "sniff" test, the money will be held in the cash room of the Property Management Bureau.
 - d. Money will not be stored in the "clean" safe for more than forty-eight (48) hours. After forty-eight (48) hours, a command officer in the Vice/Drug Control Bureau will be notified that the money is being moved to the safe in the N-Room.
 - e. Documentation of the route and chain of custody of monies seized under these circumstances will become part of the criminal and/or civil case file.
 - f. Results of the "sniff test" will be documented in the civil and/or criminal case filed by the assigned detective.

g. Opened evidence bags, though no longer usable, must be returned to the Property Management Bureau to prove the chain of custody.

d. Money Disposition:

It is the goal of the Property Management Bureau to deposit most cash in an off-site account. Cash will only be held in the Property Management Bureau safe if it is determined that the cash itself has intrinsic evidentiary value and is vital to the prosecution of the case or if the cash is determined to be a collector's item worth more than its face value.

1. When money is submitted on felony cases it will be the responsibility of the assigned detective to meet with the Intake DA and reach a decision regarding whether the actual item of cash must be held as evidence or whether the cash may be deposited. The assigned detective and the Intake DA must complete a Money Disposition Sheet, DPD 619. This form must be returned to the Commander of the Property Management Bureau within ten days of the submission of the money. If the form is not completed and returned within ten (10) days; the Commander of the Property Management Bureau will contact the assigned detective's commander.
2. When money is submitted on misdemeanor cases the submitting officer will take a photograph of the cash and place the photograph and the sealed cash plastic bag inside a blue evidence bag. Cash submitted on misdemeanor cases will be deposited off site unless the officer completes Money Disposition Sheet, DPD 619, detailing the need for the actual cash to be held. Officers should use the guidelines listed above to determine the need for actually holding the cash. Once the cash is deposited the photograph will be maintained for evidentiary purposes.
3. Officers that are going to try and seize the money are instructed to check the appropriate box on the Money Disposition Sheet, DPD 619, indicating the planned seizure. The detective will also talk with the Intake DA about the planned seizure. A signature of the DA and assigned detective is required on the form.
4. Money WILL NOT be taken from suspects unless it is evidentiary in nature or unless it is found property. Money on a prisoner that is Personal Property will remain with the prisoner through the booking process at the City Jail. At this time the City Jail will deal with the money per their procedures.

e. Officers shall wear protective gloves whenever handling property, particularly clothing, belonging to a known carrier of infectious or contagious disease. This information **will be brought to the attention of the property technician on duty at the time the evidence is invoiced into the Property Management Bureau.**

f. Clothing:

1. When collecting clothing as evidence at the scene of serious crimes against persons, such as homicide, aggravated assault, and sexual assault, each separate item of clothing recovered from each suspect and each victim must be collected and packaged in separate paper bags.
 - a. Evidentiary value is lost when one clothing item comes into contact with another, thus contaminating them both, or when clothing is separated or moved from one bag to another.
 - b. The item description, name of the person from whom the item was recovered, and the Property Management Bureau Invoice number must be listed on each paper bag.
2. Under no circumstances can bloody or wet clothing be packaged in plastic. The plastic reduces the circulation of air and causes blood-soaked or damp clothing to decompose. The officer bringing such clothing to the Property Management Bureau must inform the property technician that the clothing is bloody or wet so that arrangements can be made to dry the property.
3. The officer placing clothing of evidentiary value into the Property Management Bureau must check all pockets for money, drugs, or other contraband. If any is found, each must be listed as a separate item on the Invoice.

- 4. Clothing can contain DNA evidence from both victims and offenders. Officers collecting and preserving clothing must utilize all necessary precautions to avoid cross-contamination or loss of the evidentiary value of the clothing item.
 - g. Paper bags, plastic bags, boxes, and tags are available in the Property Management Bureau. The officer shall consult the property technician on duty, when there are any questions about the best way to package evidence.
- (4) Evidence requiring laboratory analysis will be taken to the Property Management Bureau. Evidence will be identified and properly packaged. An Invoice will be completed.
- a. When a suspected controlled substance must be analyzed, the investigator assigned to the case will complete a Request for Presumptive Screening, DPD 705. The investigator is required to physically inspect the contraband and complete one request for each item to be analyzed.
 - b. Officers bringing evidence to the Property Management Bureau that requires fingerprint processing will complete a Request for Laboratory Examination template, DPD 341, at the time the evidence is invoiced. Such property must be handled carefully so that fingerprint evidence will be protected.
 - c. The assigned investigator shall complete the Request for Laboratory Examination template, DPD 341, in all felony crimes against persons, such as sexual assault or homicide.
- (5) When evidence is placed into the Property Management Bureau, the Detective copy of the completed invoice shall be forwarded by the Property Technician to the appropriate bureau of the Criminal Investigation Division. The investigator assigned to the case shall complete the portions of the invoice that identify the case number, name, serial number, and assignment of the investigator. A copy of the amended Invoice shall be returned to the Property Management Bureau in order to update the computer information.
- (6) Officers submitting compact disks containing video, photographic, or audio recordings requiring additional investigation by detectives will complete the following steps:
- a. The officers shall complete all necessary property invoices and envelopes for the disk.
 - b. Prior to placing the disk into evidence, the officer will request that the Property Management Bureau Technician make a copy of the original disk, in the officer's presence.
 - c. Upon completion of the duplication process, the investigating officer will place the original disk into evidence and forward the duplicate disk to the unit responsible for the investigation.

106.04 Release of Personal and Found Property

- (1) The Property Release Section is located on B-1 of Police Headquarters, and is open Monday through Friday, holidays excepted, from 7:00 a.m. until 3:00 p.m. This office can be contacted by telephone at 720-913-6589.
- (2) Personal property can be released to the owner without any additional paperwork required of the officer invoicing it into the Property Management Bureau.
- (3) Personal property may be retrieved by persons other than the owner upon presentation of a notarized letter authorizing the release of the property.
- (4) Unclaimed property may be released to the finder in accordance with provisions of the Denver Revised Municipal Code (D.R.M.C.). See OMS 106.02(4).

106.05 Evidence Withdrawal Procedures

- (1) The Property Withdrawal Record, DPD 265, must be completed anytime evidence is temporarily withdrawn from the Property Management Bureau. The original copy of this form is retained in the Property Management Bureau as a permanent record. A copy is provided to the person withdrawing the property.
- (2) Evidence may be withdrawn from the Property Management Bureau for these reasons:
 - a. For analysis by personnel in the Crime Laboratory.

- b. For examination by members of a concerned investigative bureau/section within the Denver Police Department.
- c. Presentation in court.
- d. Release to another law enforcement agency.
- e. For analysis or examination by an authorized agency outside the Denver Police Department.
- f. To be shown to a victim, witness, or other person related to the investigation.
- g. Release to the rightful owner.
- h. Evidence may not be withdrawn for any other purpose except with the written consent of the Chief of Police, Deputy Chief of Police, or the Chief of the division to which the investigating officer is assigned.

(3) Those authorized to withdraw evidence using Property Withdrawal Record, DPD 265, include the officer originally invoicing the property, the investigator(s) assigned to the case, personnel assigned to the Crime Laboratory, members of the prosecuting attorney's office, investigators assigned to the prosecuting attorney's office, and supervisors or commanders of the division to which the investigation responsibilities have been assigned.

(4) Currency seizures of \$5,000 or more, placed in the Property Management Bureau, may be removed only by the submitting officer or the detective filing the case. The officer or detective's supervisor or commander shall be present and shall sign the property release form.

(5) The person withdrawing evidence from the Property Management Bureau is responsible for returning the evidence within 24 hours and/or completing the necessary paperwork; documenting the location of such property if it is not returned to the Property Management Bureau within the required time. Items not accounted for in twenty-four (24) hours will be reported to the Internal Affairs Bureau.

(6) Any evidence withdrawn from the Property Management Bureau must be returned within twenty-four (24) hours, unless:

a. Such evidence is retained by the Court, Property Withdrawal Slip, DPD 265, must be returned to the Property Management Bureau with the Courtroom number and the signature of the Court officer authorizing the retention of the evidence.

b. The evidence is returned to the owner Property Withdrawal Slip, DPD 265, and Property Management Bureau Receipt, DPD 10, will be returned to the Property Management Bureau without delay. The signatures of the officer releasing the evidence and the owner accepting the evidence must appear on the Property Management Bureau Receipt.

c. The evidence is to be permanently retained by an outside law enforcement agency. Property Management Bureau Receipt, DPD 10, must be completed. The signature of the agency representative accepting the property must appear on this document. The Property Withdrawal Slip, DPD 265, and the Property Management Bureau Receipt, DPD 10, must be returned to the Property Management Bureau.

d. The necessary examination requires an extended period of time. A letter on an Inter-department Correspondence, DPD 200, explaining the circumstances of this extended delay must be attached to the original Property Withdrawal Slip, DPD 265. Both documents will be returned to the Property Management Bureau.

106.06 Disposition of Evidence

(1) Weapons taken from offenders shall be held in the Property Management Bureau until the final determination of the prosecution of the offense.

- a. If the defendant is found guilty, the court may order the forfeiture of the weapon.
- b. Any weapon ordered forfeited by the court shall remain in the custody of the Chief of Police until the weapon is destroyed.

- 1. By January 31st of each year, the Chief of Police shall provide to the presiding judge of the county court, an inventory of all weapons confiscated and ordered forfeited during the previous year.

2. If a weapon that has been confiscated and ordered forfeited can be used for training, repairs, or similar uses, it shall become the property of the Police Department.
- (2) Release of any property held as evidence requires written authorization.
 - a. The prosecuting attorney may authorize release of evidence no longer needed in the adjudication process and will notify both the investigator assigned to the case and the Property Management Bureau of this decision.
 - b. The commander/supervisor of the bureau to which an officer/investigator is assigned may authorize release of evidence being held by the Denver Police Department.
 - c. The officer placing evidence into the Property Management Bureau OR the investigator assigned to the case may authorize release of evidence no longer needed for the adjudication process.
 - d. C.R.S. §18-1-1102 requires the preservation of DNA evidence related to Class I felonies or those cases where an indeterminate sentence exists. In such cases, the Denver Police Department must maintain all reasonable and relevant evidence that may contain DNA for the life of the defendant sentenced to the Department of Corrections for life or, when not filing charges, for the length of the statute of limitations.
 - e. C.R.S. §18-1-1103 regulates the destruction and disposition of evidence that may contain DNA. The Denver Police Department shall not dispose or, or cause the destruction of, any evidence that may contain DNA without the express written permission of the District Attorney for the Second Judicial District, or Court order permitting the destruction.
 - (3) Except under circumstances involving DNA evidence, an authorized member of the investigative team requesting release of evidence may:
 - a. Respond to the Property Management Bureau to obtain a computer printout of the evidence being held by the Police Department. The upper portion of the computer printout must be completed by the officer/investigator authorizing release of the evidence. The RELEASE disposition, name, and address of the person(s) to whom the evidence is to be released, signature, serial number, and date must appear on the printout.
 - b. Request that Property Management Bureau personnel FAX the printout to a convenient site within the Police Department so that the RELEASE information can be noted. The completed printout may then be returned via FAX to the Property Management Bureau.
 - (4) Evidence that can be returned to the rightful owner should be photographed and released as soon as possible. The owner and the property being released shall appear in the photograph.
 - (5) As soon as the release of any item being held as evidence is authorized, the item becomes classified as personal property and is subject to the procedures in OMS 106.04. Personal Property may be disposed of by the Property Management Bureau after thirty (30) days.
 - (6) Except under circumstances involving DNA evidence, the Property Management Bureau will notify officers and investigators, via computer printout(s) addressed to their assignments, of evidence in the Property Management Bureau inventory that has been held for thirteen (13) months or longer.
 - a. It is the responsibility of the officer or investigator receiving the thirteen-month (13-month) notice to determine the status of the case captioned on the printout.
 - b. Officers/investigators must return the signed computer printout(s) to the Property Management Bureau with the appropriate disposition noted within ten (10) days of receipt.
 - c. All requests to **RELEASE** evidence must include the name and complete address of the person to whom the property is to be released. It is the responsibility of the releasing officer/investigator to notify the owner that the property is ready to be picked up at the Police Administration Building in the Property Release Section via the Security Desk personnel.
 - d. All requests to **HOLD** evidence must include the name and serial number of the officer or investigator assigned to the case as well as the **DPD case number**.
 - e. Officers/investigators will mark **DESTROY** on the computer printout listing contraband, such as an illicit drug or illegal weapon, that is no longer needed for the adjudication process.

f. Officers/investigators will mark the computer printout **SELL/DESTROY** for all property not being held for court presentation, released to the owner, or destroyed as contraband. Final disposition of the evidence will be determined by Property Management Bureau personnel in accordance with the provisions of the Denver Revised Municipal Code (D.R.M.C.).

(7) The Commander of the Property Management Bureau has the authority to dispose of evidence being held for GSS&C, DPD 236, and JS&C, DPD 386, cases whenever the recovering officer has separated from the Classified Service and/or the statute of limitations in such instances has expired.

(8) The preceding evidence release procedure notwithstanding, evidence held in relation to any death investigation will be handled in the following manner:

- a. Definitions of death investigations will include, but are not limited to; Homicide, Suicide, Known and Unknown dead, Accidental, and Traffic Fatalities.
- b. Evidence held in any death investigation will be maintained until the investigation into the death has been thoroughly examined by the Unit, Section, or Bureau responsible for the case.
- c. Without exception, evidence held in relation to a death investigation will not be destroyed or disposed of without approval of the commanding officer of the Homicide Unit, in consultation with the Commander of the Crimes Against Persons Bureau and the District Attorney.
- d. Once the decision to destroy, dispose, or return evidence in a death investigation is made, it will be the responsibility of the commanding officer of the Homicide Unit to approve its release.
- e. Evidence held in relation to any traffic fatality will be destroyed or disposed of only after its release has been approved by the commanding officer of the Traffic Investigations Bureau, in consultation with the commanding officer of the Homicide Unit and the District Attorney.
 1. This procedure will be completed to ensure that persons killed in apparent traffic accidents are not the victims of foul play.
- f. Evidence disposition procedures will follow those outlined in OMS 106.06 (6).
- g. Disposition or destruction of DNA evidence will follow the procedures outlined in C.R.S. §18-1-1103.
- h. Once evidence disposition has been decided, irrespective to holding, releasing, destroying, or selling; a copy of the disposition document will be placed into the case investigation file impacted by the disposition.
- i. Questions regarding the procedure to use with respect to evidence in a death investigation may be directed to the commanding officer of the Homicide Unit.

106.07 Crime Scene Evidence

- (1) The Crime Laboratory shall be called in all cases of homicide, suicide, police shootings, burglary/rape, and other cases in which physical evidence may assist in solving and proving the crime.
 - a. Crime Laboratory personnel will conduct the actual search, collect the evidence and transport, or have it transported, to the Property Management Bureau.
 - b. All fingerprinting will be done by qualified personnel from the Crime Laboratory.
 - c. Crime Laboratory personnel, in consultation with the investigating detective, will determine when the collection of DNA evidence is reasonable and relevant. The investigating detective will document in their supplementary report the reason(s) for collecting, or not collecting, evidence that may contain DNA.
 - d. Investigators who later come into possession of evidence requiring examination shall take the evidence to the Property Management Bureau as soon as possible.
 - e. When trace evidence is submitted to the Crime Laboratory for examination, samples from a known source should be obtained, packaged separately to prevent cross-contamination, and submitted with the evidence from the unknown source whenever possible. Trace evidence includes, but is not limited to, hair, fibers, fabric, paint, glass, wood, and soil.

- (2) Officers called to, or happening on, the scene of a crime or suspicious death shall take immediate steps to protect the area and prevent the destruction, mutilation, concealment or contamination of physical evidence, call the Investigative Division, and any other assistance as may be necessary.
- (3) The ranking detective at the scene will be in full charge of the investigation when present. In the absence of a detective, the Crime Laboratory personnel will take full charge.
- (4) Officers at the scene of a homicide shall not handle any object; or make a search of a body until the Medical Examiner has made an investigation, or permit any other person to do so. Particular caution will be exercised and careful attention paid to the body and effects of the victim in assault cases and to any fingerprints that may be on weapons or other articles used in the crime.
- (5) Officers discovering a suspicious death or suicide shall assume that the death is criminal homicide and proceed accordingly. They shall investigate all deaths when there are reasonable grounds to suspect that the death was not due to natural causes. The dispatcher and Investigation Division shall be notified at once.
- (6) When the search for suspects at a crime scene has been completed, and the Crime Laboratory has been called, officers shall secure the scene and limit any further search pending arrival of Crime Laboratory investigators.
- (7) Fingerprint Evidence
 - a. The Crime Laboratory shall be called whenever the officer believes there is a possibility of obtaining latent prints.
 1. Particular attention should be given to glass that has been broken out or removed from the point of entry, and to items with clean, smooth, non-porous surfaces.
 2. The Crime Laboratory may also be called in instances of strictly "public relations".
 - b. Trained laboratory personnel will print all evidence.
 - c. Officers may take small articles to the Property Management Bureau for later examination by the Crime Laboratory.]
- (8) Processing Motor Vehicles for Evidentiary Items
 - a. Vehicles impounded for serious crimes, i.e. homicide, sexual assault, will be impounded at Traffic Operations, with the approval of a Crime Laboratory supervisor.
 1. A tow slip will be made by the towing officer at the time the vehicle is placed in the cage for processing.
 2. The assigned detective will be present at the time the vehicle is processed. The detective is responsible for documenting the evidence recovered from the vehicle.
 3. Maintaining motor vehicles, as evidence, indefinitely is impractical. Crime Laboratory personnel will collect all reasonable and relevant DNA evidence or the material where the evidence may exist, prior to the release of the motor vehicle.]
 - b. Motor vehicles involved in theft from motor vehicle cases or recovered local steals may be printed if it is probable that printable surfaces have been handled by the suspect.
 - c. Important trace material having further probative value should not be overlooked by officers recovering stolen vehicles. It should be emphasized that in the recovery of a stolen vehicle the officer must be extremely circumspect in terms of searching for such contraband as narcotics, stolen property, weapons, bullet holes, etc., as well as procedural disposition of personal property.
 - d. Any officer recovering a stolen vehicle shall make a thorough and complete search of the vehicle and its contents. The officer shall then note in detail the results of the investigation on the Impounded/Recovered Vehicle Report, DPD 224, documenting any unusual situation or condition of the vehicle, the contents of the vehicle, and disposition of all articles found in the vehicle. Special notice shall be made on the Impounded/Recovered Vehicle Report, DPD 224 of any existing damage to the vehicle being impounded. See OMS 206.04.
 - e. Crime Laboratory personnel will not process any impounded vehicle unless a Request for Laboratory Analysis template, DPD 341, has been received.

1. When a vehicle is placed in the Car Pound with a hold for prints or for other evidentiary purposes, the officer having the vehicle impounded will complete all four (4) copies of the Impounded/Recovered Vehicle Report, DPD 224. See OMS 206.04.
2. The detective assigned to the case involving the impounded vehicle will determine if the vehicle needs to be processed by the Crime Laboratory.
 - a. The detective will complete the Request for Laboratory Analysis template, DPD 341, and forward it to the Crime Laboratory supervisor.
 - b. If the request for analysis is approved, the Crime Laboratory Supervisor will assign an investigator to process the impounded vehicle.
 - c. The results of the Crime Laboratory's findings will be made available to the requesting detective.

106.08 Photographic Evidence

- (1) The detectives assigned to the Traffic Investigations Bureau shall be responsible for ensuring that an adequate number of photographs are taken of accident scenes under their investigation. Crime Laboratory personnel shall be utilized to photograph any serious injury or fatal accident scene as deemed necessary by the assigned investigator of the Traffic Investigations Bureau.
- (2) Photographic equipment such as Polaroid, 35MM, digital cameras, and/or video cameras issued to units and bureaus are to be used to document visual evidence and other appropriate police business. When documenting visual evidence in serious crime scenes, Crime Laboratory personnel will be utilized. See OMS 106.07 and 106.08. In instances where a response by the Crime Laboratory Bureau is not appropriate officers will use the equipment assigned to their Bureau. See OMS 106.08(2). This equipment may also be utilized to document departmentally sponsored public relations or ceremonial events. Utilization of Department photographic/video equipment for other than official police business is prohibited.
 - a. When officers, other than personnel from the Crime Laboratory, photograph/video any portion of any scene, or document any evidence, these images will be surrendered promptly to the detective in charge of the investigation for inclusion in the case. In the event there is no detective assigned, (County Court cases) these images will be placed into evidence for later use in court.
 - b. Departmentally owned photographic/video equipment, and all images produced thereby, remains the sole property of the Denver Police Department. Officers are strictly prohibited from reproducing, displaying, or distributing these images (either digital or photographic) in any manner except for official purposes. Prior written approval of a command officer is required for utilization of department images as training aids.
 - c. The use of personal cameras/video by any officer acting in an official capacity at crime scenes, accidents, or natural disasters is expressly forbidden. Officers on or off-duty, who gain access to any scene on the basis of their status as an officer, will be deemed to be acting in an official capacity. In the event personal equipment is used in an emergency to document perishable evidence, those images produced will be considered case evidence and governed by the provisions in OMS 106.08 (2) b. All such images will be surrendered to the detective in charge of the case at the earliest possible convenience.
- (3) Officers shall instruct all doctors, medical examiners, or first aid personnel who may be at the site of a homicide, not to disturb the scene or the body in any manner until all necessary photographs have been taken. Photographs can be disqualified as evidence if the original scene is changed in any way.
- (4) Photos will be taken at the scene of all homicides, suicides, and questionable deaths. Video photography will be at the discretion of the officer in charge of the investigation. Photographs of victims of sexual assault, aggravated assault, child abuse, and other personal injury cases will be taken by Crime Laboratory personnel at the photo studio located at headquarters. The investigating detective must be present when photographs are taken for presentation in court. If the victim is female, a female city employee will be present at all times when photographs are taken. Crime Laboratory personnel will not be dispatched to victim's homes or to any hospital without prior approval from a Crime Laboratory supervisor or commander.
- (5) Personnel assigned to the Photo Laboratory are responsible for specialized photography, such as micro, macro, and copy photography.

- (6) All requests for photographic supplies and services will be processed through the commander of the Photo Laboratory.
- (7) Photographic equipment purchased through government grants, etc., will be transferred to the Photo Laboratory inventory upon the termination of the unit or agency.
- (8) Cameras and film will be available to investigators and officers when needed. Commanders may request that Photo Laboratory personnel provide instruction in the operation of the photographic equipment for personnel under their command.
- (9) Processing and printing of film will be done by the Photo Section.
- (10) Photographs for court shall be ordered on "Request for Photos" form upon receipt of subpoenas. Only the officer assigned to the case will order photos and then only when the case is set for trial. Requests from the District Attorney's Office will be honored. Requests from the Public Defender's Office will be directed to and approved by the commander of the Civil Liability Bureau.
- (11) Photographs taken at the scene of riots, disorders, protest demonstrations, marches, or similar incidents shall be destroyed after the event if no illegal actions occurred. If illegal actions occurred, only those photographs will be retained and filed which will be useful in illustrating the incidents and identifying and bringing to trial the participants in the illegal activity, or in defending against a civil claim. Such photographs shall be destroyed in the event no criminal or civil proceedings are filed.

106.09 Release of Firearms

- (1) When any person responds to Police Headquarters for the purpose of obtaining a firearm from the Property Management Bureau they will adhere to the following procedure. The Property Management Bureau allows for third party returns if the owner has signed a notarized release. Under these circumstances both the third party and owner must go through the following procedure.
 - a. The Property Release personnel will ask them to fill out a Request for Firearms Release, DPD 350.
 - b. The Property Release Clerk will verify the information provided against the person's identification insuring that an address and phone number if available, is provided for later contact. Acceptable identification will be a state driver's license or ID with picture, military ID, or passport. The Property Release clerk will advise the requester that a background check will be completed and the requestor will be notified, by mail, when and if they may pick up the weapon.
 - c. The Property Release Clerk will hand carry the form to the Intelligence Bureau. The Intelligence Bureau will be responsible for completing a background check on the person.
 - d. If the person is determined to be a "Prohibited Person", the Intelligence Bureau detective will notify the requestor. The only information the Department may provide to the requestor is the Intelligence Bureau Detectives name who completed the background and to consult with an attorney for legal advice. At no time, should the person be given advice regarding the return of their weapon.
 - e. If the person is determined to be a "Prohibited Person", the Intelligence Bureau detective will notify the Property Management Bureau day shift sergeant. The Property Management Bureau sergeant will send, or cause to be sent, a Property Owner's Notification Card, DPD 351. This card will be stamped "Prohibited Person". This card fulfills the requirements of D.R.M.C. Section 42-81, that requires written notification prior to destruction. The Property Management Bureau Sergeant will assure that the computer reflects that the weapon is not to be released so all Property Management Bureau personnel are notified.
 - f. If the requestor is determined by the Intelligence Bureau not to be a "prohibited person", the Intelligence Bureau detective will send the completed form to the Property Management Bureau day shift sergeant who will contact the requestor and advise them how to pick up of the weapon.

