COLLECTION, PRESERVATION, AND DOCUMENTATION OF EVIDENCE AND PROPERTY

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References
Chapters 379, 561-569, 705, 831, 849, 860, 893 and 932, Florida Statutes.; Ch. 68, F.A.C.; GO 09 and 49; CFA Chapters 27.01M, 27.02M, 27.05, 27.07M, 27.09M, 27.10M, 27.12M, 27.13M, 28.01M, 28.02M, 28.05M, 30.01M, 30.02M

1 POLICY

A The Division’s resource protection mission often requires the seizure of perishable or live resources and equipment which necessitates unique storage and disposal requirements distinctive to conservation law enforcement. All such wildlife, fisheries, or equipment and property seizures shall be conducted in accordance with Chapters 379 and 932, Florida Statutes.

B A seizure is any action by a sworn member taking control or possession away from any person of any fish, wildlife, or property, no matter the form or format. A seizure may be actual or constructive.

C An item may be seized or maintained by the Division:

(1) Pursuant to a warrant or other court order.
(2) When the item is contraband.
(3) When the item is stolen or otherwise the fruit of a crime, or when the item has been used as an instrument in the commission of a crime, or when the item has evidentiary value.
(4) Pursuant to Chapter 705, Florida Statute, lost or abandoned property.
(5) For safekeeping of personal property if the owner is unable to maintain or take possession of their property.

D The Division shall adhere to Federal Law, Florida Statutes, Court Orders, and Division General Orders when seizing, disposing, or donating all evidence, seized, lost or abandoned property, or property maintained for safekeeping.

E The Division shall adhere to the Florida Department of Law Enforcement (FDLE) Crime Laboratory Evidence Submission Manual when collecting, safeguarding, preserving, and processing evidence.

F Sworn members are authorized to seize any wildlife, freshwater or saltwater products, or contraband which have been unlawfully harvested, taken, processed, or unlawfully possessed or transported in violation of any of the laws of this state or any FWC rule.
G In the interest of conservation, the seizure of any unlawfully possessed live fish or wildlife shall be properly documented and the fish or wildlife returned unharmed to the wild.

H Non-native species or captive wildlife shall not be released or returned to the wild but shall be maintained in a properly licensed or permitted facility.

I If a court order exists allowing the pre-conviction disposal of evidence which consists of perishable product(s) or illegal gear and that evidence has been properly documented, it may be donated, sold, or destroyed prior to final disposition of the related criminal case(s).

J Evidence and seized property shall be stored only in a Division-approved storage facility.

K The personal use, loaning, or giving away of any item of evidence or property coming into a member’s possession in the course of his or her official duties is prohibited.

L Definitions

(1) Audit / Inspection / Inventory

(a) Audit – The examination of records and activities to ensure compliance with established controls, policies, and operational procedures, as well as any recommendations for modification of activities, controls, policies or procedures.

(b) Inspection – Inspecting permanent and temporary evidence and property facilities to ensure the following standards are met: security, handling and packaging of items, and neatness and orderliness.

(c) Inventory – The act or process of cataloging, through a full accounting of the quantity of goods or materials on hand, unless a standard specifically allows for a partial accounting.

(2) Constructive Seizure – Occurs when the Division falls short of actual physical seizure or possession of another person’s property and instead issues a notice or statement of forfeiture action.

(3) Digital Equipment – For the purpose of this General Order, digital equipment is defined as any storage device which has the potential to store evidence including, but not limited to, a computer, external hard drive, CD, DVD, DVR and Blue ray players, cell phone, video recorder, global positioning system (GPS), body camera recordings, or any personal recording device.

(4) Hazardous Materials – Any chemical or biological agent which, after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any person, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction), or physical deformations in such persons or their offspring.

2 Responsibilities

A The Division

(1) Provides secure storage facilities for evidence and seized property at locations throughout the state.

(2) Provides a system for tracking evidence and seized or found property and for documenting the chain of custody to include the following:

(a) Current location

(b) Date and time received and released

(c) Description

(d) Chain of custody from time of receipt to final disposition
(3) Provides inspection, inventory, and audit of evidence and property storage facilities. The annual audit of records and activities shall be conducted by the designee of the Operational Support Section Leader and shall be documented and reported to the appropriate Deputy Division Director.

B Regional Commanders

(1) Ensure that members under their supervision follow evidence and seized property procedures.

(2) Appoint and document in writing an Evidence Custodian and Alternate Evidence Custodian(s) for each evidence and property storage facility.

(3) Ensure that training is provided to the Evidence Custodian and their alternates on the procedures for collection, preservation, disposition, forfeiture, donation and destruction of evidence and seized property.

(4) Ensure an annual inventory of evidence and seized property is performed by the Evidence Custodian or alternate and a member who is not routinely or directly connected with the evidence and seized property function. The annual inventory shall be a 100% inventory and shall be documented on the Inventory and Unannounced Inspection Report (FWCDLE-039A) with the original retained by the Evidence Custodian and a copy emailed to the Accreditation Manager.

(a) Seized live evidence or property located at offsite permitted facilities, as referenced in section 3(G) of this General Order, shall be accounted for when conducting the annual inventory.

(5) Ensure that an unannounced inspection of evidence and seized property is performed annually of all evidence and seized property storage facilities within his or her Region. Ensure that the unannounced inspection is conducted by a supervisor who is not routinely or directly connected with the facilities. Unannounced inspections shall be documented on the Inventory and Unannounced Inspection Report (FWCDLE-039A) with the original retained by the Evidence Custodian and a copy emailed to the Accreditation Manager.

(6) Annual inventories and unannounced inspections of evidence and seized property facilities shall be conducted as separate events and shall not be conducted simultaneously.

(7) Ensure an inventory of evidence and seized property is performed when a Primary Evidence Custodian leaves the position and a new one is appointed. The inventory shall be a 100% inventory, conducted simultaneously by both the outgoing and the newly appointed Evidence Custodian and shall be documented on the Inventory and Unannounced Inspection Report (FWCDLE-039A) with the original retained by the Evidence Custodian and a copy emailed to the Accreditation Manager.

(8) Designate the area to be served by each evidence storage facility and ensure that all documentation associated with evidence and seized property is provided to the assigned facility. Exceptions to use an alternate evidence storage facility may be made with approval by the Regional Commander.

(9) Ensure that training is provided to members processing digital equipment collected as seized or abandoned property or evidence. Staff shall use a Division approved lesson plan outlining the collection, processing, and preservation of digital records to train members to properly package evidence and seized or abandoned property for submission to an evidence facility.

(10) Review, edit as necessary, and approve a list of institutions or entities, including scientific research facilities such as the Florida Fish and Wildlife Research Institute (FWRI) or other scientific organizations where donations of fish or wildlife may be made by sworn members. This list shall be maintained in the Evidence Tracking System by the Evidence Custodian.
(11) Review, edit as necessary, and approve a list of all non-FWC storage facilities which are accredited by the Commission for Florida Law Enforcement Accreditation (CFA). These facilities may be used to store evidence under extenuating circumstances and with Regional Commander Approval. This list shall be made available in the Evidence Tracking System.

C Supervisors

(1) Ensure that members under his or her command comply with the procedures contained within this policy.

(2) Ensure that the most recent statutes and Division policies are consulted prior to authorizing forfeiture proceedings.

(3) Ensure that forfeitures are conducted to deter and prevent the continued use of contraband articles for criminal purposes while protecting the proprietary interests of innocent owners and lienholders.

D Evidence Custodians

(1) Are responsible for maintaining chain of custody and tracking of all evidence and seized property delivered to evidence and property storage facilities within their control.

(2) Shall adhere to the Division Evidence Custodian Manual.

(3) When property or evidence stored in a Division evidence storage facility is determined to be lost, missing, or potentially stolen, an Incident Summary Report shall be submitted through the chain-of-command to the FWC Office of Inspector General for follow up within 14 days of the discovery. The FWC Office of Inspector General may conduct an investigation of the lost, missing, or potentially stolen property or evidence, if applicable, and report the results to the Division Director. If the investigation results indicate the property or evidence may have been stolen, the Office of Inspector General shall require the Evidence Custodian to file a report with the local law enforcement agency.

E Members

(1) Members shall adhere to the FDLE Crime Laboratory Evidence Submission Manual and applicable Division General Orders regarding the proper collection, processing, marking, labeling, packaging, and delivery of all evidence or seized property.

(2) Members shall provide safe and secure storage of evidence and property.

(3) Members shall notify the Regional Communications Center anytime property or evidence is seized and request an incident number. The member's notification shall include a brief description of items seized and intended disposition or storage location of seized items.

(4) Sworn members shall obtain the appropriate supervisory approvals in accordance with this General Order prior to initiating forfeiture proceedings.

(5) When seizing evidence or property, an accurate description including make, model, serial number, color, size or other identifying characteristics shall be documented on the Property Receipt (FWCDLE-029).

(6) When seizing commercial quantities of fish or wildlife, an accurate description of species, size, and quantity or other identifying characteristics shall be documented on the Property Receipt (FWCDLE-029).

(7) When seizing recreational quantities of fish, wildlife, or other natural resources, an accurate description including species, size, and quantity and disposition shall be documented on the Citation (FWCDLE-025) or Official Warning (FWCDLE-065).

(8) Provide a Property Receipt (FWCDLE-029) and a copy of the Citation (FWCDLE-025), if issued, listing the items seized to the person from whom the evidence or property was seized. If the person refuses to sign the Property Receipt (FWCDLE-029), the sworn member shall write "REFUSED TO SIGN" in the signature location.
(9) Submit a signed copy of the Property Receipt (FWCDLE-029) along with a copy of the Citation (FWCDLE-025), if applicable, to the Evidence Custodian.

(10) When placing items into evidence storage, sworn members shall attach the EPID (FWCDLE-074) or equivalent tracking tag. Each separately packaged item must include an EPID (FWCDLE-074) or equivalent tracking tag.

(11) Secure all collected evidence and seized property at a Division approved storage facility prior to the end of a sworn member’s shift
   (a) Ensure an Evidence Custodian is notified by a pre-determined method when evidence is placed in any evidence storage facility.
   (b) Notify an Evidence Custodian if temporary storage is full or not available.
   (c) If an Evidence Custodian is not available, contact a supervisor for guidance.
   (d) If evidence is placed at an approved non-FWC facility, a copy of the paperwork shall be provided to the Evidence Custodian as soon as possible, but no later than 72 hours after placement. This includes providing proof of transfer of custodian to the receiving agency. This may be in the form of the receiving agency signing the completed Property Receipt (FWCDLE029) or providing a copy of the receiving agency’s property receipt to the submitting FWC officer.

(12) Request a National Crime Information Center/Florida Crime Information Center (NCIC/FCIC) check on all seized property and recovered items with identifying numbers and document findings on the Incident Summary Report Narrative

(13) Obtain approval from a supervisor prior to seizing a vessel, vehicle, outboard motor, trailer, or aircraft. Consult and follow Division General Order 09, Vehicle and Vessel Towing and Impoundment for impoundment procedures.

(14) Deliver perishable items of evidence or seized property to an approved, secure refrigerated storage facility in a timely manner and by end of shift to ensure preservation of the item(s).

(15) Suspected or known hazardous materials shall not be packaged, transported or stored. Hazardous materials shall not be stored in a Commission storage facility. Hazardous material samples shall be collected by a governmental hazardous materials team or their contractor(s).

(16) Notify the Evidence Custodian of case disposition as soon as possible in order to dispose of evidence and property as efficiently as possible.

F Regional Communications Center

(1) Upon notification of a seizure, a Duty Officer shall record the information into the Computer Aided Dispatch (CAD) System. The information shall include:
   (a) Brief description of the evidence or property seized.
   (b) Intended storage location.

(2) At the request of the Evidence Custodian, the Duty Officer Supervisor or designee shall provide the Evidence Custodian at each evidence storage facility with a CAD-generated report of all seizures made since the last update.
3 PROCEDURES

A Photographs, Digital, and Electronic Media

(1) Members shall only use recording devices issued and approved by the Division and shall utilize these devices in accordance with applicable state and federal laws.

   (a) Members with Division issued recording devices shall be trained on the collection, upload, and storage of digital evidence.

   (b) Using personally owned recording devices is not authorized.

(2) Photographs, videos, and digital/electronic records, including digital/electronic storage devices seized as evidence shall be listed on a Property Receipt (FWCDLE-029), assigned an evidence number, and handled as evidence.

   (a) Body camera recordings are an exception since they are automatically retained in the Division approved cloud upon upload.

   (b) Digital equipment seized as evidence shall be processed according to the Division guiding document, Procedures for Seizing and Preserving Digital Equipment as Evidence, found in the Division’s manual library and via PowerDMS.

(3) With the exception of body camera recordings, audio or video recordings taken by members shall begin with the member verbally stating their name and identification number, followed by date, time, incident number, location of seizure, description of items or purpose of the recording, and the name of the property owner (if applicable).

   (a) Any audio or video recording taken by a member, regardless of evidentiary value, is a public record and shall be stored and/or destroyed according to record retention requirements.

   (b) Images, audio and/or video recordings are the property of the Division and shall not be copied, released, or disseminated in any form or manner outside the parameters of general orders and laws of the State of Florida without approval by authorized Division personnel. Authorized personnel shall consult, as necessary, with the agency clerk or the legal office regarding release of this type of record.

   (c) The release of images, audio and/or video recordings requested through a public records request will be subject to the same statutory exemptions from disclosure as any other Division records.

   (d) Under no circumstances shall any member of the Division make a personal copy of any recorded images.

   (e) Commission issued recording devices shall only be used for agency business and shall not be used to record personal matters and shall not be activated in places where there exists a reasonable expectation of privacy, such as locker rooms, dressing rooms, restrooms or any other area where someone has exhibited a reasonable expectation of privacy.

   (f) Images, audio and/or video recordings taken for evidentiary purposes shall be downloaded and stored via procedures established in this General Order.

   (g) No member shall alter or enhance any digital data submitted for evidence except as provided herein:

      1. The original recorded images shall not be altered, changed, edited, or in any way modified from the original format.

      2. Working copies of images, audio and/or video recordings may be altered so as to enhance audibility and/or visual clarity. Originals must be submitted as evidence in an unaltered condition.
(4) With the exception of body camera recordings, a member who records digital data shall deliver the digital data to an agency approved data storage system by the end of their shift unless it is part of an ongoing investigation with supervisory approval.

(a) The Evidence Custodian shall transfer the digital data to a non-rewriteable optical disc or other approved digital equipment to preserve the evidence and/or public record.

(b) If an evidence storage facility has a dedicated computer with a hard drive that is permanently housed inside the facility, digital data of evidentiary and/or public record value shall be stored on that computer's hard drive. In this circumstance, the Evidence Custodian is responsible for backing up the entire digital evidence library from the hard drive to an optical disc or other portable digital equipment. The backup must be completed within 72 hours after adding any new digital data and the portable device must be stored inside the evidence storage facility.

(c) Transferring or duplication of digital data shall be done by the Evidence Custodian, or their designee in accordance with the manufacturer’s instructions using approved, properly licensed software.

(5) Photographs of illegally taken wildlife, freshwater fish, or saltwater fish that have been documented in accordance with Section 3 (Procedures), Subsection F Seized Fish and Wildlife, bullet (5)(b) of this General Order as permitted by Section 379.3381, Florida Statutes, shall be inserted or attached to the Incident Summary Report Narrative to be filed as part of the incident documentation and are not required to be submitted to the Evidence Custodian for transfer to a non-rewriteable optical disc or other approved digital media storage device.

(6) Photographs of captive wildlife inspections, investigations or complaints needed as evidence shall be inserted or attached to the Incident Summary Report Narrative to be filed as part of the incident documentation and are not required to be submitted to the Evidence Custodian for transfer to a non-rewriteable optical disc or other approved digital media storage device.

(7) Body camera recordings shall be uploaded daily. Exceptions due to exigent circumstances shall be approved by a Captain or above.

B Diagram of a Crime Scene

(1) If appropriate, or as directed by a supervisor, a member shall diagram the location of evidence found at the scene of the violation(s). The diagram should include all critical dimensions of the scene so that an accurate reconstruction of the incident can later be accomplished.

C Photographs, Video, and Audio Recordings of Defendants

(1) Photographs, video, and audio recordings may be utilized for court identification, or other investigative or evidentiary purposes.

(2) Photographs, video, and audio recordings of defendants shall not be posted by members on web sites or social media without prior approval by the Division Director.

D Evidence and Property Identification Tag (EPID)

(1) The EPID (FWCDLE-074) shall be utilized to identify an item as evidence or seized property in the custody of the Division and shall be attached to each item of evidence or seized property unless circumstances require a weather resistant alternative. The weather resistant alternative shall perform the same function as the EPID, however the EPID shall be completed and retained with the property receipt for tracking.

(2) The EPID shall contain the agency name and shall include an incident number, evidence/property/item number, description of item(s), subject name, seizing sworn member, and case type.

(3) In the event an EPID is not the most feasible method of identifying an item as evidence, an equivalent may be utilized with the same procedure as the requirements of the EPID.
E Chain of Custody

(1) The chain-of-custody shall be maintained on all seized items being held as property or evidence. Each separately packaged item must have its own corresponding EPID (FWCDLE-074) or equivalent tracking tag.

(2) The chain-of-custody shall be documented on the Property Receipt (FWCDLE-029) at time of seizure with the following information:
   (a) Date, time, and method of transfer.
   (b) Receiving persons name and responsibility.
   (c) Reason for transfer.

(3) For items requiring analysis, the following shall be completed:
   (a) Name and location of the laboratory/entity with synopsis of the event and examinations desired.
   (b) Date and time of transit to the laboratory/entity.
   (c) Name and signature of person receiving the item.

(4) When receiving or transferring evidence and property between members within the Division, each member shall complete the Property Receipt (FWCDLE-029).

(5) For items that are removed or transferred from an evidence facility, the following shall occur:
   (a) The Evidence Custodian shall document the removal transaction on the Property Receipt (FWCDLE-029).
   (b) The receiving member or other person shall document that they received the item(s).
   (c) The receiving member shall obtain a photocopy of the Property Receipt (FWCDLE-029), then return the original documents to the Evidence Custodian with any additional documents useful in explaining the incident.

(6) When transferring items of property and evidence to any entity outside of the Division, the chain-of-custody shall be documented on the Property Receipt (FWCDLE-029) and a copy provided to the Evidence Custodian.

(7) When transferring items of evidence or property by mail or freight, additional proof of transaction must be attached to the Property Receipt (FWCDLE-029) and may be in the following forms:
   (a) If items are shipped by commercial carrier, shipping receipts or tracking documents.
   (b) Official documents or receipts from other entities such as approved non-FWC evidence storage facilities, legal entities, law enforcement agencies, laboratories, etc.

(8) After a member properly documents the transfer of property and evidence to a person or entity outside the Division, the item and chain of custody is no longer under the control of the Division. If property or evidence returns to the control of the Division, members are responsible for documenting receipt and continued chain of custody for those items. If item(s) are not under the physical control of the Division, and if appropriate, the case status may reflect as “open”.

F Seized Fish or Wildlife

(1) Sworn members shall seize all fish and wildlife necessary for the prosecution of an offense or as required by any court of appropriate jurisdiction.

(2) Seized fish and wildlife not released live, donated, or destroyed shall be retained by the seizing sworn member and stored in an evidence storage facility.

(3) Sworn members shall document all seized items to be retained by the Division, or by another approved entity on a Property Receipt (FWCDLE-029).
(4) Sworn members dealing with fish and wildlife that are neither contraband nor evidence may exercise their discretion by taking “no action” in accordance with General Order 49, Community Oriented Policing Philosophy and Strategic Planning. The member may also issue an Official Warning (FWCDLE-065) or Citation (FWCDLE-025) and not seize the fish or wildlife.

(5) Photographs Deemed Competent Evidence
   (a) Section 379.3381, Florida Statutes, states that in the prosecution of a violation of chapter 379, Florida Statutes, any other chapter, or rules of the Florida Fish and Wildlife Conservation Commission, a photograph of illegally taken wildlife, freshwater fish, or saltwater fish may be deemed competent evidence of such property and may be admissible in the prosecution to the same extent as if such wildlife, freshwater fish, or saltwater fish were introduced as evidence.
   (b) Photographs of illegally taken wildlife, freshwater fish, or saltwater fish shall be inserted or attached to the Incident Summary Report Narrative and include the following information:
       1. A written description of the wildlife, freshwater fish, or saltwater fish alleged to have been illegally taken.
       2. Name of the violator.
       3. Date the photograph was taken
       4. Location where the alleged illegal taking occurred.
       5. Incident number and citation number.
       6. Name of the investigating member.
       7. Name of the photographer.
   (c) A copy of the completed Incident Summary Report Narrative documenting the circumstances of the case and a copy of the photographs shall be provided to the court in a timely manner.

(6) Live Fish and Wildlife
   (a) Members shall photograph and properly document fish and wildlife returned live on the Citation (FWCDLE-025) or the comment section of the Official Warning (FWCDLE-065).
   (b) Members are not required to document non-commercial quantities of fish or wildlife returned live on a Property Receipt (FWCDLE-029).
   (c) Non-commercial quantities of fish and wildlife returned live shall be documented on the Citation (FWCDLE-025) and an Incident Summary Report Narrative.
   (d) Commercial quantities of live fish and wildlife shall be documented on a Property Receipt (FWCDLE-029).

(7) Dead Fish and Wildlife
   (a) If there is a court order for destruction, members may destroy seized dead fish and wildlife prior to disposition of the case.
   (b) Prior to destruction, members shall photograph and document the seized dead fish and wildlife, then document the destruction on the Citation (FWCDLE-025) or the comment section of the Official Warning (FWCDLE-065).
   (c) Non-Commercial quantities of dead fish or wildlife shall be documented on the Citation (FWCDLE-025) and an Incident Summary Report Narrative.
   (d) Commercial quantities of dead fish and wildlife shall be documented on a Property Receipt (FWCDLE-029).
(e) Members shall use discretion in their methods of destroying and disposing seized dead fish or wildlife. Items shall not be destroyed or disposed of in front of defendant(s) but returned to the food chain beyond public view or destroyed at an approved landfill.

(8) Donating Fish and Wildlife

(a) If there is a court order for donation, members may donate fish and wildlife prior to disposition of the case. For purposes of this General Order, donation may also include the transfer to another unit of federal, state or local government for official use in accordance with Section 379.338(1), Florida Statutes.

(b) Members shall photograph and document seized fish and wildlife that is donated on both the Property Receipt (FWCDLE-029) and the Evidence & Forfeited Property Disposition (FWCDLE-028A).

(c) If applicable, members shall document seized fish and wildlife that is donated on the Citation (FWCDLE-025) or the comment section of the Official Warning (FWCDLE-065).

(d) Fish or wildlife donated or sold for human consumption must be of a good quality.

(e) If possession of a species of fish or wildlife is unlawful (i.e. threatened or endangered species), it cannot be donated, but must be disposed of as prescribed in Section 3 (Procedures), Subsection F Seized Fish or Wildlife, bullet (7) of this General Order. Exceptions can be made for game animals and fish that were taken out of season, such as deer, but that can be legally possessed at certain times.

(9) Over-the-Bag-Limit

(a) Members shall follow the requirements of the court in their jurisdiction on whether to seize or photograph or to dispose of specific quantities of fish or wildlife in over-the-bag-limit cases.

(10) Sale of Commercial Products

(a) If a member seizes commercial saltwater products suitable for sale, the member shall immediately contact a supervisor to initiate the sales process in accordance with Section 379.337(5), Florida Statutes.

(b) The proceeds from the sale of commercial products shall be sent with a cover memorandum and copies of any citations and Property Receipts to the Florida Fish and Wildlife Conservation Commission, Attn: Office of Finance and Budget, Revenue Section, P.O. Box 6150, Tallahassee, FL 32314 to be held in escrow pending disposition of the case.

(c) Upon final disposition and review of the associated case by the Regional Commander, Section Leader, or his or her designee, the appropriate Captain shall submit court orders and other supporting documents to the Attn: Office of Finance and Budget, Revenue Section, P.O. Box 6150, Tallahassee, FL 32314. The Captain shall also submit a memorandum to the appropriate Deputy Director, specifying that the funds are to be released to the Commission or returned to the defendant.

(d) The appropriate Deputy Director shall advise the Commission’s Office of Finance and Budget, Revenue Section, when the funds are to be removed from escrow and deposited in another account or returned to the defendant. The applicable Evidence Custodian shall be notified of final disposition of funds.
G  Storage of Seized Live Evidence and Property

(1) The constructive seizure of live evidence and property requires supervisory approval prior to seizure and notification to the appropriate Evidence Custodian.

(2) The welfare of the resource as well as the safety of people must be considered before making a decision to physically seize or store live evidence or property. In some cases, constructive seizure may be the best option available.

(3) Members shall photograph and document constructive and live evidence seizures on Property Receipt (FWCDLE-029) and provide the property receipt to the appropriate Evidence Custodian within 72 hours of seizure.

(4) If a Division evidence storage facility is not adequate, an off-site location may be pre-approved by the Regional Commander. All required documentation shall be maintained as part of the case file. The EPID (FWCDLE-074), or equivalent tracking tag, shall be maintained with the seized item(s), if feasible.

(5) In the event that a permit holder storing live evidence or property loses their permit, evidence shall be transferred to a permitted facility within 3 business days of discovery. An extension beyond 3 days may be granted by a Section Leader for extenuating circumstances.

(6) In all cases, photographs are to be taken of the seized live evidence or property unless a supervisor authorizes otherwise due to equipment failure or special circumstances. The equipment failure or special circumstances shall be documented on the Incident Summary Report.

H  Federal (NOAA) Cases

(1) Evidence shall be handled in accordance with the Cooperative Enforcement Agreement between the United States Department of Commerce National Oceanic and Atmospheric Administration (NOAA) and the Florida Fish and Wildlife Conservation Commission Division of Law Enforcement.

   (a) Evidence associated with cooperative enforcement action shall be handled pursuant to this General Order, except that the evidence may be turned over to a NOAA representative at any time. Written documentation of the transfer is required on a Property Receipt (FWCDLE-029).

   (b) Evidence associated with cooperative enforcement action may be destroyed, forfeited, or disposed of as directed with written authorization from a NOAA representative and documented on the Evidence & Forfeited Property Disposition form (FWCDLE-028).

I  Firearms and Weapons

(1) Firearms and other weapons shall immediately be rendered safe upon seizure. The method used to render the weapon safe shall be verified when entered and stored in an evidence and property storage facility.

   (a) Firearms shall be secured with any device (i.e. zip tie, etc.) that prevents the action from closing and that allows for a quick visual inspection that the firearm is safe.

   (b) Muzzle loaders shall not be stored in an evidence storage facility unless the primer, powder, and projectile has first been removed from the muzzle.

(2) Firearms shall be locked in a safe, gun locker, or other lockable compartment or storage device within an evidence storage facility.

(3) In accordance with Section 790.08, Florida Statutes, a sworn member who makes an arrest under Section 790.07, Florida Statutes (committing or attempting to commit any felony while displaying, using, threatening, or attempting to use any weapon or electric weapon or device or carrying a concealed weapon), shall take possession of any weapons, electric weapons or devices, or arms found upon the person arrested and deliver them to the Sheriff of the county.
or the Chief of Police of the municipality wherein the arrest was made, who shall retain the same until after the trial of the person arrested.

(a) A sworn member seizing any weapon, or electric weapon or device as described above shall deliver same to the Sheriff or Chief of Police as soon as possible, preferably by the end of his or her shift.

(b) This seizure shall be documented on a Division property receipt (FWCDLE029), the receiving agency shall sign the property receipt and a copy shall be provided to the Division evidence custodian. If applicable, the evidence custodian shall also be provided with a copy of the receiving agency’s documentation.

4) Firearms and other weapons seized as part of an arrest due to a violation of Chapter 379, Florida Statutes, shall be held by the Division in accordance with this General Order and on disposition of the case shall be returned to the rightful owner, or disposed of as directed by the court.

(a) Firearms or weapons not claimed by the owner within 60 days of court disposition shall be delivered to the Sheriff of the county in which it was seized pursuant to Section 790.08, Florida Statutes.

(b) Firearms forfeited to the Division shall be submitted to the Forfeited Firearms Coordinator at GHQ in Tallahassee for processing and assignment of an agency property number in accordance with the requirements of the FWC’s Asset Management Section. Evidence Custodians shall arrange for the transfer in coordination with the Forfeited Firearms Coordinator and guidelines in the Evidence Custodian Manual.

1. The Regional Commander may request that a forfeited firearm be returned to the Region for Division use on the transfer memorandum. If the firearm meets statutory and agency safety requirements as verified by the Forfeited Firearms Coordinator, the firearm shall be transferred back to the Region after in-processing and assignment of a property number.

2. All firearms transferred back to the Region shall be safety checked by the Forfeited Firearms Coordinator to ensure the firearm is safe to be utilized in the capacity requested.

J Seized Currency, Precious Metals, Jewelry, Weapons and Controlled Substances

(1) Sworn members shall immediately notify an evidence custodian and the appropriate Regional Communications Center when exceptional or valuable items of evidence or property including, but not limited to cash, valuable jewelry, and controlled substances, are seized or retained for safekeeping. If an evidence custodian is not on duty, a supervisor shall be notified.

(2) A photograph, photocopy, or detailed inventory of all currency, negotiable instruments/securities, and valuable jewelry shall be included and shall be verified by at least two sworn members, one of whom shall be a supervisor and who must also sign the Property Receipt (FWCDLE-029).

(a) All seized or retained currency shall be documented on the Seized or Retained Currency Inventory Form (FWCDLE 030).

(3) Money awarded to the state, or seized cash that is not required to be kept as evidence may be submitted to the FWC Office of Finance in the form of a money order. The Evidence Custodian Manual provides guidance for proper submission.

(4) If a controlled substance is taken into custody, the following procedures shall apply:

(a) The following may be performed on any controlled substance:

1. Field Testing

2. Lab Analysis through the FDLE Crime Lab (if applicable).
(b) Packaging and secure storage:
   1. Paraphernalia should be packaged separately from controlled substances. Do not mix
different controlled substances; if two or more different drugs are found together, a
separate bag shall be used to package each item.
   2. Any sharp paraphernalia such as razor blades, broken glass, or needles must be
protected. Needles must be placed inside a sturdy, non-collapsible container.

(c) All controlled substances shall be separated by type and sealed in individual bags or
envelopes. Pills in quantities of one-hundred (100) or less shall be counted, while larger
quantities shall be weighed and recorded as total package weight. The approximate
amount and description of the drug shall be entered on all applicable forms. Each bag or
envelope shall be sealed with the member’s signature written across the seam of the tape.
   1. In accordance with Section 893.105, Florida Statutes, any controlled substance or
listed chemical seized as evidence may be sample tested and shall be weighed by the
seizing officer at the time of seizure.
   2. Total package weight shall be recorded on all required documentation.
   3. If a sample is sent to a lab for analysis, both the total package weight of the sample
and the total package weight of the substance left after testing shall be documented.
   4. Controlled substances or listed chemicals that are not retained for sample testing as
provided above may be destroyed pursuant to a court order issued in accordance with
Section 893.12, Florida Statutes.

(d) If a controlled substance cannot be stored at a Division evidence storage facility, it may be
stored at another law enforcement agency meeting accreditation standards and with
preapproval from the appropriate Regional Commander. A completed Property Receipt
(FWCDLE-029) must be signed by the receiving agency and provided to the Evidence
Custodian within 72 hours. If the receiving agency completes their own Property receipt
upon receipt, a copy shall be provided to the Evidence Custodian along with the completed
Property Receipt (FWCDLE-029).

K Lost and Abandoned Property and Unclaimed Evidence
   (1) Lost or abandoned property shall be delivered to the appropriate field office having an evidence
storage facility, or to a local law enforcement agency in accordance with Chapter 705, Florida
Statutes. An Incident Summary Report and Property Receipt (FWCDLE-029) shall be completed
and submitted via chain of command to the area Captain for review.
   (2) If feasible, the area Captain shall determine if the value of the seized property is greater than or
less than $100.
   (3) If the supervisor believes the property has no intrinsic value, an Incident Summary Report
including photograph(s) and description of the property shall be submitted to the appropriate
Captain for review. If the property is determined to be "abandoned property" and has no intrinsic
value, the area Captain may authorize disposal of the property adhering to procedures required
under Chapter 705, Florida Statutes. For towing and impoundment of abandoned vehicles, refer
to General Order 09, Vehicle and Vessel Towing and Impoundment.
   (4) Unclaimed Evidence or Property:
      (a) If the unclaimed evidence or property is a vehicle, vessel, outboard motor, trailer, or aircraft
and requires registration, an Unclaimed Evidence Action Notice (FWCDLE-033) shall be
completed and submitted to the appropriate Deputy Director. The Deputy Director or
designee shall determine if the property has no appreciable value and may be disposed of
or assigned for use as outlined in Chapter 705, Florida Statutes.
L Procedures for a Vessel, Vehicle, Outboard Motor, Trailer, Aircraft, or Cash Found on Public Property

(1) For vehicles or vessels subject to Florida registration or titling requirements, documentation of the destruction including photographs and notification to DHSMV for title cancellation is required if the vehicle or vessel is destroyed. Other unclaimed evidence shall be handled pursuant to Section 705.105, Florida Statutes.

(2) When lost or abandoned property is turned over to or recovered by the Division, whether the property is actually taken into custody or is handled as a constructive seizure, an Initial Seizure Report (FWCDLE-018) shall be sent to the appropriate Deputy Director within 24 hours.

(3) If the item is of such a nature that it cannot be easily removed or if the property is being stored by the finder, the Division shall handle pursuant to section 705.103(2), Florida Statute. The member shall indicate the appropriate action on the Property Receipt (FWCDLE-029).

(4) If the lost property has a value of $200 or more, is a vehicle, vessel, outboard motor, trailer, or aircraft that requires registration, a Lost or Abandoned Property Certificate (FWCDLE-003) shall be completed and submitted to the appropriate Deputy Director. The Deputy Director shall determine if the property shall be disposed of or assigned for use.

M Procedures for a Vessel, Vehicle, Outboard Motor, Trailer, Aircraft, or Cash Found on Private Property

(1) A person who wants to claim property found on private property shall be referred to the Sheriff's Office of the county in which the property is located.

N Recovered Stolen Property

(1) If practicable, stolen property shall be turned over to the law enforcement agency having jurisdiction. Recovered stolen property should never be left unattended after being confirmed as stolen. In the event a sworn member is unable to turn over the recovered stolen property to another law enforcement agency, he or she shall adhere to the following:

(a) Immediately notify a supervisor and request that a Duty Officer notify the originating law enforcement agency by teletype. A copy of the teletype message shall be made part of the investigative file and an Initial Seizure Report (FWCDLE-018) shall be sent to the appropriate Deputy Director within 24 hours.

(b) Within seven days of recovery, the seizing sworn member shall ensure notification of the owner or victim and the insurer. In addition, if the recovered property is a vessel, vehicle, outboard motor, trailer, or aircraft, the sworn member shall notify the registered lienholder. The initial notification may be made by telephone or in person, but those persons found to have a financial interest in the property must also be notified in writing. This notification may be delayed if the owner is a suspect in a continuing investigation. The notification shall be documented in the Incident Summary Report.

(c) If the stolen property is a vessel, vehicle, outboard motor, trailer, or aircraft and the person in possession or claiming ownership at the time of the recovery has a title that a reasonable person would believe identifies the property or proof of purchase to reflect a "good faith purchase," then the vessel, vehicle, outboard motor, trailer, or aircraft shall remain in the custody of the Division of Law Enforcement or under constructive seizure. If ownership of the stolen property cannot be determined, the sworn member shall contact the Legal Office for assistance.

(2) A recovered stolen vessel, vehicle, or outboard motor as outlined in Section 860.20 Florida Statutes, or trailer with the manufacturer's identification number altered or removed may not be released from the Division’s custody until DHSMV has been notified and the correct or state assigned number on the replacement decal has been placed on the property to be returned.
**O  Disposition – All items shall be disposed of by one of the following methods:**

1. Disposed of in compliance with a court order or
2. Released to claimant, owner, or legal representative.

   (a) A reasonable effort shall be made to identify and notify the owner or guardian of property within the Division’s custody, including but not limited to telephone, certified letter, or direct contact. Contact efforts shall be documented on the Incident Summary Report or by email to the Evidence Custodian.

   (b) Any seized evidence or property released to the claimant, owner or legal representative shall be documented on a Release for Returned Property (FWCDLE-028B).

   (c) If the claimant, owner or legal representative refuses to sign the Release for Returned Property (FWCDLE-028B), the sworn member should write “REFUSED TO SIGN” in the signature location and the refusal should be witnessed by another sworn member. In the event another sworn member is unavailable, any member shall serve as witness.

**P  Forfeiture Procedures – Florida Contraband Forfeiture Act – Section 932.701-7062, Florida Statutes and various other statutes which require application of the procedures in Section 932.701-7062, Florida Statutes:**

<table>
<thead>
<tr>
<th>Action Required</th>
<th>Time Frame</th>
<th>Florida Contraband Forfeiture Act Chapter 932.701-7062 Florida Statutes Pertaining to Vehicle/Vessel Seizure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice of Seizure and Intent to Forfeit</td>
<td>Within 5 Days of Seizure</td>
<td>The seizing sworn member shall notify all interested parties that the property is being considered for forfeiture by using the Notice of Seizure and Right to Adversarial Preliminary Hearing form (FWCDLE-115). This form shall be used to notify all parties on or about the seized property at the time of the seizure if possible/practical. This form shall be utilized to notify all or any other interested parties within five days of the date of seizure. It can be delivered in person or if sending via mail, it should be sent Certified Mail Return Receipt.</td>
</tr>
<tr>
<td>Initial Seizure Report</td>
<td>Within 24 Hours</td>
<td>The regional office shall also email a completed copy of the Initial Seizure Report (FWCDLE-018) to the appropriate Deputy Director of Operations and the Division’s Legal Counsel.</td>
</tr>
<tr>
<td>Submit Supplemental Documentation to Deputy Director and Legal Counsel</td>
<td>ASAP</td>
<td>After seizure of property subject to forfeiture under the Florida Contraband Forfeiture Act, a sworn member has a maximum of three calendar days from date of seizure to submit supplemental documentation, i.e. Incident Summary Report, Property Receipt(s), Pictures, Forfeiture Affidavit, Notice of Seizure and Intent to Forfeit form, findings, and information through the chain of command to the Deputy Director of Operations and the Division’s Legal Counsel to determine whether to proceed with forfeiture action. Written approval (e-mail is sufficient) from the Deputy Director is required to proceed.</td>
</tr>
<tr>
<td>Flag DHSMV</td>
<td>As Soon as Feasible After the Approval to Continue with Forfeiture Process Under FS 932</td>
<td>As soon as feasible after the approval to continue with forfeiture process, the sworn member or supervisor shall submit to the Department of Highway Safety and Motor Vehicles a Law Enforcement Administrative Stop Request (DHSMV form). This will place a title/tag stop on the vessel or vehicle that has been seized and is under investigation in the DHSMV title computer. The Initial Seizure Report (FWCDLE-018) will have to be forwarded to DHSMV as well.</td>
</tr>
</tbody>
</table>
Publish Notice of Intent 5 Days

Within five working days after the seizure, a notice of intent to forfeit shall be published once a week for two consecutive weeks in a newspaper of general circulation, according to Section 50.011, Florida Statutes, in the county where the seizure occurred, unless directed otherwise by the Division’s Legal Counsel.

**Q** Forfeiture Procedures – for Seized Property under Chapter 379, Florida Statutes and as they relate to wildlife and fisheries cases as established in Sections 379.337 and 379.339, Florida Statutes:

<table>
<thead>
<tr>
<th>Action Required</th>
<th>Time Frame</th>
<th>Fisheries and Wildlife Chapter 379, Florida Statutes Pertaining to Vehicle/Vessel Seizure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Receipt</td>
<td>At time of Seizure</td>
<td>Notice of Forfeiture SHALL NOT be served on the violator at the time of offense even if the property is seized at that time.</td>
</tr>
<tr>
<td>Flag DHSMV</td>
<td>As Soon as Feasible After the Wildlife/fisheries Arrest and the Decision to Seize and Forfeit Property Under FS 379 Has Been Determined</td>
<td>The sworn member or supervisor shall request the Department of Highway Safety and Motor Vehicles at (850) 617-2000 to flag the vessel or vehicle in the DHSMV title computer as “Under Investigation” by electronically submitting an Initial Seizure Report (FWCDLE-018), with a notification in the narrative indicating the vessel or vehicle is or shall be seized upon conviction and completion of the forfeiture process.</td>
</tr>
<tr>
<td>File w/Court &amp; SAO Notice of Seizure and Final Order of Forfeiture</td>
<td>Within 14 Calendar Days of the Date of Seizure</td>
<td>The arresting sworn member shall cause a notice of seizure and intent to forfeit to be sent by certified mail to the registered owner of the property. The sworn member shall also file a copy of the Notice of Seize and Intent to Forfeit form (FWCDLE-114) and a Final Order of Forfeiture form (FWCDLE-028) with the court and the State Attorney’s Office handling the related criminal charges.</td>
</tr>
<tr>
<td>Respondent May Request Hearing</td>
<td>21 Days</td>
<td>Any request for a hearing must be sent to the Division within 21 days after the registered owner’s receipt of the Notice of Seizure and Intent to Forfeit.</td>
</tr>
<tr>
<td>Request for Hearing</td>
<td>Upon Receipt</td>
<td>If the registered owner submits a request for a hearing, the sworn member or supervisor shall be responsible for providing a copy of the request to both the court and the State Attorney’s Office.</td>
</tr>
<tr>
<td>Provide Notice of Hearing</td>
<td>Upon Receipt</td>
<td>The arresting sworn member or supervisor shall be responsible for ensuring that the State Attorney’s Office provides notice to the registered owner who has requested a hearing of the date, time, and place of the hearing. If the State Attorney has failed to provide notice,</td>
</tr>
</tbody>
</table>
then the arresting sworn member or supervisor shall provide notice to the registered owner.

<table>
<thead>
<tr>
<th>R Disposition of Liens and Forfeited Property Pursuant to Florida Statute 932.7055</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Forfeited property retained for agency use shall be maintained and utilized in accordance with the Contraband Forfeiture Act and shall be subject to the same control with regard to property acquired through the agency's normal acquisition and replacement.</td>
</tr>
<tr>
<td>(a) When placing any forfeited item with a value of $1,000 or more into service, Commission policy shall be followed to obtain issuance of an FWC property number and decal. The property shall be assigned by the Regional Commander or Section Leader.</td>
</tr>
<tr>
<td>(2) Forfeiture proceeds shall be maintained in a special fund as provided by law, which is subject to the rules of the Office of the Comptroller. This fund shall be administered by the Commission’s Office of Finance and Budget, Revenue Section.</td>
</tr>
<tr>
<td>(3) Forfeited property may be destroyed with the destruction witnessed by a Division supervisor</td>
</tr>
<tr>
<td>(4) Forfeited property may be donated to a charitable organization. The Division Director shall approve the recipient organization.</td>
</tr>
<tr>
<td>(5) Firearms forfeited to the Division shall be processed as described in Section 3 (Procedures), Subsection I, Firearms and Weapons of this General Order (see above).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>S Reporting Seized Property for Forfeiture Pursuant to Florida Statute 932.7061-932.7062</th>
</tr>
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<tbody>
<tr>
<td>(1) Every law enforcement agency is required to submit an annual report to the Department of Law Enforcement indicating whether or not the agency has seized or forfeited property under the Florida Contraband Forfeiture Act.</td>
</tr>
<tr>
<td>(2) The report shall be completed</td>
</tr>
<tr>
<td>(a) By a designee of the Division’s budget section</td>
</tr>
<tr>
<td>(b) By following the instructions found on the FDLE website <a href="http://www.fdle.state.fl.us/OIG/Forfeiture-Reporting.aspx">http://www.fdle.state.fl.us/OIG/Forfeiture-Reporting.aspx</a></td>
</tr>
<tr>
<td>(c) Submitted electronically to <a href="mailto:ForfeitureReports@FDLE.state.fl.us">ForfeitureReports@FDLE.state.fl.us</a></td>
</tr>
<tr>
<td>(d) Submitted no later than December 1st of each year</td>
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</tbody>
</table>

1. Failure to report by the deadline could result in a civil fine of $5,000, to be determined by the State Chief Financial Officer and payable to the General Revenue Fund.

<table>
<thead>
<tr>
<th>T Procedures for Federal Asset Sharing</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) All activities related to Federal Asset Sharing shall be coordinated through the Office of the Division Director.</td>
</tr>
<tr>
<td>(2) The Division of Law Enforcement currently only engages in federal asset sharing with the National Oceanic &amp; Atmospheric Administration (NOAA) Office of Law Enforcement.</td>
</tr>
<tr>
<td>(a) Any assets shared with the NOAA Office of Law Enforcement require the prior execution of a separate Memorandum of Understanding (MOU) between NOAA and the FWC Division of Law Enforcement.</td>
</tr>
<tr>
<td>(3) If sharing of seized assets with other federal agencies due to joint law enforcement venture is anticipated the following guidelines must be followed:</td>
</tr>
</tbody>
</table>
(a) If the federal agency is one of the U.S. Department of Justice agencies, the following publication must be consulted: A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies.


(b) If the federal agency is one of the U.S. Department of the Treasury agencies, the following publication must be consulted: Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies.


(4) For either Justice or Treasury agencies, a Federal Equitable Sharing Agreement must be enacted by the Division Director and the Executive Director of the Florida Fish and Wildlife Conservation Commission prior to the receipt of any shared assets.

(a) The Federal Equitable Sharing Agreement must be renewed every three years.

(b) The Federal Equitable Sharing Agreement requires the submission of an Annual Certification Report.

(c) The Federal Equitable Sharing Agreement can be accessed here: https://www.justice.gov/criminal-mars/equitable-sharing-program


(5) When asset sharing is anticipated, the Regional Commanders shall coordinate with the Office of the Division Director to ensure the following forms are completed:


(c) The name, address, and telephone numbers of the federal agent and the responsible federal agency are to be included on the forms.

(d) The above form(s), the FWC Investigative Report (if available), and a brief statement of the case describing in detail FWC’s involvement and the basis of the seizure are to be forwarded to the Division Director within 7 calendar days of the seizure. After review, the form(s) and reports shall be sent to the Legal Office for review and signature. The forms and reports shall be returned to the Division Director for final signature after which, the form(s) shall be sent to the appropriate federal agency.

(6) A log of the requested shared forfeitures shall be maintained in the Office of the Division Director. The log shall be kept current and shall contain at a minimum:

(a) A consecutive numbering system for control purposes.

(b) Seizure type (property or currency).

(c) Amount of the seizure.

(d) Share amount requested.

(e) Name of agent and prosecutor handling the case.

(f) Amount received.
(g) Date share of forfeiture was received.

(7) To ensure the timely deposit of federal asset sharing, all checks should be sent directly to the Division Director. If federal sharing checks are received by any other Division component, the supervisor in charge of that component shall immediately notify the Division Director and forward the check immediately with a memorandum referencing the case number and whether funds came from the Justice Department or Treasury Department.

(8) For tracking purposes, the Office of the Division Director shall identify all funds received for deposit into the forfeiture account by way of the State accounting system. All expenditures of forfeiture funds obtained through the federal asset sharing agreement shall be in accordance with the guidelines set forth by the U.S. Department of Justice and the U.S. Department of the Treasury. Approval of the Director is required prior to the expenditure of any funds obtained through the federal asset sharing program and such expenditures must be made through the appropriation process or approved budget amendments.

(9) For asset sharing with federal agencies not referenced in this memorandum, procedures need to be developed on a case-by-case basis and in accordance with the federal agency's policies and procedures and any applicable state laws and rules.

U Storage of a Seized Vehicle, Vessel, Outboard Motor, Trailer, or Aircraft

(1) A supervisor shall determine where the seized vehicle, vessel, outboard motor, trailer, or aircraft shall be stored. A reasonable effort shall be made to store the above at a Division evidence storage facility.

(a) Whenever feasible, personal items (shoes, clothes, telephones, coolers, wallets etc.) shall not be seized with the property. If not feasible to release personal items at the time of seizure, items shall be returned to the owner or owner approved individual as soon as possible after the seizure.

(2) When the estimated value of property exceeds $100,000, a surveyor or appraiser shall be contacted to provide a written estimate of the value and to document the condition of the seized property. Prior to release, photographs or video shall be taken documenting the condition of the assessed equipment.

(3) When identification numbers are not displayed on the property, indicate in writing "none displayed" or "removed" on the Property Receipt (FWCDLE-029).

V Evidence Storage Facilities

(1) All persons are restricted from access into the evidence and property storage facilities unless escorted by an Evidence Custodian.

(2) All evidence and property storage facilities shall be located in or at a Commission approved facility.

(3) With approval from the Regional Commander, evidence may be stored at other law enforcement storage sites that meet accreditation standards, or other specific locations as required under exceptional circumstances, such as a commercial storage facility for vessels or other large equipment that cannot reasonably be stored at a Division facility.

(a) When seizing a weapon as the result of an arrest made under Section 790.07, Florida Statutes, the sworn member shall deliver the weapon to the Sheriff of the county, or the Chief of Police of the municipality wherein the arrest was made regardless of the accreditation status of the agency.

W Temporary Storage Areas for Evidence and Seized Property

(1) The temporary storage areas (lockers, freezers, and refrigerators) shall be located in an area that is not accessible to the general public.

(2) Temporary storage areas (lockers, freezers, and refrigerators) are for temporary storage of seized items until an Evidence Custodian can move the items into the permanent storage area. There must be a separate locking system for each seizure held in the temporary storage area.
(3) Heavy Endurance Class offshore patrol vessels, as defined by General Order 30, are designated as temporary storage areas.

(4) Temporary storage areas not in a Division facility must be approved by the Regional Commander prior to use.

**X Permanent and Temporary Evidence and Seized Property Compounds**

(1) Evidence and property compounds are restricted areas. The Evidence Custodian or Alternate Evidence Custodian shall escort persons entering the evidence and seized property compound. Every person entering shall be documented in the Evidence Room & Compound Entry Log (FWCDLE-336). All evidence and seized property compounds shall remain locked and secured.

(2) The Temporary Storage Compound may be part of the Division’s evidence and seized property compound if additional fencing separates it.

### 4 FORMS

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<td>FDLE Forfeiture Reporting Spreadsheet</td>
</tr>
<tr>
<td></td>
<td>Evidence Custodian Manual</td>
</tr>
<tr>
<td>FWCDLE-003</td>
<td>Lost or Abandoned Property Certificate</td>
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<tr>
<td>FWCDLE-018</td>
<td>Initial Seizure Report</td>
</tr>
<tr>
<td>FWCDLE-025</td>
<td>Citation</td>
</tr>
<tr>
<td>FWCDLE-028</td>
<td>Final Order of Forfeiture</td>
</tr>
<tr>
<td>FWCDLE-028A</td>
<td>Evidence &amp; Forfeited Property Disposition</td>
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<tr>
<td>FWCDLE-028B</td>
<td>Release for Return Property</td>
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<td>FWCDLE-029</td>
<td>Property Receipt</td>
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<tr>
<td>FWCDLE-030</td>
<td>Seized or Retained Currency Inventory Form</td>
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<tr>
<td>FWCDLE-033</td>
<td>Unclaimed Evidence Action Notice</td>
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<tr>
<td>FWCDLE-039A</td>
<td>Inventory and Unannounced Inspection Report</td>
</tr>
<tr>
<td>FWCDLE-065</td>
<td>Official Warning</td>
</tr>
<tr>
<td>FWCDLE-074</td>
<td>Evidence and Property Identification Tag (EPID)</td>
</tr>
<tr>
<td>FWCDLE-114</td>
<td>Notice of Seizure &amp; Intent to Forfeit</td>
</tr>
<tr>
<td>FWCDLE-115</td>
<td>On-Site Seizure &amp; Forfeiture Notification/ Notice of Seizure and Right to Adversarial Preliminary Hearing</td>
</tr>
<tr>
<td>FWCDLE-151</td>
<td>Request for Forfeiture Proceeding</td>
</tr>
<tr>
<td>FWCDLE-157</td>
<td>Order for Destruction of Controlled Substances</td>
</tr>
<tr>
<td>FWCDLE-336</td>
<td>Evidence Room &amp; Compound Entry Log</td>
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</tbody>
</table>