

COLUMBIA POLICE DEPARTMENT

"Policing Excellence through Community Partnerships"

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Subject: Evidence and Property Control		
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1.0 DIRECTIVE

The property management system of this Department is strictly adhered to for the handling, security and disposition of property.

2.0 REASON FOR PROPERTY MANAGEMENT

The proper collection, preservation and handling of physical evidence is becoming increasingly important. A proper chain of custody for evidence from the time of recovery until court presentation is one key element in the successful prosecution of criminal cases.

Found property and confiscated property, while not critical from a judicial perspective, must also be handled according to established procedures to insure its proper disposition.

The limitation of secured storage space requires that all property be disposed of as soon as possible. Only items of sound evidentiary value should be maintained. Found property of reasonable value should be stored 60 days. Found property of negligible value will be disposed of at the discretion of the Evidence Supervisor.

For the purpose of this chapter the following definitions apply:

- Evidence Any item of property that is directly related to a case under investigation, the seizure of which is intended for use in the identification of suspects, establishing elements of a crime and/or prosecution in court.
- Found Property Any lawful item of property that is controlled by the officer in order to attempt to return it to the rightful owner.

Confiscated Property Any unlawful item of property seized by an officer that cannot be defined as evidence.

3.0 EVIDENCE/PROPERTY UNIT RESPONSIBILITIES

Evidence/Property Unit personnel are responsible and accountable for all property and evidence that has been accepted for storage by the department. Evidence/Property Unit personnel will insure that the log in system reflects the current

location of property, date and time the property was seized or released, type and amount of property on hand and chain of custody from the time the property was received until it's destruction or final disposition.

Evidence Room personnel are responsible for maintaining an accurate filing system which enables him/her to quickly locate property under his/her control. Records will be kept of the disposition of all property in such a way as to protect the integrity and accountability of the Property Management System.

The Evidence Property Technicians will assist the Evidence Room Supervisor and in some cases can act as the Evidence Room Supervisor in his/her absence.

4.0 **PROPERTY CONTROL RECORDS**

4.1 All employees must complete a descriptive inventory of every item of evidentiary property coming into their possession as a result of their official duties and submit such items to the Property/Evidence Unit by the end of their shift.

Non-evidentiary items (found property) must also be submitted by the end of the officer's shift.

An incident report shall be submitted with a complete description of the item(s) are required each time evidence or property is placed in the Property/Evidence Unit. Each property tag, bag or envelope must also contain a complete description of the enclosed item(s)

- 4.2 When the Property/Evidence Unit is open, all items brought in will be listed by the submitting officer on a property tag, bag or envelope. All pertinent information will be documented legibly to include the signature of the submitting officer. Evidence/Property Unit personnel will check each entry for accuracy and then sign and stamp date it as well.
- 4.3 When the Evidence/Property Unit is closed, the property tags, bags and envelopes are available in the Evidence Locker Room. The exact location of storage will be listed on the tag or envelope to aid Evidence/Property Unit personnel in logging in the property (examples: large storage cage, locker, evidence drop box)

5.0 STORAGE OF PROPERTY

Evidence/Property Unit personnel cannot accept any property for storage that is not correctly packaged and labeled. The submitting officer must resolve all such errors promptly. Errors that are not handled as soon as possible will be brought to the attention of the officer's supervisor.

It will be the responsibility of the Evidence/Property Unit personnel to insure that all property is stored in the correct location and secured after he has received the proper documentation from the submitting officer.

Most property will be stored in the Evidence/Property Unit or outside storage room and kept in an orderly manner so that it can be located whenever necessary.

Only authorized personnel will be allowed in areas designated for property storage.

5.1 Firearms

All firearms must be secured inside the Evidence/Property Unit separate from the other Evidence/Property. Firearms including starter pistols, B.B. guns and pellet weapons must have a gun tag affixed to them. An NCIC inquiry is required before submitting the weapon to the Evidence/Property Unit.

5.2 Currency or Bonds Valued at \$10 or More

Currency must be placed in a property envelope and kept in the Evidence/Property Unit safe. In the event that the Evidence/Property Unit is closed, the above items must be counted and sealed by the submitting officer in the presence of a witness with the signature and payroll number of both the officer and the witness on the

property envelope.

5.3 Jewelry

Expensive jewelry and other small, highly valued items will be secured separately inside the Evidence/Property Unit or kept, at the discretion of the Evidence/Property Unit Supervisor, in the property room safe.

5.4 Drugs

Drugs submitted to Evidence/Property Unit that are to be forwarded for laboratory testing must be placed in Columbia Police Department BEST kit. Drugs that do not require testing (found property etc.) will be submitted in an evidence envelope and verified by Evidence/Property Unit personnel and submitting officer.

Drugs requiring testing that are received when the Evidence/Property Unit is closed must be <u>verified</u> for content and description, packaged in a Columbia Police Department BEST kit and placed in a secured locker in the Evidence Locker Room or in the evidence drop box adjacent to the Evidence Locker Room.

It is important that the drugs are labeled carefully. For example, prior to analysis it is improper to label plant material as marijuana.

All dirt should be removed from plants that have been pulled out of pots or the ground. Also note that plants still containing moisture should not be sealed in airtight bags.

Bales of plant material and other large packages of drugs too large for sealed bags as well as fresh plants will be placed in paper bags or boxes and all open seams must be sealed with evidence tape. The same procedure for verifying the contents by the Evidence/Property Unit personnel will apply.

5.5 Bicycles or Other Pedal Vehicles

Bicycles and other pedal vehicles must be tagged with a bicycle tag. It is imperative to note that mopeds, gocarts and other vehicles powered by combustible fuels cannot be stored in the Police Department because of fire regulations. These vehicles must be handled in the same manner as automobiles and trucks. The regulations for towing and storing vehicles must be followed. Bicycles to be stored will be turned over to and taken to storage by the Evidence/Property Unit personnel. When The Evidence/Property Unit is closed, bicycles will be tagged and stored in the large storage cage area, until the Evidence/Property Unit personnel can take charge of the evidence.

5.6 Perishable Property

Perishable property needing refrigeration should be stored in the Evidence/Property Unit refrigerator only as a last resort. Evidence/Property Unit personnel will arrange with the submitting officer for disposal as soon as possible.

Small items requiring refrigeration may be placed, after having been tagged or placed in a property bag or envelope, in the refrigerated storage unit located in the Evidence Locker Room when the Evidence/Property Unit is closed. This includes blood and perishable evidence being stored while the laboratory at the State Law Enforcement Division is closed. It is the responsibility if the submitting officer to transport the evidence to State Law Enforcement Division when the laboratory opens.

5.7 Large Property Items

Large property items that can be stored outside of the Evidence/Property Unit will be stored in a secure area. Evidence/Property Unit personnel may also use this area for purposes such as storing property being readied for auction. When the Evidence/Property Unit is closed, Evidence/Property Unit personnel may be called in to

address storage of large amounts of evidence or property. These items must have a property tag securely affixed to them.

5.8 Large Quantities of Liquor or Other Alcoholic Beverages

Large quantities of liquor or other alcoholic beverages will be identified using a property tag and stored in the Property /Evidence Unit. If confiscated during hours that the Evidence/Property Unit is closed, the Telephone Response Unit officer will contact the Evidence Supervisor or Evidence Property Technician on call so that it can be secured as soon as possible.

5.9 Combustible Fuels

Combustible fuels and other hazardous materials cannot be stored under any circumstances in the Police Department. Adequate samples of such property needing analysis for evidentiary purposes will be immediately submitted to the proper laboratory. Once labeled properly, it will be sent to the Fire Department for safe destruction. Care must be taken to maintain the chain of custody and an entry must be made on the Property Record Form.

6.0 RESPONSIBILITIES WHEN THE EVIDENCE/PROPERTY UNIT IS CLOSED

When the Evidence/Property Unit is closed, the submitting officer is responsible for properly securing all property and for insuring that the chain of custody will be intact when Evidence/Property Unit personnel take physical control of it at a later time.

Evidence/Property Unit personnel are responsible for seeing that the Evidence Locker Room has an ample supply of all evidence packaging needed to properly handle all items when the Evidence/Property Unit is closed.

Whenever the Evidence/Property Unit is closed, the Telephone Response Unit officer will notify the Evidence Supervisor or Evidence Property Technician on call, so that the Evidence/Property Unit can be opened if circumstances dictate such an action.

6.1 Evidence Lockers

When the Evidence/Property Unit is closed, most items can be placed in the evidence lockers located in the Evidence Locker Room adjacent to the Evidence/Property Unit These lockers will be secured with the authorized locks that are available in the Evidence Locker Room. It is important that all property be carefully checked for correct labeling before it is secured. Items that are large for these lockers can be place in the large storage cages.

Weapons must be unloaded and placed in the locker with the action open. Ammunition will be packaged and tagged separately.

Bio-hazardous material must be secured in a red biohazard bag prior to being placed in the lockers. A supply of biohazard bags will be available in the Evidence Locker Room. If bagging is impractical, the evidence will be tagged with a biohazard label.

6.2 Responsibilities of Evidence/Property Unit personnel when Opening Property Lockers and Cages

Each time the Evidence/Property Unit is opened, the Evidence/Property Unit personnel must check the evidence lockers, cages and drop box and take physical control of all property that has been temporarily stored. He/she should verify that all property has been properly packaged and must also make certain at this time that all the entries on the property tag, bag or envelope are correct.

Having filled out the Property Record Form, the Evidence/Property Unit personnel receiving the items will sign

each entry including the date and time, signifying the acceptance of and responsibility for the property.

7.0 TEMPORARY REMOVAL OF PROPERTY FROM THE EVIDENCE/PROPERTY UNIT

7.1 General Procedures

Any time it is necessary to remove property from the control of the Evidence/Property Unit, precautions must be taken to maintain the chain of custody and to maintain accurate records so that the location of the property is known.

The Evidence/Property Unit personnel should only release property to sworn officers. In every case the officer taking control of the property must legibly sign the Property Record Form in the chain of custody section.

Property should only be removed from the custody of the Evidence/Property Unit personnel when it is absolutely necessary. The reason that the property is being taken must be clearly written on the Property Record Form and the Evidence/Property Unit personnel should be told when to expect the return of the item.

If the Evidence/Property Unit personnel have questions as to the legitimacy of the request for property, he/she should not hesitate to delay action until he has obtained clarification from the submitting/ investigating officer or their supervisor.

Property that has been received from Evidence/Property Unit personnel that cannot be returned while the Evidence/Property Unit is open must be handled in the same manner as property being submitted when the Evidence/Property Unit is closed.

Under no conditions will officers take property home with them in order to wait for the Evidence/Property Unit to open.

7.2 Evidence Required for Court

Officers taking evidence to court must be careful to maintain constant control of it until the court officially takes it from him. Prior to leaving the courtroom after relinquishing evidence to the court, the officer must obtain a letter from the court on court letterhead and forward it to the Evidence/Property Unit listing all the evidence required for the case. Any property provided to the court should be returned to the Evidence/Property Unit as soon as it is determined that the court will not need it.

It will be necessary to return property in the officer's custody to the Evidence/Property Unit overnight if the evidence is not needed on the date that it was signed out.

8.0 EVIDENCE REQUIRING LABORATORY ANALYSIS

It is vital that all property requiring laboratory analysis be separated prior to packaging so as to facilitate its processing and to reduce unnecessary handling which could adversely affect the needed analysis.

Property needing to be checked for fingerprints when a Crime Scene Technician is not available can be taken to the Evidence/Property Unit during hours of operation. During the hours the Unit is closed, these items should be packaged carefully and clearly marked so that the Evidence/Property Unit personnel can release the property to a Crime Scene Technician and then secured in the Evidence Locker Room along with the completed Fingerprint Form.

Suspected drug substances requiring testing should be packaged separately from all other evidence. These materials can be tested by the Department's Laboratory. Evidence/Property Unit personnel will make these packages available in a manner that protects the chain of custody.

The Evidence/Property Unit personnel will not take perishable evidence requiring refrigeration that has been stored in the refrigerated storage unit to SLED. It is the responsibility of the submitting or investigating officer to insure that those

items are forwarded to SLED's Laboratory at the earliest possible time.

The investigating officer is ultimately responsible for seeing that property from a specific case is promptly forwarded to the required laboratories. Evidence/Property Unit personnel will assist officers in any way possible and will forward the results of the completed analysis as soon as it is received in the Evidence/Property Unit.

It is important to try to avoid opening evidence returned from laboratories in sealed packaging except in court or when review of the evidence is required. This will help maintain the integrity of the results obtained by the laboratory technicians and protect their testimony during the trial.

9.0 DISPOSITION OF PROPERTY AND EVIDENCE

Each officer must make certain that all property submitted for storage is clearly marked with clear instructions so Evidence/Property Unit personnel can insure proper handling and timely disposition.

It is the established practice to return property to all victims as soon as possible.

In misdemeanor cases where no arrest is made, all evidence can normally be disposed of after six (6) months.

In felony cases where no arrest has been made, all evidence can normally be disposed of after one (1) year, or within six (6) months after final disposition of the case.

9.1 Firearms Disposal

Firearms can only be disposed of with approval from the case officer/ Investigator or case officer's supervisor, with the recommendation of the weapons release officer and through the chain of command to the Chief of Police.

Firearms, which are to be returned to the original owner, must be released by the designated "Firearms Control Officer" upon verification of ownership, criminal history check and Columbia Police Department Firearms Release Form.

9.2 Found/Recovered Property Disposal

Found /recovered property should be returned to the proper owner as soon as possible. If the owner is known, the submitting officer should attempt to make the initial contact instructing them how the property can be claimed. A note must be written on the property tag informing Evidence/Property Unit personnel that the owner has or has not been contacted. In the event that contact was not made, Evidence/Property Unit personnel will send a letter to the property owner if an address can be determined, however it remains the submitting officer's responsibility to make a reasonable effort to determine ownership and advise the owner where his property is being stored.

Many found/recovered property items are later determined to be recovered stolen property. It then becomes the submitting officer's responsibility to file the proper supplemental report if the property had been previously reported stolen in the City of Columbia. The case officer should also make an effort to determine from the owner if a crime took place and if a report of that crime has been made. If the crime took place in another jurisdiction it is imperative that the submitting officer contact the appropriate agency.

Found/recovered property which has not been claimed or for which ownership cannot be determined after a reasonable effort, will be disposed of after sixty (60) days at the discretion of Evidence Supervisor unless there is a compelling reason for not disposing of the property. Property deemed to be of negligible value will not be held.

9.3 Confiscated Property Disposal

Confiscated property can often be destroyed soon after storage if the submitting officer has no reason to believe that the items have any evidentiary value. These items should be clearly marked for destruction and after proper documentation; the Evidence/Property Supervisor, along with a witness, will destroy them according to procedures established with in the Evidence/Property Unit's SOP.

In the event that confiscated property may lead to prosecution, it will be held at the direction of the submitting officer for as long as requested.

The submitting officer must alert Evidence/Property Unit personnel in the event the status changes on any confiscated property and will also be responsible for justifying the retention of any confiscated property beyond six (6) months.

Evidence must be carefully marked regarding extended retention on the Property Record form and any packaging or tags so that the Evidence/Property Unit personnel will not have any doubt as to its value to the submitting/investigating officer.

9.4 Responsibilities of Personnel Concerning the Disposal of Evidence

Under no condition is disposal of evidence to occur without the approval of the submitting/investigating officer. Disputes over disposition will be handled through the chain of command.

It remains the responsibility of the investigating officer to insure that all needed evidence is available for court. It is likewise his obligation to review the evidence in storage so the items no longer needed do not take up valuable storage space.

In all General Sessions Court Cases the solicitor trying the case should be consulted by the case officer about the evidence in storage no later than the preliminary hearing date. With the assistance of the solicitor, the investigating officer will determine what items to hold as evidence until court.

Cases that are to be adjudicated in Municipal Court, the investigating officer must make certain that the evidence collected remains necessary for prosecution. In the event a jury trial is requested, he will consult with the City Attorney as to what physical evidence will be needed for trial.

Any time an officer is made aware that a final court disposition has been reached on a case for which he has been storing evidence; he will promptly advise the Evidence/Property Unit personnel as to the proper disposal of all evidence. Officers are not to rely on subsequent inventory reviews by the Evidence/Property Unit personnel to determine that the property is no longer needed as evidence.

Evidence/Property Unit personnel shall alert the submitting or investigating officer when periodic property disposition reviews determine that the evidence can be disposed of. In the event these officers are not available, their supervisors will be required to determine the proper disposition of the evidence.

These procedures are not meant to hinder the continued storage of any valuable evidence and it is understood that when conflicts exist between the general need to dispose of property promptly and the need to keep important evidence, the proper resolution will be to retain the evidence.

9.5 Biological material and DNA evidence

Pursuant to SC Code of Laws Section 17-28-310, "Biological material" means any blood, tissue, hair, saliva, bone, or semen from which DNA marker groupings may be obtained. This includes material catalogued separately on slides, swabs, or test tubes or present on other evidence including, but not limited to, clothing, ligatures, bedding, other household material, drinking cups, or cigarettes.

- (A) Evidence/Property Unit must preserve all physical evidence and biological material related to the conviction or adjudication of a person for at least one (1) of the following offenses:
 - (1) murder (Section 16-3-10);
 - (2) killing by poison (Section 16-3-30);
 - (3) killing by stabbing or thrusting (Section 16-3-40);
 - (4) voluntary manslaughter (Section 16-3-50);
 - (5) homicide by child abuse (Section 16-3-85(A)(1));
 - (6) aiding and abetting a homicide by child abuse (Section 16-3-85(A)(2));
 - (7) lynching in the first degree (Section 16-3-210);
 - (8) killing in a duel (Section 16-3-430);
 - (9) spousal sexual battery (Section 16-3-615);
 - (10) criminal sexual conduct in the first degree (Section 16-3-652);
 - (11) criminal sexual conduct in the second degree (Section 16-3-653);
 - (12) criminal sexual conduct in the third degree (Section 16-3-654);
 - (13) criminal sexual conduct with a minor (Section 16-3-655);
 - (14) arson in the first degree resulting in death (Section 16-11-110(A));
 - (15) burglary in the first degree for which the person is sentenced to ten years or more (Section 16-11-311(B));
 - (16) armed robbery for which the person is sentenced to ten years or more (Section 16-11-330(A));
 - (17) damaging or destroying a building, vehicle, or property by means of an explosive incendiary resulting in death (Section 16-11-540);
 - (18) abuse or neglect of a vulnerable adult resulting in death (Section 43-35-85(F));
 - (19) sexual misconduct with an inmate, patient, or offender (Section 44-23-1150);
 - (20) unlawful removing or damaging of an airport facility or equipment resulting in death (Section 55-1-30 (3));
 - (21) interference with traffic-control devices or railroad signs or signals resulting in death (Section 56-5-1030(B)(3));
 - (22) driving a motor vehicle under the influence of alcohol or drugs resulting in death (Section 56-5-2945);
 - (23) obstruction of railroad resulting in death (Section 58-17-4090); or

(24) accessory before the fact (Section 16-1-40) to any offense enumerated in this subsection.

(B) The physical evidence and biological material must be preserved:

(1) subject to a chain of custody as required by South Carolina law;

(2) with sufficient documentation to locate the physical evidence and biological material; and,

(3) under conditions reasonably designed to preserve the forensic value of the physical evidence and biological material.

The physical evidence and biological material must be preserved until the person is released from incarceration, dies while incarcerated, or is executed for the offense enumerated in subsection (A). However, if the person is convicted or adjudicated on a guilty or nolo contendere plea for the offense enumerated in subsection (A), the physical evidence and biological material must be preserved for seven years from the date of sentencing, or until the person is released from incarceration, dies while incarcerated, or is executed for the offense enumerated in subsection (A), whichever comes first.

After a person is convicted or adjudicated for at least one of the offenses enumerated in Section 17-28-320, Evidence/Property Unit shall register with the South Carolina Department of Corrections or the South Carolina Department of Juvenile Justice, as applicable, as a custodian for physical evidence or biological material related to the person's conviction or adjudication.

The South Carolina Department of Corrections or the South Carolina Department of Juvenile Justice, as applicable, shall notify the Evidence/Property Unit registered pursuant to subsection (A) if the person is released from incarceration, dies while incarcerated, or is executed for the offense enumerated in Section 17-28-320.

After a person is convicted or adjudicated for at least one of the offenses enumerated in Section 17-28-320, the Columbia Police Department, with the advice and consent of the Columbia City Attorney or CPD Police Advisor, may petition the general sessions court or family court in which the person was convicted or adjudicated for an order allowing for disposition of the physical evidence or biological material prior to the period of time described in Section 17-28-320 if:

- the physical evidence or biological material must be returned to its rightful owner, is of such size, bulk, or physical character as to make retention impracticable, or is otherwise required to be disposed of by law;
 or
- (2) DNA evidence was previously introduced at trial, was found to be inculpatory, and all appeals and post-c onviction procedures have been exhausted.

If DNA/biological material is collected but no arrests are made on that investigation and the evidence is not probative for any other crimes, it may be destroyed only with the consent of the Chief of Police, who shall consult the Columbia City Attorney or the CPD Police Advisor.

10.0 DESTRUCTION OF PROPERTY

Destruction of property that no longer meets the requirement for storage and is not legal property of value must be conducted under the following guidelines to preserve proper accountability:

• All destructions must be witnessed by at least the Evidence Room Supervisor and an Evidence Technician. Each Property Record Form will bear the legible signatures of the official witnesses.

- Firearms can only be destroyed after recommendation of the weapons release off and the approval of the Chief of Police.
- Firearms and drugs must be destroyed under the direction of the Evidence/Property Unit Technician and witnessed by an official from the City's Internal Audit Department. This should take place at least once a year and can be done more often if necessary.
- Under no circumstances will any property marked for destruction be discarded prior to its being rendered harmless and completely without value.

11.0 AUCTION OF PROPERTY

Legal property of value that no longer meets the requirement for storage and cannot be returned to the rightful owner or has not been claimed will be destroyed or sold at a public auction and all proceeds will be placed in the Restricted Funds Account.

A proposed auction list will be submitted by the Evidence Supervisor, through the chain of command to the Chief of Police for final approval.

The auction will be conducted under the direction of the Evidence/Property Unit Supervisor. A notation that an item has been sold will be made on the Property Record Form and evidence logs. The sale will be recorded in the City Receipt book.

12.0 ACCOUNTABILITY

In order to maintain the integrity of the property management procedures, a system of inspections and inventories will be conducted. Under normal circumstances properly secured property in tamper-resistant packaging will not be opened during these inspections and inventories. If it is deemed necessary to verify the contents of package, the authorized parties involved must note their purpose for opening the package on a Property Record Form and then secure the property in its original packaging. During all inspections and inventories, narcotics and dangerous drug containers will be inspected to insure the integrity of the containers.

12.1 Semi-Annual Inspections

The Administrative Services Major or his designee will inspect the Evidence/Property Unit at least semiannually to insure that it is being maintained in a clean and orderly fashion, that proper records are being maintained and that property is being disposed of in a timely manner. A memo reflecting the date and time of the inspection will be signed by the Administrative Services Major and will be submitted to the Chief of Police with a copy of the report to the Evidence Room Supervisor.

12.2 Unannounced Annual Inspections

A designee of the Chief of Police, not related to the property control function, will conduct unannounced inspections of the Evidence/Property Unit at least annually. This inspection will focus on security concerns and accountability. A random comparison of the records and the actual property on hand will be made to insure the property is actually on hand and that proper files are being maintained. A memo must be directed to the Chief of Police, the Administrative Services Major and the Evidence Room Supervisor concerning this inspection that indicates the areas checked and any problems observed.

12.3 Annual Inventory

A member of the City's Internal Audit Office will conduct an annual inventory of property being secured by the

Evidence/Property Unit. This inventory is not intended to account for each item of property, but to insure the integrity of the system. A written report of the findings of the inventory will be submitted to the Administrative Services Major and the Evidence Unit Supervisor.

12.4 New Evidence/Property Unit personnel Inventory

Any time new Evidence/Property Unit Supervisor is appointed/hired or the Evidence Property supervisor leaves employment the Evidence/Property Unit's locks will be changed and a thorough inventory must be jointly conducted by the newly designated Evidence/Property Unit Supervisor and the outgoing Evidence/Property Unit Technician. This inventory will closely examine as many records as possible and must be conducted in a fashion to maintain the chain of custody on all property at hand. A designee of the Chief of Police, not related to the property control function, will closely monitor this procedure and any discrepancies must be noted prior to the assumption of control by the new employee.

It must be understood that unless otherwise noted, the new Evidence/Property Unit Supervisor becomes solely responsible for all property and the records system cataloging of that property after the successful completion of this inventory. If for whatever reason the outgoing Evidence/Property Unit Supervisor is unavailable to participate in this inspection, the new supervisor and the Administrative Services Major shall conduct it.