



MYRTLE BEACH POLICE DEPARTMENT

ADMINISTRATION REGULATIONS AND OPERATING PROCEDURES

Subject: Property & Evidence Management

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501 Property & Evidence Mgmnt

501-A Property & Evidence Mgmnt

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Approved By:

Approved By:

I. PURPOSE

The Myrtle Beach Police Department relies on the Property & Evidence Unit (P&E) to correctly maintain security and control of property and evidence. P&E personnel ensures that evidence is tracked correctly for court exhibits, discovery, and viewing by the prosecution or defense. The purpose of this policy is to provide employees guidance regarding their responsibility for the submission, withdrawal, and disposal of property. The policy also guides P&E personnel concerning their responsibility for the receipt, storage, custody, release, and destruction of all property and evidence within their control.

II. ORGANIZATION

- A. Organizational Structure – To avoid any potential conflict of interest between officers that collect property and evidence and the persons responsible for its receipt and safekeeping, the P&E Unit will fall under the Support Services' chain-of-command separate and apart from operational units, such as Patrol, Special Operations, and Investigations.
- B. Personnel – There are no mandatory pre-requisite qualifications or certifications required to become a P&E Technician. However, P&E Technicians should receive a property and evidence certification, such as International Association for Property & Evidence (IAPE) Certification, which can, among other things, lend to their "expert witness" status in court when testifying about evidence and the chain-of-custody.
- C. Unit Access –
 - 1) Secure Access: All P&E rooms containing property and evidence will be clearly marked as "Authorized Personnel Only". Only P&E

Technicians, the Detention Lieutenant, the Support Services Captain, OPS personnel, the Assistant Chief, and the Chief of Police have authorized access to the secured property and evidence room(s).

- 2) In-Person: Other individuals conducting official business, including maintenance and repairs, must sign in and out in the logbook and they must be escorted by an authorized employee when entering rooms containing property and evidence.
- 3) Audits: The Chief of Police may temporarily authorize local, state, or federal officials to access P&E rooms with or without an escort for the purposes of conducting audits or investigations. They must sign in and out in the logbook.

D. Call Out Procedure

- 1) When a P&E Technician is not on duty and needed to secure evidence, the Watch Commander can contact a P&E Technician to respond to the police department.

E. Emergency Operations

- 1) In the event of an emergency, such as a fire or flood, the Support Services Lieutenant will arrange for a temporary, alternate storage site as well as the transportation, tracking and security of all property removed from the P&E Unit.

III. SUBMISSION & DOCUMENTATION

A. General

- 1) Records Management System: The P&E Unit will maintain a system that tracks the status and location of all property and evidence held by the Department.
- 2) Documentation: Evidence will be photographed and/or video recorded during the collection and preservation process when possible. This task should be completed using only department-issued equipment. Capturing and/or sharing images of evidence on or to personally-owned devices is prohibited.
- 3) Accountability: All property, whether seized as evidence or found property, must be vouchered and submitted to the P&E Unit by the end of an employee's tour of duty. This is necessary to maintain the chain-of-custody and prevent the appearance of impropriety.
 - a. Unless authorized by their Division Commander, off-duty employees are prohibited from storing property or evidence subject to this procedure in offices, desks, vehicles, homes, or any other unauthorized place.
 - b. Employees are prohibited from converting any property or evidence subject to this procedure to personal use.
- 4) Property Requiring Additional Security: Items of exceptional value or are sensitive in nature may require additional security measures. P&E technicians will secure these types of items in the property

room safe, locked file cabinet, vault, or other secure area. These areas will be locked any time P&E technicians are not in the room.

- 5) Temporary Storage Area: The P&E Unit will maintain a secure temporary storage area for officers to submit property and evidence until the P&E Unit is available to accept the items. At a minimum, the storage area will provide:
 - a. Lockers: The area will provide individual lockers with locks where officers can store property and evidence. An officer may store multiple items of evidence in a single locker and must always lock the locker to maintain the chain-of-custody. Multiple officers may not share a single locker to store property or evidence, as this will violate the chain-of-custody.
 - b. Flammable & Combustible Liquids & Material Locker: The P&E unit will provide a locker for the storage of flammable & combustible liquids and material. This locker is currently located in the storage shed located near the rear employee parking lot.
 - c. Refrigerator: The area will provide a lockable refrigerator for the storage of perishable items. An officer may store multiple items of property or evidence in the refrigerator, and must always lock it once the items are placed. Should multiple officers have property or evidence that requires storage in the refrigerator, a P&E Technician must accept custody of the evidence after the first officer has secured evidence and place the additional property or evidence in the refrigerator.
 - d. Drug Drop Box: Multiple officers may utilize the box. The box must be secure, allowing only the submission of evidence. Only P&E Technicians will have access to retrieve the items submitted into the box.
 - e. Bulk Items: The P&E Unit will provide a room, currently the Mechanical Room, for the storage of bulk property and/or wet items. The storage of bulk property and/or wet items will be on a temporary basis.
 - f. Scale: The P&E work bay will provide a digital scale for weighing suspected drugs. The same scale will be used for audits. This will avoid any weight inconsistencies caused by using different scales for submission and audits. P&E Technicians will maintain this scale.
 - g. Containers: The P&E work bay will contain appropriate containers for the storage of property and evidence including, but not limited to, envelopes, boxes, bags, a heater sealer, firearm boxes, sharp's containers, sealing tape, hazmat stickers, and tags for bulk items.
 - h. Safety: As appropriate, officers must use nitrile gloves, N95 masks, and goggles when packaging evidence. The P&E

Technicians will make these items available. The building will have available eyewash in the jail.

B. Rejection Notices

- 1) A Property Rejection Notice is a form or email used to correct an error in the submission of property and evidence, such as an error in packaging or documentation. A Rejection Notice may be given to the officer submitting the property or evidence and then to his or her direct supervisor. P&E Technicians will only accept evidence after the issues identified on the rejection notice have been resolved.

C. Property Receipts

1) General Evidence

- a. Voucher: Before evidence can be submitted, a voucher must be completed by the officer that is responsible for the evidence by the end of shift.
- b. Packaging: Evidence must be stored in an appropriate container, sealed with "Evidence" tape, and the tape must be both initialed and dated.
- c. Storage: Evidence may be given to a P&E Technician for storage, or put in an appropriate locker when a technician is not available.

2) Found Property

- a. Voucher: Before items can be submitted, a voucher must be completed by the officer responsible for the found property.
- b. Locate the Owner: If an officer can identify the owner of the found property and the owner is local, the officer may return the property to the owner after completing the voucher showing its receipt and return.
- c. Packaging: Items must be stored in an appropriate container, sealed with "Found" property tape, and the tape must be both initialed and dated.
- d. Storage: Items may be given to a P&E Technician for storage, or put in an appropriate locker when a technician is not available.

3) Firearms & Ammunition

- a. Voucher: Before evidence can be submitted, a voucher must be completed by the officer that is responsible for the evidence or found property. Firearms and ammunition will be on the same voucher BUT have different package numbers.
- b. Packaging: Firearms MUST be unloaded before packaging. In the event a firearm cannot be rendered safe due to rust or general mechanical issues, the firearm will be delivered to the CSU lab where it will be safely cleared. The firearm and the ammunition must be stored in separate containers. Ammunition must be stored in appropriate containers, sealed

with "Evidence" or "Found Property" tape, as appropriate, and the tape must be both initialed and dated. Gun boxes are provided for pistols as well as rifles/shotguns in the P&E Work bay.

- c. Storage: Firearms may be given to a P&E Technician for storage during operational hours, or put in an appropriate temporary locker when a P&E Technician is not available.
 - d. NIBIN: Officers must complete a NIBIN form and place it in the firearm box or container. The NIBIN form must be completed but does not need to be included on the voucher.
 - e. ATF Trace: NIBIN personnel will complete and submit an eTrace form online.
 - f. P&E does not house any gun as "safekeeping" unless approved by the Detention Lieutenant.
- 4) Narcotics, Medications & "Other" Drugs
- a. Voucher: Before narcotics can be submitted, a voucher must be completed by the officer responsible for the evidence or found property.
 - b. Packaging: Narcotics, medications and other drugs must be carefully packaged in light of the danger they may present as well as preserving them as evidence. For example, to preserve marijuana as evidence, it must be stored in a paper container and not heat sealed; otherwise, it will mold. Drugs that can become airborne, such as Fentanyl, must be stored in a double heat sealed container to prevent exposure to those handling the evidence. A bio-hazard sticker will be used to label such narcotics. Officers must complete a Best Packet for narcotics except for marijuana. The Best Packet should not be sealed with "Evidence" tape. All other medications and drugs should be sealed with "Evidence," "Found Property" or "Contraband" tape, as appropriate, which should be initialed and dated, with amount/weight listed on the envelope and voucher.
 - c. Storage: Narcotics, medications, and other drugs may be given to a P&E Technician for storage or put in one of the three-drug drops boxes, which are located in the jail and the P&E Unit foyer. These procedures shall conform to OSHA (occupational safety and health administration) standards.
- 5) Money
- a. Voucher: A voucher must be completed to submit money to the P&E Unit.
 - b. Packaging: Money should be counted and verified by a second employee prior to packaging. The name of the verifying employee will be documented on the voucher in RMS.

- c. Storage: Money may be given to a P&E Technician for storage during the Unit's hours of operation, or put in an appropriate locker when no Technician is available.
- 6) Flammable & Combustible Liquids & Material
 - a. Voucher: A voucher must be completed to submit flammable and combustible liquids and material to the P&E Unit. The voucher shall note that the items are flammable.
 - b. Packaging: Flammable and combustible liquids and material must be stored in an appropriate container and a tagged with the case information on the container.
 - c. Storage: Flammable and combustible liquids will be stored in the Flammable Storage Locker, which is located in the Storage Shed.
 - d. Fireworks: Officers will photograph minor fireworks, such as firecrackers, and submit the photographs to the P&E Unit. The fireworks will then be placed in a water bucket located inside the Mechanical Room to render them inert.
- 7) Bombs & Other Explosive Devices
 - a. Voucher: Unexploded bombs and other explosive devices will NOT be submitted to the P&E Unit. These items will be collected by the Horry County or SLED Bomb Squads. The remaining parts of an already detonated device may be submitted to the P&E Unit provided the Horry County or SLED Bomb Squads indicate there are no remaining volatile chemicals or parts. A voucher must be completed in order to submit photos of the fireworks along with the appropriate remaining parts to the P&E Unit.
 - b. Storage: Inert parts may be given to a P&E Technician for storage during the Unit's hours of operation, or put in an appropriate locker when no P&E Technician is available.
- 8) Bulk Items:
 - a. Voucher: A voucher must be completed to submit bulk items, such as bicycles, to the P&E Unit.
 - b. Packaging: A tag with case information must be attached to bulk items.
 - c. Storage: Bulk items must be stored in the gated section of the mechanical room.
- 9) Biological Evidence:
 - a. Voucher: A voucher must be completed to submit biological evidence to the P&E Unit by the officer that is responsible for the evidence.
 - b. Packaging: Biological evidence must be appropriately packaged to contain any hazard, prevent exposure to anyone handling the package, and prevent cross-contamination. Wet and/or blood-soaked items must be dried before packaging and storing. The Crime Scene Unit has a

dryer that can be used to dry such items. Additionally, the package must be marked as a bio-hazard to warn anyone of the contents and the potential dangers of opening the package without appropriate hazmat gear.

- c. Storage: Biological evidence may be given to a P&E Technician for storage, or put in an appropriate locker or refrigerator, as appropriate, when a technician is not available.

10) Electronic Equipment:

- a. Voucher: A voucher must be completed in order to submit electronic equipment to the P&E Unit by the officer that is responsible for the evidence.
- b. Storage: Electronic equipment may be given to a P&E Technician for storage, or put in an appropriate locker when no Technician is available.

IV. NATIONAL ASSOCIATION OF DRUG DIVERSION INVESTIGATORS (NADDI) BOXES

- A. Availability: A NADDI box will be made available to the public for the disposal of unwanted drugs. The NADDI box will be located in the Police Department lobby for use 24-hours a day and 7-days a week.
 - 1) The NADDI box is not meant for the disposal of cosmetics, personal hygiene products, and household products, such as air fresheners and cleaners.
- B. Maintenance: A P&E Technician will empty the NADDI box at least twice each month.
 - 1) Safety: While emptying the NADDI box, P&E Technicians will wear nitrile gloves and a N95 mask to prevent the absorption through the skin or inhalation of life-threatening drugs, such as Fentanyl.
 - 2) Weight: After emptying the NADDI box, P&E Technicians will weigh and record the weight of drugs deposited.
- C. Monthly Report: By the end of the first week of each month, a P&E Technician will send a report about the previous month's usage to NADDI through their chain of command for review and file. A copy of the annual report will be submitted to the Chief.
- D. Disposal:
 - 1) Drugs will be incinerated at the South Carolina Law Enforcement Division (SLED) or at an alternate site approved by the Chief of Police. A P&E Technician will be on-site during the incineration of the drugs.
 - 2) Bottles & Other Packaging: Empty pill bottles and packaging will be taken to the City Transfer Station for compacting.

V. AUDITS, REVIEWS, AND INSPECTIONS

A. Audits

- 1) To ensure that the P&E Unit system is working correctly and to correct any deficiencies, audits will be performed (1) to check on the efficiency of the submitting, locating and tracking processes, and (2) to account for items of property and evidence in the custody of the P&E Unit. Audits should ensure the following:
 - a. Packaged property and evidence seals show no evidence of tampering.
 - b. Property & evidence is properly packaged and stored to prevent damage or deterioration.
 - c. Chain-of-custody processes are being followed.
 - d. Documentation of property and evidence is being properly maintained.
 - e. Property & evidence locations and statuses are up-to-date and valid.
 - f. Property and evidence is being disposed of in a timely and proper manner.
- 2) Monthly Drug & Gun Audit: With the assistance of P&E Technicians, OPS will conduct a monthly audit of the drugs and firearms submitted to the P&E Unit during the previous month. Any missing firearms or drugs will be reported through the Property and Evidence chain of command, and the information will be submitted to the Assistant Chief or Chief within 24-hours granting the P&E Unit time to determine whether the missing item or items were simply misplaced. OPS will produce quarterly reports and an annual report at the end of the calendar year.
- 3) Quarterly Random Audit: By the end of each quarter, the Lieutenant assigned over P&E will conduct a random sampling audit of the property and evidence submitted during the year as well as any property and evidence carried forward from the previous years. A minimum of Fifty (50) items will be selected at random to be audited. The lieutenant will not make notifications or disclose the date the audit will take place within the quarter. The lieutenant will conduct the audit ensuring that the item is properly identified, handled, documented, stored and labeled. The lieutenant will generate a report and forward the report through the chain of command to the Chief of Police or their designee.
- 4) Audits due to Special Circumstances:
 - a. Complete audits should be performed when the following special circumstances arise:
 - i. When there is a change in the department head, i.e., the Chief of Police.
 - ii. When the integrity of the system, the Unit, the documentation, or the packaging comes into question.
 - b. A random audit should be performed when a P&E

Technician leaves the Unit irrespective of the reason, i.e., transfer, retirement, termination, etc. A minimum of fifty (50) items from each of the following categories will be selected for random audit:

- i. Firearms
- ii. Money
- iii. Jewelry
- iv. Drugs

B. Review of Evidence

- 1) Pre-Trial Review: P&E Technicians will provide packaged evidence for pre-trial review when requested by a Solicitor, officer, or detective. A defense attorney and/or defendant may be present. The P&E Technician will maintain visual contact of the packaged evidence and allow the opening and review of the contents. The P&E Technician will re-seal the package and initial the tape when the review is completed. The activity will be documented in RMS.
- 2) During Trials: P&E Technicians will open evidence as directed by the court or the Solicitor when subpoenaed to testify about evidence at a General Sessions trial.
- 3) Return of Property to the Owner: P&E Technicians will open property and evidence before returning items to an owner so the P&E Technician may verify ownership and the property owner may verify the contents of the package for which the owner is signing to retrieve.

C. Inspections

- 1) Random, Monthly Inspections: The Detention Lieutenant will conduct random, monthly inspections of the P&E Unit. The inspection should focus on the overall operation of the Unit to include, but not limited to, checking the following although every item need not be checked each month:
 - a. Cleanliness, e.g., no bio-hazard spills left uncleaned.
 - b. The temporary storage area is adequately stocked.
 - c. P&E Technicians are properly using protective gear, e.g., nitrile gloves and N95 masks, while emptying the NADDI box.
 - d. Property and evidence are being properly submitted, stored, and disposed of.
 - e. Seals on packaged property and evidence have not been tampered with.
 - f. Property and evidence are properly tracked and located.
 - g. Documentation is being properly completed and maintained.

- 2) Monthly Inspection Reports: A report of random, monthly inspection will be forwarded through the Property and Evidence chain of command.

D. Missing Property & Evidence

- 1) If P&E Technicians are unable to locate a piece of property or evidence, or discover that an item is not listed on a voucher, the P&E Technician will immediately notify the investigating officer and his or her Supervisor.
- 2) If an item is determined to be missing from the Evidence Room, the P&E Technician will immediately notify their chain of command. OPS will initiate an investigation.

VI. DISPOSAL AND RELEASE OF PROPERTY & EVIDENCE

A. Temporary Release of Property

- 1) Property may be temporarily released from P&E for use in court, witness identification, for analysis, or other authorized purposes. The evidence technician will update the chain of custody in RMS with the date, time, and reason for transfer of custody.
- 2) If the property is subsequently transferred to the custody of another employee before it is returned to P&E, then the employee relinquishing the property is responsible for updating the chain of custody in RMS.
- 3) If the property is released to another agency, then the receiving agency representative must sign for the property and is responsible for maintaining chain of custody while the property is in their possession.
- 4) Evidence being submitted to an outside lab for analysis must adhere to the guidelines set by the receiving agency as it relates to submission, packaging, required documentation, and receipts. Any results provided by the outside lab must be submitted in writing.
- 5) All temporarily released property will be returned to P&E before the final release may take place. When property is returned, the evidence technician will update RMS and attach any chain of custody receipts to the record.

B. Final Release of Property

- 1) The final disposition of evidence or found property will be accomplished after legal requirements and department procedure have been satisfied. Items that cannot be returned to the lawful owner, sold at auction, or converted to department owned property will be destroyed.
- 2) Special Considerations
 - a. Firearms: Before any firearm may be disposed of, the ATF Task-Force Officer (TFO) must check the serial number in NCIC, request NIBIN (or SLED) testing, and complete an

ATF Trace. The TFO will get approval from the Sergeant of Investigations prior to the release of a firearm and shall not be released to individuals prohibited from owning firearms. The TFO will conduct background checks prior to the release of any firearm.

- b. Conflicting Claims of Ownership: If two or more persons claim ownership of property, P&E Technicians will place a hold on the property and will document information about each person claiming ownership. Each person claiming ownership will be notified that the property will not be released until the P&E Unit is presented with a court order.
- c. Other Claims of Ownership: P&E Technicians must be mindful that others may have claims on property held by the Unit. For example, an insurance company may have the right to property held by the Unit after the company has paid the owner for its loss.

3) Found Property

- a. The submitting officer will designate contraband for destruction on the voucher, and those items will be destroyed at the first opportunity.
- b. Return to Owner: Upon receipt of found property, officers and P&E Technicians shall document efforts to find and notify the true owner of the location of their property. The owner will have 30 days to retrieve their property after notification. Owners may retrieve their property by providing a picture identification and:
 - i. retrieving the property in person during normal business hours; or
 - ii. requesting the property be mailed (Note: If the property will not fit in an envelope, then the owner would be responsible for paying shipping costs and providing a shipping label); or
 - iii. submitting a written request to designate another person to retrieve the item in person.
- c. Found property, except contraband, will have a 60-day retention period. Unclaimed property with a monetary value will be converted to department property or auctioned. Property with little or no monetary value will be discarded.

4) Evidence

- a. Seized property may be disposed of in the following ways:
 - i. Returned to the rightful owner or agent after final disposition has been entered in the case and the property is no longer needed for court;
 - ii. Converted to police department property;
 - iii. Auctioned; or
 - iv. Destroyed.

- b. Authorization: Before any evidence may be disposed of, P&E Technicians must send a request for the disposal of evidence to the investigating officer or detective clearly indicating each piece of evidence intended for disposal.
- c. Evidence used in General Sessions Trials: After a General Sessions trial, P&E Technicians must get written authorization to dispose of evidence from the investigating officer or detective, who must, in turn, obtain authorization from his or her Sergeant and the 15th Circuit Solicitor assigned to the case. The release and disposal of guns are referred to the Sergeant of Investigations.
 - v. Co-Defendants: Evidence shall not be disposed of if there are co-defendants, and the evidence is needed to aid in the identification of the parties or for their trial.
 - vi. If evidence is introduced into a General Sessions trial or Municipal trial as evidence, and the defendant is found guilty, the respective court is responsible for the evidence.
- d. Homicide investigation: Evidence associated with a homicide investigation shall be retained in accordance with the South Carolina Preservation of Evidence Act, SC Code Ann. § 17-28-300
- e. Administratively Closed investigations: Evidence will be held for a period of 1-year, with the exception of rape, armed robbery evidence of forensic or DNA value which will be retained until a suspect is developed.
- f. Evidence used in Municipal Court Trials: When an officer's name appears on a docket for a Municipal Court trial, the officer must, within two working days after the trial, obtain their final docket from the clerk's office. For all cases that have been adjudicated, the officer will notify P&E in writing to approve or disapprove final release of the property, the reason, and the method of disposal. P&E Technicians must hold evidence for 30 days after adjudication in the event of an appeal. The P&E technician will verify no appeals have been filed before final disposal of the property.
- g. Evidence not connected to an identified subject: Evidence that has no value presently or in the future may be disposed of, but only after considering the following factors:
 - vii. None of the evidence in the case was of use in identifying a subject and will not be of any use identifying a subject in the future by connecting him or her to a future case. For example, DNA evidence in a CSC case should not be disposed of because the unknown subject's DNA was not currently found in

- CODIS as the subject may be apprehended in a different, future case, which could produce a DNA match to the present case allowing for prosecution.
- viii. No other circumstances exist that would justify retaining the evidence, such as revisiting the investigation by re-opening a cold case.
 - ix. The investigating officer's or detective's chain-of-command (Sergeant through Captain) must concur in the decision to dispose of the evidence.
 - h. Fingerprint Evidence to be Preserved: Evidence of fingerprints, latent, patent, or plastic, to include both fingerprint lift kits and photographs of fingerprints will not be purged or otherwise disposed of.
 - i. All casings are retained and held as Evidence for NIBIN purposes.
- 5) Biological Evidence
- a. Preservation of Biological Evidence: Pursuant to the South Carolina Preservation of Evidence Act, SC Code Ann. § 17-28-300, the custodian of evidence must preserve all physical evidence and biological material related to the conviction or adjudication of a person for at least one of the following offenses:
 - i. Murder (Section 16-3-10)
 - ii. Killing by poison (Section 16-3-30)
 - iii. Killing by stabbing or thrusting (Section 16-3-40)
 - iv. Voluntary manslaughter (Section 16-3-50)
 - v. Homicide by child abuse (Section 16-3-85(A)(1))
 - vi. Aiding and abetting a homicide by child abuse (Section 16-3-85(A)(2))
 - vii. Lynching in the first degree (Section 16-3-210)
 - viii. Killing in a duel (Section 16-3-430)
 - ix. Spousal sexual battery (Section 16-3-615)
 - x. Criminal sexual conduct in the first degree (Section 16-3-652)
 - xi. Criminal sexual conduct in the second degree (Section 16-3-653)
 - xii. Criminal sexual conduct in the third degree (Section 16-3-654)
 - xiii. Criminal sexual conduct with a minor (Section 16-3-655)
 - xiv. Arson in the first degree resulting in death (Section 16-11-110(A))
 - xv. Burglary in the first degree for which the person is sentenced to ten years or more (Section 16-11-311(B))

- xvi. Armed robbery for which the person is sentenced to ten years or more (Section 16-11-330(A))
- xvii. Damaging or destroying a building, vehicle, or property by means of an explosive incendiary resulting in death (Section 16-11-540)
- xviii. Abuse or neglect of a vulnerable adult resulting in death (Section 43-35-85(F))
- xix. Sexual misconduct with an inmate, patient, or offender (Section 44-23-1150)
- xx. Unlawful removing or damaging of an airport facility or equipment resulting in death (Section 55-1-30 (3))
- xxi. Interference with traffic-control devices or railroad signs or signals resulting in death (Section 56-5-1030(B)(3))
- xxii. Driving a motor vehicle under the influence of alcohol or drugs resulting in death (Section 56-5-2945)
- xxiii. Obstruction of railroad resulting in death (Section 58-17-4090)
- xxiv. Accessory before the fact (Section 16-1-40) to any offense enumerated in this subsection
- b. Period of Preservation
 - i. Convictions: The physical evidence and biological material must be preserved until (1) the person is released from incarceration, (2) dies while incarcerated, or (3) is executed for one of the offenses listed above.
 - ii. Guilty Pleas: If the person is convicted or adjudicated on a guilty or nolo contendere plea for one of the offenses listed, 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 one of the offenses listed above, whichever comes first.
 - iii. Court Motion: Upon the issuance of the final disposition of a trial/plea, at the investigating officers request, the prosecutor should present to the judge a list of evidence deemed not to be pertinent to the case. The prosecutor should make a motion, in presence of defense counsel, to dispose of said evidence. If no objections or the judge ruled, then the evidence identified would be noted on the record/order and disposed of per the court order.
- c. Registration as Custodian of Evidence

- i. After a person is convicted or adjudicated for at least one of the offenses listed above, a P&E Technician shall register with the South Carolina Department of Corrections or the South Carolina Department of Juvenile Justice, as applicable, as a custodian of evidence for physical evidence or biological material related to the person's conviction or adjudication.
 - ii. The South Carolina Department of Corrections or the South Carolina Department of Juvenile Justice, as applicable, shall notify a custodian of evidence if the person is released from incarceration, dies while incarcerated, or is executed for one of the offenses listed above.
- d. Petition for Destruction of Evidence: After a person is convicted or adjudicated for at least one of the offenses listed above, a custodian of evidence 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 by law if:
 - i. 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.
 - ii. DNA evidence was previously introduced at trial, was found to be exculpatory, and all appeals and post-conviction procedures have been exhausted.

VII. HAZARDOUS AND BIO-HAZARDOUS MATERIAL

- A. Contract for Disposal: The Police Department will contract with a private contractor for the disposal of hazardous material. The P&E Unit, via its chain-of-command, may recommend a contractor for approval to the Assistant Chief and Chief of Police.