




DESCHUTES COUNTY SHERIFF'S OFFICE

Policy Title: Evidence Control	Effective Date: July 30, 2025	Policy Number: 4.10	
Accreditation Reference: 3.3.2, 3.3.3, 3.3.4, 3.3.5, 3.3.6, 3.3.7, 3.3.8, 3.3.9, 3.3.10	Review Date: July 30, 2028	Supersedes: July 12, 2021	Pages: 11
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I. PURPOSE

The purpose of this policy is to establish guidelines for maintaining the integrity of the evidentiary chain of custody and protecting the property rights of citizens.

II. POLICY

It is the policy of the Deschutes County Sheriff's Office to ensure that evidence in our custody be properly secured and stored, readily retrieved, and that any changes in its custody or condition have been properly and fully documented.

III. DEFINITIONS

Abandoned or Found Property is property in agency custody for which the owner is not known.

Biological Evidence means an individual's blood, semen, hair, saliva, skin tissue, fingernail scrapings, bone, bodily fluids or other identified biological material. This also includes the contents of a sexual assault forensic kit.

Chain of Evidence means the continuity of the custody of physical evidence, from the time of original collection to final disposal, which may be introduced in a judicial proceeding.

Contraband is property that is inherently illegal to possess and may not be released.

Impounding Deputy is the member of this agency, including Field Law Enforcement Technicians, who initially receives the evidence and initiates the chain of custody.

Evidence means any substance or material found or recovered in connection with an investigation.

Evidence Technician is the agency member accountable for control and maintenance of all evidence accepted by or stored in the agency's evidence room.

Evidence Room means the facilities utilized by this agency to store evidence.

Safekeeping Property refers to any substance or material that comes into the possession or control of the Sheriff's Office and is not evidence. May be released to the owner or disposed of in accordance with this policy without any further authorization.

Temporary Hold Property is property in agency custody for which the owner is known, but not eligible to take custody of the property as a result of a danger to him/herself or others.

Unclaimed Property is any personal property that was seized as evidence, abandoned property, found property or stolen property, and that has remained in the physical possession of the Sheriff's Office for a period of more than 60 days following conclusion of all criminal actions related to the seizure of the property, or conclusion of the investigation if no criminal action is filed per ORS 98.245(1)(b) or DCC 2.70.

IV. EVIDENCE PROCEDURES

All evidence or property that is seized by a member of this agency is ultimately the responsibility of the deputy assigned to the case. Decisions regarding retention, release or destruction of the evidence or property, and to whom it is to be released, will be made as soon as it is appropriate to do so and following District Attorney review.

A. Collecting and Documenting Evidence

- 1) When property or evidence is impounded, the impounding deputy shall enter the item(s) into Aegis Law Enforcement Records (LERMS) as soon as possible, but mandatorily prior to the end of his/her shift. The entry shall include all information necessary to document the property and/or evidence.
 - a) If a receipt is required to be given for the seizure of the item(s) the deputy shall utilize the Property Receipt or the Receipt generated by LERMS during entry; providing the receipt copy to the person and the original shall be entered with the deputy's report. The Property Receipt shall be utilized when:
 - i) The item(s) are found property by a private citizen, falling under the Finder's Law, ORS 98.005 – 98.025
 - ii) If the item(s) seized are pursuant to a search warrant.
 - iii) If the item(s) estimated value is more than \$100 dollars.
 - iv) If the owner is a suspect of the crime being investigated.
 - v) If the item(s) to be seized is currency.
 - vi) Any time the Deputy determines that through the issuance of a Property Receipt it will limit the liability of the Deschutes County Sheriff's Office.
- 2) The impounding deputy will inventory all property or evidence that will be entered into Property Quick Entry in LERMS before submitting them to the Evidence Room. The entry into Property Quick Entry shall include:
 - a. Entry Date and Time
 - b. Deputy ID
 - c. The case number to which the evidence pertains.
 - d. Property Type
 - e. Property Code (i.e. Evidence, Contraband, Safekeeping, Found Property)
 - f. The Facility Code "Intake"
 - g. The authorized storage location used to submit the evidence
 - h. The recovered location from where the item(s) were seized.
 - i. Name and address of the owner or other person involved as suspect, victim or complainant.
 - j. A complete description of each item seized to include:
 - i. The quantity

- ii. The Unit of Measure (i.e. Each, Ounce, Pound, Set)
 - iii. The item number – Including the impounding Deputy's initials followed by a sequential number for the seized item. For example, if the Deputy's name is John Smith the first item of evidence will be "JS1".
 - iv. The description of each item including the name of the item, the brand, any serial or owner applied number and the model, size and color.
 - v. The location where the item was submitted, if not at the main evidence locker.
 - vi. If the item entered was submitted to the Digital Information Management Solution (DIMS), the deputy will provide the location of the DIMS terminal used with the date and time the evidence was entered into DIMS.
- 3) If the evidence consists of a vehicle, the vehicle information must be completed, and a Vehicle Impound and Inventory Record attached.
 - 4) If the evidence consists of digital media created by the deputy (i.e. digital photographs and/or recorded audio of an interview) the Deputy shall submit the evidence into DIMS. The evidence shall also be entered in LERMS as a separate evidence item documenting the submission into DIMS. The entry in DIMS shall include:
 - a) Type of crime
 - b) Associated suspect/victim name
 - c) Address
 - d) Deputy's name and DIMS username
 - e) Photographer/Interviewer
 - f) Offense
 - g) Item number utilized when entering the evidence in LERMS
 - h) Date, Time, and DIMS location utilized to enter the digital media
 - 5) Once the Property Quick Entry is submitted all items are sequentially numbered and are no longer editable by the impounding deputy. If an error is made in completing the digital form, immediately contact the evidence technician(s).
 - 6) The deputy is required to complete a case report detailing the circumstances by which the property came into their possession as well as describing each item obtained.

B. Packaging and Submitting Property or Evidence

1. The impounding deputy shall properly handle, mark, and package all evidence/property, and transport all physical evidence to the evidence room, or other authorized secure location, as soon as is practical, but in every instance before the end of the deputy's shift.
2. When appropriate, the evidence technician will make arrangements and assume responsibility for storage and control of hazardous substances outside the evidence room.
Such substances include items which may have been exposed to or contaminated by communicable diseases, hazardous chemicals or waste products, or explosives or highly combustible products.
3. All evidence shall be placed in sealed containers such as plastic or paper bags, boxes or other similar containers unless it is too large or bulky to do so. The impounding deputy shall initial and date the seal on each container. Each container will be labeled with the case number, the item number and the evidence tag produced by LERMS Property Quick Entry. Tags may be used to identify large or bulky items.
4. If audio, video and digital media is submitted as evidence and not placed in DIMS, the media should be write-protected and/or placed in a sealed envelope to prevent alteration.

5. Controlled substances shall be placed in sealed bags. Quantities over four (4) ounces, other than marijuana, may not be placed in temporary lockers, and must be transferred directly to an evidence technician. Technicians are to be called in after hours, if necessary. In the event that neither the evidence technicians nor the Detective Captain are available then the evidence shall be secured in a DCSO safe by a supervisor. When large quantities of marijuana are seized the authorized off-site storage may be used if permission is granted by the Detective Captain and/or a Central Oregon Drug Enforcement (CODE) Team supervisor.
6. Impounding deputies shall secure evidence or property in the authorized evidence storage facilities.
 - a. Temporary storage facilities (i.e. keyed temporary lockers and alarmed detective storage) may be utilized by the impounding deputies after hours or when the short term need arises to maintain custody of an item of evidence prior to submission. The short term storage, in which the deputy will maintain custody, shall be approved by the deputy's supervisor prior. This chain of custody shall be documented in the impounding deputy's narrative of the report.
7. The person originally seizing evidence should retain personal custody of that evidence until it is submitted to an authorized storage facility. If the custody of the evidence must be transferred to another deputy prior to submission, that transfer, including the date and time, shall be documented on a Property Receipt. A copy of the property receipt shall be submitted to the Evidence Technicians so that the chain of custody can be documented.
8. Cash, US currency and coin shall always be packaged separately and submitted as a separate item. The exact amount shall be listed on the outside of the package and on the Property Quick Entry item description. Unless it is necessary to retain the money for evidentiary purposes, such as crime lab testing or at the request of the prosecuting attorney.
 - a. Evidence Technician shall notify the Detective Captain, Detective Lieutenant, Business Manager, and County Finance upon receipt of currency.
 - b. The money shall be deposited as soon as possible and no later than one business week from date of placement in evidence.
 - c. The Detective Captain and another sworn agency member will respond to Evidence Storage and take custody of the monies to be deposited. The sealed evidence package shall remain unopened and the Detective Captain shall sign for the custody of the monies in accordance with subsection F of this policy.
 - d. The Evidence Technician releasing the monies shall notify the Business Manager and Deschutes County Finance department that the Captain has taken custody of the monies.
 - e. The Detective Captain with the other sworn agency member will respond to the Business Manager who will then open the evidence bag, and count the deposit in the presence of the captain and sworn agency member. The case number and name of person from whom the money was obtained will be noted on the deposit for record keeping purposes. The Business Manager shall email the Deschutes County Finance Department, the evidence technician, Detective Lieutenant and Detective Captain that the deposit should be received by the Deschutes County Finance Department within 24 hours.
 - f. The Detective Captain with the other sworn agency member will transport the unopened monies to the Deschutes County Finance Department. The Finance Department will take custody of the monies and will create a receipt.
 - g. The Detective Captain will then deliver the receipt from the Deschutes County Finance Department to the Business Manager completing the process.
9. All money shall be counted by two (2) deputies and the amount shall be noted in the Intake Value field of Property Quick Entry and the Currency Count form. The money shall be placed in a sealed container with the amount noted on the outside of the container. Money in excess of \$5000 shall not be stored in temporary lockers. Such sums shall either be submitted directly to an Evidence Technician or stored in an authorized safe until the earliest possible time for direct submission. The Currency Count form shall

be submitted in the sealed evidence package facing outward, so that the value is clearly visible, and a copy will be attached to the Deputy's report.

10. Blood and urine may be secured in a standard temporary evidence locker or temporary refrigerated unit until the evidence technicians can secure the evidence in long term refrigerated evidence storage. Samples from a DRE DUII case should be clearly marked so they can be sent to the lab as soon as they are received in the Evidence Unit.
11. The impounding Deputy shall complete an Oregon State Police Forensic Services Request (Form 49) for all evidence he/she needs submitted to the OSP Forensic Services Division. This form shall be completed prior to any evidence being submitted to the OSP Forensic Services Division by the evidence technician(s). Evidence of similar types can be submitted on one Form 49, however if submitting different evidence types (i.e. controlled substances, blood, fingerprints, DNA) separate submission forms shall be utilized.
 - a. In cases where the evidence being submitted is a Sexual Assault Forensic Evidence (SAFE) Kit the OSP Form 49 shall not be utilized, but replaced with the OSP Forensic Services Request – Sexual Assault Form. This submission of the SAFE Kit is required to take place no later than 14 days after being received by the impounding deputy.
12. When the impounding deputy is seizing medications as evidence in an investigation, the impounding deputy shall complete a Medication Chart which shall be attached to his/her report. The Medication Chart is an inventory of all medications seized. This form shall be utilized when seizing medication unless the medications are seized as part of the disposal program as described in section V of this policy.

C. Receiving and Storage of Evidence

The evidence technician shall be responsible for receiving, storing, maintaining, releasing, and accounting for all evidence in compliance with established agency policy.

1. Evidence technicians will examine submitted evidence and ensure that items are packaged and documented properly. Items that are not submitted properly will be refused and returned to the submitting deputy for correction prior to acceptance. All evidence/property will be checked in by the evidence technician as soon as practicable.
2. Evidence items returned from the court or other agencies will be inspected to insure all listed items are present. Exceptions will be noted when items are checked in.
3. If evidence is received as a return from the lab or the courts and the items are not properly sealed, the technician will have a second person witness the condition of the package and then seal the evidence and have both the technician and the witness initial and date the seal. If the technician picks up the evidence at the other agency, they will require it to be sealed by the other agency before accepting custody of the item.
4. The evidence technician shall assign a storage location to each item of evidence and record this information in LERMS.
5. Evidence requiring added security, to include money in amounts over \$100, precious metals, jewelry, gemstones, firearms, and controlled substances, shall be stored in a separate secured area.
6. All cash will be regularly deposited, no later than one business week following entry in evidence, in an account established by the County to safeguard funds in the custody of the Sheriff's Office. Exceptions to this policy will only be approved if a prosecutor specifically requests individual money items be retained as physical evidence exhibits to be presented in court or the money holds potential evidence that may need to be sent to the crime lab for testing.
7. Perishable items shall be stored in a refrigerator or other suitable container.
8. Temperature-sensitive alarms will be used to protect against degradation of evidence.
9. Biohazard items will be placed in a specifically marked area in the evidence room.
10. Evidence facilities shall not be used to store member's personal property.

11. If the preservation and storage of biological evidence is mandated by ORS 133.707 the technician is not required to preserve physical evidence solely because the physical evidence contains biological evidence. If the storage and preservation of biological evidence is mandated and the physical evidence is of a size and/or bulk that renders the storage impractical, the technician may contact the impounding deputy to have portions of the physical evidence removed and preserved.

D. Access to the Evidence Room

1. Only members of this agency authorized by the Sheriff may have key or door code access to the evidence room.
2. A log shall be kept by the evidence technicians/technicians who identifies any other persons entering the evidence room, and such persons must be escorted by authorized staff.
3. All property storage facilities shall be alarmed with an intrusion alarm. The keypad to disarm the alarm in the main evidence room is behind the locked entrance door and only the evidence technicians/technicians or the Detective Captain have the code to disarm the alarm. 9-1-1 Dispatch monitors this alarm continuously and when an intrusion is noted, 9-1-1 Dispatch personnel will dispatch deputies to the alarm. Evidence personnel will respond to check the facility and secure the alarm.
4. The secure area designated for the storage of firearms, controlled substances, money or other valuable items is kept locked at all times and accessed by door code.
5. Off-site evidence storage is also connected to the same alarm system as the evidence room.
6. An emergency key for the property room is maintained in a secure location and the Detective Captain and Sheriff have access to retrieve and use this key.

E. Inspections of the Evidence Room

1. At least twice yearly, the supervisor of the evidence technicians shall make an inspection of the evidence storage facilities to ensure adherence to appropriate policies and procedures.
2. Unannounced inspections of evidence storage areas shall be conducted semiannually as directed by the Sheriff.
3. An annual audit of evidence held by the agency shall be conducted by a person, designated by the Sheriff, not routinely or directly connected with evidence control.
4. Whenever the person responsible for the property and evidence control is transferred or replaced, an inventory of all evidence and property shall be conducted to ensure that records are correct and all evidence and property is accounted for and properly documented. Full inventories are also required when there is a change in Sheriff or possible tampering is suspected.
5. All inspections, audits, unannounced inspections, and inventories shall be documented along with a narrative to include findings. Documentation shall be forwarded through the chain of command to the Detective Captain or designee.

F. Recording Transfers of Custody

1. The evidence technicians shall be responsible for documenting all changes in custody of physical evidence. The documentation shall identify the individual or organization currently having custody of each evidence item.
2. All personnel are responsible for maintaining a record of all property transfers of custody to include:
 - a) The name/signature of the person transporting property to and from crime lab or other appropriate agency.
 - b) The name/signature of the receiving individual, their function and the reason for the transfer;
 - c) The date and time of all transfers of property or evidence; and

- d) The name and location of the laboratory or other appropriate agency and the examination requested, if pertinent.
- 3. Transfers of custody shall be made in LERMS, if practical.
 - a. If LERMS is unavailable or the change in custody occurs in a location other than the Sheriff's Office the Property Receipt form may be used. The change in custody must be documented on a supplemental report and the Property Receipt form shall be attached.
- 4. Members of this agency who assume custody of evidence from the evidence room bear full responsibility for ensuring its security, proper storage, and maintenance, and for the ready retrieval of such evidence upon demand.

G. Evidence Being Held for Examination

- 1. The Evidence Unit will arrange for transmission of evidence to and from the Oregon State Police Crime Laboratory, or other appropriate facility, for examination. Upon completion of analysis, property will be returned to the Evidence Unit as soon as possible.
- 2. The original of any report resulting from analysis of evidence shall be stored with the original report in records. Copies will be sent to the Evidence Unit and the assigned deputy.
- 3. Upon receiving a copy of the Lab Report, the assigned deputy will determine if the evidence must be retained or can be released or destroyed according to the guidelines in this policy. The deputy must complete a Property Disposition Report as outlined in the following section.

H. Retention or Release of Evidence

- 1. All evidence seized shall be retained pending disposition of the criminal case unless release is authorized by the assigned deputy, following a review by the District Attorney.
- 2. Once the criminal case is concluded and the DA's Office notifies the Evidence Unit the evidence may be released, the Evidence Unit will prepare a Property Disposition Report and send it to the assigned deputy.
- 3. The deputy will determine the appropriate disposition of the evidence and promptly return the form to the Evidence Unit.
- 4. The assigned deputy may also authorize evidence to be released, prior to the disposition of a pending criminal case, if it is determined, with the concurrence of the DA's Office that the evidence is no longer needed for court.
- 5. Seized marijuana may not be returned to medical marijuana card holders under State v. Ehrensing.
- 6. Once the statute of limitations has passed on a criminal case for which evidence remains in custody, Evidence Unit personnel will prepare a Disposition Report and send it to the assigned deputy. The deputy will confirm there are no pending criminal cases and designate the appropriate disposition of the evidence in accordance with these procedures.
- 7. Evidence in missing persons will be retained so long as the person remains missing.
- 8. Death Investigations:

Where evidence indicates no crime was committed and the cause of death is ruled to be natural or accidental, evidence will be retained for six months. In the case of a death ruled as a suicide evidence will be retained for one year.

Dependent on the cause of death, the Sheriff's Office may consider a request for release of personal property, including release of property related to the cause or manner of death. Every effort will be made to approve the request.

To allow further investigation in the event new evidence of a crime comes into question at a later date, all known possible tests should be performed and all possible evidence shall be collected from the property (such as ballistics, crime lab DNA collection and/or testing, fingerprinting, and photographing).

9. Biological Evidence Retention: (ORS 133.707)
 - a. If Biological Evidence is mandated for retention the technician shall preserve a sufficient enough sample for the later development of a DNA profile.
 - b. The following are crimes in which the biological evidence shall be maintained in a sufficient manner to develop a DNA profile for 60 years after the date each person is convicted or until each person convicted of the offense has died, whichever is earlier.
 - i. Aggravated Murder
 - ii. Murder
 - iii. Rape in the first degree
 - iv. Sodomy in the first degree
 - v. Unlawful sexual penetration in the first degree
 - c. If the covered offense is aggravated vehicular homicide, manslaughter in the first degree or manslaughter in the second degree, until each person convicted of the offense has served the person's sentence.
 - d. If no person is convicted of the above listed offenses or the law enforcement agency investigating the offense closes the case for a reason other than the conviction of a person, until the expiration of the statute of limitations.
 - e. Evidence in murder investigations and assault investigations where there is any likelihood the victim may die as a result of the injuries will be retained for at least 75 years after the case is closed. Minimum retention for crimes with no statute of limitations is 75 years after the case is closed. ORS 133.707 requires 60 years minimum retention of biological evidence after conviction.
10. Evidence no longer needed for criminal investigation or prosecution purposes, except contraband, shall be considered "property" and returned to its lawful owner unless:
 - a) Title of the evidence/property has been transferred to someone other than the original owner by court order.
 - b) The lawful owner or technician fails to claim the property within the timelines established by law and this policy.
11. Property that is determined by a supervisor to be relevant evidence in an internal investigation or civil litigation involving a public agency may authorize the retention of the property as evidence pending the disposition of the investigation and/or litigation.

V. COLLECTION AND DISPOSAL OF PRESCRIPTION AND OVER THE COUNTER DRUGS

- A. In an effort to reduce the volume of prescription and over-the-counter medications in circulation within Deschutes County, the Sheriff's Office has implemented a program to collect and destroy prescriptions and over-the-counter medications no longer in use by citizens in Deschutes County.

The purpose of this program will be to limit the availability of prescription and over-the-counter medications in the county that could accidentally harm children, animals, or others; reduce prescription drug abuse/sales; and to limit the effects that improper disposal of prescription medications can have on the environment, primarily through contamination of water systems.

- B. The program is open to private citizens of Deschutes County. The Sheriff's Office does not accept prescription and over-the-counter medications from business/commercial or non-profit establishments.

Citizens will be invited to surrender by consent any unneeded prescription and over-the-counter medications to the Sheriff's Office or any of the Sheriff's Office sub-stations.

Additionally, deputies, field law enforcement technicians and evidence technicians are authorized to accept for destruction such medications during citizen contacts or calls for service. Citizens bringing medications for destruction directly to one of the Sheriff's Office substations may need to wait for a deputy to become available, in the absence of a secure medication drop box.

The Sheriff's Office will also advertise collection dates and times during special events, such as the "Secure Shredding" events, where deputies will be available to collect medications.

- C. A deputy, field law enforcement technician or evidence technicians may receive prescription and over-the-counter medications for destruction at any time with the verbal or written consent of the person wishing to surrender the medications. Because of the inherent dangers that exist when citizens retain unnecessary medications and/or improperly dispose of them, deputies should look for opportunities to collect such medications.
- D. A deputy, field law enforcement technician or evidence technician collecting medications shall complete an informational case report documenting the time, place, location, and surrendering party name(s), whenever possible. If available, names on labels should also be documented for identification of medications from a source other than the person(s) surrendering the medications.

In the event someone wishes to surrender medications other than in his own name, the deputy, field law enforcement technician or evidence technicians should make every effort to determine the relationship between the surrendering party and the party listed on the medication bottles. (The intent of this inquiry is only to establish the surrendering party's authority to provide consent for destruction of medications.)

- E. A deputy, field law enforcement technician or evidence technicians collecting medications shall submit the evidence through proper procedures, by utilizing LERMS. In addition to documenting the day, time and location of surrender, the evidence report should list the name and personal information of the party surrendering the medications.

The medications do not need to be itemized but shall be secured and sealed within a paper bag and transferred into evidence, as soon as possible, for destruction.

The deputy, field law enforcement technician or evidence technician should try and obtain the signature of the releasing party on the Property Receipt or the Prescription Drug Disposal Form. If the Prescription Drug Disposal Form is used the deputy shall make a copy of the form for attachment with the evidence. The original form shall be submitted to records staff for transcription into a case report.

Secure Drop Box

The Sheriff's Office also provides a secure drop box which is available to the public to dispose of prescription and over-the-counter medications. The drop box is secured to the floor of the Sheriff's Office in Bend and is accessible to the public during regular business hours.

The Detective Captain, his designee, or the evidence technicians are the only members who are authorized to remove the contents from the drop box.

The Detective Captain, his designee, or the evidence technicians who remove contents from the drop box shall submit the evidence through proper procedures, by utilizing LERMS. The following is required on the submission:

- the number of containers or bags being removed; and
- the date and time of removal

The medications do not need to be itemized but shall be secured and sealed within a paper bag and transferred into evidence, as soon as possible, for destruction.

VI. FOUND PROPERTY, SAFEKEEPING

A. Property Found or Received by Agency Members.

1. A reasonable attempt should be made to locate owners of property in custody of the Sheriff's Office and notify them of its status. Property should be returned to the owner as soon as practical and Sheriff's Office staff shall follow the above listed procedures for recording the transfers of custody.
2. Found property, or other property which is not related to a criminal investigation, will be returned to the owner by the field deputy, whenever possible, in person and prior to the end of shift.
3. If the owner of the property is unknown or cannot be located or contacted, the property will be placed in the evidence locker. Found bicycles and similar large items of property will be transported to and secured in the property storage area at the Sheriff's Office Maintenance Shop. The item will be properly tagged. The found property will be submitted in the same way as evidence, indicating location of the property, and that it was seized as found property.

B. Property Found by Private Citizens:

1. Persons presenting found property to the Sheriff's Office, and who wish to place a claim on the property, should be advised of the provisions of the Finder's Law, ORS 98.005 – 98.025, and be informed that if they comply with the requirements of the statute and the rightful owner does not come forward, they become the lawful owner of the property. They may retain custody of the property except as provided below.
2. If the property is estimated to be valued at more than \$1000, is a firearm, has been reported stolen, or is otherwise involved in a criminal investigation, or if the finder wishes the Sheriff's Office to take possession of the property, we should take custody of the property pending the identification of the owner. The finder should be supplied with the blue copy of the Property Receipt Form which explains the process they are to follow.
3. If the person bringing it to the Sheriff's Office wishes to retain their interest as the finder, they may do so as follows:
 - a. The finder will be allowed to reassert a claim if it is determined that the property is not stolen or evidence or the owner cannot be subsequently identified.
 - b. If the property is found to be evidence, it will be held subject to disposition by the County Attorney, District Attorney, or order of the court.
 - c. The found property report must clearly indicate the finder's interest in retaining the property and the fact he/she has been informed of this requirement under Oregon Revised Statutes.
 - d. If the Sheriff's Office discovers the identity of the original owner, the property will ultimately be returned to the original owner and the finder will be contacted and advised.

VII. DISPOSAL OF PROPERTY

A. Owner Notification

The agency will always make a reasonable effort to identify and notify the owner or technician of evidence/property in the agency's custody. All property held by the agency should be returned to the lawful owner as promptly as possible.

1. When there is property in the custody of the Sheriff's Office that is available to be released, Evidence Technicians will promptly send the owner a letter at the owner's last known address advising them to contact the department within 60 days to make an appointment to retrieve the property.
2. Property that comes into the custody of the Sheriff's Office and for which a reasonable effort fails to identify the lawful owner, is considered unclaimed after a period of 60 days. Evidence Technicians will cause a public notice to be published in accordance with DCC 2.70.

In the event the proper owner of property in the custody of the Sheriff's Office cannot be identified, or if the person identified as the owner fails to claim the property within the time limits specified by law and this policy, the Sheriff's Office may, as permitted by ORS 98.245 and DCC 2.70.

1. Destroy it;
2. Dispose of it by public auction or through agreements with private entities to conduct auctions to the public; or
3. Retain it for use by the agency.

B. Destruction of Property

Property having little or no value for sale at auction shall be destroyed by disposal in the trash after rendering items useless to someone who might retrieve them.

Controlled substances, contraband, and/or biological material are to be completely destroyed as prescribed by the Sheriff.

Firearms that are not returned to their owner, and which are not retained for public use, are to be destroyed as prescribed by the Sheriff.

Any items physically destroyed by evidence technicians will require a minimum of two persons who will monitor the destruction and document the items as having been destroyed.

In the case of electronic evidence, that evidence shall be routed through the Deschutes County Sheriff's Office Digital Forensics Lab for the secure removal of person information.

In the case of firearms, controlled substances, contraband, and/or biological material designated for destruction, a minimum of two sworn Sheriff's Office members will monitor the loading of items to be destroyed, accompany the items to the destruction site, and observe the destruction process. After completion of the destruction process, a supplemental report or a case report shall be submitted through the evidence technician's chain of command of the evidence function, which shall include:

1. The date, location and time of the destruction;
2. An itemized list of the items destroyed, and
3. A list of those present at the destruction.

C. Retention by Public Agency

1. Property, including firearms, which is available for disposal in accordance with these procedures, may be converted to public use if the property could be used by the Sheriff's Office in the performance of authorized functions.
 - a. In event that the property designated for destruction is electronic evidence, that evidence shall be routed through the Deschutes County Sheriff's Office Digital Forensics Unit for the secure removal of person information and the potential later use for parts, training, and research.
2. The item(s) to be converted to agency use must follow the procedure for disposition of unclaimed property set out in DCC 2.70.050.
3. Such conversions of property to public use must be specifically authorized, in writing, by the Sheriff. The authorization will specify the approved use.
4. Property converted to public use by the Sheriff's Office shall be added to the Sheriff's Office property inventory and accounted for the same as other Sheriff's Office property as long as it serves the intended function. The inventory will note the property is converted unclaimed property.
5. When the property is no longer of use to the Sheriff's Office it will be disposed of in accordance with the procedures in this policy.

D. Public Auction

1. Unclaimed property that has any significant value and is available for disposal by the Sheriff's Office shall be sold at public auction or disposed of through agreements with private entities to conduct auctions to the public.
2. If the Sheriff's Office holds public auctions:
 - a. A public notice shall be published at least 30 days in advance announcing the date, time and location of the auction.
 - b. Proceeds of the auction, less expenses, shall be deposited to the Sheriff's Office general fund.