WILLMAR POLICE DEPARTMENT

GENERAL DIRECTIVE: **0046**

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SUBJECT: PROPERTY INTAKE

PURPOSE

To establish guidelines relative to:

- The collection and storage of evidence, found property or property held for safekeeping.
- Property inventory, placement, tracking, transfer, sale, acquisition, destruction, or return of property.
- To define the responsibilities and duties of a property technician and assistant property technician.

DEFINITIONS

Property System – This refers to the entire process of acquiring, handling, documenting and securing property received through the course of employment with the Willmar Police Department.

Intake Lockers – The lockers are “pass-through” lockers with officers only having access to one side, which is capable of being secured and unavailable for officer re-entry once the locker has been secured.

Temporary Lockers – These lockers are secured with a padlock and key attached to the locker and are to be used for temporary storage.

Evidence Garage Storage Area – This is a large, secured, chain link storage area inside Building “F” of the law enforcement complex.

Impound Lot – This is the area located by the City Garage used for storing towed vehicles.

Property Room – This is the secured room where all submitted property is stored inside the Law Enforcement Center. Only assigned evidence technicians have access to this room. Others may only be in the room in the presence of an evidence technician.

Evidence/Property Technician – This is a person assigned to the responsibility of property submitted to the property system.

Property Inventory Sheet – This is the standard KSD/WPD Property Inventory Sheet (white/yellow carbon form). The white sheet (original) is placed with the property, the yellow sheet (carbon copy) is placed with the officer's submitted paperwork.

PROCEDURE

CLASSIFICATION OF PROPERTY

Evidence – Property held in custody that may be related to a crime.

Found Property – Non-evidentiary property held in custody that has been determined to be lost or abandoned and the identity of the owner is not known.

Property Held for Safekeeping – Non-evidentiary property that is in custody for temporary protection on behalf of the owner or the Court.

PROCEDURE FOR DEPOSITING PROPERTY

Duties of employees who take property into custody:

- Employees shall place all property received during the course of their shift into the property system prior to going off duty. In no instance shall an employee store property in a personal locker or other unauthorized location.

- Any property submitted for placement in the property system shall be listed on a "Property Inventory Sheet" and a corresponding "property tag" placed on each piece of property described.

- Property shall be placed in either a temporary locker (see further guidelines) or an intake locker with the white copy of the Property Inventory Sheet.

PACKAGING AND INTAKE GUIDELINES

Property Intake Locations

- Employees will place processed property in one of the following locations: intake lockers, impound lot, or evidence garage storage area.

Submitting Property

- The employee shall complete a Property Inventory Sheet listing each piece of property, providing a detailed description of the item taken into custody. The corresponding property tag shall include the date, officer's name, case file number, and tag number placed on the actual piece of property it relates to.

    - The white copy of the Property Inventory Sheet shall be placed into the intake locker, along with property being submitted.

- After placing the property into an intake locker, the employee will secure the intake locker.

  Exceptions:
  - Property that is too large to fit in an intake locker shall be placed in front of the gate inside the evidence garage storage area. The white copy of the Property Inventory Sheet shall be placed in an intake locker with a note attached advising the evidence technician where the property is located so it can be properly inventoried.

  - Found bicycles shall be placed between the inner/outer fence of the impound lot, to the left side of the entrance gate.

  - Vehicles being held as evidence shall be placed in the impound lot after they have been appropriately processed.

  - Highly flammable or explosive items will be placed in the impound lot. The white copy of the Property Inventory Sheet shall be placed in an intake locker with a note attached advising the evidence technician where the property is located so it can be properly inventoried.

    **Note: This excludes vehicles that are impounded during custodial arrests, parking enforcement, accident investigations, or forfeiture proceedings unless the vehicle is to be held as evidence. If the vehicle is needed as evidence, it shall be processed and inventoried using the Property Inventory Sheet. It will then be held at the evidence garage for future storage placement by an evidence technician. The Department towing and impounding procedures takes precedence in all other instances.

Packaging and Handling

- All property items will have a tag attached which corresponds to the tag number for that item as listed on the Property Inventory Sheet.

  - A tag will either be a stick-on tag or a tie-on tag. The stick-on tag should be placed on the packaging bag or on the property itself if no bag is used. Tie-on tags will be substituted if a stick-on tag is not appropriate.

  - Sterile sample containers should be used for alcohol items such as opened beer cans, mixed drinks in open glasses, or any other container that cannot be easily and properly sealed.

<u>Fluids (alcohol, etc.)</u> – A sample from an open container will be placed into a small sample container and sealed. The remainder of the fluid should be dumped out. The original container and the sealed sample container will be put into a bag with the property tag stuck to the outside of the bag.

Blood / Body Fluids – Property containing suspected blood or body fluids needs to be air dried and packaged in a paper bag. Do not use plastic as this promotes bacteria growth which can destroy the evidence. Place a biohazard label on the package. Each individual item containing blood needs to be packaged separately to prevent cross-contamination of blood evidence. If the property is still wet, hang it on a hanger in the larger intake lockers to air dry, and the property technician will package the item accordingly when dry.

Narcotics / Drugs – Any narcotic or prescription drug submitted to the property room will be placed in a plastic bag which will be sealed with evidence tape. The person submitting the narcotics or prescription drug will sign his/her name and date on the evidence tape seal. The weight of the narcotic or prescription drug will be indicated on the property form.

Money – Any money submitted to the property room will require a separate Currency Intake Form. This form will be filled out and attached to the Property Inventory Sheet. This form does not need to be completed with counterfeit currency as this is considered to be evidence only and has no monetary value. A two-person verification system shall be used and the Currency Intake Form signed by both.

Sharp Objects – Any sharp objects, such as needles, knives, stick pins, blades, broken glass, etc., will be packaged and placed in a box to prevent any chance of injury to someone handling it.

Firearms – An officer submitting a firearm to the property room shall unload the firearm before entering the agency facility. If the firearm cannot be unloaded because of a malfunction or the officer's unfamiliarity with the firearm, the officer shall attach a note to the firearm describing the malfunction and/or a warning that the firearm has not been unloaded.

- If a weapon needs to remain loaded to protect the integrity of the evidence (example: a revolver used in a homicide that needs to show the ammunition location of fired/unfired rounds in a cylinder), the weapon will be secured with a tie strap and a trigger lock to prevent the weapon from being opened or accidentally fired. A note must be left for the property technician that this weapon is not to be unloaded.

Flammables / Explosives – An employee shall not bring flammables or explosives into the Law Enforcement Center. An off-site location (impound lot) is the designated storage area. Depending upon the type of explosive, the shift supervisor will determine whether a bomb squad is needed to deactivate the explosive device.

Perishable Items – Items needing refrigeration or freezing will be placed in the refrigerator/freezer located in the evidence room intake area. Large quantities of perishable items should be photographed and returned to the owner immediately or properly disposed of.

Temporary Storage of Evidence

- There will be instances when employees have acquired evidence, but are not able to process the evidence or place it in the property system immediately. "Temporary"

storage lockers are provided for these special circumstances. In such instances, these guidelines should be followed:

- Evidence shall be placed in a "temporary" storage locker. Secure the locker with the attached lock. Take the key that is hanging on the locker and keep it until you remove the evidence for processing, at which time you would return the key back to the hook on the locker.

- No evidence will remain in a temporary storage locker longer than four days unless approval is given by an evidence technician. This is not a permanent storage location.

- The employee will sign a logbook noting which temporary storage locker he/she is currently using. The employee will also write the date and time the evidence was placed in the temporary locker, along with the case number associated to the property.

- After use, the employee will note the date and time he/she returned the key.

OBTAINING PROPERTY PREVIOUSLY SUBMITTED TO THE PROPERTY ROOM

- To obtain property held in the property system, employees must complete a "Property Transfer Request" form.

  - The completed form can be handed to or placed in a property technician's mailbox for processing. Requests should be made at least three (3) days in advance of the date the property is needed to allow the property technician adequate time to process the request. (It is okay to shorten the time span if a property technician will be available at the time you need the property). A property technician will not be called in on overtime to release property unless approved by the Chief or Captain.

  - Property Transfer Requests must be signed at the time the property is received.

  - Once the property technician receives a request, the property will be given directly to the officer making the request. If that officer is not present, the property technician will place the property and the Property Transfer Request form into a temporary locker. The key will be placed in a sealed envelope and left in the requesting officer's mailbox, and a voicemail left indicating the property is now available and which temporary locker the property is in.

  - When the employee receives the requested property from the intake locker, he/she will:
    - sign the Property Transfer Request form
    - remove the property from the locker
    - place the signed Property Transfer Request form in a regular intake locker to be processed and archived
    - secure the locker with the attached padlock

RIGHT TO REFUSE PROPERTY

The property technician may refuse to accept any property that is not the same as described on the Property Inventory Sheet or any property that is not packaged correctly (i.e., needles not in proper containers, suspected blood items need to be packaged in paper bags, etc.).

PROPERTY ROOM SECURITY

- Property storage areas shall be totally secured whenever the property technician is absent. Entry to the property room may be made by persons other than the property technician only under one of the following conditions:
    - Under the direct supervision of a property technician.
    - By the Chief of Police or a person designated by the Chief of Police for an audit of the property room.
- Authorized Property Room Key Holders – With no exception, only the following people will have keys to access the property room:
    - One (1) complete set of keys allowing access to the property room(s) will be given to each assigned property technician.
    - A duplicate set of keys will be placed in a sealed envelope and kept in a place designated by the Chief of Police. This set will be used for emergency purposes only.

        The duplicate key set will be placed in an envelope and the envelope sealed with evidence tape. The evidence tape will be dated and initialed by the property technician. If the keys are used, they will be returned to a property room technician who will again place the keys in a sealed envelope. A log will be kept with the keys, and an entry will be required with the date and signature of the person who used the keys. The sealed envelope containing the duplicate key set and the logbook will be placed in the designated place for safekeeping.
    - Duplication or possession of access keys to the property storage areas is prohibited without written permission of the Chief of Police.
    - Locks to the property storage areas will be re-keyed or the combination changed whenever a new property technician is assigned or a key is unaccounted for.

PROPERTY TECHNICIAN RESPONSIBILITIES

Integrity, responsibility and organizational skills are of ultimate importance when considering the assignment of a property technician and/or assistant property technician. A property technician can be either a sworn officer or a civilian employee.

Described duties hereinafter apply to both civilian and sworn officer property technicians unless specified only as sworn.

- The property technician will:
    - Be responsible for all property submitted through proper outlined intake procedures.
    - Not allow anyone other than other property technicians into the property rooms without direct supervision.
    - Check intake lockers, ensuring they remain available for officer use and property is inventoried in a timely manner. If property has been placed in the property system, the property technician will:
        - remove property from the intake lockers and ensure an accurate description of the property is given.
        - place the property into the property room in a position that reduces the need for further movement within the room.
        - record the location the property was placed in the room by written entry on the white copy of the Property Inventory Sheet.
        - file the Property Inventory Sheet by case number in the designated file drawer located in the property room.
    - Check for Property Transfer Requests submitted by officers as close to the start of duty as practical to ensure employees have access to needed property. If property has been requested, the property technician will:
        - place the requested property into an intake locker and secure it with the lock placed on the temporary locker.
        - enter the transfer into the property database program.
    - Track property by computer entry.
        - All property received into the property system will be entered into a database program by a property technician.
        - The property technician will update any property record indicating a transfer or the eventual disposal of property. Updated transfers will include the date of transfer, who received the item, and any remarks reference the transfer. All movement of property will be recorded.
    - Maintain written records of all property movement. Any property that is brought into or removed from the property system will be tracked by paper forms that are signed and attached to the case file in Records. As a safety net for the property technicians, a copy will also be kept in the property room files. This includes signed receipts which are completed on all property returns, property destruction,

auctioned property, property transfers, or any other method of property disposition that is employed by the evidence technician.

- Manage the property room efficiently by minimizing property inventory through case research and proper disposal of property in resolved cases. After determining property is no longer needed, the property technician will dispose of property in one of the following ways. How the property was disposed of will be recorded and tracked through the database program and also by printed/signed records/receipts.

Disposal of property should be made using the following guidelines:

- Property Retention - The Property Technician should follow the guidelines of MN Statute 628.26 (Statute of Limitations) and MN Statute 345.02 (Unclaimed Property) when making decisions on retaining property whereby charges have not been filed or property that has been unclaimed after providing proper notice.

- Found Property (90 days) – After 90 days, if found property is unclaimed by the true owner, it can be returned to the finder. If unclaimed by the true owner, notice to claim the property will be given to the finder.

  - If the finder does not wish to claim the property, it will be sold at the City auction unless damaged, contaminated with body fluids, deemed to be dangerous (guns, knives, etc.), or is illegal to possess. If any of these conditions exist, the item will be destroyed.

  - If the property is valued at $250.00 or more, the property technician shall also publish a notice in the local newspaper. If no person claims ownership of the property within seven (7) days after publication, the property may be released to the finder upon the finder paying the cost of the publication.

- Safekeeping – A notice to claim property will be sent to the owner. If the property is a weapon taken during a domestic, etc., the property will only be released to another responsible adult member of the owner's choosing. Once notice is sent, owners are given an additional 90 days to claim the property. The owner will also be advised in the notice that failure to claim the property will result in it being handled as abandoned property and disposed of accordingly. The original form will be filed in the property room and a copy placed in Records.

- Return to Owner – Return any property where the owner is known and can legally possess the property. Proper attempts at locating the owner consist of attempted contact at the last known address and running a license check for a current address. Property will not be returned without the receiving person providing adequate ID.

- Destroy –

  - Property which cannot be legally possessed by the owner (such as drugs, weapons, i.e., sawed-off shotguns, weapons from convicted felons, etc.).
  - Any property that is damaged and not salvageable.
  - Property with little or no value (beer bottles, beer cans, ink pens, car parts from hit and run scene, etc.).
  - Property with little or no value and the owner cannot be determined.
  - All other items will be thrown in a dumpster.

  Methods of Destruction

  ◊ Firearms – Will be cut up, making them totally unsalvageable to anyone for future use.

  ◊ Drugs – All drugs will be burned or flushed down the sewer system.

  Destruction of drugs and guns shall be done by the **sworn officer property technician**, while another sworn officer witnesses the destruction and also signs the destruction receipt. Destruction of all other types of property only requires the signature of the evidence technician destroying the property.

  ◊ Counterfeit Money – Send to the U.S. Secret Service, along with a copy of the report for destruction.

  ◊ Dangerous Weapons – Clubs, knives, metal knuckles, etc., will be rendered unusable by smashing or cutting.

  ◊ Alcohol – Will be poured down a drain.

  ◊ Blood and Other Objects Containing Body Fluids – Will be disposed of as biohazard waste.

  ◊ Ammunition – Will be given to the range officer for proper destruction.

- Auction – Items with a value greater than $5.00, and not claimed by the owner or a finder, may be sold at public auction. The property technician will provide the City Clerk with a list of items that will be auctioned from the property room.

- Transfer to City/Departmental Use – Items not claimed that may be beneficial for City or Department use, may be transferred to the requesting Department with City Clerk approval. This procedure allows the City to recognize a savings to taxpayers by not having to purchase an item already in their possession which would otherwise be sold at auction.

- Transfer to General Fund – Several types of property/evidence that are unclaimed may be transferred to the City's General Fund. These items may be, but are not limited to:

  - Unclaimed money.

  - Unclaimed jewelry. The property technician shall receive two written estimates from separate dealers. The dealer submitting the highest bid shall take possession of the jewelry and a check shall be made out to the City of Willmar for deposit in the General Fund.

  - Unclaimed beer kegs and tappers. The property technician shall be responsible for arranging kegs and tappers for transport to a local liquor store and if reimbursement is offered, having a check made out to the City of Willmar for deposit in the General Fund.

- The property technician will ensure that all evidence keeps its integrity by preventing evidence containing blood or other body fluids from touching other items of similar nature, thereby preventing cross contamination. Each item of this nature will be air-dried separately and packaged individually. The intake locker and location the item was placed for drying will be thoroughly cleaned with disinfectant and soapy water to prevent cross contamination for any other item placed in the locker at a later date.

- The property technician will keep the property intake areas stocked with necessary forms and supplies for the packaging and processing of property by other employees.

- The property technicians are not responsible for any evidence/property collected prior to September 1, 1998. Each officer assumes the responsibility for property he/she collected prior to this date, as it was collected and stored under a completely different property system.

AUDITS, CHECKS AND BALANCES

- It is recommended that the Chief of Police assign someone to do an unannounced random audit of property in the property room at least once a year.

  - Audits will be performed by pulling up a partial list of various property items using the program. This property will be checked to verify that it is in the location indicated. The amount of property checked can vary depending on what the auditor feels is necessary to determine proper storage methods are being followed.

  - If any discrepancies are noted, the auditor shall perform a more detailed audit.

  - The auditor shall prepare a report of his/her findings and state any recommendation for a change to improve the property system.

- A property technician can request to have a blood/urine sample drawn and analyzed at Department expense if the technician believes his/her integrity or safety is in question.

ACCOUNTABILITY

This directive applies to all Department personnel. It shall be the responsibility of supervisory personnel to ensure this directive is followed. Failure to adhere to this directive may result in disciplinary action up to and including termination.

BY ORDER OF THE CHIEF OF POLICE

James A. Kulset

DJW/sae