

GENERAL ORDER

PORT WASHINGTON POLICE DEPARTMENT

SUBJECT:	PROPERTY AND EVIDENCE CONTROL	NUMBER:	11.2.1
		ISSUED:	5/19/09
SCOPE:	All Police Personnel	EFFECTIVE:	5/19/09
DISTRIBUTION:	All Police Personnel	<input checked="" type="checkbox"/> RESCINDS	A-5-82 33.1
		<input type="checkbox"/> AMENDS	
REFERENCE:	Property Inventory Report, Vehicle Information Report City Ordinance 12.08.020 WI State Statute §§ 968.205	WILEAG STANDARDS: 11.1.7, 11.1.8, 11.2.1, 11.2.2, 11.2.3, 11.2.4, 11.2.5, 11.2.6	

INDEX AS: Authorized Personnel (Property)
Evidence and Property Controls
Inspections
Transfer of Custody
Transmittal of Evidence to Lab

PURPOSE:

The purpose of this document is to identify the responsibilities involved in the proper handling, safekeeping, and disposition of property and evidence that is found, recovered, seized, or stored as a result of action by a member of the Port Washington Police Department, and to establish guidelines for managing this inventory. For general property, the objective shall be safe and orderly retention. The Department shall store all property in a manner that strives to:

1. Maintain its original condition at the time of acquisition.
2. Keep it in such a manner as to promote this agency's reputation as an honest and reputable police department worthy of the public's confidence and trust.

The objective of evidence control is to:

1. Support ongoing investigations through the secure retention of property that has evidentiary value in a court of law.
2. Help facilitate successful prosecution in criminal matters.
3. Safeguard the chain of evidence, and
4. Inspire the public's confidence and trust in this agency's ability to maintain legal safeguards for the receipt, handling, security, and eventual disposition of evidence.

Established guidelines shall promote an environment in which evidence can:

1. Be retained without deterioration.
2. Remain free from substantiated accusations of tampering.
3. Meet the requirements designated by current law and OSHA (Occupational Safety and Health Administration) standards.
4. Be of restricted access to minimize the number of people held accountable for such property.
5. Enhance the credibility of this Department to safely and legally manage evidence.

This order consists of the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. GENERAL PROCEDURES
- IV. INVENTORY PROCEDURES
- V. SECURE FACILITIES
- VI. PROPERTY AND EVIDENCE STORAGE
- VII. AUTHORIZED PERSONNEL
- VIII. DISPOSITION OF PROPERTY
- IX. PROPERTY OFFICER RESPONSIBILITIES
- X. INSPECTIONS

I. POLICY

Members of the Port Washington Police Department shall seize and inventory property when probable cause exists to believe that the property is stolen, contraband, abandoned, in need of safekeeping, or when it is required as evidence. Inventoried property shall be documented on a property inventory report and secured in an evidence locker or other authorized secure area. All inventoried property shall be handled and stored in such a manner which preserves its integrity and evidentiary value and which protects it from loss, theft, damage, or other adverse effects.

II. DEFINITIONS

- A. INVENTORY: To make an itemized report or record of.
- B. PROPERTY: Something owned; any tangible possession that is owned by someone.

- C. EVIDENCE: Property having significance as a potential means of determining the truth of an alleged matter of fact under investigation.
- D. SEIZED: Property acquired by the police by means of warrant or warrant less search. An *involuntary* relinquishment of possession and control.
- E. RECOVERED: To get back something previously lost or taken away.
- F. CONTRABAND: Property that is by federal or state law or local ordinance inherently illegal and prohibited from private ownership, use or possession.
 - 1. Property not inherently illegal but put to an illegal use.
- G. SAFEKEEPING: Entrusted to another for care, protection, etc.
- H. FOUND/ABANDONED: To have come upon or discovered, often by accident. / The intentional act of relinquishing permanently all rights, title, claim and possession of property without reference to a specific person.
- I. STOLEN: That which has been taken from another without right or permission.
- J. LOST: Owner has *involuntarily* parted possession of property and has no knowledge of its location.

III. GENERAL PROCEDURES

A. Recovery of Property

Upon taking possession of evidence or property from a person, officers will document the person's identity and the circumstances surrounding the recovery of the property. A receipt will be issued upon request to the person from whom non-contraband items are taken.

B. Property Intake Procedures

All items taken into the Port Washington Police Department's possession shall be documented on a property inventory report providing a brief description of each property item, as well as an incident report detailing the circumstances by which this property came into the agency's possession.

1. All items shall be described in detail so as to be readily identifiable upon inspection.
 - a. In addition to a written, detailed description, photos may be taken of the item(s) and those digital images attached to the incident report.
2. If property is to be stored, it shall be assigned a property inventory number by the Property Officer, who will then record this information in the property log.
3. The property inventory report shall be completed in full by the recovering officer.
4. If property can be released to the owner, the recovering officer shall clearly note this in the incident report.
5. If evidence requires processing by the State Crime Lab or other laboratory, the recovering officer shall clearly note this information in the incident report.
6. All transfers of custody for evidence or property shall be documented in the incident report and as 'Chain of Custody' on the reverse side of the original copy of the property inventory report.
7. All items property inventoried shall be completed before personnel end their tour of duty.

C. Packaging & Storage

1. All items shall be packaged and secured in a sealed paper or plastic bag if possible, with multiple items packaged separately from one another whenever possible. In general, all items shall be packaged in accordance with the guidelines set forth in the Wisconsin Department of Justice State Crime Laboratories' Physical Evidence Handbook. Certain items require specific packaging instructions, which are outlined in this policy.
2. All packages shall be labeled using indelible ink. Information shall be written directly on the outside of the package. Some packaging containers have a label pre-printed on them. If this is the case, all areas of requested information shall be completed. If this is not the case, information included shall be as detailed as is practical, paying specific attention to the case number and the potential owner of the property.
3. Large items, such as vehicles, bicycles and other similar items that cannot be packaged shall have a completed property tag affixed to the property in such a manner that does not permit it to become easily detached, allows a view of the property tag information, and minimizes any damage or disfigurement to the property itself.

4. All items not immediately released shall be placed in a secure locker in the property room, along with the original copy of the property inventory report, before the end of the officer's shift. A supervisor may authorize an exception if the property is required for investigative purposes. The remaining copy of the property inventory report shall be submitted to the Records Section, along with the incident report.
5. Vehicles, bicycles, and other large items not stored in the property room will be transferred to their designated storage areas and properly secured, and that location shall be mentioned in the incident report. The original copy of the property inventory report shall be placed in the Property Officer's tray, located on the desk in the Property Lab. The remaining copy of the property inventory report shall be submitted to the Records Section with the incident report.
6. Evidence that requires processing by the State Crime Lab shall be transferred by the Property Officer or a person designated by the Chief of Police, to properly maintain the chain of custody.
7. It shall also be the responsibility of every officer or member of this Department taking property into his/her possession to either render the property safe from any known or perceivable hazards or to notify the Property Officer that an item or object poses a potential danger for injury and/or bloodborne pathogens. Special care shall be taken when handling firearms and no weapons shall be stored containing live ammunition.
8. The Property Officer shall determine when certain property, due to its size, odor, volatility, or dangerous condition, shall be re-located to a remote location under the control of this Department in order to maximize citizen and employee safety.
9. All items inventoried shall be stored in a secured evidence locker or other authorized secure area.
10. The Property Officer maintains the right to refuse to accept any property which is not properly marked, packaged or documented and return it to the submitting officer who shall be responsible for properly marking, packaging and documenting same.

D. Transmittal of Evidence to the Crime Lab

1. All transfers of evidence to and from the Crime Lab shall be coordinated through the Property Officer or designee, who will ensure

that evidence destined for the Crime Lab is delivered in a timely and appropriate manner.

2. All perishable physical evidence which may include, but is not limited to, fresh whole/liquid blood, blood-stained objects, other physiological stains and tissue, and biological materials, should be sent to the Crime Lab as expeditiously as possible.
3. All transfers of evidence to and from the Crime Lab shall be documented on the original copy of the property inventory report, which will include the date and time of transfer, as well as the name and signature of the person at the laboratory receiving or releasing the evidence. Transfers shall also be documented in a supplement to the original incident report.
4. Evidence shall be prepared and packaged in accordance with Crime Lab procedures, and all evidence submitted to the Crime Lab shall be accompanied by a "Transmittal of Evidence" form, which has been completed by the investigating officer prior to transfer to the Crime Lab.
5. The Crime Lab Receipt of Physical Evidence shall be attached to the original copy of the Property Inventory Report and returned to the Property Officer. A copy of the receipt shall also be placed with the original incident report.
6. The Crime Lab will mail the written results of their findings, which will be forwarded to the investigating officer upon receipt. The investigating officer shall then insure that the lab results are completely documented in a supplement to the original incident report and the original Crime Lab report shall be scanned into the incident report.
7. When retrieving evidence from the Crime Lab, the property shall either be returned to the Property Officer in person, or secured in an evidence locker, along with the appropriate documentation.

IV. INVENTORY PROCEDURES

A. Recovered Stolen Property

1. Any item found to be stolen shall be listed as recovered and properly property inventoried.

2. If property is listed as stolen through NCIC/CIB, then the reporting agency shall be contacted regarding the recovery.
3. If the property is of evidentiary value, then it shall be retained until the criminal case is closed and all appeals are exhausted. Items may be photographed and returned to the owner where feasible and with prior approval from the prosecutor.
4. If property is not of evidentiary value, then a determined effort shall be made to return the property to its owner.

B. Contraband

1. Any item found to be contraband (that which cannot be legally possessed) shall be recovered and property inventoried.
2. Contraband items not of evidentiary value shall be inventoried and disposed of by the Property Officer in the appropriate manner. Fireworks, alcohol, tobacco products, and perishable items confiscated under a municipal ordinance violation may be destroyed by the investigating officer in accordance with General Order 11.2.1 (IV) (J) and (K), but must be photographed first. The destruction of this evidence must also be witnessed by another officer and documented in the incident report. Photograph(s) of the evidence are to be made part of the original incident report. The original property inventory report must be forwarded to the Property Officer with the notation, '*Photographed and Destroyed by (OFFICER'S NAME)*'.

C. Weapons

1. All firearms shall be checked through NCIC/CIB to determine status.
2. All firearms shall be carefully inspected and made safe.
3. All firearms shall be described in detail, including make, model, serial number, caliber, and any identifying marks.
4. Special care should be taken to document the location of ammunition found in a weapon and to preserve any trace evidence that may be recovered from the weapon.
5. All firearms shall be packaged separately from other items listed on the property inventory report. Ammunition shall not be packaged in the same evidence container as the weapon. Whenever possible, all firearms shall be packaged in cardboard gun boxes.

6. Whenever possible, all non-folding edged weapons shall be packaged in a cardboard box, and secured in a stationary position within the box, to prevent accidental injury. Folding edged weapons shall be stored in a folded position, and may then be packaged in a sealed, clear evidence bag. Edged weapons containing blood or other evidentiary material shall be air-dried prior to packaging, and shall not be packaged in plastic.
7. All weapons shall be packaged in such a manner as to protect others from accidental injury.

D. Controlled Substances

1. All controlled substances shall be identified, or tested and quantified, weighed, and/or counted. Field testing shall be performed unless the entire amount of the substance would be consumed by the field test, in which case testing shall be performed by the Crime Lab.
2. All controlled substances shall be packaged separately from other items listed on the Property Inventory report.
3. Marijuana and other plant material should be dry prior to packaging, and shall then be packaged. A sturdy paper container is the preferred packaging material.
4. Syringes and needles shall be packaged in a clear plastic tube designed for that purpose and shall be presented for transport to the State Crime Lab for testing when appropriate.

E. Body Fluids

1. All evidence suspected of containing hairs, fibers, semen, blood, or other body fluids shall be recovered, processed and inventoried following the procedures contained in the State Crime Lab's Physical Evidence Handbook.
2. Officers inventorying biological evidence containing DNA shall clearly note this information on the Property Inventory report.
3. All biological evidence shall be temporarily placed in the evidence lab room for drying or refrigeration/freezing as necessary. A temporary freezer is located in the evidence lab room for this purpose. When evidence is placed in this freezer, it shall be secured with the provided padlock. The original Property Inventory report must

accompany the evidence. A photocopy of the original Property Inventory report shall be forwarded by the inventorying officer to the Property Officer. This will serve as notification of its location.

4. If the biological evidence requires refrigeration or freezing, the Property Officer, upon receipt of the Property Inventory copy, will be responsible for promptly transferring the evidence to the refrigerator/freezer located in the Property Room
5. If the biological evidence requires drying, it is the responsibility of the investigating officer to check on its progress. When the drying process is complete, it is the investigating officer's responsibility to properly package and transfer the evidence and original property record to a secure evidence locker for transfer to the Property Room.

F. Sexual Offenses

1. If the opportunity/possibility exists to collect physical evidence from the victim, the victim should be taken to the Sexual Assault Treatment Center, located at 2000 West Kilbourn Ave., Milwaukee, WI.
2. The investigating officer shall accompany the victim to the treatment center to photograph possible injuries and to receive items of evidence recovered from the attending physician.
3. Officers should contact the Wisconsin Crime Lab at (414)382-7500 if there are any questions concerning the proper handling and inventory of evidence.

G. Motor Vehicles

1. A Vehicle Information Report must be completed for every seized vehicle, and the towing bill shall be attached to this report.
2. If a vehicle is seized in relation to the commission of a crime (not including municipal ordinance violations), a Property Inventory Report must also be completed for the seized vehicle, and an inventory shall be conducted on the vehicle.
3. Vehicles may be processed at the scene if removal of the vehicle to another location might compromise the integrity of the evidence. Otherwise, all vehicles seized as evidence shall be towed to the Port Washington Police Dept. for processing and stored in the impound lot.

4. All seized vehicles are subject to an inventory. An inventory is an administrative measure designed to protect motor vehicles and their contents while in police custody; to protect the Department against claims of lost, stolen or damaged property; and to protect departmental personnel and the public against injury or damaged property due to hazardous materials or substances that may be in the vehicle. Officers are to document in the incident report that an inventory was completed. An inventory shall be conducted any time a vehicle is seized in relation to the commission of a crime (not including municipal ordinance violations).

Scope of Inventory

- a. An inventory may extend to all areas of the vehicle in which personal property or hazardous materials may reasonably be found, including but not limited to the passenger compartments, trunk and glove box.
 - b. The contents and all containers found within the vehicle are subject to an inventory, including but not limited to all open, closed or locked containers. Care should be taken not to unnecessarily damage items found during the inventory. Any damage to items or the vehicle resulting from an inventory shall be noted in the incident report.
 - c. Property seized from a vehicle during an inventory for safekeeping purposes shall be documented on a Property Inventory Report.
 - d. Items of evidence or contraband found during an inventory may be seized and retained for use in connection with a subsequent criminal investigation.
4. Vehicles seized as evidence shall not be released unless charges are dismissed or upon approval of the District Attorney's Office or other relevant prosecuting authority.
 5. No vehicle shall be released until payment of the tow bill and related storage fees, if any, have been satisfied.
 - a. Once the vehicle has been released from custody the owner shall be notified to pick up the vehicle and is responsible for payment of the tow bill and related storage fees, if any.
 - b. If the owner is not located, or the vehicle is not claimed within two (2) days of release, then the vehicle shall be presumed

abandoned under City Ordinance 12.08.020, and shall be treated as such.

6. Asset forfeiture proceedings for a motor vehicle must be approved by the Captain.

H. Abandoned Property/Safekeeping

1. Any property of value that has been found, abandoned, or seized for safekeeping, shall be property inventoried.
2. The reporting officer shall make a determined effort to notify the property owner and shall document those efforts in the incident report.

I. Currency/Precious Stones & Metals

1. All currency, precious stones and precious metals shall be packaged separately from other items listed on the Property Inventory Report.
2. Currency shall be counted twice and in the presence of another officer. Denominations shall be recorded on the Property Inventory Report.
3. Precious stones and metals shall be described in detail on the Property Inventory Report but officers should refrain from exact descriptions unless first verified by a gemologist.

J. Hazardous Materials

1. All explosives, flammable liquids, flammable solids, gases which are flammable, poisonous, or corrosive, and any other hazardous material shall not be inventoried unless made safe by a qualified person. A Property Inventory Report shall be completed and the items disposed of properly. If such materials are made safe, they shall be stored in the designated "Flammable Storage Cabinet" located in the Department garage and a Property Inventory Report shall be completed.
2. Hazardous materials required as evidence, whereas if made safe would damage a criminal case, shall be packaged and property inventoried under the direction of the State Crime Lab.

K. Alcohol & Other Perishable Items

1. Opened containers of alcohol shall not normally be kept in inventory. If needed as evidence, items shall be inventoried, photographed and properly disposed of. For Circuit Court cases the empty containers should be inventoried.
2. Perishable items may be inventoried, photographed and turned over to the owner. If the owner cannot be determined or located, the officer may dispose of these items.

L. Bicycles, Mopeds & Other Large Items

All bicycles, mopeds, and other large items seized by the Department shall be property inventoried and secured in the Bulk Storage building. Property tags shall be attached to all items.

M. License Plates

1. License plates listed as stolen shall be inventoried and the reporting agency notified. Stolen license plates may be destroyed if there is no prosecution and/or the reporting agency does not want the plates retained.
2. License plates needed as evidence shall be inventoried.
3. License plates seized for unpaid citations or other traffic violations shall be inventoried and turned over to the Records Section, along with both copies of the Property Inventory Report. If the license plates are not claimed within three months, they can be destroyed by the Records Clerk with destruction properly documented.

N. Prisoner's Property

1. Property belonging to a person who is being held in our municipal lockup, which is not considered as evidence or contraband, shall be inspected and noted on the property section of the prisoner's Municipal Jail Record. A property inventory report is not necessary.
2. All property items not considered as evidence or contraband shall be packaged, sealed, and placed in a secure property locker located within the lockup facility, designated for prisoner property. The locker number shall be noted on the Municipal Jail Record.
3. Currency and checks shall be packaged separately from other items.

Perishable food items shall be disposed of and their disposal noted on the Municipal Jail Record.

4. When receiving property from a prisoner or releasing property to a prisoner, both the prisoner and the receiving/releasing officer shall acknowledge the receipt of the property on the property section of the prisoner's Municipal Jail Record.
5. Once property has been received from a prisoner, the prisoner shall not have access to that property until he/she is released from custody or turned over to another jurisdiction. Prescription medication may be dispensed by a supervisor, if necessary.
6. When a prisoner is released from custody, released to another agency, or transported to the Ozaukee County Jail, the prisoner's property shall accompany the prisoner. A prisoner's property will not be inventoried unless it is of evidentiary value or upon approval of a supervisor.

O. Departmental Property

The Chief of Police shall assume the responsibility and accountability for all department owned property. Department personnel are responsible for department owned property assigned or under their control. Department personnel are not to intentionally misuse, damage or destroy any department owned property. Departmental property shall include but is not limited to vehicles, computers, software, hardware, communications devices, lockers, mail slots, filing cabinets, and any other furnishings or equipment. The chief of police/designee shall have complete authority to access this property at any time.

P. Stolen/Missing/Lost Property

Items reported as stolen/lost/missing, and which are not in the actual physical custody of this Department, will not be inventoried. Officers shall gather as much relevant information as possible regarding such items, however, and this information shall be included in the report and provided to the Records Section for data entry purposes.

V. SECURE FACILITIES

The Property Officer shall maintain an area of evidence storage lockers within the Evidence Lab. Though such lockers are intended for the temporary secure storage of items that have evidentiary value, such lockers may also be used to secure property of a sensitive, delicate, or valuable nature, until the Property Officer can re-locate such items. The Property Officer or designee shall

periodically examine the contents of all lockers and attempt to maintain the majority of the lockers in an open and available condition, in order to make this resource available to members of the Department during hours of his/her absence.

VI. PROPERTY AND EVIDENCE STORAGE

- A. All property and evidence either acquired or seized by this Department, shall be stored in a secure and designated area. If material is determined to be evidence and the authorized personnel necessary to gain entry to the property room are not available, the item(s) shall be secured in an evidence storage locker within the Evidence Lab.
- B. In the absence of the Property Officer or designee, the door to the property room and the door to the Evidence Lab shall be closed and locked upon the departure of any officer or employee.
- C. Certain items of property require enhanced security, such as money, jewelry, firearms, and drugs. Long weapons shall be stored within the property room so as to stabilize their position and prevent damage. Jewelry and money shall be secured within a safe located within the property room, while drugs shall be secured within metal drawers of a lockable cabinet located within the property room, and these items are accessible only by authorized personnel.

VII. AUTHORIZED PERSONNEL

- A. In order to maintain accountability and security for property and evidence in possession of the Port Washington Police Department, the following individuals have been entrusted with access to all areas of both property and evidence:
 - 1. Property and Evidence Supervisor/Lieutenant
 - 2. Property Officer(s)
 - 3. Captain (exigent circumstances)
 - (a) Property Room Access Log
Anyone other than Authorized Personnel entering the property room must be accompanied by an authorized individual and must sign, date, and time the Access Log.

Upon any personnel changes in these positions, the locks to the property room door and the temporary storage lockers shall be changed or re-keyed.

- B. Access to areas of property storage only, such as the bicycle storage and impound facilities, shall be enjoyed by all sworn members of the Department through the use of keys kept on the key rings of marked patrol units.

VIII. DISPOSITION OF PROPERTY

In general, all items not of evidentiary value or considered as contraband shall be held for a minimum of thirty (30) days prior to disposal, unless the items can be returned to the lawful owner. Items that cannot be returned to the lawful owner within that time period shall be disposed of by the Property Officer through public auction or other methods as determined by the Chief of Police.

- A. Items of evidence may be disposed of after completion of all relevant court proceedings, including the appeals process, or upon a court order.
 - 1. In cases involving evidence, the officer who took custody of and inventoried the evidence shall make a reasonable effort to notify the Property Officer if it is discovered that evidence is no longer needed for court proceedings.
 - 2. The Property Officer shall make a reasonable effort to return the property to its lawful owner, if such property can be legally possessed.
 - 3. Items of evidence which are returnable, but for which no lawful owner can be determined or located, shall be held for thirty (30) days at which time it shall be disposed of by the Property Officer through auction or other methods determined by the Chief of Police.
- B. There are special requirements for preserving and destroying biological evidence containing DNA.
 - 1. Any biological material, or physical evidence that contains biological material, collected in connection with a criminal investigation that leads to a conviction, delinquency adjudication, commitment, or a finding of not guilty by reason of insanity, pursuant to WI Statute 968.205, requires preservation of this evidence until the discharge date of every person convicted.

- a. This includes ALL biological material and physical evidence containing biological material collected, not just that evidence relied upon for charging or used at trial for conviction. This includes “elimination” samples and “unidentified” samples.
 - b. The discharge date on a conviction is the date on which the person or persons convicted have reached not only the end of incarceration, but also any probation or parole commitments, extended supervision, or juvenile dispositional orders, even if there was no institutional placement.
 - c. The requirements set forth under WI Statute 968 are not just prospective. The duty to preserve evidence collected within the scope of the statute extends to evidence collected before the statute was enacted, if it was in the possession of the custodial agency on or before the effective date of September 1, 2001.
- C. Illegal or contraband property shall be destroyed by the Property Officer, with the exception of fireworks, alcohol, and tobacco products confiscated under a municipal ordinance violation. These items may be destroyed by the investigating officer (See General Order 11.2.1 (IV) (B)(2)).
- D. Firearms and Ammunition.
1. Firearms and ammunition seized pursuant to a warrant or civil or criminal action shall only be released upon a court order. (Reference Sec. 968.20 Wis. Stats.)
 2. In all other cases involving firearms and ammunition the Property Officer shall make a reasonable effort to notify the lawful owner that he/she may apply for the return of the property by contacting the Port Washington Police Department within thirty (30) days of notice and providing sufficient proof of ownership.
 3. Firearms and ammunition not released pursuant to a court order or returned to the lawful owner within thirty (30) days of notification shall be transferred to the State Crime Lab for disposal.
- E. Lost, abandoned, or recovered property.
1. The recovering officer shall make a determined effort to locate and notify the owner of any found or recovered property. The recovering officer shall notify the Property Officer whether or not the owner has been contacted and the current status of the property.

2. Any property not claimed within thirty (30) days of notification shall be disposed of by the Property Officer through public auction or other methods as determined by the Chief of Police.
 3. The Property Officer or designee shall be alert for any property surrendered to this Department by a citizen that has expressed a desire to retain the property if it remains unclaimed. Property requested by the finder, if ownership cannot be established, shall be conspicuously marked as such and retained for a period of 1 year, after which the original complainant shall be contacted. If the original complainant cannot be located or relinquishes interest in this property, the Property Officer shall dispose of it in the best interests of the City of Port Washington.
- F. No departmental employee shall keep for his or her own use, property found in the course of duty or take possession of property during off-duty hours when the discovery was made while on duty. Employees are prohibited from storing property in their personal desks, lockers, vehicles, homes, or other places that are not secure or would interrupt the chain of custody.
- G. The Property Officer shall prepare and maintain a list of all property that may be disposed of by public auction or other methods and submit said list to the Chief of Police upon request.
- H. Release of property to the public shall be performed primarily by the Property Officer or an individual with full access to all areas of property and evidence. Other officers and/or employees shall refrain from releasing property to the public, unless such arrangements are made ahead of time with the Property Officer.
- I. When property is released, the transfer shall be documented on the original Property Inventory form. This shall include the date of release, signature of the releasing officer and the signature of the person receiving the property.

IX. PROPERTY OFFICER RESPONSIBILITIES

The Property Officer shall be an officer designated by the Chief of Police. The Property Officer shall be responsible for the property management function, which includes the official inventorying, custody, security, storage, record keeping and disposition of evidence and property.

- A. Duties of the Property Officer include:
1. The management and security of the property room.
 2. To ensure the safekeeping, accurate recording and proper disposition

of evidence and all lost, abandoned, recovered and unclaimed property.

3. The maintenance of property control logs, reports, and files of all property/evidence and their status under the control of the Department, in a complete and efficient manner.
 4. To return, or caused to be returned, property that may be released to its owner.
 5. The disposal or destruction of property upon direction of the Chief of Police, criminal courts, or as prescribed by ordinance or statute.
 6. The processing and routing of evidence for appropriate testing and analysis as required.
 7. Any other duties related to the property control function as designated by the Chief of Police.
- B. The Property Officer maintains the right to refuse to accept any property which has not been properly marked, packaged or documented, and the right to refuse to release any property for which release has not been properly authorized.
- C. Access to the property room is restricted to the Property Officer and other personnel authorized by the Chief of Police.

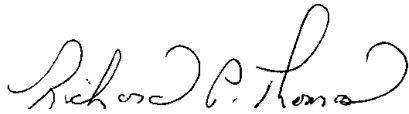
X. INSPECTIONS

- A. On a semi-annual basis, the Property Officer will conduct an inspection to determine if officers are following property control procedures.
- B. Whenever there is a change in personnel for the Property Officer position, the new Property Officer and a designee of the Chief of Police shall conduct an inventory inspection. The inspection should be sufficient to ensure the integrity of the system and the accountability of the property.
- C. An annual audit of the property room shall be conducted by a supervisor not directly associated with property room management. The annual audit should consist of a random sampling of property to satisfy the supervisor that policy and procedures are being followed.
- D. Unannounced inspections of property storage areas shall be conducted as directed by the Chief of Police.

- E. Written results of all inspections and audits shall be forwarded to the Chief of Police.
- F. The Property Officer shall make every effort to ensure that property stored by this Department is packaged, labeled, and retained in a uniform manner and that any changes or improvements in the management of property and evidence control shall be communicated throughout the Department to all sworn and applicable civilian personnel.

APPROVED:

DATE:



5/25/10

Chief Richard P. Thomas

Revised 5/25/10
Revised 4/20/10
Revised 4/12/10
Revised 9/24/09

PORT WASHINGTON POLICE DEPARTMENT

Property Inventory Report Report Completion / Routing Instructions

Purpose

The Property Inventory Report is used to record the receipt, inventory, routing, chain of custody and disposal of all property-except certain motor vehicles-taken into custody by the Port Washington Police Department.

All motor vehicles seized or towed will be documented on a Vehicle Information Report associated with the offense or incident. If the vehicle was seized in relation to the commission of a crime, a Property Inventory Report will also be completed for the vehicle. In cases where an inventory search is conducted, all *personal property* found within the motor vehicle will be inventoried on the Property Inventory Report.

The Property Inventory Report is intended to be used in addition to, and in conjunction with, the appropriate offense, incident or arrest report. It will not be submitted as the only report of an offense, arrest or incident.

NOTE: Officers will not advise finders of lost property as to their possessory rights to found property. Finders of lost property will be advised to contact the Evidence Section during normal business hours.

Property Inventory

All property and evidence inventoried and routed to the Evidence Section will be tagged, or packaged in an appropriate container. The property will be:

- (1) delivered personally to the Evidence Officer;
- (2) secured in a temporary evidence storage locker, or;
- (3) secured in the bulk storage area

The original of the Property Inventory Report will be submitted with the evidence or recovered property as explained in this procedure.

Report Completion Instructions

The officer initially taking custody of property, or who recovers/develops physical evidence is responsible for completing the Property Inventory Report. Whenever possible, the Property Inventory Report will be completed at the time the Offense Report or Incident Report is completed. The Property Inventory Report will otherwise be filed with a Supplementary Report using the *original case number*.

1. Inventory Control Number - To be entered by the Property Officer.
2. Storage Location – To be entered by the Property Officer.
3. Inventorying Officer – Enter the name and badge number of the officer completing the Property Inventory Report.
4. Incident Number – Enter the incident number that the property is associated with. The investigating officer shall obtain the incident number from the dispatcher.
5. Related Incident Number(s) – Enter the related number(s), if any. If property was reported lost or stolen under one incident number, and recovered later under another incident number, enter the *original* incident number in this box.
6. Type Incident / Offense – Enter the specific type of incident or crime classification.

7. Presiding Court – If charges are requested relating to this property item, enter the court which the will be presiding over the matter (Circuit or Municipal). If no charges are requested at this time, enter N/A. If you don't know whether or not there will be charges, enter UNK.
8. Date – Enter the date the property came into the officer's custody. Enter day, month and year.
9. Location Property Discovered or Found - Enter the street address, or the specific location at which the evidence or property was discovered, seized, or found.
10. Received From - Enter the name, address and residence and business phone of the person from whom the property was obtained. If not received from a person enter N/A.
11. Property Owner - Enter the name, residence and business phone of the person having the right to legal possession, if known. If the legal owner is known, the "Safekeeping" box should be checked. If the owner is "unknown", enter "UNK" in this box.
12. Owner Notified - If the owner is known and has been notified of police possession or custody, check the "YES" box and enter the *date and time of notification*. Enter also the name and badge number of the officer making the notification.
13. Item Number - If multiple items are inventoried for an incident, assign each item a sequential number. A separate Property Inventory Report shall be completed for each item.
14. Quantity - Enter the quantity of property inventoried as one 'item'.
15. Property Code – Enter the Property Code which best describes the property item(s).
(See CLUES Manual)
16. Item Name – Enter a brief description of the item(s).
17. Serial Number – Enter the serial number or owner applied number if available.
18. Description - Enter the *complete* description of the item(s). Be descriptive. A complete and accurate description is necessary to search Property Control Records and identify the owner. If drugs are described, the weight **must** be recorded in this field as well.
19. Color Code – Enter the Color Code which best describes predominant color of the property.
(See CLUES Manual)
20. Make – Enter the manufacturer assigned “Make” of the item(s).
21. Model – Enter the manufacturer assigned “Model” or model number of the item(s).
22. Property Status - Check the most appropriate box(es).

Evidence - If court evidence, check box.

Seized - If property is taken into custody as contraband under State or federal law or local ordinance check this block. If seized *and* evidence, check both boxes.

Recovered - If property was previously reported stolen, check the recovered box, and indicate the current value of the recovered property.

Contraband - If the property is illegal to possess, check the contraband box.

Safekeeping - Check this box if lost or mislaid property and the owner is known or, if evidence, the *property* may be returned to the owner after final case disposition.

Found / Abandoned - Check this box if lost or mislaid property is found and the owner is unknown. If the property was found under circumstances that indicates possession was intentionally relinquished with no intent of retaking possession, check this box.

Stolen – Check this box if the owner is reporting the item stolen, and you have not taken physical custody of the item. Indicate the value of the stolen property. If this box is checked, DO NOT forward the Inventory Report to the Property Section. Submit all copies to dispatch with the incident report, and the dispatcher will destroy the Inventory Report after the information is entered into the records management system.

Lost – Check this box if the owner is reporting that the item has been lost, and you have not taken physical custody of the item. If this box is checked, DO NOT forward the Inventory Report to the Property Section. Submit all copies to dispatch with the incident report, and the dispatcher will destroy the Inventory Report after the information is entered into the records management system.

23. Routing - Enter the code that indicates the intended destination of the property or evidence. Whenever possible, property and evidence will be directed to the Evidence Section.

P - To the Evidence Section

L - Evidence was, or is, to be taken to the Crime Lab

R - Property can be returned to owner.

24. Special Instructions - Enter any special instructions to the Evidence Officer pertaining to the handling, processing, return, or disposition of inventoried property.

Property Inventory Report Distribution

The Property Inventory Report is a two part formset. The original and copy will be distributed as follows:

(1) **Original:** The original is attached to and submitted with the property or evidence. In the case of property which is placed into bulk storage (i.e. bicycles), the original shall be placed in the Evidence Officer's tray, located on the desk in the Property Lab. The Chain of Custody shall be recorded on the reverse side of the original.

(2) **Copy:** The copy will be submitted with the offense, incident or arrest report. This copy will be used by the Records Section for data entry purposes, and will be electronically scanned into the original incident report. The copy will then be placed with the citation/Request For Charges paperwork for submission to the Administrative Secretary, for use as the Court Copy.

Receipt: When property is seized, a receipt shall be issued to the individual from whom the property was taken at the time of the seizure, upon their request. For recovered, found, or abandoned property a receipt shall be issued to the complainant, upon their request, at the time the property is taken into police custody. The receipt can be generated either by photocopying the original Property Inventory Report, or by printing the scanned Property Inventory Report from the incident report. In either case, the issuing officer shall make the following notation in Field 24 of the form: "RECEIPT ISSUED TO (NAME) FOR THE ABOVE PROPERTY (SIGNATURE, BADGE #, DATE)".

Property Return or Transfer of Custody

Whenever the custody of evidence or property is transferred, or it is returned to the owner, the Chain of Custody section, on the reverse side of the original Property Inventory Report, will be completed by the reporting officer. Normally, property will be returned, or custody transferred by an Evidence Officer. However, should circumstances dictate, the reporting officer may return found property or transfer custody of evidence or property to the owner.

Reporting Officer's Responsibility

When a reporting (inventorying) officer transfers custody of evidence or recovered property to an investigator or Evidence Technician the following procedure will be followed:

- (1) The reporting (inventorying) officer and the officer receiving the property will complete the Chain of Custody section on the reverse side of the Property Inventory Report.
- (2) The date of the transfer shall be entered in the appropriate field.
- (3) The officer relinquishing (giving up custody of) the property will sign in the *From/Relinquished By* box. If the property is simply being transferred from one location to another (i.e. locker), the location it is being transferred from will also be noted in this box.
- (4) The officer receiving the property will sign in the *To/Received By* box on the same line. If the property is simply being transferred from one location to another (i.e. locker), the location it is being transferred to will also be noted in this box.
- (5) The purpose of the change in custody will be recorded in the *Purpose of Change in Custody* box. For example: Turned over to crime scene technician; turned over to investigating officer, etc. These entries are required in order to maintain a written record of the transfer (chain) of custody.

Chain of Custody

Date - Enter the date of the change in custody.

From/Relinquished By – The *signature* and badge number of the officer relinquishing custody of the property. If the officer is not a member of the Port Washington Police Department, include the name of their police agency. Also the location the property is being moved from, if applicable.

To/Received By - The *signature* and badge number of the officer receiving custody of the property. If the officer is not a member of the Port Washington Police Department, enter the name of their police agency. Also the location the property is being moved to, if applicable.

Purpose - Enter the purpose for the change in custody.

Return to Owner

When a reporting officer returns recovered property to the owner, a short narrative description of the circumstances of the property return will be written on the reverse of the original in the *Supplementary Property Report* section.

The officer will complete the *Certification of Receipt* at the bottom on the reverse side and have the owner sign and date the certification. The original must then be returned to the Property Officer.

Evidence Sent to Crime Lab

If evidence is submitted to the crime lab for analysis prior to being submitted to the Evidence Section, the *Chain of Custody* section and a lab analysis request form must be completed.

Officer Responsibility - Court Evidence

Upon receiving evidence from the Evidence Section for court presentation, the officer and the Evidence Officer will complete the *Chain of Custody* section on the reverse of the original of the Property Inventory Report.

A copy of the Property Inventory Report (Court copy) will be filed in the Court case folder.

Upon final disposition of the court case, the officer will complete the "Court Order-Disposition" section on the Court copy and submit both the Court copy and the evidence to the Evidence Section immediately after leaving court.

Property Officer Responsibilities

Upon the receipt of inventoried property the Property Officer will:

- (1) Review the Property Inventory Report for accuracy and completeness.
- (2) Assign a Property Inventory Number.
- (3) File the Property Inventory Report in the appropriate file folder after computer entries have been completed.

Special Instructions For Evidence Section

If instructions for property handling or routing are included in the *Special Instructions* block, the Evidence Section will comply with the special instructions to the extent the instructions are in accordance with approved policies and procedures.

Evidence Sent to Crime Lab

If evidence is submitted to the Crime Lab for analysis after being submitted to the Evidence Section, the *Chain of Custody* section and an Evidence Transmittal form must be completed.

Change of Custody

Whenever the Property Officer initiates a change in the custody of inventoried property or evidence, he / she will ensure the *Chain of Custody* section on the reverse of the original is completed.

Whenever an Property Officer returns property to the owner, he / she will describe the circumstances of the release, the identification presented, and proof of ownership in the *Supplementary Property Report* block. The Property Officer will ensure also that the *Certification of Receipt* section is completed.

Upon court ordered disposition of property or evidence, the investigating officer will submit the Court copy of the Property Inventory Report to the Property Officer.

The Property Officer will attach the Court copy to the original Property Inventory Report, and maintain these records until the inventoried evidence and recovered property has been disposed of.

PORT WASHINGTON POLICE DEPARTMENT

Property Inventory Report

1. Inventory Control Number <i>THIS FIELD FOR PROPERTY OFFICER USE ONLY</i>	2. Storage Location <i>THIS FIELD FOR PROPERTY OFFICER USE ONLY</i>
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3. Inventorying Officer and Badge Number	4. Incident Number	5. Related Incident Number(s)
6. Type of Incident/Offense	7. Presiding Court (Circ/Muni/NA/UNK)	8. Date
9. Location Property Discovered or Found		
10. Property Received From	Address	Telephone Residence/Business
11. Property Owner	Address	Telephone Residence/Business
12. Owner Notified	Date/Time	By: Officer Name/Badge Number
<input type="checkbox"/> Yes <input type="checkbox"/> No		

13. Item Number	
14. Property Code	15. Quantity
16. Item Name	
17. Description	
18. Serial Number	19. Color Code
20. Make	21. Model
22. Property Status <input type="checkbox"/> Evidence (X) <input type="checkbox"/> Seized (Z) <input type="checkbox"/> Recovered (R) Value \$ _____ <input type="checkbox"/> Contraband (M) <input type="checkbox"/> Safekeeping (C) <input type="checkbox"/> Found/Abandoned (F) <input type="checkbox"/> Stolen (S)* Value \$ _____ <input type="checkbox"/> Lost (L)* <small>*If Stolen or Lost, forward ALL copies of this form to dispatch.</small>	23. Routing <input type="checkbox"/> To the Evidence Section (P) <input type="checkbox"/> To the Crime Lab (L) <input type="checkbox"/> To Be Returned to Owner (R)

24. Special Instructions To Property Officer
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Court Ordered Disposition	
<input type="checkbox"/> Police Dept. to Dispose of According to Law	
<input type="checkbox"/> Property Forfeited	
<input type="checkbox"/> Release Property To: _____	
<input type="checkbox"/> Other: _____	

Judge's Name	Date
Court Location	Officer's Name/Badge Number

