

**CITY OF OCONOMOWOC POLICE DEPARTMENT
POLICIES & PROCEDURES**

DATE: September 15, 2021

HISTORY: May 5, 2020
August 1, 2018
April 7, 1999

SUBJECT: Custody of Property and Evidence

POLICY NUMBER: 98-015

I. INTRODUCTION

The purpose of this policy is to establish the specific procedural guidelines to be used in the receipt, maintenance, control, and disposition of all property brought within this department's control as evidentiary, found or recovered property. As such, this policy is intended to serve as a guide for the routing of all found, recovered or evidentiary property from the time a member of this department receives it to its point of final disposition.

Adherence to this policy will provide for the timely release of property and ensure that the department maintains its integrity by following a systematized procedure for the secure handling and disposition of all property. It is expected that all department personnel will follow the strict procedures as set forth in this policy for the efficient management, accountability, and control of all found, recovered and evidentiary property.

II. CHAIN OF CUSTODY

A. Chain of custody relates to the total accounting for evidence and the continuity of possession. The chain of custody is made up of all individuals who have had custody of the evidence since its acquisition. Each individual in the chain of custody is responsible for the particular piece of evidence, to include its safekeeping and preservation while it is under his/her control.

B. Maintaining the Chain of Custody

1. Number of persons handling evidence should be as limited as possible.
2. All items shall be affixed with the officer's identification marking either placed on the property tag or the packaging.
3. All individuals handling the item shall be recorded in RMS (record management system).

III. PROPERTY STORAGE

A. All found, recovered and evidentiary property shall be stored in those secure evidence/property storage areas within the department as designated by the Chief of Police. Although the organization of all such property, (except items in paragraph B) is at the discretion of the property custodian, records shall be maintained which reflect the status of all found, recovered and evidentiary property held by the department.

B. Items of property requiring added protection, to include: money, precious metals, jewelry, gemstones, weapons, narcotics, and dangerous drugs, shall be stored in separate, locked, secure areas within the department's evidence/property storage room.

IV. PROPERTY CUSTODIAN

- A. Possession of keys to the evidence/property storage room, temporary evidence/property storage lockers and any outside storage facility used by the department for evidence/property warehousing shall be limited to:
1. Property Control Officers.
 2. Entry to the evidence/property storage room will be made with keycard that is issued to Property Control Officers. Anytime access is made with a department master key, a memo to the Chief of Police will be completed indicating why access was made using the master key.
- B. Duties of Property Custodian
1. Has responsibility for the security and accountability of all property and evidence inventoried for safekeeping.
 2. Will conduct monthly property room inspections to ensure adherence to departmental procedures.
 3. Will be responsible for the property room daily operation and maintenance.
 4. Ensure security, accurate recording, and proper identification of all found, recovered and evidentiary property.
 5. Report all discrepancies in property reports or irregularities in the processing of property to the officer and shift sergeant.
 6. Maintain the department's records which reflect the status of all found, recovered or evidentiary property held by the department in a complete and efficient manner.
 7. Notify all person(s) owning or having a legal right to the possession of any property in the custody of the department.
 8. Return or cause to be returned to the rightful owner that property which is no longer required for evidentiary purposes, or which can otherwise be released.
 9. Dispose of all unclaimed and/or contraband property in the manner established by department policy and consistent with state statutes.
 10. Destroy or cause to be destroyed all contraband and/or evidence as directed by the property room supervisor.
 11. Process and route evidence for appropriate testing and/or analysis as required.
 12. Check the holding/evidence lockers and properly clear them of property.
 13. Follow prescribed procedures for the proper placement of property in secure evidence/property storage areas.
 14. In the absence or unavailability of the property custodian, the department alternate shall assume the duties and responsibilities of property custodian. Routine duties include the intake, recording and releasing of property and evidence according to department procedure.

- C. Whenever a new property custodian is designated, an inventory of property to ensure that records are correct and properly annotated is conducted jointly by the newly designated property custodian and the outgoing property custodian.

V. PROCESSING GUIDELINES

A. Found/Recovered Property:

- 1. Property designated as lost, abandoned, found, recovered, or otherwise discovered by members of this department shall be handled according to the following guidelines:
 - a. A property report shall be completed for all such property brought under department control. In all cases, the property report shall be complete and accurate.
 - b. Finders of found money or property should be verbally notified by an officer at the time of receipt of their obligation to submit a written request to the property custodian of his/her intent to claim the property they had turned into the department (if the owner cannot be identified).
 - c. All property shall be examined for any identifying marks in an attempt to identify the owner. In all cases, it is the responsibility of the recovering department member to attempt to identify the owner and notify same to pick up the recovered property. However, when a property owner is identified, and due to department activity or time of day it prohibits the notification of the owner, the officer is to email a "matter of" and forward it to the property custodian. The "matter of" is to include all owner information, and why notification could not be made by the officer. The property custodian will then make the notification to the owner.
 - d. If the owner cannot be found or otherwise contacted, the item shall be placed in the temporary evidence/property storage locker. Items too large to be locked in the secure evidence/property storage lockers should be secured in the police impound/evidence storage building. Items shall be packaged as necessary and labeled with the appropriate property tag established for property of this nature.
 - e. Under no circumstances shall any member of this department keep for his/her own use any property found or seized while acting as a member or otherwise representing this department.
 - f. The property custodian shall release found, recovered, or lost property to citizens provided they furnish sufficient proof of ownership. Property will only be released Monday through Friday during regular business hours. Prior arrangements must be made with the property custodian to deviate from this schedule.

B. Evidentiary Property:

- 1. All property designated as evidentiary in nature shall be handled according to the following guidelines established for the collection, marking and packaging of evidence:
 - a. All evidence or potential evidence shall be preserved, when possible, in the same condition as when it was originally recovered. To ensure that all defendants receive a fair trial and to assist the prosecutor in the presentation of their case, an unbroken chain of custody must be maintained by all department personnel exercising control over or otherwise handling evidentiary property.

- b. An incident/accident and a property report shall be completed for all property, classified as evidence brought under department control. In all cases, the property report shall be complete and accurate.
 - c. The number of department personnel having control over any evidentiary property shall be kept to a minimum.
 - d. All department personnel charged with maintaining custody of evidentiary property shall ensure that all department procedures concerning the management of property are being followed, that the property is being protected from damage or deterioration and that proper accountability procedures are being maintained until the property is released or turned over to another competent authority.
 - e. All department personnel having custody of evidentiary property must be able to testify in court as to the condition of the item while under his/her control, plus any precautions taken to ensure the property remained in the same condition as when taken into custody.
 - f. All evidentiary property shall be packaged according to the procedures prescribed by the Criminal Investigation and Physical Evidence Handbook, published by the Wisconsin Department of Justice, Crime Laboratory Bureau.
 - g. After processing, or at the direction of the property custodian, all property (except contraband) which is no longer required for evidentiary purposes and/or public safety concerns shall be returned to the owner. The owner and officer releasing property must sign all property forms before the release of any property.
 - h. Items to be retained as evidence shall be secured inside the property room at the police department. Items too large for the property room shall be secured at the police impound/evidence building.
 - i. All property seized pursuant to a court order will be processed as evidentiary property. Real and personal property will be recorded by description, identification numbers (where applicable) and the name of persons or corporation from whom the property was received.
- C. Narcotics and Dangerous Drugs:
- 1. All narcotics and dangerous drug evidence recovered in pill, capsule or tablet form shall be counted by the recovering officer before packaging. In addition, a gross weight of all substances before packaging and testing shall be obtained and entered along with the substance count on the property report to maintain quality and quantity control.
 - 2. All narcotic and dangerous drug evidence shall be officially sealed in tamper-proof protective packaging as a safeguard against adulteration. All bottles, bags and/or containers shall be sealed with tamper-proof evidence tape.
 - 3. All narcotic and dangerous drug evidence shall be stored in separate, locked, secure areas within the evidence/property storage room.

VI. CURRENCY

- A. All found or recovered for safekeeping currency shall be counted, property inventoried and processed through the department cash register. **D5 is the exception. See below instructions, section D prior to proceeding with a cash register deposit.**

- B. When currency is received from, or seized from a person, the counting procedure should be witnessed by the person the currency is being received from, and whenever possible, by two officers. The person the currency is received from is to be issued a written receipt for the currency. This currency will be placed on a property report and processed as stated in section VI, A., of this policy.
- C. All currency shall be documented on a property report in RMS with the names of all officers and persons present during the counting procedure.
- D. Any currency processed through the department cash register follows this procedure:
 - 1. The officer shall have a dispatcher/clerk ring the money into the cash register using a department sequentially numbered receipt.
 - 2. The yellow copy of the receipt will be attached to the property report to include the following information:
 - a. CAD/IR number
 - b. the name of person currency was received/seized from
 - 3. The next business day, the clerk shall process the money along with the other bail and forward the money to the city clerk. The money shall be receipted under account number 100-23177.
 - 4. Any currency to be returned will be drawn from this account via check. The request for the return of currency shall be forwarded to the administrative lieutenant, along with a copy of the document authorizing the return of the money. The information shall include the name, address, phone number, IR/PI number and reason for the return of the currency.
 - 5. An exception to this policy is currency that is in itself evidence, this gets sent to the property room.

VII. TRANSFER OF PROPERTY

- A. To maintain the chain of custody and ensure the proper documentation for purposes of accountability and system integrity, the following procedure shall be used whenever any property is removed from the custody of the department property custodian.
 - 1. A written request to remove an item from the evidence/property storage room must be submitted to the property custodian before the removal of any property from the room. As only department personnel specifically authorized by the property room supervisor shall have or be granted access to the evidence/property storage room, all property placed into or removed from the evidence/property room shall be handled by the designated department property custodian.
 - 2. Each time the transfer of custody of physical evidence takes place, the property custodian shall cause a record of the transfer to be made in RMS.
 - 3. Physical evidence returned to the evidence/property storage room must be recorded and updated in RMS.

VIII. DISPOSITION OF PROPERTY

- A. The property custodian shall report to the property room supervisor all found, recovered and evidentiary property which may be subject to final disposition and/or destruction.

- B. The property custodian shall document all final dispositions as such in RMS.
- C. Property designated for destruction shall be destroyed in the presence of a minimum of two police department personnel.
- D. All weapons, whether used in the commission of a crime or not and not returned to the rightful owner, will be turned over to the Wisconsin Crime Laboratory, when no longer needed as evidence or other police purposes. Knives will be disposed of via a local scrap metal company.
- E. Before property may be released, the signature of the person the property is released to, and the signature of the releasing officer shall be on the property report.
- F. Finders of property wishing to claim the property that which the true owner cannot be established must complete the found property claim form sent to them by the property custodian. Upon receipt of returned property claim form, the property custodian shall scan and attach same in RMS. The release shall follow the procedure under this sections I (1).
- G. Items of property which are considered of evidentiary value may be released to the owner only if the following criteria are met:
 - 1. The investigating officer/detective has determined that the property is no longer needed, and it has been approved by the supervisor, and/or the officer/detective is contacted by the District Attorney's Office with authorization to release.
 - 2. The property owner and releasing officer or property custodian shall sign the property report in the appropriate areas. The document will be scanned and attached in RMS upon completion.
- H. Return of Evidence to Defendants:
 - 1. The return of seized property shall be made according to Sec. 968.20, Wisconsin Stats., and all other applicable federal and state statutes.
- I. Property Purge Schedule
 - 1. Found/abandoned property valued less than \$100 can be disposed of after 30 days. Property valued over \$100 can be disposed of after six months.
 - 2. Evidence/contraband
 - a. Unsolved felony cases: the property can be disposed of after seven years unless progress of the case dictates otherwise.
 - b. Unsolved misdemeanor cases: the property can be disposed of after three years.
 - c. Unsolved capitol offense cases: the property must be retained indefinitely.
 - d. Property held for safekeeping can be disposed of after 30 days from the date of the notice to claim letter being sent.
 - e. Retained evidence from municipal cases with a default judgement can be disposed of 120 days after the conviction date.
 - f. Contraband found with no arrest or suspects can be disposed of by the Property Custodian and Property Room Supervisor. A property report must be completed by the officer taking possession of said item.
 - g. Destruction or release of blood borne pathogen evidence is subject to the provisions set forth in Wisconsin state statute 968.205.

IX. AUCTIONS

- A. Property which is either unclaimed or abandoned by the owner for six months may be placed into the City Auction.
- B. The property custodian shall submit a list of property deemed suitable for auction to the property room supervisor and appropriate city personnel for identification of any items which may be of a benefit to the city or department operations.
- C. Before assigning property items for auction or transfer to city use, all leads must be exhausted in an attempt to find the rightful owner. Property items with identifiable serial or identification numbers shall be rechecked through the TIME system for recent stolen entries. Evidentiary items shall be rechecked to verify that applicable legal requirements have been satisfied.

X. EXCEPTIONS TO THIS POLICY MAY BE AUTHORIZED ONLY BY THE CHIEF OF POLICE

This policy is effective immediately
and will supersede any directives or understandings in conflict