

**Stevensville Police Department
General Orders**

Chapter 36

Property and Evidence Control

Date Effective	By The Order of:	M. Sosa, Jr., Chief of Police
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The purpose of this directive is to establish procedures for the receipt, handling, security and disposition of property and/or evidence in the custody of the Stevensville Police Department after it has been seized, recovered, abandoned, lost, or found.

It is the policy of the Stevensville Police Department to maintain and/or dispose of found, recovered, or evidentiary property in accordance with federal, state, and local statutes, and court decisions relating to such properties.

36.1.1 PROPERTY AND EVIDENCE MANAGEMENT AND CONTROL

CALEA Standard: 84.1.1

The Agency is responsible for management activities relating to found, seized, recovered, or evidentiary property in custody of the Agency. It is the responsibility of Officers to log all property and evidence into agency records, as soon as possible, and to maintain accurate property management records at all times. The Property and Evidence Section is a component of the Agency and is under the direct supervision of the Chief of Police.

Property and Evidence Submission

The Property and Evidence Section serves as a secure repository and control center for the receipt, storage, and release of property and evidence. All evidence or property received by the Property and Evidence Section are assigned a property number. Property and evidence may be received in the following categories:

- Arrest evidence
- Investigative property
- Found/recovered property
- Decedent's property
- Property for disposal
- Other property

Improperly packaged evidence or evidence that is submitted without a completed property report will be held in a locker and shall not be logged in the evidence room until properly

packaged or the report has been turned in. Officers should exercise discretion when seizing property and if possible, photographs should be taken of property that has little or no chance of being presented in court at trial. Digital still images should be retained in the Offense Report in addition to submission of the evidence in accordance with Chapter 35, *Collection/Preservation of Evidence*, provides guidelines for the submission and storage of digital images.

The Officer who recovers or seizes property or evidence shall:

- ☐ Determine whether the property/evidence should be in law enforcement custody
- ☐ Place all property, evidence and corresponding paperwork under the control of the property and evidence function before the Officer ends his/her tour of duty unless exceptional circumstances exist and approval is granted by a supervisor.
- ☐ All evidence submitted will require two-factor witnessing for submission
- ☐ Collect, package, and label the property/evidence as outlined in Stevensville Police Department Policy and Procedures Manual, Chapter 35, *Collection and Preservation of Evidence*.
- ☐ Categorize the property/evidence
- ☐ Enter the property/evidence on the case report to include the details of how the property/evidence came into the agency's possession. Attempt to identify and notify the rightful owner of found or recovered property when appropriate
- ☐ Approve the disposition of property/evidence by the Officer's own authority when appropriate
- ☐ Under no circumstances will Officers destroy, hold, or convert to their personal use seized, found, or recovered property/evidence.

36.1.2 SECURITY AND ACCOUNTABILITY

CALEA Standard: 84.1.1, 84.1.2

To ensure accountability, all property/evidence stored by the Agency shall be maintained in a designated secure area. Access to the property/evidence room shall two factor witnessing. A visitor log shall be maintained of all persons who enter the Property and Evidence Room. All visitors must be accompanied by another officer or supervisor.

Items Requiring Added Security

Property/evidence items that require added protection shall be stored in safe, separate, locked, secure areas within the Property Room. These items include:

- ☐ Money
- ☐ Precious metals
- ☐ Jewelry
- ☐ Gemstones
- ☐ Weapons
- ☐ Controlled Substances

Acceptance and Release of Controlled Substances

All controlled substances accepted into, and released from, the custody of the Agency shall be controlled by the following systems:

Quality and Quantity Control System of Controlled Substances

The investigating Officer shall weigh and, count seized controlled substances prior to packaging. The Officer shall record the weight and number of each controlled substance on the property report. The Officer shall store the controlled substances in an Agency approved container and seal the container in an approved manner. The sealed container will then be submitted to the appropriate lab for processing. If the evidence is found narcotics, the sealed container will then be submitted for storage and a request to the Town Judge will be made for immediate destruction.

Controlled Substance Container Inspection System

All property containers to be used for controlled substances shall be approved by the Agency prior to use. The inspection of evidence containers being used to store narcotics or dangerous drugs should be included in the inspection process outlined in this directive.

Perishable Items

Refrigerated storage is not available within the property/evidence unit for perishable items such as blood samples, urine specimens, etc. This type of property/evidence will be submitted to the appropriate lab. Rape kits are sealed at the hospital by a physician, and it is not necessary for the Officer to place the kit in an evidence envelope. However, the Officer shall document the chain of custody and all associated paperwork and labeling must be completed prior to submission.

Bulk Items

Large items having evidentiary value, such as a vehicle, shall be coordinated with the Ravalli County Sheriff's Office. All such items shall be entered into a report by the Officer prior to the end of shift.

36.1.4 DOCUMENTATION OF PROPERTY/EVIDENCE ROOM CONTENTS

CALEA Standard: 84.1.5, 84.1.6

Property/Evidence Management Records

The Property and Evidence Section of the Stevensville Police Department shall maintain a records system reflecting the status of all property held by the Agency. This system shall include a list of property for each case, original chain of custody reports and original court orders involving property/evidence.

A Property and Evidence Log shall be maintained that reflects the status of all property held by the Agency to include:

- ☐ The current location of the property/evidence
- ☐ The date and time the property/evidence was received and released or disposed of
- ☐ The chain of custody for each item

Inspections

At least semi-annually, the Chief of Police or a designee will conduct an inspection of the property/evidence room to ensure the compliance to all property control procedures. The inspection shall consist of a formal review with a careful and critical examination of all components of the property and evidence function and shall ensure that:

- ☐ Provisions of agency directives on property/evidence control procedures are being followed
- ☐ The property/evidence room is maintained in a clean and orderly fashion
- ☐ Property/evidence is being protected from damage or deterioration
- ☐ Property/evidence accountability procedures are being maintained
- ☐ Property having no further evidentiary value is being disposed of according to established procedures

Annual Audit

The Chief of Police shall designate a supervisor to conduct an annual audit of property and property management records. The audit shall consist of a significant representative sampling of property, including high risk items.

Unannounced Inspections

In addition to, and in support of, other regularly scheduled inspections, unannounced inspections of the property/evidence storage areas will be conducted randomly, at least once during every calendar year, this inspection will occur as directed by the Chief of Police. The unannounced inspection may consist of a brief observation of the facility for cleanliness and orderliness, and an abbreviated audit of a few items compared with documentation for those items.

All records pertaining to and any inspection, audit and inventory conducted of the Property and Evidence function as directed in this policy, shall be maintained in the office of the Chief of Police.

36.1.5 DISPOSITION OF PROPERTY AND EVIDENCE

CALEA Standard: 84.1.1, 84.1.7

Property/Evidence Review and Release

The Chief of Police may contact an Officer and request a review of property/evidence relating to investigations assigned to the Officer, or property/evidence submitted by the Officer. The Officer shall be responsible for responding to requests for review of property/evidence in a timely manner. The Officer may authorize the release or destruction of the property/evidence

or the Officer may request the evidence be retained with an explanation for why the property should be retained.

Proper authorization must be obtained before releasing any seized, found, or recovered property. When removing evidence from the Property and Evidence Section for court, the Officer and witness receiving the evidence must complete the corresponding forms and provide signature to maintain chain of custody for documentation purposes and two factor identification.

Items not held by the court will be returned to the Property and Evidence Section by the Officer not later than the end of the Officer's tour of duty after leaving the courtroom. Whenever items are returned to the Property and Evidence Section, the Officer and witness returning the property must complete the corresponding forms and provide signature to maintain chain of custody for documentation purposes and two factor identification.

When evidence taken from the Property and Evidence Unit is held by the court

- ☐ The Officer shall complete the "Acknowledgement of Demand and/or Release or Other Action Form" and return it to the property and evidence Custodian. Once completed, it will be scanned as an attachment to the report and the original will be filed.
- ☐ The Property and Evidence Custodian shall document the release of property.

Final Disposition of Found, Recovered, and Evidentiary Property

Officers are responsible for obtaining a court order from the County Attorney's office directing the proper disposition of all property associated with a case that has been disposed of. Final disposition of found, recovered, and evidentiary property will be accomplished as soon as possible after legal requirements have been satisfied in accordance with the following guidelines:

EVIDENTIARY PROPERTY/GUILTY FINDINGS

- ☐ *FELONY*- After the criminal trial and all possible appeals have been completed, all property lawfully seized by law enforcement authorities shall be disposed of. Officers may ascertain the status of a case on appeal through the County Attorney's Office. The court or magistrate, in their discretion, may order the property released to its lawful owner, forfeited, sold, or destroyed.
- ☐ *MISDEMEANOR*- Disposal shall be as soon as possible after the ten-day appeal time has lapsed.

EVIDENTIARY PROPERTY/NOT GUILTY FINDINGS

☐ In felony or misdemeanor findings, the disposal of property or evidence will be accomplished according to the order of the presiding judge. If "no probable cause" is found and the evidence or property is not contraband, it shall be returned to the owner. If the owner is not known, the disposal will be accomplished in the same manner as unclaimed property.

ONGOING INVESTIGATIONS/NO ARREST(S) MADE

☐ *FELONY/MISDEMEANOR* - Annually, the Records Clerk will prepare an inventory of all property for review by individual Officers to determine the status of the case or property. Each individual Officer shall be responsible for determining the appropriate disposition of the inventoried property.

SPECIAL CIRCUMSTANCES

☐ In instances when the evidentiary property is very bulky, dangerous to store, prone to easy deterioration, needs special preservatives, or is of essential use to the owner (if the owner is not the arrestee), the County Attorney's Office must be contacted for guidance and advice.

If property is returned to the owner or destroyed, photographs of the property may be taken at the discretion of the Investigating Officer and the disposition of the property recorded on the Property Report. These photographs will be retained in the report until printed copies are needed.

Destruction of Property/Evidence

Supervisors will attest to the destruction of property and evidence by recording the date and place of destruction in the report. The manner of destruction will be as follows:

- ☐ Firearms and other dangerous weapons shall be disposed of in accordance with the court ordered disposition after all appropriate testing has been completed.
- ☐ A court order shall be required for destruction of evidence in which someone has been charged and adjudicated through the court system.
- ☐ The Property and Evidence Section shall ensure the proper disposal of property or evidence in cases where no charges have been filed and the Officer indicates that the property is no longer of evidentiary value
- ☐ Appropriate methods of disposal shall include returning to rightful owner, burning, crushing, shredding, or other approved method of destruction.
- ☐ Destruction of any property in Agency custody will be conducted by the Supervisor and shall be witnessed and documented by the Chief of Police or selected designee.

Recovered or Found Property (Non-Contraband)

Recovered or found property (non-contraband) is property in the custody of the Agency's Property and Evidence Custodian that can be legally possessed by a U.S. or naturalized citizen.

Disposal of this type of property will be accomplished in the following manner:

- Provisions of Montana Statute shall be met.
- Property believed to be abandoned, lost, stolen, or otherwise illegally possessed shall be returned to the rightful owner upon reasonable and satisfactory proof of ownership.

- The property must remain unclaimed by the person who may be entitled to it for at least 180 days (60 days for bicycles) from the date of receipt by the law enforcement agency maintaining custody.

36.1.6 SECURITY OF DRUGS/WEAPONS USED AS TRAINING AIDS

CALEA Standard: 84.1.4

Weapons and Explosives

Firearms and other weapons seized as a result of violations of state or federal law may be utilized as training aids once a Court Order has been issued in accordance with Montana Statute. A Court Order, signed by the presiding judge, shall be maintained on file by the Property/Evidence Custodian as documentation of the transfer of the weapon to agency use. A signature representing the chain of custody to authorized personnel will serve as proof that the firearm was released from the Property and Evidence Section. The property will be logged into agency property inventory and maintained in a secure area in accordance with other agency-owned firearms and weapons.

Seized or forfeited explosives will not be utilized for investigative or training purposes.

Controlled Substances

Controlled substances seized as a result of violations of state or federal law may be utilized as training aids, provided a Court Order specifies the drug type, amount, purpose, and receiving agency. A Court Order, signed by the presiding judge shall be maintained on file by the Property/Evidence Section as documentation of the transfer of the controlled substance to agency use. The removal and return of training aids shall be documented on a training aid accountability log maintained for that purpose.