



# University of Wisconsin–Madison Police

**Policy: 84.1**

**SUBJECT: PROPERTY AND EVIDENCE CONTROL**

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## **INDEX:**

- 84.1.1 EVIDENCE AND IN-CUSTODY PROPERTY PROCEDURE
- 84.1.2 PHYSICAL SECURITY OF STORED EVIDENCE AND IN-CUSTODY PROPERTY
- 84.1.3 TEMPORARY SECURE STORAGE AREAS
- 84.1.4 CONTROLLED SUBSTANCES/WEAPONS OR EXPLOSIVES USED FOR INVESTIGATION OR TRAINING
- 84.1.5 EVIDENCE AND IN-CUSTODY PROPERTY STATUS RECORD SYSTEM
- 84.1.6 EVIDENCE AND IN-CUSTODY PROPERTY STORAGE AREA INVENTORY AND INSPECTIONS
- 84.1.7 DISPOSITION OF EVIDENCE AND IN-CUSTODY PROPERTY
- 84.1.8 PROPERTY ACQUIRED THROUGH CIVIL LEGAL PROCEEDINGS/FORFEITURE

## **POLICY:**

The University of Wisconsin–Madison Police Department shall conduct all activities associated with property and evidence control function in a legal and organized fashion. Inspections of property storage areas shall be conducted on an ongoing basis to ensure the following: adherence to proper maintenance procedures; integrity of the property management function; compliance with relevant directives; protection of property from damage or deterioration; implementation of proper accountability procedures; and the prompt, legal disposal of unneeded property.

## **DEFINITIONS:**

“Chain of custody” is a record of persons having charge, control or possession of evidence from the time it is received until disposed of.

“Evidence” is any substance or material found or recovered in connection with a criminal investigation.

“In-custody property” is anything that is held in police custody which has been found, turned in, abandoned, or held for safekeeping, and is not believed to be connected to, or part of, a criminal or quasi-criminal offense.

## **PROCEDURE:**

### **84.1.1 EVIDENCE AND IN-CUSTODY PROPERTY PROCEDURE**

The following procedures shall govern the receipt and control of all in-custody and evidentiary property:

- A. All property shall be logged into Department records. The associated case disposition, a Department property card, and an incident report shall be completed prior to the officer taking in the item ends his or her tour of duty. The exception to logging property in custody shall be property that will be released during the shift it was recovered.
- B. All property shall be placed under the control of the property and evidence control function before officers end their respective tours of duty. The exception to securing property in custody shall be property that will be released during the shift it was recovered. Under no circumstance will evidence or in-custody property be subject to personal use or stored in employees’ personal desks, lockers, vehicles, homes, or other places that would permit the chain of custody to be interrupted.
- C. Each item of property will be included in the incident report. The following information will be supplied, when applicable:
  - 1. Type of property, color, size, weight and/or other identifying characteristics.
  - 2. Unique numbers and model numbers.
  - 3. The circumstances by which the property came into the Department's possession.
  - 4. The owner of the property, if known.
- D. Evidence and in-custody property is to be clearly marked or labeled in a manner that assures proper identification at a later date. Personnel should use their badge and/or employee number and initials to mark packaging. Property should not be marked where it may deface or decrease the actual or the evidentiary value of the item: Each item of evidence

must be packaged separately. Large or irregularly shaped items which cannot be packaged will be labeled with the proper information. Additional care should be taken when packaging the following types of evidence:

1. Hazardous evidence, e.g., biohazard, flammable, sharp object, poison, explosive material, etc., as well as fragile evidence, shall be so marked on the outer packaging.
  2. If firearms cannot be rendered safe before packaging, additional caution must be taken in the packaging, labeling, and notification of personnel involved in the transport and receipt of the firearm. Ammunition shall be removed and packaged separately in such a way as to maintain the ammunition and firearm safely apart from each other.
  3. Student or staff weapons held for safekeeping shall follow the same intake process as other in-custody property. Weapons held for safekeeping will be processed by a Property Custodian and secured in the Department armory. Any police officer may release a weapon held for safekeeping after it has been through the property intake process.
  4. Trace materials must be packaged in suitable containers to eliminate the possibility of any loss of the trace material. Envelopes or other containers which might have small openings will not be used without first securing the trace material in a vial, petri dish, or paper fold.
  5. U.S. currency must be packaged in a clear pouch. The number of bills, denominations and coins should be identified on the Department property card.
  6. Vials, envelopes, paper bags, jars, cans, cartons, etc., into which evidence has been placed should be sealed in such a manner that they cannot be opened without breaking the seal. Once a seal has been affixed to a container, the collecting personnel should write his or her name or initials, badge and/or employee number, and date across the seal and container.
- E. Extra security measures for handling and receiving exceptional, valuable, or sensitive items of property shall be taken, including: having a witness present when money, drugs, jewelry and precious metals are involved; ensuring that firearms and other weapons are rendered safe before being packaged and/or transported; donning personal protective equipment when necessary; affixing biohazard labels to packages as necessary; inspecting containers and packages for evidence of defects, tampering or contamination; and packaging drugs in appropriate containers whenever they are received by, released by, or returned to the property custodian.
- F. Employees shall make a concerted effort to identify and notify the owner or custodian of property in Department storage. Such persons should be informed of the status of property held. Various tools should be used to identify the addresses of owners, including: driver license checks; parking records; campus directories; contacting known relatives; and sending certified mail. Owners should be encouraged to telephone the Department in advance to make suitable arrangements for the retrieval of property. The property management team should also make a reasonable effort to locate and return property to its rightful owner.
- G. Procedures for the temporary and final release of property items from the control of the property and evidence function include: noting on property cards when evidence is removed for court, laboratory analysis or other investigative processing; recording the identity of the employee releasing property, along with the date and time of transfer; obtaining identifying information and signatures from persons receiving property; ensuring an uninterrupted chain of custody until final disposition; and recording property dispositions in Departmental records.
- H. Supplemental reports shall be written to document temporary releases of property/evidence.
- I. Biological evidence of unsolved crimes will be held minimally until the crime can no longer be prosecuted due to the statute of limitations. The property team will consider possible future value in deciding when to dispose of this evidence even after that date. For crimes with convictions, such evidence will be held until the convicted person's sentence is complete or the person's death, unless provisions are made in accordance with current state law to obtain authorization to dispose of the evidence. This includes all items collected that may contain biological evidence and includes not only biological evidence from the convicted person, but also any other biological evidence from the same case.

#### **84.1.2 PHYSICAL SECURITY OF STORED EVIDENCE AND IN-CUSTODY PROPERTY**

The following procedures shall govern the availability and security of property storage areas:

- A. All in-custody property and evidence shall be stored within designated, secure areas. Officers shall ensure that any property taken into custody and stored by the Department is properly controlled and protected. All storage areas shall be locked when not in use.

- B. Some items of in-custody property, by their very nature, require extra protection, security and handling precautions. Items such as money, precious metals, jewelry, weapons and drugs shall be maintained in locked containers, vaults, lockers or interior rooms located within secure storage areas. Flammable materials shall be stored away from combustible sources and in well-ventilated areas.
- C. Perishable items, such as food, blood and urine specimens, shall be placed in secure refrigerated storage. Such items shall be properly packaged, with biohazard labels attached as necessary. The use of lockable refrigerators on Departmental premises shall be restricted to in-custody and evidentiary property.
- D. Property items too large for a temporary locker storage may be placed into a secure area of the impound. Security and evidentiary processing needs shall dictate such storage. A property custodian should be notified when required. When assessing the degree of security to provide, officers should weigh the importance of the property being placed into storage areas and the consequences should the property be stolen, damaged or contaminated while in-custody.
- E. A property custodian shall ultimately assume control of all in-custody and evidentiary property. Such items shall be properly entered into the Property records log and then assigned a location within the property room or other suitable location.
- F. Only authorized personnel shall have access to areas used by the Department for storage of in-custody or evidentiary property. Entry to these areas shall be controlled by key access to prevent the alteration, unauthorized removal, theft or other compromise and to maintain chain of custody. The Property Manager shall determine and control key access rights for each designated storage area.
- G. Officers who receive or release weapons from/to students or staff for safekeeping shall follow the current written guidelines for student/staff weapons storage and release.

#### **84.1.3 TEMPORARY SECURE STORAGE AREAS**

The following provides for storage of evidence and in-custody property when the property room is closed:

- A. Secure facilities shall be provided for the storage of in-custody or evidentiary property during periods when the property room is closed.
- B. After properly marking and documenting each item to be entered, officers should place such property into temporary storage lockers designed for this purpose.

#### **84.1.4 CONTROLLED SUBSTANCES/WEAPONS OR EXPLOSIVES USED FOR INVESTIGATION OR TRAINING**

The following outlines accountability measures for explosives, weapons, and controlled substances used for investigative or training purposes:

- A. Explosives, which have been collected and/or submitted as evidence or in-custody property, will not be used for investigative or training purposes. Explosives utilized for Department canine training shall be stored securely when not in use. Procedures for canine explosives storage are outlined in the Canine Unit directives.
- B. Weapons, including firearms, may be converted to Department use after they are ready for final disposition. Department use may include investigation, training or display. Weapons to be converted to Department use must be approved by the Chief of Police.
- C. Controlled substances and/or cannabis may be converted to Department use after they are ready for final disposition. Controlled substances and/or cannabis used for canine training, other training, or investigative purposes will be converted upon approval of the Investigative Services Captain. The controlled substance or cannabis will be transferred to the sworn employee responsible for its use. Drugs will be securely maintained by the responsible employee, when not in use. The chain of custody of these items will be documented.

#### **84.1.5 EVIDENCE AND IN-CUSTODY PROPERTY STATUS RECORD SYSTEM**

The following procedures shall govern the maintenance of property-related records:

- A. Records shall reflect the status of all property held by the Department, to include: location of the property; date and time when the property was received or released; agency case number; character, type and amount of property on hand; owner, if known; and chain of custody from the time the property was stored until its destruction or other final disposition.
- B. Persons entering the property room shall record the following information on Departmental logs: date; time; purpose; and signature. Such logs shall be maintained by the property custodian.
- C. Records may be maintained manually, on a computerized system or a combination thereof. All records shall be current; entries shall be thorough and timely.

#### **84.1.6 EVIDENCE AND IN-CUSTODY PROPERTY STORAGE AREA INVENTORY AND INSPECTIONS**

The following procedures shall govern the completion of inspections and reports related to the property and evidence control function:

- A. An inspection to determine adherence to procedures for the control of property shall be conducted at least quarterly by the person responsible for the property and evidence control function or designee. The inspection is conducted to determine if the property room is being maintained in a clean and orderly fashion, the integrity of the property is being maintained, provisions of agency orders or other directives concerning the property management system are being followed, property is being protected from damage or deterioration, proper accountability procedures are being maintained, and property having no further evidentiary value is being disposed of promptly. The purpose of the inventory is to ensure the continuity of custody and not to require the accounting of every single item of property. The inventory should be sufficient to ensure the integrity of the system and the accountability of the property.
- B. An inventory of property shall occur whenever the person responsible for the property and evidence control function is assigned to and/or transferred from the position. This inspection shall be conducted jointly by the newly designated property custodian, the outgoing property custodian, and a designee of the Chief of Police. A sufficient number of property cards should be reviewed carefully with respect to proper documentation and accountability. The person assuming custody of the property should ensure that all records are current and properly annotated. All discrepancies should be recorded prior to the assumption of property accountability by the newly appointed custodian. During the joint inventory, all high risk items, e.g., money, precious metals, jewelry, firearms, and drugs, and a sufficient number of property records relative to the number of property and evidence items under Department care should be reviewed carefully with respect to proper documentation and accountability. The person assuming custody of the property should ensure that all records are current and properly annotated. All discrepancies should be recorded prior to the assumption of property accountability by the newly appointed custodian.
- C. An annual audit of property held by the agency shall be conducted by a supervisor not routinely or directly connected with control of property. Under no circumstances should that inspector be appointed by supervisory or command officers having the property function under their control. The annual audit should be a significant representative sampling of property including high-risk items. Items should be tracked to determine proper placement, suitability of storage containers, additional training needs, and record accuracy.
- D. Unannounced inspections of property storage areas shall be conducted at the direction of the Chief of Police at least annually. The unannounced inspection is not meant to be a time consuming task. The property and evidence areas may be inspected for cleanliness and orderliness. At least five pieces of property and evidence should be tracked to assure records are accurate and the items are in their correct storage location.

#### **84.1.7 DISPOSITION OF EVIDENCE AND IN-CUSTODY PROPERTY**

The following shall govern the final disposition of evidence and in-custody property:

- A. Final disposition of found, recovered and evidentiary property shall be accomplished within six months after legal requirements have been satisfied. Prior to the disposal of evidence collected in a felony case, the District Attorney's Office may be consulted. The prompt, authorized destruction or return of items prevents an overload on the property management system. Such procedures reduce the requirement for additional storage space and allows for the timely return of property to rightful owners.
- B. Within state statute guidelines, officers should choose to photograph, mark, and return certain items to victims before final court disposition has been received.

#### **84.1.8 PROPERTY ACQUIRED THROUGH CIVIL LEGAL PROCEEDINGS/FORFEITURE**

Forfeitable and abandoned property shall be processed in accordance with state and federal statutes. The following shall apply:

- A. According to Wisconsin statute 20.909(1), in most cases “any personal property lost or abandoned in any building or on any lands belonging to the state and unclaimed for a period of 60 days may be returned to the person finding the same or may be sold at private or public sale by the state agency having charge of the place where such personal property is found. All receipts from such sales, after deducting the necessary expenses of keeping such property and selling the same, shall be paid promptly into the state treasury and credited to the school fund.”
- B. Raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, distributing, importing or exporting any controlled substance or controlled substance analog are subject to forfeiture. Money and vehicles may also be subject to forfeiture (reference Wisconsin statute 961.55(1)).
- C. All property acquired through legal proceedings shall be recorded in an incident report including the following: description, identification numbers, and the name of persons or corporations from whom the property was received. The property shall be stored for safekeeping until properly disposed of, transferred to Department use, or transferred to another agency according to applicable federal and state statutes. The property disposition and location shall be recorded on the Department property card.