



# UW-Madison Police Department

**Policy: 84.1**

**SUBJECT: PROPERTY AND EVIDENCE CONTROL**

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**STANDARD: CALEA 84.1.1 – 84.1.8 IACLEA 15.1.7**

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## POLICY:

The UW-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:

“Audit” is a documented accounting of high-risk items (e.g. cash, precious metals, jewelry, firearms, and drugs) and other evidence and non-agency property to establish that all property is accounted for, and records can reasonably be assumed correct.

“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 possible criminal offense.

“Inspection” is the process of ensuring the property room is being maintained in a clean and orderly fashion and that the integrity of the property is being maintained.

“Inventory” is the process for accounting for item(s) in the property room and reconciling them against department records.

## 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 record, and an incident report shall be completed before officers end their respective tours of duty. The exception to logging property in custody shall be property that was 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 was released during the shift it was recovered. Under no circumstance shall 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 shall be included in the incident report and/or property record. The following information shall 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.
  - 5. Name and contact information of person turning in lost/found property or potential evidence, if known.
- D. Evidence and in-custody property shall be clearly marked or labeled in a manner that assures proper identification at a later date. Personnel shall initial and date the packaging in accordance with established guidelines. 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 shall 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. 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 shall not be used without first securing the trace material in a vial, petri dish, or paper fold.
  - 4. U.S. currency must be packaged in a clear pouch. The number of bills, denominations and coins shall be identified on the Department property voucher. The denominations shall be written on the clear pouch and verified and signed by two employees.
- E. 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 their name or initials, badge and/or employee number, and date across the seal and container. The property team has the right to refuse and return property and/or evidence to the submitting officer if the packaging or labeling is submitted incorrectly. The submitting officer and their supervisor shall be notified that the property and/or evidence submitted shall not be accepted and needs to be corrected. Once it is submitted properly, it shall be accepted.
- F. 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; wearing 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.
- G. Employees shall make an 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 contact the Department in advance to make suitable arrangements for the retrieval of property. The property team should also make a reasonable effort to locate and return property to its rightful owner.
- H. Procedures for the temporary and final release of property items from the control of the property and evidence function include: noting on property records 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.
- I. Supplemental reports shall be written to document temporary releases of property/evidence.

- J. Biological evidence of unsolved crimes shall be held minimally until the crime can no longer be prosecuted due to the statute of limitations. The property team shall consider possible future value in deciding when to dispose of this evidence even after that date. For crimes with convictions, such evidence shall 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.
- K. In order to maintain consistency in the procedures of collecting and accounting for evidence and property, all property team members are trained in accordance with department standards documented in a property team training manual.

#### **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 access controlled and limited to authorized personnel.
- 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, firearms 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 department's impound. Security and evidentiary processing needs shall dictate such storage. The Property Custodian Police Officer 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. The Property Team 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 access controlled to prevent the alteration, unauthorized removal, theft or other compromise and to maintain chain of custody. The Investigative Services Captain shall determine and control access rights for each designated storage area.

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

- 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, shall 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. The chain of custody shall be documented.
- 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 shall be converted upon approval of the Investigative Services Captain. The controlled substance or cannabis shall be transferred to the sworn employee responsible for its use. The controlled substance or cannabis shall be securely maintained by the responsible employee, when not in use. The chain of custody of these items shall 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 PCPO.

#### **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 semi-annually by the person responsible for the property and evidence control function or designee.
- B. An audit of property and evidence shall be conducted in accordance with CALEA Standards Manual Appendix I 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. Property records shall be reviewed carefully with respect to proper documentation and accountability. All discrepancies shall be recorded prior to the assumption of property accountability by the newly appointed custodian. The person assuming custody of the property shall ensure that all records are current and properly annotated. Training on inspection and inventory requirements shall be conducted with the newly appointed property custodian.
- C. An annual audit of property and evidence held by the agency shall be conducted by a supervisor not routinely or directly connected with control of property as directed by the Chief of Police. The annual audit shall be a significant representative sampling of property including high-risk items and be in compliance with CALEA Standards Manual Appendix K. 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. At least five pieces of property and evidence shall 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**

- A. Final disposition or destruction of found, recovered and evidentiary property shall be accomplished after legal requirements have been satisfied and in accordance with Wisconsin statute 66.0139.
- B. The Property Custodian Police Officer (PCPO) and an additional member of the property team shall evaluate and determine which evidentiary drugs are eligible for disposal and/or destruction. Disposal and/or destruction of evidentiary drugs shall be conducted at a designated facility by two people, at a minimum, and on an annual basis. Prior to the disposal of evidence collected in a felony case, the District Attorney's Office may be consulted.

- C. 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 by the agency 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, converted 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 voucher.