

# UW Whitewater Police



## Property Control and Handling

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## I. Purpose

The purpose of this General Order is to establish authority, responsibility, and accountability for property that is found, recovered, seized, or received by UW-Whitewater Police Department (UWWPD).

## II. Definitions

**Assistant Property Officer(s):** Department employees responsible for the duties of the Property Officer, in the Property Officer's absence. Assistant Property Officer(s) may also assist in the day-to-day operations of the property inventory system or allow access to evidence that needs to be transported to court or the WI State Crime Laboratory.

**Audit:** 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:** A record of persons having charge, control, or possession of evidence from the time it is received until disposed of.

**Employee:** Any sworn officer or civilian member of UWWPD.

**Evidence:** Any substance or material found or recovered in connection with a criminal investigation.

**In-Custody Property:** Anything that is held in police custody that 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:** 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:** The process for accounting for item(s) in the property room and reconciling them against department records.

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**Property:** Items seized, collected, found, received, or surrendered to the Department, shall fall into three main categories: Evidence (including contraband), Found Property, and Safekeeping.

**Property Officer:** The department employee responsible for the storage, management, control and disposition of property received by the department. In the remainder of the General Order, PO shall stand for Property Officer and Assistant Property Officer.

## III. Policy

It is the policy of UWSPD that uniform procedures be followed for the management, storage, control, and disposition of property that is found, seized, recovered, or received by the Department. Inspections of the 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.

## IV. Procedure – Evidence/Property Control System

### A. Responsibility of Employees Receiving Property

1. **Entering into Records:** All property that is found, seized as evidence, or collected for safekeeping, shall be logged into Department records before personnel end their shift by entering the information into the Department's records management system (RMS).
  - a. Information to be included in the property module of RMS includes, when applicable:
    - i. Type of property, color, size, weight, and/or other identifying characteristics;
    - ii. Unique numbers and model numbers;
    - iii. The owner of the property, if known;
    - iv. Name and contact information of the person turning in lost/found property or potential evidence, if known.
  - b. The associated case disposition and a report/call summary shall be completed prior to the officer taking in the item ends their shift.
    - i. The written report/call summary shall include the circumstances by which the property came into the agency's possession and;
    - ii. Describe each item of property obtained.
  - c. If exceptional circumstances prevent personnel from logging property prior to the end of their shift, personnel shall contact the On Duty or On-Call Supervisor.
2. **Entering into Evidence/Property Function:** All property shall be placed under the control of the property and evidence control function before officers end their shifts.

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- a. Any employee who takes property into custody is responsible for safeguarding the property until they have completed the property inventory process and have placed the property into any of the authorized and designated temporary storage areas. All property received shall be handled with care to prevent theft, loss, or damage.
  - b. Under no circumstance shall evidence or in-custody property be subject to personal use or stored in employee's personal desks, lockers, vehicles, homes, or other places that would permit the chain of custody to be interrupted.
  - c. Prior to collecting items for safekeeping, officers should, if feasible, attempt to confer with the PO or Supervisor in order to determine the exact status of the item.
  - d. The exception to securing property in custody before the end of their shift shall be property that was released during the shift when it was recovered.
  - e. If an employee is unable to inventory all items prior to the end of their shift, they shall contact the On Duty or On-Call Supervisor.
3. Temporary Storage/Security
    - a. Secure facilities shall be provided for the storage of in-custody or evidentiary property during periods when the property room is closed.
      - i. Lockers in room 127, Evidence Processing Room;
      - ii. Secure storage in the Police Garage.
    - b. After properly marking and documenting each item to be entered, officers should place such property into temporary storage lockers designed for this purpose.
  4. Items with No Evidentiary Value: Any item(s) processed for evidence may be returned to their owner if the item(s) do not hold any evidentiary value.
  5. Shipping/Mailing Items to Owners: Officers shall not refer any items to clerical staff personnel, for any type of shipping or mailing of said item(s) back to the owner. Officers shall email such requests to the Property Officer/Assistant Property Officer.

## **B. Responsibility/Authority of Property Officer**

1. The Property Officer is responsible for the receipt, storage, security, accountability, and disposition of all property received by Department employees, in accordance with current law enforcement training and standards guidelines.
2. The Property Officer is responsible for checking the Temporary Evidence Lockers on a routine basis and removing the property from the lockers. Once an item is received by the Property Officer, it shall be their responsibility to ensure all Chain of Custody tracking information for each item is entered into RMS.
3. The Property Officer/Assistant Property Officer is responsible for the release and receipt of items to be sent/received to and from the crime lab. The Property Officer/Assistant Property Officer shall complete the lab submission of the criminal evidence transmittal form for all criminal evidence. All transfers shall be documented in the property module of RMS.

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4. The Property Officer/Assistant Property Officer is responsible for training officers in property inventory procedures they are required to use.
5. The Property Officer/Assistant Property Officer shall be responsible for the management, control, storage, and disposition of all property received by the department.

## C. Packaging and Storage of Property/Evidence

1. All evidence shall be packaged and handled in accordance with the Department's policy on evidence. See General Order 83.1.1 Evidence Processing for complete information.
2. Sealing: All evidence shall be sealed with tamper-proof evidence tape.
  - a. The officer shall place his/her initials and date across the seal of the evidence tape.
  - b. If an officer's "initials and date" were not placed across the evidence tape seal, the item(s) shall not be received in the Property Inventory Room. The item(s) in question shall be returned to the officer, following chain of custody procedures. 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.
  - c. 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.
3. Evidence and in-custody property shall be clearly marked or labeled in a manner that assures proper identification at a later date. Property should not be marked where it may deface or decrease the actual or the evidentiary value of the items.
4. U.S. Currency and Valuables
  - a. U.S. Currency should be packaged with two officers present. If officers are working a solo patrol shift packaging of U.S. Currency shall be conducted while within view of the security camera within the evidence processing room. The number of bills, denominations, and coins shall be identified in the Department property module within RMS, and the currency should be placed in a temporary evidence locker.
  - b. Exceptional, valuable, or sensitive items of property should also be packaged with a witness present or in front of the security camera in the evidence processing room, including drugs, jewelry, and precious metals.
5. Drugs/Prescription Medications
  - a. All prescription medications or street drugs seized, found, received, or confiscated shall be inventoried, packaged/sealed, and placed into a Temporary Evidence Locker. All controlled substances shall be weighed (grams) without packaging, or counted if in tablet or capsule form. The weight or count shall be logged in RMS and in the officer's report. In most circumstances, prescription medications received by employees in sealed,

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tamper-proof containers need not be opened for counting or weighing purposes.

- b. All controlled substances, including both street drugs and prescription medications, which are seized, recovered, found, or received by departmental employees shall be handled and packaged in accordance with the Department's Evidence General Order. See General Order 83.1.1 Evidence Processing for complete information.
- c. Trace materials must be packaged in suitable containers to eliminate the possibility of any loss of the trace material. Envelopes or other containers that might have small openings shall not be used without first securing the trace material in a vial, petri dish, or paper fold.
- d. Controlled Substances will not be field tested unless there is a question about their content or as requested by the District Attorney's Office. If a controlled substance is to be tested at the Crime Lab a request will be made to the Property Officer/Assistant Property Officer to send the suspected controlled substance to the Crime Laboratory for Drug Identification examination by the lead officer or detective for the investigation.

## 6. Firearms

- a. All firearms seized, found, confiscated, or collected for safekeeping shall be unloaded of all ammunition.
  - i. 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.
- b. The firearm(s) make, model, serial number and description shall be entered into RMS.
- c. The officer is responsible for querying the firearm through NCIC in order to check the firearm's status.
- d. The firearm shall be placed into an appropriate size firearms box and secured into a Temporary Evidence Locker.
  - i. The officer need not seal the box since the firearm will be re-inspected for safety purposes, by the Property Officer/Assistant Property Officer.
  - ii. Once inside the Property Room, the firearm will be packaged and sealed in a secure storage area within the Property Room. The date and time of packaging will be recorded in that item's chain of custody file within RMS.

## 7. Ammunition

- a. All ammunition shall be inventoried and packaged separately from the firearm(s). Ammunition found inside the firearm shall also be packaged separately, for evidentiary purposes.

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- b. No ammunition will be returned with any firearm. The ammunition may be returned to the owner the following day or the owner may relinquish ownership of their ammunition. This request shall be noted in the report.
- 8. Hazardous Materials
  - a. Found, surrendered, or seized explosive devices shall be handled in accordance with procedures set forth in GO 46.100 Bomb Incident Response.
  - b. Hazardous evidence, e.g. biohazard, flammable, sharp object, poison, explosive material, etc., as well as fragile evidence, shall be marked on the outer packaging.
    - i. Personal protective equipment shall be worn when necessary.
    - ii. Biohazard labels shall be affixed to packages as necessary.
  - c. Hazardous materials, which may include chemicals, waste products, or highly combustible materials, shall be secured at the Hazardous Waste Building, after consulting with the University's Risk Manager. The officer, or Supervisor, shall forward any requests to evidence technicians regarding any item(s) needing to be processed for evidence.
- 9. Refrigeration: Evidence or other property received which requires refrigeration, shall be stored in the Department's refrigerator or transferred directly to the Property Officer/Assistant Property Officer, if available.
  - a. If the item is stored in the Department's refrigerator, the Property Officer/Assistant Property Officer shall be notified of the item's location.
  - b. The item(s) shall then be stored in the Property Room's refrigerator.
- 10. Blood draw kits shall be placed in the temporary locker on return from the hospital. The Dayshift Officer(s) working the next business day will be notified of the location. The Dayshift officer will take the blood draw kit to UW-Whitewater Postal Services and then to the US Post Office for shipment to the WI State Laboratory of Hygiene or another appropriate laboratory facility.
- 11. 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 the possible future value in deciding when to dispose of the evidence even after that date.
  - a. For crimes with convictions, such evidence shall be held until the convicted 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.
  - b. 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.
- 12. Motor Vehicles
  - a. Recovered stolen vehicles, vehicles used in the commission of a crime, or vehicles which otherwise need to be processed for evidence, shall be stored

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- in the UW-Whitewater Police Department's locked Evidence Storage Garage or a place designated by a supervisor.
- b. Vehicles used in the commission of a crime and are to be sought under "assets and forfeiture" action may be stored in the UW-Whitewater Police Department's locked Evidence Storage Garage.
  - c. Vehicles shall be photographed at the time of recovery or seizure. The photographs shall document the condition of the vehicle and the officer shall describe in his/her report any damage observed to the vehicle.
13. Items of evidence, that are too large to be secured in lockers, may be secured in the locked Department Processing Room or the locked Department Evidence Storage Garage.
- a. The officer seizing such evidence shall notify the Property Officer/Assistant Property Officer so the item(s) may be recorded properly in the Property Inventory System.
  - b. If specific and/or unusual situations occur, related to the receiving, storage, or disposition of property, the Chief of Police or his/her designee, shall authorize all expenditures and storage areas that may be utilized.
14. Evidence viewing by the District Attorney for Defense for Child Pornography
- a. UWWPD employees who receive notification that a district attorney or designee wishes to view evidence pertaining to a child pornography case shall notify a PO via written request by E-mail. Within this written request, employees shall provide the case number of the involved evidence and a means of contacting the attorney or designee.
  - b. Once the PO receives this notification, it is his/her responsibility to complete the request by contacting the attorney or designee to view the evidence at the police department in the presence of a PO. Evidence of this nature shall not be removed from the Police Department except for transport to court proceedings by a sworn LEO of this department. The PO will ensure that the chain of custody procedure is followed.
  - c. It will be the responsibility of the PO to reseal any evidence that was unsealed during the viewing by the defense or designee. The PO will then re-submit the evidence for proper storage as detailed in the policy.
15. 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.

## **D. Lost and Found Property**

- 1. All found items received or turned into the Department shall be taken to the central Lost and Found for the campus, located at the University Center Information Desk, if the item's owner is not known, or the item(s) cannot be immediately returned to the owner. Item(s) of great monetary value will not be taken to the central Lost and Found but will be placed into evidence as found property.
- 2. Currency/Valuable Items

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- a. When any currency over \$100.00 is received, the receiving officer shall count the money on video.
  - b. Other property over \$100.00 value, including but not limited to jewelry, precious metals, watches, and negotiable securities, shall be inventoried, packaged, and placed into a Temporary Evidence Locker, not taken to the central Lost and Found.
  - c. The property must be secured at all times. If a desk worker or clerical staff have someone turn in a found item, they should gather as much information about where, when, and who found the item and then turn it over to a police officer on duty.
  - d. The officer must secure the item in Room 127 or have the items taken to the Lost and Found Desk immediately, as items should not be left in common access areas of the police department.
  - e. Before the end of their duty shift, an officer will make a report on the circumstances and final dispositions of all found property they receive during their shift. This includes a property report if the item is to be placed into the Temporary Evidence Locker, which shall be done before the end of the officer's shift.
3. All bicycles shall be taken to General Services and the officer's business card should be left attached to the bicycle.
  4. Employees of UWPPD 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.
    - a. 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.
    - b. Owners should be encouraged to contact the Department in advance to make suitable arrangements for retrieval of property.
    - c. Item(s) waiting for return to the owner, may be left in the temporary storage lockers.
      - i. The property will not be left within the temporary storage lockers for an unreasonable amount of time.
  5. All lost/found items, if retained by the department, shall be retained for a minimum of 60 days. After 60 days have expired, lost/found items may be returned to the person that found the item, sent to auction with profits going to the State Treasury, or utilized within the Police Department. See WI State Statute 20.909.

## **V. Procedure –Storage and Security**

### **A. Internal Property Control Procedures**

1. The Property Officer/Assistant Property Officer may receive property directly from an employee. The employee may also place the property into a Temporary



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Evidence Locker or any area authorized and designated for storage to be received by the Property Officer later.

2. The Property Officer/Assistant Property Officer shall ultimately assume control of all in-custody and evidentiary property. Such items shall be properly entered into RMS and then assigned a location within the property room or other suitable location
3. Procedures for temporary and final release of property items from the control of the property and evidence function include:
  - a. Supplemental reports shall be written to document temporary releases of property/evidence;
  - b. Noting on property vouchers when evidence is removed for court, laboratory analysis, or other investigative processing;
  - c. Recording the identity of the employee releasing property, along with the date and time of transfer;
  - d. Obtaining identifying information and signatures from persons receiving property;
  - e. Ensuring an uninterrupted chain of custody until final disposition; and
  - f. Recording property dispositions in Department records.
4. Court Evidence Requests
  - a. Officers needing evidence for the court shall send a written request (email) to the Property Officer/Assistant Property Officer. Officers shall provide the date and time of their court appearance and shall list the item(s) needed for court. The request should be made at least three (3) days in advance. Officers shall check the master schedule to ensure the availability of the Property Officer/Assistant Property Officer.
  - b. Once the Property Officer/Assistant Property Officer receives notification, he/she is responsible for completing the request in accordance with Department chain of custody procedures.
  - c. If the evidence packaging is opened for court, the officer is responsible for resealing the package(s), dating, and initialing the package per General Order 83.1.1 Evidence Processing prior to resubmitting the items to the Property Officer/Assistant Property Officer.

## B. Security of Property Room

1. All in-custody property and evidence shall be stored within designated, secure areas to prevent alteration, unauthorized removal, theft, or other compromise and to maintain the chain of custody. 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.
  - a. Entry into the Property Room is restricted to the Property Officer and Assistant Property Officer. The Administration shall have access into the Property Room for inspection/auditing purposes or in emergency situations.
  - b. Access into the Property Room is controlled by a Master Key system. The Property Officer, Assistant Property Officer and limited supervisors, for

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emergency access when a Property Officer are not available, are the only persons who have access to the Master Key.

- c. All persons not assigned as property officers who enter the Property Room, past the threshold of the door, shall sign in/out in the logbook.
  - d. All visitors entering the Property Room shall record their name, the time “in/out” of the Property Room, and the purpose of their visit.
  - e. All visitors accessing the Property Room shall at all times be accompanied by the Property Officers/Assistant Property Officer.
  - f. Visitors into the Property Room shall be limited to law enforcement personnel receiving training, on a tour, or taking custody of property.
  - g. Building custodians, other Department employees, or computer technicians may also be allowed into the Property Room for scheduled maintenance or emergency repairs. They will be required to sign in/out of the Property Room in the logbook and shall be accompanied by the Property Officer/Assistant Property Officer at all times.
  - h. Any other access rights for a designated storage area will be determined by the Property Officer Supervisor.
2. Some items of in-custody property, by their very nature, require extra protection, security, and handling precautions.
- a. 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, whenever possible. Forfeiture quantity levels of marijuana/paraphernalia may be stored in the Property Room, on shelves along with other evidence.
  - b. 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 temporary locker storage may be placed in the secure area of the police garage. 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.
- C. Security of Controlled Substances, Weapons or Explosives for Investigation or Training
- 1. Explosives, controlled substances, or weapons that have been collected and/or submitted as evidence or in-custody property, shall not be used for investigative or training purposes.
  - 2. Explosives utilized for department canine training shall be stored securely when not in use. Procedures are outlined in General Order 41.1.5 K9 Unit.

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## VI. Procedure – Records, Status, Inspections and Reports

### A. Evidence and In-Custody Property Status Record System

1. Records shall reflect the status of all property held by the Department, including the 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.
2. All property received by the Property Officer/Assistant Property Officer shall be tracked using RMS.
3. Archived purging files that predate the department's RMS are held on an Excel spreadsheet that is housed on the T Drive and accessible by Property Officers and the Property Officer Supervisor.

### B. Status and Disposition of Property

1. The Property Officer/Assistant Property Officer, or his/her designee, is responsible for the disposition of all property.
2. The “status and disposition” of all property held by the Department will be maintained in RMS.

### C. Inspections/Audits of Property

1. A semi-annual inspection to determine adherence to procedures for the control of property shall be conducted by the Property Officer Supervisor or designee to confirm that the Property Room is being maintained in a clean and orderly fashion, that the integrity of the property is being maintained, that the property handling procedure is being followed, that property is being protected from damage or deterioration, and the property having no further evidentiary value is being disposed of promptly.
2. An audit of property and evidence shall be conducted in accordance with CALEA Standards Manual Appendix I whenever a Property Officer/Assistant Property Officer is assigned to and/or transferred from the position. This shall be done to ensure the integrity of the system and the accountability of the property.
  - a. This inspection shall be conducted jointly by the newly designated property custodian, the outgoing property custodian, and a designee of the Chief of Police.
  - b. Property vouchers shall be reviewed carefully with respect to proper documentation and accountability.
  - c. All discrepancies shall be recorded prior to the assumption of property accountability by the newly appointed custodian.
  - d. The person assuming custody of the property shall ensure that all records are current and properly annotated.
  - e. Training on inspection and inventory requirements shall be conducted with the newly appointed property custodian.

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3. 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.
4. Periodic, unannounced inspections of the Property Room shall be conducted, as directed by the Chief of Police or his/her designee. These unannounced inspections shall be conducted 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.