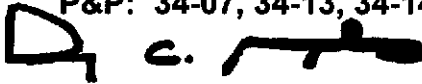


EAST LANSING POLICE DEPARTMENT

POLICY AND PROCEDURE

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34.1 PURPOSE

Establish a policy and procedure for the collection, preservation, management, security, and disposal of all property and evidence in the custody of the Department. Manage all property and evidence in a thorough, efficient, and safe manner. Maintain a property control system that meets all legal requirements.

34.2 CLASSIFICATION OF PROPERTY

Property is defined as any item that is the subject of ownership and is tangible, visible, personal, or that has an exchange value. The term "property" as used in this policy, includes items that are classified as "evidence". Property will be classified into the following categories.

- A. **Evidence:** Property which can play a role in establishing or reconstructing a crime, link a suspect to the victim or crime scene, or furnish proof in a legal matter. Evidence includes items which are forensic or scientific in nature.
- B. **Found Property:** Property that has been found and that has a fair market value or worth.
- C. **Safe Keeping Property:** Property that has a fair market value or worth, and the owner is known. The property is being held temporarily and can be released to the owner at a later time.
- D. **Junk:** Property that does not have any fair market value or worth.
- E. **Hazardous Materials:** Dangerous materials such as explosives, flammable gas, radioactive materials, corrosive materials, poisonous liquid or gas, toxic substances, etc.
- F. **Contraband:** Property that is prohibited by law to be owned, carried, concealed, or possessed.
- G. **Currency:** A medium of exchange including coins, bank notes, government notes, and paper that has a value not greater than face value.

- H. **Collectible Currency:** A medium of exchange including coins, bank notes, government notes, and paper that has a value greater than face value.
- I. **Perishable Property:** Property that is subject to quick deterioration or spoilage except when maintained under proper conditions.
- J. **Property of Major Value:** Property that is not collectible currency, contraband, currency, evidence, hazardous material, junk, perishable property, or property of minor value.
- K. **Property of Minor Value:** Property whose fair market value is less than the total cost of preparing a property report, plus the costs of storage and disposition, and which is not collectible currency, contraband, currency, evidence, hazardous material, junk, perishable property, or property of major value.

34.3 **QUARTERMASTER RESPONSIBILITIES**

- A. The Quartermaster is responsible for all property and evidence under their immediate control. Manage all property and evidence so the items are secure from theft, loss, or contamination. Maintain the property and evidence room in a clean, orderly, and efficient manner. Recommend changes to Department policy and procedure when it becomes necessary.
- B. Be familiar with the guidelines of Public Act 273 of 1987 designated as "Lost Property Act". Maintain a current knowledge of local, state, and federal laws pertaining to property and evidence management. Ensure that all property and evidence is properly disposed of, based upon current local, state, and federal law. Monitor and replenish as necessary, Department supplies, property and evidence packaging materials, bio hazard personal protection equipment, etc.
- C. The Quartermaster has the responsibility and the authority to refuse property and evidence that is submitted in a manner that is not safe to handle or is not properly packaged. The Quartermaster may also refuse to accept items that have no evidentiary value, junk items, or that may cause a substantial health risk.
- D. If the Quartermaster refuses to accept an item, the Quartermaster will notify the submitting officer if the officer is still on duty, in an effort to resolve the issue. If the officer is not on duty, the Quartermaster will notify the on duty supervisor, in an effort to resolve the issue.
- E. Ensure timely and legal notification to the owners of property and evidence that the items have been authorized to be released. Conduct routine inventories with special attention given to narcotics, firearms, currency, and jewelry.
- F. Issue equipment and assist in facilitating equipment repair and purchase. Maintain systemized organization of all property. Other duties and responsibilities as assigned by the Chief of Police or his/her designee.

34.4 **GENERAL INFORMATION**

- A. Personnel shall not dispose of or convert to their own personal use, any property or evidence, except as provided for in this policy. Exceptions may be authorized by the Chief of Police or his/her designee.
- B. Personnel shall not enter the property and evidence room unless the Quartermaster is present. If the Quartermaster is not available, the records bureau supervisor can access the evidence room. The room shall be kept locked when unattended. Property and evidence shall only be released by the Quartermaster, whenever possible. If the Quartermaster is not available, the Quartermaster's direct supervisor may release the items.
- C. Duplication or possession of keys to the property and evidence room is prohibited without authorization from the Chief of Police. The Quartermaster's office should be adjacent to the property and evidence room, but not within the confines of the room. This allows for routine business matters to be conducted within the Quartermaster's office, but minimizes access to the area where evidence and valuables are stored.
- D. Property or evidence coming into an employee's possession shall have a cad / incident number assigned to the case by the end of the employee's duty day. The employee shall submit a detailed written report describing how the items came into the employee's possession.
- E. Property and evidence shall be safely collected and properly packaged. Property or evidence coming into an employee's possession shall be submitted to the Quartermaster by the end of the employee's duty day. Exceptions may be authorized by the employee's immediate Supervisor.
- F. Property and evidence submitted to the Quartermaster shall be placed in the temporary storage lockers, whenever possible. Large items may be secured at the impound lot or other appropriate facilities, if it becomes necessary.
- G. All items of property and evidence submitted to the Quartermaster shall be entered into **the property section of the case report within records management system (RMS) by the submitting officer**
- H. When an item is removed from the property and evidence room, the date of the removal and the officer who receives the property, shall be logged into the records management system by the Quartermaster or the supervisor releasing the item. The officer who receives the item and the Quartermaster or supervisor shall fill out the required information on the property and evidence control envelope or control sheet. The chain of custody shall remain as short as possible.
- I. When dropping off or picking up items from the crime lab, the officer shall sign the evidence control envelope or control sheet. The chain of custody must be documented at all times. Items of evidence should be marked for identification purposes by the submitting officer.

- J. Valuable evidence shall not be marked in a permanent manner, or in any manner that would lessen the monetary value of the property.
- K. Biohazardous property or evidence shall be secured in the proper biohazardous container to prevent contamination of the temporary lockers and property and evidence room. The appropriate biohazardous stickers shall be attached to the container. Biohazardous evidence shall not be placed in the same locker with non biohazardous items.
- L. When you package items of evidence, separate the items that you want to go to the crime lab from the evidence items that do not need to go to the crime lab for analysis. The appropriate lab sheets need to be filled out, and attached to items that are going to be sent to the crime lab.

34.5 INTAKE PROCEDURES FOR DANGEROUS ITEMS AND BIOHAZARDOUS MATERIALS

- A. It is extremely important that personnel do not attempt to handle any dangerous items or biohazardous materials unless they have the appropriate level of training and the appropriate level of personal protective equipment to safely do so. There are many types of dangerous and biohazardous materials that personnel should avoid contact with. Do not put your safety or the safety of other individuals at risk.
- B. The purpose of this section is to provide personnel with some basic guidelines on how to safely collect and package some of the more common types of dangerous items or biohazardous materials that we would normally have contact with. Personnel that have not been trained on how to safely collect and package specific dangerous or biohazardous items should contact a crime scene investigator, if one is on duty. If a crime scene investigator is not on duty, the on duty supervisor may request that a crime scene investigator be called in, if necessary.
- C. The Michigan State Police crime lab or other appropriate government agency may also be available to assist, depending on the nature of the investigation.

34.6 INTAKE PROCEDURES AND EVIDENCE PACKAGING GUIDELINES

- A. The evidence processing station is located inside the report room and contains packaging supplies for general evidence submissions. If the processing station is in need of additional supplies, the Quartermaster shall be notified. The CSI room also contains evidence packaging supplies if the need arises.
- B. General Items

As a general rule, property and evidence should be packaged in the property and evidence control envelopes, whenever possible unless CD-R or DVD-R based. If the item is too large to be placed in the envelope the officer shall securely attach a property and evidence control sheet to the item. If the item requires special packaging, the item will be packaged in the appropriate and safe manner. Evidence items that have been packaged in the property and evidence control envelopes, or in any other container, shall be sealed with red evidence tape, and

initialed by the submitting officer. Staples shall not be used to seal any packages. Staples may cause puncture wounds and can carry bacteria in an evidence room.

C. Media

1. **Digital photographs shall be emailed to the Quartermaster in a PDF format. The Quartermaster will electronically attach the submitted photos to the case report. In the instance that printed photographs are submitted by a victim, witness, or suspect and the officer is unable to get a digital copy, they will forward the printed photograph to the records bureau.**
2. **Video and audio based evidence will be submitted on a DVD-R whenever possible.** Label the disc with complaint number and disc contents with CD/DVD sharpie at the bottom of the disc. Please use only the CD/DVD Sharpie when writing on the disc. Using a regular sharpie can result in the ink bleeding through the label and destruction of the evidence contained on the disc. Fill out the Media Evidence Control Sheet and put it in the jewel case with the disc. If you need additional space for the contents write it on the back of the sheet. Place the evidence in locker #1 (or any other locker you choose). Do not seal the jewel case with evidence tape.
3. For OWI submissions: Prepare only the Media Evidence Control Sheet and place it in locker #1, the MVR discs will be packaged by the Quartermaster.

D. Toxicology Kits

Toxicology kits are to be stored in the refrigerator in the equipment room. Write the complaint number, **date and submitting officer name** on the outside of the toxicology kit box. The Quartermaster will check the fridge on a weekly basis, so there is only a need to contact the QM if the item must be sent to the lab immediately.

E. CSC Kits

CSC kits can be stored in the standard temporary storage lockers. Write the complaint number clearly on the outside of the box. All CSC kits shall be sent to the crime lab for analysis. Therefore, a Laboratory Examination Request form must be submitted with all CSC kits.

F. Controlled Substances

1. All controlled substances must be weighed or counted prior to submission. The weight shall be recorded as an audit weight to account for potential variations in the scale being used.
2. Controlled substances found in pill or capsule form shall also be weighed in the container or package that the item was confiscated in. In addition, the pills or capsules shall be counted. The number of pills or capsules shall be recorded on the evidence control sheet or envelope.

3. If the evidence is contained in several packages the weight of each individual package should be determined as well as the gross weight of the entire seizure. It should be noted that plant material such as marijuana will lose some of its weight over time, due to the evaporation of moisture.
4. Controlled substances shall be packaged separately from all paraphernalia. All controlled substances shall be heat sealed in plastic bags. The adhesive control sheet will be completed and attached to the face of the bag. The submitting officer check the integrity of all seals and will place their initials over all bag seals when completed. Any bags not properly sealed and initialed will be rejected by the Quartermaster.
5. Paraphernalia such as pipes, bongs, and grinders, or any other item that contains narcotic residue shall also be heat sealed in plastic bags with an adhesive control sheet attached to the face of the bag.
6. If the amount of the seizure taken will not fit into the standard 8"x12" bag, it may be packaged in the 12" plastic tubing for bulk items.
7. If the item is to be sent to the lab for processing, submit a Laboratory Examination Request form with the evidence.
8. Controlled substances shall be stored within the security cage inside the evidence room. Paraphernalia may be stored with all other evidence.
9. If you have an item of evidence such as marijuana or any other unknown substance in a plastic bag or container that you want tested for both identification purposes and fingerprints, you have to separate the marijuana or other unknown substance from the plastic bag or container. The substance shall be packaged in accordance with the guidelines listed above, and the container shall be packaged in an evidence envelope and marked "Protect for fingerprints." The MSP crime lab will not separate the items for us. The items are tested by two different units within the crime lab. One unit will test for latent prints and another unit will attempt to identify the substance.
10. Drug and narcotic evidence that is no longer needed for court purposes will be destroyed by incineration. All evidence items containing narcotics shall remain unopened and in their original evidence packaging for destruction. If the Quartermaster observes that the packaging has been tampered with or opened, it shall be reported to the Quartermaster's direct supervisor. The final destruction of the items will be witnessed by the Quartermaster and one sworn personnel.

G. Currency

1. Extra security measures should be taken when handling currency. Counterfeit currency should be handled in the same manner as real currency. The following guidelines will apply to all cash seizures, all recovered money, and any found property monies over 50 dollars.

2. The "two person rule" shall be used for counting currency. The currency shall be counted by the investigation officer, and an independent count will then be done or witnessed by a Supervisor. Currency should be sorted and counted by denomination. The cash seizure form will be filled out listing the number of bills and dollar amount of each denomination. The total amount, including coins, shall be listed on the form. The form shall also be signed by the submitting officer and the supervisor that verified the amount. Any discrepancies between the two counts must be reconciled before the items are submitted to the Quartermaster.
3. All currency being submitted to the Quartermaster shall be heat sealed within a standard 8"x12" plastic bag that contains the cash seizure form signed by both the submitting officer and the supervisor that verified the amount of currency. The cash seizure form will be placed inside the heat sealed bag in a manner in which the Quartermaster can verify the amounts and signatures on the form. Once the bag is heat sealed, the adhesive control sheet shall be completed and placed on the bag. The submitting officer and supervisor shall both place their initials over the heat seal once it is completed. The currency will be refused by the Quartermaster if the currency is not properly packaged or there is no signature from both the officer and supervisor on the cash seizure form.
4. If the currency being submitted is related to a drug seizure, the Quartermaster shall be notified by e-mail so that the funds may be immediately deposited into the forfeiture account.
5. Real currency shall be stored separate from general evidence inside the evidence room security cage. Counterfeit currency may be stored with general evidence. Upon receiving a final disposition for the case, the money will be returned to the owner or to an individual or agency authorized to receive the money, if no owner can be located the funds shall be deposited into either the general fund or seizure fund as applicable by state law. All currency being deposited shall be kept in its original evidence packaging and opened in the presence of Finance Department personnel. Any currency items over \$100 dollars being returned to its owner shall be witnessed by the Quartermaster and one other police employee.
6. If there is a large sum of currency in coins, the coins may be taken to a bank or the East Lansing Finance Department and counted using the bank coin counting machines. The investigating officer and a supervisor shall be present to witness the coin counting process.

H. Firearms

1. Firearms shall always be unloaded, prior to submission to the Quartermaster. The weapon shall always be rendered safe by checking to make sure there is not a round in the chamber, the weapon is decocked, the safety is on, and the weapon is completely unloaded.
2. Revolvers shall be submitted with the cylinder kept open by using a small plastic tie strap through the frame. Automatics and semi automatics shall be submitted with the slide locked back and a plastic tie strap through the

3. Firearms that are submitted for fingerprint examination should be prominently marked with the words "protect for prints" on the outside of the cardboard gun box.
4. Firearms are to be packaged in a cardboard gun box. An arrow should be drawn on the outside of the box to show the direction of the muzzle. The evidence control sheet shall list the following information if available: The manufacturer, model, caliber, number of shots, and serial number. If the firearm is a handgun, state if it is a revolver or a semi automatic. As a general rule, magazines should be removed from the firearm and packaged with the firearm by being secured with a zip tie to the box. Ammunition and spent cartridges should be packaged in small containers or coin envelopes and submitted separately from the firearm. Ammunition may be packaged with the magazine and submitted separately from the firearm if there is an investigative need to do so.
5. Once the firearm is packaged, the box is to be sealed with evidence tape and initialed by the submitting officer. Any submissions that are not initialed will be refused by the Quartermaster.
6. All firearms submitted to evidence for any reason shall be checked through LEIN by the investigating officer. The original LEIN paperwork will be submitted with the original police report to the Records Bureau. A copy of the LEIN paperwork shall be submitted to the Quartermaster with the firearm.
7. Firearms shall be sent to the Michigan State Police crime lab if the weapon appears to have an altered, defaced, or missing serial number. The investigating officer shall complete the MSP "Request for Laboratory Examination" form requesting the serial number be identified or raised. The original form will be submitted with the original police report. A copy of the form will be submitted to the Quartermaster with the firearm.
8. Firearms recovered in the normal course of duty shall be sent to the Michigan State Police crime lab for comparison with the open shooting file only if there is specific or reasonable investigative information which would associate the firearm with an unsolved case. All firearms that are classified as found property shall be submitted to the State Police crime lab for comparison with open shootings. If it is determined by the investigating officer that the firearm should be sent to the crime lab, a Laboratory Examination Request form will be submitted with the firearm. The Quartermaster will be responsible for the transport of the firearm to the crime lab. The Quartermaster may request assistance from the detective bureau or uniform division to transport the firearm to the crime lab.
9. Firearms submitted as evidence shall be stored inside the evidence room security cage.
10. BB guns and air-soft guns are not considered to be firearms.

I. BB Guns, Pellet Guns, and Air Soft Style Guns

1. BB guns, pellet guns, and air soft style guns are not considered to be firearms, and do not have to be submitted in the same manner.
2. All guns of this nature shall be checked to make sure they are not loaded and that the propellant is removed or discharged prior to submission.
3. If the item must be protected for prints or crime lab examination, submit it in a cardboard pistol or rifle box, securing the item to the box with zip ties.
4. If the item is a rifle style gun and does not need to be protected for prints, complete an evidence tag (manila tag with wire straps) and secure it to the gun through the trigger guard.
5. If the item is a pistol style gun, submit it in a standard manila envelope.

J. Ammunition

1. Personnel should attempt to recover unused ammunition for comparison purposes when firearms are taken as evidence. Bullets should never be marked. Wrap recovered bullets in paper and seal in separate small pill boxes or small evidence envelopes. Bullets that contain wet blood should be completely air dried before being packaged in small pill boxes or paper small evidence envelopes.
2. There may be times ammunition is turned over to a member of the Department by a citizen who wants to dispose of it. The following procedure shall be followed. A written report will be completed using file class # 9820 "Property TOT MSP for disposal". A property and evidence control sheet will be completed. The ammunition and the evidence control sheet will be placed in a temporary storage locker. The Quartermaster shall turn the ammunition over to the Use of Force team supervisor for training purposes or ensure the ammunition is destroyed in a safe manner.

K. Fireworks

There may be times fireworks are turned over to a member of the Department by a citizen who wants to dispose of them, or the fireworks are confiscated by the officer for the purposes of destruction. The following procedure shall be followed. A written report will be completed using file class 9820. A property and evidence control sheet will be completed, it shall be noted on the control sheet that the fireworks are to be destroyed. The fireworks and the evidence control sheet will be placed in a temporary storage locker. The Quartermaster shall dispose of the fireworks as soon as possible, in a safe manner.

L. Sharp Objects

1. Hypodermic needles and syringes shall not be submitted to the

Quartermaster unless there is a felony criminal investigation being conducted, and there is a significant and compelling reason to do so for evidentiary purposes. Hypodermic needles and syringes that need to be collected and submitted as evidence shall be placed in a biohazardous syringe collection tube. The syringe collection tube shall then be placed in a cardboard knife box and sealed with evidence tape. A biohazard sticker shall be affixed to the outside of the box. The box will then be placed in a temporary storage locker.

2. There may be times when hypodermic needles and syringes are not collected as evidence, but still need to be collected and destroyed as contraband. The items shall be placed in a biohazardous syringe collection tube. The collection tubes are to be transported to the Fire Department as soon as possible and placed in the large Sharp Safe container they have available.
3. The proper method of placing hypodermic needles and syringes inside a collection tube is to place the opened tube on a hard surface, such as a tabletop or counter top. The tube should be secured so that it will not roll. Do not pick up the tube. Hold the syringe in one hand. Carefully slide the syringe, needle end first into the tube, keep your other hand completely out of the way. Place the cap securely back on the tube.
4. Folding knives that are not mechanically assisted may be placed in the property and evidence control envelopes. Any mechanically assisted knives or knives with fixed blades shall be packaged in a cardboard knife box and secured to the box with zip ties. If the knife is a biohazard, a biohazard sticker shall be placed on the outside of the box or envelope.
5. Other sharp objects such as razors, nails, broken glass, etc. shall be packaged in a cardboard box and strapped down in place, whenever possible.
6. All sharp items that must be protected for prints shall have the words "Protect for fingerprints" prominently labeled on the exterior of the packaging.

M. Biohazardous Bodily Fluids

1. Personal protective equipment should always be used when handling items that are contaminated with bodily fluids such as blood, urine, semen, saliva, etc. Personal protective equipment may include latex gloves, shoe covers, protective eye wear, or a full body suit, depending on the risk level.
2. Handle items contaminated with bodily fluids as little as possible. Items contaminated by bodily fluids shall be air dried, before being submitted to the Quartermaster. The item shall have a biohazardous sticker securely attached to the outside of the packaging. The drying cabinet in the CSI room should be utilized when necessary to air dry items contaminated by bodily fluids. The investigating officer needs to make sure the drying cabinet is clean prior to placing evidence in it and that the drying cabinet is cleaned after the evidence is removed. The investigating officer may

3. Bodily fluids in a liquid state should be collected using a sterile cotton swab moistened with distilled water. Allow the swab to air dry thoroughly at room temperature. Package the swab in a paper envelope. Do not heat items stained with bodily fluids or place the items in bright sunlight to dry. Bodily fluids that are in a dried state on clothing should be placed in a paper bag and sealed.
4. Do not attempt to remove bodily fluid stains from clothing. After the item is completely dry, place it in a paper bag and seal it. Each item should be packaged separately. Do not use plastic containers.
5. For very small objects that contain dried blood stains and that can be easily transported and easily stored, the object itself may be submitted to the Quartermaster. For large objects that are impractical to transport and store, scrape the dried blood stain onto a clean piece of paper, or directly into a paper packet, such as a regular business envelope, using a clean dry knife. If a piece of paper is used, it should be folded over several times and placed in a regular business envelope. Place the business envelope into the evidence control envelope. Do not mix dried stains, package each stain separately in a paper packet.
6. Bodily fluid samples that are taken by medical personnel for a criminal investigation or a Sexual Assault Evidence Collection Kit shall be handled in the following manner. The evidence shall be packaged according to departmental guidelines and submitted to the Quartermaster. The Quartermaster shall transport the evidence to the Michigan State Police Forensic Laboratory in a timely manner.
7. Saliva in a liquid state should be collected using a sterile cotton swab moistened with distilled water. Allow the swab to air dry thoroughly at room temperature. Package the swab in a paper envelope. Seminal stains are often found on clothing, bedding, and other fabrics. Allow any stains or damp fabric to completely air dry before packaging. Take the entire item for evidence if possible. Each item should be packaged separately in a paper bag. Do not use plastic bags or plastic containers.

N. Flammable Liquids

1. Flammable liquids should only be collected and submitted as evidence if the items have evidentiary value in a criminal investigation. Flammable liquids shall not be stored at the Police Department for any reason. Flammable liquids collected as evidence shall be stored at the Fire Department. The Fire Department has a special flammable storage locker inside their evidence room.
2. Flammable liquids such as gasoline, kerosene, charcoal lighter fluids, etc. are often used at the scene of an arson. Flammable liquids should be collected by an arson investigator if one is on duty. If an arson investigator is not on duty, the Supervisor may call one back in, if needed. An on duty crime scene investigator may also be used, if they have the proper training.

3. The Fire Department and MSP crime lab personnel may also be available for assistance if necessary. There may be times we respond to a call and find dangerous flammable liquids that do not need to be collected as evidence. However, the items may need to be collected and properly disposed of in the interest of public safety. Personnel should contact the Fire Department for assistance if necessary. The Fire Department will collect and dispose of the items, depending on the type of material and the amount of the material. If there is a large quantity of material the Fire Department may have to contact a licensed hazardous waste hauler.
4. Flammable liquids should be collected as evidence in the following manner. If the flammable liquid is found in a container, pour a small amount of the material into a clean glass jar with an airtight seal so no loss will occur. Samples of material such as soil, wood, cloth, paper, etc., should be placed in clean metal cans and sealed immediately to prevent loss. Do not use plastic bottles or bags.
5. Personnel should not handle or collect any chemicals that are known to be, or suspected to be, toxic. Prolonged exposure to certain toxic chemicals can be fatal. Clandestine drug labs often use ingredients and chemicals that are highly flammable, toxic, and explosive. For incidents involving toxic chemicals, personnel shall contact the Fire Department. Fire Department personnel have received comprehensive HAZMAT training and have the proper protective equipment. Other public or private agencies may need to be contacted for the safe removal and disposal of toxic chemicals.

O. Electronic Devices

1. Electronic media storage devices such as hard drives, SD cards, and USB drives are susceptible to damage from electrostatic discharge (ESD.) To a lesser extent, devices such as cell phones, smart phones, and tablets are also vulnerable. If an electronic item is being submitted to evidence, and may be needed for review for criminal charges or forensic examination, this item must be protected from ESD.
2. In order to preserve the evidentiary value of these items, they shall be packaged in an electrostatic discharge bag and sealed within a standard evidence envelope. This bag will protect the item from static shock that may build up over time.
3. Do not write on the ESD bags as they can be reused in the future.

34.7 DISPOSITION OF DEPARTMENT OWNED PROPERTY

- A.** Department owned property may be disposed of in the following manner with the authorization of the Chief of Police, or his/her designee.
1. The property is put up for public auction.
 2. The property is transferred to another City Department and converted to their use.
 3. The property is traded in on new equipment.

4. The property is given to a public or private organization. The Department must attempt to sell the items at public auction, prior to giving it to charity.
5. The property is given to another Police Department.
6. The property is destroyed.

34.8 DISPOSITION OF PRIVATE PROPERTY AND EVIDENCE

- A. The release and disposition of private property and evidence shall follow the guidelines of Public Act 273 of 1987 designated as the "Lost Property Act", when applicable. The Quartermaster shall keep a copy of the "Lost Property Act" in their office. Private property and evidence shall only be released after all statutory, legal, court ordered, administrative, and investigative requirements have been fulfilled.
- B. Private property and evidence shall not be converted to Department use without the authorization of the Chief of Police or his/her designee.
- C. Private property and evidence that has been secured in the property and evidence room shall be released by the Quartermaster, whenever possible. If the Quartermaster is off duty for an extended period of time, the property may be released by his/her direct supervisor.
- D. Property shall not be released without a "Property Release Agreement" form signed by the person to whom the property is being released to. The "Property Release Agreement" form shall be completed for all items of property that are returned to an individual.
- E. Private property of minor value (less than \$150.00) will be retained by the Department for at least three months, pending location of the owner. Private property of major value (over \$150.00) will be retained by the Department for at least six months, pending location of the owner.
- F. Property and evidence may be released to the owner when authorized. When it's required, written notice shall be sent to the legal owner of the property that the property is ready to be released. The written notice shall be sent by first class mail to the owner's last known address of record. The notice shall contain the following information.
 1. The date the property was found, the type of property found, and the cost of storage per day if any. A statement that property of major value must be claimed within six months of the date of the notice, or the property shall be considered abandoned and disposed of pursuant to this policy.
 2. A statement that property of minor value must be claimed within three months of the date of the notice, or the property shall be considered abandoned and disposed of pursuant to this policy.
 3. The name, the address, and the telephone number, of the Department where the owner can pick up the property.
 4. If a legal owner cannot be found, the finder of lost property or an individual with a legitimate claim to the property may reclaim the property. Written notice shall be given following the guidelines listed above.
- G. Property that has been authorized for disposal and that cannot be returned to a

legal owner or finder may be destroyed, converted to department use, or sold at public auction. Property that has a monetary value may also be donated to a charitable organization after an attempt to sell it at auction.

- H. Property held by the Department for safekeeping may be returned to the owner, when the original purpose for the safekeeping has been satisfied and such release would not be contrary to law. A decedent's property, held for safekeeping, shall only be released to an authorized relative of the decedent, or as directed by a court order.
- I. If an owner requests the return of property being held as evidence prior to trial, the investigator assigned to the case shall consult with the legal authority that has jurisdiction to prosecute the case, to ensure that the evidence is no longer needed. If the return of the evidence is authorized, the item will be photographed prior to being returned. The photograph shall be placed into evidence.
- J. All evidence from a homicide case will be kept indefinitely, unless authorized to be released by the Prosecutor's Office and the Chief of Police.

34.9 RELEASE OF FIREARMS

- A. BB pistols and BB rifles manufactured exclusively for only propelling BBs, and that does not exceed .177 caliber, are not considered firearms. Pellet pistols and pellet rifles that exceed .177 caliber are included in the definition of a firearm. BB pistols, BB rifles, Pellet pistols, and pellet rifles which cannot be lawfully returned to the owner, shall be destroyed either by incineration or by being rendered completely inoperable, after all evidentiary needs have been met.
- B. Firearms that have been reported stolen from another agency shall be returned to the reporting agency or to the legal owner. In all cases involving firearms, the firearm shall only be released after all evidentiary needs have been met. In addition, the firearm shall only be released if possession of the firearm is not prohibited by state or federal law.
- C. The Quartermaster shall run a LEIN check on the firearm prior to releasing it. The Quartermaster shall run a CCH check on the individual claiming the firearm, to verify the individual is in compliance with state and federal law to possess the firearm.
- D. If the firearm is a handgun, the owner must produce the registration certificate for the handgun, prior to it being released. Insurance companies which have already paid the owner money for an insurance claim, must obtain a license to purchase the handgun, prior to our releasing the handgun.
- E. Firearms which cannot be lawfully returned to the owner shall be either converted to department use or turned over to the Michigan State Police for destruction, after all evidentiary needs have been met. This shall be done on an annual basis or as required by State law.
- F. If the serial number has been removed from a recovered firearm, the Michigan State Police Firearms Unit will be contacted to have the serial number re-stamped, prior to release to the owner.

34.10 **BICYCLES**

A. **Found bicycles**

1. When an officer finds a bicycle that appears to have been abandoned, the officer shall take possession of the bicycle. The officer shall complete a police report and the bicycle shall be taken to the impound lot barn.
2. A bike tag shall be completely filled out and the entire bike tag shall be attached to the bicycle handle bar. If there is no handle bar, the bike tag shall be attached to the frame in front of the seat.

B. **Impounded bicycles**

1. An officer may impound a bicycle from a public way, or publicly owned property within the City limits, when the bike is unregistered, improperly registered, or not displaying a license as required in the East Lansing City Code. The officer may impound the bicycle until proof of ownership can be established and a bike license is obtained by the owner. The officer shall complete a police report for a city ordinance violation and the bike shall be tagged and taken to the impound barn.

34.11 **ANNUAL AUDIT**

- A. The purpose of an audit is to ensure system security and integrity. A random sample of ten cases that involve property or evidence shall be identified. An audit of the Property and Evidence Room shall be conducted under the following circumstances and shall be unannounced.
1. When a new Chief of Police takes command.
 2. When a new Quartermaster is assigned to the position.
 3. On a quarterly basis throughout the year.
 4. Whenever circumstances suggest an audit may be necessary to refute or affirm allegations of impropriety in the management of property and evidence.
- B. The audit list shall contain sufficient items of evidence, lost and found property, safe keeping property, currency, controlled substances, firearms, etc. to ensure a comprehensive audit and to ensure the integrity of the entire property control system.
- C. The audit should be conducted by the Quartermaster or his/her supervisor. The Quartermaster will be able to assist in finding the items and to answer any questions that may arise. There will be times that sealed packages will need to be opened during the audit, to physically inspect the items. After inspection the property shall be re- sealed. Any evidence seals broken shall be reapplied and the initials of the audit supervisor and the Quartermaster will be noted on the seal.
- D. The completed audit information shall be presented in a written report to the Chief of Police. The audit report should contain the original audit inventory list, a

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description of the facts and circumstances surrounding the audit, and all audit findings and conclusions. The report should also include any recommendations for changes to existing procedures, if necessary. The audit report should be filed in the Administration Bureau.

34.12 EVIDENCE PROCESSING ROOM

- A. All evidence shall be processed in the designated evidence processing station, which is located in the report room. Evidence shall not be processed in areas of the Department where personnel would normally work, rest, eat, etc. Evidence processing equipment such as scales, packaging supplies and materials, personal protective equipment, etc. should be stored in the processing areas, whenever possible.
- B. Employees shall not eat or drink in the evidence processing areas. This is due to health and safety issues when working with contaminated items such as bodily fluids, bio hazardous materials, etc. After processing the evidence, personnel shall thoroughly clean up their work area when finished. Personnel should thoroughly wash their hands when finished.
- C. When processing evidence that is bio hazardous in nature, and for other types of evidence that are known to be, or suspected to be unsafe, personnel shall wear the necessary and appropriate personal protective equipment. Personnel shall thoroughly clean up the entire work area with a strong disinfectant. Personnel should thoroughly wash their hands when finished.

34.13 MISCELLANEOUS

A. Found Property Notice

- 1. Records of found property shall be kept at the front desk of the Police Department. The records shall cover a six month time period. The record shall contain a general description of the item which was found, the date on which the item was found, and the incident number for the item found. The records shall be made available for public inquiry.

B. Property turned in for destruction

- 1. If employees receive property from a citizen for the purpose of destruction, such as firearms, other weapons, ammunition, fireworks, etc. the employee shall submit a written report using file class # 9820, "Property TOT MSP for disposal". The items shall be prominently labeled that they are to be destroyed and placed into a temporary storage locker.