

Keith Porch, Chief of Police

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GENERAL ORDER 84
PROPERTY AND EVIDENCE CONTROL
EFFECTIVE DATE: May 1, 2019
SUMMARY OF REVISIONS:

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PURPOSE: To provide for the security and control of seized recovered and evidentiary property as well as abandoned, lost or found property in the custody of the division.

84.1 ACQUIRED AND IN-CUSTODY PROPERTY

84.1.1 PROPERTY CONTROL (LE1)

This division will adopt the following procedures for receiving, classifying, handling, and disposing of property that is acquired or in-custody.

A. All **property shall be logged**, using an electronic (RMS) voucher, before Division personnel ends their tour of duty.

B. All **recovered property shall be placed in temporary, controlled storage** as soon as possible, but in all cases, personnel shall place recovered property in the charge of the Forensic Science Section (FSS)/Property Control Unit prior to the end of their tour of duty.

C. When a member of this division receives property, the person receiving the property is responsible for submitting the property to the FSS, and insuring a **General Offense Report** is completed documenting the circumstances by which the property came in to this agencies' possession and a description of the property.

D. All evidentiary property should be **packaged and/or labeled** prior to submission to the property function per Collection and Preservation of Evidence Protocol.

– Once property is secured in the locker, the locker key shall be immediately placed in the locker; property may also be submitted by way of the drop box, gun lockers or armory overflow locker for retrieval by the evidence/property technician.

E. Items of property requiring added protection, that includes money, weapons, narcotics, and dangerous drugs, will be stored in a secure area located within the division's property storage areas. (See FSS Quality Manual)

– Any time money, jewelry, drugs or ammunition is confiscated during an arrest; these items are always to be packaged separately from each other - NEVER TOGETHER.

– Money shall be counted by two officers, packaged separately with the total amount documented on the outside of the packaged. The package(s) are to be heat sealed in plastic and initialed by both officers; including their badge numbers (Ex: \$253.49 JY#123).

– **Syringe submissions**

○ Syringes shall be submitted to the laboratory for analysis or disposal.

○ Drug paraphernalia containing residue amounts will be placed in evidence storage without analysis unless requested by a supervisor, Richland County Prosecutors Office or law director.

○ Syringes containing pre-filled liquid from a pharmaceutical manufacturer (steroids, etc.) or clandestinely prepared for sale are to be submitted to the laboratory for analysis and/or disposal.

○ "Hot" syringes and drug paraphernalia from overdose related deaths will be submitted to the laboratory for analysis.

F. The officer impounding property shall make reasonable efforts to **notify the owner** or custodian that the Mansfield Division of Police is in control of their property and that they must contact the evidence/property technician to determine the status of the property and its eligibility for release.

– If the officer is unsuccessful in notifying the owner, the property function will be responsible for attempting reasonable notification to include notice by regular mail.

G. Final disposition of property will be in accordance with the provisions of Ohio Revised Code §737.29 through §737.33, inclusive, §2981, §4505.101, and §4513.60 through §4513.65, inclusive.

– Employees requesting **temporary control** of property for the purpose of further investigation, court or other official purpose shall sign the property out utilizing the evidence/property submission form or

electronic release (no signature). Release of property to the requesting officer will be completed “in person” only.

- As soon as the official use of that property is completed, the property will be returned personally to the evidence/property technician or placed in a property storage locker for return to the property room.
- Property released to the custody of the prosecutor’s office shall be documented electronically.
- **Final release of property** occurs when the receiving party completes a Property Disposition/Release Form or other written authorization is obtained.

H. Employees are prohibited from storing impounded property in their personal desks, lockers, vehicles, homes or other any place other than the Division’s property function.

84.1.2 PROPERTY STORAGE (LE1)

All property stored by the division will be secured in designated property areas and access limited to authorized personnel.

- Secure refrigerated storage is available for perishable items, such as blood and urine specimens.
- Vehicles held for evidence shall be placed in the City Building wash-bay and secured with the gate locked gate or other secured area until processed and then moved to a designated storage area or released.
- The evidence/property technician will be responsible for processing property from the submission lockers and placing the property in the property room.
- Drugs, weapons, money, will be stored in separate areas within FSS.
- This agency does NOT store any explosive devices and/or materials.

84.1.3 TEMPORARY STORAGE FACILITIES (LE1)

Secure lockers, a locking cage, or other area authorized by the Chief of Police, when required are provided for storage of found, recovered, or evidentiary property **during periods when the property room is closed or storage space is limited.**

In addition to the general property room and secure storage areas, storage for large items such as bicycles, or gas fired items being held for pick up by the owner or final disposal such as auction or destruction will be stored in such a manner as to assure they are reasonably secured after assessing the degree of security required to safeguard the item. Personnel shall also consider the consequences if the property is stolen, damaged, or contaminated while in our custody. “Reasonably” secure areas include the sally port and fenced areas of the city facility which also have electronic surveillance.

When property secured in a locker, the locker key shall be immediately placed in the locker; property may also be submitted via overflow lockers including the FSS drop box, gun lockers or armory overflow locker for retrieval by the evidence/property technician.

- The evidence/property technician will remove items from temporary storage and place the items in the property room or storage area on the next business day.

84.1.4 SECURITY AND ACCOUNTABILITY OF CONTROLLED SUBSTANCES AND WEAPONS (LE1)

Forfeited controlled substances may be converted for use in canine training by the division's canine team.

- When not actively being used for canine training, these substances shall be stored in a **secured safe** located in a secure area of the division designated by the Chief of Police.

- Periodically, a complete and **comprehensive audit** of the controlled substances assigned to K9 Teams shall be conducted and documented. This audit will be performed by the canine team administrative supervisor and a representative designated by the Chief of Police that is not associated with the canine team.

Forfeited firearms and explosives will not normally be converted for training purposes and will be disposed of in accordance with standard property disposal procedures.

84.1.5 STATUS RECORDS (LE1)

The division will **maintain records that reflect the status of all property** held by the division.

- The property function maintains records indicating the location of all property held by the division.
- Chain of custody is maintained electronically.
- The property function maintains records concerning the final disposition of property.

84.1.6 INSPECTIONS (LE1)

The division shall conduct **audits, inspections and inventory** of the property function.

A. Semi-annually, the Forensic Science Section Supervisor or his/her designee shall conduct an **inspection of adherence to procedures** used for the control of property and evidence to ensure accuracy in numbering, storage location, record keeping, cleanliness and orderliness of the property room.

B. Whenever a **new Forensic Science Section Supervisor** is designated, the newly designated Supervisor and a designee of the Chief of Police will conduct an inventory of all property and evidence contained in the division's property function to ensure that records are correct and properly annotated. This must be done in compliance of Appendix I of the current CALEA Law Enforcement Standards.

- The newly appointed Supervisor will record all discrepancies prior to the assumption of property accountability.

C. The Chief of Police will designate persons not associated with the property function to conduct an **annual assessment** of all property and evidence held by the division.

- The assessment should at minimum be a random sampling of property held to ensure policy and procedures are being followed.

D. Unannounced inspections of property storage areas will be conducted as directed by the Chief of Police at a minimum of once per year.

84.1.7 DISPOSITION OF PROPERTY

The Mansfield Division of Police shall make a reasonable effort to notify the person entitled to possession of property in its custody and indicate where such property may be claimed.

– **Upon notification that legal requirements have been satisfied, final disposition of found, recovered and evidentiary property will be accomplished within six months.**

– When practical, evidentiary property may be photographed, processed, and returned to the owner.

– Final disposition of found, recovered, and evidentiary property will be conducted in accordance with the provisions of Ohio Revised Code §737.29 through §737.33, inclusive, §2981, §4505.101, and §4513.60 through §4513.65, inclusive with the following exceptions:

– All drugs shall be destroyed unless usable by the canine team for training purposes, or for sworn officers or the Forensic Science Section Supervisor for drug awareness presentations. The Drug Awareness Presentation Kit will be kept in the Forensic Science Section Laboratory and signed in out as needed.

– Upon approval of the court the division may retain firearms and dangerous ordnance suitable for police work; firearms may be disposed of in another manner that the court considers proper.

– Beer or intoxicating liquor shall be destroyed

– Vehicle and vehicle parts forfeited under Section §4549.61 to §4549.63 of the O.R.C. may be converted for use to the Mansfield Division of Police for performance of its duties.

– The Mansfield Division of Police may use other unclaimed or forfeited property for other appropriate municipal uses as directed by Court Order.

– Unless otherwise mandated by court order, property not used by the City may be sold at public sale or auction. Any proceeds generated shall be deposited in the General Fund.

– Other lost or found property, not otherwise subject to court jurisdiction or other provisions herein, or for which a person entitled to possession cannot be determined, may be returned to the finder of such property pursuant to City Ordinance.

– If no claim for ownership is made, the property may be returned to the finder on or after ninety (90) days from the date it was turned in.

84.1.8 ACCOUNTING FOR AND DISPOSING OF RECEIVED PROPERTY ACQUIRED THROUGH THE CIVIL PROCESS FUNCTION OR ASSET FORFEITURE

The Division of Police follows the city policy governing property asset procedures. Property acquired through civil process and/or asset forfeiture shall be tracked and inventoried consistent with current city policy and in accordance with Chapter 2981 of the Ohio Revised Code. For cases involving multiple agencies, assets can be disposed of by any authorized agency with any sharing being governed by agreement.

CROSS REFERENCE TO STANDARDS AND POLICIES: General Orders 61.2.3, 84.1.1, 84.1.2, 84.1.4. Ohio Revised Code 737.29 through 737.33, 2933.41, 2933.43, 4505.101, 4513.60 through 4513.65, 4549.61 through 4549.63.

CROSS REFERENCE TO FORMS: Property Request Form and Property Disposition Log.