

**SILVER BAY POLICE DEPARTMENT
PROPERTY & EVIDENCE POLICY**

POLICY # D-9

I. PURPOSE

The purpose of this policy is to establish uniform guidelines for the submission of and storage of property and/or evidence and to establish uniform guidelines for the inventory, placement, tracking, transfer, sale or destruction of property or evidence.

II. POLICY

It is the policy of the Silver Bay Police Department to utilize an employee, who has received proper training, education and accreditation, by the International Associate for Property & Evidence Inc. or like agency, to function as the Evidence Technician of the Silver Bay Police Department.

It is the policy of the Silver Bay Police Department to limit access to the “Processing & Submission Locker Room” or “Other Designated Storage Area(s)” to licensed peace officers of the Silver Bay Police Department, the Silver Bay Police Department Evidence Technician or other licensed peace officer(s) assisting any of the above personnel.

It is the policy of the Silver Bay Police Department to limit access to the “Property & Evidence Storage Room” to the Evidence Technician, the Chief of Police or Sergeant for the Silver Bay Police Department.

It is the policy of the Silver Bay Police Department to store all evidence and property in the “Property & Evidence Storage Room” or “Other Designated Storage Area(s)” to protect the property, evidence, found property and property held for safekeeping from loss, damage or contamination; to maintain the evidentiary value of the item; and to minimize safety hazards, all while permitting the efficient storage, inventory and retrieval of property.

It is the policy of the Silver Bay Police Department that all Authorized Personnel are required to document the chain of custody with the use of an Evidence & Property Report for all items stored as property or evidence.

It is the policy of the Silver Bay Police Department that all evidence and property shall be disposed of in a legal and timely manner by the Evidence Technician and the peace officer(s) responsible for collection of the evidence and/or property. Disposal of evidence and/or property requires the approval of the Chief of Police and/or Sergeant.

III. DEFINITIONS

- A. AUTHORIZED PERSONNEL** – Licensed peace officers in the State of Minnesota, currently employed as a police officer for the Silver Bay Police Department.
- B. PROPERTY** – Any material object of value, however slight, tangible, or intangible to which an owner has a legal right.
- C. EVIDENCE** – Material Objects, Documentation, Oral Statements, or other items, which are admissible as evidence and/or testimony in a court of law.
- D. FOUND PROPERTY** – Non-evidentiary property held in custody that has been determined to be lost or abandoned and the identity of the owner is not known or cannot be determined.
- E. PROPERTY HELD FOR SAFEKEEPING** - Non-evidentiary property that is in custody for temporary protection on behalf of the owner(s) or on behalf of the court.
- F. CURRENCY COUNT FORM** – A form which documents currency by denomination and total. The form also documents if the currency is suspected to consist of buy funds or is counterfeit.
- G. AUTHORIZATION FOR DISPOSITION OF PROPERTY FORM** – A form which documents the method of disposition that shall be used for evidence, found property or property held for safekeeping. The form also documents if the property has a disposition pursuant to a court order.
- H. PROCESSING & SUBMISSION LOCKER ROOM** – A designated area within the Silver Bay Police Department, used to process evidence and property, and to temporarily store evidence and property, which has been submitted for storage into the Property & Evidence Storage Room, or for submission to another agency or laboratory for further examination.
- I. PROPERTY & EVIDENCE STORAGE ROOM** – A designated and secure area, with access limited to the Evidence Technician, Chief of Police, Sergeant, within the Silver Bay Police Department used to store evidence, found property and/or property held for safekeeping.
- J. OTHER DESIGNATED STORAGE AREA(S)** – A designated and secure area, located at the City of Silver Bay Storage hanger or garage, which shall be used to store larger property (motor vehicles, all-terrain vehicles, or other items too large to store in the “Property & Evidence Storage Room”). When authorized by the Chief of Police, Sergeant or during times of a joint investigation with the Lake County

Sheriff's Office or other law enforcement agency, the use of the Evidence Room or Impound Garage of such agency may be used for property storage. Any other area approved by the Chief of Police or Sergeant to store evidence, found property and/or property held for safekeeping may be used at various times for various approved reasons.

K. PROPERTY & EVIDENCE TAG – All property or evidence collected by licensed peace officers of the Silver Bay Police Department shall be marked with the ICR NUMBER, OFFICER INITIALS or NAME, DATE COLLECTED and ITEM NUMBER. The above-described markings can be done directly to the evidence bag/packaging, or with a self-adhesive label or through the use of a wire tie tag or similar tag that is affixed to each, evidence bag, piece of evidence/property or each storage container containing property stored as evidence, found property or property held for safekeeping.

L. DIGITAL EVIDENCE – Digital evidence is a broad term for any data included on a mobile device or on other devices capable of or utilized for storing digital data, which are taken into custody by a peace officer of the Silver Bay Police Department.

IV. CLASSIFICATION OF PROPERTY

The employee responsible for the collection and handling of property shall classify said items as:

- A. Evidence**
- B. Found Property**
- C. Property Held for Safekeeping**

V. INTAKE & STORAGE OF PROPERTY

The Silver Bay Police Department has adopted the following procedure for the intake and storage of evidence and/or property:

- A.** All evidence or property received and/or collected by a peace officer of Silver Bay Police Department during their shift, shall, after proper processing and packaging, shall be placed into a locked cabinet in-the "Processing & Submission Locker Room", or at/in an "Other Designated Storage Area(s)". The key for the storage cabinet shall then be placed in the locked cabinet. "Processing & Submission Locker Room".

- B.** Any evidence and/or property placed into the Processing & Submission Locker Room shall have an evidence & property tag affixed to each piece of property before being submitted for storage into the “Property & Evidence Storage Room”. The “Evidence & Property Tag” shall include the ICR NUMBER, OFFICER(S) INITIALS or NAME, DATE, and ITEM NUMBER.
- C.** The peace officer(s) responsible for the collection of the evidence and/or property shall notify, through direct communication or through email, the Evidence Technician and the Chief of Police Sergeant about all evidence or property submitted for storage in the “Property & Evidence Storage Room”.
- D.** Prior to storage in the “Property & Evidence Storage Room”, the Evidence Technician, or in the absence of the Evidence Technician, the Chief of Police or Sergeant shall affix a “bar code tag” on each item.
- E.** Any evidence and/or property placed in the “Evidence & Property Storage Room” shall also have a copy of the “Evidence & Property Report” placed on the evidence storage locker and tracked by the Evidence Technician, or in the absence of, by the Chief of Police or Sergeant.

F. EXCEPTIONS:

- 1.** Property that is too large to fit in an evidence locker shall be placed in one of the other designated storage areas. A copy of the “Evidence & Property Report” shall be secured to the property. The “Evidence & Property Report” placed on the evidence locker shall note the location of the property too large to fit in an evidence locker.
- 2.** Found bicycles shall be placed in the SBPD garage. A “Property & Evidence Tag” shall be affixed to each bicycle.
- 3.** Motor vehicles, All -Terrain Vehicle or other like objects shall be stored in the “other designated storage area(s)” after the item has been processed for further evidence. A “Property & Evidence Tag” shall be affixed to each item and “Vehicle Impound Report” and “Vehicle Inventory Report” shall also be completed. The “Evidence & Property Report” placed on the evidence locker shall note the location of the above-described items.
- 4.** Highly Flammable or Explosive Items shall be stored in the “other designated storage area(s)”. A “Property & Evidence Tag” shall be affixed to each item. The “Evidence & Property Report” placed on the evidence locker shall note the location of the above-described items.

VI. TEMPORARY STORAGE OF EVIDENCE

The Silver Bay Police Department has adopted the following procedures for the temporary storage of evidence:

- A.** In the event an employee has acquired evidence, but is unable to process the evidence as necessary or requires further examination by an outside agency (Minnesota Bureau of Criminal Apprehension, etc.), the following guidelines shall be followed:
 - 1.** Evidence shall be placed in the “Processing & Submission Locker Room” or “Other Designated Storage Area(s)” and secured.
 - 2.** The evidence placed in temporary storage will not remain in the “Processing & Submission Locker Room” or “Other Designated Storage Area(s), without being processed longer than four (4) days, unless authorization is given by the Chief of Police or Sergeant.
 - 3.** When evidence is placed in temporary storage, the police officer shall notify the Chief of Police or Sergeant of the date and time the evidence was placed in temporary storage via direct communication or through email.
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VII. PACKAGING & HANDLING OF PROPERTY

The Silver Bay Police Department has adopted the following procedures for the packaging and handling of evidence, found property and/or property held for safekeeping:

- A. Physical Evidence** – Any and all items that are collected as evidence, found property or property held for safe keeping shall have a “Property Tag” affixed to the item(s).

Each officer shall also follow the procedures, with the below described item(s):

- B. Video recordings** – All video recordings shall be transferred to the proper computer program (WATCHGUARD VIDEO and/or other video/audio recording system used in or by the Silver Bay Police Department) and stored in accordance with the records retention policy of the Silver Bay Police Department. Video recordings shall also be put to disc when appropriate and labeled with the proper Silver Bay Police Department CD-R label, which shall include the Date, Case Number, Officer Initials and Item Number.
- C. Audio recordings** – All audio recordings shall be attached to the “MEDIA” portion of the Records Management System used by the Silver Bay Police Department. Audio recordings shall also be put to disc when appropriate and labeled with the proper Silver Bay Police Department CD-R label, which shall include the Date, Case Number, Officer Initials and Item Number.

- D. Photographs** – All photographs shall be attached to the “MEDIA” portion of the Records Management System used by the Silver Bay Police Department. Photographs shall also be put to disc when appropriate and labeled with the proper Silver Bay Police Department CD-R label, which shall include the Date, Case Number, Officer Initials and Item Number.
- E. Fluids (Alcohol, etc)** – Items containing “fluid” shall be documented through photographs, which show the “fluid” inside the container and the container itself. The item shall then be stored in compliance with this policy. All photographs shall be attached to the “MEDIA” portion of the Records Management System used by the Silver Bay Police Department.
- F. Blood and/or Body Fluids** – Items containing suspected blood or body fluids shall be air dried prior to packaging and stored in a paper bag or paper bag like material. A “Bio-Hazard” label/sticker shall be affixed to each individual item or packaging. Each individual item(s) containing suspected blood and/or bodily fluids needs to be packaged separately to prevent cross contamination. Plastic bags are NOT to be used as they promote bacteria growth, which can destroy evidence.
- G. Narcotics** – Any narcotic or prescription drug submitted as evidence shall be placed in an evidence bag, sealed and a “Property & Evidence Tag” affixed. The officer storing the narcotics or prescription drug will sign his/her initials on the evidence tape seal. The “Evidence & Property Report” shall also include the approximate weight or quantity of the narcotics or prescription drug(s) to be stored.
- H. Money** – Any money submitted as property or evidence shall require a Currency Count Form, which will be attached to the Evidence & Property Report.
- I. Sharp Objects** – Any sharp object, such as needles, knives, stick pins, blades, broken glass or other like object, shall be packaged and placed in a box or sharps tube, to prevent any chance of injury to someone handling such item.
- J. Firearm(s)** – An officer submitting a firearm as evidence, found property or property held for safekeeping, shall photograph the firearm documenting whether-or-not the firearm is loaded or not. The firearm shall then be made “safe”. If the firearm needs to remain loaded to protect the integrity of the evidence, the weapon will be secured with a trigger lock and/or secured with a tie-strap to prevent the weapon from being fired or opened. A “Property & Evidence Tag” shall be affixed to the firearm prior to being stored.
- K. Perishable Items** – Items needing refrigeration or freezing shall be placed in the refrigerator freezer located in the “Processing & Submission Locker Room”. A “Property & Evidence Tag” shall be affixed to the item prior to being stored, when appropriate.

L. Flammables/Explosives – An employee shall not bring flammables and/or explosives into the Law Enforcement Center. Items of this nature shall be stored at one of the “Other Designated Storage Area(s)” or a location designated by the Chief of Police or Sergeant. If the item is an explosive, the Chief of Police or Sergeant shall determine if a “bomb squad” is needed to deactivate or dispose of the item.

M. Blood or Urine Kits – Each employee shall place a blood or urine kit in a designated storage area and will notify the Evidence Technician, or the Chief of Police and/or Sergeant, by email, direct communication or phone conversation, about the need to transfer this evidence to the Bureau of Criminal Apprehension-Laboratory for further testing.

N. Digital Evidence – An officer submitting digital evidence into the Silver Bay Police Department’s evidence room shall determine the type of digital evidence they are submitting.

If the digital evidence is a cellular phone, tablet, or other like device that can connect remotely to the internet or to another device, the officer shall determine the status of the device and take appropriate action described below.

1. If the device is on:

- a. The officer receiving the device shall ensure it is in airplane mode and all connections are disabled.
- b. The officer will then attach the device to a portable charger.
- c. The device shall then be placed in a faraday bag, tinfoil, or a metal container to prevent connection to an outside source and/or remote access.
- d. The device will then be properly placed into evidence.

2. If the device is off:

- a. The officer receiving the device shall attach the device to a portable charger and place it in a faraday bag, tinfoil, or a metal container to prevent connection to an outside source and/or remote access.
- b. The device will then be properly placed into evidence.

3. If the device is not capable of remotely connecting to the internet or another device:

- a. The officer shall package the evidence consistent with Article V.

VIII. PROPERTY ROOM SECURITY

The Silver Bay Police Department has adopted the following procedures for security of the “Evidence & Property Storage Room” and “Processing & Submission Locker Room”:

A. The “Processing & Submission Locker Room” and the “Evidence & Property Room” shall be closed and locked at all times.

B. “Processing & Submission Locker Room” Key Distribution:

1. One “Processing and Submission Locker Room” key will be issued to each licensed police officer of the Silver Bay Police Department and one to the Evidence Technician.

C. “Evidence & Property Storage Room” Key Distribution:

1. One “Evidence & Property Storage Room” key will be issued to the Evidence Technician, the Chief of Police and Sergeant.
2. One set of evidence storage locker keys will be assigned to the Evidence Technician.
3. A duplicate set of evidence locker keys shall be kept by the Chief of Police in a secure location and such keys shall only be used with the authorization of the Chief of Police, or Sergeant for job related activities/duties or departmental audit purposes.

IX. DISPOSAL OF PROPERTY

The Silver Bay Police Department has adopted the following procedures for the disposal of property:

A. Property Tracking & Dispositions - Each officer shall be responsible for seeing a copy of the “Evidence & Property Report” is forwarded to the Evidence Technician, or in the absence of, to the Chief of Police or Sergeant. The Evidence Technician, Chief of Police and/or Sergeant shall be responsible for the retention of items acquired as evidence, found property and/or property kept for safekeeping.

B. Authorization for Disposition of Property – The Evidence Technician, or in the absence of, the Chief of Police or Sergeant, shall be responsible for completing an “Authorization for Disposition of Property” form for all evidence, found property

and/or property kept for safe keeping that can be disposed of in accordance with this policy.

- C. Property Retention** – The Evidence Technician, Chief of Police or Sergeant shall follow the guidelines of Minnesota State Statute 628.26 (Statute of Limitations) and Minnesota State Statute 345.02 (Unclaimed Property) when making decisions on retaining property whereby charges have not been filed or property that has been unclaimed after providing proper notice.
- D. Found Property (90 Days)** – After 90 days, if found property is unclaimed by the true owner, it can be returned to the finder. If unclaimed by the true owner, notice to claim the property will be given to the finder.
1. If the finder does not wish to claim the property, it will be sold in accordance with the procedures of the City of Silver Bay, unless the property is damaged, contaminated with body fluids, deemed to be dangerous (guns, knives, etc), or is illegal to possess. If any of these conditions exist, the item will be destroyed.
 2. If the property is valued at \$250.00 or more, the Chief of Police or Sergeant shall also publish a notice in the local newspaper. If no person claims ownership of the property within seven (7) days after publication, the property may be released to the finder upon the finder paying the cost of the publication.
- E. Safekeeping** – A notice to claim property will be sent to the owner. If the property is a weapon taken during a domestic or like call, the property will only be released to another responsible adult member of the owner's choosing. Once notice is sent, owners are given an additional 90 days to claim the property. The owner will also be advised in the notice that failure to claim the property will result in it being handled as abandoned property and disposed of accordingly.
- F. Return to Owner** - Return any property where the owner is known and can legally possess the property. Proper attempts at locating the owner consist of attempted contact at the last known address and running a license check for a current address. Property will not be returned without the receiving person providing adequate ID.
- G. Property to be Destroyed** – The following types of property:
1. Property which cannot be legally possessed by the owner (drugs, weapons, etc.)
 2. Any property that is damaged and not salvageable.
 3. Property with little or no value (beer bottles/cans, pens, car parts from hit and run scenes, etc.).

4. Property with little or no value and the owner cannot be determined.

The following types of property shall be destroyed, disposed of, or transferred in one of the following manners:

1. **Firearms** – When appropriate, firearms will be cut up, making them totally unsalvageable to anyone for future use.
 2. **Prescription Medications** – Will be disposed of in the “HOUSEHOLD PHARMACEUTICAL BOX”, located in the foyer area of the Lake County Law Enforcement Center or Lake County Services located at Mary Mac.
 3. **Counterfeit Money** – Shall be sent to the U.S. Secret Service and a report detailing the delivery shall be included with the case file.
 4. **Dangerous Weapons** – Clubs, Knives, Metal Knuckles and other like items shall be rendered unusable by smashing, cutting or other means.
 5. **Alcohol** – Shall be poured down a drain or flushed down a toilet.
 6. **Blood or Other Objects Containing Bodily Fluids** – Shall be disposed of as biohazard waste.
 7. **Ammunition** – Will be given to the Chief of Police or the Sergeant for proper destruction.
- H. Property to be Auctioned** – All items with a value greater than \$5.00 and are not claimed by the owner or finder, may be sold at auction. The Chief of Police or Sergeant will provide the City Administrator with a list of the items that will be auctioned.
- I. Property to be transferred for City/Departmental Use** – All items not claimed that may be beneficial for City or Department use, may be transferred to the appropriate department with approval from the Chief of Police or Sergeant. Notification of the transfer shall also be made to the City Administrator.
- J. Property to be transferred to the General Fund** – Several types of property/evidence that are unclaimed may be transferred to the City’s General Fund. These items may include unclaimed money, unclaimed jewelry, or other items of value. When dealing with jewelry or precious metals two written estimates shall be obtained from separate dealers. The dealer submitting the highest bid shall take possession of the jewelry and a check shall be made out to the City of Silver Bay for deposit in the General Fund.
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X. AUDITS, CHECKS AND BALANCES

The Silver Bay Police Department has adopted the following procedures for the audit of the evidence lockers in the “Property & Evidence Storage Room” and “Other Designated Storage Area(s)”.

- A.** The Chief of Police and Sergeant should conduct an unannounced audit of the Property & Evidence Storage Room and Other Designated Storage Area(s) at least once per year.

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XI. SUPERVISORS SIGNATURES

Cole W. Ernest
Chief of Police

Sergeant

XII. EFFECTIVE DATE

XIII. REVISED DATE

TWO HARBORS POLICE DEPARTMENT

PROPERTY & EVIDENCE POLICY

POLICY # D-9

DATE REVIEWED

SIGNATURE