



# BELOIT POLICE DEPARTMENT POLICY MANUAL

PD-801

## PROPERTY AND EVIDENCE

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Special Instructions/Attachments/Sources			
See 801 Standard Operating Procedures			

### 801.1 PURPOSE AND SCOPE

The Department has a duty to preserve evidence and ensure we conduct complete and thorough investigations. This policy provides for the proper collection, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and those persons authorized to remove and/or destroy property.

Therefore, employees shall take required steps to collect and preserve evidence. Each incident should be evaluated for any and all evidence. This includes collection of DNA, dusting for fingerprints, collection of digital evidence and collection of all other evidence.

#### 801.1.1 PROPERTY BUREAU SECURITY

The Property Bureau shall maintain secure storage and control of all property necessitating custody by the Department. The evidence custodian reports to the Captain of Administration and is responsible for the security of the Property Bureau. Property Bureau access is maintained by the Captain of Administration. The evidence custodian, Captain of Administration, and Assistant Chief of Police shall have access and not loan Property Bureau keys/access card to anyone and shall maintain them in a secure manner.

Any individual entering the secured area of the Property Bureau other than the assigned evidence custodian(s) must be accompanied by the evidence custodian, Captain of Administration, Assistant Chief of Police, or designee and must sign in and out on the logbook, giving the date and time of entry and exit, and the purpose, including a specific case or property number if applicable. The entry shall be initialed by the accompanying individual.

#### 801.2 DEFINITIONS

Definitions related to this policy include:

**Evidence** - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case.

**Found property** - Includes property found by a member or citizen where the owner cannot be readily identified or contacted and has no apparent evidentiary value.

**Property** - Includes all items of evidence, items taken for safekeeping and found property. Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping, such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

### **801.3 PROPERTY HANDLING**

Any member who first comes into possession of any property shall retain such property in their possession until it is properly tagged and placed in the designated property locker or storage room, along with the evidence tag. Care shall be taken to maintain the chain of custody for all evidence.

The chain of custody of all such property shall be fully documented in related reports.

Any property seized by an officer with or without a warrant shall be safely kept for as long as necessary for the purpose of being produced as evidence. Seized property held as evidence shall be returned to its rightful owner unless subject to lawful detention or ordered destroyed or otherwise disposed of by the court (Wis. Stat. § 950.04(1v)(s)).

Where ownership can be established as to found property which has no apparent evidentiary value, excluding contraband, such property may be released to the owner without the need for booking if returned prior to the end of the officer's tour. The property receipt documentation must be completed to document the release of property not booked. The owner shall sign the appropriate form acknowledging receipt of the item. If not returned prior to the end of the officer's tour, the property shall be booked as found property.

#### **801.3.1 PROPERTY RECEIPT**

In accordance with Wis §968.18, any member seizing any items without a search warrant shall give a property receipt as soon as practicable to the person from whose possession they are taken. If a member determines the individual from whom the property was recovered is not the rightful owner, then the rightful owner shall be listed. If the rightful owner is unknown, then the owner shall be listed as unknown. The original Property Receipt form shall be scanned into the report.

#### **801.3.2 PROPERTY BOOKING PROCEDURE**

All property must be booked prior to the member going off-duty. Members should utilize the evidence processing room and ensure compliance with applicable portions of the Wisconsin Crime Laboratory Bureau's Physical Evidence Handbook and Beloit Police Department Evidence Manual. Members booking property shall also observe the following guidelines:

- (a) Complete the property and evidence entry into the Department RMS system describing each item and filling in as much information available to include; serial numbers, owner's name, and other identifying information or markings.
- (b) Package evidence in accordance to the Beloit Police Department Evidence Manual.
- (c) The officer shall mark each item of evidence with initials and date across the evidence tape. If the Officer is in the field training program the FTO shall also mark each item with their initials.
- (d) Items too small to mark, or that will be damaged, degraded or devalued by marking, should be individually packaged, labeled and the package marked with initials and date.
- (e) Print the evidence tag and attach it to each package or envelope in which the property is stored.
- (f) Ensure the case number appears on the evidence tag.
- (g) All property placed in the temporary property locker shall have an evidence tag attached or with the property if it is stored somewhere other than a property locker (e.g., Drying cabinet, vehicle).

- (h) When the property is too large to be placed in a temporary property locker, the item may be temporarily stored in any department supply room or other location that can be secured from unauthorized entry. The location shall be secured to prevent entry and a copy of the completed evidence tag placed into a numbered property locker indicating the location of the property.
- (i) If evidence is placed in a temporary evidence locker, the locker shall be secured with the attached padlock and the locker number documented in the appropriate report.
- (j) Ensure the evidence processing room is properly cleaned and secured upon completion.
- (k) Ensure all digital evidence has been uploaded into evidence.com.
- (l) Supervisors should ensure all evidence has been collected and booked. If follow-up is needed for additional evidence the supervisor shall assign a case management.

### 801.3.3 CONTROLLED SUBSTANCES

All controlled substances and drug paraphernalia shall be booked separately using a separate property form.

### 801.3.4 FIREARMS

All firearms booked shall be processed in the described manner.

- (a) The Officer booking a firearm shall complete an Etrace form. The Etrace form should be given to a supervisor who shall review, sign, and submit to the Crime Analyst for processing.
- (b) Firearms shall be processed in accordance to the Beloit Police Department Property and Evidence Manual.

### 801.3.5 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify an immediate a supervisor. A bomb squad will be called pursuant to existing intergovernmental agreements to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe by dampening with water and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The evidence custodian is responsible to arrange for transport to the designated bomb squad, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

### 801.3.6 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Any evidence collected which may contain DNA, should be properly labeled as such.
- (b) Property stained with bodily fluids such as blood or semen stains shall be air-dried prior to booking in the department drying cabinet in conformity with existing procedure. Employees shall clean the drying cabinet per the manual upon removal of items. See Beloit Police Department Property and Evidence Manual.
- (c) License plates found not to be stolen or connected with a known crime should be booked as safekeeping and released directly to the evidence custodian for destruction.
- (d) All bicycles and bicycle frames require a property form. Evidence tags will be securely attached to each bicycle or bicycle frame. Found property/safe keeping should be placed in the garage bay. Evidence items shall be placed in the back evidence room and door secured.

- (e) Except for currency being inventoried for safekeeping from an arrestee, all currency shall be counted and verified in the presence of another officer and the currency envelope signed by both officers along with their employee numbers. A supervisor shall be contacted for currency in excess of \$1,000. The supervisor shall also witness the count and will sign, list employee number, and date the property documentation and specify any additional security procedures to be used. Arrestee currency shall be counted and verified by the booking officer and arrestee. In the event of a dispute a supervisor shall be notified.
- (f) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the evidence form in the comments section.
- (g) Items that are potential biohazards shall be appropriately packaged and marked to reduce the risk of exposure or contamination.
- (h) Items that contain child pornography require notification to the Captain of Special Operations and Evidence Custodian. Child pornography shall be placed on digital media and secured in the property room. Child pornography shall not be uploaded into Evidence.com.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

#### 801.3.7 DIGITAL EVIDENCE

Officers handling and submitting recorded and digitally stored evidence from digital cameras, audio or video recorders, or other digital sources shall comply with the following procedures to ensure the integrity and admissibility of such evidence.

Employees shall determine if there is any digital evidence. This includes collecting items such as a video from a store during the incident regardless of what it shows as this is material evidence. Employees shall use department issued devices and the Axon Capture App to capture the types of digital evidence listed below. Other digital files, except child pornography, collected by devices such as USB shall be imported into Evidence.com. Employees shall document the original source of the file, how it was transferred, and date uploaded to Evidence.com. There is no need to place the flash-drive into evidence as it should be reformatted for re-use.

Employees should use the Axon Capture App on your department phone when available. Axon Capture App captures the following:

- (a) Photographs
- (b) Audio
- (c) Video
- (d) Community Request - Employees shall use a community request to send an invite to an individual for them to share digital evidence. The invite can be sent to a phone or email. Employees shall obtain the original file and take a photograph or video of the evidence. If you are unable to obtain the evidence immediately, a supervisors shall assign a case management to ensure follow up on obtaining the digital evidence.

### 801.3.7 ELECTRONIC COMMUNICATION DEVICES

Electronic communication devices taken as evidence shall be processed in accordance to PD-801(a)(SOP) Electronic Communication Device.

### 801.4 PACKAGING OF PROPERTY

All property should be packaged in compliance with Wisconsin Crime Laboratory Bureau standards or standards set by this department.

Certain items require special consideration and shall be booked separately as follows:

- (a) Controlled substances.
- (b) Firearms (ensure they are unloaded, rendered safe, and booked separately from ammunition). A department clearing barrel should be utilized when practicable (Policy 306.6).
- (c) U.S. or foreign currency.
- (d) Property with more than one known owner.
- (e) Drug paraphernalia.
- (f) Fireworks.
- (g) Ballistics evidence (casings, bullets, fired shot shells, wadding, etc.) This does not include unfired cartridges, absent unusual circumstances.
- (h) Biohazards.
- (i) Consider separately packaging any original container or packaging, including controlled substances packaging, to permit latent print or other evidence recovery.
- (j) Any item with a serial number or unique identifier

### 801.4.1 PACKAGING CONTAINER

Members shall package all property, except controlled substances, in a suitable container which is appropriate for its size. Knife boxes should be used to package knives or any other sharp items. Appropriate firearms boxes should be used for firearms. Syringe tubes should be used to package syringes and needles.

An evidence tag shall be securely attached to the outside of all items or group of items packaged together.

### 801.4.2 PACKAGING CONTROLLED SUBSTANCES

The officer seizing controlled substances shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in the designated narcotics locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. Officer's shall utilize the ventilation hood when testing controlled substances. When conducted, the result of this test shall be included in the officer's report.

All prescription medication shall be identified using available informational resources, counted, and weighed in the same manner as other controlled substances.

Controlled substances shall be packaged in accordance to Department's Evidence and Packaging Standard Operating Procedure. The booking officer shall initial and date the sealed envelope over the evidence tape. Controlled substances shall not be packaged with other property.

The booking officer shall obtain the seized weight in accordance to the weighing procedure in the Evidence and Packaging Standard Operating Procedure. A full description of the item and seized weight of the item will be placed on the property form and drug evidence tag. After packaging and sealing as required, the entire package will be weighed and the Gross Package Weight (GPW) will be written on the drug evidence tag, initialed and dated by the packaging officer. Both the initial weighing of the controlled substance and the GPW shall either be witnessed by another sworn member, who shall also initial and date the package accordingly, or recorded on the testing member's body worn camera and uploaded as evidence.

Controlled substances and packaging shall be separated if the packaging is being sent to the Wisconsin Crime Lab for testing for DNA or fingerprints.

Regardless of the method used to corroborate the weight, members are cautioned to consider notifying a supervisor or other nearby member when testing suspicious controlled substances in the event an accidental exposure occurs. The Captain of SOD, or designee shall ensure Narcan doses are available in the evidence processing area for officer use.

The GPW will be verified every time the package is checked in or out of the Property Bureau. Any unexplained change in weight should be immediately reported to the Captain of Administration or designee. The chain of custody shall be recorded in the Department RMS.

Any item with a serial number or unique identifier shall be checked through NCIC for stolen / wants. A copy of the Time printout shall accompany the report as an attachment to be scanned into Spillman.

#### **801.4.3 RIGHT OF REFUSAL**

The evidence custodian has the right to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the evidence custodian refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker or other safe location and immediately inform the Special Operations Division Captain or designee.

#### **801.5 RECORDING OF PROPERTY**

The evidence custodian receiving custody of evidence or property shall update the evidence form for each piece of property received. The Spillman Evidence Management database will be the permanent record of the property in the Property Bureau. The evidence custodian will record his/ her signature, GPW if it is a controlled substance to be used as evidence, the date and time the property was received and where the property will be stored.

An evidence form shall be maintained and a unique evidence number created for each piece of property received. The evidence form shall document the evidence number, the date received, case number, tag number, item description, item location and date disposed. A unique evidence tag number is electronically generated for each item. The evidence custodian shall ensure the evidence tag numbers correspond with the information on each evidence form submitted.

Any changes in the location of property held by the Beloit Police Department shall be noted on the evidence form.

#### **801.6 PROPERTY CONTROL**

Each time the evidence custodian receives property or releases property to another person, they shall enter this information on the evidence form. Officers desiring property for court shall contact the evidence custodian at least one day prior to the court day. The control of property shall be fully documented in related reports.

##### **801.6.1 RESPONSIBILITIES OF OTHER PERSONNEL**

Every time property is released or received, an appropriate entry shall be completed in Spillman Evidence Management database to maintain the chain of custody. No property or evidence is to be released without first receiving authorization from a supervisor or investigator.

Request for analysis of items shall be completed on the appropriate Transmittal of Evidence Forms and reviewed by the Captain of Administration or designee. The transmittal of evidence form shall then be submitted to the evidence custodian. This request may be filled out any time after booking of the property or evidence.

#### 801.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting member will check the evidence out of property via the evidence custodian, and ensure the request for laboratory analysis and transmittal is attached.

Any transfer of evidence to the crime laboratory requires:

- (a) The name and contact information of the person submitting the evidence.
- (b) Appropriate packaging and conveyance of evidence to the laboratory.
- (c) Necessary documentation accompanies evidence at time of transmittal.
- (d) Adequate receipts and signatures to support chain of evidence.
- (e) Written request that lab results be returned in writing.

The evidence custodian releasing the evidence must update the required information on the evidence form. The transmittal of evidence forms will be transported with the property to the examining laboratory, if personally delivered. The original copy of the evidence transmittal will remain with the evidence and the copy shall be scanned into Spillman. The transferring of property to another facility shall be documented in related reports and should include date and time of delivery, location, and person whom received the property.

#### 801.6.3 STATUS OF PROPERTY

The evidence custodian will make the appropriate entry for each person receiving property to document the chain of custody. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the evidence form, stating the date, time, reason for release, and to whom it was released.

The evidence custodian shall obtain the signature of the person to whom property was released and the reason for release. Any member receiving property shall be responsible for such property until it is returned to the Property Bureau or released to another authorized person or entity.

The return of the property should be recorded on the evidence form, indicating date, time and the person who returned it. The return of property shall be documented in related reports.

#### 801.6.4 AUTHORITY TO RELEASE PROPERTY

The evidence custodian shall not release any property without authorization from an appropriate authorized member of the Department. The Captain of Administration or designee shall authorize the disposition or release of all evidence and property coming into the care and custody of the department.

For property in custody of the department for investigatory or prosecutorial purposes and owned by a victim or witness, an evidence custodian shall, upon the request of the owner and in consultation with the case officer:

- (a) Provide a list describing the property, unless such release would seriously impede an investigation.
- (b) Return the property expeditiously, unless the property is contraband or required as evidence.

Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner.

#### 801.6.5 RELEASE OF PROPERTY

A reasonable attempt shall be made to identify the rightful owner of found or stolen property or evidence not needed for an investigation.

Property belonging to a crime victim shall be promptly released to the victim within 10 days of being taken unless needed for evidence or the property is weapons, contraband or is otherwise excluded (Wis. Stat. § 950.04(1v)(s)).

Release of property shall be made upon receipt of an authorized release form, which lists the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor and must conform to the items listed on the evidence tag or must specify the specific item to be released. Release of all property shall be properly documented.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 30 days. During such period, property personnel shall attempt to contact the rightful owner when sufficient identifying information is available. Property not held for any other purpose and not claimed within 30 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction (Wis. Stat. § 66.0139(2)). If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed. The final disposition of all such property shall be fully documented in related reports.

An evidence custodian shall release the property to the owner or finder, upon valid identification and proper documentation presented by the owner or finder, for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the authorized release form.

Upon release or other form of disposal, the proper entry shall be documented on the evidence form. The evidence custodian shall scan all signed release forms into the Spillman Evidence Management database.

#### **801.6.6 DISPUTED CLAIMS TO PROPERTY**

Occasionally more than one party may claim an interest in property being held by the department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a court order or otherwise establishes undisputed right to the property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for the department may be asked to file an interpleader in court to resolve the disputed claim.

#### **801.6.7 CONTROL OF CONTROLLED SUBSTANCES**

The Property Bureau will be responsible for the storage, control, and destruction of all controlled substances coming into the custody of this department, including paraphernalia as described in Wis. Stat. § 961.571(1)(a).

#### **801.6.8 RELEASE AND DISPOSAL OF FIREARMS**

A firearm may not be released until it has been processed by the Assistant Chief or designee to verify that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922(d) or Wis. Stat. § 968.20(1m) and the firearm is approved for release.

The Department shall make best efforts for a period of 30 days after the seizure of an abandoned or stolen firearm to protect the firearm from harm and return it to the lawful owner. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with Wis. Stat. § 66.0139, Wis. Stat. § 165.81 and Wis. Stat. § 968.20(3)(b) and consistent with this policy.

#### **801.7 DISPOSITION OF PROPERTY**

All property not held for evidence in a pending criminal investigation or proceeding, and held for 30 days or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal (Wis. Stat. § 66.0139(2)). The evidence custodian shall verify the status on all property which has been held in excess of 30 days and for which no disposition has been received from a supervisor or investigator.



Upon any release or sale of any property, the proper notation shall be made on the evidence form. Proceeds from the sale of unclaimed property shall be deposited into the City Treasurer's Office through the approved department budgetary process. The disposition of property shall be documented in related reports.

#### 801.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law or by a court of competent jurisdiction:

- Weapons declared by law to be nuisances
- Animals, birds and equipment related to their care and containment that have been ordered forfeited by the court
- Counterfeiting equipment
- Gaming devices
- Obscene matter ordered to be destroyed by the court
- Altered vehicles or component parts
- Controlled substances
- Unclaimed, stolen or embezzled property
- Destructive devices
- Any property used in the commission of a crime

#### 801.7.2 RETENTION OF BIOLOGICAL EVIDENCE

The Property Bureau supervisor shall ensure that no biological evidence held by the department is destroyed prematurely or without adequate notification pursuant to Wis. Stat. § 968.205 to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor
- (d) Any sexual assault victim
- (e) Captain of Administration

Biological evidence shall be retained for a minimum period established by law, Property and Evidence Policy or SOP or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the department pursuant to Wis. Stat. § 968.205(5). A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Captain of Administration or designee.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

### **801.8 REPORT OF ABANDONED PROPERTY AND UNCLAIMED FUNDS**

The evidence custodian shall complete and file a report of presumed abandoned property or unclaimed funds, and annually submit the record to the Captain of SOD. The Captain of SOD shall on or before January 10 of every odd number years forward to the City Clerk-Treasurer's Office any unclaimed funds in accordance with Wis §59.66.

### **801.9 INSPECTIONS OF THE PROPERTY BUREAU**

On a quarterly basis, the Captain of Administration shall inspect the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

- (a) Unannounced inspections of evidence storage areas shall be conducted annually, or as otherwise directed by the Chief of Police.
- (b) Whenever a change is made in evidence custodian personnel who have access to the Property Bureau, an inventory of all guns, controlled substances, and money evidence/ property shall be made by an individual not associated with the Property Bureau or function, with the assistance of the new personnel, to ensure that records are correct and all evidence property is accounted for.