

<b>Benson Police Department</b> Policies & Procedures	<b>Index No</b> Op4-19-00
--	---------------------------

<b>Order Date:</b> 5/1/2002
<b>Rev Date:</b> 3/19/2025

Subject: PROPERTY/ EVIDENCE PROCEDURES

Ref. Documents:

**Purpose** To ensure the uniform collection and handling of all property either taken into custody for evidentiary or safe-keeping purposes. Any property taken into Departmental custody shall be accounted for in accordance with the provisions of this chapter.

**Policy:** Property/Evidence processing, release, and retention.

#### Definitions

CDS: Controlled Dangerous Substance to include but not limited to any substance controlled by law that could cause harm through its direct or indirect contact.

Property Log: Any evidence tag, evidence bag or ICR on which chain of custody is to be maintained.

Evidence Technnician: Chief of police, Sergeant or any designee selected by the Chief of police to handle, process, or account for property/ evidence in the evidence storage area.

Evidence storage: Area designated for the storage of items of property or evidence taken by officers of the Benson Police Department.

**Scope:** All personnel of the Benson Police Department are charged with the duties of handling evidence and property.

#### **Procedure:**

##### 1. GENERAL

All property shall be protected from contamination, alteration, destruction and damage. Employees taking custody of property which they do not know how to preserve shall contact a supervisor or BCA.

#### GENERAL SUBMISSION PROCEDURES

All items will be tagged with a completed recovered property tag (blue) or evidence tag (red) or a printed label attached to bag or container. Tags are to be attached to the outside of the property.

String or wire will be used to attach tags securely to property. Tags may be stapled to non-evidentiary paper items. Rubber bands, paper clips and tape will not be used.

Exposed cutting edges and blades will be taped in a manner not to destroy evidence, the use of blade safe containers will be required where applicable.

No property item will be substituted for another property item (e.g., one piece of currency in place of another having the same face value).

Improperly prepared property will not be accepted.

## FIREARMS

Officers submitting firearms to the property storage area shall ensure that they are unloaded. If possible, the action will be opened. Clips or magazines shall not be stored in a weapon and shall be stored in a separate evidence container. The officer will also place a zip tie or string in the weapons actions or down the barrel if possible.

## MARKING EVIDENCE, EXCEPTIONS

When evidence is marked, it shall be marked with a tag in a manner that does not reduce the items value.

An evidence item shall not be marked when it bears a manufacturer's identification number, the marking would alter its evidentiary value, or it is capable of being identified through distinctive markings and recorded information.

## 2. PROPERTY FORMS

### PROPERTY RECORD

The Property Record is used for recording all property items taken into custody. All items shall be described, with descriptions sufficiently detailed to identify each item. Where any item bears the following, all information will be recorded: this property record will be maintained in the ICR database by ICR number associated with the taking of the evidence/ property.

1. Manufacturer name
2. Model name or number
3. Unique identification number (serial)

Property items with identification numbers will be checked for stolen through NCIC, with the results of that check recorded on the Property Record.

For evidentiary items, the officer will document the person or location from which the item was obtained on a ICR. Incorrectly completed ICR's will not be accepted. Property shall be released using the original ICR.

### PROPERTY RELEASE

All releasable property not returned on the officer's shift, can be picked up Monday - Friday, 0800-1630, at the Benson Police Department to exclude holidays.

### PROPERTY TO COURT

A copy of the ICR will accompany the property to court. Whenever property is retained by the Clerk of Court or an attorney, for evidentiary purposes, the property must be signed for by the receiving party for the particular property that is being retained on the ICR. The ICR is

retained by the officer and returned to the Department.

When the held property is ready to be released, an officer will retrieve the property and return it to the Department according to policy. Chain of custody shall be noted on the original ICR.

### 3. SUBMISSION OF PROPERTY

#### GENERAL

All property will be submitted to the property storage location prior to the end of the officer's shift. The officer will log it into the ICR.

Off-duty officers who recover property of minor value, e.g. license plate, may retain and be responsible for the property for a maximum period of 72 hours. All other property with intrinsic value, including firearms, Controlled Dangerous Substance (CDS), or valuables shall be immediately submitted to the property storage area by the officer.

#### SUBMISSION OF CERTAIN ITEMS - Firearms, Controlled Dangerous Substance (CDS) or Valuables

Any employee taking possession of any firearms, CDS, monies or other valuables shall submit them into the property storage prior to the end of their shift. If off-duty, officers will submit items immediately .

#### EVIDENCE CHAIN OF CUSTODY

For each item collected, officers shall document the name of the person who collected it. A chain-of- custody will be maintained for all items. For all property, the chain-of-custody will be documented on the ICR. Responsibility for documentation lies with the officer.

When evidence items are transmitted to outside agencies, officers will document chain-of-custody information, including such information on a Supplement Report. The agency receiving the property will sign the original ICR corresponding to the evidence received.

#### SUBMISSION OF MONEY OR VALUABLES

All money or valuables, regardless of value, will be placed in the evidence room. Those items placed in the evidence room will be logged and the associated paperwork processed in the same manner as narcotic property. All money will be counted and verified by an Officer under video surveillance or witness. All Narcotics will be weighed and verified by an Officer under video surveillance or a witness.

#### PROPERTY STORAGE AREA SECURITY

The following are authorized access to the property storage areas:

1. Chief of Police
2. Sergeant
3. Evidence Technician (ET)

Only the ET, Sergeant and Chief will have access to evidence/narcotics lockers and property storage area.

ALL PROPERTY ENTERING PROPERTY/EVIDENCE STORAGE AREAS WILL BE PROPERLY DOCUMENTED ON AN ICR AS WELL AS PROPERLY PACKAGED AND IDENTIFIED.

#### 4. NOTIFYING PROPERTY OWNERS

When property is recovered, and the property owner is known, the officer shall immediately notify him/her, and inform him/her that he/she must provide positive identification and claim the property within 90 days. This provision does not apply for items being held for evidence. The notification and manner in which made, e.g., mail, telephone, will be noted on the ICR. In cases where the officer cannot identify the property owner, the property shall be held until 30 days has elapsed. After 30 days the property will be destroyed, donated to charity, or sold. In the event the property is currency or it is sold said currency or profit of sale shall be deposited in a City of Benson bank account for the city's use.

#### 5. RELEASE OF PROPERTY

Property owners must provide proper identification and type noted on release, e.g. driver's license, birth certificate, etc.

Property will not be released to owners if:

1. Property is contraband.
2. Property is confiscated motor vehicle.
3. Property is money confiscated as a result of vice/drug violations.
4. Property is being held as evidence.

#### 6. SEIZED FIREARMS

##### FIREARMS - NO RECORD STOLEN

When any firearm is taken into Departmental custody, and such firearm is not listed as stolen in NCIC or cannot be checked through NCIC, the officer shall request a teletype be transmitted by Dispatch, such teletype is to contain the following information:

1. Make
2. Model name and number
3. Serial number and other identifying numbers
4. Physical description of the firearm, including size, type, and material.

Dispatch shall make an entry to the NCIC Recovered Gun File. Such entries are maintained in NCIC for the year of entry plus two additional years.

The officer shall indicate on the Property Record, "No record stolen; placed in recovered NCIC gun file".

##### DEFINITION - Handgun

Any pistol, revolver or other firearm capable of being concealed on the person, including a short-barreled shotgun (barrel length less than 18 inches or overall length less than 26 inches) and a short-barreled rifle (barrel length less than 16 inches or overall length less than 26 inches) and shall not include any shotgun, rifle, antique firearm (manufactured on or before

1889, or firearm with matchlock, flintlock, percussion cap or similar type of ignition), starter pistol or pellet/BB gun.

## SUBMISSION OF HANDGUNS INVOLVING CRIMINAL CHARGES

When handguns are seized and criminal charges are brought against the individuals who had possession of the handgun, the officer will complete a ICR, describing the handgun by make, model and serial number, or other identifying characteristics. The name and address of the owner will be included if different from the person charged. The weapon will be placed in the property storage area prior to the end of the officer's shift. Handguns seized pursuant to a violation of MN Statute 609.66 (unlawful wearing, carrying, transportation or use of a handgun) are subject to forfeiture to the State of Minnesota. The property custodian is responsible for notifying the owners of these handguns of the pending forfeiture and appeal procedures. Officers will notify owners of handguns not seized pursuant to MN Statute 609.66. Owners have 30 days in which to apply for the return of the handgun.

The words **FOR FORFEITURE** will be printed in bold letters in the description of property section of the ICR for handguns seized under this law. This will be done even when the possessor of the handgun is not specifically charged with an actual violation of MN Statute 609.66. Officers seizing handguns pursuant to a violation of this law can help expedite the return of a gun to the owner only if the gun has been reported as stolen property. In these cases, **HOLD FOR OWNER** will be printed in bold letters beneath **FOR FORFEITURE** and the owner will be advised to apply to the ET for return of the weapon.

In all other cases, owners must make application in writing to the Chief for return of their handgun(s). Therefore, if the handgun is not listed as stolen, the owner should not be told that the handgun will be returned. The Chief will investigate whether the owner could have or should have known that the gun was possessed in violation of Minnesota law or if the owner can legally possess the handgun(s).

Only evidence technician personnel may release handguns.

## SEIZED HANDGUNS NOT INVOLVING CRIMINAL CHARGES

All seized, found or recovered handguns will be placed in the property storage area prior to the end of the officer's shift. Only authorized personnel may release any seized handgun. Officers seizing such handguns will notify the owner to contact the Chief or property custodian within 90 days to apply for release of the weapon.

## RELEASE PROCEDURES

If the seized handgun has not been reported stolen prior to its seizure, the owner attempting recovery must apply to the Department within 90 days of notification by the Department.

## CONVERSION OF CONFISCATED HANDGUNS TO POLICE USE

The Chief may convert confiscated handguns to Department use.

## 7. SUBMISSION OF LONG GUNS INVOLVING CRIMINAL CHARGES

When a rifle or shotgun is seized and charges are filed, the following procedures will be observed:

Officers will complete a ICR describing the weapon by make, model, serial number or other identifying characteristics. The name and address of the owner will be included if different from the person who had possession of the weapon. The officer seizing the weapon will notify the owner.

The weapon will be placed in the property storage area prior to the end of the officer's shift.

#### 8. SEIZED WEAPONS OTHER THAN HANDGUNS

When a weapon (other than a handgun) is seized by an officer and the individual who had possession of the weapon is not criminally charged, the disposition of the weapon will be handled in the same manner as all other routine property.

#### 9. STOLEN CHECKS ON PROPERTY/CANCELLING NCIC ENTRIES

Found or recovered property with serial or other identifying numbers, will be checked through NCIC. The results of that check will be recorded on the ICR and in the officer's report.

Recovered stolen property which had been entered into NCIC will require a cancellation. This must be done by Dispatch or the originating agency. The teletype will include all serial numbers, property descriptions and the ICR number.

Stolen credit cards are not entered into NCIC and must be checked with the card company.

#### 10. CONFISCATED MONEY

It is the responsibility of the Officer seizing cash to secure and document seizure per this policy. Officers seizing cash shall count cash in the presence of another officer or under video surveillance or both. Cash amounts shall be noted on the evidence bag it is placed into as well as number of bills by denomination. In addition the evidence bag must have the following information attached. Subject name, ICR#, Date seized, Location. In cases where the amount seized is in excess of \$500.00 a supervisor will be contacted and advised. The supervisor will be responsible for performing and additional count prior to entering the cash into evidence.

If the cash is to be forfeited a notice of seizure and intent to forfeit property form shall be served. A copy of this form shall be kept with the case file as well as the cash itself. Unless the cash has evidentiary value all cash shall be deposited in a city of Benson account designated by the city. A receipt of deposit will be kept with the ICR noting the deposit. Prior to deposit photographs of the cash shall be taken and be included in the ICR, these photos should denote date/time/denominations. Any cash kept for evidentiary procedures will be photographed and stored according to this policy in the evidence storage area. Cash to be deposited should be placed in an evidence processing locker with an attached note stating "To be deposited". The chief of police or his designee shall make all deposits and return the deposit slip to the investigating officer for attachment to the ICR.

In the event the cash is not to be forfeited or ordered to be returned the individual whom the cash was seized from will be contacted and notified. Arrangements will be made with the party to return the cash to them either in person or via mail. A check will be made out by the city and returned to the proper individual within 7 business days of notification.

All contraband coin and currency seized pursuant to gambling offense and CDS offenses will be photographed and a record of the serial number of each paper currency be made. The

photographs may then be substituted for the coin and currency in any criminal case.

Officers seizing money in these cases shall photograph (not photocopy) the money. Seizures involving more than one bill shall be photographed as a whole (not each separately).

Serial numbers of the seized currency may be placed on the Property Record. If the quantity of bills is so great as to make this impractical, the serial numbers may be listed, separated according to denomination.

## 11. NARCOTIC PROPERTY

### GENERAL

Officers who seize CDS property shall maintain strict control and supervision over the property until submission. Other officers shall be brought into the chain-of-custody only as necessary, and every transfer of control shall be documented on the ICR.

Submission of CDS property shall occur prior to the completion of the seizing officer's tour of duty unless control of the property is transferred to another officer. If transfer occurs, the property shall be submitted prior to the completion of the accepting officer's tour of duty.

Off-duty officers who recover CDS shall submit the CDS property before ending continuous involvement in the off-duty incident. In no situation shall an off-duty officer delay submission of CDS until regular work hours. Officers are prohibited from possessing recovered CDS in an off-duty status after normal duties associated with the evidence have ended, regardless of whether the CDS was recovered on-duty, off-duty, or checked out for court.

CDS materials shall be submitted in separate packaging and on a separate Property Record from non-CDS property recovered under the same ICR number.

### PACKAGING PROCEDURES

All CDS property shall be submitted in sealed plastic evidence bags. Other types of packaging devices, e.g., glass vials, film canisters, and separate envelopes, may be placed within the sealed plastic evidence bag, but in all cases the sealed plastic evidence bag shall be the outer container. CDS property shall be packaged separately from other evidence.

Glass and other breakable containers shall be wrapped with sufficient plastic padding to prevent breakage, and all containers shall be securely taped to prevent leaking or spillage. Sharp edges or protrusions, such as might appear on pipes, shall be wrapped or boxed in a manner that prevents injury. Syringes shall be packaged as provided in the subsection titled, "PACKAGING PROCEDURES FOR UNUSUAL OR DANGEROUS ITEMS."

Different types of CDS property shall be submitted in separate evidence bags.

If analysis is not required, it shall be noted on the Property Record.

### PACKAGING PROCEDURES FOR UNUSUAL OR DANGEROUS ITEMS

Syringes shall be placed in a Biohazard Sharp Object Disposable Pouch. Officers shall ensure that appropriate warnings appear upon the outside of these pouches.

Officers shall not submit whole plants for analysis when plant length exceeds one foot. In such instances, officers shall weigh and photograph the plant in its natural form, cut or break it apart, and then submit leaves, flowering tops, stems, and seeds for analysis in accordance with normal routine procedures. The remainder of the plant, including mature stalks and roots, shall be submitted separately and marked for destruction.

Wet vegetable matter shall not be placed in an evidence bag. If the material does not dry naturally within the seizing officer's tour of duty, he shall take samples for analysis and contact a supervisor for direction.

Officers who seize liquid PCP shall exercise extreme caution in handling that material, with consideration given to its carcinogenic, toxic, flammable, and explosive properties. Liquid PCP seizures of less than one pint may be submitted by the seizing officer using tape and plastic padding procedures. In seizures of any type of liquid CDS totaling one pint or greater, regardless of the number of containers involved, a Drug Task Force officer shall be contacted.

Officers who encounter unknown CDS substances, unmarked CDS containers, raw CDS manufacturing chemicals, or other possible evidence of clandestine laboratories shall handle those materials to the least extent necessary. The officers shall immediately notify the Drug Task Force and obtain specific handling and packaging guidance if the Drug Task Force officer does not respond and assume custody.

## SUBMISSION PROCESS

All CDS materials shall be weighed with the least amount of wrapping material possible prior to final packaging. Pills, tablets, and capsules shall be individually counted and weighed as a group, provided that all items within the group are the same. Different pill types require separate groupings. Property items suspected of containing minimal residue or trace amounts of CDS shall be counted and not weighed. If possible, all property that is weighed or counted shall be witnessed by another officer and noted on the Property Record.

If the amount of CDS is too large or hazardous to fit in the evidence room, the officer shall contact the Drug Task Force.

## REPORTS AND PAPERWORK

It is intended to document every transfer of custody and control after the CDS is recovered. Analysis of all submissions shall be made by the BCA and the initiating officer will cause a "Laboratory Analysis Request" form to be completed as that is intended.

An evidence tag will be placed in the bag and visible.

In cases where the submitted CDS is not to be analyzed for court purposes, the officer shall indicate upon the ICR either that the CDS can be destroyed, or that it must be stored without analysis pending further instructions.

## OBTAINING CDS EVIDENCE FOR COURT

Officers who need CDS evidence for court presentation shall obtain that evidence from the ET on the actual court date, and shall return it immediately following the conclusion of that day's court proceedings. If the office is closed when court proceedings end, the officer shall

resubmit the evidence and leave a note left for the ET. In no instance shall an officer retain personal possession of checked-out CDS evidence overnight.

If the court retains possession of the evidence, the officer shall obtain documentation from the court and immediately deliver that documentation to the ET.

When returning CDS property that will no longer be needed as evidence, the officer shall write "TO BE DESTROYED" on the Property Record, and affix his/her signature and the date. The Department shall then arrange for disposal of the CDS.

#### NOTIFICATIONS TO DRUG TASK FORCE (DTF)

In situations where this section requires a DTF officer to be consulted, or CDS to be transferred to a DTF officer, the seizing officer shall be responsible for making notification to the DTF. If no DTF officer is working, the seizing officer shall cause a DTF officer to be contacted at home. The contacted DTF officer shall then take appropriate action.

#### DESTRUCTION OF NARCOTICS

The property custodian is the only person permitted to destroy CDS property. Destruction of CDS will take place after the property custodian has determined the case has been formally "closed" for a minimum of 90 days or the appeals times have elapsed. "Hazardous Material" CDS, will be disposed of in a manner consistent with the directives set out by the MNBCA and DEA.

#### 12. PROPERTY PROCEDURES - DECEASED PERSONS

##### RELEASE OF PROPERTY TO NEXT OF KIN

Authorization must be obtained from the Office of Register of Wills to release property to relatives of a deceased who are not immediate family (spouse, children, parents) and not living with the deceased at the time of death.

##### ROUTINE DEATHS WITH NO RELATIVES TO ACCEPT PROPERTY

When an officer handling a routine death report determines that the deceased has no living next of kin nor relatives who can be located all property will remain with the deceased and the funeral director will take custody of said property. If asked, the Officer will assist the funeral director in securing/storing property.