



COTTAGE CITY POLICE DEPARTMENT

GENERAL ORDER

SUBJECT: HANDLING PROPERTY OTHER THAN EVIDENCE

NEW REVISED RESCINDS

APPROVED: *GM*
GEORGIA MILTENBERGER
ACTING CHIEF OF POLICE

Effective Date 8/22/2018

I. POLICY

One of the fundamental responsibilities of a police officer is to protect life and property, and to ensure that property which is not contraband, and the ownership of which is not in dispute, is reunited with its owner in a timely manner. Property taken into custody by an officer will be properly stored and safeguarded pursuant to Department policies and procedures until its owner is located and retrieves it, or it is disposed of according to Cottage City Ordinances and/or other applicable laws.

II. PROCEDURES

- A. Found property is that which has been lost or abandoned by its owner or custodian and found by an officer or citizen, and it is unknown if it is connected with, or constitutes a part of, any known or suspected criminal offense.

Officers finding or receiving property under the above definition shall:

1. Attempt to ascertain if the property has been reported stolen or lost by checking it for stolen through N.C.I.C., checking through reports already on file, or locating and contacting the property's owner or custodian.
2. If an original report is located, a Supplement Report will be written to describe the circumstances under which the property was found.

3. If the property has been reported as stolen, it will be treated as EVIDENCE and will be packaged and submitted to the Evidence/Property Custodian as described in G.O. 5-30.
 4. The officer submitting the property will be responsible for notifying the property's owner/custodian of the found property and will inquire if the owner/custodian wants the property back or will allow the Department to store the property as evidence until trial (if it is determined as evidence). It may be possible to photograph the property and return it to its owner/custodian.
 5. If the property has not been reported stolen, the officer who found the property shall make every reasonable effort to return the property to its owner/custodian without unnecessary delay.
 6. If the owner/custodian cannot be contacted or located, or if the owner's identity cannot be determined, the property shall be inventoried and packaged so as to protect it and keep it intact. An Event Report, classified as "Found Property" and cleared 2946-2, shall be completed along with a Department "Property Transmittal Form" and submitted with the property.
 7. Prior to the end of the submitting officer's tour of duty, the property will be given directly to the Evidence/Property Custodian. If the Evidence/Property Custodian is unavailable, the property will be secured in a Temporary Evidence Storage Locker.
- B. Contraband is property that is illegal to possess in and of itself and is usually seized and/or taken into custody for the purpose of being destroyed.
1. Property seized or taken into custody under the above definition will be treated as EVIDENCE, and unless the officer wants the contraband held as evidence for a future court proceeding, the Evidence Transmittal Form will indicate that it is to be destroyed.
 - An exception to this would be if the officer in his/her discretion decides to release a particular item to a person authorized to possess the property.
 2. If contraband is submitted to the Evidence/Property Custodian, the submitting officer will complete an Event Report describing the circumstances under which the contraband was taken into custody.
- C. Property for safekeeping may be taken into custody for reasons which may include, but are not limited to:

- Its owner/custodian is unable to possess it due to injuries,
 - An arrest,
 - Its owner was involved in a traffic accident requiring hospitalization, or
 - For other reasons a prudent officer feels the property should be kept for safekeeping.
1. Officers taking property into custody for safekeeping will indicate this action in their Event Report, and will also complete a Department Property Transmittal Form to accompany the property.
 2. If the officer intends to have the property stored in the Evidence/Property Room, the property will be treated as FOU ND PROPERTY and will be inventoried, packaged, labeled, and submitted to the Evidence/Property Custodian as described in General Order 5-26.4.
 3. Property belonging to traffic accident participants that were transported to the hospital should go/stay with them.
- D. A bicycle(s) recovered by citizens/police will require the officer to check it for stolen/ownership and if it is not stolen and ownership cannot be determined, the officer shall:
- Transport or have Public Works transport the bike to the station.
 - Complete a Found Property Report, tag the bike, and submit a Department Transmittal Form and if not evidence, place the bicycle in the storage bin located in the Department of Public Works.
- E. Recovered guns whether seized as evidence, found abandoned, or taken by an officer for safekeeping, will be unloaded prior to being placed in a Temporary Evidence Storage Locker.
1. If the weapon is in such a condition that it cannot be ascertained if it is loaded, it will be presumed that it is loaded and the Evidence/Property Custodian will be made aware of this on the Evidence Transmittal Form when the weapon is placed in a Temporary Evidence Storage Locker by the submitting officer.
 2. Upon receiving the weapon, the Evidence/Property Custodian will consult with the PGPD firearms instructor and/or department armorer in an attempt to ensure that the weapon is made safe before it is stored in the Evidence/Property Room.

3. Officers submitting firearms to the Evidence/Property Custodian will follow the procedures set forth in this General Order regarding the completion of appropriate reports and forms, packaging and labeling.
4. The submitting officer will notify PGPD Records Section to have the firearm entered into NCIC as a "Recovered Gun" if the firearm's ownership is unknown.
5. The Evidence/Property Custodian will forward a copy of the report via inter-office mail to the Commander, PGPD Criminal Investigative Section.

III. PACKAGING/LABELING OF SUBMITTED PROPERTY

- A. Officers submitting property to the Evidence/Property Room will ensure that it is packaged in such a manner that ensures its protection and integrity. The package will be labeled with:
 - The submitting officer's name,
 - Date, Case Number,
 - Owner's name if known, and
 - Any other pertinent information, i.e. "biological hazard," "sharp edges," "do not bend," etc.
1. If the package contains property that is exceptional, valuable, or sensitive, before packaging the property the submitting officer will:
 - Photograph the item for station files,
 - Record serial number(s) or if money, make photocopies,
 - Fully document and itemize the property in the officer's Event Report and in the Property Transmittal Form, and
 - Safeguard the property until it is relinquished to the Evidence/Property Custodian directly, or secured in a Temporary Evidence Storage Locker.

IV. RESPONSIBILITIES OF THE EVIDENCE/PROPERTY CUSTODIAN

The Evidence/Property Custodian will be responsible for the Evidence/Property function.

- A. Upon receipt of property, the Evidence/Property Custodian will:

1. Ensure the property has a case number visible and indicate the number of the Property Transmittal Form, which will become part of the Evidence/Property Room records.
 2. Ensure that the property is properly labeled and suitably packaged.
 3. Secure property requiring extra security measures, i.e., money, jewelry, precious metals, gemstones, and any other piece of property that by its nature is deemed to be of considerable value, in the safe inside the Chief's office.
- B. The Evidence/Property Custodian will ensure that the Evidence/Property Room records accurately reflect the status of all property/evidence held in the Evidence/Property Room by:
1. Arranging with the Chief of Police to conduct a quarterly inspection of the Evidence/Property Room and its records to ensure adherence to Department procedures regarding record maintenance and the control of property.
 2. Reconciling the current records to ensure that a current number is assigned to the incoming item(s), whenever property/evidence is brought into the Evidence/Property Room.
 3. Arranging for an annual audit of property/evidence held in the Evidence/Property Room by the Chief of Police or his designee with the title of supervisor and who is not routinely or directly connected with the control of property.
 4. Ensuring that the Evidence/Property Room, property storage areas, and records pertaining to in-custody property are up-to-date and are available for unannounced inspections as directed by the Chief of Police.
- C. To ensure that records are correct and properly annotated, whenever personnel are assigned and/or transferred from the property and evidence control function, the Chief of Police will direct that an inventory be conducted jointly by the newly-designated Evidence/Property Custodian and a person designated by the Chief of Police.