

Germantown Police Department

Policies and Procedures

Number: 4-2
Effective Date: September 2, 2004
Subject: Property and Evidence Control
Previous Revisions: January 1, 2003

I. PURPOSE

The purpose of this policy is to provide procedures for managing the property and evidence that comes into the custody of the Germantown Police Department.

II. POLICY

It is the policy of the Germantown Police Department to safeguard and properly dispose of all property that comes into the custody of the Department. The Germantown Police Department strives to maintain property in the same condition as it is received and to preserve the evidentiary integrity of property for possible court presentation. Stolen items, which have no other evidentiary value, may be returned to the rightful owner or the owner's agent. This requires proper identification and signature of the party receiving the property. Property and evidence may be disposed of in accordance with federal and state statutes, City of Germantown ordinance, or, in the case of contraband, by court order.

III. PROCEDURE

A. Evidence Management Responsibility:

1. Evidence management responsibility will be vested under the direction of the Chief of Police and that responsibility shall ensure the integrity of the system and the accountability of evidence held by the Department.
2. All evidence stored by the Department shall be within designated secure areas.
3. Found, recovered, or evidentiary property shall be managed by the Investigative Division.
4. The Property Room Custodian shall exercise control over found, recovered, and evidentiary property.

B. Property Room Custodian:

A commissioned detective shall be designated by the Chief of Police as the Property Room Custodian. The Property Room Custodian shall maintain found, recovered, or evidentiary property in designated areas of the Department, which shall be under his/her control.

C. Property Room Access:

1. Only the designated Property Room Custodian or other officer(s) authorized by the Chief of Police will be allowed access to the main property room area.
2. An entry log will be maintained in the property room and all persons entering will sign in with date, time, and reason for entering the main property room area.

D. New Property Custodian:

1. When a new Property Room Custodian is designated, the property room will be inventoried to ensure the records are correct and property annotated. This inventory will be conducted by the outgoing Property Room Custodian, the incoming Property Room Custodian, and a member of the command staff designated by the Chief of Police. This command staff member should be someone who is not directly or routinely involved with controlling evidence/property.
2. Any discrepancies should be recorded and initialed by the new Property Room Custodian, the outgoing Property Room Custodian, and the command staff member.

E. Inventory:

1. An annual inventory of evidence/property held by the Department shall be conducted by the Property Room Custodian and a member of the command staff designated by the Chief of Police. This command staff member should be someone who is not directly or routinely involved with controlling evidence/property.
2. Any discrepancies should be recorded and initialed by both the Property Room Custodian and the command staff officer.

F. Property/Evidence Custody Chain Procedure:

1. The Departmental property/evidence cover sheet will reflect the history of items of evidence or found property from the time the property/evidence is received by the officer until its final disposition.
2. It is the responsibility of the investigating detective to notify the Property Room Custodian when the disposition of property/ evidence changes. It will be the investigating detective's decision regarding the disposition of property/evidence. The Property Room Custodian should contact the investigating detective if there is a question regarding the disposition of any property/evidence.
3. If the property/evidence is retained by the court, the investigating officer must notify the Property Room Custodian in writing and indicate which court retained custody. It is the responsibility of the Property Room Custodian to transfer evidence to the Memphis Police Department Property Room when that evidence is needed for trial.
4. The Property Room Custodian will review all property submitted every ninety days for a hold or disposition of property.
5. With the approval of the Chief of Police, the Property Room Custodian may convert certain items from the Property Room to Departmental use. These items include found property items that have been unclaimed after the ninety (90) day hold period and would otherwise be destroyed or evidentiary items that a court has ordered converted to Departmental use.

G. Currency, Precious Metals, Jewelry, and Firearms Control:

1. Items of property/evidence requiring added protection, to include currency, precious metals, jewelry, and gem stones, shall be placed in property envelopes and secured in a locked container, separate from other property/evidence in the property room.
2. At the direction of the court, firearms seized by the Department shall be destroyed, sold, or converted to Departmental use after disposition of the cases by the court. The Property Room Custodian will petition the criminal court semi-annually to dispose of those firearms, which have been granted to the Department.

H. Narcotics and Dangerous Drug Control:

1. All narcotics, dangerous drugs, and drug paraphernalia will be received in property envelopes, separate from other items of property/evidence and sealed with evidence tape.
2. All narcotics and dangerous drugs will be weighed or counted, depending on the form, and field tested before being placed into a property envelope.
3. All narcotics, dangerous drugs, and paraphernalia will be placed in the dangerous drug locker by the Property Room Custodian. All property envelopes will be inspected by the Property Room Custodian regularly to ensure against tampering or substitution.
4. The Property Room Custodian will track the disposition of narcotic, dangerous drug, and paraphernalia cases and, upon disposition of the case by the courts, will petition the criminal court to destroy the property/evidence by incineration. This petitioned incineration shall be conducted semi-annually by the Property Room Custodian and witnessed by a command staff officer, designated by the Chief of Police, who is not directly or routinely connected with controlling evidence/property.

I. Procedure for Seized Vehicles:

1. All vehicles seized for narcotic arrests, DUI, or revoked license will be towed to the Shelby County Sheriff's Department impound lot. A Germantown Police Department CSU detective will coordinate the seizure whenever a vehicle is to be towed to the Shelby County Sheriff's Department impound lot.

NOTE: A vehicle may not be seized when an occupant is charged with a misdemeanor narcotics offense, such as simple possession or casual exchange. Based on Tennessee Attorney General's Opinion #04-109, issued on July 9, 2004.

2. Copies of the seizure papers, affidavit(s), tow-in receipt, and keys to the vehicle will be entered in a property envelope to the on-duty supervisor to be placed in the property/evidence safe.

J. General Evidence Procedures (Seizing Officer):

1. Any officer taking custody of found/recovered property or evidence of a crime will seal the item(s) in separate property envelopes, completing all required information on the envelopes. Attached to each property envelope

will be a completed property cover sheet and the "white" copy of a completed property form.

2. The officer taking custody of found/recovered property or evidence will deliver same to the property room, where the on-duty shift supervisor will place the item(s) into the property safe. Any property not fitting in the safe may be deposited adjacent to the safe.
3. The property ledger will remain in the Property Room foyer and the on-duty supervisor will enter the following information on the ledger:
 - a. seizing officer(s) name(s)
 - b. item(s) and description(s)
 - c. defendant(s) or owner(s)
 - d. date and time entered
 - e. on-duty shift supervisor's initials
4. All envelopes containing evidence will be sealed with evidence tape, initialed, and dated by the seizing officer.

K. General Evidence Procedures (Property Room Custodian):

1. The Property Room Custodian will inspect all property/evidence for seals and proper tagging before entering into the main property room ledger.
2. A location will be selected for the property/evidence and this location will be marked on the property envelope, the property receipt, and the property room ledger.
3. When property/evidence is removed from the property room for any reason by the Property Room Custodian, the removal will be noted on the ledger and the property cover sheet, along with the date and name of the individual receiving the property.
4. All property cover sheets and property receipts will be kept in the property room for a period of three years from final disposition.

IV. **REVIEW PROCESS**

An annual review of this policy shall be conducted to determine if it should be revised, cancelled or continued in its present form.

This order shall remain in effect until revoked or superseded by competent authority.

