**SAMPLE POLICE DEPARTMENT**

**Property - Lost, Stolen, Confiscated,**

**Contraband, And Safekeeping**

NOTE: The following guidelines address both safety and policy and are for internal use only. This document does not nor is intended to enlarge an employee’s civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense with respect to third-party claims. Violations of these guidelines if proven, can only form the basis of a complaint by this department and then only in a non-judicial administrative setting.

1. **PURPOSE**

To establish procedures and guidelines to receive or otherwise take possession of any lost, stolen, confiscated, contraband, or other property for safekeeping.

1. **POLICY**

Property taken into custody will be properly stored and secured for court or other lawful purposes, or until returned to its lawful owner, or until disposed of according to applicable laws, ordinances, or department policies. This department will ensure that property which is not contraband or evidence, and the ownership of which is not in dispute, is reunited with its owner in a timely manner.

1. **PROCEDURE**
2. Personnel receiving or taking possession of any lost, stolen, confiscated, contraband, or other property shall properly package and label items with the time, date, place recovered, and property description, along with the name, address, and phone number of the property owner if known. The recovering officer will deliver all property to the Criminal Investigation Division (CID).
3. All personnel should have property receipt forms available to document the property taken for criminal charges and/or safekeeping. A copy of the completed property receipt will be provided to the person the property is taken from.
4. Safekeeping protects an arrestee’s property from being stolen or damaged while in custody awaiting bond, trial, or release. When any articles of personal property are taken for safekeeping or evidence the arrestee shall be provided a copy of the property receipt detailing all items taken.
5. Property kept in safekeeping includes anything found on the arrestee’s person, including, but not limited to wallet, purse, jewelry, cell phone, keys, clothing electronics, or firearms. (Check through NCIC to ensure that anyone receiving a firearm can legally possess one)
6. To claim items kept for safekeeping, arrestees or citizens must provide valid ID and a copy of the original receipt. This evidence receipt shall list every item that was taken from the person and may only be used to claim the items it lists. Any property with identifying numbers such as serial number shall be checked through NCIC before returning to the owner.
7. If the owner of a particular item in safekeeping cannot be identified, it will remain in safekeeping for the period of time designated for found property. If the property owner does not claim the property during this period, the property will be disposed of according to applicable laws, ordinances, or department policies.
8. Upon establishment of legal ownership not related to a crime shall be returned to the owner upon request.
9. Property held as evidence in a criminal case shall be properly labeled and not released until the criminal case is resolved.
10. CID shall keep all property received under lock and key and no person shall have access unless authorized by the Chief of Police.
11. CID may allow officers to have temporary custody of such evidence when it is needed in court, or for the purpose of investigation or identification. CID shall require a receipt, which will be canceled upon return of the property to CID
12. CID shall make a full inventory annually or as often as directed by the Chief of Police showing all items received, disposition, and remaining in CID’s custody.

APPROVED: CHIEF OF POLICE DATE

I HAVE READ AND UNDERSTAND THIS ORDER

SIGNATURE OF OFFICER DATE

***DISCLAIMER***

***NOTE****: These documents are being provided to you from the AMIC/MWCF Loss Control Division and are not intended to be legal advice. They do not identify all the issues surrounding a particular topic. Laws and “Best Practices” change and policies must be continually reviewed and updated as needed. Public agencies are encouraged to review their procedures with an expert or an attorney who is knowledgeable about the topic. Reliance on this information is at the sole risk of the user.*