

Police Department Policy and Procedure Manual

Chapter 4 — Operations

Section Number: 4-10-4
Section Title: Property Disposition
Most Recent Update: 6/5/2023

I. Policy

A. Property

1. Approximately six months after the property is entered into the property management system, the case will be reviewed by the Property Custodian to determine the status of property.
 - a. If the property is from a major crime in which there is no statute of limitations, the property for that case will be kept in the property room indefinitely and the property will not be reviewed again by the Property Custodian.
 - b. If the property is from all other criminal acts, the investigating detective/officer will be notified to determine what the status of the property should be.
 - (a) If the detective/officer determines the property needs to be retained, they have 2 options as to the time of the next review:
 - (i) 6 months
 - (ii) 1 year
 - (b) If the Detective/Officer determines that the property can be disposed, they will give authorization to the Property Custodian. One of the Property Custodians will dispose of the property via Gov Deals, or an auction clearing house designated by the City, destruction, divert the property over for City use or release to owner.

B. Final Disposal of Property and Evidence

C. Property no longer needing to be held but having some legal value:

1. Seized property shall be returned to the owner if the property is no longer required as evidence or the property has been photographed and the photograph will be used as evidence in lieu of the property, if the property is no longer required for use in an investigation, if the owner's possession is not prohibited by laws, and if a forfeiture claim has not been filed on behalf of the state.
2. If the owner is not known or the owner declines to retrieve the property, in accordance with state law it may be sold via Gov Deals, an auction clearing house designated by the City, diverted for City use or in the case the value is minimal, it may be destroyed.
3. If a court order exists relating to the disposal of property, that order will be obeyed.

D. Temporary release of property

1. There may be times when it is necessary to temporarily release property to an individual or agency. These circumstances include, but not limited to the following:
 - a. Release to an officer for further investigation
 - b. Release to an officer for Court
 - c. Taken to the lab for analysis
 - d. Released to a prosecutor or other law enforcement agency
2. The following procedures will be used when temporary releasing property:
 - a. The property custodian will check out the property to the officer using the bar-coding system.
 - b. If the property is taken to the lab, the property will checked be out by the property custodian using "DCI Crime Lab" as a location. Upon releasing the property to the lab, the lab will provide a receipt which will be put in the document imaging system.

- c. In the infrequent case where property is released directly to a prosecutor or other law enforcement agency, the property custodian will check it out using the bar-coding system. The receiving person will sign for the property by completing the release form. The release form will be put into the document imaging system. A note will be placed into the bar-coding system noting the circumstances.

E. Disposition of Contraband

1. Definition: Any property or evidence that is illegal for a citizen of this State to possess.
 - a. Methods of destruction will be in accordance with all City, State and Federal laws:
 - (a) By burning, crushing, or shredding under the direction of the Property Custodian, or by forwarding to the appropriate agency for destruction.
 - (b) All dangerous drugs, narcotics, and suspected drugs shall be destroyed under the direction of the Property custodian, or by forwarding it to the appropriate agency for destruction. When the drugs are destroyed there will be two employees present.
 - (c) All alcoholic beverages and food stuffs shall be disposed of properly, and in a timely manner.

F. Disposition of firearms

1. Officers may take custody of firearms in several circumstances. Once any firearm has been entered into the property, certain requirements must be met before it can be disposed of. Documentation of each step must be included in a supplemental report.
2. The policy will follow the State and Federal statutes on the possession of firearms.
3. The circumstances below cover the majority of incidents where a firearm seizure is warranted, but there may be others. If that is the case, the criminal investigation commander will guide the property custodians.
 - a. If a firearm is seized as evidence in a criminal offense, the firearm shall be returned to the owner if the firearm is no longer required as evidence and the owner is not prohibited from owning a firearm, and if a forfeiture has not been filed on behalf of the state.
 - b. If the firearm is seized for a confirmed suicide and the criminal investigation commander determines the firearm is no longer needed, a letter will be sent to a

subject the division commander identifies. The division commander, or designee, will verify the person the letter is sent to may possess a firearm.

- c. If the firearm is seized for safekeeping for an attempted or threatened suicide, the firearm may be released to the owner unless they have been deemed mentally defective under 18 U.S.C. § 922 (d)(4) and (g)(4) and they are legally able to possess the firearm.
- d. If the firearm is seized for safekeeping under a non-physical domestic complaint, the firearm will only be released to the rightful owner if they can legally possess the firearm.
- e. If a firearm(s) is turned in to the department per a protective Court order, the firearm(s) will not be released during the duration of the protective order and only be released with a Court Order.
- f. If a stolen firearm is recovered and seized, the firearm may be released when the detective/officer authorizes the release and it is determined the rightful owner can possess a firearm.
- g. There are incidents where a firearm is seized for safekeeping that does not fall under one of the above scenarios. An example would be if a firearm is seized for safekeeping pursuant to a crash, medical emergency, etc. In such a case, a Court Order is not needed if the rightful owner can possess a firearm.
- h. If another police jurisdiction requests a firearm be turned over to them, the request will be forwarded to the criminal investigation commander for authorization.
- i. If a person brings firearms to the station for destruction, the officer will author a report and have the person sign over the firearms to the City. This form is found in PowerDMS, under Forms/Firearms Released to the City.
- j. If there is a question on the release of a firearm, contact the appropriate County Attorney for guidance.

G. Disposition of Recovered / Found Property

1. Definition of recovered/found Property; all property that can be legally possessed by a citizen of this State, and is now in custody of the property custodians; all property that cannot be legally possessed by a citizen is termed "contraband" and shall be disposed of under provisions of the section C above.
 - a. Retention and record of personal property
 - (a) The Property custodians shall retain and maintain a record of all personal property which comes into the department's possession, under circumstances supporting a reasonable belief that such property was abandoned, lost, or stolen.
 - (b) The department (officer making initial report if possible or the property custodians) shall make reasonable effort to identify and notify the owner, or other person entitled to possess the property, and shall return the property after such person provides reasonable and satisfactory proof of ownership or right to possession.
 - (c) In situations where an individual turns in found property or money to the department, and that individual expresses an interest in claiming the property in the event that the identity and/or the location of the owner or other person entitled to possession cannot be ascertained in a reasonable period of time, they will be advised of the procedure set forth in Chapter 556.F11 of the Code of Iowa.
 - (i) Exceptions:
 1. All alcoholic beverages and any material, substance, etc. that can be used as food.
 2. All firearms
2. Final disposition of found and recovered property will be accomplished in the following manner:
 - a. If the Property Custodians can ascertain the owner or lawful custodian of the found/recovered property in question, the property custodians shall notify the owner or custodian by mail directed to the last known address of the owner or custodian. If the identity or address of the owner cannot be determined, the general description of the found property will be put on the department's website and Facebook.

- b. The Property Custodians may return the property to a person if that person or that person's representative does all of the following:
 - (a) Appears at the location where the property is located.
 - (b) Provides proper identification.
 - (c) Demonstrates ownership or lawful possession of the property to the satisfaction of the department.
- c. After ninety days following the posting of the found property, or if the owner or lawful custodian of the property cannot be determined or the department has not turned the property over to the lawful owner or custodian, the department may dispose of the property in any lawful manner.

H. Sale of Property

- 1. When deemed appropriate by the property custodians or an employee designated by the Chief of Police, a list of property to be sold through Gov Deals or the designated auction clearing house will be forwarded to the City.
- 2. Items of a dangerous nature or contraband will not be sold. These items will be either destroyed or turned over to the appropriate agency for destruction.

I. Final disposition of property will be recorded in the evidence tracker system.

J. Any employee of this department wishing to obtain property for departmental use must first obtain permission from the Chief of Police or his designee.

K. Employees shall not obtain or facilitate the sale or transfer of property held or owned by the department for possession by any means other than by purchase through Gov Deals or the designated auction clearing house.



Michael G. Venema
Chief of Police