

**MERIDIAN TOWNSHIP POLICE DEPARTMENT
GENERAL ORDER**

Subject: PROPERTY ROOM PROCEDURES & DISPOSITION OF EVIDENCE	General Order: 1103
Effective Date: April 20, 2017 Revision Date: November 9, 2022	Distribution: Sworn Personnel and Property Technician

I. PURPOSE

This general order establishes procedures for handling, storing and disposing of property which has been turned in to the Department property system.

II. POLICY

The property and evidence control function provides for the security and control of all property in the custody of the Department property system.

All evidence, property or items submitted to the Department property system will be stored and handled in a manner that will ensure its evidentiary value, protection from loss, misuse or damage.

All items shall be processed in strict accord with existing legal requirements and applicable departmental procedures. Requests to dispose of all property, with the exception of property being returned to the owner, shall be submitted to the Chief of Police or his designee for approval, prior to disposal.

New The Chief of Police shall designate a Property Technician or Quartermaster whose primary function is to ensure the security and control of the property in the custody of the MTPD. This position may be held by a civilian or by a sworn employee. The Services Division Commander shall be responsible for the duties of the Property Technician in his/her absence.

Revised The Property Technician is a position filled by a civilian employee. The Quartermaster is a position filled by a sworn officer. For purposes of evidence handling and submission, their duties are identical and their titles may be used interchangeably throughout this general order.

III. PROCEDURES

A. Documenting and Storing Property

Revised 1. The investigating officer is responsible for properly recording items in the department property management system. before placing them into temporary storage. This will generally be completed before the end of the officer's shift, however, in cases where a significant amount of property is confiscated, supervisors may grant permission to the officers to secure the property in an evidence locker and record it in the property

management system at a later date. In these instances, the investigating officer shall notify the Property Technician and Services Division Commander prior to the end of their shift.

2. The Property Technician will transfer items from temporary storage to long-term storage areas as soon as possible. The location for each item will be recorded in the property management system.
3. Special Storage Instructions
 - a. Firearms, drugs, and valuables will be stored in a separate locked area inside the evidence room by the Property Technician.
 - b. Biohazard items will be stored outside of the evidence room in the designated secure lockers located in the security garage.
 - c. Items requiring refrigeration will be stored in the evidence refrigerator.
 - d. Money not needed as evidence, including money subject to forfeiture, will be deposited with the Township Treasurer, by the Property Technician.
 - e. Any property acquired through civil process or asset forfeiture shall be entered and tracked in the property management system.

Revised

B. Access to Secure Storage Areas

1. Only the following people are authorized to possess keys to access the secured storage areas of the department:
 - a. Chief of Police
 - The Chief of Police shall not have regular access to the areas where evidence is stored and will only access these areas when there is an emergency or when the Services Division Commander and Property Technician or Quartermaster are unavailable.
 - The Chief's key shall be kept in a heat-sealed bag initialed by the Chief, the Services Division Commander, and the Property Technician or Quartermaster until it is needed. After use, the key shall be resealed in a heat-sealed bag and initialed by all above listed employees.

Revised

- The Chief will not be given the password or code to disengage the alarm system.
 - b. Services Division Commander
 - c. Property Technician / Quartermaster
 - 2. No unauthorized people shall be allowed inside the property room or the long-term bulk storage at the evidence barn unless:
 - a. The work they are required to perform cannot be done outside of the secured area.
 - b. An authorized key holder is present and continuously monitors the person performing the work.
 - 3. Gate Log
 - a. Any key holder entering the property room or evidence barn storage without the Property Technician present shall sign in on the gate log.
 - b. Any other person who enters the property room or the evidence barn storage shall log their entry/exit times and purpose into the log provided for that purpose.
- C. Transfers of Property/Temporary Release
 - 1. Transfer of Evidence to a Forensic Science Laboratory
 - Revised a. The Services Division Commander will designate the personnel responsible for transporting evidence to and from the lab. This will generally be the Property Technician. The Investigations Unit Supervisor may also authorize investigators to transport evidence to the lab.
 - b. The evidence shall be hand delivered to the lab whenever practical (Except for blood kits, which may be mailed).
 - Revised c. The evidence shall be packaged in accordance with General Order 1102 and accompanied by a MSP laboratory request form, if applicable, or other documentation as required by the lab to which the item is submitted.

New

- d. A "Laboratory Case Receipt" shall be obtained from the lab when items are submitted and retrieved from the evidence lab. This receipt will be attached to the incident report.
- e. Items of DNA evidence shall only be submitted to a laboratory accredited for law enforcement DNA analysis.
- f. Results from the MSP Lab will be received through the MSP MICJIN portal by the Records Unit, the Services Division Commander, and the Investigations Unit Sergeant. A written copy of the lab results will be attached to the incident report by Records Unit personnel once it is received from the lab.

2. Transfer of Custody for Court Proceedings.

- a. Requests for transfer of custody of evidence for court proceedings should be submitted to the Property Technician via email a minimum of one week in advance of the date needed. A longer notification period is preferred, due to other scheduling commitments the Property Technician may have.
- b. Requests should also be made with a longer notification period when evidence is bulky, difficult to handle or if it requires extra security measures, etc.
- c. The Property Technician will schedule a time for the evidence to be transferred on the day of the court appearance.
- d. If the Property Technician or other key holder cannot be present on the date of the court appearance, a reverse locker may be used. The reverse locker will be equipped with a programmable combination lock or key lock.
 - 1) The Property Technician will program a combination for the padlock and provide the officer with this combination or key.
 - 2) The evidence must remain in the reverse locker until the day of the court appearance.
 - 3) The officer receiving the evidence is required to comply with the security guidelines established by the Property Technician for the transfer of evidence.

New

3. Other Transfers/Uses of Property

- a. Property in the care and custody of the Department may be converted for training or department purposes under the following circumstances:
 - The property has exceeded the required retention period, the owner has been properly notified that the property may be picked up, and the time allotted to retrieve the property has expired.
 - The property is from a final adjudicated case and all appeals have been exhausted
 - The property was turned over to the police department for disposal
 - The Chief of Police or his/her designee has granted written permission to convert the property to department use for any item including contraband items
- b. Upon transferring the property to the appropriating division, the BEAST shall be updated to show the final disposition as "DEPT-Hold for Department Use."
- c. No property may be converted to personal use.

D. Recording Transfers of Custody of Property

1. Each transfer of custody will be properly documented in the property management system to ensure that the chain of custody remains intact. This documentation will include the name of the person transferring the item, the name of the officer or other authorized person receiving the item, the purpose of the transfer, and the date/time of the transaction.

E. Disposing of Evidence and Property/Final Release

Disposal includes any final disposition of the property whether by destruction, auction, forfeiture, or return to owners.

1. Authority to dispose of property.
 - a. The Property Technician may:
 - Return found property to the owner.
 - Destroy non-drug property entered for destruction.
 - Destroy drugs entered for destruction, with a witness.
 - Dispose of found property after statutory time period.

(MCL 434.24)

- b. A Sergeant (if assigned to an evidence position) may authorize:
 - Disposal of misdemeanor cases.
 - Disposal of non-criminal cases not involving death.
 - c. The Services Division Commander may authorize:
 - Disposal of all other property, subject to law and general orders.
 - d. The Chief of Police, or designee, is responsible for the final disposition of all property obtained through the civil process or asset forfeiture.
2. When the property technician is prepared to actually dispose of evidence or property another person shall accompany him or her.
 3. The officer turning in the evidence is responsible for it until conclusion of the criminal prosecution. The Property Technician's function is custodial only. It is the responsibility of the reporting officer or assigned investigator, as applicable, to notify the Property Technician when an item of property is no longer needed as evidence. The officer will complete a Case Review and Property Disposition sheet whenever:
 - a. The prosecution of a case has ended. (charge denied, conviction, dismissal, etc.)
 - b. The prosecutor has authorized the release of the victim's property.
 - c. Investigation shows no crime occurred or the victim refuses to prosecute.
 - d. Other circumstances indicate disposal is warranted.
 4. Officers shall request that the prosecuting official authorize the release of the victim's property. If authorized, the property shall be photographed and promptly returned.
 5. The Property Technician will typically release property. However, if an officer uses the Property Release form to release property, prior to its submission to the property room, then the form shall be turned in with the incident report.

6. The usual method of disposition for all property will be to return it to the owner (when ownership can be established) except when the item(s) is contraband, return is prohibited by law, or the owner is prohibited by court order or other legal mandate from possessing the item.
 7. If property has been authorized for release and can be returned to the owner, the Property Technician will send a letter to the owner. The Property Technician will dispose of the property if the owner does not respond to the letter within six months.
 8. The final disposition of all property in the property system will be accomplished within six months after all legal requirements have been met.
 9. The Property Technician will record the final disposition of the property in the property management system.
- F. Case Review and Property Disposition Sheet (Appendix A)
1. The Property Technician will send property reports to officers that have property in the evidence room.
 2. Each officer will review their cases and conduct the necessary follow-up investigation to determine if the property needs to be held. All follow-up investigations shall be documented through a supplemental report to the original complaint. For each case, a Case Review and Property Disposition sheet will be completed and returned to the Property Technician within 15 days.
 3. Cases with NO SUSPECTS and NO LEADS.
 - a. Misdemeanor cases:
Cases which have been reviewed at least three times (one year from initial date) shall be scheduled for purging with the approval of the Services Division Commander.
 - b. Lesser felony cases:
Cases which are less serious in nature (LFA, Retail Fraud I, MDOP, Larceny from Building etc.), have been reviewed as required and are over two years old may be scheduled for purging after review by the Investigations Unit Supervisor and the approval of the Services Division Commander.
 - c. Serious felony cases:

The more serious felony cases will continue to be reviewed but shall remain in the evidence system until the statute of limitations expires or approval is received from the Services Division Commander.

G. Confiscation and Disposition of Firearms and Weapons

1. Due to the potential hazards and unique reporting requirements, only sworn personnel shall take firearms or weapons into Department custody, and initiate the Incident Report (regardless if the item is taken as evidence, safekeeping or found property).
2. Evidence/Contraband - MCL 750.239 states, "All pistols, weapons or devices carried, possessed or used contrary to this chapter are hereby declared forfeited to the State, and shall be turned over to the Commissioner of the Michigan State Police." This includes, but is not limited to: unlawful sale of a firearm, illegal weapons (including electrical current weapons), illegal ammunition, illegal or illegally used self-defense firearms handled by a felon, carrying a firearm with unlawful intent, "switchblades," carrying a concealed weapon, commission of a felony while in possession of a firearm, possession of a firearm in a vehicle, unlawful discharge, prohibited premises, weapon free school zones, booby traps, possession while under the influence.
 - Persons who have been convicted of a felony crime, or a misdemeanor assault involving domestic violence, or who have been adjudicated as mentally incompetent may have a federal prohibition from possessing a firearm. Furnishing a firearm to such a person may also be a federal crime.
3. Safekeeping - In the course of their duties, an officer may determine that a weapon, while not evidence or contraband, is likely to create a hazard to life or property if not taken into Department custody. In that case, the officer should take the weapon for safekeeping.
 - a. The owner should be advised to contact the Property Technician to arrange for the return of the weapon.
 - b. The incident report shall indicate the reasons the weapon was taken and any information necessary to determine if and when the weapon can be returned safely.
 - c. No weapon taken for safekeeping may be released without the authorization of the Chief of Police.

- d. The Services Division Commander will review the report and make a recommendation to the Chief.
- e. If the weapon is a firearm then section G.4 shall apply as well.

4. Disposition of Firearms - General

Revised

- a. Authority for Disposition - Pursuant to Act 328 of 1931 MCL 750.239a (4)(b) the reporting officer shall check the firearm in LEIN and Department records to determine the owner and to check if stolen. These checks shall also be completed prior to the release of the firearm.

- 1) Stolen Firearms

Revised

- (a). If the firearm is needed as evidence in a Meridian Township case, it will be held as evidence.
- (b). If the firearm is not needed as evidence, it shall be returned to the owner (if a Meridian case) or turned over to the police department that entered it as stolen.

- 2) Other Firearms

- (a). Once a firearm is no longer needed as evidence, it shall be returned to the owner.

- b. If the serial number has been eradicated from the firearm, the officer shall request that the firearm be submitted to the State Police or a forensic laboratory for serial number restoration to determine legal ownership.

- c. Authorization to Return/Transfer Firearm

- 1) No firearm may be returned to an owner or transferred to another department without the authorization of the Chief of Police.
- 2) For release to an owner, the Services Division Commander will make a recommendation to the Chief after verifying:
 - The firearm is not stolen
 - The firearm is registered to the owner, if required

- The owner is legally allowed to possess the firearm
- The firearm is not subject to forfeiture (see G.2 above)

d. Owner Notification/Disposal - Pursuant to MCL 750.239a (2) through (6), notification of the owner of a firearm authorized for release in accordance with this and any other Department written directive shall be made as follows:

- 1) Notification shall be given at the conclusion of the criminal case, but not later than 90 days before the firearm is disposed of under section 750.239 and this directive. Notification shall be given by:

Certified mail sent to the owners last known address, or by personal contact with the owner.

Revised

- 2) The firearm shall be returned to its owner if the owner claims the firearm within the notification period, AND the Department determines that the owner was not involved in the violation for which the firearm was seized. Except as otherwise provided in MCL 750.239a, MCL 28.434a, or section III.G.4 of this General Order, a firearm shall be returned within 30 days after the firearm is claimed by the owner unless the owner is prohibited from possessing a firearm under state or federal law.

- 3) An individual claiming ownership of a firearm may petition the Circuit Court for return of a firearm if return of the firearm is denied by the Department or if the firearm is not returned within 30 days.

Revised

- 4) The Department shall turn confiscated weapons over to the Department of State Police not more than one year after final conclusion of the criminal case and expiration of the appeal period. The Department shall first make a reasonable effort to contact the owner of the firearm to determine whether a legal demand for the firearm is forthcoming.

- 5) The Department shall exercise reasonable care to protect the firearm from loss or damage while the firearm is in its custody.

H. Inspections, Audits and Inventories

1. Inspection: The Services Division Commander shall conduct semi-annual inspections of the evidence room.
 - a. One inspection shall be conducted between January through June and the second between July and December to ensure adherence to the Department's procedures governing the storage of evidence and property.
 - b. The inspection ensures the evidence rooms are neat, clean and organized to protect the integrity of evidence/property and consistent with written directives.
 - c. No audit of property/evidence is required.
2. Inspection: One unannounced inspection will be conducted by the Services Division Commander annually as directed by the Chief of Police.
3. Representative audit: A representative audit of the evidence held by this Department shall be conducted annually.
 - a. The representative audit is conducted by a designee from the Uniform Division.
 - b. The representative audit shall be conducted during the month of October.
 - c. The representative audit depends on the number of items in the evidence room. The number of items audited must be meaningful.
 - d. The sampling may include items from different years, different types of crimes and from different shelves and rooms.
4. Inventory: An inventory of evidence shall be conducted when there is a change of the property technician, his/her immediate supervisor or Chief of Police; or there is any indication or suspicion of breach of the property room. If personnel does not change, an inventory shall be conducted every three years.
 - a. The inventory is used to verify the accuracy of the filing system.
 - b. An audit of completed evidence processes (including release

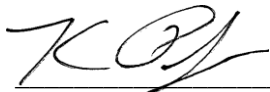
decisions) shall be conducted to ensure proper property notifications and releases are being conducted.

- c. All cash, precious metals, jewelry, firearms, perishables, DNA, and CDS shall be audited. A representative sampling is sufficient for other items.
5. Inspections, audits and inventories and other documents related to the property room function must be documented and retained by the property technician. Copies of all documents related to evidence shall be forwarded to the Chief of Police in electronic form. The Assistant Chief is responsible for ensuring documents are completed on a timely basis. The Chief shall be notified in writing if an inspection, audit or inventory is missed.

IV. CANCELLATIONS

None

Authorized by:



Ken Plaga, Chief of Police

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Application: This directive constitutes department policy, and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employer's or employee's legal duty as imposed by law.

Appendix A

**MERIDIAN TOWNSHIP POLICE
CASE REVIEW & PROPERTY DISPOSITION**

Complaint # _____

Officer _____

Original Date _____

Current Date _____

Type of Crime _____

Misdemeanor / Felony _____

CLOSED CASES

{Indicate the disposition of the case}

No Prosecution by Victim

Sent to ICPO/Twp Atty {Request Court View }

No Crime

Other Reason _____

OPEN CASES

ICPO/Twp Atty Authorized Photograph and Release

FOLLOW-UP CONDUCTED

{Supplemental report completed YES NO}

Is there a known suspect? YES NO Are there any leads? YES NO

If both answers are NO, please explain why the property should continue to be held in the property room. This will require your supervisor's approval.

Dispose of Property

Keep Property

Officer's Signature _____

Date _____

Supervisor's Signature _____

Date _____

****FORWARD THIS FORM TO THE PROPERTY TECHNICIAN****

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