

PROPERTY AND EVIDENCE CONTROL

32.1 ADMINISTRATION AND OPERATIONS

32.1.1 Property Control Practices

Practices:

- A. Recording Items: All property/evidence that comes into a Lakewood Police Department employee's custody shall be recorded on a Property Report form as soon as possible and always prior to the property/evidence being submitted to the Property Room.
- B. Submitting Items: No property that comes into a Lakewood Police Department employee's custody may be used for personal use. All property/evidence that comes into an employee's custody and that will not be released to the proper owner by the end of the work shift shall be properly packaged and placed in a Property/Evidence Locker as soon as possible and in all instances prior to the end of the employee's shift. Employees are prohibited from storing evidence or other found, seized, or safekeeping property in their desks, lockers, vehicles, homes, or any other location.
 - 1. Log: Employees submitting property to the Property/Evidence Lockers shall complete the sequentially numbered log located in the Property/Evidence Room. Additionally, a sequential number from the evidence log should also be assigned to evidence which is submitted in person, for evidence control. The evidence log serves as a check on submitted evidence; therefore all submitted property and evidence, no matter how it is submitted, should be given a log number.
 - 2. Property Report Form: The white copy of the form shall be placed with the property.
- C. Report: The narrative portion of the case report shall include information detailing the circumstance by which the property/evidence came into the employee's possession.
- D. Packaging and Labeling: The employee submitting the property/evidence shares a substantial amount of responsibility for managing the integrity of property/evidence. Correct packaging, recording, and labeling substantially reduces the possibility of property/evidence becoming lost, stolen, misappropriated, or damaged. Therefore the following practices shall apply;
 - 1. General Requirements - Packaging: Whenever the officer is submitting property/evidence, all items shall be packaged and labeled in such a manner to meet the below listed minimum requirements and/or the Evidence Room procedures listed in the intake area.
 - a. Each item (according to Property Report form) shall be packaged separately.
 - b. Each package shall be labeled with case number and item number. Items of value or intrinsically valuable should be marked in such a way that they are not defaced; they should be marked according to the Evidence Room procedures posted in the intake area.
 - c. Each possible point of entry to the package shall be sealed with evidence tape. Officers will initial and date over the tape and extending onto the packaging in order to reduce the possibility of tampering.
 - 2. Specific Requirements: Refer to Standard 31.2.1.
- E. Additional Security Measures: Refer to Standard 31.2.1 for specific handling requirements and Standard 32.1.2 for security related to the property/evidence function.
- F. Attempt to Identify and Notify Owners: It shall be the responsibility of the employee taking custody of any

property/evidence to attempt to identify and notify the owner of the item(s) status. If the owner of an item is not listed on the Property Report form, the employee shall include information regarding the attempts made to identify the owner in the narrative portion of the General Report.

- G. Release of Property: Refer to Standards 31.3.1 and 31.3.2 for practices related to the temporary release of property/evidence. Refer to Standard 32.1.6 for practice related to the final release of property/evidence.
- H. Acceptance of Weapons
 - 1. The Lakewood Police Department will accept weapons surrendered under RCW 9.41.800.
 - 2. A commissioned officer will receive the weapons and submit them to Evidence as safekeeping in accordance with the current Evidence Procedure policy and provide the party surrendering the weapons a copy of the property sheet.
 - 3. The commissioned officer will complete a "Receipt for Surrendered Weapons and Concealed Pistol License" form created by the Washington State Supreme Court (WPF All Cases 02-065).

32.1.2 Storage and Security

Principle: The security measures described below limit access to the property/evidence stored by the Lakewood Police Department.

Practices:

- A. Storage Lockers: All employees submitting property/evidence to the Property/Evidence Room shall place the item(s) in a storage locker or refrigerated storage locker in the temporary property/evidence storage area, and make an entry in the log. Only the Evidence Technician or designee may provide access to the item(s) in the locker. Refer to Standard 31.2.1 for specific practices when using drying lockers.
 - a. Weapons will be stored as follows:
 - Firearms will be stored in the secured weapons room inside of the Evidence room.
 - Non-firearm weapons will be stored in the general property areas.
- B. Security:
 - 1. The Property/Evidence remains locked at all times including when the Evidence Personnel are present, and is alarmed when these personnel are not present. This area has restricted access.
 - 2. Non-authorized persons may enter the Property/Evidence Room if escorted by authorized personnel. Additionally they shall indicate their name, date/time, and reason for entering on a log maintained by the Evidence Technician.
 - 3. Secondary Storage Facility: Inside the primary storage room there are designated storage rooms for the following items: narcotics, firearms, currency, and jewelry and other valuables.
 - 4. Authorized Personnel for Restricted Areas: The Lakewood Police Department personnel listed below are authorized to enter the restricted area used for the storage of property/evidence:
 - Evidence Supervisor
 - Evidence Technician
 - Emergency Entry: A key shall be kept in the Chief's safe for emergency use only. The key shall be in a sealed envelope. If emergency entry is made or the seal on the envelope is broken, a memorandum must be forwarded to the Chief of Police through the chain of command within 24 hours.
- C. Bulk Item Storage Area: Bulk items requiring storage are placed in a storage area that can also accommodate vehicles being held as evidence. Access to this area is restricted to Forensics Services Section and Property Room Section personnel. All other personnel must be escorted. (Rev. 02/10)

1. Impounded Vehicles: Vehicles impounded for the collection of evidence from the interior are placed in a secure area within the police facility. The vehicle shall have each door, the hood, and the trunk or hatchback sealed by the officer impounding it.
- D. LPD will offer to the public a secure container in which to surrender unwanted, legal / prescription drugs. The locked, video-monitored container will be located near the front doors of the main LPD lobby and will be accessible to the public during regular business hours.

32.1.3 Weapons, Drugs, and Explosives Used For Investigations or Training

Principle: Law enforcement requires handling weapons, drugs, and explosives, and requires these materials are used for training or investigative purposes to meet the needs of the department. There is a responsibility to provide the resources to accomplish training, and materials necessary to carry out thorough, complete investigations while ensuring these dangerous and volatile materials are maintained in a safe, secure, and reasonable manner while accountability is provided.

Practices:

- A. Drugs: All drugs used for either training or investigations will be items which have been booked into Property/Evidence. These items are stored within the Property/Evidence area (refer to Standard 32.1.2), and tracking/inventorying of these materials will be maintained within the current Property/Evidence recordkeeping system (refer to Standard 32.1.4). Any officer in possession of drugs released to their custody will maintain chain of custody. Drugs associated with an active/open case will not be used for either training or investigations. The control, security and inventory of training aids used by the Narcotics K-9 are outlined in detail within Standard 17.1.4, Guidelines Specific for Narcotic K-9 Team Operations – Training Aids.
- B. Weapons: Any weapon being held in Property/Evidence will not be used for either training or investigations unless converted for use by the department once final disposition has been determined (see 32.1.6(D) Conversion for Department Use/Auction). A weapon converted for use by the department will be either a “non-issued weapon” and will be stored, handled, and inventoried as such.
- C. Explosives: The Lakewood Police Department Property/Evidence room does not handle nor store explosive devices.

32.1.4 Status of Property/Evidence

Principle: The Evidence Technician maintains a records system that reflects the below listed information:

- Date/time received
- Location of property/evidence in storage
- Records of temporary transfers / chain of custody
- Final disposition of property/evidence
- Type and amount of property currently in storage

32.1.5 Inspections, Inventories, and Audits

Principle: The following schedule of inspections, inventories, and audits of the property/evidence control function shall occur. All personnel conducting any of the described functions shall complete a written report of their findings and forward it directly to the Chief of Police for review and retention.

Practices:

- A. Inspections: The Professional Standards Lieutenant should conduct semi-annual inspections to determine adherence to practices used for the control of property.
- B. Inventories: Whenever an Evidence Manager is appointed or removed, an inventory of property/evidence shall be conducted. The newly designated Evidence Manager and a designee of the Chief of Police shall conduct the

inventory jointly. The inventory shall ensure that records are correct and properly annotated.

- C. Audits: An unannounced internal audit shall be conducted annually. The Chief of Police shall designate an audit team to conduct this audit. No member of the team shall be from within the chain of command for the property/evidence function.
 - 1. Authorization: The audit team shall be authorized by the Chief of Police to perform the following practices:
 - a. Inspect packaging for tampering, condition, and weight, if applicable. If the appearance of tampering or packaging deterioration exists, packages may be opened in the presence of the Evidence Manager to verify description/weight/count of contents and if necessary, conduct qualitative analysis of content. These packages are then resealed in the presence of the Evidence Manager. A notation will be made on the property form of the inspection, including date opened and person inspecting.

32.1.6 Final Disposition of Property/Evidence

Principle: It is the intent of the Lakewood Police Department to prevent an overload on the property management system and to limit the amount of time an owner is deprived of their property. Therefore the Lakewood Police Department determines the final disposition of property/evidence within six months after legal requirements have been satisfied. Once final disposition is determined immediate steps will be taken to satisfy one of the final disposition categories.

Practices:

- A. Return to Owner: Property/evidence may be released to the rightful owner once the case has been adjudicated or the statute of limitations has expired and authorized for release by the assigned detective/investigator, unit Sergeant or assigned prosecuting attorney. This does not include property/evidence that has been taken for seizure/forfeiture. The following practices shall apply.
 - 1. Notification: Once an item has been cleared for release by the authorizing employee, the Evidence technician or designee shall make every reasonable effort to contact the owner and inform the owner when and where the property may be claimed.
 - a. All property property/evidence that is maintained by the department is released back to the owners through the lobby at the Police Department.
 - b. A written notice to the owner will be sent to the owner's last known address. The notice shall inform the owner of the disposition that may be made of the property, the location where the property may be claimed, and the time that the owner has to claim the property.
 - c. If the property remains unclaimed for a period of not less than 60 days from the date of the written notice to the owner (if known), including arrestees given written notice at the time of their arrest, the property will be considered unclaimed.
 - d. Unclaimed property shall be disposed of according to the provision of RCW Chapter 63.32.
 - e. Pursuant to RCW 63.32.050, LPD may donate unclaimed personal property to a charity.
 - 2. Firearms: It shall be the responsibility of the Evidence Technician or designee to ensure the person receiving any firearm is not prohibited by law to possess a firearm. The Assistant Chief or designee shall review and approve all requests to release firearms prior to their release.
 - 3. Return of Weapons:
 - a. An owner of a firearm will have a standard criminal history check and mental health check prior to items being released.

- b. Non-firearm weapons will be returned to the owner if they are not subject to forfeiture by definition as a dangerous weapon under RCW 9.41.251.
- B. Release to Finder: Property, except that which is illegal for the finder to possess, shall be released to the finder if the rightful owner is unknown or cannot be located; PROVIDED the finder has complied with all the duties imposed by RCW Chapter 63.21 and the release has been approved by the Assistant Chief or designee. The following practices shall apply.
 1. When an officer/CSO takes custody of found property of value he/she shall:
 - a. Complete a Property Report form for all money taken or other property the finder wishes to claim.
 - b. Attempt to locate and return the property to the rightful owner.
 - c. If the rightful owner is not located by the end of the shift, the officer/CSO shall submit the property to the Property/Evidence Room.
 2. The Evidence Technician shall:
 - a. Take any additional steps available to identify the rightful owner.
 - b. Release the property pursuant to RCW Chapter 63.21.
 3. A City of Lakewood employee that finds or acquires any property covered by RCW Chapter 63.21, while acting within the course of employment, may not claim possession of the property.
 4. Firearms: See Section 32.1.6.A.2 above.
- C. Destruction: The following property, once the final disposition has been determined, shall be designated for destruction. The actual destruction of property shall occur as needed.
 1. Type of Property:
 - a. Controlled Substances
 - b. Firearms: Unless the firearm is to be converted for department use, all firearms that are not authorized for release and/or forfeited firearms. Exceptions can be made by the Chief of Police.
 - c. Obscene Materials
 - d. Alcoholic Beverages
 - e. Miscellaneous Property: The Evidence Technician or designee may destroy all other property not released or scheduled for conversion, auction or donation.
- D. Conversion for Department Use / Auctioned: Property/evidence that has been seized and/or forfeited pursuant to applicable laws may be converted for department use or sold at auction. The conversion process is described in the applicable laws provided below. The Chief of Police or designee must authorize any intended conversion of property for department use or property to be sold at auction.
 - RCW Chapter 69.50
 - RCW Chapter 9.41
 - RCW Chapter 10.105
 - RCW Chapter 46.55

32.1.7 Property Acquired Through Civil Process

PHILOSOPHY: The goal of the Lakewood Police Department is not to seize the property of civilians for the department's benefit. However, several State laws provide for the seizure of property as a deterrent to future crime and to provide greater safety to the community at large. The Police Department recognizes the intent of such laws and will seize private property in accordance with such laws.

Principle: The Lakewood Police Department allows the seizure of personal property pursuant to the authority granted in the below listed laws. All seized property shall be submitted to the Evidence/Property Room (except vehicles) pursuant to Chapter 83 of this Manual. All police officers shall adhere to the practices provided in this Standard when initiating the seizure process.

Practices:

- A. Firearms Forfeiture: Police officers may seize firearms pursuant to RCW 9.41.098.
 - 1. Seizure: Police officers often come across firearms during investigations. When a firearm may be seized pursuant to RCW 9.41.098, the officer should seize the weapon. Whenever an officer seizes a firearm, the officer shall complete the Forfeiture and Seizure Report and provide the notice of seizure.
 - 2. Evidence: If a firearm is taken as evidence and is also eligible for forfeiture, the officer shall complete the Forfeiture and Seizure Report and provide the notice of seizure.
- B. Uniform Controlled Substances Act Seizures: Police officers may seize currency and personal property pursuant to RCW 69.50.505.
 - 1. Seizure: Whenever a police officer intends to seize currency or personal property pursuant to RCW 69.50.505, the officer shall first review the facts of the case with the on-duty supervisor. In situations where sufficient facts support the seizure of currency or property, the investigating officer shall be responsible for taking possession of the property. The officer shall complete the Forfeiture and Seizure Report and perform the service. The CIU Lieutenant shall be notified of all seizures within 24 hours.
 - a. Currency: Currency will not be deposited until a final disposition in the case.
 - b. Bank Accounts: Funds in bank accounts will not be seized without a court order.
 - c. Vehicles: Vehicles seized will be towed or driven to the station until final disposition in the case.
 - 2. Final Disposition: After an administrative process has been completed, seized property is either released to the claimant, converted, deposited or if forfeited it is auctioned. Proceeds from auctioned items are deposited in the seizure fund.
- C. Property Involved in Felony: RCW 10.105.010 gives the authority to seize property involved in felony (non- drug related) crimes. The practices are the same as for Uniform Controlled Substances Act Seizures.