

CHAPTER 84
PROPERTY AND EVIDENCE CONTROL

DISCUSSION: The purpose of this chapter is to ensure that all in-custody and evidentiary property obtained by employees is placed into agency control. This chapter will include all found, seized, recovered property.

84.1.1 Procedures

- A. All evidence and property must be accompanied by a chain of custody report. The chain of custody must include the following:
1. Incident number.
 2. Victim's name and address.
 3. Defendant's name, sex, race, and date of birth.
 4. Seizing officer's name, division, date of seizure, and time of seizure.
 5. Seizing officer's signature.
 6. Where the property was found or seized.
 7. Detailed description of the property.
- B. A written offense report is required, detailing the circumstances by which the property came into the agency's possession
- *Cases involving forged or bad checks mayor may not require an offense report based on solvability factors.
- C. Evidence and found property is to be turned in to the Evidence Technician(s) before the end of the shift. If the Evidence Technician(s) are not available, the evidence shall be placed into the secured night drop locker.
- D. The Evidence Technician(s) shall log all evidence into the evidence locker as soon as possible.
- E. The following evidence should be handled with extreme care:
1. Blood and body fluids shall be packaged so that containers will not leak or break. They should also be refrigerated as soon as possible.
 2. All weapons shall be stored unloaded and logged in the firearms log book by the Evidence Technician(s).

3. Money and jewelry shall be witnessed, inventoried and sealed separate from other property.
 4. Additional security measures such as locked rooms, safes and lock boxes are provided in main evidence for storage of exceptional, valuable or sensitive items.
- F. All persons handling the evidence must sign the chain of custody form and the chain of custody must be attached to the evidence.
- G. Only authorized personnel may enter the evidence storage area.
1. This will include the Evidence Technician(s) the Criminal Investigations Division Commander and inventory personnel.
 2. This does not include the evidence night drop box.
- H. The Criminal Investigations Division Commander and the Evidence Technician(s) shall ensure that owners of property are identified and that said property is returned in a timely manner.
1. The owner of the property must sign for the return of the property.
 2. The owner can sign for the property in the appropriate section of the chain of custody or returned article report.
 3. The chain of custody or returned article report must be turned in to the Evidence Technician(s) or central records.
- I. A log is maintained to account for property placed in the agency's control that is released or removed temporarily for further investigation, testing, analysis, court or other official purpose.
- J. Personal use of property is strictly prohibited. Employees are prohibited from storing property in their personal desk, lockers, vehicles, homes, or other places that are not secure or would interrupt the chain of custody.

84.1.2 Property Storage

- A. The Criminal Investigations Division uses a secured main storage area for evidence and found property.
1. Only the Criminal Investigations Division Commander and Evidence Technician(s) have access to the main storage area.

2. Inside the main storage area items such as drugs, guns, money or jewelry are kept in separate additionally secured areas.
3. Evidence and property is kept in the following designated areas:
 - a. Main storage
 - b. Temporary (night drop)
 - c. Secure Storage
 - d. Vehicle Impound
 - e. Ventilated storage
 - f. Any other area based on need at the discretion of the Criminal Investigations Division Commander.
4. Vehicles may be stored as evidence in vehicle impound after they are processed if the following cannot be accomplished. Once the vehicle is processed, it is returned to the owner or a private wrecker company. All wrecker companies used by the city must comply with regulations set by City Ordinance.

84.1.3 Night Drop Box

- A. The Hattiesburg Police Department uses a night drop box when the Evidence Technician(s) are not available.
- B. The officer submitting evidence may only access the drop box area with an issued key card. Entries are logged automatically in the computer linked to the lock control.
- C. Once an officer logs in the officer:
 1. Is granted access to the drop box storage room.
 2. Enters the room where there are several unlocked boxes.
 3. Places the evidence into one of the boxes and then locks the box.
 - a. Once the box is locked only the Evidence Technician(s) can open it.
 - b. The evidence is collected by the Evidence Technician(s) every morning excluding holidays and weekends.
 4. The officer then secures the storage area.

84.1.4 Property used for Investigative or Training Purposes

Any property removed from evidence/property storage used for investigative or training purposes will be recorded in the appropriate log (electronic or manual) maintained by the evidence technician.

84.1.5 Evidence Records

- A. Both handwritten and computer records of evidence are maintained. Written evidence records are maintained on the Hattiesburg Police Department Inventory and Chain of Custody report. Information contained within this report includes:
 - 1. The date and time when the property was received and released.
 - 2. Who maintained custody of the property from the time the property was collected until its destruction or final disposition.
 - 3. A control number designated by the Evidence Technician(s) which is recorded in the Main Computer System.

- B. Records that are kept include the following:
 - 1. Control number assigned by the Evidence Technician(s).
 - 2. Incident number.
 - 3. Defendant or Suspect.
 - 4. Victim.
 - 5. Date and time collected.
 - 6. Location of evidence.
 - 7. Detective/Officer assigned.

84.1.6 Property and Evidence Control Inspections

The purpose of this section is to ensure accountability for evidence and property under the control of the Criminal Investigations Division.

- A. Inspections of property coming under the control of the Criminal Investigations Commander shall be done semi-annually. The inspections are a functional check of the system to:

1. Check for compliance with procedures.
 2. Ensure the integrity of the system.
 3. Ensure the property control room is clean and orderly.
 4. Ensure the property is protected from damage and deterioration.
 5. Ensure that the property having no evidentiary value is being disposed of properly.
 6. Verify proper entry and storage in the system.
 7. Address or identify any concerns.
- B. When there is a change in the Evidence Technician there shall be a full audit and inventory of the property control room. This audit shall be conducted jointly by the outgoing and incoming technician along with one or more designees selected by the Chief of Police.
- C. An annual audit of property and evidence conducted by a supervisor not routinely or directly connected with control of property and evidence.
- D. The Chief of Police, at least once a year, shall select and direct an individual to conduct an unannounced inspection.

84.1.7 Final Disposition of Property

- A. Once a disposition from the District Attorney's Office or Municipal Court has been received, the victim's property is returned promptly. All other property (found, recovered, non-returnable or otherwise unclaimed) shall be disposed, destroyed or sold within six (6) months of completing all legal requirements related to the final disposition to include a court order. In certain cases the property may be returned earlier. The District Attorney's Office/Municipal Court is contacted for permission or has issued a standing policy to return property before a disposition when:
1. A photo is taken of property that will spoil.
 2. If the property collected is a vehicle:
 - a. The vehicle is processed/photographed.
 - b. The vehicle is returned before disposition.

3. The property is a necessity to the victim (i.e. tools taken into evidence that belong to a carpenter) may be released with the exception of the item(s) needed for prosecution.

B. Photo Release of Evidence/property

All recovered property of evidentiary value, should be released at the earliest possible time when the ownership is not in dispute. Prompt authorized property removal (final disposition/destruction) prevents an overload on the evidence/property management system and reduces the requirement for additional storage space. The lack of prompt dispositions also deprives owners of the use of their property. These items should be photographed and returned to victims with the proper approval.

C. Bicycles

Bikes that are turned in as found or recovered property shall have a chain of custody attached including brand, model, color, serial number, type (boys/girls). The bike information will be checked to see if it's stolen. If the owner is found, the bike will be released to the owner. If an owner is not found the bike shall be donated to a nonprofit organization after 90 days.

D. Found Property

If a citizen turns in found property (excluding weapons), and after 90 days no owner is found the property can be released to the finder.

Note: If the property is valued over \$250.00, it requires a public notice before being claimed by the finder. Property found by an officer will not be returned to the officer but will be disposed of as unclaimed property after 90 days if no owner is located.

E. Evidence

All other items of evidence with disposition shall be returned or disposed of in a timely manner. The lawful owner shall be notified and documented. If after 90 days the items are not claimed by the owner or designee, the items will be disposed of in accordance with MS Code 21-39-21.