

**DIRECTIVE 84.1**  
**PROPERTY AND EVIDENCE CONTROL**

<b>Issue Date: 04/16/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 10/06/2019)</b>	<b>CALEA Standards</b> <b>Referenced: 84.1.1; 84.1.2;</b> <b>84.1.3; 84.1.4; 84.1.5; 84.1.6;</b> <b>84.1.7 &amp; 84.1.8</b>
<b>Pages: 13</b>	

**This directive consists of the following sections:**

- 84.1.1 Evidence/Property Control System**
- 84.1.2 Storage and Security**
- 84.1.3 Temporary Security**
- 84.1.4 Security of Controlled Substances, Weapons for Training – N/A by Function**
- 84.1.5 Records, Status of Property**
- 84.1.6 Inspections and Reports**
- 84.1.7 Final Disposition**
- 84.1.8 Property Acquired Through the Civil Process**

**POLICY AND PROCEDURE:**

It is the policy of the Miami Township Police Department that the property and evidence function provide for security and control of seized, recovered, evidentiary and found property placed under the custody and control of the Department. The Department has established property and evidence control procedures that support investigative efforts, assist in the successful prosecution at criminal trials, facilitate the timely return of property to its rightful owner and protect the Department’s reputation as honest and worthy of the public’s confidence and trust.

**84.1.1 Evidence/Property Control System**

*Time Requirements for Logging Property & Evidence into Agency Records*

All property and evidence acquired by an officer shall be entered into the PMI Evidence Tracker program. The PMI entry will be completely and accurately filled out, listing each item of property and evidence being submitted. The PMI entry will be completed as soon as possible after an officer takes receipt of property/evidence. Officers shall, without exception, complete the PMI entry prior to ending their shift.

*Time Requirements for Logging Property & Evidence into Agency Control*

All property acquired by officers shall be packaged, labeled and submitted into a designated property storage area as soon as possible after its receipt. Officers shall, without exception, secure any property acquired in a designated property storage area prior to ending their shift.

Once property has been properly packaged, the officer will submit the property into a temporary storage area. Items will then be secured in a locker or in the case of large property, in the large property storage area.

Property that is too large for temporary storage may be submitted directly into the large property storage area by contacting a property officer who may access the large property area and accept such property.

#### *Written Report and Description of Property*

Any officer who submits a PMI entry shall complete a NIBRS report detailing how the officer came into possession of the property. Should the officer obtain the property in the course of an investigation and such property is directly related to the reported case being investigated, the officer need only submit a supplemental report as to how the officer came into possession of the property.

#### *Guidelines for Packaging and Labeling Property Prior to Storage*

No explosives, volatile fluids, dangerous chemicals, nuclear material or ammunition greater than .50 caliber will be submitted to the property room. Contact will be made, if deemed necessary, by the shift supervisor or investigating officer with Environmental Protection Agency, Explosive Ordnance Disposal Team or other specialized agency when such material is recovered. All such items are to be photographed and disposed of. Handling of such items will be accomplished by the specialized agency requested at the scene.

Each item or package, should multiple items be packaged together, must have a PMI entry. Items will when possible, be packaged together.

Items submitted will whenever possible be fully packaged so that no portion of an item protrudes from the packaging. Officers will when such package is appropriate utilize plastic see through bags to package items submitted to the property system.

Property will be suitably packaged to maintain the items integrity and to protect it, while in the custody of the department. All property that is to be submitted to the property room for transfer to the Hamilton County Coroners Lab for testing must be sealed with evidence tape or heat sealed. The officers' initials and date shall be written directly on the front and back of the tamper proof seal. Any other items submitted into the property system where a tamper proof seal or a heat seal is used or required shall also include the officers' initials and date written directly on the front and back of the tamper proof seal.

Items too large to be secured in a temporary property storage locker will be placed in the large property storage area by contacting a property officer.

Items that have an exposed sharp edge, knives, needles, etc. or pose a hazard when handling during the property submission process or storage shall be packaged so as not to allow the sharp/hazardous object to penetrate the outermost package.

Items, which pose a biohazard, shall be suitably marked with the appropriate biohazard label on the outer most packaging.

*Security Measures for Handling Exceptional, Valuable or Sensitive Property*

Currency

All currency submitted to the property room will be packaged in a see through tamper-proof protective packaging and sealed using a tamper proof seal or heat seal. Currency includes counterfeit money. On the PMI entry and package, indicate counterfeit money. The package will be entered separately. The PMI entry and package must identify the amount of currency with denominations, with the count verified and initialed by the submitting employee and a supervisor.

Currency submission example:

\$100 bills (20)  
\$50 bills (55)  
\$20 bills (10)  
\$10 bills (200)  
50 cents (150)  
25 cents (100)  
\$7050.00 Total

Currency not properly packaged will not be accepted into custody of the property room.

The property room custodian will not open sealed packages to verify the contents or amounts, only note that it has been properly packaged and submitted.

Currency submitted to the property room, once accepted, will be stored inside the property room, in a separately secured storage area.

Precious Metals or Gemstones

All precious metals or gemstones submitted to the property room will be packaged separately in a see through tamper-proof protective packaging and sealed using a tamper proof seal. The PMI entry must specify each of the precious metals or gemstones.

Precious metals or gemstones not properly packaged will not be accepted into custody of the property room.

The property room custodian will not open sealed packages to verify the contents, only note that it has been properly packaged and submitted.

Precious metals or gemstones submitted to the property room, once accepted, will be stored inside the property room, in a separately secured storage area.

## Drug Substances

All drug substances submitted to the property room will be weighed and the weight placed on the package and in the PMI entry. Drugs will be packaged in tamper-proof protective packaging and sealed using a tamper proof seal or heat seal. Loose drug substances should be placed into a suitable container prior to being sealed into the evidence bag.

Prescribed medications with packaging that is seized or obtained in criminal cases shall be counted prior to their submission and the total count will be placed on both the PMI entry and package. These items shall be packaged in see-through packages.

Prescription medications with packaging seized during the investigation of a deceased person that is a non-criminal investigation will require all prescribed medications with packaging to be sealed, packaged in a see-through container and weighed prior to entering the property room. The packaging, sealing and weighing shall be in the presence of a supervisor. The weight shall be placed on the package and the supervisor and the officer shall both sign the evidence tape seal or heat seal of the package and note on the PMI entry 'miscellaneous pills', the weight of the package and "To be Destroyed."

The department maintains a locked Prescription Drug Drop Box inside the lobby area of the police building. The drop box is secured tightly to the floor or wall, or both. Individuals may dispose of unwanted, expired, unused prescription drugs and over-the-counter medications in the secure, mailbox-style drop box. The disposal of syringes, liquids, inhalers, lotions and ointments are prohibited.

Only employees assigned to the property room have access to the contents deposited in the drop box. Keys to the drop box are secured in the property room. A property room employee shall check and empty the dropped items from the drop box bi-monthly for submission into the property room. The contents shall be packaged in a see-through container and weighed (weight marked on package). The property room custodian(s) and/or another employee shall sign the evidence tape seal or heat seal of the package and note on the property log 'miscellaneous pills' the weight of the package and "To be Destroyed." The property room custodian shall complete an incident report, PMI entry and email to appropriate parties.

All drug substances once they have been sealed in their final packaging will be weighed on the electronic scale in the property room. This gross weight will be noted on the package and the PMI entry. Weights shall only be used as a department property control and not as an exact weight for the purpose of evidence.

Officers will attempt to identify unknown drug substances in criminal cases by use of a Physician Desk Reference or by contacting the Poison Control Center.

Drug substances not properly packaged will not be accepted into custody of the property room.

The property officer will not open sealed packages to verify the contents only note that it has been properly packaged and submitted.

Drug substances submitted to the property room, once accepted, will be stored inside the property room, in a separately secured storage area.

### Syringes (No Evidentiary Value)

If an officer is dispatched to a call for service in reference to a found syringe and it is determined by the officer that the syringe has no evidentiary value, the officer shall:

- Place the syringe in a Sharps container that is in the submission room of the property containment area.
- Include in their incident report that the syringe(s) were placed in the Sharps container for destruction.

Once the Sharps container has reached capacity, a property room custodian will deliver it to the Central Fire Station. Fire/EMS personnel will transport the container to Bethesda North Hospital for destruction.

### Vaping Devices

Vaping devices submitted to the property system must have the batteries and power sources associated with electronic devices removed prior to submission. Vaping devices, particularly the batteries, have the potential to catch fire or explode.

### Weapons

All weapons submitted to the property room will be made safe by the officer submitting such weapon. Under no circumstances will a charged weapon be submitted into the property system.

Each weapon submitted to the property room shall have a separate PMI entry.

The serial number of each weapon will be checked for stolen by the submitting officer. The officer shall note on the weapon box and PMI entry, their findings as to the stolen status of the weapon.

Weapons not properly submitted will not be accepted into custody of the property room.

Weapons submitted to the property room, once accepted, will be stored inside the property room, in a separately secured storage area.

### Perishable Property

Perishable property will be suitably packaged to maintain the items integrity and to protect it, while in the custody of the department.

Perishable property not properly packaged will not be accepted into custody of the property room.

Perishable property will be secured in a lock box in the refrigerator in the temporary property storage area. The lock box key will be secured in a temporary holding locker. Should the perishable property not fit into the lock box or no lock box is available, the submitting officer shall contact a property officer, who will respond and secure the property in the refrigerated storage in the property room.

#### *Effort to Identify and Notify Owner of Property*

A reasonable attempt should be made to identify and notify owners of found, evidentiary and recovered property in the custody of the agency.

Found Property – Any officer who receives found property shall, prior to submission of such property, attempt to ascertain the owner of and make return of such property. If the owner is located, the return of found property shall be documented on the Incident Report. Should the property not be returned to the owner prior to the end of the officers' shift, the officer shall be required to submit the property to the property room.

Evidentiary & Recovered Property – Any officer submitting evidentiary or recovered property whose owner's is unidentified, shall attempt to ascertain the owner of and make return of such property after any legal requirements have been met.

If ownership of found, evidentiary or recovered property cannot be ascertained, the property shall be classified as unclaimed and final disposition of this property shall be pursuant to this directive.

#### *Procedures for the Temporary and Final Release of Property*

##### Temporary Release of Property

When an officer requires property for court or analytical purposes, the officer shall forward an email request to police property room requesting such release. Officers should attempt to make notification for the temporary release of property at least two business days before the property is needed. Property which is being released to an officer may be:

- Released directly to the officer.
- May be placed in a locker and secured with the officers' assigned lock. The officer shall be required to sign out the property on the PMI Property Receipt form which shall be with the property. The officer shall be responsible for all necessary chain of custody signatures while the property is under their control.

When the analysis of property is to be conducted by an outside laboratory, the case investigator will be responsible to have the proper submissions forms completed. The property room custodian or designee will transport the submission to the outside laboratory. A proper chain of custody will be maintained for all property released for analysis either within or outside the department.

Whenever an item of property is temporarily removed from the property room, an entry in PMI will be made. The property log will contain the following:

- Property Number
- Date Out
- To Whom it was Released and for what Reason

To return property to the property system the officer shall:

- Return the property directly to a property officer.
- Return the property to a temporary locker from which he removed such property and sign the PMI Property Receipt form indicating return of the property. The property and the PMI Property Receipt form shall then be secured with a property room lock.

### Final Release of Property

Final release of property should be accomplished as expeditiously as possible. The disposition of all property in police department custody shall be listed in PMI.

Evidentiary property may be released to the rightful owner once all police use of the property is satisfied and the officer who submitted the property has approved the property for release.

It shall be the responsibility of each officer upon completion of a case to plan for the return of property. Under no circumstances will an officer tell an owner to contact a property room custodian about the release of their property, without first obtaining permission to do so from the officer in charge of the property system.

Property taken for evidentiary purposes shall be returned within 30 days if such property is not required for the prosecution of the case unless otherwise restricted by law.

Property being held for prosecution of a case may be photographed and returned to the owner whenever possible. It shall be the responsibility of the investigating officer to contact the prosecutor handling the case and request to photograph and return the property.

Once an item has been cleared for release, it shall be the responsibility of the officer who submitted the property to return the property to the owner. If unable to make contact by phone, the officer will complete a property return card, to be sent to the last known address of the owner, informing the owner how to obtain the property. The property room custodian will send the property return card to the owner and maintain a copy of the property return card.

If the owner cannot be located or fails to claim the property after a period of thirty days, the property will be considered unclaimed.

In every case, the officer will make all reasonable efforts to verify the rightful ownership to property and the identity of the person to whom the property is being released.

If the property being released was found property, the officer may release the property to the rightful owner after confirmation of their ownership.

The person to whom the property is being released will sign for the property acknowledging receipt of the property. A copy of their ID will be placed with the form.

The following apply to the final release of weapons and firearms:

- Firearms must be checked through NCIC for stolen prior to release.
- If the weapon is a firearm, the owner must be checked through NCIS. If any state or federal firearm prohibitions exist, the firearm cannot be released to the owner. The owner will be notified that he/she is under state or federal prohibition and the weapon cannot be released to them.
- Weapons held for safekeeping will be retained for a period of thirty days. After a period of thirty days, the officer seizing such property will notify the rightful owner that the weapon may be claimed. The officer will be responsible to plan for the return. If unable to locate the owner, the officer who seized such property will complete a property return card to be sent to the last known address of the owner outlining how the weapon may be claimed. The property room custodian will send the property return card to the owner and maintain a copy of the property return card.
- If firearms are included in the valuable personal effects of a deceased person who met death in the manner described by section 313.12 of the Ohio Revised Code, the coroner shall deliver the firearms to the Chief of Police of the municipal corporation within which the body is found, or to the Sheriff of the County if the body is not found within a municipal corporation. The firearms shall be used for law enforcement purposes only or they shall be destroyed. [Ohio Revised Code 313.141]

### [Procedures for Internal Control](#)

The property room employee receiving custody of evidence/property shall log it into the PMI Evidence Tracker program. A property number shall be assigned by the property room employee for each package. The property room employee will verify the proper information has been recorded into the PMI Evidence Tracker program. Once verified, the property number and a location where the evidence/property will be stored will also be assigned in the PMI Evidence Tracker program. All information will be printed on a sticker and attached to the piece of evidence/property.

Any changes in the location of evidence/property shall be updated and recorded in the PMI Evidence Tracker program.

### [84.1.2 Storage and Security](#)

#### Designated Areas

Miami Township Police Department maintains for the secure storage of property and evidence in the property room. The area is properly equipped, maintained and provides the necessary security for the storage of in-custody or evidentiary property.

### Access & Security to Property Storage Areas

The officer in charge of the property system will be responsible for the department's in-custody and evidentiary property control function. This responsibility includes the securing of property within the property room.

The officer in charge of the property system will be responsible for maintaining secured storage within the property room for exceptional, valuable, or sensitive items or property (i.e. drugs, weapons, money and jewelry). The secured storage within the property room will be unlocked and open only when a property custodian is placing items in or taking items out of secured storage.

The designation of 'officer in charge' or 'property room custodian/employee' does not necessitate the personnel assigned to these positions be a sworn police officer and may be civilian personnel.

The doors to property rooms and temporary property storage rooms will be kept closed and locked anytime authorized personnel are not physically present in the room.

The property room is protected by an alarm. This alarm will be activated when personnel are not present or utilizing the facility. It is the responsibility of the officer utilizing the area to ensure that the alarm has been activated upon leaving.

No persons other than the officer in charge of the property system and the employees so designated by the Chief of Police as a property room custodian shall have access to the department's property rooms.

No employee or other person shall be admitted into a property room unless being accompanied by a person authorized to have access to the property room. The property officer will log the admittance of any person who they allow into a property room indicating the persons' name, time in, time out, and the reason for that person to enter the property room.

#### 84.1.3 Temporary Security

Miami Township Police Department maintains temporary property storage areas. These secure areas are where in-custody or evidentiary property may be held until such time the property is logged into the property room. These areas are properly equipped, maintained and provides the necessary security for the temporary storage of in-custody or evidentiary property.

Only Miami Township Police Department employees shall have access to the temporary property storage area. Under no circumstances will unaccompanied non-police personnel be allowed access to the temporary property storage area.

Once property has been properly packaged, the officer will submit the property into a temporary property storage locker. Items will then be secured in a locker or in the case of large property, in the large property temporary storage area. Property that is too large for temporary storage may be submitted directly into a property storage area by contacting a property room custodian who may accept such property directly into a property storage area.

#### **84.1.4 Security of Controlled Substances, Weapons for Training – N/A by Function**

Miami Township Police Department does not participate in Security of Controlled Substances, Weapons for Training.

#### **84.1.5 Records, Status of Property**

The officer in charge of the property system shall be responsible to maintain a records system that reflects the status of all property being held by the Miami Township Police Department. To include at a minimum: the locations of property stored in the property room, date and time when the property was received or released, description and chain of custody of the property through its final disposition. A file shall be maintained to reflect the dates and results of all inspections and inventories of property and audit of records.

All found, recovered and evidentiary property submitted to the property room will, upon being accepted, be logged into PMI.

#### **84.1.6 Inspections and Reports**

In order to maintain a high degree of evidentiary integrity over agency-controlled property and evidence, the following documented inspections, inventory and audits shall be completed.

##### ***Semi-Annual Inspection***

No less than semi-annually, the officer in charge of the property system shall be responsible to have an inspection conducted to determine adherence to procedures outlined in this directive for the control of property and evidence. The officer in charge of the property and evidence system or another person designated by the Chief of Police will complete a Property Room Inspection Report form. All such reports will be maintained by the officer in charge of the property system.

##### ***Property & Evidence Custodian Change Audit***

Whenever personnel are assigned to or transferred from the position of officer in charge or property room custodian, an audit of property and evidence in compliance with CALEA Appendix I\* will be conducted. The audit shall be conducted jointly by the newly designated property and evidence officer in charge or property room custodian and a designee of the Chief of Police to ensure that records are correct and properly annotated. Any discrepancies shall be recorded prior to the assumption of property accountability by the newly appointed officer in charge or property room custodian and a written report will be forwarded to the Chief of Police.

##### **CALEA Appendix I\* - Sample Size Table Evidence Custodian Change Audit**

The below table has been developed as a tool for use by agencies when determining the appropriate sample size for conducting audits of high-risk property as required by Standard 84.1.6 – Custodian Change Audit. This table only applies to high risk property and only for those circumstances when

there is a change in evidence custodian. The sample sizes in this table have been calculated based on a 95 percent confidence level and confidence interval of +/- 3 percent.

When using this table, agencies should determine the total amount of high-risk property they currently possess and find that number under “Pieces of High-Risk Evidence/Property”. The corresponding “Required Sample Size” should be applied when conducting the respective audit. If the exact number for “Pieces of High-Risk Evidence/Property” is not listed, the next higher number should be used.

If an error rate of more than 4 percent is discovered when conducting the audit. A complete inventory of the high-risk property must be performed. However, agencies should consider a complete inventory when other factors suggest it is necessary.

Pieces of High-Risk Property/Evidence	Required Sample Size
100	92
250	203
500	341
1000	516
1500	624
2000	696
2500	748
3000	787
3500	818
4000	843
4500	863
5000	880
5500	894
6000	906
6500	917
7000	926
7500	934
8000	942
8500	948
9000	959
10000	964
15000	996
20000	1013
25000	1023
50000	1045
100000	1056

### Annual Property & Evidence Audit

The Chief of Police shall order an annual audit of property and evidence in compliance with CALEA Appendix K\* to be conducted by a supervisor not routinely or directly connected with control of property and evidence.

#### CALEA Appendix K\* - Sample Size Determination for Annual Property & Evidence Audits

The purpose of the annual audit is to ensure the continuity of custody and not to require the accounting of every single item of property, unless the total number of items in custody is small. Agencies should draw a representative sample of property and evidence that is sufficiently large to establish confidence that proper procedures and systems are being followed. Minimum sample sizes should be as follows:

- If the agency has 100 or fewer items in custody, then the status of all items should be reviewed.
- If the agency has 101 or more items in custody, then a sample of 100 items should be selected for the annual audit according to these criteria:
  - If the agency has 100 or more high risk items, then the annual audit should review a representative sample of 100 high risk items.
  - If the agency has fewer than 100 high risk items, then the annual audit should review all the high-risk items, plus a representative sample of other items to bring the total reviewed to 100.

The audit shall include an inspection of the property logs ensuring that property received has been properly logged. The inspection shall ensure that property has not been misplaced, checked out for an unreasonable length of time and is properly secured. The examination of disposition files and property logs will be conducted to ensure that all property has been properly disposed of.

Upon conclusion of the audit, the inspector will prepare a written report of the findings of the audit and will forward the report to the Chief of Police.

### Unannounced Inspections

The Chief of Police shall direct an unannounced inspection of property and evidence storage areas to be conducted at least once each year. The scope and depth of such inspection shall be determined by the Chief of Police but will include a random comparison of records with physical property present in the property storage areas.

#### 84.1.7 Final Disposition

The officer in charge of the property system shall be responsible no less than quarterly to prepare and distribute to each officer a copy of the active evidentiary property that the officer has logged into the property system. It is the responsibility of each officer, within ten days of receipt of the list, to return the list with an updated status of the property. Should the officer fail to return the list with an updated status for the property, the officer in charge of the property system shall forward a memo to the officer's immediate supervisor for action. Additionally, officers shall:

- It shall be the responsibility of each officer to make written notification to the property officer when property which is contraband, is no longer needed for prosecution of a case and should be destroyed.
- It shall be the responsibility of each officer to make written notification to the property officer when property which has been seized and such property has been ordered to the custody of this department. It is the responsibility of the officer to forward to the property officer the documentation from the authority authorizing such order.

Final disposition of unclaimed, seized, forfeited and contraband property will be accomplished within six months after legal requirements have been satisfied. Disposition/destruction will be in accordance with the provisions of the Ohio Revised Code 2981.12.

- The property room custodian will determine what items are to be eliminated from our custody and prepare a list of items to be disposed of. Items may be disposed of in one of the following ways:
  - Destroyed
  - Awarded to the Township for Township Use or Disposal
  - Auctioned or Disposed of by the Township
- When property is disposed of by auction there shall be kept a detailed financial record of the amounts and dispositions of proceeds raised.
- The officer in charge of the property system will be responsible to forward a list of items to be eliminated from our custody to the Chief of Police for review. The Chief of Police shall submit a request for property disposal to the Township Law Director. The Law Director shall submit a petition to the court to dispose of property.
- After receiving an entry granting the disposal of property and upon completion of disposal, the property room custodian shall complete an affidavit indicating the court order has been executed.

#### **84.1.8 Property Acquired Through Civil Process**

All property acquired through asset forfeiture proceedings will not be returned to the owner or finder and is accounted for in Miami Township Police Department records and disposed of by the agency in accordance with ORC 2981.12.

Property seized by utilizing civil asset forfeiture will be seized in accordance with federal forfeiture law and procedures. The federal forfeiture law and procedures is seized under the 1984 federal crime control act and is in accordance with appropriate 18 U.S.C codes. When an officer seizes property under the federal asset forfeiture program, that officer shall notify the F.B.I. asset forfeiture division for direction and assistance in the seizure. In addition to notification, the seizing officers will fill out the property paperwork including the federal DAG-71 form, the federal request for adoption of state or local seizure form, the federal record of seized property form, and the federal equitable sharing agreement form. All federal asset seizures must be approved by the Chief of Police or his designee prior to the seizure taking place. The seizing officer must also comply

with all other federal, state, and local regulations involving the adoption of the federal asset forfeiture program.

Seized property under the federal asset forfeiture program will be either held by the U.S. Marshall Service or by the Miami Township Police Department, utilizing the Miami Township Police Department's property system, if approval is given by the U.S. Marshall Service. When an officer utilizes the federal asset forfeiture program the officer must document all pertinent information involving the forfeiture including a summary of the facts and a copy of the federal paperwork with the case file.