



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Handling of Evidence, Contraband, Found or Lost Property

Eff. Date 02/25/2015

Purpose

This SOP establishes procedures for processing, maintaining and disposing of evidence in a manner that insures the evidentiary value of the property, as well as the integrity of the Madison Police Department (MPD) and its employees.

Responsibility

Between the hours of 7:00 a.m. - 4:30 p.m. Monday through Friday, in which the Property Room is staffed, Property Clerks will be responsible for the control of all property. In their absence, the Officer in Charge will be responsible for coordinating the handling of secured property.

Property Intake Rooms

Property Intake Rooms have been provided for storage of evidence, found property and recovered stolen property. Evidence packaging supplies and storage lockers are provided within the Property Intake Rooms which have been keyed to allow officers access with department-issued keys. Employees are responsible for following established policies and procedures for packaging of items placed into storage lockers as outlined.

LOCKERS

1. After packaging item(s), officers should place the item(s) and the quick entry receipt in an empty storage locker and lock the door with the attached padlock.
2. Various sized lockers are provided and employees are expected to use the appropriate sized locker for the items to be temporarily stored. One specific locker is designated in each district's intake room for small items such as ID cards, driver licenses, etc.
3. If an item is too large to fit into a locker, it may be left on the floor of the Property Intake Room. If the item is evidentiary, it must be taken to the First Street Bay.

Tagging and Packaging Property

1. All items will be entered into LERMS using the Quick Entry system. There is a guide for this system in each intake room.
2. All property should be processed in accordance with the MPD Packaging Guide. Each package will be assigned its own barcode number. Only one barcode number will be assigned per package.
3. Some types of property require special intake procedures or special storage. Employees having questions should consult with the MPD Packaging Guide, the Property staff, or if they are unavailable, the Officer in Charge for guidance.

Temporary Evidence Storage

In most instances, all evidence/property must be secured, tagged and entered into LERMS prior to the end of the employee's shift. However, some evidence may need further processing, or due to volume and time constraints may need to be temporarily secured until final processing can be completed. Under these circumstances, temporary evidence storage may be utilized as follows:

1. The item(s) may be secured in a designated temporary evidence locker. Evidence may not be stored in any other location (desk, personal locker, etc.) unless unusual circumstances exist (large size, hazardous materials, etc.) and with a commander's approval.

2. A temporary storage log book will be placed in each property room, and employees using temporary evidence storage will document the property in the log and in their report. Employees will also designate their use of a temporary locker by placing their name or business card on the locker. By January 15th of each year, the filled pages will be sent to the Records Section.
3. Items may not be stored in a temporary evidence locker for more than 72 hours without the approval of a commander. Items should be removed from temporary storage and entered into the property control system as soon as possible.
4. Non-evidentiary property may be removed from temporary evidence storage and released without being entered into the property system only under these circumstances:
 - a. The property is non-evidentiary and not sensitive (controlled substances, firearms, currency, etc.).
 - b. The employee responsible for the property arranges to return it to the owner or party responsible for it.
 - c. The property is released within 72 hours of seizure.
 - d. The release is approved by a supervisor.
 - e. The seizure and release is documented in a report.
5. All sensitive evidence taken into custody (firearms, drugs, currency) must be processed and property tagged prior to the end of the employee's shift, unless unusual circumstances exist and with a commander's approval.
6. Items that are tagged and entered into Quick Entry in the Records Management System (LERMS) must be submitted to Property and not stored in temporary evidence lockers.

Firearms

1. **No Loaded Firearms** of any type should be property tagged and stored in the Property Room. Proper unloading procedures are described in the Wisconsin State Crime Lab Handbook and an Investigator will assist with the unloading of any weapon which is to be checked for fingerprints.
2. **All ammunition must be packaged separately from firearms.**
3. All firearms, including facsimile, should be placed in a gun box with the case number, tag number, date, employee name/IBM number, weapon description, and serial number on the outside.

Liquid Evidence

1. **Non-Volatile Liquids** should be processed in accordance with the MPD Packaging Guide.
2. **Volatile Liquids** should be processed in accordance with the MPD Packaging Guide.

Collection of Standard Blood Sample in Criminal Investigations

Blood samples in criminal cases are withdrawn to determine blood types of victim and suspect, and/or to determine the presence of foreign chemicals (e.g., controlled substances, poisons).

BLOOD DRAW

1. Blood is to be drawn only by a physician or a person acting under his or her direction. An officer should witness the blood being drawn and shall properly seal, number and mark each tube drawn, and shall report the chain of evidence, including:
 - a. Subject's name.
 - b. Offense.
 - c. Date and time of collection.
 - d. Name of person withdrawing the sample.
 - e. Identification of each tube collected.
 - f. Location of each tube.

The blood kit itself must be sealed in accordance with the MPD Packaging Guide.

2. If a suspect objects to having blood samples taken, and if there is any doubt about drawing blood without a search warrant, the OIC may need to contact the on-duty District Attorney for advice.
3. Screening for Controlled Substances - Use the WI Implied Consent Blood Kit when screening for controlled substances. The kit has all the equipment and forms necessary to obtain the blood sample. Follow instructions provided in blood kit.
4. Screening for Blood Type - Use the blood kit provided by the State Hygiene Laboratory. In sexual assault cases, the blood kit and instructions are found in the Wisconsin State Crime Lab Sexual Assault Evidence Kits.
5. Deceased Person - The Coroner takes the blood.
6. Sexual Assaults - Refer to MPD Sexual Assault Checklist for type of samples needed. (Note: All Madison hospitals have Wisconsin State Crime Lab Evidence Collection Kits with Instructions.) Officers should utilize both documents when investigating sexual assaults.

PROCEDURAL GUIDELINES

1. **Packaging Blood Samples.** Within two hours, if possible, after each blood sample tube has been properly sealed and marked with the case number, date, name of subject withdrawn from, employee's name witnessing drawing, and sample tube number, the individual tubes should be packaged in such a way that the glass tube is protected from breaking. The blood kit box should also be properly sealed and marked on the outside with the date, case number, tag number, employee name, suspect name and offense.
2. **Refrigeration of Samples (never freeze liquid blood before testing).** For proper analysis of blood samples, it is important that the samples be refrigerated within two hours or as soon as possible after it is drawn. The sample(s) should be properly tagged and be placed in the refrigerator located in the Property Intake Room. The key for the refrigerator can be obtained from the OIC or designee.
3. **Disposition of Samples.** It shall be the responsibility of the Police Property Supervisor to coordinate the transport all blood/urine sample(s) in a timely fashion to the State Crime Laboratory when appropriate. This includes samples taken from victim and/or suspects.
4. **Disposition of Evidence in Sexual Assault Cases Where no Suspect is Known.** Where there is no suspect identified, all blood samples (victim, suspect, or other) shall be turned over to the State Crime Lab for analysis as soon as possible, or until the sample is no longer of evidentiary value. The Crime Lab will analyze the blood samples even though specific suspect is not identified. The follow-up officer shall periodically monitor the value of maintaining other biological evidence in the property room.
5. **Reporting Evidence Chain.** Transportation or disposition of any evidence shall be documented in reports by any officer involved in the evidence chain.

COLLECTION OF WHOLE BLOOD IN TRAFFIC-RELATED CASES

1. WI Implied Consent Blood Kits, supplied by the State Hygiene Laboratory, shall be utilized for traffic-related cases. The supply is maintained by the MPD, and is stored in the CCB Intake Room and area hospital emergency rooms. The kit has all the equipment and forms necessary to obtain the blood sample.
2. Blood is to be drawn only by a physician or a person acting under his/her direction. The arresting officer should witness the blood being drawn and maintain custody of the evidence once sealed by the medical personnel.

Latent Evidence

Items of evidence bearing or suspected of bearing latent evidence, (e.g., fingerprints, palm prints, foot or shoe prints) which are to be processed must be entered into LERMS Quick Entry, marked and sealed, and secured in a Property Intake Room. If there is danger of destroying possible evidence by marking the item, it must be protected and the package containing the item must be marked.

Vehicles

VEHICLE STORAGE

The MPD's Vehicle Impound Facility (VIF) is for the processing and storage of vehicles of evidentiary value. All other vehicles MUST be towed to the contracted tow company.

A vehicle should be towed to the VIF when a vehicle has been determined to be evidence of a crime and needs to be processed. An MPD vehicle tow card must be completed for all vehicles towed to the VIF. The tow card must be completely filled out. The pink copy is given to the tow truck driver and the other copies should be placed in the box in the VIF intake office.

Officers are not required to make any entries into LERMS. All entries and vehicle marking will be completed by Property Room Staff.

Two Options are Available to Release a Vehicle from the VIF

1. Utilizing MPD's Contracted Tow Company:

When a vehicle has been processed and retains no evidentiary value the authorizing official will send an email to PD Tow authorizing its release.

This email should include the following information:

Please release vehicle:

- Case#
- Tag#
- Make
- Model
- VIN
- License
- Owner Information

The Vehicle Impound Authority will arrange release of the vehicle by contacting the contracted tow company and completely filling out the MPD vehicle tow card. The appropriate tow code for releasing a vehicle is "6". The name of the releasing officer will be annotated in the tow card left margin. When the tow company arrives the driver must sign in utilizing the VIF log if releasing vehicle from the inside storage area. The vehicle will then be removed and the driver will sign out. The pink copy of the tow card will be given to the tow driver, the remaining two copies (goldenrod and white) will be placed in the tray in the VIF intake room.

After the release has been completed the Vehicle Impound Authority will notify the authorizing official and PD Tow that the transaction is complete. Property will make the appropriate computer entries and the authorizing official will notify the owner of the release.

2. Release of a Vehicle to Owner/Victim without Utilizing Contracted Tow Company.

Under no circumstances should a vehicle be released to an owner/victim at the VIF.

In the event that a person authorizing the release deems it appropriate to release a vehicle directly to an owner, the person authorizing the release must first check with Court Services to verify there are no Owners Fees associated with the vehicle to be released. If there are no fees, an email must be sent via PD Tow.

This email should include the following information:

Please release vehicle:

- Case#
- Tag#
- Make
- Model
- VIN
- License
- Owner Information
- Date and time of release

A supplemental report must be submitted by the releasing officer. Property will make the appropriate computer entries documenting the release.

Vehicle keys will be placed in a clear plastic Ziploc envelope provided in the VIF Intake room. The case number will be written clearly on the envelope and the keys placed in the tray with the tow card.

No unauthorized personnel or personal vehicles will be allowed inside the VIF.

Air-Drying

1. Items requiring air-drying should be placed in the special air-dry lockers available at the Central District Air Dry Room. If these are not available, standard lockers in the Central District Air Dry Room may be used. **Do not air dry in standard lockers at other districts.**
2. Within four days, officers must complete the packaging of the item(s). If absent from duty for more than four days, arrangements should be made with a commissioned co-worker to complete packaging of the items (if the items are dry).

Chain of Custody

Written documentation for the removal or disposition of any item in evidence will be submitted to a Property Clerk. Any officer involved in the evidence chain shall document transportation or disposition of any evidence in a police report.

Refusal of Property

Property that does not meet the packaging and labeling standards outlined in MPD Standard Operating Procedure (SOP) will be placed back into the storage locker with the associated lock. The locker will be secured and sealed with a red evidence zip tie. The zip tie will be labeled with the name and IBM of the Police Property Clerk refusing the property. In addition the case#, tag#, and officer responsible for the item will be annotated. The Clerk will complete a supplemental report, and notify the Employee and the Supervisor of the employee of the deficiency and the steps needed to correct the problem via email.

The responsible employee will verify the information on the red evidence zip tie and then cut the red evidence zip tie to remove the affected property.

The employee will correct the deficiencies outlined in accordance with the MPD Packaging Guide and return the correctly packaged property to the temporary storage locker. The red zip tie should also be placed (unpacked) in the temporary storage locker to allow the Police Property Clerk to identify the property and the deficiencies that were to be corrected.

The employee will notify Property via email that the deficiencies have been corrected and the item is ready for pickup. The employee will submit a supplemental report outlining the deficiency, the circumstances surrounding the opening of the locker, the correction and the re-securing of the evidence. The Clerk, when picking up the packaged property, will verify that the cut red evidence zip tie is indeed theirs and the property

has been corrected in accordance with MPD SOP. In the event the indicated deficiency is not corrected within four days of refusal, the Clerk will notify the Police Property Supervisor. The Police Property Supervisor will take the necessary steps to facilitate correction of the indicated deficiencies.

Release of Sensitive Evidence/Property

Certain types of evidence and property create a higher liability by their very nature and shall be subject to special restrictions for temporary or permanent release.

DESIGNATED EVIDENCE/PROPERTY

The following categories of property or evidence fall within these guidelines:

1. All controlled substances/drugs.
2. Any functional firearms.
3. U.S. Currency amounts in excess of \$100.
4. Individual items with an estimated value in excess of \$1,000 (excluding vehicles).

AUTHORIZATION

Temporary or permanent release of any of the property/evidence listed above must have documented authorization by one of the following commanding officers:

1. The Chief, or any of the Assistant Chiefs, Captains, or Records Manager
2. A commanding officer from the District to which the case is assigned
3. The on-call Detective Lieutenant
4. The Dane County Narcotics and Gang Task Force Lieutenant
5. If none of the above are immediately available, the 1st or 2nd Detail Officer in Charge may authorize the release of sensitive evidence/property, after obtaining verbal approval from anyone listed above. The authorizing OIC will notify command staff from the district to which the case is assigned of the release.

The temporary release of any controlled substances/drugs that have been designated to be destroyed may only be authorized by the Assistant Chief of Support Services.

DOCUMENTATION

The temporary or permanent release of any of the designated sensitive evidence/property shall be documented on a "Sensitive Temporary Release/Receipt Form" from the authorizing Commander which includes the same information as this form.

In addition to this form, any officer to whom designated sensitive evidence or property is released shall complete an official police report documenting the handling and disposition of this property/evidence.

Disposition of Property Requirements

UNCLAIMED PROPERTY

State Statutes 66.0139, 170.07-170.11, and Madison General Ordinance 8.44 regulate the manner in which property coming into the possession of the MPD is handled.

ITEMS NOT TO BE SOLD AT AUCTION

It is required that items such as firearms, beer, liquor, fireworks and flammables be destroyed after it is determined it is not necessary to retain the item.

EXPLOSIVES

Items capable of exploding such as dynamite, nitroglycerin, pipe bombs or any Class A explosive, including M-80s and other powerful fireworks, will be handled by the Dane County Bomb Disposal Squad and will not be placed in the Property Room.

FIREARMS AND AMMUNITION

Firearms and ammunition must be turned over to the Wisconsin State Crime Laboratory when it is no longer necessary to retain them for any reason.

SEIZED ITEMS

Items seized during the serving of a search warrant or incident to an arrest which are not later used as evidence in a court case, must be returned to the owner or disposed of in accordance with State Statute.

OTHER PROPERTY RELEASED TO OWNER

Other property will be released to the owner according to procedural guidelines set up by the Commander in charge of the Property Room.

Property Room Controls

An inventory of all or a specified portion of the property/evidence storage areas is a critical internal control and will be conducted annually, or whenever a change is made in the Chief Executive Office. Comprehensive audits will be conducted randomly by the Police Property Supervisor or Commander. The audit will review policies, procedures and processes of the property and evidence functions to ensure compliance. Any variances or irregularities identified as a result of an audit or inventory of the property system will be documented by the Police Property Supervisor and/or Commander designated to monitor those processes. This documentation shall be forwarded to the Assistant Chiefs and the Chief of Police for review.