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EVIDENCE PROPERTY

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**Department Manual
Directive 306.1 EVIDENCE
PROPERTY**

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DISTRIBUTION

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PURPOSE

The purpose of this directive is to establish guidelines, policies, and procedures in the handling and containment of property held by the Detroit Police Department (DPD).

POLICY

It is the policy of the DPD to ensure the safekeeping and storage of all property, whether evidence or held for proper ownership, to ensure accurate inventorying and security of all items coming into possession of members of this Department.

Definition

Items found at or near the scene of a crime, and items related to or suspected of being used in or pertaining to the commission of a crime or in the identification of a perpetrator are defined as evidence property.

Evidence Tags

A TRACKER evidence label shall be generated and affixed to a blank manila property tag and attached to all evidence property. Evidence Tags may be required in court to establish the identity of the evidence, and it is imperative that the tag be filled out completely, accurately and legibly. Each label shall be signed by the supervisor reviewing evidence property.

Case Assigned for Investigation

When cases are assigned for investigation in which evidence items have been tagged, the officer in charge of the case shall complete a Task via TRACKER to the respective evidence control officer to update the evidence property status to maintain the chain of custody.

PRESERVING EVIDENCE

All evidence shall be kept in the same condition as found, and articles containing evidence of blood or other body fluids shall be kept away from excessive heat such as direct sunlight, radiators, heat lamps, etc.

Chain of Evidence

Members shall generate a Task via TRACKER and forward it to Property Control within 24 hours with a status update of evidence property that is in or was in the member(s) possession, moved, taken to the MSP Forensics Laboratory, downloaded, or kept for any other reason.

FIREARMS AS EVIDENCE

Examination of Firearms

Extreme care shall be taken with firearms found at or near the scene of a crime or apparent suicide to prevent accidental firing or obliteration of any latent fingerprints. Care shall be taken by handling the firearm at points which are not likely to bear fingerprints such as the checkered portion of the grips or stock. The investigator assigned to a case in which such a weapon is involved shall ensure that the weapon is examined for latent fingerprints. Any latent fingerprints obtained shall be retained for subsequent prosecution.

Unloading of Firearms

Before unloading a revolver a notation shall be made of the position of the cylinder in regard to empty chambers containing fired cartridge cases or live cartridges. All firearms, including revolvers, shall then be unloaded immediately if this can be accomplished safely. In any case where the confiscating member is in doubt as to their ability to disarm the firearm safely, the member shall notify Firearms Training and, if unavailable, shall notify their supervisor and be guided by the supervisor's advice.

Records

When firearms evidence is received at Property Control, it shall be scanned in the TRACKER system, processed, stored, and safeguarded.

Handguns and Evidence

1. Evidence handguns shall be tagged and placed in a special envelope marked "Handguns only." Ammunition removed from a handgun shall be placed in an envelope and packaged along with the handgun in the special gun envelope.
2. No evidence other than handguns and *the magazine/ammunition from the firearm* shall be placed in these special gun envelopes. Only one tag shall be assigned when a handgun and the ammunition removed from it are packaged together.
3. *NIBIN eligible* handguns, along with three (3) copies of the Firearms Report (DPD62/9-99) and a copy of the *incident report* shall be forwarded promptly to *the test shot unit for test firing. The test shot will then be forwarded to NIBIN for entry into IBRSYS. The firearm should be forwarded to Property Control for storage.*
4. *If an OIC has a firearm that will require testing at the MSP Forensic Laboratory, the OIC is responsible for retrieving the firearm from Property Control and transporting directly to the MSP Forensic Laboratory.*

Shoulder Weapons as Evidence

1. Ammunition, clips, or magazines removed from long or sawed-off guns shall be placed in a separate property envelope and tagged with a separate property tag.
2. *NIBIN eligible shoulder weapons along with two (2) copies of the firearms Report and a copy of the incident report shall be delivered to the test shot unit for test firing. The test shot will then be forwarded to NIBIN for entry into IBRSYS. The firearm should be forwarded to Property Control for storage.*
3. *If the firearm is needed for testing at the MSP Forensic Laboratory, the OIC is responsible for retrieving the firearm from Property Control and transporting directly to the MSP Forensic Laboratory.*

Transfer to Property Control

1. All firearms transferred to Property Control shall have a LEIN 23 check attached to the tag. *The LEIN 23 check shall be completed by the OIC assigned to the case.*
2. If the LEIN 23 check indicates the firearm is stolen, a copy of the OCR supplement must be attached to the Evidence Tag indicating Records was notified to have the firearm removed from the LEIN and NCIC system. Without the stolen firearm being removed from the LEIN and NCIC system, the Michigan State Police will not dispose of the weapon.

Bullets or Cartridge Cases as Evidence

1. When bullets or cartridge cases which relate to a crime or suicide come into the possession of a member, they shall be preserved.
2. Each piece of fired evidence shall be placed *in a separate envelope and entered into TRACKER on a separate Evidence Tag and labeled accordingly.*
3. *NIBIN eligible casings shall be forwarded to NIBIN for entry into IBRSY.*
4. *Members of Crime Scene Services will be allowed to put multiple casings on one tag with proper markings/documentation.*
5. *If the bullets or casings are needed for testing at the MSP Forensic Laboratory, the OIC is responsible for retrieving the items from Property Control and transporting directly to the MSP Forensic Laboratory.*

Bullets from an Autopsy

1. Bullets from an autopsy shall be marked, tagged, and placed in a Bullet Envelope (DPD239). The bullets shall be entered into TRACKER and labeled, one bullet per envelope and delivered to *Property Control* for storage. *If the bullets are needed for testing at the MSP Forensic Laboratory, the OIC is responsible for retrieving the items from Property Control and transporting directly to the MSP Forensic Laboratory.*

ILLEGAL FIREARMS

Machine guns, machine pistols, automatic rifles with selector switches permitting fully automatic firing, pistols having attached or accompanying shoulder stock extension, shotguns with barrels measuring less than 18 inches or rifles with barrels measuring less than 16 from the back of the chamber to the end of the muzzle, shotguns or rifles measuring less than 26 inches in overall length, any firearms equipped with a silencer device, or any firearm which has had the serial number defaced, altered, or removed are illegal firearms.

Care in Handling

Illegal firearms cases may be prosecuted under state or federal law. *Members* should use care in order to preserve fingerprints on those guns which could become evidence.

Michigan State Police Forensic Laboratory

Any of the above mentioned illegal firearms, which come into the possession of the Department, shall be confiscated and promptly *submitted to MSP Forensic Laboratory by the OIC.* *NIBIN eligible firearms shall be sent to the test shot unit for test firing prior to submitting them to the MSP forensic Laboratory. The test shot will then be forwarded to NIBIN for entry into IBRSYS.*

Notifying Federal Authorities

The officer in charge of the case involving the confiscation of any of the above described illegal weapons shall be responsible for notifying the U.S. Treasury Department's Alcohol, Tobacco and Firearms Bureau. If the weapon is to be released to this or any federal agency, the officer in charge of the case shall forward a Task via TRACKER to a member holding the rank of sergeant or above, stating the federal agency is taking over the case. The Task shall then be forwarded to Property Control.

POISON EVIDENCE

In cases of suspected poisoning, members shall preserve all articles that may have been used in the crime such as food, dishes, glassware, utensils or containers found in or about the premises for evidence of fingerprints, kind of poison, etc.

PAPER EVIDENCE

1. Notes, checks, money orders, extortion letters, or other papers used in the commission of a crime must receive special care to preserve fingerprints, palm prints, or writing which may be on them. The paper evidence shall not be folded. Large paper items shall be placed into yellow clasp envelopes intended for their storage.
2. If paper evidence requires photographing, the officer in charge of the case shall request Crime Scene Services to photograph the evidence.
3. The officer in charge of the case shall *submit them to the MSP Forensics Laboratory for testing.*

MONEY EVIDENCE

1. If possible, any money seized as evidence shall be counted immediately in the presence of a supervisor and the owner of the property, if available.
2. The amount shall be entered in TRACKER and printed on a TRACKER label with the amount confiscated displayed in the description.
3. If no Evidence Tag is immediately available, the money shall be placed into an envelope and the amount shall be written in ink on the envelope. The supervisor and the person witnessing the count shall sign their names on the envelope underneath the amount.
4. If it is not possible to immediately count any seized money, it shall be immediately placed into an appropriate container and carefully guarded for later counting when circumstances permit.
5. In no instance shall evidence money be intermingled with other property. Likewise, under no circumstances, shall money taken from two or more individuals be entered as one item. The money shall be placed on separate evidence tags. All evidence money shall have *the "tally sheet" completed in TRACKER* indicating the number of bills and the denominations. The total amount of money on the tally sheet must be the same as the amount on the evidence tag and the amount counted by the member receiving the property at Property Control. *A copy of the tally sheet, forfeiture paperwork and incident report shall be submitted in the envelope with the money.* If discrepancies are found, the money will not be accepted at Property Control and a "Task" shall be generated in TRACKER noting the discrepancy.
6. Forfeited money shall *have the "Tally Sheet" completed in tracker* indicating the number of bills and the denominations. The total amount of money on the Tally Sheet must be the same as the amount on the Evidence Tag and the amount

counted by the member receiving the property at Property Control. *A copy of the tally sheet, forfeiture paperwork and incident report shall be submitted in the envelope with the money.* If discrepancies are found, the money will not be accepted at Property Control and a Task shall be generated in TRACKER noting the discrepancy.

7. If discrepancies are found regarding monetary amounts, the supervisor shall notify Internal Affairs immediately.

Counterfeit or Altered Currency as Evidence

1. In cases where no arrest has been made and no arrest is imminent, a copy of the incident report shall be forwarded to Major Crimes which shall be responsible for notifying the United States Secret Service. *Evidence Control shall be responsible for transporting the counterfeit monies to the United States Secret Service.*
2. When an arrest has been made, normal detainee processing and evidence property transferring procedures shall be followed, and the arresting member shall notify Major Crimes by phone. This notification shall be indicated on the incident report. If Major Crimes is not notified, a member of the precinct detective unit (PDU) shall notify Major Crimes the following morning on platoon two.

U.S. Savings Bonds as Evidence

In those cases where an arrest was made, or when it is felt that the bonds will eventually be needed as evidence in court, the bonds will be processed in the same manner as other evidence property. At the conclusion of the court case, or when the bonds are no longer needed as evidence, the bonds shall be forwarded to Major Crimes. The commanding officer of Major Crimes shall make arrangements for such bonds to be turned over to the United States Secret Service for disposition. United States Savings Bonds placed on Evidence Tags but not needed as evidence in court shall be forwarded to Major Crimes with a copy of the *incident* report.

LIQUOR EVIDENCE

1. When liquor is taken into possession as evidence, a TRACKER evidence label shall be generated.
2. Liquor samples seized but not needed for evidence in one of the aforementioned situations shall be delivered directly to Property Control. This includes samples seized in cases that were immediately disposed of by guilty pleas or dismissals at the arraignment.
3. Liquor seized in connection with a court case shall not be delivered to the Michigan Liquor Control Commission until final disposition is made of the case, and then shall only be delivered through Property Control.
4. Whenever suspected misbranded or adulterated alcoholic beverages are confiscated from an establishment licensed by the Michigan Liquor Control Commission (MLCC), and prosecution is anticipated through the MLCC, the officer in charge of the case will ensure that this evidence is sent directly to the MLCC, 2251 Dix Road, Lincoln Park, for analysis by a state chemist.

NARCOTICS EVIDENCE

1. Members seizing suspected controlled substances shall deliver the evidence promptly and personally to the Prisoner Processing Unit after it has been marked, sealed, and properly tagged and accompanied by an incident report.

2. Upon receipt of those substances requiring chemical analysis, the Prisoner Processing Unit will forward the substance to *the MSP Forensics Laboratory for testing*. After the substances have been analyzed by the MSP Forensics Laboratory, *the Prisoner Processing Unit will forward the evidence to Property Control for storage*.

PERISHABLE EVIDENCE

Small amounts of perishable property may be retained at a command if there is proper refrigeration space available. Property Control does not have the capability of providing storage for perishable evidence property.

LICENSE PLATES AS EVIDENCE

1. All confiscated license plates are evidence property and shall be handled accordingly.
2. If the plate is wanted, the information will be entered in the incident report and the plate will be processed as evidence property. All license plates held as evidence must have either the Law Enforcement Information Network (LEIN) hit number and/or the court case number posted on the TRACKER Tag. Tags without this information shall not be accepted for storage at Property Control.

SAFES AS EVIDENCE

1. When a safe comes into the possession of the Department, the PDU shall be responsible for the investigation of the safe and its contents.
2. Any request for removal of the safe from a command to another location shall be made to the watch commander of the precinct station desk at the precinct of occurrence.

PRESERVING VIDEO EVIDENCE

1. When Department members respond to a location and notice there is a video system, they should be aware of latent fingerprints or other traces of evidence in situations where the suspect may have moved or attempted to destroy the video system.
2. Once the responding members have located the video system, they shall isolate and secure the recording system by disconnecting any Ethernet/network cable having access to the internet, disabling anyone having remote access to the video system from erasing any video evidence.
3. Responding members should determine if the system has been accessed or reviewed prior to their arrival.
4. Responding members shall not change the date/time on the video system unless trained on how to do so without harming the video evidence.
5. Responding members shall not attempt to install any software on the video system unless trained on how to do so without harming the video evidence.
6. Responding members shall not unplug the video system from recording unless trained on how to do so without harming the video evidence.
7. An attempt to review video footage shall be made from the scene prior to requesting video extraction from the Audio Video Evidence Response Team (AVERT).
8. To preserve the chain of evidence, any video evidence extracted shall be placed on evidence. Below are types of video systems that may contain evidence:

- a. Any video evidence extracted from any video system at a crime scene;
 - b. Any video equipment holding video evidence from a crime scene; and
 - c. Any video evidence extracted from any video system within the Detroit Police Department:
 - Project Green Light video evidence from the Genetic System
 - Interview rooms from the Genetec System
 - In-car video and body-worn camera video from the WatchGuard System
 - Video from an electronic control weapon (ECW)
9. An incident report shall be generated with the handling of all video evidence and shall contain the following information:
- a. Location where the video evidence was extracted;
 - b. Date/time the video evidence was extracted;
 - c. The system the video evidence was extracted from; and
 - d. Whether the video evidence was extracted with consent or a search warrant.

DISPOSITION OF EVIDENCE PROPERTY

Removal of Evidence Property from a Command

A member removing evidence property from a command shall make the proper notation in the TRACKER system. After disposition of the case in court, the property shall either be released to the owner via TRACKER or returned to *Property Control for storage*.

Evidence Property to be Retained

Evidence property will be sent to Property Control and be retained *under the following conditions*:

- a. The evidence property is part of a case in which a warrant is issued;
- b. The evidence property is relevant in a case in which the perpetrator is unknown and the case remains open;
- c. The evidence property is not needed in a court case but cannot be released to a citizen; and/or
- d. The evidence property is not needed in a court case but is needed by another agency.

TEMPORARY RELEASE OF EVIDENCE HELD AT PROPERTY CONTROL

Members requesting temporary release of evidence property from Property Control shall furnish Property Control with the Task number. Members shall be required to sign the signature pad before the property is released and shall receive an item submission form upon the return of the property.

Return Procedure

1. Temporarily released evidence property, except narcotic evidence received in a Lock Seal Envelope which has been opened, will be returned to Property Control.
2. The officer in charge of the case shall review and confirm the presence of property, reseal the contents into a new Lock Seal Envelope, fill in all pertinent data on the front of the new Lock Seal Envelope, and staple the envelope to the back of the new envelope. An entry shall be made in the TRACKER System by the

returning member, and the process shall be witnessed by a member of the Prisoner Processing Unit who shall sign in the proper space on the new Lock Seal Envelope.

RELEASE OF PROPERTY

Evidence Property Claimed by Citizens

1. Persons wishing to claim property shall contact the officer in charge of the case who shall make a determination whether to return the property.
2. A Task number shall be given to the claimant to present to Property Control for release. When a release of firearms, jewelry, or money is involved, a Task shall be approved by a supervisor. The claimant must present these documents at Property Control for release of the property.
3. When property other than firearms, jewelry, or money is to be released, the officer in charge of the case has the authority to authorize the release of the property. The claimant must present a valid government issued photo identification.
4. Stolen handguns with altered serial numbers may be released to the complainant if each digit of the serial number is determined by the MSP Forensics Laboratory. Upon recommendation of the officer in charge of the case and authorization of the commanding officer of Property Control, the officer in charge of the case may request the MSP re-stamp the serial number on the handgun.

Authority to Release Evidence Property

Evidence property that is a firearm, jewelry, or money shall be released by the order of the court, and upon receipt of a generated Task in TRACKER with the approval of a supervisor.

Release of Evidence Property by Order of Court

In the case where a disposition other than a conviction is rendered in court and the judge orders that the evidence be returned to the owner, the officer in charge of the case shall advise the court that the owner shall accompany the Department member to the command where the property was sealed to sign and affect the release. The owner shall sign the TRACKER Tag. When possible, written authorization from the court will be obtained. If written authorization cannot be obtained, the member should contact the court clerk and request a copy of the hearing transcript confirming the authorization to release the property.

Endorsement of the Commanding Officer, Property Control

1. The endorsement of the commanding officer of Property Control is needed to release evidence property when a claim has been made and there is a question regarding ownership.
2. Money or gambling paraphernalia confiscated in gambling raids shall not be released without the endorsement of the commanding officer of Property Control.
3. Officers responding to the Request for Recommendation on Return of Property (DPD244) sent from Property Control, shall make three (3) copies of the reply on the Report on Return of Property (DPD531). The original and one (1) copy will be sent to the commanding officer of Property Control and a copy retained for the command's file. When attaching copies of criminal records or other pertinent data, only one (1) copy of each shall be made and attached to the original report. Investigator's Reports (DPD467-B) will not be attached unless a specific request appears on the Return of Property Form.

RELEASE OF EVIDENCE PROPERTY BEFORE TRANSFER TO PROPERTY CONTROL

The officer in charge of a case may release evidence property before transferring it to Property Control after determining that the Department does not need the property.

When Owner Present

When the lawful owner is present, the owner will digitally sign within the TRACKER system.

When Owner Not Present

When the owner is not present, the owner shall be notified to appear at the command for the property. In cases of hardship, property may be delivered to the owner by the assigned member. If the property is delivered to the owner, the assigned member must obtain a written receipt signed by the owner acknowledging that they received the property.

RELEASE OF EVIDENCE PROPERTY HELD OR USED FOR COURT PROCEEDINGS

When evidence property has been held or used for court proceedings, the officer in charge of the case may release the property when:

- a. There is an acquittal or not guilty verdict or other cessation of the court proceeding other than a conviction;
- b. After conviction and if no new trial is to be granted. The period of appeal extends for 120 days (felony) and thirty (30) days (misdemeanor) from the date of sentencing. After the period of appeal has expired, the Appeals Clerk in 36th District Court (misdemeanor) or Appeals Clerk in 3rd Circuit Court (felony) shall be consulted to determine if an appeal is pending prior to authorizing the release of the property;
- c. The defendant is not to be arraigned as a habitual criminal; or
- d. The statute of limitations has expired.

Claim Denied - Court Action Pending

When a claim has been denied because court action is still pending, the investigator shall contact Property Control at the conclusion of the court proceeding so that a disposition can be made concerning the release of the property.

When Owner Not Present

When the lawful owner is not present, a certified letter shall be sent to the owner. A copy will be kept in the case file. The owner will have thirty (30) days to make claim for the property. If no claim is made, the officer in charge of the case shall generate a Task requesting to dispose of the property. It must be sent to a member holding the rank of sergeant or above who will then forward the request to the respective precinct evidence control officer who will bring the evidence to Property Control for disposal, if needed.

RELEASE OF FIREARMS HELD AS EVIDENCE

1. *The OIC of the case shall create a task in tracker stating the reasons for the release of the firearm and countersigned by the supervisor. The claimant shall be provided the task number, identification and proper paperwork to Property Control to claim their property. Persons desiring to claim a handgun shall be*

advised that the handgun can only be returned to the registered owner who shall appear in person with the registration. Investigators shall ascertain whether or not the MSP Forensic Laboratory has cleared the handgun before authorizing its release.

2. The investigator shall determine whether or not the gun is registered, stolen, or needed by investigators as evidence. Before a firearm is released to be destroyed, the investigator shall make every effort to notify the proper owner and advise the owner of the opportunity to claim the firearm by sending a certified letter to the owner, allowing them thirty (30) days to retrieve their firearm.

JAMES E. WHITE
Chief of Police