



<b>Series</b> 300 Support Services	<b>Effective Date</b> 9/24/2020	<b>Review Date</b> Three Years	<b>Directive Number</b>  <b>306.3</b>
<b>Chapter</b> 306 - Property Management			
<b>Reviewing Office</b> <i>Property Control</i>			<input type="checkbox"/> <b>New Directive</b> <input checked="" type="checkbox"/> <b>Revised</b> <small>Revisions in <i>italics</i></small>
<b>References</b>			

## **PROPERTY CONTROL**

### **306.3 - 1 POLICY**

The Detroit Police Department (DPD) will ensure property in its possession is properly received and recorded, securely stored, and proper disposition made according to law.

### **306.3 - 2 Definition**

#### **306.3 - 2.1 Property**

Money and goods which come into the custody of the Department and is classified as evidence, found, safekeeping, or personal property.

#### **306.3 - 2.2 Evidence Control Officer**

*The Evidence Control Officer is a Department member assigned to each precinct who is responsible for the handling and transfer of property from the precinct property room to Property Control.*

#### **306.3 - 2.3 Evidence Property**

*Any item that is used in the commission of an offense, a product of the commission of an offense, documentation of actions during the commission of an offense, documentation of the veracity of an individual person, or some article or fact that could prove or disprove an allegation in a court of law.*

#### **306.3 - 2.4 Forfeited Property**

*Property seized by law enforcement officials that has been involved in criminal activity.*

#### **306.3 - 2.5 Found Property**

*Items of value found and turned over to the Department by citizens or Department members.*

#### **306.3 - 2.6 Personal Property**

*Property belonging to another which has been acquired by a law enforcement officer pursuant to his/her duties, which is not needed in any criminal prosecution.*

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#### **306.3 - 2.7 Safekeeping Property**

*Any property which cannot be classified as found or evidence.*

#### **306.3 - 2.8 Tamper-Evident**

*A device or process that makes unauthorized access to the protected object easily detected. Seals, markings or other techniques may be tamper indicating.*

### **306.3 - 3 Safeguarding Property**

1. Every commanding officer is responsible for the safeguarding of all property coming into the possession of their command. Property shall be properly tagged and safeguarded until transferred or disposed of in accordance with Department rules and regulations.
2. All property shall be kept locked in a designated place. Further, all money and jewelry held on Found or Safekeeping Tags shall be separated from other evidence property and kept either with bond monies or in a locked safe, box, or drawer.
3. The *watch commander* of the *precinct* station desk shall allow only authorized persons to have access to these storage facilities. The *watch commander* of the *precinct* station desk shall personally audit all money and valuables at the beginning of their shift and shall record the results of the audit in the desk blotter. Finally, the *watch commander* of the *precinct* station desk shall be personally responsible for such money and valuables until they have been properly relieved and a new audit has been made. *The on-coming and off-going watch commander shall reconcile safe audits.*

### **306.3 - 4 Tagging and Wrapping Property**

Each item shall be tagged and packaged separately. Small items shall be placed in property envelopes. Other items shall be wrapped securely and tied with string. *Staples shall not be used.* Property tags shall be attached securely to each item with wire or string in a manner that will permit access to both sides of the tag. Cellophane tape may be used for reinforcement. *Currency that will not be accepted by the KIOSK at the DDC and/or credit/debit cards taken from detainees may be placed into a Tamper Evidence Bag (TEB) and stored in the safe at the DDC.*

#### **306.3 - 4.1 Retention of Tags and Receipts**

Upon releasing or disposing of *property that is classified as evidence, found, safekeeping, or personal property*, the tag shall be retained for ninety (90) days. If applicable, the receipt shall be stapled to the tag.

### **306.3 - 5 Transfer of Property to Property Control**

All *evidence* to be retained by the Department shall be sent to *Property Control*. *At no time shall found, safekeeping, or personal property be sent to Property Control unless it has been marked for disposal in the TRACKER System.* Under no circumstances shall property of any type be retained by any command for Department use unless permission is received, in writing, from the deputy chief of the *Detective Bureau*.

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#### 306.3 - 5.1 From Commands other than *Precincts*

Commands other than *precincts* are responsible for the safe delivery of their property items to *Property Control*.

#### 306.3 - 5.2 From a *Precinct*

1. Property is regularly transferred from the *precinct* to *Property Control* in a Department *vehicle*. When an unusually large amount of property is being held at the *precinct*, *Property Control* may be requested to send a truck.
2. When the value of a given article of property is great, it may be brought to *Property Control* without waiting for the regularly scheduled pickup.
3. The *evidence control officer assigned to each precinct* will supervise the transfer of property from the *precinct* property room to *Property Control*.

#### 306.3 - 5.3 Large Quantities of Evidence

When large quantities of property, large amounts of money, or valuable items are confiscated as evidence during the hours *Property Control* is closed, *members* may *notify Notification and Control* to recall *Property Control* personnel so the property may be transported directly to *Property Control*. The *watch commander* of the *precinct* station desk shall use their discretion.

#### 306.3 - 5.4 Transfer of Property to other than *Property Control*

Whenever it is necessary to transfer property to a person or to a command other than *Property Control*, *members* shall make an entry on their Activity Log (DPD250) and prepare a *TRACKER* Transfer Receipt describing the property and record the respective tag numbers. In addition, the person receiving the property shall sign the Activity Log and *TRACKER* Transfer Receipt, acknowledging receipt of the property.

### 306.3 - 6 Release of Property other than Evidence

1. If no claim is made, the officer in charge *will place a note on the item in the TRACKER System authorizing disposal of the property. The sworn member's commanding officer will approve the TASK in the TRACKER System in all cases where the item is a weapon, money, jewelry, and/or the apparent market value of the item exceeds \$10.* When the property is no longer needed, the officer in charge shall *create a TASK in the TRACKER System attaching the item designating the property for disposal.*

### 306.3 - 7 Property in Pawn Shops

1. A record card containing an accurate description and the name and address of the person from whom the property is received is submitted by pawnbrokers to Records daily except *on Sundays*. These records of property shall be checked against the offense reports of stolen or lost property.
2. When a correlation appears to exist, Records will send a Notice to Complainant (DPD540) to the complainant *and* a copy to the assigned *member*. The complainant

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will view the property in the pawn shop as directed by the report and advise the assigned *member* of the outcome.

3. Records, upon notice from the assigned *member* that the item was identified, will prepare a Stop Notice (DPD10) and forward the original to the assigned *member*. The Stop Notice (DPD10) shall be completed, giving a disposition within ten (10) days and shall be returned to Records. Upon identification of the article, the assigned *member* will submit a Supplemental Offense Record (DPD18A).
4. When an item of stolen property in a pawnshop is needed as evidence in court, the officer in charge of the case shall obtain a subpoena duces tecum. The subpoena shall be served to the pawnbroker directing them to produce the article and the appropriate records in court on the specific date.
5. *Department members* shall not take an active part in the recovery of stolen property for the complainant or owner. The *member* shall act in an advisory capacity only, and shall inform the property owner that there are three (3) areas of recourse available:
  - a. The owner may demand the return of the property from the pawnbroker;
  - b. The owner may offer payment for the return of the property; or
  - c. If the above fails to secure the return of the property, the owner or complainant shall consult with an attorney.

### **306.3 - 8 Firearms Stolen out of Detroit and Recovered by Outside Agencies**

1. When an outside agency recovers a firearm that was stolen from Detroit, ~~the~~ National Integrated Ballistic Information Network (NIBIN) is notified. Upon their receipt of the firearm, NIBIN shall enter it into TRACKER, and generate an incident report.
2. Under no circumstances shall outside agencies be advised to contact Property Control nor should stolen firearms be forwarded to Property Control until properly processed at NIBIN which maintains the chain of investigative custody.

### **306.3 - 9 Found Property**

1. *Department members* shall exercise judgment in determining whether to accept items which appear to have no value. Should the person wish to claim the property if the owner is not found, the finder shall provide their name and address at the time the property is turned over. At no time shall items other than money be taken to Property Control until they are marked for disposal.
2. A TRACKER entry shall be completed identifying the property as FOUND, and a label shall be generated and affixed to the item. All monies included in found property shall be kept separate from any other monies held at the *precinct* or command. Under no circumstances will the notes or coins of found property money be exchanged or replaced.

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**306.3 - 9.1 Found Property Classifications**

Per the State of Michigan Lost Property Act, the Department receiving found property shall classify the property into one of the following categories:

- a. Collectible currency;
- b. Contraband;
- c. Currency;
- d. Evidence;
- e. Hazardous material;
- f. Junk;
- g. Perishable property;
- h. Property of major value - over \$100.00 - must be held for six months before finder can claim; and
- i. Property of minor value - \$100.00 or less - must be held for three months before finder can claim.

**306.3 - 9.2 Responsibility to Identify Owner**

1. It is the responsibility of the *evidence control* officer to expend every effort to promptly identify the lawful owner and return the property to the owner or to the finder if the owner cannot be identified.
2. Found property items bearing serial numbers shall be checked through the Law Enforcement Information Network (LEIN) and the National Crime Information Center (NCIC). The dates these inquiries were made and the Systems Identification number, if assigned, will be noted on the Found Property Tag. The discovery of legal ownership of found property is not the responsibility of *Property Control*.
3. When an investigation leads to the identification of the lawful owner, the assigned *member* shall:
  - a. Add the name of the lawful owner to the Found Property Tag in the “Remarks” section; and
  - b. Contact the owner and arrange immediate release of the property to the owner via certified mail to the last known address of record.
4. This notice shall contain the following:
  - a. Date property was found;
  - b. Type of found property;
  - c. Address where property was located;
  - d. Cost of storage per day;
  - e. Property must be claimed within *thirty (30) days* of the date of the letter or it shall be considered abandoned and disposed of; and
  - f. Name, address, and phone number of command where the legal owner can claim the property.

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5. Contact and inform the finder that the lawful owner has been notified so that an unnecessary claim of property is eliminated.

#### 306.3 - 9.3 Unable to Identify Owner

When the assigned *member* has expended every effort to identify the owner of the found property and has been unable to do so, the *member* shall complete a *TRACKER TASK entry attaching the item to the task*. The *TASK* shall explain the reason for disposal and be forwarded to the appropriate supervisor who shall approve or deny the *TASK*. Once approved, the *TASK* shall be sent to Property Control Group and the property may then be transferred to Property Control.

#### 306.3 - 9.4 Finder Wishes to Claim Property Valued \$100.00 or Less

When the finder has expressed interest in claiming the property and the property is valued at \$100.00 or less, the finder shall be advised *that* if the true owner fails to claim the lost property within *thirty (30)* days the finder may claim the property on the *thirty first (31<sup>st</sup>)* day. On the *thirty first (31<sup>st</sup>)* day the finder shall physically claim *the property*. At the time the finder will be supplied with a *TRACKER Number* and advised to take the Property Release Slip directly to *Property Control*.

#### 306.3 - 9.5 Finder Wishes to Claim Property Valued at more than \$100.00

When found property valued at more than \$100.00 is turned over to the Department, the finder shall be advised *that* if they wish to claim the property, *they* shall, within one (1) month of finding the property, place an ad containing the appropriate information in a local newspaper. This ad must be placed once a week for six (6) consecutive weeks. The finder shall also be informed that if the property is not claimed within 180 days, the finder may claim it on the one hundred and eighty-first (*181<sup>st</sup>*) day if proof is produced that the required ads were placed. Claimants shall not be referred to *Property Control* except when attempting to claim guns, money over \$300.00 or items having an apparent market value of more than \$300.00.

#### 306.3 - 9.6 Property Associated with Crime

When an investigation by the assigned *member* reveals that the found property may have an association with a reported crime or the property becomes evidence in a court case, the assigned *member* shall:

- a. Enter a note on the item in the *TRACKER System* explaining the reason for the change;
- b. Prepare the necessary copies of a supplemental *report*, explaining the new information; and
- c. Notify the finder *within thirty (30) days* that the property has been identified as a part of the evidence of a reported crime and that it may not be claimed.



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#### **306.3 - 9.7 Contraband**

All found contraband shall be disposed of by the Detroit Police Department in accordance with applicable procedures.

#### **306.3 - 9.8 Hazardous Materials**

When the legal owner of hazardous material cannot be located or established or the hazardous material poses an imminent danger to life or other property, the hazardous material may be released to any governmental agency, private industry, institution, business, or person that can safely keep or dispose of the hazardous material and the container. *Notification and Control* shall be contacted for assistance in notifying the appropriate agencies in these situations.

#### **306.3 - 9.9 Ownership or Value in Question**

In the case of property in which the command cannot determine the dollar value as a collectible item, *Property Control* shall be contacted for guidance. When competing claims of ownership exists, the Legal Advisor shall be consulted for guidance on resolving the issue.

#### **306.3 - 9.10 U.S. Savings Bonds**

Found United States Savings Bonds shall be forwarded to Major Crimes with a copy of the Case Report.

#### **306.3 - 9.11 Found License Plates**

1. A found license plate not to be used as evidence will be entered in the *TRACKER System as FOUND and have a label generated and affixed to the plate*. The *watch commander* of the *precinct station desk* shall verify that the plate has been entered into the computer upon review of the *incident report*. Found vehicle license plates are the property of the Secretary of State *and are not be removed from the precinct or used for any reason*.
2. As the need arises, found license plates will be *held at the precinct and destroyed after thirty (30) days*. The plates will be *marked as DISPOSED in the TRACKER System*.
3. Citizens reporting the loss of a license plate shall be directed to their local Secretary of State Office where a new plate may be purchased after a report has been made. In addition, each *precinct* shall maintain, at the station desk, a list of found license plates currently stored at that *precinct*. If it is discovered that the plate reported as lost is currently stored at the *precinct*, the *watch commander* of the *precinct station desk* shall verify ownership by inspecting the citizen's vehicle registration. If the documents are authentic, the plate will be returned to the citizen and *released to owner in the TRACKER system*.

### **306.3 - 10 Safekeeping Property**

1. *An entry shall be created in the TRACKER System designating the item as SAFEKEEPING. A label shall be generated and attached to all safekeeping property.*

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All monies included in safekeeping property shall be kept separate from any other monies held at the *precinct* or command. Under no circumstances will the notes or coins of safekeeping property money be exchanged or replaced.

2. At the time the property is received, the reverse side of the tag shall be filled in with the name, address and telephone number of any person identified by the owner as one to whom the property may be released provided the owner is unable to claim it. *Additionally, this information shall be entered into the TRACKER System.*

#### **306.3 - 10.1 Release of Safekeeping Property**

1. All items *labeled* as Safekeeping are held within the *precinct* or command and must be released to the owner or the owner's designated representative as soon as possible. The release may be affected by the officer in charge of the case *or the watch commander of the precinct station desk*. When releasing property which has been held for safekeeping, the claimant shall *present identification which shall be copied and attached to the item in the TRACKER System and sign for the item released in the TRACKER System which shall be retained for ninety (90) days. The evidence control officer will assist in marking the item disposed in the Tracker System and attaching the documents to the item.*

#### **306.3 - 11 Tamper Evident Bag**

*When tamper evident bags are conveyed to Property Control with currency, a member assigned to Property Control shall open and perform a count via the money counter to receive an accurate count of currency in front of the conveying member(s). A receipt will be generated in TRACKER, printed, and given to the conveying member(s). If there is a discrepancy relative to the total of the currency counted, Property Control will not accept the currency and the conveying member must contact their immediate supervisor and Internal Controls.*

#### **306.3 - 12 Forfeited Property**

##### **306.3 - 12.1 Forfeited Firearms**

1. Persons attempting to claim confiscated handguns which were not previously registered shall be notified *by the officer in charge of the case* that the weapon has been forfeited. *Such persons shall not be referred to Property Control.*
2. *After handguns are processed by the Department's National Integrated Ballistic Information Network (NIBIN) Unit, they shall be sent to Property Control for processing, storage, and safeguard.*
3. *Once it is determined by the officer in charge of the case (OIC) that the respective handgun no longer has evidentiary value, the OIC shall generate a task in TRACKER and forward it for approval by a supervisor to have the handgun returned to the rightful owner.*
4. *If it is determined by the OIC that a handgun is to be forfeited, a task shall be generated in TRACKER, approved by a supervisor and forwarded to Property*



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*Control Group, stating that the handgun in question has no evidentiary value and can be disposed. Property Control will contact the Michigan State Police for an available date to have handguns processed for disposal.*

5. All handguns coming into the possession of the Department and retained for cause shall be turned over to the Director of the Michigan State Police after a final disposition has been made by the officer in charge of the case.
6. Shoulder weapons which have been retained for cause shall be disposed of after a final disposition has been made by the officer in charge of the case.

#### **306.3 - 12.2 Public Auction Sales**

Public sales to dispose of unclaimed or forfeited property shall be held by a *company chosen and approved by the City of Detroit*. Certain items of property no longer needed and not released as described in this directive will be offered for sale. A separate accounting will be made of all forfeited property sold at public auction and such identifiable funds will be forwarded to Fiscal Operations for further disposition.

#### **306.3 - 13 Allocation of Property from *Property Control* for Department Use**

1. Commanding officers requesting the release of property from *Property Control* for Department use shall submit a request through official channels on an Inter-Office Memorandum (DPD568) to *Property Control*. The request will be evaluated according to the needs and priorities of the Department. Upon favorable recommendation by *Property Control*, the request shall be submitted to *the Office of Departmental Financial Services* for final approval.
2. Property obtained in this manner shall be accounted for on command inventories in accordance with Department inventory procedures. Under no circumstance shall property subject to a pending forfeiture action be utilized by any command. Property which has been turned over to the Department, via court order, will be immediately forwarded to the *Office of Departmental Financial Services* for further disposition.

#### ***Related Policy:***

- *306.1 Evidence Property*