



CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



Handling of Evidence, Contraband, Found, or Lost Property

Eff. Date 12/28/2021

Purpose

This standard operating procedure (SOP) establishes procedures for processing, maintaining, and disposing of evidence in a manner that ensures 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. - 4:00 p.m. Monday through Friday during which the Property Room is staffed, Property Clerks will be responsible for the control of all property. In their absence, the Officer in Charge (OIC) will be responsible for coordinating the handling of secured property.

Police Property Clerks will follow the processes outlined in the Property Room Procedures Manual. This manual will be reviewed annually for updates and clarifications.

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 that 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 in this SOP and in the MPD Packaging Guide.

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 its attached padlock.
2. Various sized lockers are provided and employees are expected to use the appropriately 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, the item 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 the Law Enforcement Records Management System (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/tag number. Only one barcode/tag 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, the Forensic Services Unit, 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 log pages will be sent to the MPD 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 (i.e., not 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 are 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 LERMS must be submitted to Property and not stored in temporary evidence lockers.

Safe Handling of Drugs

When testing or packaging any drugs or paraphernalia as listed below, the best practice is to be paired up with at least one other officer. The second 'safety officer' will not be directly involved in the testing, handling, or packaging of the drug, but can perform other supportive functions such as computer entries. Considering the risk factor of some of the opioids, it will be permissible to divert from the standard packaging procedures of separating the drugs and packaging as listed in the MPD Packaging Guide. All people present in the property intake area when the drugs listed in this policy are packaged or tested should wear N95/N100 masks and protective eyewear (supplied in each property intake room) to protect against accidental inhalation of or exposure to fine particle drugs. Anyone in direct contact with the drug should wear protective, disposable gloves, N95/N100 masks, protective eyewear, and gowns. In addition to sworn personnel, any civilian employees handling the drugs listed below for the purposes of destruction should take the same precautions. This practice does not apply to the simple movement of a sealed package. Likewise, officers should not request anyone to come into direct contact with the following drugs on the officer's behalf without proper training and protective gear, to include community members, suspects, witnesses, or other non-law enforcement contacts:

- Any known or suspected opioid regardless of form (pill, capsule, powder, liquid, patch, etc.).
- Any unknown powdered drug regardless of color or the substance it is suspected to be.
- Any other drug, such as marijuana, when there is any question about safety or opioid contamination.
- Any drug packaging or paraphernalia that has what is commonly referred to as "drug residue" within, when that residue is potentially a powdered substance.

Firearms

1. A Seized Property Receipt shall be provided to all owners of confiscated firearms.
2. **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 (WSCL) Handbook and an Investigator will assist with the unloading of any weapon which is to be checked for deoxyribonucleic acid (DNA) and/or fingerprints.

3. **All ammunition must be packaged separately from firearms.**
4. 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 printed on the outside.

RECEIVING RECOVERED STOLEN FIREARMS FROM OUTSIDE AGENCIES

1. When MPD is notified that another agency has recovered a stolen firearm, the theft of which originated from MPD's jurisdiction, MPD personnel will make arrangements to receive the firearm.
2. The assigned Detective--or in the event that the case was never assigned, the responsible district's Detective Lieutenant--will contact the outside agency to provide MPD case number and shipping information (account number for postage/shipping costs and address): Madison Police Property Room, Attn: Property Supervisor, 211 S. Carroll St. GR-4, Madison, WI 53703 (608) 266-4955. The cost of this shipping will be covered by the Investigative Funds and the Shipping Account information will be provided to the assigned Detective or Detective Lieutenant.
3. Once the firearm is received by the Property Room, Property Staff will check in the firearm per the MPD Packaging Guide.
4. The assigned Detective or Detective Lieutenant will determine the firearm disposition and the appropriate Property Disposition paperwork will be completed.
5. MPD Property/Records Staff will complete the background process prior to releasing the firearm.
6. Once the background paperwork for the firearm return is completed and authorized by the Commander of Property, the Property Staff will contact the authorized owner via certified letter and the firearm will be released per the Property Firearm Return Guidelines outlined in the Property Room Procedure Manual.

BACKGROUND OF FIREARMS FOR RELEASE

1. The background shall include:
 - a. Firearm Check for Stolen with Data
 - b. Bureau of Alcohol, Tobacco, and Firearms (ATF) Weapon Trace
 - c. Owner III & Crime Information Bureau (CIB) Checks
 - d. Owner Adjudicated or Committed – Mental Defective
 - e. Report Review (to include Other Police Agencies)
 - f. Prosecution Release Authority

Med Drop

The purpose of this initiative is to prevent unwanted medicines from harming members of the community or the environment by disposing of them in a safe manner. The Department of Justice coordinates the Drug Take Back Program and the Police Property Supervisor is responsible for registering the department for the program each spring and fall for the deposit dates.

1. Med Drop Bins are located in the East and West District Police lobbies and are available for public medication deposits Monday through Friday, 8am-4pm.
2. The keys for the locked Med Drop receptacles will be kept within the control of the district captains for their designees.
3. Instructions and baggies will be provided for the public at the Med Drop receptacles.
4. A case number shall be generated at the beginning of each calendar year for each Med Drop receptacle location (one for East PD and one for West PD) and all reports reference Med Drop collection will be documented under the respective case number to each district.
5. Packaging materials are provided by the Department of Justice and the Police Property Supervisor will coordinate the ordering of these materials.
6. On a weekly basis or as needed, two commissioned personnel of the MPD will inspect the bucket/box contained within the Med Drop receptacle for capacity. If the bucket/box is not full, the Med Drop receptacle shall be closed and secured and the key returned to the respective commander from which it was obtained. If the bucket/box is full, the two commissioned MPD personnel shall collect, safely sort (to determine if there are prohibited items in the bucket/bin), weigh, and package the prescription

medications within the bucket/box in accordance with the procedures outlined in the MPD Packaging Guide. The Med Drop collection bucket/box will be replaced with a new bucket/box and the receptacle shall be secured. The receptacle key shall be returned to the respective commander from which it was obtained.

7. A report will be completed documenting the box weight, date collected, and that the property tagging process was completed.
8. Property Room Personnel will remove packaged Med Drop boxes on a weekly basis while conducting their standard district property collection. The boxes will be stored within the property control system until they are turned over to the appropriate authorities/location designated by the Department of Justice.

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 drawn 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, 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 drawing 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 Forensic Nurse Examiner Kits.
5. Deceased Person - The Medical Examiner takes the blood.
6. Sexual Assaults - Refer to MPD Sexual Assault Checklist for type of samples needed. All Madison hospitals have a supply of 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 all required information (case number, date, name of subject from whom the sample was drawn, employee's name witnessing drawing, and sample tube number), the individual tubes should be packaged in such a way that the glass tube is are 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 best practice that the samples be refrigerated as soon as possible after the samples are drawn. It is important to keep the samples away from extreme temperatures. The sample(s) should be properly tagged and be placed in the refrigerator located in the Property Intake Room. If the refrigerator is locked, the key for the refrigerator can be obtained from the OIC or designee.
3. **Disposition of Evidence in Sexual Assault Cases Where no Suspect is Known:** In cases 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.
4. **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 kit supply is maintained by the local hospitals and by MPD. The kits are stored in the City County Building (CCB) Intake Room and in 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 registered nurse, medical technologist, physician assistant, phlebotomist, or other medical professional who is authorized to draw blood, or person acting under the direction of a physician. The arresting officer should witness the blood being drawn and maintain custody of the evidence once sealed by the medical personnel.
3. It shall be the responsibility of the Police Property Supervisor to coordinate the transport of all blood samples in a timely fashion to the UW Hygiene Laboratory or to the State Crime Laboratory when appropriate.

Deceased Animals

In the event that a deceased animal needs to be collected for evidence/necropsy purposes, it is recommended that you contact the **Wisconsin Veterinary Diagnostic Laboratory (WVDL) at 608-262-5432 (Monday-Friday 7:45am-4:30pm)**. The WVDL is located at 445 Easterday Lane, Madison, WI. The WVDL does not recommend freezing the animal prior to necropsy. Therefore, if an animal is collected for necropsy and it is after the WVDL normal business hours, you can contact the **University of Wisconsin (UW) Veterinary Hospital at 608-263-7600** for refrigerated storage options. The UW Veterinary Hospital can then turn the deceased animal over to the WVDL during normal business hours.

The Property Room **WILL NOT** store a deceased animal in the Evidence Refrigerator; it will only be stored in the Evidence Freezer. In the unusual event that a deceased animal is collected and not going to have a necropsy, it will be stored in the Property Room Freezer. If the animal is collected and packaged during the hours of 7:00am-4:00pm, please contact the Property Room for assistance. If it is after hours and the animal is small enough to fit into the Evidence Refrigerator Freezer in the CCB Intake room, it can be stored there. If it is after hours and the animal cannot fit into the Evidence Refrigerator Freezer in the CCB Intake Room, contact the OIC to call in a Property Room Staff Member to allow access to the larger evidence freezer.

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 of the tow card is given to the tow truck driver and the other copies should be placed in the box in the VIF intake office.

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.

Officers are required to make any entries into LERMS.

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 information (state and number)
- Owner Information

The Property Room Staff 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 forwarded to MPD Records.

After the vehicle release has been completed, the Property Room Staff will notify the authorizing official and send an email message to the PD Tow email group that the release transaction is complete. Property Staff 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, the person authorizing the release must send an email message to the PD Tow.

This email should include the following information:

Please release vehicle:

- Case#
- Tag#
- Make
- Model
- VIN
- License information (state and number)
- 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.

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 lockers are not available, standard lockers in the Central District Air Dry Room may be used. **Do not air dry any items in standard lockers at other districts' property intake rooms.**
2. Within four days of placing any item into an air-dry locker and provided the items have fully dried, 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 in a police report the transportation or disposition of any evidence.

Refusal of Property

Property that does not meet the packaging and labeling standards outlined in the MPD Packaging Guide 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 Property Clerk will notify via email the employee and the Police Property Supervisor of the deficiency and the steps needed to correct the problem.

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 will return the correctly packaged property to the storage locker. The red zip tie should also be placed (unpacked) in the 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. When picking up the packaged property, the Property Clerk will verify that the cut red evidence zip tie is indeed theirs and that the property has been corrected in accordance with MPD SOP. In the event the indicated deficiency is not

corrected within a reasonable amount of time of refusal, the Property Clerk will send a second email notification to the employee. 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 sensitive evidence/property 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 a Lieutenant (to include OICs), Captain, or Chief.

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

DOCUMENTATION

The temporary or permanent release of any of the designated sensitive evidence/property shall be documented on a "Property Release/Receipt Form" signed by the authorizing Commander.

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

Disposition of Property Requirements

UNCLAIMED PROPERTY

Wisconsin State Statutes 66.0139 and 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 no longer necessary to retain the item.

BICYCLES FOR DONATION

Section 12.761(4) of the Madison General Ordinances allows for donation of bicycles to charitable non-profit organizations. When abandoned bicycles are not returned to the owner or sold, the City of Madison Police Department will donate abandoned bicycles to qualified organizations.

1. Bicycles shall be held by the Madison Police Department Property Section for 45 days before being considered for donation.
2. All requests for bicycle donations must be made with the "Bicycle Donation Form" (found at <https://www.cityofmadison.com/police/support/bicycleDonation.cfm>) which is to be reviewed by the

Police Property Supervisor and the Captain of Traffic/Specialized Services. The Police Property Supervisor will notify all requesters of the approval/denial of their requests. If approved, the Police Bicycle Recovery Specialist will be in contact with the requester to schedule a pick-up date and time for the requested bicycles.

3. Requests should be made at least 30 days in advance from when the organization would like to receive the bicycles.
4. Donations shall be limited to charitable non-profit organizations. Such organizations must provide proof of their non-profit government status (subsequent applications may reference these materials as "on file" with the Police Property Room) and assurances that the bicycles will be used as part of a charitable program sponsored by the organization.
5. Bicycles shall only be for the use of clients of requesting organizations and not for the employees or directors of such organizations. Bicycles may not be sold to raise revenue for any purpose. By accepting a bicycle under this program, the applicant grants permission to the City of Madison Police Department to audit its use of said bicycles in accordance with these guidelines.
6. Organizations wishing to request an ongoing supply of bicycles are required to submit a separate request on each occasion when a donation is desired. Bicycle donations are subject to availability, as determined by the Madison Police Department. Organizations may receive no more than 20 bicycles at one time. Once all requests have been filled, an organization may receive additional bicycles.
7. Organizations receiving donated bicycles must sign a liability waiver and provide for the removal of the bicycles.
8. The Madison Police Department Property Supervisor will maintain the following related to each bicycle donation: copy of the approved request form, date the donation form was filled, and number of bicycles received by the organization.

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 Sheriff's Office Hazardous Devices Unit (HDU) and will not be placed in the Police 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 service 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 Wisconsin 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 audit of all, or of a specified portion, of the property/evidence storage areas is a critical internal control and will be conducted quarterly. Comprehensive inventories will be conducted when deemed necessary. 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 to the Chief of Police for review.

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