POLICY/PURPOSE:

It is the policy of the Cedar Rapids Police Department (CRPD) to provide for the security and control of abandoned, lost, found, seized, recovered, and evidentiary property. The Property and Evidence Control system also referred to as Property Control, will be in accordance with State statute and applicable case law.

The purpose of this policy is to establish guidelines to be followed by all department personnel for the receipt, handling, security and disposition of property taken into custody by the CRPD.

DEFINITIONS:

Records Management System: A computerized property storage management system which tracks property, maintains evidence integrity and control, and has reporting capabilities. The Records Management System uses barcodes printed on security labels to identify individual items and allow for property handling and tracking.

Chain of Evidence: The continuity of custody of material and items collected as evidence.

Property Technician: A civilian member of the police department whose responsibilities include the storage, transmittal, retrieval and disposal of evidence. The designated Property Manager has primary responsibility and shall be contacted first in all matters regarding evidence or property held by the department.

PROCEDURE:

The Property Technician is responsible for all found, recovered, seized, and evidentiary property stored in the CRPD’s property storage area(s).

The Property Technician will maintain records of all property brought to the CRPD. Property records will contain the status of all property held by the department. The record system shall contain the following: [84.1.5]

- The precise location of the property (e.g. room, shelf, bin, or drawer)
- Date and time the property was received and released
- Character, type, and amount of property on hand
- Chain of custody to include names, dates, and times, from the time the property was received until its final disposition
- Date and results of all inspections, inventories of property, and audits of records.

The Property Technician will routinely receive and transfer property from the evidence lockers outside of the property room to the property room. Any changes in the disposition or location of property will be recorded by the Property Technician.
Semi-annually the Property Manager will conduct an inspection to confirm adherence to procedures used for the control of property. The inspection will also ensure that the property room is being maintained in a clean and orderly fashion, that property is being protected from damage or deterioration, and that proper accountability procedures are being maintained. A documented record of the inspection will be made and submitted to Professional Standards. [84.1.6a]

Whenever the Property Manager is absent for an extended period of time (more than 30 days), the operational day-to-day activities and responsibilities will be assigned to a Property Technician or a sworn employee designated by the division commander. Prior to assuming this responsibility, whenever possible, there will be a cursory inventory of all monies conducted. When the Property Manager returns to duty, an additional inventory will be conducted of monies.

Whenever a new Property Technician is designated, an inventory of property will be conducted jointly by the Property Manager with the newly designated Property Technician and the outgoing Property Technician, to ensure that records are correct and properly annotated. [84.1.6b]

An annual audit of the Property and Evidence area will be held. The annual audit will be conducted by Professional Standards. [84.1.6c]

Unannounced inspections of property storage areas are conducted in addition as directed by the Chief of Police at least once a year. [84.1.6d]

Access to the Property and Evidence Area [84.1.2]
Entry to property storage must be controlled to prevent alteration, unauthorized removal, theft, or other compromises of property stored by the agency. All property stored by the department will be placed within a designated secured area.

The Property Technician will be issued a secured access card to the Property Room and will be responsible for maintaining security of the room and restricting access to authorized personnel only. Only the Property Technician(s) and personnel assigned to the Property and Evidence area will have access and control over the secured property room. Operationally the Property Manager will be designated as the primary contact and will be responsible for the day-to-day documentation, storage, disposition, and security of acquired property, contraband, and evidence.

Items of property requiring added protection, including money, weapons, and narcotics will be stored in a secured area or vault located within the property room. Policy requires two (2) persons each with a secured access card and pin to access.
Property and Evidence Handling

All CRPD members who receive or take initial custody of lost, found, abandoned, stolen, or illegally possessed property, property of evidentiary value, or seized property will initiate and complete a Property Receipt (CRPD Form # 407) giving a full description of the property and the manner in which it was acquired. A copy of the property receipt will be provided to citizens from whom the property was received.

All officers will do the following:

- Check for a Stolen Report. If there is not one, attach a Found Property (green) tag to it. If property is found to be stolen, attach an Evidence (yellow) tag to it. If the item is a bicycle, attach a Bicycle (orange) tag to it.

- All property containing flammable or other hazardous materials will be secured in the property storage area outside of any external storage building. The container should be labeled with the nature of the hazard prior to being secured. The nature of the hazard should also be noted on the Property Receipt (CRPD Form # 407). [84.1.1d]

- Officers will obtain a case number for the items. A supplement will be completed documenting the circumstances of the property being turned over and any potential owners to the property, as well as what steps were taken to return the property to the owner. Officers shall use all resources possible up to and including Iowa DOT files, the CRPD records management system, as well as JCA in an attempt to locate the owner. If all attempts to contact the owner have been unsuccessful, the officer will submit the property into Property/Evidence.

- An officer who recovers, seizes or receives property will be responsible for safeguarding the property until it is returned to the owner or placed into the Property and Evidence lockers. This will be done before the officer ends their tour of duty. If the recovering officer transfers the evidence to another, the officer transferring the property will include the transfer of custody information in a supplement. [84.1.1a, b]

- Place the property in evidence lockers. Property too large to be secured in the evidence lockers will be secured in a storage area designated by the Property Manager. Notify Property and Evidence area by sending email to “Police Evidence” when items are placed anywhere other than the evidence lockers.

- A supplement will be completed documenting the circumstances of the property being turned over to the department to include what steps were taken to return the property to the owner, if known and authorized. [84.1.1c]

- Place the property in the temporary evidence lockers for small articles or Bicycle Storage Area in the garage for larger items.

- The Property Receipt (CRPD Form # 407) will be forwarded with the regular reports by the end of the tour of duty.
Depending upon the amount of property and space available, the Watch Commander or designee may contact the Property Manager. The Property Manager will make a decision as to properly securing the property.

Narcotics, weapons, high value items, and money will be packaged separately from other property so that it can be stored according to this directive. [84.1.1e]

When evidence is recovered and crime laboratory examination is desired, this request will be included on the Evidence Tag.

- Officers will ensure that the evidence is properly packaged so that the laboratory can perform the proper test and get accurate results back to the department. If unsure how to properly package an item, officers should check for the proper method before doing it so that the evidentiary value of the item is not lost.
- The Division of Criminal Investigation (DCI) Laboratory Receipt form is to be completed by a member of the CSU requesting lab analysis and attached to the item of evidence.

Under some circumstances, the finder may claim the found property. Chapter 556F.7 of the Code of Iowa details procedures. These are not simple procedures and do require that the finder follow some specific steps. Refer to Chapter 556F.7 for specific instruction.

- The officers will inform the finders to contact Property and Evidence personnel immediately if they think they want to institute recovery procedures.

**Weapons**

NIBIN Database - Any firearm that meets the following criteria may be sent to the DCI for entry into their NIBIN database. The Property Manager will review the circumstances surrounding the seizure of the firearm and determine which firearms will be sent to DCI for analysis.

Criteria for entry into the NIBIN database:

- Semi-automatic pistols that are .25 caliber or larger
- Assault type of rifles regardless of caliber
- Rifles of .223 caliber
- Upon the request of the DCI or a CRPD Supervisor

It will be the responsibility of the Property Manager to identify firearms meeting the above criteria. If the firearm is to be sent to the DCI, the firearm will be sent to the CSU at which time they will fill out the appropriate DCI submittal form, and arrange for the transport of the firearm to the DCI. Once the DCI has examined the firearm
and entry has been made into the database, the firearm will be brought back to the CRPD. The disposition of the firearm will follow established policy.

Alcohol Tobacco and Firearms (ATF) Trace - The Property Manager will review the circumstances surrounding the seizure of the firearm and determine which firearms will need to have an ATF trace completed. If an ATF trace is necessary, the firearm will be forwarded to the CSU at which time they will send the necessary information to ATF electronically. When the trace is finished, a member of the CSU will forward the results of the trace to the appropriate officer/detective/investigator and submit the paper copy to the Records Division to be scanned into the document imaging system.

Drugs
Special care will be used by employees when handling/processing controlled substances and narcotics.

Officers will package controlled substances in a sealable, clear, plastic, evidence bag to ensure the integrity of both the quality and quantity of the submitted item. Officers will fill out a Property Receipt and/or Evidence Tag. The total gross weight of the controlled substance in its original container and evidence packaging will be written on the Evidence Tag. If in a pill or dosage form, an exact count will need to be documented on the Evidence Tag.

The officers will place the submitted evidence item in the secured evidence lockers.

The Property Technician will weigh the narcotics while it is in its evidence packaging and then put the submitted item in the secured area. This area will be electronically keyed with an additional pin code so as to require two (2) Property Technicians to enter the room.

If narcotics need to be taken out of the property room for testing purposes or for Court, Property Technicians will retrieve the narcotics from the secured area and sign them out to the requesting personnel. When the narcotics are returned, they will be put back in the secured area. The same procedure used when the narcotics are initially seized will be used to enter the narcotics back into the property system.

All narcotics will be inspected to ensure the container and its contents have not been tampered with. This inspection will be conducted, at a minimum, each time the evidence is handled or transferred.

Blood or Bodily Fluids
Items containing blood, bodily fluids or suspected bodily fluids should be handled with caution and labeled in accordance with the department’s Contagious Exposure and Infection Control directive, City of Cedar Rapids
Bloodborne Pathogen Exposure Control Plan, and is consistent with the OSHA Bloodborne Pathogen Standard 1910.1030. [84.1.1d]

Any property that is dangerous or hazardous will not be brought into the station. It will be stored in the outside garage area and rendered safe before it enters the building. Every effort should be made to make sure that hazardous substances or materials do not enter the building.

Refrigerated storage is available in the property room for perishable items such as the extended securing of blood or urine for court disposition. Containers of bodily specimens or other possibly infectious materials must be labeled "Biohazard." [84.1.1d]

Food perishables shall be photographed and returned to the owner or destroyed as soon as possible and not stored in the property room.

Property Disposal
Property seized as evidence will be reviewed based on the appropriate statute of limitations concerning its disposal.

The Property Technician shall make reasonable effort to identify and notify the owner, or other person entitled to possess the property, and shall return the property after such person provides reasonable and satisfactory proof of ownership or right to possession. [84.1.1f]

Property no longer needing to be held but having some legal value:

- If the owner is known and entitled to the property, and the property is less than five hundred dollars ($500.00), that person shall be contacted by letter notifying them that the property released to them. [84.1.1f]
- If the owner is known and entitled to the property and the property is greater than five hundred dollars ($500.00) that person shall be contacted by certified letter notifying them that the property can be released to them. [84.1.1f]
- If the owner is not known or the owner declines to retrieve the property, in accordance with state law it may be sold at auction or the item may be donated to an appropriate agency. [84.1.1g]
- If a court order exists relating to the disposal of property, that order will be obeyed.

On a continual basis, the City of Cedar Rapids will utilize an auction service to dispose of unclaimed property. [84.1.1g]

- All dispositions through auction will be made in adherence to statutory requirement.
• Items of a dangerous nature or contraband will not be auctioned. These items will be either destroyed or turned over to the appropriate agency for destruction.

• Final disposition of property will be recorded in the Records Management System.

• Any employee of the CRPD wishing to obtain property for departmental use must first obtain permission from the Property Manager. The Property Manager will verify that notification process was attempted and/or completed, in compliance with Chapter 809, prior to removal of the item for departmental use.

• Employees shall not obtain or facilitate the sale or transfer of property held or owned by the department for possession by any means other than by purchase through a public auction.

Methods of destruction will be in accordance with all city, state, and federal laws: [84.1.1g]

• By burning, crushing, or shredding under the direction of the Property Manager, or by forwarding to the appropriate agency for destruction.

• All narcotics and suspected narcotics shall be destroyed under the direction of the Property Manager, or by forwarding it to the appropriate agency for destruction. Signatures and dates of both parties shall attest to this transaction. When the drugs are destroyed, there will be two (2) employees present.

• All alcoholic beverages and foodstuffs shall be disposed of properly, and in a timely manner.

• All firearms and other dangerous weapons will be disposed of in accordance with all state and federal laws.

Evidence for Court Appearances
Arrangements to obtain evidence for a court hearing will be made at least two (2) business days prior, if possible.

• The officer or investigator will send an email to “Police Evidence” requesting the evidence.

• All evidence taken must be signed for and dated by the receiving officer in the Chain of Custody section of the Records Management System.
  o If the property is photographic evidence, the officer will email “Police ID Processing.”

• The evidence must be returned to the Property Technician in person by the individual who obtained the same. The Property Technician will sign for and date the returning evidence on the Records Management System. If the Property Technician is not available, the evidence will be locked in the evidence locker by the individual who obtained the same.

• If the court system or the Linn County Attorney’s Office requests that the evidence be maintained in their possession, the officer will notify a Property Technician in person or via email to “Police Evidence.” The Property Technician will make the necessary corrections in the Records Management System.
Currency Seizure
When an officer takes money into custody, the officer shall be required to count all money using a second employee as a witness. Each person will count the money and sign the CRPD Currency Sheet. This sheet will be sealed inside of the packaging with the money.

Every effort should be made to count the money at the scene prior to its removal and placement in evidence. Uncounted money or money turned in without a Currency Sheet will not be accepted into evidence.

In cases where there is a large amount of money, the money may be transferred to a location suitable for counting, using two officers to secure the cash. In such cases, a detailed report of the circumstances will be left by the supervisor. However, prior to the removal of the cash from the scene, the cash will be photographed by the removing officers.

The money shall be sealed in a clear, plastic bag with a filled out evidence tag. The money shall be placed into the evidence lockers as soon as possible. Employees shall not retain any confiscated money beyond the end of their tour of duty.

If any money needs to be examined by a detective/investigator to determine its authenticity, by CSU for evidentiary reasons, or for any other valid reason, the money will be removed by two (2) Property Technicians and when returned the amount shall be verified by the Property Technicians.

On a monthly basis, the Property Manager will review the monies in the safe and determine if the monies could be deposited based upon the disposition of the case. The money will be deposited with the City of Cedar Rapids and a receipt, signed by an employee of the City Treasurer’s Office will be placed into the deposit file.

The original deposit reports will be maintained by the Property Manager.

The CID Commander will conduct quarterly audits of the deposits and maintain copies.

Vehicle Seizure
Under normal circumstances, vehicles are not seized in criminal cases. However, in certain criminal cases, especially drug cases, vehicles are not mere evidence but become instrumentalities of the crime. If the seizure is not mere evidence, certain federal and state laws allow the CRPD to obtain ownership of the vehicle.
If a decision is made that the vehicle meets federal or state guidelines for forfeiture and the automobile is taken into custody or towed, a Vehicle Impound Report will be completed. The vehicle will be brought to the CRPD. The impounding officer will send an email to “Police Towed Vehicles” that will include the case number, VIN, owner information, and a synopsis of the seizure.

If there is no intent to obtain ownership of the vehicle, it should be handled and documented following established procedures.

If, because of the nature of the crime, the intent is to obtain ownership, established procedure will be followed.

- Tow the vehicle to the CRPD’s storage facility and secure it.
- Document the exterior and interior condition of the vehicle with photographs to include a picture of the odometer.

To assure the safeguarding of property and departmental integrity in these situations, the following procedures will be adhered to:

- All containers, boxes, bags, etc., whether open or closed, will be inventoried and documented.
- Glove compartments, consoles and trunks of vehicles, either open or closed, will be inventoried for valuable property and documented.

All Other Asset Seizures

Property should not be seized if it has no evidentiary value and does not appear to be contraband.

Property that is seized that is not contraband and is subsequently determined to have no evidentiary value should be immediately returned to the owner or person from whom it was seized.

The seizure of assets, such as real estate, electronic and communication equipment, etc. will be seized in accordance with applicable state and federal guidelines.

All efforts will be made to ensure the property that is seized is maintained in the same condition as it was when seized.

Items that are seized will be listed in the property section and will have the appropriate notations listed in the report narrative as it pertains to the seized property.
Photograph/Video as Evidence
The CSU shall be responsible for the management of all property and evidentiary functions of photographs as evidence.

Photographic evidence will be handled as follows:
- All photographic evidence will be tagged and placed in a suitable container in the Evidence Processing Room.
- Photographic evidence will be stored in the CSU investigator’s secure area.
- Access to the photographic evidence will be by a designated investigator of the CSU.
- It will be noted on the Incident Report when photographs are taken. A member of the CSU will download the photos into the Records Management System.
- Video and audio recordings that are to be used as evidence will be handled like other non-photographic evidence, tagged and placed into an evidence locker.

Forfeiture of Property
The decision to initiate forfeiture of property pursuant to Iowa Code Chapter 809A is within the discretion of the County Attorney. They determine whether forfeiture actions should be pursued, what property should be forfeited, and which interests of joint property owners should be exempted from the forfeiture action. The decision to forfeit property is made only after consideration of all of the facts and circumstances available in the light of the objectives to be achieved by forfeiture.

Among the factors to be considered in which forfeiture is not justified:
- Due to the cost associated with the forfeiture process, a minimum threshold amount involving cash seizures will be set at five hundred dollars ($500.00). A Commander may authorize a cash seizure involving less than five hundred dollars ($500.00) if there are extenuating circumstances but under no situation will cash seizures be made of one hundred dollars ($100.00) or less.
- The seriousness of the criminal activity that supports the forfeiture,
- The intent or mental state of the perpetrator of the criminal offense or series of offenses,
- The nexus between the forfeitable instrumentality and the criminal offense or series of offenses,
- The course of conduct of the perpetrator during the commission of the criminal offense or series of offenses,
- The prior involvement, if any, of the perpetrator with the criminal justice system,
- The effect, if any, that forfeiture would have in deterring future criminal activity by the perpetrator or by others in the community.
- The effect, if any, that forfeiture would have in punishing the perpetrator,
POLICY TITLE: Evidence, Property and Evidence Control  
STANDARD/REF #: 84.1.1; 84.1.2; 84.1.4; 84.1.5; 84.1.6; 84.1.8
APPROVED BY: Wayne Jerman, Chief  
REVIEWED DATE: 3/18/2019
REQUIRED REVIEWERS: Property & Evidence Commander; CID Commander  
REVISED DATE: 3/18/2019

- Balancing the cost of the forfeiture action to the county,
- Protecting the rights of innocent property interest holders, if any.

Use of Forfeited Property [84.1.8]
Forfeited property may be used by the CRPD in the enforcement of criminal laws. The department may give, sell, or trade property to any other law enforcement agency within the State of Iowa if it will enhance law enforcement.

Subject to the laws, rules, and regulations of the United States, State of Iowa, and City of Cedar Rapids, the expenditures stated below are permissible uses of forfeited funds and property: [84.1.4]
- Activities calculated to enhance future investigations
- Law enforcement training
- Law enforcement operations
- Detention facilities
- Law enforcement facilities and equipment
- Drug education and awareness programs
- Asset accounting and tracking

Impermissible uses of Federal and State forfeited funds and property would be:
- Payment of salaries for existing positions
- Uses of forfeited property by non-law enforcement personnel
- Payment of non-law enforcement expenses
- Non-official government use
- Uses contrary to the laws of the United States, State of Iowa, or City of Cedar Rapids
- Extravagant expenditures

Disposition of Forfeitable Property
All final dispositions from the County Attorney’s Office will be directed to the Property Manager. The Property Manager will make copies of paperwork for Records.

Items for Training Purposes [84.1.4]
Controlled substances and drug paraphernalia held by this department may be utilized for training purposes by sworn personnel only. To obtain approval:
- The officer or investigator will send an email request to “Police Evidence”
- The approval will come from the Property Manager or a CID commander
The items requested must be Found Property, abandoned, or have a disposition from a court order for disposal.

All training items taken must be signed for and dated by the receiving officer in the Chain of Custody section of the Records Management System.

The items must be returned to the Property Technician in person by the individual who obtained the same. The Property Technician will sign for and date the returning items in the Records Management System.

Controlled substances
- The items will be weighed or counted in the original packaging, when checked out and returned, by the Property Technician and documented in the Records Management System.
- Any controlled substances utilized for canine training shall be obtained from the Drug Enforcement Agency as established in the Canine Unit directive.

Weapons
- Weapons shall not be permitted to be removed from Property and Evidence for training purposes.