



Tulsa Police Department

This policy statement and the procedures thereunder are intended for Police Department use only. The policies, procedures, and regulations are for internal Police Department administrative purposes and are not intended to create any higher legal standard of care or liability in an evidentiary sense than is created by law. Violations of internal Police Department policies, procedures, regulations, or rules form the basis for disciplinary action by the Police Department. Violations of law form the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police Department.

Policy # 112A

Effective Date 08/23/2018

Policy Name Recovered Evidence/Found Property

Approved Date 08/22/2018

Approved by *Wendell Franklin, Chief of Police*

Previous Date 08/28/2014

PURPOSE OF CHANGE:

To update the policy format.

POLICY:

The operational hours of the Main Property Room vary. However, property can be stored on a temporary basis, 24 hours a day, seven days a week, at divisional property rooms. All property placed in the Main Property Room or a divisional property room shall be properly marked, packaged, and secured.

Policies 112A through 112F, along with TOG 2003, *Collection, Preservation, and Packaging of Evidence*, have been established to aid officers in the proper handling of evidence. In any case where doubt exists as to the proper method of marking or preserving property, officers should seek assistance from a Crime Scene Detective (CSD) or other available expert (bomb technician, laboratory personnel, etc.).

It is the responsibility of the officer first observing or receiving evidence to transport and turn the evidence in to a property room, except when that responsibility is assumed by another officer, a CSD, or other specialist at the scene. In either circumstance, complete all necessary reports and secure all evidence or property into a property room before the person bearing the responsibility ends their shift. If the investigation reveals that dangerous explosives may be involved, an officer shall contact the Bomb Unit for recovery pursuant to Policy 134, *Bomb Threats/Detonations*.

Officers recovering fireworks, black powder, flares, or other items not suitable for storage in the Property Room, shall utilize a day box located at a uniform division as instructed in Policy 134, *Bomb Threats/Detonations*.

SUMMARY: Procedures for taking property into custody.

APPLIES TO: All police personnel

DEFINITIONS:

EVIDENCE – property that is evidence in an investigation for which an arrest or crime report has been made.

POTENTIAL EVIDENCE – property which may be evidence in a case but has not been connected with any specific arrest or crime report at the time the property is recovered.

FOUND PROPERTY – property which has been found by a private person or an officer and is not of evidentiary value.

PROCEDURES:

1. Officers who recover evidence or locate found property will initiate an NCIC/TRACIS check on the found property or evidence if there is an identifiable serial or owner applied number.
 - a. Note the result of the NCIC/TRACIS check from Procedure #1 on the Property Receipt.

- b. If the NCIC check has not returned at the time the Property Receipt is completed, note it on the Receipt and instruct the Teletype operator to forward the NCIC reply to the Evidence/Property Room.
- 2. If evidence is turned in to a property room, an Incident Report must be completed detailing the investigation and the circumstances by which the item came into the officer's and agency's possession. Exceptions to this include Hold for Owner (except firearms), Hold for SANE, and Hold for Destruction (except firearms), see Procedure 6.
- 3. The chain of custody of evidence/property will be documented at all times. The transfer of any recovered property from one officer to another officer shall be documented in the transferring officer's supplemental report. A Property Receipt will also be completed describing each item of property obtained.
- 4. When turning in a firearm to the Evidence/Property Room for any reason (Hold for Owner, Destruction or Evidence), an Incident Report or Field Interview Report detailing how the firearm came into the possession of the officer is always necessary.
- 5. Officers called to pick up a SANE exam without an Incident Report shall turn in the Sexual Assault Evidence Collection Kit to a property room. The kit shall be marked "Hold for SANE" and the SANE exam number will be documented in the Property Receipt description.
- 6. When property other than firearms is turned in as Hold for Owner, Hold for SANE, or Hold for Destruction, an Incident Report is not required. However, if the recovering officer has reason to believe the items might be evidence of a crime, the officer should complete an Incident report or Field Interview Report detailing the circumstances.
 - a. When creating a Property Receipt that has no evidence to be turned in and the reason for hold will be Hold for Owner, Hold for SANE, or Hold for Destruction, select No Report Needed in the Report Type section of the on-line Property Receipt. Then, detail the circumstances by which the property came into the Department's possession and explain the reason that it is being turned into a Property Room in the "Comments" section of the Property Receipt in lieu of completing an Incident Report.
 - b. If property receipt comments are deemed insufficient then they will be rejected by Evidence/Property Room personnel. The comments must be re-done to contain sufficient information detailing how the property came into the officer's possession and why the property is being secured by the Tulsa Police Department.
 - c. When adding on property to an existing receipt, do not select No Report Needed if a TRACIS number is already associated with the receipt.
- 7. Fireworks are hazardous and are not turned in to a property room. Except for unusual situations, fireworks will not be listed on a Property Receipt. When fireworks are recovered for prosecution and a citation is to be issued, an Incident Report is not necessary. The situation must be clearly explained in the Officer's Notes section of the citation. When no citation is issued, complete an Incident Report detailing the seizure. Turn the fireworks in to a day box that is located at a uniform division. In unusual situations such as large amounts of fireworks to be recovered or fireworks used in an unusual manner, complete an Incident Report and take pictures of the fireworks.
 - a. Notify Bomb Squad personnel if non-commercial fireworks are to be recovered or additional assistance is required.
 - b. Bomb Squad personnel will routinely dispose of fireworks to limit the hazard they pose.
 - c. If an officer believes fireworks should be secured for an extended period of time in reference to a case, Bomb Squad personnel must approve the request for hold.
- 8. When a citizen locates found property, state law requires that officers give the citizen the option of retaining or relinquishing any future claim to the property. There is no legal distinction between found property and potential evidence. If potential evidence cannot be connected to a specific crime it must be handled as found property.
- 9. If the found property is not known to be evidence in a crime and the citizen wishes to retain it or to turn it in to the Tulsa Police Department, officers will follow these steps:

- a. Complete a Citizen Property Registration form in lieu of an Incident Report and obtain the citizen's signature on the form.
- b. If the citizen refuses to sign the Citizen Property Registration form but wants to keep the property the officer will write "Refused to Sign" on the Citizen Property Registration form.
- c. Leave the found property with the citizen.
- d. Submit the Citizen Property Registration form with a proper TRACIS report number to a supervisor for approval.
- e. Forward the approved Citizen Property Registration form to the Records Section.
- f. Found property will only be placed in a property room with a completed Property Receipt if the finder relinquishes any future claim to the property.

10. Officers who are off duty and locate found property shall be treated as any other citizen would be in accordance with the procedures established herein.

11. On duty officers who locate found property are prohibited from claiming the found property. The property will be turned in according to the procedures established herein.

12. Departmental property rooms are secure facilities and no unauthorized personnel may enter unless accompanied by a Tulsa Police Officer.

13. Personnel from the Main Evidence/Property Room will be responsible for transporting property from divisional property rooms to the Main Evidence/Property Room. Evidence/Property Room personnel will not accept property when:

- a. The Property Receipt is not completed properly.
- b. The property is not packaged properly.

Such property shall remain at the uniform division until the problem is corrected by those in the chain of custody. When properly packaged, the property will be transported to the Main Property Room.

14. Officers required to bring evidence to court will check it out from the Main Property Room.

15. Upon completion of its use in court, the evidence will be returned to the Main Property Room immediately. If the evidence packaging or container is opened in court, upon return to the Main Evidence/Property Room the person who checked it out will note on the release section of the Property Receipt who opened the packaging or container. The evidence will not be accepted back into the Main Property Room until it is properly packaged.

16. After the statute of limitations has expired, Property Room personnel may forward a copy of the Property Receipt to the appropriate investigative unit. That unit's supervisor will see that the case is researched. Within twenty (20) working days, the unit supervisor will return a completed Property Disposition form to the Main Property Room indicating whether the property should be released, disposed of, or should continue to be held.

REGULATIONS:

1. If the property is contraband or evidence of a crime, officers shall only seize the property pursuant to law.
2. Officers shall take special care to ensure that evidence is not destroyed due to negligence during the recovery process.
3. When money, drugs, or guns are to be turned in to the Evidence/Property Room, at least two officers shall be present when the items are packaged and when they are secured in a property room. When these sensitive items are turned in, both the recovering officer and the witnessing officer must sign the Property Receipt indicating that they both ensured that the property was correctly packaged and secured. A witnessing officer is not required for

property other than money, drugs, or guns.

4. Officers will complete all necessary reports and secure all evidence or property into a departmental property room before the person bearing the responsibility ends their shift.

REFERENCES:

11 O.S. 34-104 (G)

112C, *Property Recovery from Pawn Shops*

112D, *Field Drug Testing*

112E, *Major Crime Scene Processing*

112F, *Major Crime Scenes/Sexual Assaults*

134, *Bomb Threats/Detonations*

302D, *Exposure to Communicable Diseases*

TOG 2003, *Collection, Preservation, and Packaging of Evidence*