

# GENERAL ORDERS | SOUTH MIAMI POLICE DEPARTMENT



<b>G.O. Number:</b> 36.1	<b>Subject:</b> Property Evidence Control (Administration & Operations)	
<b>Chapter:</b> 36 Property and Evidence	Number of Pages: 25	
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<b>By Order of Chief of Police:</b> Rene G. Landa Chief of Police		<b>Revised:</b> 04/11/2022 <b>Status:</b> Amended

**SECTIONS:**

- 36.1.1 Property/Evidence Control System**
- 36.1.2 Storage and Security**
- 36.1.3 Temporary Security**
- 36.1.4 Restricted Access**
- 36.1.5 Records, Status of Property**
- 36.1.6 Inspections and Reports**
- 36.1.7 Final Disposition**

**RESCINDS:** All existing orders in conflict.

**PURPOSE:** To establish procedures for the accountability, documentation, and security of impounded or seized property and evidence. The South Miami Police Department is responsible for the control and storage of physical evidence and property collected by employees in a manner that will preserve the integrity of the item in its original condition as nearly as possible. The department shall also maintain complete records of the security and subsequent disposition of property and evidence.

**SCOPE:** All departmental personnel.

**POLICY:** All property shall be the responsibility of the person accepting the property until such time as the property is delivered to the South Miami Police Department and secured in a designated property locker and/or the proper County facility. The South Miami Police Department’s Property and Evidence Room has been established to accommodate evidence and impounded property for the purpose of providing a secure environment for items impounded for court, safekeeping, disposal, or destruction.

## **DEFINITIONS:**

- A. **CHAIN OF CUSTODY:** Written/ electronic record of all persons having custody of a particular item of property, from the moment of impoundment until final disposition.
- B. **EVIDENCE:** Any property or item which may be used during a criminal proceeding to establish a case and to prove the facts of a crime before a court of law.
- C. **PROPERTY:** Tangible material that may come into custody of the department and is classified as evidence, lost/found, security (safekeeping), or stolen.
- D. **SERVICES UNIT SUPERVISOR:** A Sergeant or higher designated by the Chief of Police and as Services Unit Supervisor, and given the responsibility for all items submitted to the Property/Evidence Room.
- E. **PROPERTY RECEIPT:** The Miami-Dade Police Department form on which all information concerning seized or impounded property and evidence is recorded. The Miami-Dade form will be utilized for the submission of property to the County lab for further testing and processing, if necessary. Property Receipts and Lab Request exist both in electronic and/or paper form.
- F. **RECORD MANAGEMENT SYSTEM (RMS) Property and Evidence (P&E) Module:** Electronic Software System that allows to maintain chain of custody, set alerts for evidence management and disposal, generate custom reports of evidence and manage physical and digital evidence together.

## **PROCEDURE:**

### **36.1.1 Property/Evidence Control System**

- A. Officers and employees will record all property and evidence taken into custody on the property receipt as soon as possible, but must do so prior to the end of their tour of duty. [CFA28.01M(a)]
  - 1. To clarify the recording and documentation on property receipts, there are 5 classifications of property/evidence: Money, Guns, Drugs, Valuable Jewelry and Other (which includes all other items, such as loose ammunition, burglary tools, bicycles, etc.);
  - 2. Items of different classifications can not be packaged together or listed on the same property receipt;
  - 3. All property receipts must be filled out completely with a description of each items being impounded and a description of how it came into the

Department's possession (i.e. narcotics arrest, found property, robbery arrest, etc.) [CFA28.01M(d)]

- B. All property and evidence taken into custody by officers or employees of this department will be placed under the control of the Property/Evidence Unit prior to the end of the officer's or employee's tour of duty. In order to come under the control of the Property/Evidence Supervisor, the following will occur: [CFA28.01M(b)]

The property/evidence will be placed inside the temporary evidence locker by the impounding officer and push-button locked to ensure proper chain of custody.

1. The Services Unit supervisor or designee will then remove the property from the locker and will enter the property into the RMS indicating that the property has been placed in the property room. Property should be removed and impounded in this manner within three business days (Monday through Friday, weekends and holidays excepted).
2. The Services Unit supervisor or designee can reject the acceptance of property because of non-compliance to established property submission procedures. The affected property will be held in the Property Room until the impounding officer corrects the error in processing.
3. When evidence or property is too large for the property lockers, as is the case with bicycles and large power tools, etc., it will be placed in the South Miami Police Department garage in a bicycle bay or alternately locked to the wall using the provided cable. If an officer has any such large items to impound, they will fill out all appropriate paperwork and attach the Property receipt to the item.
4. Under no circumstances will an officer or employee store evidence in a desk drawer, vehicle, or at home. Any exceptions due to the event of a bona fide emergency to submitting the items to the Property/Evidence Unit before the end of an officer's tour of duty requires supervisory approval in writing and the items must be left in police headquarters in a secured locker where the officer impounding the item is the only one with access until properly submitted. It is the responsibility of the supervisor to verify the employee will be on duty on the next day. [CFA28.01(C)]
5. Property and/or Evidence that requires refrigeration, such as blood samples, body fluids, urine, swabs, etc. will be impounded in a refrigerated locker using the above procedure, then taken to the Miami-Dade Police Department Property Section for analysis as soon as possible

by the Services Unit Supervisor or designee.

C. If bagged, on the outside of the plastic bag, the officer/employee will write the following: [CFA28.01M(d)]

1. Officer's name;
2. Defendant's last name, if applicable;
3. Date of impound;
4. Case Number.
5. Seal the bag with the heating element or with evidence tape, even if it is only found property. The impounding officer or employee will place his/her initials half on the evidence tape and half on the bag or across the heat seal.
6. If the bag contains property that has been or was possibly exposed to a bio- hazardous substance, place a "Bio-Hazardous" sticker on the bag where it will be easily seen, and on the Property receipt in the appropriate place.
7. Attach the Property receipt to the outside of the evidence bag with a staple through the perforated top portion of the receipt. Ensure that the Property receipt is in FRONT of the evidence bag and stapled ABOVE the perforation.
8. If multiple envelopes or bags are used, they are to be marked "1 of 2", "2 of 2", etc. This notation is to be placed on the top of the Property receipt and envelope(s).

**NOTE: All property belonging to a prisoner needs to be taken and left at the receiving jail facility, unless the property is a weapon, narcotics, or is too big to be stored at the jail facility. Officers shall make sure the police vehicle is checked when dropping the prisoner off, before leaving the jail facility. Any property found/left in the vehicle that belongs to the prisoner should be left at the jail facility.**

D. The following property or evidence shall be secured in a specific, secured, locked cabinet within the property room:

1. Money (value \$50.00 or more)
2. Precious metals
3. Firearms

4. Dangerous drugs
5. Jewelry
6. Gemstones
7. Narcotics [CFA 28.01M(e)]

Impounded property will be stored by the South Miami Police Department Property/Evidence Room unless it is of extraordinary size or is an explosive or hazardous material. If the material is explosive or incendiary in nature, the Miami-Dade County Bomb Disposal Unit or applicable Arson Unit will be notified; they will be responsible for storage and impound. If the material is hazardous, a "Hazmat Unit" will be notified and the property will be turned over to them for proper disposal.

Specific guidelines for packaging and impounding sensitive and valuable items of property are as follows:

**Narcotics:**

1. When narcotics of quantity are seized and brought to the station to be placed into Property/Evidence, they will be weighed by the seizing officer when possible. Single rocks of crack cocaine, single marijuana cigarettes, will not need to be weighed. Individual pills and fractions of pills (for example, 3 and one-half Xanax pills) may be listed as such without weighing. Mere trace residue may not be able to be weighed properly and can be listed as the container it is in "with residue" (for example, clear baggie with marijuana residue). The weighing of narcotics will take place after any presumptive testing (i.e. Nark testing).
  - a. A scale will be provided for this purpose;
  - b. The officer will weigh the substance and, if necessary, the package in which the substance is found;
  - c. Weights will be recorded by writing the approximate weight (i.e. "Approximate weight 23 grams").
2. If necessary, officers may test a small sample of the controlled substance using a narcotics test kit
  - a. Prior to testing any suspected controlled substance, pills, tablets, or capsules, employees should consult the Physicians' Desk Reference or contact Poison Control Center and attempt to identify the substance.
  - b. Only those field tests authorized by the department shall be used (i.e. Nark and Nik kits). These kits, once used, will not be placed in

property or impounded. They may be disposed of in an appropriate waste container.

- c. Drug paraphernalia will not be sent to the lab, but the material will be impounded into the Property Room.
3. After the property has been field tested and weighed, it will be properly packaged in a clear plastic bag and property envelope. Narcotics will be packaged to prevent leakage.
  - a. In cases where sharp objects (syringes, glass crack pipes, etc.) are placed in Property/Evidence, the impounding officer will secure the item in a plastic tube or padded envelope to prevent injury to any person handling the envelope;
  - b. Officers will use an approved sharps container for packaging all syringes in tubes for disposal.
  - c. The Miami-Dade lab will not accept needles for testing.
4. A Property receipt will be completed on all narcotics seized by members of the department. The officer shall then attach the Miami-Dade Property receipt to the bag containing the suspected controlled substance and deposit it in the Evidence Locker. A Miami-Dade Laboratory Analysis Request form (or electronic form) will also be filled out and submitted with the property receipt, in the event that the narcotics are evidence in a case.
  - a. In cases of large seizures of narcotics (bales of marijuana, kilos of cocaine) a sample from each package will be sent to the Miami-Dade lab for analysis.
  - b. The remainder will be stored in the Property/Evidence Room or sent to the Miami-Dade Police Department should the size/quality of the seizure compromise the Property/Evidence Room. This decision will be made by the Services Unit Supervisor via the chain of command in concert with the Chief of Police.
5. The Services Unit Supervisor will log the evidence and as soon as practical, the evidence will be transported by a designated employee to the Miami-Dade Crime Lab for analysis.

**Currency and Coins:**

1. All monies in excess of one hundred dollars (\$100.00) will be counted in

the presence of another employee. All incidents involving seized money require a supervisor to witness the inventorying. A property report and Miami-Dade property receipt shall be completed to include the following:  
[CFA28.01M(e)]

- a. The total amount of currency. The officer will place his/her name or initial and identification number after the amount, and the seizing officer will sign the Property Receipt in the presence of the witness officer with BWC on record mode;
  - b. The number of bills or coins by their denomination (i.e. six (6) one hundred dollar bills, thirty (30) twenty dollar bills, etc.), and the country of issuance shall be noted. Foreign money will be packaged separately from US currency and not be given a value.
2. Monies will then be placed into an envelope and sealed with evidence tape, and initialed, prior to being placed in an evidence locker.
  3. The packaged money will then be submitted to the Property Lockers with the Property receipt attached to the front.
  4. When impounding seized monies into the Property Room and the case qualifies for the Forfeiture Act, the words "Forfeiture Item" will be written on the Property Receipt. A Forfeiture memorandum will be forwarded with copies of the case reports to the CID Lieutenant for commencement of forfeiture proceedings, as required by G.O. 32.4. The Criminal Investigative Division and / or the Special Investigations Unit may be consulted with reference to forfeitures.

When large amounts of currency are impounded, the Services Unit Supervisor shall be contacted to determine if the money needs to be secured immediately in the property room in the special area for drugs, weapons, & currency.

After the appropriate procedure is followed, the currency will be deposited in the forfeiture account.

**Jewelry:**

1. All jewelry seized will be listed on a separate Miami-Dade Property receipt.
2. The item(s) of jewelry will be described as they are visualized by the officer. Example: "Yellow metal chain, eight inches long, containing three

clear stones in a yellow metal, heart shape,” Instead of “14 Karat gold eight-inch chain with three diamonds in a 14-karat gold shaped heart.”

**Firearms:**

1. All firearms seized by an officer will be packaged separately.
2. The officer shall complete a Property Receipt for all weapons impounded. The owner or person in possession of the weapon(s) will be asked to sign this receipt (if taken for safekeeping, destruction, etc.) and this person will be given a copy of the Property receipt prior to the officer leaving the scene.
3. Firearms, except those discharged in a criminal act, should be unloaded and rendered safe at the scene. The ammunition will be placed inside a separate smaller bag before being placed in a larger clear plastic bag. This evidence bag may contain both the ammunition and magazines or clips.
  - a. If the firearm(s) seized is considered evidence, officers (if practical and safe) shall not disturb the firearm, preserving its integrity, until a Crime Scene Investigator is on scene and assumes custody and control of the evidence.
  - b. If an officer is unsure as to the safe unloading or handling procedure of a particular firearm, he shall so advise his supervisor. The supervisor shall then direct someone familiar with the firearm or a firearms instructor or armorer to render it safe.
  - c. Firearms that cannot be rendered "safe" shall be labeled and placed in the evidence locker by the impounding officer, and the Services Unit supervisor or designee notified; the department's Armorer will render it safe. The gun will then be submitted to the Property Room for evidence/storage/destruction.
4. The serial number of a seized weapon shall be checked through NCIC/FCIC and this information shall be placed on both the Property receipt and in the property report filed by the officer.
5. All auto loading center fire rifles, pump shotguns, and semiautomatic pistols placed in the property room for any reason will have a NIBIN test done by the Miami Dade Police Department.

### **Blood/Other Body Fluids and Wet Items:**

1. Evidence: Any item or specimen of bodily fluid that is taken into custody to be submitted for laboratory analysis will be placed in an applicable container (i.e. blood alcohol kit, etc.), placed in a brown paper bag and sealed with evidence tape. The item will be recorded on a Miami-Dade Police Property receipt and labeled in accordance with requirements set forth in G.O. 36.1.1 (D.), if feasible. The property will be marked with biohazard stickers. The item will be taken to the Miami-Dade Police Department crime laboratory or Medical Examiner's office immediately.
  - a. Items of evidence that are wet from non-biohazardous liquids such as water, alcoholic beverages, etc., and are to be sent to a testing facility will be packaged and handled the same as items described above.
2. If the property is an alcoholic beverage and it is to be used as evidence in a DUI case or other related cases, or if the alcoholic beverage is opened or being consumed by persons under age of 21, take photographs of it and dispose of the beverage and containers. Do not impound the empty containers.

### **Hazardous Materials:**

1. Explosives, poisons, chemicals, volatile solids and liquids etc., will not be processed for storage in the Property/Evidence Room and/or lockers, and should be photographed. Do not bring these items into the station.
2. Miami-Dade Police Department Bomb and Arson Squad will take custody of explosive devices and explosive chemicals. The Miami-Dade Fire Department and Hazmat Unit will be contacted for assistance regarding the disposal of any other toxic substances.

### **Perishables, Large Items or Large Quantities of Items:**

1. Perishable goods, such as food, drinks, AND tobacco products, which cannot be immediately returned to the owner, will be photographed and disposed of.
2. The photograph will then be attached to the appropriate report after having been properly marked with a written description of the property, the name of the property owner if known, location of occurrence, the investigating officer name, the date the photograph was taken, case number, and the name and signature of the photographer.

3. Property that is filthy, trash, open consumables, or items that may contain lice or other contagion will be disposed of and NOT brought in to contaminate the Property/Evidence Room.

**Found or Abandoned Property:**

1. "Found property" means all tangible personal property, which does not have an identifiable owner and which has been recovered from roadways, private property, public property, upon a public conveyance, on premises used for business purposes, or in parks, places of amusement, public recreation areas, or other places open to the public.
2. "Abandoned property" means all tangible personal property which does not have an identifiable owner and which has been disposed on public property in a wrecked, inoperative, or partially dismantled condition or which has no apparent intrinsic value to the rightful owner. However, vessels determined to be derelict by the Department of Natural Resources in accordance with the provision of Florida Statute 823.11 shall not be included in this definition.
3. Pursuant to Florida Statutes 705, found or abandoned property, a law enforcement officer shall be authorized to recover lost or abandoned property.
4. When an officer responds to a call where found /abandoned property is involved, the following procedure will be adhered to:
  - a. The officer taking the report shall check the property serial number, if any, through NCIC/FCIC.
  - b. Upon determining that the item has not been reported stolen, the person finding or reporting of the property shall be afforded the opportunity to make a claim to it if the rightful owner cannot be identified or located.
  - c. If the reporting person wishes to claim the item, he must sign the Property receipt indicating the desire to make a claim and include a telephone number where they can be reached.
  - d. Whenever an officer determines that an article of found or abandoned property is present on public property and is of such nature that it can be easily removed, the officer shall take such article into custody and make a reasonable attempt to notify the rightful owner or lien holder.

- e. The property will be packaged and stored using normal procedures and kept in the locked and secure Property/Evidence storage areas.
- E. The South Miami Police Department shall make every effort to notify and return to the owner any found, recovered, or impounded property. If owner information is known, the submitting officer will notify the owner and explain how they can pick up their property. This applies only if the property is not needed for trial/evidence. The officer shall make a reasonable effort to identify the name and address of the owner and forward this information to the Property Supervisor. [CFA28.01M(g)]
  - 1. Whenever an officer determines that an article of lost or abandoned property is present on public property and is of such nature that it cannot be easily removed (such as a car or boat), the officer shall place a note upon the article. The note shall conform to Florida Statute 705.103(2). If the item is blocking traffic or presents a hazard, it may be removed by Public Works; if the item is a motor vehicle or vessel, it may be ticketed and towed by the Officer.
  - 2. Whenever an officer determines that an article of lost or abandoned property is present on private property and is of such nature that it cannot be easily removed (such as a car or boat), Code Enforcement may be notified and a certified letter will be sent by them to the property owner if known. Code Enforcement will place an official notice on the property.
  - 3. If the property impounded includes owner information, the owner will be contacted via a departmental form letter, via certified mail after 45 days of impounding, requesting they respond to the police department to claim their property. This explains the pick up procedures to the owner.
  - 4. To pick up property, the owner will need photo identification and the department letter.
  - 5. If after 90 days the property has not been claimed and the owner has not come forward to claim the property, proceedings to destroy/dispose, or confiscation of the property conforming to **Florida State Statute 705.103** will begin. The property being destroyed or disposed of will be logged and disposed of in a manner determined by the Services Unit supervisor.
- F. Once property and evidence have been placed under the control of the Property/Evidence Room, it can only be removed for an official purpose until a final disposition is made. The following guidelines will be adhered to for the temporary and/or final release of impounded property items: [CFA28.01M(h)]

### **Return of Evidence to the Property/Evidence Room:**

1. Except when admitted as court evidence, evidence removed from the Property Room will be returned to the Property Room immediately following court proceedings (by the next tour of duty).
2. When accepted as court evidence, the Clerk of the Court will become responsible for the evidence until the conclusion of the trial.
  - a. The officer's file copy of the property receipt will be signed by the Court Officer and stamped with the Court's seal;
  - b. The signed file copy of the property receipt will be returned to the Services Unit Supervisor immediately following court proceedings (next tour of duty);
  - c. The Services Unit Supervisor will place the signed file copy in the property receipt folder, with the OI report, and complete the file with the final disposition.
3. When the evidence and officer's file copy of the property receipt are both admitted as evidence:
  - a. The officer will obtain a certified copy of the property receipt or an official document bearing the Court's seal. The copy of the property receipt or document will indicate that the Court filed the officer's file copy of the property receipt as evidence;
  - b. This certified copy of the property receipt or official document will be returned to the Property Room immediately following court proceedings;
4. Overdue evidence that is not accounted for will be documented in a memo; the Administration Bureau Captain will be notified, who will then notify the officer's supervisor via the chain-of-command. After such notification, the officer will submit in writing the reason(s) for the overdue status on the evidence.

### **Laboratory Analysis:**

1. Evidence will be submitted to the Miami-Dade Police Department Crime Lab for several reasons, including narcotics testing, D.N.A., test-firing, etc. All property and evidence that is sent to the lab will be signed off on the Property receipt in the appropriate area.

2. Once the property has been analyzed and is being returned, the Property Supervisor will verify the returned property and its receipt.

**Firearms/Dangerous Weapons:**

1. Found or abandoned firearms, weapons or electronic weapons or devices will only be returned to the lawful owner. The owner must supply proof of ownership and valid photo identification.
2. If ownership is known or unknown, these items will be held for a period of six (6) months for claim of ownership, conforming to Florida State Statute 790.08 (5).
3. Any firearm that does not bear a serial number either by intentional obliteration or obscurity by damage, shall not be returned to the owner and he or she shall be made aware of this fact prior to the officer leaving the scene. Ammunition will not be returned in any case and will be destroyed.
4. **Florida State Statute 933.14** states: No firearm shall be returned to its owner, when such firearm is taken as a result of a seizure, with or without a search warrant, (or as provided in Section 36.6.1) when such incident involves a breach of the peace, unless such owner produces a court order from either a Circuit or County Court Judge.
  - a. In cases of Domestic Violence arrests, injunctions, Baker Act, violent offenses, etc. this statute will apply.
  - b. On all other cases, the return of such firearms will be decided on a case by case basis and in compliance with all applicable Florida State Statutes.

**NOTE: The disposal of firearms is governed by Florida State Statutes, particularly 790.08. Firearms not returned to rightful owner(s) shall be disposed of by destruction or retained for departmental use (See G.O. 36.1.7). The finder of any of these items is not entitled to claim the property.**

**Release by Court Order or Letter from the State Attorney's Office:**

1. The Administration Bureau Captain, or the Services Unit Supervisor may authorize the release of property if proper documentation is received. The Court Order must be the original BOLD copy and it must be stamped

with the "DC" (Deputy Clerk) stamp. This is the only copy South Miami Police will accept to release the property. This is mandatory paperwork for defendants.

- a. Claimants requesting property via a Court Order must provide an original document with the appropriate seal from the Circuit Court Clerk's Office.
  - b. Reproduced copies will not be accepted.
2. The paperwork can be obtained with or without an attorney. If an attorney is not used, the paperwork can be obtained through the Clerk of Courts Office located at 1351 NW 12 Street.
    - a. The property being released must be SPECIFIED in the court order or it cannot be released. Property involved in "Domestic Violence" cases will be checked for proper documents and signatures.
  3. Victims and/or witnesses do not need a Court Order for release of property.
  4. Property can be returned Monday through Friday, from 0900 hours to 1700 hours (9:00 a.m. to 5:00 p.m.); arrangements should be made in advance.

**Release to property owner:**

1. Property and/or evidence may be returned to the rightful owner if the property or evidence is not needed in the furtherance of an active case or for court presentation. If any questions regarding property release are raised, the impounding officer will be contacted for clarification.
2. Items listed on the Property receipt can be released to the owner listed by the impounding officer with valid photo identification. A copy of the identification will be attached to the property receipt. Any documentation concerning ownership of the property will also be copied and placed with the completed Property Receipt.
3. Preparation for property release: The identification the owner/claimant displays upon pick up will be photo-copied.
  - a. The owner/claimant will sign and fill out pertinent information on the property receipt.
  - b. The Property receipt will then be scanned to the O/I Report in RMS.

4. The Property Supervisor or the releasing employee will complete the "Release" portion of the PROPERTY RECEIPT (on the bottom of the back page of the white copy) with the following information:
  - a. Name and address of the owner;
  - b. Officer's signature and badge number on the "Released" line;
  - c. Date;
5. Items to be released are to be noted on the "Items #" line.
6. Property can be returned Monday through Friday, from 0900 hours to 1700 hours (9:00 a.m. to 5:00 p.m.), unless other arrangements have been made in advance. The Property/Evidence Supervisor is permitted to make arrangements with owners during other times, if necessary.

**Miscellaneous property and currency of deceased persons:**

1. In cases of homicides and/or suspicious deaths, the Miami-Dade Police Department will have impounded the property at their storage location and is responsible to authorize its release, if necessary.
2. If the deceased is not involved with a Miami-Dade Homicide case, then the investigating South Miami Officer will notify his/her Supervisor to approve the release of the property. The Officer/Supervisor will indicate to whom the property is to be released to and which items are to be released.
3. Conflicts of Ownership: When there is more than one claimant to the property, a decision will be obtained from the City Legal Advisor. If the City Police Legal Advisor cannot make a determination as to ownership, a civil court order will be required before property is released.
4. Credit Cards placed in the Property Room as Personal Property may only be released to the person named on the card. If the owner of the credit card is deceased or the credit card was placed in the Property Room as evidence, the card will be confiscated and NOT returned.

**Returning Property by Mail or to Other Parties:**

1. If the owner cannot personally appear, the following MUST be carried out:
  - a. The person claiming the property must obtain and bring a notarized letter from the owner, designating that person as

his/her representative, and authoring the release of the property to him/her (copies will NOT be accepted).

- b. The representative must present photo identification.
2. Persons residing in the Miami-Dade County area are NOT eligible for the mailing of impounded property. They must pick it up at the South Miami Police Department. This service is for residents living outside of the Miami-Dade County limits only (i.e. Broward, Monroe, etc.).
3. If the mailing of property is requested, the owner must complete a notarized release, return the form to the South Miami Police Department and pre-pay the costs for such shipment.
4. UPS and the U.S. Postal Service will be used to ship all items EXCEPT guns.
5. Foreign Country residents may request a forwarding company or consular agent to claim property (upon presentation of a notarized letter, from the owner specifying the authorized recipient). This representative MUST have valid photo identification.

**Return to Finder:**

1. The law enforcement officer taking the report shall ascertain whether the person reporting the property wishes to claim it if the rightful owner cannot be identified or located. This person will be noted in the report, and instructed to contact the Services Unit supervisor in order to claim the property, as set forth in Florida State Statutes. If claim is not established, all rights to the property shall be vested in the City of South Miami. City employees act as agents of the City of South Miami and are not considered as the finder entitled to the return of the found property.
2. If the owner is unknown, or no claim is made for three (3) months after the property was found, the person finding the property will be entitled to claim it.
3. The appropriate certified form letter will be sent to the finder stating that he/she is entitled to the property, and that he/she has twenty (20) days in which to claim it. If after twenty (20) days, there is no response from the finder, confiscation proceedings will begin.
4. If there is no owner/finder information or the finder does not claim the property after 90 days or after receipt of a certified written letter, the property will be incinerated or otherwise destroyed.

### **Vehicle Tags:**

1. If the tag is expired, out-of-state or a temporary tag, the Department will be responsible for the destruction of said tag. The State will NOT accept these types of tags.
2. If the tag is current, it is to be turned into DHSMV as soon as we have accumulated several tags.
3. Return of Tags: If a tag is impounded, no matter the crime or civil infraction, it will not be returned. the tag becomes state property. The owner victim, suspect, etc., has to re-register their vehicle/trailer.
  - a. Tags will be returned to the Division of Licensing Office c/o DHSMV.
  - b. Destruction of Vehicle Tags: When the tag is destroyed by the department: Tags will be destroyed by cutting them in half, with a pair of metal snips.
  - c. They will then be placed inside a trash bag and disposed of properly.

### **36.1.2 Storage and Security [CFA28.03M]**

- A. The South Miami Police Department maintains a Property/Evidence Room for the storage of property and evidence. This room is a controlled access area with a single, solid door and a solid ceiling surface. Only the Property/Evidence Supervisor (the Services Unit supervisor), his designee, and the Administrative Bureau Captain will be granted access via their department issued access card and deadbolt key.

The Property and Evidence room is designed to keep processed and stored items in a secure and organized fashion. The main part of the room is for general storage of property and evidence. The Property/Evidence Room can accommodate small to medium sized items of property and evidence.

1. There is a secured area within the property room used for the storage of money and jewelry.
2. Narcotics and firearms are stored in separate, locked cabinets also located within the property room. The keys to the locked cabinets will be possessed only by the Service Unit supervisor, and the Administrative Bureau Captain.

### **36.1.3 Temporary Security**

- A. Property and evidence will be placed in the appropriate secured location. The location of storage will depend on the time of seizure, the evidentiary value, the size and condition of the property.

### **36.1.4 Restricted Access [CFA28.03M]**

- A. Access to the South Miami Police Department's Property/Evidence Room and Property/Evidence lockers will be limited to the Service Unit Supervisor or designee, and Administration Bureau Captain. These individuals will maintain the only keys to these areas.
  - 1. All personnel will sign in and out on the "Property/Evidence Room Entry Log" upon entering and exiting the room.
  - 2. This log will be reviewed and audited periodically in conjunction with General Orders-Section 36.1.6.

### **36.1.5 Records, Status of Property**

- A. The Services Unit Supervisor will maintain an accurate property inventory log depicting the location and movement of all property and evidence submitted to the facility. Each item of property and/or evidence will be tracked through a unique item number assigned to the property and/or evidence upon submission to the property Room. This item number is sequentially ordered.
- B. The South Miami Police Department Property receipt is used to accurately reflect, by printed name, signature, identification number, reason, and date and time, each chain of custody and location of the property. [CFA28.04M (a,b,c, and d)] Each succeeding person who has custody of the property, inspects or handles the property will affix his/her signature and appropriate information on the Property Receipt. These changes are reflected at the bottom (and back pages if necessary) on the Property Receipt. Once the evidence has been properly secured in the evidence envelope and the Property receipt is attached, the property is placed either in the Property/Evidence Room by the Services Unit Supervisor or his designee, or into a property locker by the impounding officer.
- C. Property placed into an evidence locker will be removed by the Services Unit Supervisor or designee. At this time, the Services Unit Supervisor or designee will log the property/ evidence into the RMS (P&E Module) establishing chain-of-custody and an inventory record. A property and location (bin#) decal will be affixed to the item(s) and the properly stored. An inventory log reflecting the

location and status of all property placed in the Property/Evidence Room will be prepared by the supervisor at the time the item(s) is placed in the Room as described above (subsection A). These records are maintained electronically.

### **36.1.6 Inspection and Reports**

- A. The Services Unit supervisor will conduct an annual inventory of the property and evidence room to determine if departmental procedures for the control of property and evidence are being followed. The annual inventory will ensure that the Property/Evidence Room is being maintained in a clean and orderly fashion, that the integrity of the property is maintained and that property is protected from damage and deterioration. This inventory will account for 100 percent of the items (recorded as being on hand) in the following categories; currency, precious metals, gemstones, jewelry, dangerous drugs, narcotics, firearms, and dangerous weapons. This inventory will also account for 25 percent of the items (recorded as being on hand) in the general property category (i.e.: bicycles, tags, tools, miscellaneous item, etc.) [CFA28.02M(c)]
1. The inventory log will be inspected for accountability and to ensure that property having no evidentiary value is being disposed of promptly and properly.
  2. The inventory will take place by the Services Unit Supervisor or his designee and a person designated by the Chief of Police.
  3. The inventory may be a total inventory of the Property Room or an inventory that will ensure the continuity of custody, and not require the accounting of every single item of property. The inventory will be sufficient to ensure the integrity of the system and accountability of the property.
- B. A 100 percent inventory of the Property/Evidence Room will be conducted immediately when any person responsible for that function vacates this position. The inventory will be conducted by the new person responsible for property and evidence control and a person designated by the Chief of Police. Access authorization will be changed accordingly.
- C. The Chief of Police will appoint a member of the department, who does not have normal supervisory responsibilities attached to property and evidence storage, to conduct an annual examination of the Property/Evidence Room for compliance with Department policies, procedures, and controls. [CFA28.02M(a)] The Services Unit Supervisor or his designee will be present during the audit process.

The person conducting the audit shall check for the following:

1. Has the property inventory form been properly completed, recording the case number, date impounded, impounding officer, reason for impounding, inventory date, description of property and disposition?
  2. Is property and evidence being stored in the proper location?
  3. Are all property and evidence bags properly sealed and are the Property Receipts attached?
  4. Is the chain of custody information complete?
  5. The person conducting the audit shall forward the result and discrepancies, if any) of the audit to the Chief of Police.
- D. The Chief of Police will order unannounced inspections of the Property/Evidence Room for organization and orderliness at his discretion. [CFA28.02M(b)]
- E. The circumstances surrounding all lost, missing, or stolen property and evidence will be investigated. [CFA28.02M(d)]
1. The Support Services Supervisor will request additional help from the Administrative Bureau commander to check all available records and search agency storage areas for the items.
  2. If narcotics, currency, or firearms are determined to be lost, missing, or stolen, either through an inventory or other means, the circumstances will be referred to Internal Affairs for investigation.
  3. If an inventory reveals a lost or missing item, aside from firearms, currency, or narcotics, the Chief of Police may accept the inventory reconciliation documented in memorandum as the investigation or may order further investigation.
  4. Items found to be lost, missing, or stolen under other circumstances will be reported to the Chief of Police by memorandum. The Chief or his designee will determine the appropriate investigative action.

**36.1.7 Final Disposition [CFA28.02M(E)]**

- A. Purging of items under control of the Property Evidence Unit will by lawful means. When there is no further need for an item to be held by the Department, an item may be purged from its records by:
1. Release to lawful owner

2. Release to another agency if it has reported the item stolen from their jurisdiction
  3. Destruction according to state law if contraband under Florida Statute.
  4. Destruction of abandoned property with no value or known owner
  5. Public auction or donation to recognized charities of items with no known owner and no known liens or claims
- B. Final Dispositions of all property will be noted on the Property receipt and the receipt will become a permanent part of the Department's records. Dispositions will also be noted on the Property Inventory log. The following guidelines and procedures will assist the Property/Evidence Supervisor with the final disposition and destruction of impounded property:

NOTE: In all Capital cases, the property/evidence must be maintained indefinitely.

**Narcotics:**

1. The Property Supervisor will record all confiscated narcotics and maintain a chain of custody.
2. The Property Supervisor will then prepare a "request list for verification of destruction of controlled substances form," listing the inventory number and type of narcotic for the narcotics awaiting destruction.
3. The form will be forwarded to the State Attorney's Office for verification of disposition. This form will not include narcotics that were impounded as "found or abandoned" property. The Property Supervisor will ensure the narcotics were impounded and concluded for one of the following reasons:
  - a. Narcotics "Found" or "Abandoned" with NO defendant;
  - b. property receipt signed by the impounding officer or property supervisor to confiscate and a disposition form from the State Attorney's Office stating that the evidence is no longer needed; or
  - c. Court Order.
4. Preparation of the List of Controlled Substance for Destruction:
  - a. The necessary information will be entered into the corresponding columns;

- (1) South Miami Case number;
  - (2) Substance type;
  - (3) Inventory number.
5. After receiving authorization for destruction of the evidence from the State Attorney's Office, the approved request list for verification of destruction of controlled substances form will be delivered, along with a properly filled-out motion and order authorizing the destruction of controlled substances (court order), to the chief judge named on the court Order form for signature.
6. Retrieval: The narcotics for destruction will be separated from the other narcotics prior to destruction. They will be stored in another bin until destruction.
7. Processor's Duties: Check the property receipts for accuracy. Ensure the case number on the Property receipt matches the case number on the package.
8. Destruction of Narcotics: If a fee is required for incinerator usage, the Property Supervisor will submit a memorandum to the Chief of Police, requesting approval for the expenditure to conduct a narcotics burn.
  - a. The Services Unit supervisor will stand by and make sure the narcotics get loaded into a departmental vehicle for transportation to the burn site.
  - b. The Services Unit supervisor will attend the narcotics burn and verify that all packages are approved for destruction and verifying the narcotics being destroyed are the same as on the Destruction Log. The Property Supervisor will then complete the "Report of Narcotics Burns."
  - c. If a fee is required for incinerator service, the Services Unit supervisor will sign for the incinerator service and get the receipt for the Property Room's file after making payment. The Property Supervisor will submit a copy of the receipt to the finance department.
  - d. A copy of the "Destruction Form" will be filed in the Property Room and will be maintained with the corresponding property inventory.
  - e. An inventory card will be marked as destroyed and placed in the destroyed items files.

- f. All property receipts will be marked as “destroyed” and attached to the O/I report when applicable.
- g. A letter will be mailed to the Chief Judge confirming that the order for destruction had been carried out.

**Firearms:**

1. The Property Supervisor will be notified of guns that have been impounded and designated for confiscation and/or destruction, or are unclaimed as defined by Florida State Statute 790.08. According to FSS 790.08, the owner of the firearms in the custody of the South Miami Police Department will have six (6) months to reclaim their property, if acquitted of all applicable charges or the case is dismissed.
  - a. After the six (6) month period, these firearms become forfeited to the Department and are processed for destruction.
  - b. After the six (6) month period, the Property Supervisor will send a letter to the listed owner of the firearm regarding the pending destruction of the property. If the owner does not reply after sixty (60) days, the weapons and/or firearms will be destroyed.
2. The Property Supervisor will process and separate the firearms and weapons to be confiscated and destroyed, along with the gun inventory control manifests and property receipts for the firearms and weapons.
3. Primary Processor’s Duties:
  - a. check the property receipt to ensure that the case number on the property receipt matches the case number on the package. check the gun against the property receipt for accuracy.
  - b. Verify each gun has been confiscated / processed for one of the following reasons:
4. Court Order;
  - a. Owner cannot be contacted or has failed to claim the property for sixty (60) days after notification;
  - b. Involved in a crime and said crime has had a court disposition rendered (non-acquittal or non-dismissal);
  - c. The officer has signed the “Return to Owner” portion of the

property receipt, and the owner has failed to pick up the property within 60 days after a notification letter is mailed (certified return receipt);

- d. Six (6) months has lapsed in the case of a DOA (suicide, deceased other means, NOT a homicide).

5. Secondary Processor's Duties:

- a. Physically check the handguns/rifles/shotguns serial numbers, against the property receipt.
- b. Verify the list of handguns/rifles/shotguns to be destroyed on the Destruction Manifest.
- c. The gun will be checked to make sure that there is no ammunition in the magazine.

6. Destroying Guns: The Services Unit supervisor or his designee will contact an authorized smelting facility or other efficient destruction method to arrange a date for destruction.

- a. The Services Unit supervisor will arrange for two (2) sworn officers, one being the Property Supervisor, to witness the destruction of the guns/weapons.
- b. The second officer will be given a copy of the manifest to "spot check" guns/weapons while they are being loaded and unloaded for destruction.
- c. The supervisor and one officer will transport the guns to the smelting facility.
- d. The two (2) officers will "dump" the guns.
- e. One copy of the manifest will be delivered to the Chief of Police via the chain of command. The original manifest will remain on file in the Property Room.

**Bicycles:**

- 1. All impounded bicycles shall have a property receipt completed with the type of incident indicated on the receipt.

2. Bicycles are to be entered into the bicycle log.
3. Bicycles are to be stored temporarily in the garage, then transported to the storage room at the public works yard. A copy of the property receipt will be attached to the bicycle. The original will be placed in the Services Unit supervisor's mailbox.
4. The Property Supervisor will prepare the Bicycle Disposition Log and check the Property receipt for correct information. The Property Supervisor will assign the bicycle a file number and document its whereabouts. The bicycle information will be listed on the Bicycle Disposition Log complete with:
  - a. Case number;
  - b. Description, make, size, speed, color and type;
  - c. Serial number.
5. The Property disposal log should list why the bicycle was submitted into property:
  - a. Bicycle is found abandoned;
  - b. Court order;
  - c. Used in a crime;
  - d. Owner was notified by department letter and failed to respond in thirty (30) days; or
  - e. Owner was incarcerated; bicycle would not be stored by receiving facility.
6. NCIC/FCIC computer checks will be completed on all bicycles submitted into Property and before final disposition.
7. Preparation for Disposal: Upon notification from Property Supervisor of bicycle disposal:
  - a. All bicycles will be accounted for on the Bicycle Log. If any bicycles are missing, the Property Supervisor will be notified.
  - b. All bicycles cleared for disposal will be turned over to the city for auction.
  - c. A copy of the Bicycle Disposition Log will be forwarded to the Chief of Police and Public Works Director for auction.