



DETROIT POLICE DEPARTMENT MANUAL

Series 300 Support Services	Effective Date TBD	Review Date Three Years	Directive Number 306.1
Chapter 306 - Property Management			
Reviewing Office Property Control/Evidence Control			<input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Revised Revisions in <i>Italics</i>
References: <i>Michigan Law Enforcement Accreditation Commission Standard 4.3.1 Documentation</i>			

EVIDENCE PROPERTY

306.1 - 1 PURPOSE

The purpose of this directive is to establish guidelines, policies, and procedures in the handling and containment of property held by the Detroit Police Department (DPD).

306.1 - 2 POLICY

It is the policy of the DPD to ensure the safekeeping and storage of all property, whether evidence or held for proper ownership, to ensure accurate inventorying and security of all items coming into possession of members of this Department.

306.1 - 3 Definition

Evidence Property - Items found at or near the scene of a crime, and items related to or suspected of being used in or pertaining to the commission of a crime or in the identification of a perpetrator are defined as evidence property.

306.1 - 4 Evidence Tags *[MLEAC 4.3.1 a, b and c]*

A TRACKER evidence label shall be generated and affixed to a blank manila property tag and attached to all evidence property. Each label shall be signed by the supervisor reviewing evidence property.

306.1 - 5 Preserving Evidence *[MLEAC 4.3.1 a and f]*

All evidence shall be kept in the same condition as found, and articles containing evidence of blood or other body fluids shall be kept away from excessive heat such as direct sunlight, radiators, heat lamps, etc.

306.1 - 5.1 Chain of Evidence

Members shall generate a Task via TRACKER and forward it to Property Control within 24 hours with a status update of evidence property that is in or was in the member(s) possession, moved, or taken to the Michigan State Police Forensics Laboratory; downloaded; or kept for any other reason.

306.1 Evidence Property**306.1 - 6 Firearms as Evidence** [MLEAC 4.3.1 d]**306.1 - 6.1 Procedure**

Extreme care shall be taken with firearms found at or near the scene of a crime or apparent suicide to prevent accidental firing or obliteration of any latent fingerprints/DNA. *The investigator assigned to the case will make the determination if the firearm should be sent to Michigan State Police for latent print testing.* Any latent fingerprints obtained shall be retained for subsequent prosecution.

306.1 - 6.2 Handguns and Evidence

1. Evidence handguns shall be tagged and placed in a special envelope marked "Handguns Only." *The magazine shall be removed from the handgun. Loose Ammunition removed from a handgun shall be placed in a sealed envelope. The magazine and loose ammunition shall be placed in to the handgun envelope with the firearm.*
2. *Before unloading a revolver, a notation shall be made of the position of the cylinder in regard to empty chambers containing fired cartridge cases or live cartridges. All firearms, including revolvers, shall then be unloaded immediately if this can be accomplished safely. In any case where the confiscating member is in doubt as to their ability to disarm the firearm safely, the member shall notify Firearms Training and, if unavailable, shall notify their supervisor and be guided by the supervisor's advice.*
3. No evidence other than handguns with its magazine(s) and ammunition shall be placed in these special gun envelopes. Only one tag shall be assigned when a handgun, one magazine and the ammunition removed from it are packaged together.
4. NIBIN eligible handguns, along with two (2) copies of the Firearms Report (DPD62/9-99) and a copy of the incident report shall be forwarded promptly by the confiscating officer to the test shot unit for test firing. The test shots will then be forwarded to NIBIN for entry into the *Integrated Ballistic Identification System (IBIS)*. The firearm shall be forwarded to Property Control for storage.
5. If an OIC has a firearm that will require testing at the MSP Forensic Laboratory, the OIC is responsible for retrieving the firearm from Property Control and transporting it directly to the MSP Forensic Laboratory.

306.1 - 6.3 Shoulder Weapons as Evidence

1. Ammunition and magazines removed from long or sawed-off firearms shall be placed in a separate property envelope and tagged with a separate property tag.
2. NIBIN eligible shoulder weapons along with two (2) copies of the firearms Report and a copy of the incident report shall be delivered to the test shot unit for test firing. The test shot will then be forwarded to NIBIN for entry into *IBIS*. The firearm shall be forwarded to Property Control for storage.
3. If the firearm is needed for testing at the MSP Forensic Laboratory, the OIC is responsible for retrieving the firearm from Property Control and transporting directly to the MSP Forensic Laboratory.

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306.1 - 6.4 Transfer to Property Control

1. *All firearms should have a LEIN 23 check completed. The LEIN 23 check shall be completed by the OIC assigned to the case. The OIC shall confirm the status of the firearm.*

306.1 - 6.5 Bullets or Cartridge Cases as Evidence

1. When bullets or cartridge cases which relate to a crime or suicide come into the possession of a member, they shall be preserved.
2. Each piece of fired evidence shall be placed in a separate envelope and entered into TRACKER on a separate evidence tag and labeled accordingly.
3. NIBIN eligible casings shall be forwarded to NIBIN for entry into *IBIS*.
4. Members of Crime Scene Services will be allowed to put multiple casings on one tag with proper markings/documentation.
5. If the bullets or casings are needed for testing at the MSP Forensic Laboratory, the OIC is responsible for retrieving the items from Property Control and transporting them directly to the MSP Forensic Laboratory.
6. *Only members trained by Crime Scene Services, can put multiple casings on one tag with proper markings/documentation.*

306.1 - 6.6 Bullets from an Autopsy

Bullets from an autopsy shall be marked, tagged, and placed in an evidence envelope. The bullets shall be entered into TRACKER and labeled, one bullet per envelope and delivered to Property Control for storage. If the bullets are needed for testing at the MSP Forensic Laboratory, the OIC is responsible for retrieving the items from Property Control and transporting directly to the MSP Forensic Laboratory.

306.1 - 7 Illegal Firearms [MLEAC 4.3.1 d]

The following are illegal:

- Machine guns, machine pistols, automatic rifles with selector switches permitting fully automatic firing.
- Pistols having attached or accompanying shoulder stock extension.
- Shotguns with barrels measuring less than 18 inches or rifles with barrels measuring less than 16 inches from the back of the chamber to the end of the muzzle.
- Shotguns or rifles measuring less than 26 inches in overall length.
- Any firearms equipped with a silencer device.
- Any firearm which has had the serial number defaced, altered, or removed.

306.1 Evidence Property**306.1 - 7.1 Care in Handling**

Illegal firearms cases may be prosecuted under state or federal law. *Members* should use care in order to preserve fingerprints on those guns which could become evidence.

306.1 - 7.2 Michigan State Police Forensic Laboratory

The Investigator assigned to the case will make the determination if the firearm should be sent to MSP for testing for any of the above mentioned illegal firearms that come into the possession of the Department. NIBIN eligible firearms are immediately taken to be test fired by the test shot unit and the test shots are taken to NIBIN, and only submitted to MSP If the OIC takes the items or if it is requested by the APA.

306.1 - 7.3 Notifying Federal Authorities

The officer in charge of the case involving the confiscation of any of the above described illegal weapons shall be responsible for notifying the U.S. Treasury Department's Alcohol, Tobacco and Firearms Bureau. If the weapon is to be released to this or any federal agency, the officer in charge of the case shall forward a Task via TRACKER to a member holding the rank of sergeant or above, stating the federal agency is taking over the case. *The Task shall then be approved by the Supervisors then forwarded to Property Control.*

306.1 - 8 Poison Evidence [MLEAC 4.3.1 d]

In cases of suspected poisoning, members shall preserve all articles that may have been used in the crime such as food, dishes, glassware, utensils or containers found in or about the premises for evidence of fingerprints, kind of poison, etc.

306.1 - 9 Paper Evidence [MLEAC 4.3.1 d]

1. Notes, checks, money orders, extortion letters, or other papers used in the commission of a crime must receive special care to preserve fingerprints, palm prints, or writing which may be on them. The paper evidence shall not be folded. Large paper items shall be placed into yellow clasp envelopes intended for their storage.
2. If paper evidence requires photographing, the officer in charge of the case shall request Crime Scene Services to photograph the evidence.
3. When testing is necessary, the OIC of the case shall submit to the MSP Forensics Laboratory.

306.1 - 10 Money Evidence [MLEAC 4.3.1 d]

1. If possible, any money seized as evidence shall be counted immediately in the presence of a supervisor and the owner of the property.
2. The amount shall be entered in TRACKER and printed on a TRACKER label with the amount confiscated displayed in the description.
3. If no Evidence Tag is immediately available, the money shall be placed into an envelope and the amount shall be written in ink on the envelope. The supervisor and the person witnessing the count shall sign their names on the envelope underneath the amount.

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4. If it is not possible to immediately count any seized money, it shall be immediately placed into an appropriate container and carefully guarded for later counting when circumstances permit. In no instance shall evidence money be intermingled with other property. Likewise, under no circumstances shall money taken from two or more individuals be entered as one item. The money shall be placed on separate Evidence Tags. All evidence money shall have a "Tally Sheet" completed in TRACKER indicating the number of bills and the denominations. The total amount of money on the Tally Sheet must be the same as the amount on the Evidence Tag. A copy of the tally sheet and incident report shall be submitted in the envelope with the money. *If discrepancies are found during the count by Property Control, the money will not be accepted at Property Control. The item will be returned to the transporting member to be returned to the command.*
5. Forfeited money shall have the Tally Sheet completed in TRACKER indicating the number of bills and the denominations. The total amount of money on the Tally Sheet must be the same as the amount on the evidence tag. A copy of the tally sheet, forfeiture paperwork and incident report shall be submitted in the envelope with the money. *If discrepancies are found during the Property Control, the money will not be accepted at Property. The item will be returned to the transporting member to be returned to the command. After 90 days forfeited monies will be deposited into the forfeiture bank account.*
6. *If there is a discrepancy regarding the monetary amounts, a Property Control Supervisor shall notify Internal Affairs immediately.*
7. *At no time shall a detainee's money be placed on evidence and delivered to Property Control. All detainee money shall be placed in the detainee's property.*
8. All monies part of a crime shall be placed on evidence. Upon disposition of the case, a task shall be created to return the money to rightful owner or deposited into the general bank account.
9. Found money will be deposited after 90 days unless a claim has been made to Property Control.
10. Money confiscated on Homicide cases and Critical/Fatal accident cases shall be returned to owner or a family member once determined by a member of Homicide or Fatal Squad that the money is not part of the crime or the case has been adjudicated.

306.1 - 10.1 Counterfeit or Altered Currency as Evidence

1. When an arrest has been made, normal detainee processing procedures shall be followed and the arresting member shall notify Notification and Control to notify the Secret Service. The Secret Service has an on-duty agent, via the Secret Service Detroit Field Office, that responds if there is a suspect in custody. When an arrest has not been made, the suspected counterfeit or altered currency shall be sent via mail along with the incident report. This notification shall be indicated on the incident report. A member of the Precinct Detective Unit (PDU) shall be notified by the next morning on platoon two.

306.1 - 11 306.1 – 11 Liquor Evidence [MLEAC 4.3.1 d]

1. When liquor is taken into possession as evidence, a TRACKER evidence label shall be generated.

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- If Liquor samples are no longer needed for court purposes, the investigator assigned to the case should immediately complete a task in tracker indicating the items are no longer needed and the items can be disposed of.*

306.1 - 12 Narcotics Evidence [\[MLEAC 4.3.1 d\]](#)

- Members seizing suspected controlled substances shall deliver the evidence promptly and personally to the Prisoner Processing Unit after it has been marked, sealed, and properly tagged and accompanied by an incident report.
- Upon receipt of those substances requiring chemical analysis, the Prisoner Processing Unit will forward the substance to the MSP Forensics Laboratory, the Prisoner Processing Unit will forward the evidence to Property Control for storage.
- Marijuana taken is typically not taken to PDU it is taken to Property and disposed after 90 days.

306.1 - 13 Perishable Evidence [\[MLEAC 4.3.1 d\]](#)

Small amounts of perishable property may be retained at a command if there is proper refrigeration space available. No perishable property will be retained at the command or Property. Property Control does not have the capability of providing storage for perishable evidence property. Stolen perishable property should be returned to the business.

306.1 - 14 License Plates as Evidence [\[MLEAC 4.3.1 d\]](#)

- All confiscated license plates are evidence property and shall be handled accordingly.
- If the plate is wanted, the information will be entered in the incident report and the plate will be processed as evidence property. All license plates held as evidence must have either the Law Enforcement Information Network (LEIN), OCA and/or the court case number posted on the TRACKER Tag. Tags without this information shall not be accepted for storage at Property Control.
- Upon the completion of the case, the member or OIC of the case confiscating the evidence property shall create a task in TRACKER indicating the license plate is no longer needed and can be disposed of.*

306.1 - 15 Safes as Evidence [\[MLEAC 4.3.1 d\]](#)

- When a safe comes into the possession of the Department, the investigating unit shall be responsible for the investigation of the safe and its contents. Property Control will not accept locked safes. Any evidence property inside of the safe, shall be placed on evidence.

306.1 - 16 Preserving Video Evidence [\[MLEAC 4.3.1 d\]](#)

- When Department members respond to a location and notice there is a video system, they should be aware of latent fingerprints or other traces of evidence in situations where the suspect may have moved or attempted to destroy the video system.

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2. Responding members shall not unplug the video system from recording unless trained on how to do so without harming the video evidence.
3. Once the responding members have located the video system, they shall isolate and secure the recording system to prevent the intentional erasing of video evidence on site or through remote access. Absent exigent circumstances, members should not begin disconnecting cords from a device. This may corrupt/damage the system or may not even be the specified device.
4. Responding members should determine if the system has been accessed or reviewed prior to their arrival.
5. Responding members shall not change the date/time on the video system.
6. A review of the video footage shall be made from the scene prior to requesting video extraction from the Audio Video Evidence Response Team (AVERT) if unable to contact AVERT.
7. To preserve the chain of evidence, any video evidence extracted shall be placed on evidence. Below are types of video systems that may contain evidence:
 - a. Any video evidence extracted from any video system at a crime scene.
 - b. Any video equipment holding video evidence from a crime scene.
 - c. Any video evidence extracted from any video system within the Detroit Police Department.
 - d. External multimedia storage devices, including but not limited to, thumb drives/DVD's/CD's/Cellular phones/Hard drives/Electronic Media Cards.
 - Project Green Light video evidence from the Genetec System
 - Interview rooms from the Genetec System
 - In-car video and body-worn camera video from the WatchGuard System
 - Video from an electronic control weapon (ECW)
8. An incident report shall be generated with the handling of all video evidence and shall contain the following information:
 - a. Location where the video evidence was extracted;
 - b. Date/time the video evidence was extracted;
 - c. The system the video evidence was extracted from; and
 - d. Whether the video evidence was extracted with consent or a search warrant.

306.1 - 17 Disposition of Evidence Property**306.1 - 17.1 Removal of Evidence Property from a Command**

1. A member removing evidence property from a command shall create a task in the TRACKER system indicating why the item was removed and by whom.

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2. After disposition of the case in court, *the investigator assigned to the case shall create a task in Tracker indicating the items can be released to the owner, length of time shall be retained or the items are no longer needed and can be disposed of.*

306.1 - 17.2 Evidence Property to be Retained

Evidence property will be sent to Property Control and be retained under the following conditions:

- a. The evidence property is part of a case in which a warrant is issued;
- b. The evidence property is relevant in a case in which the perpetrator is unknown and the case remains open;
- c. The evidence property is not needed in a court case but cannot be released to a citizen; and/or
- d. The evidence property is not needed in a court case but is needed by another agency.
- e. When attending a court proceeding, the OIC shall transport property to and from court on a daily basis. No evidence shall be left at the Prosecutors Office. If after hours, evidence can be placed in the lockers at Headquarters or at a precinct in the designated evidence lockers.

306.1 - 18 Temporary Release of Evidence Held at Property Control

Members requesting temporary release of evidence property from Property Control shall furnish Property Control with the task number. Members are required to sign the signature pad *or a transfer receipt* before the property is released. Upon request, Property Control will provide an item submission form at the time items are released and upon the return of the property.

306.1 - 18.1 Return Procedure Narcotic Evidence

1. Temporarily released narcotic evidence property, which has been opened, shall be returned to Prisoner Processing Unit. Property Control will not accept open narcotic evidence.
2. *A supervisor of the Prisoner Processing Unit shall review and confirm the presence of the property, reseal the contents of the lockseal and initial the seal. A note shall be made in the Tracker system by the supervisor of the Prisoner Processing Unit indicating the contents have been reviewed and resealed in the lockseal folder.*

306.1 - 19 Release of Property [\[MLEAC 4.3.1 e\]](#)**306.1 - 19.1 Evidence Property Claimed by Citizens**

1. Persons wishing to claim property shall contact the OIC of the case who shall make a determination whether to return the property.
2. A task number shall be given to the claimant to present to Property Control for release. When a release of jewelry or money is involved, a Task shall be approved by a supervisor.

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The Claimant must *provide the Task Number, a government issued photo identification at Property Control for the release of the property.*

3. When property other than firearms, jewelry, or money is to be released, the OIC of the case has the authority to authorize the release of the property.
4. Persons wishing to claim found property shall contact the OIC of Property Control who shall make a determination whether to return the property.

306.1 - 19.2 Authority to Release Evidence Property

Evidence property *that is jewelry, or money* shall be released under the following circumstances:

1. By the order of the court with a generated Task In TRACKER approved by a supervisor; or
2. A Task in TRACKER created by the Officer in Charge and approved by a supervisor.

306.1 - 19.3 Release of Evidence Property by Order of Court

In the case where a disposition other than a conviction is rendered in court and the judge orders that the evidence be returned to the owner, the officer in charge of the case shall create a task in tracker and upload the court order to the task or each item, If the OIC has possession of the items, they can return the items directly to the individual, however for firearms, jewelry or money, a task must be created with the approval of a supervisor. The OIC will obtain a signature by the claimant on the Property Release Form and will photocopy the claimant's identification. The signed form, copy of the identification and the court order documents shall be uploaded into tracker taken to Property Control or left for the property officer to process. The items will be marked accordingly in tracker by the property officer or a member of Property Control.

306.1 - 20 Release of Evidence Property before Transfer to Property Control

The officer in charge of a case may release evidence property before transferring it to Property Control after determining that the Department does not need the property.

306.1 - 20.1 When Owner is Present

When the lawful owner is present, the owner *will digitally sign within the TRACKER system or sign the Property Release form while at the precinct or command. The Property Release Form is located within the TRACKER system.*

306.1 - 20.2 When Owner Not Present

When the owner is not present, the owner shall be notified to appear at the command for the property. In cases of hardship, property may be delivered to the owner by the assigned member. If the OIC has possession of the items, they can return the items directly to the individual. However for firearms, jewelry or money, a task must be created with the approval of a supervisor. The OIC will obtain a signature by the claimant on the Property Release Form and will photocopy the claimant's identification. The signed form, copy of the identification and the court order documents shall be uploaded into tracker, taken to Property

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Control or left for the property officer to process. The items will be marked accordingly in tracker by the property officer or a member of Property Control.

306.1 - 21 Release of Evidence Property Held or Used for Court Proceedings

When evidence property has been held or used for court proceedings, the officer in charge of the case may release the property *with the exception of firearms when:*

- a. There is an acquittal or not guilty verdict or other cessation of the court proceeding other than a conviction;
- b. After conviction and if no new trial is to be granted. The period of appeal extends for 120 days (felony) and thirty (30) days (misdemeanor) from the date of sentencing. After the period of appeal has expired, the Appeals Clerk in 36th District Court (misdemeanor) or Appeals Clerk in 3rd Circuit Court (felony) shall be consulted to determine if an appeal is pending prior to authorizing the release of the property;
- c. The defendant is not to be arraigned as a habitual criminal; or
- d. The statute of limitations has expired.

306.1 - 21.1 Claim Denied - Court Action Pending

When a claim has been denied because court action is still pending, the investigator shall contact Property Control at the conclusion of the court proceeding so that a disposition can be made concerning the release of the property.

306.1 - 21.2 When Owner Not Present

When the lawful owner is not present, a certified letter shall be sent to the owner. A copy will be kept in the case file. The owner will have thirty (30) days to make claim for the property. If no claim is made, the officer in charge of the case shall generate a Task requesting to dispose of the property. It must be sent to a member holding the rank of sergeant or above who will then forward the request to the respective precinct evidence control officer who will bring the evidence to Property Control for disposal, if needed.

306.1 - 22 Release of Firearms Held as Evidence

1. *The OIC of the case shall create a task in tracker stating the reason for the release of the firearm and countersigned by the supervisor. The claimant shall be provided the task number, identification and proper paperwork to Property Control to claim their property. Persons desiring to claim a handgun shall be advised that the handgun can only be returned to the registered owner who shall appear in person with the registration. Investigators shall ascertain whether or not the MSP Forensic Laboratory has cleared the handgun before authorizing its release.*
2. Once the Officer In Charge (OIC) of a case determines that a seized firearm no longer has any evidentiary value they shall complete the tasks detailed below to determine if the weapon can be returned to the registered owner or disposed of.

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- A. Determine if the firearm is legal. See section 306.1-7 Illegal Firearms.
- B. Determine if the firearm is registered. Per the Detroit Police Department Manual 306.3- 12 (1) Persons attempting to claim confiscated handguns which were not previously registered shall be notified *by the officer in charge of the case* that the weapon *has been* forfeited.
- C. Determine if the registered owner can legally possess a firearm.
- D. Ensure that the registered owner has not made an admission of guilt to illegally possessing a firearm or pled guilty to a Firearms Charge and received HYTA or a Diversion Program.
- E. Check to see if there was a conviction where the person possessed, used or carried a firearm in violation of Chapter 17 Michigan Penal Code (MPC).
- F. Ensure that the weapon does not have any National Integrated Ballistic Information Network (NIBIN) Leads.
- G. Once this information is gathered and the OIC determines that the firearm can be returned or disposed of, the OIC shall complete the Firearms Return/Dispose of Form and submit to their respective Captain/Commander for approval.
- H. Once the Firearms Return/Dispose of Form is signed, the OIC shall complete a task in TRACKER and attach the Firearms Return/Dispose of Form to the task.
- I. The task will then be routed to the OIC's immediate supervisor for task approval.
- J. The immediate supervisor will ensure that the procedures were followed and either approve or deny the task in TRACKER.
- K. An approved task will be sent to Property Control for release or disposal of the firearm.

Related Forms:

- [*Michigan Law Enforcement Accreditation Commission Standard 4.3.1 Documentation*](#)

Related Directives:

- Directive 304.1 – Towing and Impoundment of Vehicles
- Directive 202.2 – Search and Seizure