



KANSAS CITY, MO. POLICE DEPARTMENT

**PROCEDURAL INSTRUCTION**

DATE OF ISSUE

**4-8-04**

**4-23-04**

**04-4**

SUBJECT

**Recovered Property Procedure**

AMENDS

REFERENCE

P.I. 02-8, Property Seizure and Forfeiture, P.I. 01-4, Towing and Protective Custody of Towed and Abandoned Vehicles, P.I. 03-13, Prisoner's Personal Property Procedure, Sections 490.717, 367.044 RSMo, Investigations Bureau Memorandum 03-2

RESCINDS

Procedural Instruction 91-3, 91-3A and Department Memorandums 03-5, 02-27, 02-6 and 97-2

**I. PURPOSE**

To set forth detailed procedures for collecting and handling recovered property, including contaminated physical evidence for laboratory examination, and procedures for the photographing and release of specified recovered property and evidence.

**II. POLICY**

Property to be held as evidence will be carefully collected, packaged, and preserved. Its custody will be accurately recorded from the time of its collection until presentation in court to ensure prosecution of offenders or initiation of other appropriate judicial proceedings.

**\*III. PROCEDURE**

The following are the current department procedures with respect to the collection, packaging, and documentation of recovered property and evidence. Department members recovering property or evidence for safekeeping, voluntary turn-in, or confiscation of weapons will follow the procedures outlined herein. This directive has been arranged in annexes to address the various areas encountered in recovering property.

ANNEX A RECOVERED PROPERTY  
ANNEX B RECOVERED FIREARMS  
ANNEX C RECOVERED STOLEN PROPERTY TO BE USED IN PROSECUTION  
ANNEX D PAWNSHOPS-RECOVERED PROPERTY

**\*IV. SPECIAL INSTRUCTIONS**

A. When recovered property is needed in court as evidence, the affected member will notify the Property and Evidence Section no later than 1200 hours on the day prior to the scheduled court appearance. In the event the court appearance follows a weekend or holiday, the Property and Evidence Section will be notified one day prior to the weekend or holiday. Members will advise citizens who desire to claim property to contact the Property and Evidence Section prior to responding.

- B. Any information regarding recovered property from towed vehicles may be found in the directive entitled, "Towing and Protective Custody of Towed and Abandoned Vehicles."
- C. For specific information regarding property and evidence recovery, refer to the Evidence Collection Manual available at department elements or by contacting any supervisor.

Richard D. Easley  
Chief of Police

Adopted by the Board of Police Commissioners this \_\_\_\_\_ day of \_\_\_\_\_ 2004.

Karl Zobrist  
President

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Civilian Supervisory Positions  
Department Element Manuals  
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RECOVERED PROPERTY

\*A. Voluntary Turn-In of Property

1. Members will exercise good judgment when recovering property **for the sole purpose of safekeeping. Examples include: Property voluntarily turned-in or found, with no evidentiary value, little or no monetary value (estimated value less than \$100) and/or no distinguishable identifying characteristics.** When possible, members will exercise problem-solving alternatives prior to accepting items from citizens that fall into the above categories.
2. **Officers exercising other alternatives for the safekeeping of property will make a notation on their Daily Activity Log Form, 112 P.D., describing the action taken and/or the final disposition of the property.**
3. **All property voluntarily turned-in or found, will be recovered in accordance with this directive, only after all other alternatives have been explored.**
4. Members will report property voluntarily turned-in, by completing a Form 100 P.D., titled "Recovered Property - Voluntary Turn-In" in the title of case section. Note: The title of a report involving a firearm will be "Confiscated Firearm - Voluntary Turn-In." For additional instructions see Annex B of this directive.
5. Citizens turning in property to an officer or at a division station will be given a Report Referral, Form 19 P.D., as a receipt for the property.

B. Separation of Property

1. All evidence to be examined by the Kansas City Police Crime Laboratory will be recovered separately from other items of recovered property.
- \*2. The following items will be recovered, packaged separately from other items of recovered property/evidence and recorded on a separate Physical Evidence/Property Inventory Report, Form 236 P.D.
  - a. All U.S. currency/coins. The total amount of currency/coins will be recorded for each denomination and listed on the Form 236 P.D. Only currency/coins recovered under one of the following circumstances will be held as evidence in the Property and Evidence Section and **not deposited:**

- (1) Monies that contain special markings or characteristics (blood, fingerprints, dye, etc.) which will aid in prosecution.
  - (2) Drug-buy money will be photographed and recovered if charges are expected to be filed. Note: Investigative elements (i.e. SNU or DEU) will recover buy monies under special circumstances, i.e., money that has been altered by the suspect, have special markings or any other evidentiary value, otherwise the monies may be photocopied and returned for use in other drug-buy cases.
  - (3) Monies worth more than the face value, as in the case of silver certificate currency, coin collections, or any coin dated prior to the year of 1964, which are higher in silver content.
  - (4) Any situation where the officer/detective can justify its' need as evidence in court.
- b. Money held strictly for forfeiture, or recovered in conjunction with an offense, which does not fit into one of the above listed categories should **not** be stored as evidence and can be marked for bank deposit on the Physical Evidence/Property Inventory Report, Form 236 P.D.
- (1) Approval for deposit must be obtained from the appropriate investigative element supervisor and so indicated on the Form 236 P.D. During the non-duty hours of the responsible element a supervisor from the Violent Crimes Division, or designee, can be contacted.
  - (2) An investigative element may request these monies held for forfeiture, or recovered in conjunction with an offense be photographed or photocopied and listed on the Form 236 P.D. The photograph/photocopy(s) will be recovered on a separate Form 236 P.D., when applicable.
  - (3) The photographing officer will ensure that the photograph(s) clearly depicts all monies. A legible signature or initials of the photographing officer, case report number, date and time of the photograph is required on the photograph.
  - (4) Money held exclusively for safekeeping does not require photographing for deposit. Any supervisor can approve deposit of money held strictly for safekeeping.
  - (5) When recovered money is needed as evidence but a portion can be deposited, a separate Form 236 P.D., is needed for each.

\*NOTE: On any Physical Evidence/Property Inventory Report, Form 236/236A P.D., listing U.S. Currency, either the "**Deposit**" or "**Do not Deposit**" box must be checked.

- \*c. When the recovery involves foreign currency/coin members will recover the items in the same manner as US currency/coin consistent with this directive.
  - (1) No value will be affixed to the foreign currency/coin unless the actual value is known.
  - (2) An accurate description of the foreign currency/coin will be recorded and listed on a Form 236 P.D. separately from all other recovered items.
- d. Narcotics and narcotics paraphernalia may be packaged together.
- e. Bicycles.
- f. Any item of evidence having decomposition potential.
- g. Precious metals and/or jewelry. NOTE: General, non-specific terminology will be utilized when describing items of jewelry that have been recovered.  
  
Example: Men's gold-colored Longines wrist-watch with twelve (12) clear stones, silver-colored ring containing numerous clear and green-colored stones. (Members will not indicate the metal/mineral content or precious stone content.)
- \*h. Latent Fingerprint Cards, Form 287 P.D. Fingerprint cards containing latent prints recovered from a crime scene will be submitted as evidence on a separate Form 236 P.D., for Laboratory examination.
- i. All firearms and ammunition will be recovered in accordance with Annex B of this directive.

### C. Inventory of Property

- \*1. The following reports will be completed by members as original or supplemental reports whenever property is turned-in, found, and/or recovered, in conjunction with completing the Physical Evidence/Property Inventory Report, Form 236 P.D.
  - a. Form 189 P.D., Field Incident Report, by all department members.
  - b. Form 100 P.D., Recovered Property Report, by all department members.
  - c. Form 107 P.D., Investigative Report (Case Document), by Investigations Bureau personnel.
  - d. Form 242 P.D., Crime Scene Report, by Crime Scene Investigation Section personnel.

2. Form 236 P.D., Physical Evidence/Property Inventory Report, will be legibly completed by using the two-part carbonless form. When additional spaces are needed to record items of evidence/recovered property, a Form 236A P.D., Physical Evidence/Property Inventory Continuation Report, will be completed.
3. Only the front sides of Forms 236 and 236A P.D., will be completed by the reporting officer. The release information on the reverse sides of Forms 236 and 236A P.D., will be completed by the department member releasing the property in accordance with current policy.
- \*4. **Members will not record a fair market value for property items where an apparent monetary value cannot be determined. These items will be recorded as "Unk" (Unknown).**
  - a. The reporting member will ensure that an accurate count, description, and a **value (if known) for all property is recorded.**
  - b. All license plates, driver licenses, license tabs, and identification cards will be recorded as "N/V" (No Value).
  - c. Latent fingerprint cards will also be recorded as "N/V" (No Value).
5. The on-duty desk sergeant will verify entries on the appropriate inventory report forms and property/evidence packaging to ensure all requirements set forth in this directive are met before issuing approval.

D. Marking, Packaging, Tagging, and Sealing of Property and Evidence

- \*1. All items of evidence, whether for laboratory examination or not, will be recorded for identification. The officer who discovers the physical evidence must later be able to identify each piece of evidence found in a particular place at the crime scene. All evidence that is not easily identifiable will be marked properly to aid the collecting officer in identifying it in the future. If marking the actual evidence would diminish its value, then only the seal on the container should be marked.
- \*2. All evidence, whether for laboratory examination or not, shall be enclosed in containers appropriate for the size and nature of the property. Suitable envelopes (no smaller than 6 ½ x 8 in.), puncture resistant tubes, and paper bags will be made available at each element that handles recovered property. (Note: Puncture resistant tubes may be increased in size for longer items but shall not be decreased in size.) All evidence enclosed in a suitable container shall be sealed with evidence tape (except very large items or items whose nature prevents containment). The minimum required information for a seal includes the officer's initials, serial number, case report number and date in order to maintain the integrity of the evidence. Note: Latent fingerprint cards when recovered as evidence will be placed in the appropriate envelope and sealed. A Property Identification Sticker, Form 77 P.D., will be completed and affixed to the outside of the envelope.

- \*a. Sealing requires that a package be secured in such a manner that any possible opening or tampering with contents will not go unnoticed. Properly applied evidence tape that encircles the package opening makes a seal. (NOTE: All paper sack packages will be stapled, and the staples must be covered with evidence tape.)
  - b. Any package containing recovered property that has been possibly contaminated by body fluids or any other hazardous substance will be sealed with orange evidence tape to indicate possible contamination. In the event the recovered property is contaminated with body fluids and the fluids have the potential of saturating the package used for recovery, the recovering officer's supervisor will be contacted, or the Evidence Collection Manual will be referred to, for proper packaging instructions. Further assistance, if necessary, may be obtained from personnel of the Kansas City Police Crime Laboratory.
  - c. A Property Identification Sticker, Form 77 P.D., will be completed and affixed to the outside of all property bags.
  - \*d. Very large items or other evidence which cannot be enclosed shall be treated in a manner which will not jeopardize its evidentiary value. A Property Tag, Form 156 P.D., or Property Identification Sticker, Form 77 P.D., will be securely affixed to the property.
  - e. All potentially dangerous/sharp items such as needles, knives, or razor blades, glass pipes, etc., will be recovered in a puncture-resistant tube to reduce the risk of injury to personnel handling the property.
  - f. When a package contains a fragile item, the outside of the package should be marked "fragile". A brief description of the fragile item and instructions on how the package should be handled (e.g., Photographs - DO NOT BEND) will be printed on the outside of the bag/container. **(NOTE: Officers will take the appropriate measures to ensure fragile items are adequately protected.)**
  - \*g. To prevent tearing, the capacity of paper sacks shall not exceed fifty (50) pounds. Double bagging some items may be necessary. Items with hard or sharp corners should be packaged with care to prevent damaging the sack.
3. Sealed evidence will be opened only by authorized persons for proper use in the criminal justice process.

#### E. Control of Recovered Property

Each department element that receives recovered property will strictly account for the custody of such property.

1. Each division station of the Patrol Bureau will maintain a secure facility and a Property Log, Form 427 P.D., for all recovered property. The desk sergeant on duty will ensure that the following information is logged: the case report number; name of reporting officer; date, time, and location of recovery; date and time of log entry; and name of person from whom recovered (if applicable). Officers who place recovered property or evidence in the property log of an element other than their own will leave a copy of the completed property inventory report with that element's desk sergeant. The desk sergeant will also ensure proper recording of disposition of the property (e.g., transferred to the Property and Evidence Section, released to owner, etc.) noting date, time, and transferring officer or person to whom released.
- \*2. Other departmental elements will forward recovered property directly to the Property and Evidence Section. Recovered property may be briefly stored in the second-floor headquarters property box at times when the Property and Evidence Section is closed; in such an event, a log as described in paragraph 1 of this section shall be kept by the on-duty Violent Crimes Division supervisor.  
  
**Note:** Specialized units i.e., Drug Enforcement Unit, Street Narcotics Unit or Traffic Enforcement Unit, etc. will also strictly account for the custody of recovered property in accordance with the guidelines outlined in this directive and their respective unit manuals.
3. The Property and Evidence Section supervisor will be contacted when any item(s) of property/evidence is recovered which, due to the item's size or weight (e.g., large safe, numerous large packages, etc.), makes it impractical to maintain or store at the division property room. The Property and Evidence Section supervisor will determine the location where the property is to be transported. A member of the Property and Evidence Section will respond to that location and take custody of the property.
4. The Property and Evidence Section and the Kansas City Police Crime Laboratory will maintain records of property and evidence received and disposed. Such records shall include dates and times of receipt and release, case report numbers, and persons to whom or from whom released or received.
- \*5. Property and Evidence Section personnel will pick up recovered property at the division stations and transport it to the Property and Evidence Section for proper disposition. The Property and Evidence Section supervisor will determine the schedule for pickup.
- \*6. If laboratory personnel discover a discrepancy between the listed inventory and the submitted evidence, they shall notify the Property and Evidence Section so it may be noted on the original inventory report.
- \*7. The final distribution of Form 236 P.D., Physical Evidence/Property Inventory Report, and Form 236A P.D., Physical Evidence/Property Inventory Continuation Report, will be made by personnel of the Property and Evidence Section as follows:



- a. Original (white) - Filed at the Property and Evidence Section.
- b. Copy (canary) - Sent to the Crime Laboratory when "Evidence for Lab" box is marked.

**NOTE:** Officers will photocopy completed property inventory and supplemental inventory report forms (if applicable) and forward them to the Records Unit prior to the end of their tour of duty. The Records Unit personnel will conduct a computer check of serial numbered property, then file the copy of the report in accordance with the guidelines outlined in their unit manual.

\*F. Release of Property

When property is released at a division station, members will adhere to the following guidelines:

1. Verify identity and obtain a copy of valid photo identification e.g., driver license, state identification, military I.D., or passport, of the claimant.
2. Obtain the claimant's signature, address, and phone number on both copies of the applicable property inventory form. Note: Members **may** obtain the right index fingerprint of the claimant on the back of the property inventory form.
3. Sign the appropriate box on the back of the property inventory form.
4. If the claimant requesting the property is not the listed owner on the original Form 236 P.D., he/she must provide a notarized letter from the claimant, authorizing the release of the property.
5. If all of the items are released, the original Form 236 P.D., with attachments (copy of photo ID, etc.), will be sent to the Records Unit and a copy of the recovered property form will be retained in the division file.
6. If only part of the items listed on the property inventory form are released, the remaining property will be resealed and a copy of the photo ID and the original notarized letter (if applicable) will be attached to the property along with the property inventory form.
7. If the claimant does not have acceptable identification, members will instruct the claimant to respond to the Fingerprint Identification Unit for identification purposes.

\*G. Special Handling of Valuables

1. When monies, fine jewelry, or precious metals with an estimated or known value equal to or greater than \$100, but less than \$2,000 are recovered by Patrol Bureau personnel or Investigations Bureau personnel, the property will be transported to the appropriate division station or the headquarters building. The following procedures will be followed:

- a. The recovering member will:
  - (1) Always complete a separate Form 236 P.D., indicating the total amount of currency/coin of each denomination and attach it to the package containing that property.
  - (2) Package and record fine jewelry and precious metals separately from other property.
  - (3) Log the packaged property in the division's Property Log, Form 427 P.D.
  - (4) Enter, in the log, the alternate location where the property will be stored within the division.
  - (5) Give the packaged property to be stored at a division station to the on-duty desk sergeant, after the property is logged.
  - (6) Give the packaged property to be stored at the headquarters building to the on-duty Violent Crimes Division supervisor, after the property is logged.
- b. The on-duty desk sergeant/Violent Crimes supervisor will:
  - (1) Ensure the property is placed in a secured location:
    - (a) If recovered property is at the division station this excludes the property room.
    - (b) If taken to the headquarters building, the second floor vault located on the second floor of headquarters will be utilized.
  - (2) Notify his/her relief that monies, fine jewelry, or precious metals have been placed in the bond drawer or other secure location.
- c. The Watch II desk sergeant/Violent Crimes supervisor will ensure that the monies, fine jewelry, or precious metals are transported, on the next business day (Monday through Friday, excluding weekends and holidays) to the Property and Evidence Section.

2. When the recovery involves currency/coin and the estimated or known value is **less** than \$2,000, a verified count may be conducted with the approval of the recovering officer's supervisor/commander. A supervisor will conduct the verified count in the presence of the recovering officer, heat-seal the currency in an evidence pouch, and release the property to the recovering officer. The recovering officer will complete the Form 236 P.D., and indicate in the narrative section of the applicable report the location, time, and the supervisor who conducted the count. The property will then be placed in a secure location in accordance with this directive.

**Note: The supervisor/commander may, at their discretion, utilize the currency counter located at the Property and Evidence Section for any amount of recovered currency. When machine counting is desired, the procedures outlined in this annex will be followed.**

3. When the known value is equal to or **greater** than \$2,000 or if special circumstances make it impractical to hold monies, fine jewelry, precious metals, or other valuables (as defined by this directive) at the division station or second floor storage locations, the recovering department member will:
  - a. Recover and record the items of property in accordance with this directive.
    - (1) During the normal duty hours of the Property and Evidence Section, contact the section supervisor to determine the proper location to transport the property. Upon arrival at the specified location, release the property to the Property and Evidence Section personnel.
    - (2) After the normal duty hours of the Property and Evidence Section, obtain a telephone number for the on-call member of the Property and Evidence Section from the Communications Unit supervisor. Contact that Property and Evidence Section member prior to transportation of property to determine the proper location to transport the property. A member of the section will respond to take custody of the recovered property, if necessary.
  - b. If the recovery involves currency/coins, the recovering member will transport the monies to the Property and Evidence Section for machine counting. The reporting member will notify the on-call Property and Evidence Section supervisor, during non-business hours, and advise the supervisor that a machine count of currency/coins is necessary.
  - c. Heat-seal the currency/coins in an evidence pouch after a verified count of the property. The recovering officer will complete the Form 236 P.D., and relinquish the property and approved Form 236 P.D., to personnel of the Property and Evidence Section.

Note: All other department elements will recover and safeguard monies, fine jewelry, precious metals, and other valuables in a manner consistent with this directive.

**\*H. Special Handling of Hazardous Related Materials**

1. The Property and Evidence Section generally will not accept pressurized cylinders, and any other items that are flammable, explosive, corrosive, radioactive, infectious, poisonous, or biochemical in nature for safekeeping. Note: Approval must be obtained from the Property and Evidence Section supervisor.

2. Members will exercise caution and good judgment when confronted with items that fall under the above categories and are to be used as evidence. Members will adhere to the following guidelines when dealing with materials that are determined to be hazardous in nature. Safekeeping hypodermic needles (if necessary) may be disposed of at an area hospital with their permission and a notation made on the activity sheet documenting the disposal.
  - a. A Crime Scene Investigations Section supervisor will be contacted when a hazardous material is encountered as evidence and a sample is needed. The remaining materials will be handled by the Department of Environmental Management (DEM) who will be contacted by the Crime Scene supervisor.
  - b. In the event the hazardous materials are encountered as a result of a fire, explosion, or explosive device call, the Bomb and Arson Section supervisor will be notified. The Bomb and Arson Section supervisor will have the authority to contact DEM and to determine the appropriate course of action concerning the materials.
3. In the event DEM is unable to accept the material (i.e., explosives, radioactive, infectious waste or pressurized cylinders) they will provide the names of the appropriate contractors. There is no charge to the department for DEM response, if the materials are recovered as "orphaned waste" from a city-owned lot, abandoned property or any other public place. If the materials are located on private property (occupied) and recovered by any department member at the scene, the department will incur the cost of removal by DEM.

**Note: Decisions concerning the hazardous waste must be made at the scene. This prevents the department from becoming a recognized waste generator. At no time should a hazardous material be transported to a department facility for disposal. Once the department becomes the generator, numerous governmental regulations become applicable, in addition to incurring the cost for disposal.**

\*I. Requests for Evidence Analysis

1. The Kansas City Police Crime Laboratory no longer automatically receives all property submitted on a Form 236 P.D., marked for laboratory examination. (Exceptions: Blood submitted for blood/alcohol chemical analysis, handguns, and evidence submitted directly to the laboratory by the Crime Scene Investigation Section and Traffic Investigation Unit).
2. When a laboratory examination is desired, the requesting officer/detective/investigator will complete a Request for Evidence Analysis, Form 96 P.D., attach the applicable copy of the recovered property report form and submit it to their immediate supervisor. Upon supervisory approval, the Form 96 P.D. will be forwarded to the Crime Lab.
  - a. The Lab Page # on the Form 96 P.D. will be completed by laboratory personnel.

- b. In the "Summary of the Offense" section on the Form 96 P.D.; include in the statement the court date, (if applicable).
3. Personnel (Investigative) having access to the LABOPS program through the ALERT system may utilize the computer to electronically complete the Analysis Request Form 96 P.D.
4. The Crime Laboratory will request the Property and Evidence Section forward the evidence to be examined.

\*J. Recovered Property - Surveillance Tapes or Discs

1. All surveillance tapes or discs **that contain recorded images** valuable in the filing of felony charges against the suspect(s) will be recovered as evidence in accordance with this directive.
2. The "YES" box will be marked on the "Physical Evidence/Property Inventory Report, Form, 236 P.D., indicating that the surveillance tape or disc is to be used as evidence.
3. The chain-of-custody begins when either the officer or a detective takes initial possession of the surveillance tape or disc. The recovering member will document the personal identifiers of the person from whom the tape or disc was received as well as the date, time, and the location of the recovery. This information will be included in the narrative portion of the "Field Incident Report, Form 189 P.D., or the "Investigation Report," Form 107 P.D.
4. Officers who take initial possession of a tape or disc will release it directly to a detective at the scene of the offense. If a detective is unable to respond to a crime scene, the recovering officer will transport the recovered tape or disc directly to the appropriate investigative element.
5. The recovering officer will document the transfer of custody by noting the name of the detective to whom the tape or disc was released in the narrative portion of the "Field Incident Report, Form 189 P.D. The receiving detective will then become responsible for the recovery of the tape or disc.
6. Officers will not recover a blank tape or disc, e.g., when personnel of a store state that a surveillance tape or disc was not operational at the time of the offense. This information will be documented in the "Field Incident Report, Form 189 P.D., e.g., "The store manager, Mr John Smith, stated that the surveillance tape was not turned on at the time of the offense."

## \*RECOVERED FIREARMS

- A. All recovered handguns and ammunition shall be packaged in the specially designed handgun envelopes. Specific instructions are provided on the front of the envelope. Long guns, having no evidentiary value, will be tagged and forwarded to the Property and Evidence Section for safekeeping. All firearms voluntarily turned in will be placed in a handgun envelope, with the words "Voluntary Turn-In" placed in parentheses on the envelope in a manner that will not obstruct other written information on the envelope. Members will ensure that a Property Identification Sticker, Form 77 P.D., is completed and also affixed to the envelope in a manner that will not obstruct other information.
- B. The reporting officer will inform the citizen that when a firearm is voluntarily turned in, it will be held for a period of at least ten days to allow laboratory examination. The firearm will then be disposed of after thirty days. Should the owner desire its return, he/she will be instructed to telephone the Firearms Release Section of the Property and Evidence Section and schedule an appointment for release of the firearm before the end of thirty days.
- C. **Recovered firearms will not be marked for identification. Officers will only mark those firearms for identification that have no identifiable serial number.** When appropriate, the officer's initials and serial number shall be inscribed on the firearm in a manner that will not diminish its value, e.g., beneath grip, inside loading port, etc.
- D. All firearms are to be unloaded prior to packaging. Officers will obtain assistance from a knowledgeable person if they are unfamiliar with unloading procedures for the particular firearm, or if handling the firearm will cause trace evidence to be lost or destroyed. If problems are encountered in unloading the firearm, or there is a possibility that trace evidence may be lost or destroyed in unloading; transport the loaded firearm as safely as possible to the laboratory or Crime Scene Investigation Section for assistance. Loaded/unloaded firearms will not be taped or disassembled to render the firearms inoperable prior to transportation.
- E. All recovered firearms and ammunition if applicable, will be listed separately (one firearm with ammunition per form) on a Property Inventory Report Form 236 P.D. **Officers will ensure live ammunition, if packaged with any firearm, is recovered in such a manner e.g., placing live ammo in a sealed standard-sized enveloped before placing it in the handgun envelope. This will prevent live ammunition from incidentally entering the unloaded firearm during transport thereby, placing department members handling the property at risk.**

RECOVERED STOLEN PROPERTY TO BE USED IN PROSECUTION

A. General Policy

- \*1. A person arrested in connection with possessing stolen property having a retail value of \$500 or more may be charged in a state court; if the property has a retail value of less than \$500, the charges may be filed in city court. Jackson, Platte, Clay, and Cass County Prosecutors will review each case to determine whether stealing offenses over \$150 but under \$500 should be filed as Receiving Stolen Property, State Misdemeanor Stealing, or re-booked to a city charge.
2. Recovered stolen property will be placed in the Property and Evidence Section as evidence unless:
  - a. The property is a large item, item of significant value, or the item is perishable. The supervisor of the Property and Evidence Section will be contacted prior to transporting the property to a storage location to determine the appropriate location for storage. (Refer to Section C of this Annex.)
  - b. The claimant refuses to release the property. (Refer to Section D of this Annex).
  - c. A supervisor or detective advises the officer to do otherwise.
  - d. Procedures regarding recovered property relative to shoplifting cases filed in Municipal Court are followed. (Refer to Section B of this Annex).
  - e. Procedures regarding evidence recovered relative to an arrest for specified offenses are followed which permit recovered stolen property to be photographed and released. (Refer to Section E of this Annex).
3. Unless otherwise provided for in this directive, property which is to be held as evidence shall be marked and listed on a Form 236 P.D., and prepared for transfer to the Property and Evidence Section before the end of the officer's tour of duty.
4. Property which is removed from the Property and Evidence Section to be used as evidence and is retained by the Prosecuting Attorney shall be itemized on a Property Custody Report, Form 234 P.D.

B. Recovered Stolen Property To Be Used in Prosecution

1. The recovering officer(s) will insure that all items to be held as evidence are properly marked for identification in court.
2. The items will be listed on a Form 236 P.D. and transferred to the Property and Evidence Section in accordance with existing procedures.
3. Property which is to be used as evidence in Municipal Court may be left in the custody of trained security personnel, who are acting as agents for the complainant, at the place of occurrence after such persons have marked the items for identification purposes and have been instructed that they must bring the items to court.
- \*4. When the retail value of the stolen property is over \$150 but the exact amount cannot be determined at the time of the arrest, the officer will proceed with the arrest according to existing procedures (as outlined in Section A, 1, of this Annex) covering stolen property having a \$500 value. However, the property should be placed in the Property and Evidence Section in case the value of the stolen property is found to be greater than \$150 and it is determined that state charges may be filed. This will make it possible for the investigative unit concerned to take the necessary steps to file a state charge at a later date. Members should contact the appropriate investigative element for additional instructions if necessary.

C. When the Recovered Property is a Large Item, Item of Significant Value, or a Perishable Item

1. If the owner or responsible agent of the owner is known, any large item, item of significant value, or perishable item recovered from a crime scene should be photographed and released as soon as possible. **This procedure does not apply to property and evidence recovered incident to certain state statute arrests made and is not permissible for an instrument of a crime.**
2. The recovering officer will contact any unit with camera equipment and request a photograph of the property. The property should be marked in such a way that the markings will show in the photograph. The officer(s) should make every effort to be present when the photograph is taken, so he will be able to testify that the photograph is a true and accurate representation of the recovered property. It will not be necessary for the officer taking the photograph to appear in court, unless subpoenaed as a witness.
- \*3. Undeveloped photograph(s) will be individually listed on a separate Form 236 P.D. Items displayed in each photograph will be identified as listed on the Form 236 P.D. The undeveloped film and a copy of the Form 236 P.D., will be forwarded to the laboratory by the member who photographed the item(s).



**NOTE: Those elements utilizing digital photography will adhere to the guidelines outlined in their respective Unit Manuals regarding the recovery and storage of memory cards/files, in addition to the policies outlined in this directive.**

4. Perishable property may be released to the claimant or a responsible agent of the claimant. If the property is released, a statement will be made in the applicable report, that the property was released due to the perishable nature of the item(s). If the property claimant or responsible agent of the claimant refuses to take custody of the property, the officer will immediately contact his supervisor for further instructions.
5. When a claimant is not known, any item recovered from a crime scene will be marked, listed on a Form 236 P.D., and transferred to the Property and Evidence Unit before the end of the officer's tour of duty. When a claimant is subsequently discovered, a member of the unit investigating the case, will be required to respond to the Property and Evidence Section and take the necessary photographs before releasing the property. When the property is released, the claimant should sign the appropriate space on the reverse side of the Form 236 P.D. The undeveloped film will be listed on an additional Form 236 P.D., placed in a sealed evidence envelope, and forwarded directly to the laboratory.

D. When the Claimant Refuses to Release the Property

1. Officer(s) should make every effort to explain to the claimant the legal requirements of physical evidence; that is:
  - a. The person collecting the items must be able to identify them as the specific items collected even months after they have been collected.
  - b. The person must be able to testify as to the exact location the items were recovered.
  - c. The items must be maintained in the custody of authorized persons from the time of recovery until they are presented in court.
  - d. The person who collected the items must appear in court with the specified items collected when the case is set for trial.
2. If the claimant still refuses to release the items and it is not appropriate to photograph them, the officer(s) should record the complete description of the items and make every effort to mark the items, using the officer's initials, date, and case report number. A statement should be made in the report indicating that the property has been left in the custody of the claimant due to their refusal to release the property.

- \*E. Photographing and Releasing Property and Evidence Recovered Incident to Certain State Statute Arrests. These Offenses Include, But Are Not Limited To, The Crimes of Robbery, Burglary, Stealing, Tampering, and Property Damage
1. If the owner, agent, or representative of the property/evidence recovered from a crime scene where an arrest has been made is present, the property/evidence may be photographed and released to the owner, agent, or representative of the mercantile establishment or owner of the personal property. **This procedure is authorized under Section 490.717 RSMo, and applies only to mercantile establishments or the owner of personal property and is not permissible for an instrument of a crime or when an arrest has not been made.**
  2. If the arresting officer elects to release property/evidence as described above, the officer may contact any unit with camera equipment (if a camera is unavailable) and request a photograph of the property. The property should be photographed in such a way that the photographs clearly depict a sign or placard stating the date and time at which the photograph was taken and the name of the establishment, if the victim is a business establishment, or the owner of the personal property. The arresting officer should make every effort to be present when the photograph is taken so he/she will be able to testify that the photograph is a true and accurate representation of the recovered property/evidence. It will not be necessary for the member taking the photograph to appear in court unless subpoenaed as a witness.
- F. When the Arresting Officer Removes Recovered Property, or Photographs of Recovered Property, from the Property and Evidence Section for Court Use
1. The officer will properly identify himself and the article(s) requested, and be able to provide the case report number.
  2. The officer will sign his name, serial number, and assignment on the reverse side of the original copy of the Form 236 P.D.
  3. The report will then be placed in a temporary file until the article(s) is returned.
  4. When photographs of recovered property are removed from the Property and Evidence Section for court use, the relative Form 304 P.D. must accompany the photographs to court.
  5. When the article(s) is returned, the property clerk will, in the presence of the officer, stamp the date returned, place his initials on the reverse side of the Form 236 P.D., put the report in the active file, and return the article(s) (if applicable, the accompanying Form 304 P.D.) to storage.
- G. When Evidence Could Be or Is Retained by the Prosecuting Attorney for Court Use

1. If the officer feels that the Prosecuting Attorney might wish to retain custody of the article(s), the Property and Evidence Section clerk will initiate a Property Custody report, Form 234 P.D., to be taken with the property by the officer.
2. If the Prosecuting Attorney retains custody, the officer will complete Section II of the Form 234 P.D., including the date, Prosecutor's name and signature, and the officer's signature. The officer will return the Form 234 P.D., to the Property and Evidence Section within twenty-four hours.
3. If the Form 234 P.D. is not initiated when the property is checked out and the Prosecuting Attorney retains custody, the officer shall respond to the Property and Evidence Section, have a Form 234 P.D., initiated, and return to the Prosecutor for their signature. The Form 234 P.D., will then be returned to the Property and Evidence Section within twenty-four hours.
4. If the Form 234 P.D., is not initiated when the property is checked out and the article(s) has not been returned to the Property and Evidence Section within twenty-four hours, a notice will be sent to the officer's unit commander to return the article(s) or to submit a completed and signed Form 234 P.D.
  - a. If, after seven days of the first notice, the article(s) is not returned or the completed Form 234 P.D. received, a second notice will be sent to the officer's division commander, asking for assistance in the matter.
  - b. If after seven days of the second notice the property is not returned or a Form 234 P.D. received, the officer's bureau commander will be notified.
  - c. If all notices fail to obtain results, upon approval of the commander of the Records Division, an internal investigation will be requested through the appropriate chain of command.

H. When Evidence is Removed from the Property and Evidence Section for Purposes Other Than Court

1. No property will be removed from the Property and Evidence Section except for official police business.
2. The officer will properly identify himself and the article(s) requested, and be able to provide the case report number.
3. The officer will sign his name, serial number, and assignment on the reverse side of the original copy of the recovered property report form (Forms 236/236A P.D.)
4. The officer will advise members of the Property and Evidence Section of the purpose for removing the property and the anticipated date of return.
5. The Form 236 P.D., will be placed in a temporary file until the article(s) is returned.

6. The officer will complete a Form 234 P.D., Property Control Report, when he/she is not going to retain exclusive control of the property (e.g., releasing the property to the laboratory for analysis or releasing property to the prosecutor's office). A Form 234 P.D., will be completed for each control number checked out by the Property and Evidence Section.
7. The completed Form 234 P.D., will be returned to the Property and Evidence Section within twenty-four hours. In the event the completed Form 234 P.D., is not returned within the specified time period, the procedures outlined in Section G - 4, of this annex will be followed by the Property and Evidence Section.
8. The officer will return to the Property and Evidence Section to pick-up the completed Form 234 P.D., from the temporary file prior to reclaiming the property which was relinquished to another element/agency.

## \*PAWNSHOPS – RECOVERED PROPERTY

## A. General Policy

Members will follow the below listed procedures when handling property in a pawnshop that has been identified as being misappropriated/stolen (misappropriated is defined as stolen, embezzled, converted, or otherwise wrongfully appropriated or pledged against the will of the rightful owner or party holding a perfected security interest).

## B. Procedure

1. Officers/detectives who find misappropriated property in a pawnshop will contact the Pawnshop Section detective and provide that detective with all available information. The Pawnshop detective will then be responsible for executing the hold order and providing copies of the hold order and reports to the appropriate elements. It will be the responsibility of the investigating element to monitor hold orders for the expiration date, and to notify the Pawnshop detective of any extensions. The Pawnshop detective must be given a one week notice for an extension of the hold order. If a Pawnshop detective is not available, the officer/detective will contact the appropriate Property Crimes detective, who will place a hold order on the property. The Property Crimes detective issuing the hold order will notify the Pawnshop Section in a timely manner.
2. The Notification of Police Hold On Property In A Pawnshop, Form 5721 P.D., will contain the following:
  - a. The case report number (if the CRN was issued by an outside agency)
  - b. The name and address of the pawnshop
  - c. The pawn or buy number
  - d. The date and time of the hold
  - e. The expiration date of the hold
  - f. The city or zone of the theft
  - g. The original case report number
  - h. A complete description of the property to be held, including the brand name, model and serial number
  - i. The name, title and serial number of the detective issuing the hold, and the mailing address of the issuing agency

3. The hold order will be signed and dated by the issuing detective and by the pawnbroker or the pawnbroker's designee. The pawnbroker will be given the goldenrod copy of the hold order as a receipt. The initial hold order will not exceed two months. Upon written notification, the initial hold order may be extended, (but no more than two successive, one month holding periods). This notification must occur prior to the expiration of a holding period, in writing, from the element which placed the initial hold. A hold order may be released prior to the expiration of a holding period or extension thereof, by written release from the agency placing the initial hold order.
4. In the event misappropriated property which is subject to a hold order, is in the possession of a pawnbroker, and is needed for a criminal investigation or prosecution, the property will be recovered by the investigating officer/detective. Upon completion of the criminal investigation, the property will be returned to the pawnbroker. If the criminal investigation is not completed within 120 days after the property was recovered, the investigating element will immediately return the property to the pawnbroker or obtain a warrant for the continued possession of the property.
5. The investigating officer/detective will be responsible for informing the crime victim of their options to gain custody of their misappropriated property, in accordance with Section 367.044 of the Revised Statutes of Missouri. Crime victims should be advised to provide the pawnbroker with the following:
  - a. A written demand for the return of their property.
  - b. A copy of the offense report.
  - c. A sworn affidavit verifying ownership. This affidavit must contain the following information:
    - (1) Name and address of owner.
    - (2) Description of property being claimed.
    - (3) Written statement that the described property was reported stolen to the police, the owner is willing to prosecute and promises to appear in court.
6. When an officer/detective is asked to respond to a pawnshop where a crime victim is attempting to retrieve property, the officer/detective will standby to maintain peace. If the pawnbroker refuses to return the property the officer/detective will advise the crime victim that the matter must be resolved in small claims court.