



MEMORANDUM
REGULAR CITY COUNCIL MEETING
July 17, 2023, at 7:00 PM

TO: City Council

FROM: Rich LaBombard, City Manager

SUBJECT: Policy – Lost and Found Personal Property Handling

The objective of this policy is to provide standards for municipal staff for the handling of lost, found, abandoned or unclaimed personal property. This policy was developed to clearly define the process of managing lost and found property located on public streets, sidewalks, public buildings, or other public property or grounds of the City. This policy coincides with the Police Department's Evidence Policy Chapter 14 for the care, redemption, or disposition of found personal property.

Sample Motion – I motion to approve the Lost and Found Personal Property Policy establishing a standard for municipal staff regarding lost and found property.



Lost and Found Personal Property Policy

July 17, 2023

Purpose:

This policy provides standards for municipal staff for the handling of lost, found, abandoned, or unclaimed personal property.

Definition of lost and found personal property:

Personal Property is defined as any movable thing or intangible item of value that is capable of being owned by a person and not recognized as real property.

Lost and found personal property is classified in two ways:

1. Property of major value - Definition: Property of major value means any property that is not collectible currency, contraband, currency, evidence, hazardous material, junk, perishable property, or property of minor value. (MCL 434.21)
2. Property of minor value - Definition: Property of minor value means any property whose fair market value is less than the total cost of preparing a property report, plus the costs of storage and disposition. (MCL 434.21)

Responsibility of finder of lost property

Any person who finds an item of personal property, including any money, goods, things in action, or other item not defined as real property (real estate or anything attached to land), is not bound to take charge of it, but if such person does take charge of it, that person shall, within a reasonable time, inform the owner, if known, and restore the property to the owner. If the owner is unknown or has not claimed the property within five business days, the finder shall turn the property over to the Douglas Police Department.

Responsibility of City officer or employee

Any officer or employee of the City who shall find or take possession of any personal property in or upon any public street, sidewalk, public building, or other public property or grounds of the City, the ownership of which is unknown to such officer or employee, shall immediately turn the property over to the Douglas Police Department.

Responsibility of Police Department

All personal property found by an officer or employee, or received by police officers from another party who has found the property, will be transferred to the control of the Douglas Police Department's evidence custodian. The Police Department shall comply with Douglas Police Department Evidence Policy Chapter 14 in the care, redemption, or disposition of the found personal property.

DOUGLAS POLICE DEPARTMENT EVIDENCE

14.1 PURPOSE

This order establishes procedures for receiving, storing, releasing, and disposing of property seized as evidence and/or property held for safekeeping.

These orders are for Douglas Police Department use only, and do not apply to any criminal or civil proceedings. The department policy should not be construed as a creation of higher legal standard of safety or care in evidentiary sense with respect to third party claims. Violations of these orders will only form the basis of administrative sanctions. Violations of law will for the basis for criminal and civil and sanctions in a recognized judicial setting.

14.2 POLICY

It is the policy of the Douglas Police Department to establish control over all property seized, found or held by this office and to ensure that a chain of evidence is established and maintained. Further, it is the policy of this office to ensure that property for return, sale or destruction is processed properly in accordance with all state or local laws.

14.3 RULES AND REGULATIONS

- A. All property and evidence shall be transferred to the control of the Evidence Custodian.
 - A. Weapons for evidence shall be transferred to the control of the Evidence Custodian, as well as any other items that might be construed as weapons.
 - B. Personal property on the person of on arrested, i.e., money, wallet and contents, jewelry, etc., shall not be taken from the arrestee by arresting officer except unusual circumstances which necessitate the removal of such items for safekeeping. Any personal property removed from arrestee's person in the circumstances will be transferred to the control of the Evidence Custodian and so noted in the officer's report if evidence of crime only.
 - C. All property removed from any vehicle shall be transferred to the control of the Evidence Custodian and so noted on the officer's report.
 - D. All property found by police officers or received by police officers from another party who has found the property will be transferred to the control of the Evidence Custodian.
 - E. All property seized shall be placed into the property room no later than the end of your shift, unless you have the following:
 - 1. Supervisor approval

- F. Any items that are contaminated with body fluids will be handled as biohazard material.

14.4 TRANSFERRING EVIDENCE TO COURT

Evidence required in court for prosecution purposes will be released by the Evidence Custodian to the officer presenting the evidence. The evidence will be returned to the Evidence Custodian immediately after all legal actions have been completed. When returned, the evidence will be, as released, in the original packages and all tags attached. In the event the evidence or any part thereof is retained by the court, the presenting officer will notify the Evidence Custodian in order that the records may be cleared and the receipt so noted. The property receipt will be signed by the officer when accepting control of the evidence and by the Evidence Custodian when receiving the evidence upon its return.

14.5 DISPOSITION OF EVIDENCE

- A. Release from Evidence Status to Property:
 - 1. The impounding officer will release evidence to property status as soon as possible after the case has been concluded. When the evidence is released by the impounding officer, it is that officer's responsibility to notify the owner that he has 30 days to claim the property.
- B. Court Order:
 - 1. Evidence will be released by court order from a court of competent jurisdiction. Destruction of contraband will also be carried out by the Evidence Custodian after receipt of a court order.
- C. Public Sale:
- D. By Conversion:
- E. This shall be accomplished through forfeiture proceedings or by unclaimed found property.
- F. By Return to Rightful Owner:
 - 1. Property will be released to the person in whose name the property is listed upon proper identification of the legal owner or agent of the legal owner. Found property may or may not be released to the finder dependent upon attendant circumstances of the case and nature of property found. In all cases of found property, the department reserves the right to secure legal determination before releasing property.
- G. Found Property:

Found property is classified in two ways:

1. Property of major value
 - i. Definition: Property of major value means any property that is not collectible currency, contraband, currency, evidence, hazardous material, junk, perishable property or property of minor value. (MCL 434.21)
2. Property of minor value
 - i. Definition: Property of minor value means any property whose fair market value is less than the total cost of preparing a property report, plus the costs of storage and disposition. (MCL 434.21)
3. Property of major value shall be returned to the legal owner when the evidence custodian is reasonably satisfied of the ownership.
4. If an owner does not appear, then a notice must be sent by mail to any known legal owner of collectible currency, currency, evidence, perishable property or property of major value to the last known address of record. The notice shall contain the following information:
 - i. The date the property was found.
 - ii. The type of property found
 - iii. The address whence the property is located.
 - iv. The cost of storage per day. (if any)
 - v. A statement that the property must be claimed within six months of the date of letter on the property shall be considered abandoned and disposed of.
 - vi. The name of the law enforcement agency, the address and the telephone number where the legal owner can obtain the property.
5. If they legal owner is not located and after six months from the date of notice, the property shall be disposed of as follows:
 - a. Unless the finder of the property cannot be located or does not want the property, return the property to the finder.
 - b. If the finder of the property cannot be located or does not want the property, then do one of the following:
 1. Retain the property for use by the Douglas Police Department. An incident report must be filled out and

signed by the Sergeant and filed in the property room.

2. Sell the property at a public sale and deposit the money in the city's general fund.
 3. Release the property to a charitable organization.
6. Property of minor value shall be returned to the legal owner when the Douglas Police Department is reasonably satisfied of that ownership. If after three months the property has not been claimed by the legal owner, the property may be disposed of in any manner by the Douglas Police Department.

14.6 PERISHABLE EVIDENCE/PROPERTY

- A. Officers may return perishable items to the owner or business after all of the following has been done.
1. When the crime is a misdemeanor, document the complete description of the item and its container in the police report, i.e., item, weight, color, value, brand name, manufacture numbers, color of container (wrapper) and other identifying marks.
 - a. Return the perishable property to the owner (store).
 - b. The owner is then free to sell the item(s).
 2. When the crime is a felony, document the complete description of the item and its container in the police report, i.e. item, weight, color, value, brand name, manufacture numbers, color of container (wrapper), other identifying marks and photograph the perishable item(s) with a camera, and log the film/photo into evidence. Then:
 - a. Obtain approval from the prosecutor on call to return the evidence to the owner.
 - b. Return the perishable property to the owner (store).
 - c. The owner is then free to sell the item(s).
 3. Officers will testify in court as to the description of the property, produce photograph (when available) as evidence.
 4. A refrigerator will be kept in the evidence room for evidence that requires refrigeration.

14.7 SPECIMEN COLLECTION KITS

- A. When an officer obtains a blood or urine specimen using the collection kit provided by the Michigan State Police and requests a laboratory analysis, the following steps will be taken:
 - 1. The kit will be sealed per instructions.
 - 2. The evidence custodian will see that the specimen kit is sent for analysis via certified mail.

14.8 LOGGING ALCOHOLIC BEVERAGE(S) INTO PROPERTY

- A. When a police officer takes into their possession any type of alcoholic beverage, then the following needs to occur:
 - 1. The police officer shall note in their report the type and quantity of the beverage.
 - 2. The police officer shall dispose of the beverage by dumping the beverage out and returning the container to the holder and shall also note the disposal method and information in their report.
 - 3. In the event that the beverage is obtained from a shoplifting incident or larceny incident, then the beverage shall be returned to the owner. A photograph can be taken for evidence purposes.

14.9 LOGGING FLAMMABLE LIQUIDS & FIREWORKS INTO PROPERTY

- A. When a police officer has an incident where they have flammable liquids or fireworks that have become evidence, then the following needs to occur:
 - 1. All efforts shall be taken so that flammable/fireworks are disposed of instead of being placed into the property room, and all the information on the disposal must be noted in their report.
 - a. Photos shall be taken of all disposed flammable/fireworks.
 - b. Used containers.

14.10 HANDLING OF NARCOTIC AND DANGEROUS DRUG EVIDENCE

- A. Officers logging in narcotic or drug evidence will weigh the substance in the container that it was confiscated in. This weigh is only an approximation and is used to protect the officer from allegations of misconduct. The actual weight will be determined by the state police crime lab.
- B. Officers are not to weigh items that are extremely heavy or bulky.
- C. Officers will count any substance that is suitable for counting, such as pills.

- D. Seal the substance in an envelope, insuring that the glued flap is properly secured. In cases where the substance is too large to fit in an envelope it will be packaged in one of the other packaging devices provided and sealed.
- E. The evidence custodian, upon receipt of drug or narcotic evidence, shall inspect the packaging for signs of tampering. Any signs of tampering will be immediately reported to the supervisor for appropriate action. Such evidence will be kept in the drug locker until it is taken to the lab, court, or to the incinerator for destruction.
- F. Officers returning drug evidence from court or the lab will insure the package is properly secured. All drug and narcotic evidence that is no longer needed for court will be destroyed at the next scheduled drug destruction date. The evidence custodian and one officer appointed by the Chief or his designee will be present and will follow all state and federal laws in destroying the drugs.
- G. When other items are found in conjunction with narcotics, such as needles, pipes and syringes, they are to be packaged and logged separately as long as they do not contain amounts of drugs or narcotics. Needles, pipes and syringes that do not contain narcotics or drugs, etc. are to be logged in the regular property log.

14.11 DUTIES OF ARRESTING OR REPORTING OFFICER

- A. It is the responsibility of the arresting or reporting officer to properly package and/or tag all property and/or evidence and to properly complete the property receipt before transferring the property to the control of the evidence custodian. In all cases, the property receipt must be turned in with the evidence or property. The arresting or reporting officer will insure that the following steps have been taken prior to releasing property to the evidence custodian. Officers will advise the complainant/victim to contact the evidence custodian to make an appointment to obtain any seized items that can be released.
 - 1. Required Documentation (Recovering Officer)
 - a. Evidence and non-evidence property will not be mixed in the same property bag(s). Property bags will be sealed and signed and a property label completed and attached to the bag by the arresting or reporting officer prior to transfer to the evidence custodian. Officers must write on or attach information that advises who the items may be returned to and when if no criminal action is being sought.
 - b. Red evidence tags will be securely attached to property seized as evidence or contraband which is too large or bulky or otherwise inappropriate for property bags.
 - c. All firearms, including handguns will be tagged only, not placed in bags.

- d. The custodial officer is responsible for maintaining an adequate supply of property receipts, property bags, red evidence tags, property labels and making them available to all personnel.
- e. Officers confiscating property have the responsibility of notifying the owner when said property is released from evidence if the owner/finder is legally entitled to receive such property. A release form will be completed by the officer and given to the evidence custodian.
- f. It shall be the responsibility of the officer to properly mark and tag items submitted to evidence that might present a health hazard with the appropriate biohazard labels on all containers.
- g. The officer receiving found property will make every attempt to identify the rightful owner of such property and advise the owner that the property is being held for safekeeping.

14.12 DUTIES OF EVIDENCE CUSTODIAN

- A. The evidence custodian will receive, store and release evidence and other property in a timely efficient and accountable manner, avoiding any unnecessary delay in receiving and releasing property. The evidence custodian will follow established procedures which minimize loss, theft, or destruction of property or any other actions which might lead to loss of evidentiary value of the property. All procedures will be followed to maintain a proper chain of evidence and document the transfer of property to the point of release from police control. Every legal effort will be made by the evidence custodian to prevent the unnecessary accumulation of property in storage.
 - 1.
 - a. General property. Evidence and/or property will be received by the evidence custodian only after these items have been recorded on the property receipt and each item listed thereon has been properly bagged or tagged.
 - b. Weapons. Weapons will be received as indicated above; however, all firearms will be tagged only with the appropriate tag. All firearms will be unloaded with the ammunition bagged and properly marked.
 - 2. Evidence and Property Room Procedures
 - a. The evidence custodian will date and initial the property receipt, bag and tags.
 - b. The property receipt will be filed by the officer's last name.
 - c. It is the submitting officer's responsibility to properly list all items that are being placed into evidence on a report prior to placing them into the storage cabinet.
 - 1. Selected clerical staff will be assigned the duty of entering property into the computer.
 - d. Upon placement of the evidence or property in the evidence storage room, the storage area and bin number will be recorded on the property receipt.

e. Any item of evidence or property taken to the State Crime Lab will be accompanied by the property receipt. The receipt will be signed by the accepting technician and the crime lab number duly noted on the receipt. The receipt will then be returned to the department's files. Also, a lab work sheet filled out by the officer shall accompany the evidence.

f. Narcotics and dangerous drug evidence (capsules, pills) shall be counted as well as weighed. Additionally, all containers of narcotics and dangerous drugs shall be inspected for tampering as a safeguard against the substitution of material having the same weight. The evidence custodian shall secure all narcotics and dangerous drugs in the locked storage cabinet within the storage room.

3. Incident Reporting

- a. In the event that the evidence custodian has problems with either evidence or the submitting officer, a department incident report must be completed and turned into the supervisor controlling the property room.

14.13 DUTIES OF THE NARCOTIC EVIDENCE CUSTODIAN

A. The narcotics evidence custodian will handle all narcotic/drugs that are placed into the property bins.

B. The narcotics evidence custodian shall follow the following steps:

1. Shall remove the property and log it into the property book and place it in a secure location.
2. Shall determine whether or not the property needs to go to the Michigan State Police Laboratory for examination. If the property need to go to the laboratory the narcotics evidence custodian shall place the property in a secure location until it can be taken to the lab.
3. The narcotics evidence custodian shall be responsible for making sure that the narcotics/drugs property is taken to the lab and it is returned to the department. Once the narcotics/drugs are taken into the property room and it needs to go to the lab, the narcotics evidence custodian shall make sure it gets there in a reasonable amount of time.

C. The narcotics evidence custodian will also be responsible for the disposition of the narcotics/drugs and destroying the narcotics/drugs.