

Introduced by: Council Present

AN ORDINANCE FOR THE BERKELEY POLICE DEPARTMENT GENERAL ORDER #57 “PROPERTY AND EVIDENCE” POLICY

WHEREAS, The City of Berkeley hereby finds and declares this ordinance is necessary, appropriate, and in the best interest of the City of Berkeley, Missouri, in accordance to the CALEA standards.

Now, Therefore, Be it ordained by the City Council of the City of Berkeley, Missouri, as follows:

Section 1 The City of Berkeley, Missouri, Council hereby adopts the attached Property and Evidence Policy in compliance the CALEA standards.

Section 2 The attached agreement is hereby incorporated herein and made a part of this ordinance, as if fully set out herein.

Section 3 This Ordinance shall be in full force and effect from and after its passage.

1st Reading this 04th day of December 2017

2nd Reading this _____ day of _____ 2017

3rd Reading, PASSED and APPROVED, this day of 2017

Theodore Hoskins, Mayor


ATTEST:

Deanna L. Jones, City Clerk

Approved As To Form:
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Kirkland	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mathison	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman-at-Large McDaniel	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mitchell	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Williams	Aye ___	Nay ___	Absent ___	Abstain ___

	BERKELEY POLICE DEPARTMENT GENERAL ORDER	GENERAL ORDERS: 57
PROPERTY AND EVIDENCE		
ISSUE DATE: 12/1/17	EFFECTIVE DATE: 12/18/2017	DISTRIBUTION: ALL PERSONNEL
		RESCINDS: ALL PREVIOUS VERSIONS
ACCREDITATION STANDARDS: CALEA 84.1.1, 84.1.2, 84.1.3, 84.1.4, 84.1.5, 84.1.6		NUMBER OF PAGES: 4

PURPOSE: The purpose of this directive is to establish procedures and guidelines for the collection, storage, safekeeping and disposition of evidence and property.

POLICY: It is the policy of the Berkeley Police Department to store evidence and personal property in such a manner as to preserve the integrity of the item(s) in its original received condition, as nearly as possible, and to maintain the chain of custody.

DEFINITIONS:

Audit – A documented accounting of high-risk items (e.g. cash, precious metals, jewelry, firearms, and drugs) and other evidence and non-agency property to establish that property is accounted for and records can reasonably be assumed correct and in compliance with established controls, policies and operational procedures.

Chain of Custody - A written record referring to the continuity of custody of items collected as physical evidence whether at the crime scene or not. The connotation under the law is the item introduced into court at the time of trial must be proven to be the same as obtained initially from the crime scene.

Evidence – Any property, substance or matter which may be used during criminal prosecution to establish guilt or innocence, or to prove facts of a crime before a court of law.

Evidence Room(s) - Designated secure area(s) that ensures the integrity of all property/evidence that is stored. Only authorized personnel have access to these area(s).
Handling - Used in the broad connotative sense to indicate one or more of the following general actions that may be performed in the course of processing evidence or property: collection, identification, preservation, receipt, analysis, storage, trial presentation, and eventual disposition or destruction.

Inventory – The act or process of cataloging through a full accounting of the quantity of goods or material on hand, unless a standard specifically allows for a partial accounting. A detailed, itemized list, report or record of agency controlled property which includes a definition or value and written certification by the person conducting the listing.

Property - Money, valuables, and other objects of personal ownership that has an apparent value which may have been lost, stolen, or abandoned.

Appendices:

- A. Property and Evidence Manual

RULES AND PROCEDURES:**ADMINISTRATION AND OPERATIONS**

- A. The Property and Evidence Clerk is the property custodian and shall be responsible for the property and evidence control function for all property and evidence that is accepted by and stored in the Department's evidence storage areas.
- B. Until accepted by the property custodian or personnel authorized to accept property and evidence, the chain of custody is the responsibility of the member initially receiving the item(s).
- C. All property/evidence must be logged and secured in a temporary storage locker before the end of the member's tour of duty. Any deviation from this due to exceptional circumstances must be approved by the member's Officer in Charge (OIC). [CALEA 84.1.1 a, b]
- D. Written reports shall be submitted, listing the property obtained and detailing the circumstances associated with the custody. [CALEA 84.1.1 c]
- E. All property/evidence must be properly packaged, labeled and sealed with evidence tape as outlined in the Berkeley Police Department Evidence Packaging Guidebook. [CALEA 84.1.1 d]
- F. Property/evidence that requires added protection including money, precious metals, jewelry, weapons, narcotics, and dangerous drugs shall be stored in designated areas under additional security. [CALEA 84.1.1 e]
- G. The Property Custodian is required to make an effort to identify and notify the rightful owner of the property. [CALEA 84.1.1 f]
- H. Procedures for the temporary and final release of property/evidence items are identified in the Property and Evidence Manual. [CALEA 84.1.1 g]

DESIGNATED STORAGE AREAS

- A. All evidence stored by the Property Custodian will be within designated, authorized secured areas. Only authorized personnel assigned to each area have access to these facilities. [CALEA 84.1.2]
- B. Designated areas consist of:
 - 1. Evidence Room
 - a. Main Storage room
 - b. Dry Storage
 - c. Cold Storage
 - d. Narcotics Room
 - e. Money Cabinet
 - f. Jewelry Cabinet
 - g. Weapons Room
 - h. Check-In Room
 - i. Temporary Storage Lockers

- j. Bulk Storage Area
- k. Bulk Temporary Storage Rooms
- l. BPD Lab Services
- m. Digital Media Server
- n. Processing Room(s)
- o. BPD Impound and Processing Facility (Sally Port)
- p. Fenced in area (towing company)
- q. Secured Building

AFTER-HOURS SECURITY

- A. The Department provides temporary storage lockers and temporary bulk storage rooms to secure property or evidence items during periods when property and evidence personnel are not on duty. [CALEA 84.1.3]
- B. Designated areas consist of:
 - 1. Temporary Storage Lockers
 - 2. Bulk Temporary Storage Rooms
- C. Property and evidence personnel shall check all areas upon his/her arrival the next duty day and remove the contents.

RECORDS

The Property Custodian shall maintain records and status of each piece of property/evidence that is received in the computerized tracking system. [CALEA 84.1.5]

INSPECTIONS/INVENTORIES/AUDITS

- A. Semi-annually, the Property Supervisor or designee will conduct an inspection of authorized storage areas including the Property and Evidence Section, off-site facilities to determine adherence to the procedures set forth for the control of property and evidence. [CALEA 84.1.6 a]
 - 1. A written memo will be submitted to the Chief of Police regarding the cleanliness, orderliness, storage, and number of items disposed since the last inspection.
 - 2. In addition, accountability will be documented by the trace of 50 items stored in the Property and Evidence Section.
- B. If a new supervisor for the Property and Evidence Section is designated, an audit of evidence will be conducted by the newly designated supervisor and a designee of the Chief of Police. This audit shall be conducted by the guidelines set forth by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA), and a written report will be submitted to the Chief of Police. [CALEA 84.1.6 b]
- C. At least once annually, the Chief of Police or designee will designate a supervisor not routinely or directly connected with control of property and evidence to conduct an annual audit of all property and evidence storage areas to ensure accountability.
 - 1. At least one percent of items held by the Property and Evidence Section, including high risk items, will be audited by using a random sampling from the tracking system.

2. A written report will be submitted to the Chief of Police documenting the annual audit. [CALEA 84.1.6 c]

D. At least once annually, the Chief of Police or designee will conduct an unannounced inspection of the property and evidence storage areas to ensure cleanliness, orderliness and tracing a few pieces of property to assure they are in the proper locations. An inventory of at least one percent of the items held by the Property and Evidence Section will be conducted, including high risk items, by randomly scanning bar codes and verifying documentation in the tracking system. A written report will be submitted to the Chief of Police documenting the inspection. [CALEA 84.1.6 d]

DISPOSITIONS

A. All property available for release or disposition shall be released or disposed of by the Property Custodian at the earliest available opportunity in accordance with the law and in recognition of appeal timelines.

B. Final disposition of all found recovered and evidentiary property will be accomplished within six months after legal requirements have been satisfied. See the Property and Evidence Manual for destruction guidelines.

SPECIAL USE OF SEIZED ITEMS

A. All property that is disposed of (i.e., lost and abandoned property, seized, forfeited and unclaimed evidence) may be:

1. Retained to be used by the Department except any type of weapon.
2. Retained to be used by City Departments.
3. Transferred to another unit of local government or state agency.
4. Donated to a non-profit charitable organization.
5. Surrendered to the finder, if he/she has made such a request at the time of its delivery to the police department.

B. All narcotic evidence must be destroyed and shall not be used for training or law enforcement investigative purposes. [CALEA 84.1.4]

DRAFTED BY: Eye-Liza Conner	DATE: 11/13/17
BY ORDER OF: ART JACKSON MAJOR	DATE: 11/15/17
APPROVED BY: Public Safety Committee	DATE: 12/1/17
APPROVED BY: Berkeley City Council	DATE: 12/18/17