


JOPLIN POLICE DEPARTMENT	9-12 STANDARD OPERATING GUIDELINE
SUBJECT: Evidence & Property Management	REVIEW DATE: Annually - September
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I. POLICY

It is imperative to maintain a comprehensive system for the secure and efficient storage, classification, retrieval, and disposition of items of evidential or other value that come into the custody of the Joplin Police Department. Uniform procedures are provided to govern the functioning of the system. The department provides such property services by maintaining an accurate record keeping system at each step: intake; storage; movement; and disposition.

II. PURPOSE

To establish guidelines and responsibilities for the management of property that has come into the custody of the Joplin Police Department.

III. PROCEDURES

A. Receipt and Storage of Property:

The following procedures shall govern the receipt and storage of property that comes into the possession of this department: (84.1.1) (84.1.3)

1. All property will be placed into a designated secured storage area, with property voucher attached, as quickly as possible after possession is acquired and prior to the end of his/her tour of duty. (84.1.1 B)
2. Submitting officers will make an entry into the evidence log, before the officer ends his/her tour, and complete an evidence voucher for each piece of evidence. (84.1.1 A) (84.1.3)
 - a. On the log and in the appropriate columns, the submitting officer will note the date of entry, the case number that corresponds to that item, the officer's name, the number of evidence vouchers submitted, and the locker number or location where the item was placed.
 - b. The Evidence Technician will annotate their initials, note the number of vouchers removed from the storage lockers (or other secured area), and the date the Evidence Technician removed the submitted items.
 - c. As the Evidence Technician removes the submitted items from the lockers or other secure storage areas, he/she will compare those items removed to those listed in the evidence log to ensure that all items are accounted for. If the Evidence Technician cannot find items that have been logged in the evidence log, or if items are found that have not been logged in the evidence log, the

Evidence Technician will immediately notify his/her supervisor, and the officer who is responsible for the evidence.

3. If an item is too large for storage in the designated storage area, and is of possible evidentiary value, an evidence custodian will receive the item directly into the facility. If a custodian is not on duty, then one will be called in to receive the item. Found items too large for the designated storage area may be placed in the storage cage below the SWAT area temporarily until a custodian transfers it into the evidence facility. Place one copy in the "Drop-Box" locker and affix the other one to the property.
4. An officer placing any item, regardless of the classification, into storage shall complete an evidence voucher, which will be secured to the packaged item being submitted. (84.1.5, 84.1.1 A)
 - a. Attach the evidence voucher to the package in such a manner that it will not fall off.
5. A submitting officer will fill in the following information on the evidence voucher: (84.1.5, 84.1.1 C)
 - a. Case Number.
 - b. Whether the property was "seized" or "found" property, and the date the officer took possession.
 - c. The location the property was taken from.
 - d. The name of the person the property was taken from and their address.
 - e. The name of the owner of the property (or victim) and their address.
 - f. The name of the person arrested and his/her charge. The officer should annotate in the "notes" field of the evidence voucher whether it is a felony or misdemeanor and whether the charge is for the city or county.
 - g. Whether or not there is a laboratory examination being requested on the submitted item, if a lab exam is requested, the officer should indicate on the evidence voucher what type of lab work is requested.
 - h. Whether the property is being held as evidence, lost & found, seized, or confiscated.
 - i. A description of the property including color, serial number, make, model, and condition.
 - j. The submitting officer's name.
 - k. The locker number the item was placed into.
 - l. The date of submission
6. Vehicles that are seized as evidence will have an evidence voucher placed in the "Drop-Box" locker and one evidence voucher will be affixed to the vehicle.
7. Upon receiving the property, information from the evidence voucher will be used to assign a property room number and storage location using the computer program.
8. Upon release of the property, the evidence will be electronically signed by the requesting

officer and the Evidence Technician.

B. Property Submission Responsibilities (84.1.2)

All property shall be submitted according to these procedures.

1. The officer or detective submitting property into evidence will complete a report containing the following information: (84.1.1 C)
 - a. A complete description of the item (including make, model, and serial numbers, if any);
 - b. The source (from whom or location from which the item was obtained); and
 - c. The name of the person collecting the item.
2. Eligibility: Submitting officer shall ensure that each article of property is eligible for submission (See Section IV. C. Items ineligible for submission to the property room).
3. Evidence Voucher:
 - a. The submitting officer shall properly enter all appropriate information into the evidence voucher using the laptop computer in the officer evidence room. All boxes and sections on the evidence voucher must be completed except for the “shelf location”.
 - b. One evidence voucher shall be completed for each item submitted. Items that may be submitted under a single evidence voucher are small items of the **same size and type** that will fit in a single container and have the same case number (i.e. photographs and documents, numerous syringes, or items like purses, luggage, briefcases, etc., that have various contents).
 - c. Cash items shall be packaged, and an evidence voucher completed separate from other items and according to section IV-B-6-i, Currency.
 - d. Items to be submitted for laboratory analysis must be packaged separate from other items.
4. Packaging, labeling, marking property: (84.1.1 D)

The submitting officer shall properly package, label, and mark property for submission.

- a. Packaging: Articles submitted shall be enclosed in a container to preserve their condition whenever possible. Articles shall be packaged in a manner to prevent injury to personnel who must handle them and preserve their evidential value.
 - i. When packaging evidence into an evidence container or evidence bag the officer shall insure that the evidence is completely sealed by using evidence tape to completely seal the item inside the container or evidence bag.
- b. Labeling: Each item of property shall be labeled, by affixing the completed evidence voucher to the item being submitted to the property room.
- c. Marking of evidence: If necessary, to mark specific evidence, the articles of evidence shall be marked in a manner that will not diminish their value. Articles of evidence that cannot be marked without jeopardizing their value are to be securely packaged and sealed with evidence tape, marked in ink with the date and signature or initials of the submitting officer.

5. Classification of Property:

All property submitted will be classified as follows:

- a. Evidence: This property includes items that may be used in conjunction with criminal proceedings.
- b. Lost and Found: Items of property which come into the possession of this department and for which the owner of the property is unknown. Property found by a citizen.
- c. Confiscated Property: Property or contraband that has been seized during the execution of a lawful act by an officer of this agency.
- d. Seized: Take legal possession of; taken into custody for a lawful purpose.

6. Itemizing Property:

Each of the following articles must be itemized:

- a. Evidence
- b. Articles for anticipated analytical examination
- c. Currency
- d. Jewelry
- e. Individual articles with an estimated value at \$100 or more
- f. Contraband

Property where itemizing is not required (i.e. a suitcase full of clothes that does not fall into any category above) shall be sealed with evidence tape by the submitting officer. The property custodian will make note in the computerized property record that such articles were received without inventory and will not break the seal. Submitting officers are responsible for the contents of sealed, non-inventoried packages.

7. Special situations

a. Alcoholic beverages requiring forensic analysis:

- i. Open containers: The submitting officer will not submit open containers of alcohol for forensic analysis or other purposes. A properly sealed container with a sample of the contents shall be submitted with the original container. This shall be submitted as a single item.
- ii. Unopened containers: The submitting officer will submit only one (1) unopened container of an alcoholic beverage, relating to a municipal court case, to the property room. Forensic analysis will not be conducted on unopened, properly sealed alcoholic containers. When in this original condition, the container shall be prima fascia evidence as to its contents.
 - a. Exception to this will be when seizing alcohol that was purchased by a minor. If an administrative action will be taken against the business's Liquor License by the Missouri State Alcohol and Tobacco Control then the entire package, as it was purchased, will be logged into evidence.

b. Bicycles:

- i. The submitting officer shall place bicycles outside of evidence.
- ii. The submitting officer shall complete an evidence voucher and attach it to the bicycle. The Second copy of the evidence voucher shall be placed in the "Drop-Box" locker where it will be collected by the evidence technician

c. Firearms: (84.1.1 E)

- i. The submitting officer shall unload all firearms prior to submission unless the firearm cannot be unloaded without destroying potential evidence.
- ii. If it is necessary to submit a loaded firearm, it shall be rendered safe and secure in an evidence locker. It shall be clearly marked as being loaded. Each firearm will be packaged separately.

d. Perishables:

- i. The submitting officer shall place substances that are prone to bacteriological deterioration in the property room refrigerator (located in the evidence barn). This includes, but is not limited to, blood samples, urine, and other biological specimens.
- ii. An evidence Custodian should be contacted to assist with articles that must be dried to prevent deterioration.
- iii. For items placed in the refrigerator the evidence voucher must be attached to the evidence.
- iv. When the items that were hung up to dry have done so, the evidence technician shall contact the submitting officer to properly package the articles for storage.

e. Flammable or caustic substances:

- i. The submitting officer shall seal containers of gasoline and other flammable or caustic substances and volatile chemicals and place them in the bike cage area unless the chemicals are connected to a drug case. If the chemicals are related to a drug case (i.e. chemicals from a drug lab) the chemicals should be stored in the chemical bunker designated for that purpose.
- ii. An evidence tag should be completed on any container of any of these substances that are submitted into evidence and placed in the bike cage.

f. Large and/or cumbersome articles:

- i. If items are too large or heavy for a locker, officers will contact their supervisor who will contact an evidence custodian to have the item placed in a secured area.

g. Biohazardous materials:

- i. The submitting officer shall submit all articles that may pose a potential health risk in sealed plastic bags or other approved containers that have been clearly marked "Biohazardous". The only exceptions are articles that must be hung up to dry.
- ii. If there is a known biohazardous risk present, (i.e. infectious disease) this fact shall be clearly noted on the evidence tag.

h. Vehicles:

Vehicles will not be stored in the evidence barn (See C 2), however, there are times when vehicles are towed to the evidence barn to be searched, inventoried, or processed.

- i. If a motor vehicle needs to be searched, inventoried, or processed before being taken to the impound yard, the officer responsible for initiating the tow shall complete an evidence voucher (listing the name of the tow company on it), placed on the vehicle and the second one placed in the drop-box. If the keys are submitted as well, a new evidence voucher must be created for them and attached then placed in the drop-box.

i. Currency: (84.1.1 E)

- i. When an Officer seizes money that is to be placed into evidence, the Officer:
 - A. Must have a witness officer count the money with them.
 - B. Place the money in a transparent plastic bag.
 - C. Seal the transparent plastic bag with the heat sealer and/or Tamper Proof Evidence Tape.
 - D. Fill out all the information on the bag.

- E. Properly fill out and attach the evidence voucher to the bag.
 - F. Place the bag into an evidence locker.
- ii. When the money seized is “actual evidence” (i.e. marked drug money), the officer, in addition to the above steps, must write “ACTUAL EVIDENCE” on both the currency bag and the evidence voucher. **Failure to include this step will result in the money being deposited into a bank account.**
 - iii. When the money being seized amounts to \$500 or more, the officer:
 - A. Must notify a supervisor who will respond to the officer’s location as soon as possible.
 - B. The officer will follow the above steps for placing the money in evidence, and the supervisor will be the witnessing officer.
 - C. Additionally, the supervisor will witness the officer deposit the bag into the evidence locker.
 - iv. When officers seize money and place it into evidence, the officer’s report should include:
 - A. The total dollar amount seized.
 - B. The denominations seized.
 - C. Name of the officer who seized the money.
 - D. Name of the witness officer.
- j. DNA Evidence
- i. DNA evidence may be collected by the responding officer on scene. (83.2.7 A)
 - A. In the event a detective is called to the scene, the initial officer will secure the crime scene until the arrival of the detective.
 - B. A Crime Scene Investigation certified officer may be called to the scene to assist, if necessary. (83.2.7 C)
 - ii. Avoid contamination of evidence that may contain DNA. (83.2.7 A)
 - iii. Collecting officer must use disposable instruments or clean them before and after handling each sample. (83.2.7 A)
 - iv. Evidence must be placed into new paper bags or envelopes, not into plastic bags. (83.2.7 B)
 - v. When transporting evidence that may contain DNA it is important to keep the evidence dry and at room temperature. (83.2.7 B)

- vi. Evidence that is wet shall be transported to the drying area in evidence and secured until dry (refer to 9-12.5 d. Perishables ii, iii, iv. for further instructions). (83.2.7 B)
- vii. The Investigations Bureau will provide DNA evidence training to all applicable personnel. (83.2.7 C)

k. Drug Drop Box Items

- i. The Joplin Police Department has partnered with The Alliance of Southwest Missouri to provide a secure Prescription Drug Drop-off Box (PDDB) for public use.
- ii. The Joplin Police Department will maintain a Prescription Drug Drop-off Box located at Headquarters.
- iii. Crime Free personnel will be responsible for emptying the PDDB on a routine basis to keep the boxes from overflowing.
- iv. A minimum of two officers shall be present whenever the PDDB is emptied and items are placed into evidence.
- v. Prescription medication that is removed from the PDDB shall be placed into plastic bag and shall be taken immediately to the secured evidence facility where it will be stored until time for disposal following proper evidence procedures.
- vi. Prescription medication taken from the PDDB shall be placed into a barrel that is in the evidence facility.
- vii. Prescription medication taken from the PDDB shall be disposed of on a regular basis by incineration. Since the medication taken from the PDDB is not considered evidence a court order will not be required to dispose of the medication.

C. Items ineligible for submission to the property room:

Officers shall not submit the following articles to the property room

1. Property from outside agencies – Property will not be accepted from other agencies unless there is a Joplin Police Department case number assigned. A Joplin Police Department officer, or an officer from an affiliated Task Force then must submit the property.
2. Motor Vehicle – Officers shall store all motor vehicles at the impound yard of the towing company which is notified to move the vehicle. If a motor vehicle needs to be processed before being taken to the impound yard, it may be transported to the police department (See B-6-h, Vehicles).
3. Street signs - Officers shall place all signs, signals, parking meters, road markers, and other large objects belonging to the city, county, and state (which are not considered to be evidence) to the North of the employee entrance of the police department. The officer responsible for the recovery of such items will ensure that the appropriate department is contacted so that the item can be picked up. No evidence card will be completed.

4. Containers
 - a. Coolers – Officers shall not submit ice chests or coolers (not considered as evidence) to the property room. Alcohol or other evidence in such containers will be removed and the container left in the custody of its owner/user. A cooler is not considered as evidence for a municipal charge of Minor in Possession of Alcohol.
 - b. Pots and Planters – Officers shall not submit planters, pots, or soil used to grow marijuana plants to the property room. Remove marijuana plants and seed from the soil before submission and leave containers at the scene or dispose of them.
5. Explosives – **Under no circumstances** will a suspected explosive device be brought into a Police Department building.
 - a. Fireworks – Officers may submit fireworks to the property room, however, prior to submission, the fireworks shall be soaked in water. Fireworks must not be placed in a storage locker in the main headquarters building. Officers shall place them in a storage locker in the evidence barn. Whenever an item is placed somewhere other than a designated locker an extra evidence voucher must be printed and placed in the drop-box.
6. Animals – Officers will release animals possessed by persons at the time of their arrest to a responsible person at the scene that the arrestee must first authorize. If this is not possible, the animal will be placed with the city animal warden who will handle the animal in accordance with their procedures. The arresting officer will be responsible for notifying the Joplin Humane Society to ensure that they do not destroy the animal while the owner is in custody. The officer will also notify the owner of the animal's location.
7. Volatile Chemicals – Volatile Chemicals should be disposed at the scene in the prescribed manner by environmental control agencies, the Joplin Fire Department, or other qualified agencies or personnel.

D. Request for analysis of property:

Officers will submit all property and requests for forensic analysis to the property custodian on a properly completed and legible evidence tag. Property and requests must be submitted as follows:

1. Separate packaging: Officers must package articles for analysis separately from articles for storage.
2. Multiple suspects: Officers must package articles from different suspects separately and complete a separate evidence tag for each submission.
3. Currency: Officers shall submit currency for analysis only when specific analysis is required. Currency must be packaged separately from other articles, counted and itemized.
4. Perishable articles: Perishable items will be accepted for analysis only if they have been protected by refrigeration, drying, or other appropriate means (see B-6-d above).
5. Latent print requests: Articles to be processed for fingerprints will be accepted only if proper packaging has protected them.
6. Biohazardous articles: Biohazardous articles will be accepted only when properly packaged and marked (B-6-g above).

7. Live plants: Living plant matter must be stripped from the stalk before being submitted for analysis.

E. Changing status of property

Officers or follow-up investigators shall notify the evidence technician of the need to reclassify found or confiscated property as evidence within ninety (90) days of the date the property was originally submitted to the property room. The evidence technician will dispose of all non-evidential property after ninety (90) days if not reclassified.

F. Evidence presented in Municipal Court Cases

1. When subpoenaed to bring evidence in a municipal case, officers are required to check the evidence out of the evidence room and transport it to the municipal court (See IV-G-6-a). Only in extenuating circumstances will the evidence technician be required to transport evidence to municipal court.
2. When evidence is required for municipal court cases, the subpoenaed officer will notify the evidence technician as soon as the officer receives the subpoena. This will allow the evidence technician an opportunity to pull the evidence prior to the court date. The officer can then check out the evidence on his/her way to court.
3. When the case is complete or the evidence is no longer needed in court, the officer in possession of the evidence will immediately return the evidence to:
 - a. The evidence room if the evidence technician is on duty.
 - b. An evidence locker if the evidence technician is off duty. In this case, the officer will make an entry into the evidence log for those items placed into the evidence locker (See IV-A-2).

G. Responsibilities of the evidence technician

1. Property intake:

The evidence technician shall check the evidence voucher to ensure they have been completed properly and legibly. Each article of property will be checked to ensure proper packaging and labeling.

2. Accepting property:

a. Property accepted for storage: The evidence technician shall take the evidence voucher information, create a property room number, and assign the items a storage location using the computer program.

b. Property accepted for storage:

i. The evidence technician will enter property accepted for forensic analysis into the property records.

ii. The Evidence technician will complete the necessary documents required by the Missouri State Hwy Patrol Crime Lab, and transport the evidence maintaining proper chain of custody (83.3.2 A)

A. all evidence will be taken to the Missouri State Highway Patrol Crime Lab. (83.2.7 D)

- iii. When the analysis is complete, the evidence technician shall transport the property back to the property room along with a copy of the lab report. The original copy of the lab report shall be placed with the case file in the Records Division and a photocopy placed with the assigned investigator (or reporting officer if the case is not assigned) who will notify the appropriate court of the information obtained. (83.3.2 E)
3. Refusing property: When submission procedures are not followed, the evidence technician shall refuse to accept the submitted property. The evidence technician will then notify the Investigations Division supervisor, and submitting officer, of the procedural error.
4. Property Records: (84.1.5)
 - a. Files: The evidence technician shall maintain a file of original evidence vouchers for property being held in the property room. Data from the vouchers will be entered into the evidence/property tracking system establishing a computerized record of all property handled by the property room. (84.1.5)
 - b. Updates to files: The evidence technician shall enter all changes in property storage, temporary and final property releases, and other requested changes in the property record. (84.1.5)
 - c. Final Repository: Original evidence records will be kept on file in the property room until all property listed on the report has a permanent disposition. After final disposition, the evidence records and other pertinent paperwork will be forwarded to the Support Services, Records Division, where it becomes a part of the permanent case record.
5. Retention of property: Officers shall submit all property, except those articles detailed in IV-C, directly to the Property Unit, via lockers provided, for retention and storage. No officer shall retain, store, or otherwise cause property in custody of the Joplin Police Department to be held in any manner, except as specified by this procedure. The property room will retain property a length of time based on the nature of the case and classification of the articles.
 - a. Found and confiscated property: All found or confiscated property, which is not evidence, shall be retained for a period of ninety (90) days if it remains unclaimed.
 - b. Evidence:
 - i. All evidence shall be retained until the statute of limitations expires, or the case is adjudicated.
 - ii. The Investigations Bureau shall review the cases to determine any need to retain property marked for disposal and return the information to the property room in a timely manner.
6. Method of disposition: (84.1.1 G) Only the evidence technician or designee shall dispose of property from the property room. The evidence technician shall not remove property from the property room except as authorized by this policy.
 - a. Temporary release for review, court presentation or forensic analysis: (84.1.1 G)
 - i. Evidence may be released to an officer of the Joplin Police Department or an appropriate representative of the court for review, testing, or presentation in court.

- ii. Persons receiving property will sign electronically which will be a permanent record of the case.
 - iii. Property released for review, testing, or court presentation will be returned to custody of the property room as soon as possible.
- b. Release of non-evidence to the owner: (84.1.1 F, G)
- i. Property shall be released to the lawful owner when the owner is known, and the property is not contraband.
 - ii. The officer or investigator shall attempt to locate and return the item to the owner during the shift in which they recovered it. If the owner cannot be located, the item shall be logged into evidence.
 - iii. A reasonable effort will be made by the property custodian to locate the owner. The evidence technician will notify the owner in writing that their property is available for release. Written notification will specify that they must retrieve their property within thirty (30) days from the date of notice, or the property room will dispose of their property according to department policy.
 - iv. If reasonable efforts to notify the owner have failed, a notation will be made in the computerized record that the owner was not located and that the property may be disposed of ninety (90) days from the last attempt to locate.
 - v. The lawful owner must sign electronically for the property they are receiving or sign the hard copy of the evidence record.
 - vi. Proof of ownership of the property shall be obtained whenever possible.
 - vii. Property shall not be released to juveniles.
- c. Release of evidence to owner prior to adjudication: (84.1.1 G, 84.1.7)
- Property that is evidence may be released, prior to adjudication in the court system in accordance with Chapter 490 Section 717 RSMo.
- i. Photographs of personal property may be used as evidence in the prosecution of wrongful taking cases. As used in section 490.717 RSMo, the term “wrongful taking” or “wrongfully taken” shall mean any crime involving stealing, forcible stealing or depriving the rightful owner of the use of the property of another. This term shall include, but is not limited to, the crimes of robbery, burglary, stealing, tampering and property damage.
 - ii. To release property prior to adjudication, photos and an affidavit are required.
 - A. Photography requirements: Photos shall clearly depict the following:

1. The personal property.
2. The owner, agent or representative of the mercantile establishment.
3. A sign or placard stating the case number, date and time at which the photograph was taken, and the name of the establishment or owner of the property.

B. Affidavit Requirements: All such photographs shall be accompanied by a written affidavit, signed by the police officer making the arrest or seizure of the property. The affidavit shall include the following:

1. A written description of the personal property alleged to have been wrongfully taken.
2. The retail price of the property.
3. If available, the manufacturers number, style, color and size of the property.
4. The name and address of the mercantile establishment where the alleged wrongful taking occurred, or the name and address of the owner of the property.
5. The name, address and signature of the owner, agent or representative of such mercantile establishment or owner of the property.
6. The name and computer number of the arresting police officer and that officer's signature including the date of signing.
7. The name and computer number of the photographer and that person's signature including the date and time the photograph, not affidavit, was signed.

C. After completing the above requirements, the personal property shall be returned to the mercantile establishment where the alleged wrongful taking occurred or to the owner of the property.

d. Release of evidence following adjudication: (84.1.1 G, 84.1.1.7) Once a case has been assigned a disposition by the court and the evidence is no longer needed, the Investigations Division Commander, or his/her designee, will petition the court for the disposal of the property. Upon obtaining the court order to dispose of the property, evidence shall be disposed of within six months in the following manner:

i. Release to the owner.

A. Photographs, as outlined above (G-6-c-ii-1), shall be taken and shall become a part of the permanent record under the case number involved.

ii. Release to Finder.

- A. Property may be released to a “finder” only upon presentation of a court order in accordance with Chapter 447 RSMo, *Lost and Unclaimed Property*.
 - B. The evidence technician will notify “finders” of the availability of property for release only if the finders have previously notified the evidence technician of their intent to claim the property.
 - C. “Finders” must file a claim within sixty (60) days and comply with state statutes.
 - D. Firearms shall not be released to “finders”.
 - E. Police Department employees shall not lay claim to any property unless they are the lawful owner.
- iii. Release to the City of Joplin: Release of unclaimed property may be made to City departments only with the authorization of the Chief of Police and in compliance with city ordinances and state statutes. Unclaimed currency shall be remitted to the City’s general fund.
 - iv. Sale at Public Auction: Unclaimed property will be sold at public auction by the Police Department. Proceeds from the sale of articles will be placed into the City’s general fund. No firearms, contraband, or alcohol will be sold.
 - v. Destruction: Property with little or no value that is not disposed of in any of the previously mentioned ways may be destroyed. The City’s disposal service provider may be used.

A. Additional Requirements:

- 1. Alcohol – Alcoholic beverages will be destroyed on authorization of the Prosecutor of the Municipal Court in accordance with Chapter 542, Section 301, RSMo.
- 2. Contraband – Articles of contraband, including narcotics, will be destroyed on the authorization of the judge of the Circuit or Associate Circuit Court – Municipal Division of Joplin in accordance with state laws.
- 3. Firearms – Firearms will be disposed of or destroyed on the authorization of a judge of the Municipal Court, unless authorized in a State Court, in accordance with Municipal Ordinances and Chapter 542, Section 301, RSMo.

e. Release of Firearms. (84.1.1 G)

- i. A criminal history check shall be completed to ensure that the owner has no felony record, outstanding felony warrants, pending action on a felony indictment in any court of competent jurisdiction, or any

conviction for a domestic violence offense. A denial letter will be issued if the recipient of the firearm has had a narcotic related incident within the previous two years. A denial letter will also be issued to the recipient if the weapon had been seized because of a mental health crisis. A denial letter will be issued if the recipient has active warrants or an active exparte or full order of protection. If the owner does, then the weapon will not be returned without a court order.

- A. Upon release, the owner must show valid picture identification. The following qualify as valid identification:
 - 1. A current, valid state driver's license; or
 - 2. A state identification card; or
 - 3. A United States passport.
- ii. The owner must show proof of ownership. The following qualify as proof of ownership:
 - A. Original receipt of purchase; or
 - B. Notarized affidavit from the place of purchase identifying both the owner and the weapon; or
 - C. A Handgun permit; or
 - D. A signed and notarized statement by the claimant/owner which clearly states that he or she is the owner of the firearm, and that he or she agrees to hold the City of Joplin harmless from the claims of any other person.
- iii. Firearms that are not of a type that are legal to possess will not be returned.
- ii. Any person requesting the release of a firearm who is not listed as the owner in any police report shall present a signed-notarized statement from the owner stating that the person has the authority to request and obtain the firearm on behalf of the owner. In no event shall a firearm be released to the requesting individual unless he or she shall meet all other requirements of this policy.
- iii. The Criminal Investigations Division Commander or his/her designee must approve release of the firearm in writing. Prior to releasing the firearm, the Criminal Investigations Division Commander or his/her designee shall check with applicable City, County and/or Federal prosecutors to determine whether the weapon is required for evidence.
- iv. If the weapon had been seized by an outside agency or O.D.E.T. then the weapon return checks will be performed by the seizing agency. If the weapon is denied that agency will notify the owner of the denial status. If the weapon is available to be released, then all forms will be forwarded to the Evidence Technician to release the property once they are completed by the seizing agency.
- v. The request for the release of a firearm may be denied if any of the above criteria are not met. In addition, the request for the release of a

firearm may be denied if the firearm was seized pursuant to a law enforcement investigation that is still active at the time the request is made.

- vi. Any person whose request for the release of a firearm is denied shall be notified of the denial and the reason for the denial, in writing within ten (10) days of the request date. The Criminal Investigations Division Commander or his/her designee will make notification.
7. If two or more persons claim the same property, then the property custodian shall hold the evidence, regardless of any proof of ownership shown, until one or the other claimant obtains a court order determining ownership.
8. Evidence ordered destroyed shall be destroyed and a copy of the court order shall be retained in evidence. An evidence custodian, along with a law enforcement officer not attached to the evidence function shall witness the destruction. Destruction shall follow state law.
9. Once a case involving a firearm is adjudicated in court the Evidence Technician will attempt to contact the owner in writing at the last updated address provided. After thirty (30) days of not being contacted by the owner, or the letter is returned to sender the weapon will be placed on a destruction order.
10. Under no circumstances will any employee or officer convert any evidence or found property to his or her personal possession. However, this does not prohibit an employee from purchasing said property that is being lawfully sold at a public auction.
11. All drugs and narcotic evidence shall be disposed of in a manner authorized by law or ordered by a court. Chain of possession should extend to verifiable disposition and accounts of disposition be made a part of the permanent evidence record.

IV. EVIDENCE TECHNICIAN – OTHER RESPONSIBILITIES (84.1.2)

- A. The evidence technician shall have administrative control over all found or confiscated property that enters the property storage room and shall ensure that all stored confiscated or found property has been documented appropriately.
- B. The evidence technician shall ensure that the property storage room is clean, orderly, and secure, and shall take necessary steps to ensure that all found or confiscated property is protected from damage, deterioration, or theft.
- C. The evidence technician shall restrict access to the property storage room to personnel other than an evidence custodian. Entry to the property area is controlled to prevent loss, theft, alterations, unauthorized removal or any other compromise of property stored by the Department. (84.1.2)
 1. The evidence custodians for the Joplin Police Department are the Investigation's Bureau Detective Sergeants (2), and the Evidence Technician. (84.1.2)
 2. Entry into the property area by other personnel will be accomplished by a sign-in/out log and being accompanied by an evidence custodian. (84.1.2)
 3. Those authorized personnel, except for the evidence custodians, having a need to enter the storage area, will sign in on the log immediately upon entering the storage area, and sign out immediately upon exiting the storage area. The evidence technician (s) will be responsible for maintaining all evidence logs. (84.1.2)
- D. The evidence technician shall maintain a separate storage room for money, jewelry, weapons, precious metals, or narcotics. A safe will be utilized in this storage room for money. (84.1.1 E)

- E. The evidence technician shall maintain a refrigerator, with locking compartments, for the storage of perishable items. (84.1.1 E)
- F. The evidence technician shall release property only to authorized persons and may demand proof (such as a *subpoena duces tecum*) of legal necessity to take property.
- G. An annual audit of evidence shall be conducted by the chief of police or his/her designee, a supervisor not routinely connected with evidence control. This inventory does not have to be a complete inventory. The evidence technician shall facilitate the inspection.

V. COMPLIANCE

Violations of this policy, or portions thereof, may result in disciplinary action as described in the City of Joplin's Personnel Rules or the Joplin Police Department's Rules and Regulations and General Orders. Members of the Joplin Police Department, while assigned to or assisting other agencies shall comply with this policy.

VI. APPLICATION

This document constitutes department policy, is for internal use only, and does not enlarge an employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense, with respect to third party claims insofar as the employee's legal duty as imposed by law. Violations of this policy, if proven, can only form a basis of a complaint by this department, and then only in a non-judicial administrative setting.