

# Chevy Chase Village Police Department

## General Order

**Subject:** FOUND PROPERTY/CONTRABAND/PROPERTY FOR SAFEKEEPING

**CALEA:** 61.2.3-f, 82.2.1-a-b-c, 84.1.1-a-b-c-d-e-f-g, 84.1.3, 84.1.5, 84.1.6-a-b-c-d

- New
- Amended
- **Rescinds 5-26.5**

**Approved:**   
Roy Gordon  
Chief of Police

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### I. POLICY

One of the fundamental responsibilities of a police officer is to protect life and property, and to ensure that property which is not contraband, and the ownership of which is not in dispute, is reunited with its owner in a timely manner. Property taken into custody by an officer will be properly stored and safeguarded pursuant to Department policies and procedures until its owner is located and retrieves it, or it is disposed of according to Village Ordinances and/or other applicable laws.

### II. PROCEDURES

A. **Found property** is that which has been lost or abandoned by its owner or custodian and found by an officer or citizen, and it is unknown if it is connected with, or constitutes a part of, any known or suspected criminal offense.

Officers finding or receiving property under the above definition shall:

1. Attempt to ascertain if the property has been reported stolen or lost by checking it for stolen through N.C.I.C., checking through reports already on file, or locating and contacting the property's owner or custodian. (CALEA 84.1.1-f)
2. If an original report is located, a Supplement Report will be written to describe the circumstances under which the property was found. (CALEA 82.2.1-a-b-c, 84.1.1-c)
3. If the property has been reported as stolen, it will be treated as EVIDENCE and will be packaged and submitted to the Evidence/Property Custodian as described in G.O. 5-26.4.

4. The officer submitting the property will be responsible for notifying the property's owner/custodian of the found property and will inquire if the owner/custodian wants the property back or will allow the Department to store the property as evidence until trial (if it is determined as evidence). It may be possible to photograph the property and return it to its owner/custodian. (CALEA 84.1.1-f-g)
5. If the property has not been reported stolen, the officer who found the property shall make every reasonable effort to return the property to its owner/custodian without unnecessary delay. (CALEA 84.1.1-f-g)
6. If the owner/custodian cannot be contacted or located, or if the owner's identity cannot be determined, the property shall be inventoried and packaged as to protect it and keep it intact. A report, classified as "Found Property" and cleared 2946-2, shall be completed along with a Department "Property Transmittal Form" and submitted with the property. (CALEA 82.2.1-a-b-c)
7. Prior to the end of the submitting officer's *shift*, the property will be given directly to the Evidence/Property Custodian. If the Evidence/Property Custodian is unavailable, the property will be secured in a Temporary Evidence Storage Locker. (CALEA 84.1.1-b, 84.1.3)

B. **Contraband** is property that is illegal to possess in and of itself and is usually seized and/or taken into custody for the purpose of being destroyed.

1. Property seized or taken into custody under the above definition will be treated as EVIDENCE, and unless the officer wants the contraband held as evidence for a future court proceeding, the Evidence Transmittal Form will indicate that it is to be **destroyed**.
  - An exception to this would be if the officer in his/her discretion, decides to release a particular item to a person authorized to process the property.
2. If contraband is submitted to the Evidence/Property Custodian, the submitting officer will complete a report describing the circumstances under which the contraband was taken into custody. (CALEA 84.1.1-c)

C. **Property for safekeeping** may be taken into custody for reasons which may include but are not limited to:

- Its owner/custodian is unable to process it due to injuries,
- An arrest,
- Its owner was involved in a traffic accident requiring hospitalization, or

- For other reasons a prudent officer feels the property should be kept for safekeeping.
1. Officers taking property into custody for safekeeping will indicate this action in their report, and will also complete a Department Property Transmittal Form to accompany the property. (CALEA 82.2.1-a-b-c, 84.1.1-c)
  2. If the officer intends to have the property stored in the Evidence/Property Room, the property will be treated as FOUND PROPERTY and will be inventoried, packaged, labeled, and submitted to the Evidence/Property Custodian as described in General Order 5-26.4. (CALEA 61.2.3-f)
  3. Property belonging to traffic collision participants that was transported to the hospital should go/stay with them. (CALEA 61.2.3-f)
- D. A **bicycle(s)** recovered by citizens/police officers will require the officer to check it for stolen/ownership and if it is not stolen and ownership cannot be determined, the officer shall:
- Transport or have Public Works transport the bicycle to the station.
  - Complete a Vehicle Report with a clearance of 2946-2, tag the bike, and submit a Department Transmittal Form and place the bicycle in the storage room located in the Police Locker room.
- E. **Recovered guns** whether seized as evidence, found abandoned, or taken by an officer for safekeeping, will be unloaded **prior** to being placed in a Temporary Evidence Storage Locker.
1. If the weapon is in such a condition that it cannot be ascertained if it is loaded, **it will be presumed that it is loaded** and the Evidence/Property Custodian will be made aware of this on the Evidence Transmittal Form when the weapon is placed in a Temporary Evidence Storage Locker by the submitting officer.
  2. Upon receiving the weapon, the Evidence/Property Custodian will consult with the firearms instructor and/or armorer in an attempt to ensure that the weapon is made safe before it is stored in the Evidence/Property Room.
  3. Officers submitting firearms to the Evidence/Property Custodian will follow the procedures set forth in this General Order regarding the completion of appropriate reports and forms, packaging, and labeling.
  4. The submitting officer will notify MCP Records Section to have the firearm entered into NCIC as a “Recovered Gun” if the firearm’s ownership is unknown.

5. The Evidence/Property Custodian will forward a copy of the report via inter-office mail to the Commander, MCP Major Crimes Section.

### III. PACKAGING/LABELING OF SUBMITTED PROPERTY

- A. Officers submitting property to the Evidence/Property Room will ensure that it is packaged in such a manner that ensures its protection and integrity. (CALEA 84.1.1-d) The package will be clearly labeled with:

- Incident Report Number,
- Property File Control Number,
- Location in the Evidence/Property Room, and
- Date the evidence/property came into the department's custody.

1. If the package contains property that can be destroyed, the submitting officer will write DESTROY in large letters in a conspicuous location on the package.
2. To ensure the security of property that is exceptional, valuable, or sensitive, before packaging the property the submitting officer will:
  - Photograph the item for station files,
  - Record serial number(s) or if money, make photocopies (in black and white),
  - Fully document and itemize the property in the officer's report and in the Property Transmittal Form, and
  - Safeguard the property until it is relinquished to the Evidence/Property Custodian directly, or secured in a Temporary Evidence Storage Locker. (CALEA 84.1.1-e)

### IV. RESPONSIBILITIES OF THE PROPERTY/EVIDENCE CUSTODIAN

The Evidence/Property Custodian will be responsible for the Evidence/Property function.

- A. Upon receipt of property, the Evidence/Property Custodian will:
  1. Assign the property a unique and sequential number and indicate the number on the Property Transmittal Form, which will become part of the Evidence/Property Room records. The property will be logged before the end of the Property/Evidence Custodian's shift. (CALEA 84.1.1-a)
  2. Ensure that the property is properly labeled and suitably packaged.
  3. Secure property requiring extra security measures, i.e., money, jewelry, precious metals, gemstones, and other piece of property that by its nature is deemed to be of considerable value, in the safe inside the Evidence/Property Room. (CALEA 84.1.1-e)

- B. The Evidence/Property Custodian will ensure that the Evidence/Property Room records accurately reflect the status of all property/evidence held in the Evidence/Property Room by: (CALEA 84.1.5, 84.1.6-a-b-c-d)
1. Arranging with the Chief of Police to conduct a quarterly inspection of the Evidence/Property Room and its records to ensure adherence to Department procedures regarding record maintenance and the control of property. (CALEA 84.1.6-a)
  2. Reconciling the current records to ensure that a current number is assigned to the incoming item(s), whenever property/evidence is brought into the Evidence/Property Room.
  3. Arranging for an annual audit of property/evidence held in the Evidence/Property Room by the Chief of Police or his designee with the title of supervisor and who is not routinely or directly connected with the control of property. (CALEA 84.1.6-c)
  4. Ensuring that the Evidence/Property Room, property storage areas, and records pertaining to in-custody property are up-to-date and are available for *the annual* unannounced inspection as directed by the Chief of Police. (CALEA 84.1.6-d)
- C. To ensure that records are correct and properly annotated, whenever personnel are assigned and/or transferred from the property and evidence control function, the Chief of Police will direct that an inventory be conducted jointly by the newly designated Evidence/Property Custodian and a person designated by the Chief of Police. (CALEA 84.1.6-b)