



Faribault County Sheriff's Office

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2000 EVIDENCE LOCKER POLICY

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Approved By:	Mike Gormley, Sheriff; Scott Adams, Chief Deputy

PURPOSE:

This procedural policy outlines the Faribault County Sheriff's Office regulation of the control and access to the area of the L.E.C. referred to as the "Evidence Locker". This policy will also identify the classifications of property, the handling of each type while in the control of the Faribault County Sheriff's Department and then the release of each classification of property.

PROCEDURE:

Access: From the date of this policy forward access to this area will be controlled by the Evidence Clerk. The Faribault County Sheriff, Chief Deputy, Administrative Clerk shall obtain control in the absence of the Evidence Clerk. Any and all other access will be prohibited.

Classifications of Property.

Evidence: Property which may be related to crime or which may implicate or clear a person of criminal charge.

Found Property: Non evidentiary property which after coming into the custody of the agency, has been determined to be lost or abandoned and is not known or suspected to be connected with any criminal offense.

Property held for Safekeeping: Non-evidentiary property which is in the custody of the agency for temporary protection on behalf of the owner.

Procedures for Depositing Property - Evidence.

A. Duties Of Deputy Who Takes Property into Custody.

1. The deputy shall, in every instance, place all property obtained in the course of his or her employment in the agency's property system **prior to going off duty**. In no instance shall an employee store property in a personal locker or other unauthorized location.
2. The deputy shall prepare a Property Record/Receipt. This Property Record/Receipt should be considered an inventory list and should be clearly marked with the ICR Case Number, description of the evidence, place evidence was found, date and time of recovery, suspect, offense, victim and officer responsible for the case. Chain of possession should be noted only if this chain varies from where evidence was found to the Evidence Locker. i.e.: recovered then sent to BCA Lab or recovered vehicles stored at an outside facility. If evidence has been sent to a facility outside of the L.E.C. this should be noted so an Evidence Number can be assigned and the chain of possession is never jeopardized.
 - a. Except as provided in "*Special Handling Procedures, In the Absence of the Evidence Clerk*" section below, the deputy shall submit the Property Record/Receipt with the property item in person to the evidence clerk.
3. There are certain items that require special packaging.

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- a. Blood – should be air-dried. Items can be hung in the evidence lockers on the lines provided. If the blood is already dry the item may be placed in a paper bag. The bags should be marked with the ICR and a biohazard label and sealed as to not jeopardize the integrity of the evidence.
 - b. Living plants – should be air-dried. Items cannot be sent to BCA lab for analysis until they are completely dry. Under no circumstances should living plants be packaged until they have been dried.
4. The deputy shall make appropriate inquiries to the State Department of Justice computer regarding serialized items of property to determine if the property is reported stolen.
 5. Special Handling Procedures
 - a. In the absence of the Evidence Clerk:
 1. The deputy shall place property items, together with the Property Record/Receipt, in a temporary storage property locker. Use as many temporary storage property lockers as needed. You may place all items from an ICR in the same locker, but use separate lockers for each ICR.

Temporary storage property lockers are located by the Deputy's Room of the Faribault County Sheriff's Department. The locker should be secured by locking the padlock once the item and Property Record/Receipt is placed inside the locker.

2. Any property that can be placed in an envelope can be dropped in the temporary envelope slot. Make sure the Property Record/Receipt is enclosed in the envelope to insure proper ICR to property identification. For example this slot could be used for money, valuables and narcotics. The envelope should be secured since this slot could be used for several small pieces of evidence. Note ICR on envelope.
 3. The deputy shall deposit large items (such as bicycles, tires, etc.) in the permanent evidence area or the Evidence Clerk's office.
 - a. The Evidence Clerk's office can be secured by locking and closing the door.
 - b. The deputy shall leave the Property Record/Receipt on the Evidence Clerk's desk to notify that a large item of property must be further processed if this evidence is not placed in the temporary storage property locker.
- b. When the Evidence Clerk is on duty:
 1. The deputy shall deliver property taken into custody to the Evidence Clerk.
 2. The Evidence Clerk shall examine money, valuables and narcotics and witness the placement of such property. Money shall be counted and the amount verified by two persons. A receipt will be filled out for money and signed by both parties.
 - c. Items requiring Special Handling:
 1. Firearms
 - a. A deputy delivering a firearm to the Evidence Section shall unload the firearm before entering the agency facility. If the firearm cannot be unloaded because of a malfunction or the deputy's unfamiliarity

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with the firearm, the deputy shall attach a note to the firearm describing the malfunction and/or a warning that the firearm has not been unloaded, before depositing the firearm with the Evidence Section.

- i. A deputy may not want a firearm unloaded because of the nature of a case i.e.: homicide. This firearm may contain other items of evidence i.e.: fingerprints and therefore will not be unloaded. If a deputy feels the importance of not unloading a firearm this should be noted and the weapon should be secured.
2. Flammables
 - a. Storage of Flammables will be accomplished by placing in Flammables/Explosives Cabinet.
3. Explosives and Perishable Items
 - a. Storage of Explosives will be accomplished by placing in Flammables/Explosives Cabinet.
 - b. Perishable items such as shoplifted food, etc. shall be photographed and returned to the owner or destroyed by the Evidence Clerk.

B. Duties of Evidence Clerk

1. The Evidence Clerk shall process property received from the deputy or the temporary storage property lockers as soon as on duty or received.
2. The Property Record/Receipt information shall be used to create an Evidence tag. The Evidence tag shall be secured to property during processing.
3. The Evidence Clerk shall transfer property from Temporary Storage to the permanent evidence locker and create/update the computer records.
4. Any property needing to be sent to BCA Laboratory for processing should be clearly marked on the package and noted on the Property Record/Receipt so the Evidence Clerk will know to send the item out immediately. The computer entry will so note evidence out to BCA Lab for analysis.
5. Property from a vehicle being held in the Faribault County's storage facility
 - a. The Deputy will notify the Evidence Clerk of a seized vehicle in the Faribault County Storage garage. The Deputy will process the property from this vehicle. Any personal property, property not connected to the crime should be delivered to the Evidence Clerk or the Evidence Clerk should be notified that non-evidence personal property is still stored in the vehicle. In either case the Evidence Clerk can, by deputy authority, process the non-evidence personal property for release. See C-3-B for this procedure. Evidence from this vehicle will be processed as described previously.
 - b. Keys for the vehicles in the storage facility should be retained in the lock box.

C. Retrieving Evidence for Court

1. If you need your evidence for court, notify the Evidence Clerk the day before. This way it can be assured that everyone has received the evidence in a timely manner and the paperwork is completed.
2. The Evidence Clerk shall update the computer as to chain of possession or the transfer of the evidence from the Evidence Locker to the Officer.

Returning Property/Evidence to The Owner.

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The Evidence Clerk will send a notice, by certified mail, to the identified person to insure a paper trail of the attempt. A thirty-day notice will be given in this notice for the owner to retrieve property. The person claiming the property will have to offer a valid driver's license or identification and sign a form to retrieve the property. If not retrieved within this period of time the evidence will become the property of the Faribault County Sheriff's Department and no further claim will be identified.

- A. Evidence:** Property that is evidence is never returned to the owner without the permission of the Officer, the County Attorney's Office and/or the Court. The officer is first asked for permission to release evidence. If the officer objects, the evidence remains in the officers evidence locker. If the officer has no objections a motion is created by the Evidence Clerk and forwarded to the County Attorney. If the County Attorney signs the motion it is then forwarded to the Court for approval by the judge. If the judge signs the motion it is returned to the Evidence Clerk for attempt of return. Evidence will only be returned to the owner if it is legal for the owner to possess. A motion to seize or destroy evidence that will not be returned will be processed in the same matter as above.

When property is returned the owner is required to show a valid driver's license or identification and sign a receipt. The Evidence Clerk shall update the chain of possession to show the return to the owner.

If evidence is being released to the owner at the direction of the County Attorney and prior to the completion of the court case, it is photographed in compliance with Minnesota State Statute 609.523-- "Return of Stolen Property to Owners". A certified notice will be sent giving the owner the above thirty days to retrieve. The owner is required to show a valid driver's license or identification and sign a receipt for this property.

- B. Found Property:** If a person (civilian) turns over an item to the Faribault County Sheriff's Office claiming it was found the following happens:
1. A waiting period of at least 90 days must expire with no one claiming ownership during that period of time.
 2. The serial number, if such, is run in the state computer to insure item not stolen.
 3. A notice is posted to all deputies to inform of the item and release. This will allow each deputy to check their cases for connection.
 4. A county-wide record check will be performed by the Evidence Clerk to insure the person (civilian) has not been convicted of a crime that would not allow him/her to possess the found item. i.e.: weapon.

When all conditions are met and no one has claimed the property and is not reported stolen, the Evidence Clerk will send a notice, by certified mail, to the identified person (civilian) to insure a paper trail of the attempt. A thirty day notice will be given in this notice for the person to retrieve the found property. The person claiming the property will have to offer a valid driver's license or identification and sign a form to retrieve the property. If not retrieved within this period of time the property will become that of the Faribault County Sheriff's Department and no further claim will be identified.

C. Safekeeping:

1. Orders for Protection. Items seized under Violent Crime control and Law Enforcement Act of 1994, 18 U.S.C. Statute 922(g)(8), concerning the shipping, transporting, possession, or receiving of firearms and ammunition. When the deputy is so ordered by the court to take into custody weapons for safekeeping the items for safekeeping will be placed into the computer under an ICR as evidence items. This will be done for tracking

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purposes. The Evidence Clerk will also set up a 90-day re-check flag in the computer. When this re-check flag is activated the Evidence Clerk will check the owner of the items in safekeeping in the state _computer. This check will consist of the owner's driver's license number, name, date of birth. This check will identify if the "Order for Protection" is still active. As a secondary verification the Evidence Clerk will contact the Court Administrator's office of the docketed court to verify the order is in place or has been lifted. Both checks will be performed to ensure no human error has occurred. If still active the Evidence Clerk will set up another 90-day re-check flag in the computer. This will repeat until the "Order for Protection" is no longer in effect.

Once the "Order for Protection" or whatever caused the items to be placed in safekeeping has passed or expired the Evidence Clerk will send a notice, by certified mail, to the owner of the items to insure a paper trail of the attempt. A thirty day notice will be given in this notice for the person to retrieve the safekeeping property. The person claiming the property will have to offer a valid driver's license or identification and sign a form to retrieve the property. If not retrieved within this period of time the property will become that of the Faribault County Sheriff's Department and no further claim will be identified.

2. Non-evidence Personal Property. An inventory will be taken of the personal property. The inventory will be listed in the case file (computer). The Evidence Clerk will send a notice, by certified mail, to the owner of the items to insure a paper trail of the attempt. A thirty-day notice will be given in this notice for the person to retrieve the non-evidence personal property. The person claiming the property will have to offer a valid driver's license or identification and sign a form to retrieve the property. If not retrieved within this period of time the property will become that of the Faribault County Sheriff's Department and no further claim will be identified.