

A. **PURPOSE.** To establish procedures for the disposition of all property which has come into the possession of the Grand Rapids Police Department

B. **PROPERTY TYPE.** This directive shall apply to the disposition of all supplies, materials, property, and equipment coming into the possession of the Grand Rapids Police Department. For the purpose of this directive, all property shall be categorized as either:

1. Department-owned property
2. Custodial property

C. **DISPOSITION OF DEPARTMENT-OWNED PROPERTY**

1. Department-owned property shall only be disposed of in the following manner:
  - a. Transfer to the City of Grand Rapids Purchasing Department for public sale
  - b. Transfer to another city department
  - c. Authorized destruction
  - d. Authorized trade-in on new equipment
  - e. Authorized sale
2. Department-owned property shall only be disposed of on written authorization of the Chief of Police or designee.

D. **DISPOSITION OF CUSTODIAL PROPERTY**

1. Custodial property may only be released after all administrative, investigative, statutory, and court-ordered requirements are fulfilled.
2. Manner of disposition. Custodial property shall only be disposed of in the following manner:
  - a. Return to owner or others having a legal right to the property

- b. Transfer to the City of Grand Rapids Purchasing Department for public sale
  - c. Destruction
  - d. As per court order
  - e. Conversion to governmental use
3. Found Property
- a. Found property may be returned to the owner or the owner's authorized agent if the owner's identity is known or verified.
  - b. Found property with any fair market value will be retained by the Property Management Unit for six (6) months following its receipt, pending location of the owner.
  - c. A **Found Property Notice** will be posted within the Grand Rapids Police Department in a location open to the public during normal business hours. The notice will list property which has a value of \$100 or more. The notice will cover a six (6) month retention period. The notice shall contain the following information:
    - (1) A general description of the item which was found
    - (2) Date on which the item was found
    - (3) Incident number relating to the item found
    - (4) A statement that the item must be claimed within six (6) months of the date of the notice
  - d. An effort will be made to locate the owner of found property. In the event that an owner has not been located at the expiration of the time periods listed above the finder of the property may exercise a claim to the property. The procedure for claiming property complies with MSA 18.718; MCL 434.21, et seq., as amended by P.A. 273 of 1987
  - e. Found property that has a claim filed by the finder shall be held for the periods noted above in subsections b. and c.

- f. Disputes concerning the ownership of found property shall be referred to the court of jurisdiction and the property retained by the Property Management Unit until the question of ownership is resolved.
- g. Found property that is determined to have no fair market value may be disposed of immediately by the Property Management Unit.

#### 4. Safekeeping Property

- a. Property held by the Department for safekeeping may be returned to the owner, when the owner is known and the original purpose for the safekeeping has been satisfied and such release would not be contrary to law.
- b. Property held by the Department for safekeeping shall not be released or returned to the owner except by court order if release of the property would pose a threat or dangerous condition to the owner or another person.
- c. Property held by the Department for safekeeping, where no owner is known shall be retained under the same guidelines as noted for found property (retention periods and notice of receipt).
- d. A decedent's property, held for safekeeping, shall only be released to an authorized relative of the decedent, or as directed by a court.

#### 5. Evidence

- a. In place of physical custody, members of the Department may surrender custody of property, which is in their possession to the rightful owner or his authorized agent. Upon doing so, personnel shall record the complete description, (make, model, serial number, etc.) of the property as well as the name, address, telephone number and relationship of the recipient in the narrative section of the original incident report. Department members shall verify statement of claim of the proposed recipient prior to release of the property and may, at their discretion, retain the property for submission to the Property Management Unit.

- b. If the evidence property is surrendered to the owner or his agent, the officer so doing shall endeavor to take such investigatory steps deemed necessary for successful prosecution, i.e., have the property photographed and/or processed for fingerprints, lab analysis, etc. Surrender of perishable items is particularly desirable. Additional guidelines shall be provided by the Kent County Prosecutor and updated from time to time.
- c. Property held by the Department as evidence shall only be disposed of or released on the authority of the assigned investigator or the respective investigative unit supervisor.
- d. Investigators shall bring custodial evidence to the attention of the Prosecuting Attorney/City Attorney at the time of warrant request, at the conclusion of the Preliminary Examination, and at the conclusion of the case by trial, plea, or dismissal. The Prosecuting Attorney/City Attorney should be conferred with to determine which evidence may be disposed of at the conclusion of each phase of the proceedings. The investigator shall appropriately notify the Property Management Unit of property that may be disposed of.
- e. Property Management Unit personnel shall maintain a record of evidence submitted for custodial control. The record shall indicate the incident number, brief description of property, incident class code, assigned squad, and assigned investigator. At 30 day intervals they will furnish the assigned investigator or investigators supervisor a list of case incident numbers which have been completed for at least six (6) months and where no disposition of the property has been received by the Property Management Unit. The Property Management Unit shall receive a response within ten (10) days as to the applicable disposition code of the property.
- f. Property which is stored for open cases not awaiting trial, cases closed but where property is maintained, or cases under active investigation may be disposed of with the approval of the assigned investigator or the respective investigative unit supervisor. When a quantity of old evidence is identified, and it appears unlikely that prosecution will be initiated or further retention is not needed, the Property Management Unit may bring such details to the attention of the assigned investigator or the respective investigative unit supervisor. Should they concur that retention of the evidence is no longer needed, they may authorize disposition per guidelines set forth by the Office of the Kent County Prosecutor. Prior to such

disposition, photographs and/or other record keeping as the Prosecutor may dictate will be undertaken.

- g. It shall be noted that the same process explained in subsection f. shall be applicable to those cases involving jurisdiction of the City Attorney/Office of the City Attorney.
  - h. Property taken or held by the Department as evidence may be promptly photographed and returned to the owner with the approval of the Prosecutor or City Attorney having jurisdiction to prosecute the case for which the property was taken or held.
6. Release and Disposal of Property
- a. The release and disposal of property in the custody of the Department shall be conducted by personnel assigned to the Property Management Unit except as outlined in subsections 9b and 9c below.
  - b. Safekeeping and found property, received by members of the Department, where the owner has been identified but the property has not yet been placed in the custody of the Property Management Unit, may be released to the owner or his authorized agent by direction of a police supervisor. The release of such property shall be governed by the procedures outlined in this directive.
7. Acknowledgment of Transaction. Property shall not be released without signed acknowledgment from the person to whom the property was released. This acknowledgment shall be in the form of a signature in the evidence management system. In addition to the signature, verification of identity of the claimant and the DATE released shall be recorded.
8. Notifications to Owners of Property
- a. Notification to owners indicating that their property is available for release shall be the responsibility of the assigned investigator. Where the case is unassigned but the owner's identity is readily available, Property Management officers shall initiate the notification. A record of attempted contacts and the method used should be recorded in the evidence management system.

- b. Property, excluding monies and currency, which is not claimed by the owner within thirty (30) days of the receipt of notification shall be transferred to the City of Grand Rapids Purchasing Department for public sale.
9. Destruction of Property
- a. Property authorized for destruction shall be disposed of by Property Management Unit personnel.
  - b. Property authorized for destruction shall be destroyed completely so that its use is no longer of value.
  - c. Narcotics, dangerous drugs, and controlled substances authorized for destruction shall be destroyed by Property Management Unit personnel. However, at the time of such destruction, a member of either the Drug Enforcement Administration, the Federal Bureau of Investigation, Michigan State Police or Kent County Prosecutor's Office shall act as observers. Prior to the destruction of these items, each package should be examined and its quality and quantity recorded and compared to that when it was seized.
10. Disposition of Firearms. Firearms which cannot be lawfully returned to the owner shall be turned over to the Michigan State Police for destruction.
11. Disposition of Money and Currency
- a. Custodial property in the form of money or currency, where the owner is known, shall be returned to the owner or his authorized agent except:
    - (1) Where prohibited by Statute.
    - (2) When otherwise directed by court order.
  - b. Money and currency authorized for release in cases where the owner is unknown shall be turned over the General Fund of the City of Grand Rapids.

- c. Money and currency authorized for release in cases where the owner is known but the return is prohibited by statute or court order shall be disbursed according to that statute or court order. If either statute or court order is not specific in the matter of disbursement, the money and currency shall be turned over the General Fund of the City of Grand Rapids.
12. Disposition of Computers/Tablets/Cell phones and other electronic devices that store information.
- a. Custodial property in the form of electronics, where the owner is known, shall be returned to the owner or authorized agent except:
    - (1) Where prohibited by Statute
    - (2) When otherwise directed by court order
  - b. Devices that are not able to be cleared or wiped of content shall be destroyed. This prevents personal information and/or criminal content from leaving the Department.