

**WINONA POLICE DEPARTMENT**

**NUMBER: 104-04 PAGES: 5**

**EFFECTIVE DATE: July 27, 2004**

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**SUBJECT: EVIDENCE: COLLECTION, STORAGE AND CONTROL**

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**1.0 PURPOSE:**

It is the purpose of this general order to establish policy and procedures for the collection, tagging, storage and control of all evidence and other property taken into police custody by members of the Winona Police Department.

**2.0 POLICY:**

**2.1** It is the policy of this department that all evidence and other property taken into police custody by members of the Police Department will be properly collected, tagged and stored. All evidence will be controlled through the office of the Evidence Technician. Items that need not be placed under property tag are film and photos taken by the officer and documentary evidence such as certified copies of driving records.

**2.2** It is the policy of this department that the large white property tag, a copy of which is attached to this general order, shall be used to tag all items of evidence, found property and recovered property, except that recovered bicycles not being held for evidence in a criminal prosecution shall be tagged with the yellow tags following the procedures outlined in this order.

**2.3** It is also the policy of this department that all property so tagged will be stored in the proper location as outlined in the procedural section of this order.

**3.0 PROCEDURE:**

**3.1 Storage**

**3.1.1** All found property shall be tagged, packaged and/or properly marked with date, case number and officer's initials and placed in the misdemeanor locker.

**3.1.2** All hit and run evidence shall be tagged, packaged and/or properly marked with date, case number and officer's initials and placed in the misdemeanor locker.

**3.1.3** All evidence from a felony or gross misdemeanor case shall be tagged, packaged and/or properly marked with date, case number and

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officer's initials and placed in the felony lockers that are available in the squad room.

**3.1.4** The key for the misdemeanor locker is maintained in the Shift Supervisor's office. The key for the felony locker is maintained by the Evidence Technician.

**3.1.5** Large items of evidence, such as beer kegs or bicycles held for evidence, can be secured in Garage #1. *However, these items must still be properly tagged and marked.*

**3.2 Use of the Property Tag**

**3.2.1** All applicable blanks on the property tag will be completed by the officer when securing the property. Full names, current addresses and telephone numbers will be placed in the appropriate blanks.

**3.2.2** All items from one single case can be listed on one property tag. For example, all pieces of evidence seized by officers from a single burglary scene can be placed on one property tag, with officers initialing the tag in the space provided.

**3.2.2.1** If more space is needed to list items than is available on one property tag, use another evidence tag and attach the second tag to the first.

**3.2.2.2** If the evidence listed on the evidence tag consists of more than one package, place the CFS number, officer's initials, item number and date on each individual package.

**3.2.3** Once the property tag has been completed, place it with the evidence in the appropriate evidence locker. If the evidence should be placed somewhere other than an evidence locker, the property tag should be placed in the misdemeanor locker.

**3.2.4** The officer's report should include the location that the property was secured and a copy of the property tag.

**3.3 Recovered Bicycles Not Held for Evidence.**

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**3.3.1** All bicycles recovered that are not being held for evidence will be impounded at the designated bike impound area.

**3.3.2** The yellow property tags are kept in the impound area and are self-explanatory. Fill out the tag and check with LEC Dispatch and have them check the stolen bicycle file and note if that has been done on the tag. Attach the small portion of the tag to the bicycle and place the large portion with the CFS.

**3.3.3** The bike tags will then be logged by a secretary in the bicycle log.

**3.4 Release of Impounded Bikes.**

**3.4.1** Determine the ownership of the bicycle and then have the owner sign the back of the property tag with their name, address and phone number. The releasing officer will initial the tag, with date and time of release.

**3.4.2** Ask the owner if they reported the bike as being stolen; and if they have, make note of this on the back of the property tag so that the CFS may be cleared from the records system. Return small tag to the Shift Supervisor, who will then forward the tag to a secretary.

**3.4.3** Refer all inquiries on stolen bicycles to the department Evidence Technician during his/her working hours.

**3.5 Evidence for Court:** In the event that an officer is scheduled to appear in court and there is evidence to be presented, the following procedures will be used:

**3.5.1** City cases posted on the calendar in the squad room: The evidence will automatically be pulled and available in the office of the Evidence Technician during the Evidence Technician hours. In the event that the case is scheduled after the hours of the Evidence Technician, the evidence will be placed in the misdemeanor locker in the squad room.

**3.5.2** All other cases: The officer scheduled for court must notify the Evidence Technician to arrange for the evidence to be available for check out. The evidence will be available in the office of the Evidence Technician during business hours. In the event that the case is scheduled for court after the hours of the Evidence Technician, the evidence will be placed in the misdemeanor locker in the squad room.

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**3.5.3** Photos: If photos are needed for court, notify the Evidence Technician at least 48 hours in advance of the scheduled court appearance to ensure that the photos have been printed. If there are only negatives, the Evidence Technician will have photos printed for court.

**3.5.4** Return of evidence: If the office of the Evidence Technician is open, the evidence is returned to the Evidence Technician. If the office of the Evidence Technician is closed, the evidence is to be secured in the misdemeanor locker in the squad room.

**3.5.5** Evidence retained by the court: If evidence taken to court is retained by the court for any reason, the officer must notify the Evidence Technician immediately after court. If the office of the Evidence Technician is closed, notify the Evidence Technician by note, including the item and the time it was retained.

**3.5.6** If the Evidence Technician is absent from work, contact the Sergeant or Deputy Chief in charge of the Criminal Investigation Bureau.

**3.6** Checkout of Evidence or Property: If an officer needs evidence from the Evidence Technician, the officer must sign for the evidence. The Property Check Out Form (copy attached) must be filled out every time an officer checks out any evidence. The following information must be included:

- Date and time the officer took custody of the evidence.
- The property tag item number of each piece of evidence checked out.
- The officer's signature that he/she has custody of the evidence.
- The date and time the evidence was returned to the custody of the Evidence Technician or the evidence locker.
- The officer's signature that the item(s) were returned.

**3.7** Return of Stolen Property to Owner: Stolen property may be returned to the owner at the direction of the City or County Attorney under the provisions of 609.523. Any stolen property with a value in excess of \$150 shall be retained for 14 days to allow the Defense Attorney to examine the property.