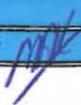


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			Distribution: All
Title: PROPERTY MANAGEMENT-EVIDENCE/FOUND/CONTRABAND		Section: Organization	
Issued: 1/31/2012	Effective: 2/08/2012	Revised: 3/10/2016	
Rescinds: All Previous		Amends:	
CALEA References: Chapter 84			
Review: Annual	Authority: Chief Michael A. Keller 		

I. Purpose

The purpose of this General Order is to establish guidelines for maintaining integrity of the chain of custody and safeguarding evidence, found property, and property held for safekeeping.

II. Policy

It is the policy of the Andover Police Department to ensure that all property in its possession is properly received and documented, changes in custody are documented, securely stored, readily retrievable, and proper disposition is made according to law.

III. Definitions

- A. **Chain of Custody:** The continuity of the custody of physical evidence from time of original collection to final disposition.
- B. **Submitting Officer:** The individual responsible for the data entry and documentation of incoming property, as well as the physical action of turning over the property to the custody of Property and Evidence, either directly or by means of the temporary storage bins.
- C. **Evidence Rooms:** Facilities used by the Department to securely store property with access limited to authorized personnel.
- D. **Found Property:** Any property of value that has been lost by its owner and found by any other person and turned into the Department or turned directly over to any officer of the Department.
- E. **Property for Safekeeping:** Property whose owner is known and which is being temporarily maintained at the Department for a specific purpose. Examples include firearms removed from a residence for a temporary purpose, valuables retrieved at the scene of a death, etc.
- F. **Property and Evidence:** Evidence rooms under the care, custody and control of the Communications Director or designee who are responsible for the secure storage and tracking of evidence received and stored by the department.
- G. **Property and Evidence Personnel:** Department personnel assigned to Property and Evidence.
- H. **Contraband:** Any property prohibited by law from being imported, exported or in possession of a person. Contraband shall also mean prohibited property coming



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into possession of an officer in circumstances which prohibit charges from being filed because the owner is not known or for any other acceptable reason.

- I. **BEAST:** An electronic evidence management system used by the Andover Police Department. BEAST stands for Barcoded Evidence, Analysis, Statistics and Tracking.
- J. **Property/Evidence Report:** Report generated by BEAST containing information regarding property and evidence for a particular case.
- K. **Exceptional, Valuable, or Sensitive Items:** Items including money, guns and weapons, jewelry, controlled substances, and other items as determined by the Communications Director.

IV. Regulations

- A. All property requiring submission into Property and Evidence shall be submitted prior to the end of the officer's tour of duty and shall be entered into BEAST prior to going on days off unless the officer's supervisor has given prior approval (84.1.1a, 84.1.1b)[B].
- B. At no time shall evidence or property be stored in an unsecured manner [B].
- C. Evidence keys, including keys for temporary storage lockers, will not be removed from the building for any reason without prior approval from the Chief of Police [A].
- D. All evidence or property submitted will be properly packaged and be accompanied by a properly completed property/evidence label [A].
- E. No department member shall sign on or operate BEAST under another member's user name and password [B].

V. Procedures

A. Access to Evidence Facilities

- 1. Property and Evidence are secure rooms, with controlled access where all in-custody and evidentiary property is stored. Access to Property and Evidence shall be restricted to property and evidence personnel (84.1.2).
- 2. Non-authorized department members or other persons may be admitted to Property and Evidence with the permission of Property and Evidence personnel. These persons shall log in and out of the secure areas, and shall be accompanied by a member of Property and Evidence (84.1.2).
- 3. Temporary storage lockers, cabinets and drawers are available for members to secure evidence 24 hours a day, seven days per week. Once locked, they will only be accessible by a member of Property and Evidence (84.1.3).
- 4. Keys to Property and Evidence areas are strictly limited to property and evidence personnel and those who have been temporarily assigned to Property and Evidence (84.1.2).



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- a. An electronic key, and one physical key, will be issued to each individual having authorized access to Property and Evidence. Access requires both the physical and electronic key. Copies of electronic keys are not maintained by the Chief of Police.
 - b. One key for access to Property and Evidence areas along with copies of all keys for cabinets, drawers and lockers are locked in the administrative locker and under the control of the Chief of Police.
5. The keys under the control of the Chief of Police shall be placed in a sealed envelope with the initials of a member of Property and Evidence and secured inside the locker in the office of the Chief's Administrative Assistant.
- a. If this key is used, the Chief or his designee will be accompanied by a member from Property and Evidence. A log shall be maintained and attached to the envelope indicating:
 - 1) Date,
 - 2) Time,
 - 3) Circumstances, and
 - 4) Names of officers using the key.
 - b. After this key has been used, it shall again be placed in an envelope, sealed and initialed by a member of Property and Evidence and returned to the administrative locker.

B. Storage and Security

1. The Communications Director shall have overall responsibility and accountability for the handling, security, and disposition of all found, recovered and evidentiary property stored in Property and Evidence.
2. All property that is submitted shall be secured in an evidence cabinet, drawer, locker, garage or shed, of an appropriate size. If necessary, property that is too large for the evidence cabinets, drawers or lockers, and if no one with access to Property and Evidence is available, can be stored securely in the cages in the Northeast corner of the garage. If property is placed in the garage or the shed(s), an email must be sent immediately to the Communications Director indicating where the property is stored. If we have a vehicle it will be locked in the sally port and all electronic locks allowing access into the sally port will be disabled by the on duty Communications Officer (84.1.3).
3. When Property and Evidence personnel are not available, and large items of critical evidentiary value that are too large for the storage cage located in the garage need to be submitted, Property and Evidence personnel will be summoned to secure the evidence in the evidence room.
4. Secure refrigerated storage is available for perishable items.
5. Only Property and Evidence personnel are authorized to release or dispose of evidence/property and withdrawal may only be authorized for the following reasons:



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- a. For documented inter-agency reasons (i.e. court, lab exams/analysis, transfer to another agency, etc.),
- b. To return to the lawful owner,
- c. Lawful action or conversion to City use, and/or
- d. For lawful destruction.

C. Submission of Property

1. All property requiring submission into Property and Evidence shall be submitted prior to the end of the officer's tour of duty. If not yet entered into BEAST, the officer must place their name and case number with the evidence in a secure locker, cabinet or drawer (84.1.1b).
2. All property will be entered into BEAST prior to the end of the officer's tour of duty or if approved by the officer's supervisor, prior to going on days off. Regardless of supervisor approval, all evidence submitted shall be entered into BEAST by the end of the next work day. The Property/Evidence Report will be scanned and entered into the department's records management system (RMS) under the assigned case number (84.1.1a).
3. When property is obtained, a report shall be generated in RMS documenting the circumstances by which the property came into the agency's possession and the description and/or condition of each item (84.1.1 c).
4. Property held by Property and Evidence shall have the chain of custody tracked and maintained in BEAST through final disposition. Only one barcode label with item number shall be affixed to each package. Barcode labels shall not be used to seal packaging. Barcode labels shall have the officer's signature, identification number, and date and time of submission.
5. BEAST shall be controlled and maintained by Property and Evidence personnel who shall be assigned as the system administrators. All BEAST related malfunctions should be reported to Property and Evidence personnel immediately.
6. Data entry for BEAST labels shall be limited to designated BEAST work-stations located in the room for evidence submission, the room for evidence processing and as authorized by BEAST system administrators.
7. Submitting officers using BEAST shall supply all known information for all fields and shall provide complete and accurate information, including but not limited to full street addresses, names, descriptions, identifying markings, quantities, crime classes, and phone numbers.
8. Officers shall record all serial numbers, identifying markings and owner-applied numbers in BEAST (84.1.1 d).
9. Property shall be handled, packaged and marked in a manner that protects the integrity of the item and its evidentiary value, causing as little damage as possible (84.1.1 d).



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10. In order to permit positive identification at a later date, the collecting officer shall place the case number, their initials and date on each piece of evidence. The officer's initials should be placed so as not to destroy the evidentiary value of the items, nor to detract from its value or appearance. The collecting officer should indicate in their notes how and where the property was marked (84.1.1d).
11. All packaging shall be new and unused, and sealed with department approved evidence tape to prevent accidental loss and tampering of the contents. No staples will be used on any packaging (84.1.1d).
12. The officer sealing the items shall inscribe their initials, case number and date with permanent ink across the seal of the tape creating an identifiable tamper proof seal (84.1.1 d).
13. Bicycles shall be secured in the garage cage area designated for bicycle storage. Bicycles shall have a BEAST label attached by means of a property tag and cable tie.
14. Officers submitting items of found property to the evidence room shall indicate the name, address and telephone number of the person(s) having found the property. The officer shall also indicate whether the person having found the property desires to claim said property after the property is held for the statutory amount of time.
15. Blood and/or urine collected by officers, shall be packaged as directed on the box and placed unsealed in the secure temporary evidence storage location. Prior to packaging, the Kansas Bureau of Investigation Forensic Laboratory Toxicology Request Form/Evidence Custody Receipt provided in the box, shall be copied and scanned into the case file, then returned to the box. Officers will enter the information in BEAST and submit a lab submission form/barcode to be copied and scanned into the case file, then placed in the box to be mailed. Do not seal the box prior to placing the box in the secure temporary evidence storage location (84.1.1d, e).
16. Bio-Hazard material (i.e. syringes and needles, bloody clothes, etc.) shall be clearly marked as a bio-hazard. Items of clothing, bedding or other items containing wet bio-hazards will be dried before packaging. Officers should contact Property and Evidence personnel for access to a secure location for drying wet bio-hazard material (84.1.1e).
17. All recovered stolen property should be retained by the rightful owner with the necessary documentation and photographs made.
18. Firearms shall be unloaded prior to submission and the property/evidence report must indicate that the weapon is unloaded. If necessary, a firearms instructor may be called to unload the weapon. If, for some reason, the weapon cannot be unloaded, the trigger housing may be taped (when fingerprinting is not required) and the property/evidence report shall be clearly marked "Loaded" in the comments section. Property and Evidence personnel should be



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notified by email (addressed to DETECTIVE MAIL) of any loaded gun placed in evidence (84.1.1d, e).

19. All fireworks shall be placed in the area designated for fireworks. The officer will check out the key for the storage area from Communications and return the key upon securing the fireworks to Communications. Additional notice shall be given to evidence personnel (84.1.1 d, e).
20. Officers seizing hazardous materials (toxic, caustic, flammable, etc.) as evidence related to a criminal investigation, after obtaining approval from the affected court (Order of Destruction), will collect representative samples of the hazardous material, and lawfully destroy or dispose of the remaining quantity of the hazardous material. Photographs or video tapes will be made of the material to document the identity and quantity of the material prior to destruction. Samples submitted into Property and Evidence must be submitted in appropriate containers that prevent the material from escaping, in any form, from the container. Hazardous materials not needed as evidence will not be collected or stored (84.1.1d,e).
21. Numerous items of similar character/type may be packaged together if there is no concern of cross contamination or separate ownership. Items packaged together in a single package shall be tracked using one barcode label with item number. All items in the package shall be briefly described in the item description field (84.1.1 d).
22. Packaged, sealed and labeled items from more than one case may be comingled in one locker or with another officer's items when the items are being secured at the same time and when conservation of lockers is necessary.
23. If it is questionable how an item should be collected and/or packaged, Property and Evidence personnel shall be consulted prior to handling the evidence or property.
24. Property and Evidence personnel shall refuse any item(s) not packaged correctly or in department-approved packaging. It is the responsibility of the submitting officer to correct all errors immediately, upon notification by Property and Evidence personnel.
25. Officers shall not make duplicate entries in BEAST in an attempt to correct a previously entered mistake. Officers, with exception of Property and Evidence personnel, who require the edit of information in BEAST, shall submit an email to Property and Evidence personnel stating what the error was and what corrections are to be made. Upon completing the requested edits, Property and Evidence personnel shall file the correction with the new property/evidence report in the case file along with the officer's signature and date on the new form. Officers shall cross out any erroneous information on the labels and shall hand write the correct information on the label. Corrected labels shall continue to be affixed to the item(s) and shall be submitted with the correction form.



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26. No department member shall sign on or operate BEAST under another member's user name and password.
27. Property stored within Property and Evidence shall remain sealed until released or disposed of, unless otherwise approved by Property and Evidence personnel. It shall be the submitting or collecting individual, or the assigned detective's responsibility to open, and re-seal (re-package only as necessary) any property that must be opened, transferred, corrected or viewed.
28. Seized property, which is immediately turned over to another party and is never submitted into Property and Evidence shall be documented in the seizing officer's case report and shall not be entered into BEAST. Upon returning an item to an owner, an owner's signature is required on a Receipt for Property form documenting the release. The officer shall then turn the Receipt for Property form to the case file.
29. Property submitted to Property and Evidence that cannot be entered into BEAST due to computer malfunction, shall be placed in a secure location with the officer's name and case number; and an email shall be sent to Property and Evidence personnel stating BEAST was not functioning. When using a Kansas Bureau of Investigation Forensic Laboratory Evidence Custody Receipt, the officer shall fill out all information as they would in BEAST, then write the case number, item number, initials and date on the outside of each sealed package. As soon as BEAST is working properly Property and Evidence personnel will inform the officer that BEAST is working so the officer can enter their evidence into BEAST.
30. The following property will not be accepted for storage in the Evidence Rooms:
 - a. Motor vehicles may be stored in the garage temporarily prior to processing but must be released to the owner when processing is complete or be impounded per department procedures.
 - b. Street signs, signals, barricades and other large articles belonging to city, county or state agencies are to be returned immediately to the city, county or state agency to which they belong, unless they have evidentiary value.
 - c. Containers that have no evidentiary value are to be left with the owners. Evidence should be removed from containers and submitted as required. This includes coolers containing alcohol and pots containing dirt/plants.
 - d. Explosives or suspected explosives will be turned over to the Bureau of Alcohol, Tobacco and Firearms (ATF). At no time shall any unexploded or possible explosive device or incendiary item be brought into the police facility or submitted to Property and Evidence.
 - e. All perishables shall be photographed and immediately destroyed. An explanation for the destruction of the item shall be written in the case report.



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D. Special Control of Exceptional, Valuable, and Sensitive Items

1. Collecting officers shall ensure that all efforts are taken to establish quality and quantity control of seized exceptional, valuable, and sensitive items (84.1.1e).
2. Controlled substances shall be packaged separately from any paraphernalia, storage containers or other items, and shall be assigned a separate item number. The officer will seal the controlled substances in a tamper proof protective package and weigh the entire package, recording the total gross weight to the nearest .10 gram in the comments section in BEAST. The package shall then be secured in temporary evidence storage.
 - a. Any time drugs of any type are handled, officers shall wear protective gloves.
 - b. Capsules, tablets and pills should be separated by type (one type per package), listing brand names, number, etc.
 - c. Loose drugs/powder shall be placed in a sealed pharmaceutical fold and then in an envelope prior to packaging, to avoid leakage.
 - d. All sharp objects shall be packaged in puncture proof containers, with a warning label affixed in a manner that will reduce the chance of injury.
 - e. All counts and weights of drugs will be verified by a second officer and the second officer will initial the tamper proof protective package.
3. Controlled substances shall only be weighed on department-approved scales.
4. All syringes seized in connection with narcotics arrests or investigations shall be placed in a puncture proof container and submitted into evidence. Syringes which are found/discarded, that are not associated with a suspect or investigation, may be placed in a sharps container and disposed of in a marked biohazard disposal sharps container located in the room used for evidence submission. The only required documentation for these items is a documentation report. No syringe shall be sent to the KBI Lab; the contents of the syringe shall be removed from the syringe and sent to the KBI Lab.
5. Bongs submitted to Property and Evidence shall have all water and moisture removed before packaging.
6. Upon receipt of controlled substances a member from Property and Evidence shall weigh the package to ensure that it matches the gross weight previously listed by the submitting officer. They shall also inspect the tamper proof seal to make sure the package has not been opened. If the package meets the above requirements, the member from Property and Evidence shall transfer the chain of custody and place any controlled substances in a separate location within the evidence room. This area will be secured using a two lock – two person system that prevents a single person from accessing the area. (84.1.1e).

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7. Should Property and Evidence personnel discover any tampering or significant variances in the weight of the packages, they will immediately notify the Chief of Police, and provide a written report through their chain of command. Package weight shall be recorded to the nearest .10 gram.
8. Controlled substances checked out of property and evidence will be inspected by Property and Evidence personnel upon their return. The inspection will include checking the gross weight and tamper proof seal. If the controlled substance is being returned from a lab following examination Property and Evidence personnel will record the new weight of the package
9. Money seized as evidence, or otherwise collected by officers, shall be counted by two officers prior to submission into Property and Evidence. The money will be packaged as previously outlined in C12 except the tamper proof seal will contain both counting officer's initials. Money will be secured within Property and Evidence using a two lock – two person system.
10. Other exceptional, valuable, or sensitive items shall be secured within Property and Evidence using a two lock-two person system.

E. Controlled Substance Training Aids Security/Accountability (84.1.4)

1. The Department does not use seized or forfeited controlled weapons or explosives for investigate or training purposes.
2. The Department does not use controlled substances (drugs) for investigative purposes (reverse buys.)
3. Controlled substances used for training aids will be obtained from departmentally approved sources and records detailing the type and weight of the controlled substances will be maintained in BEAST.
4. Controlled substances utilized for canine training aids will be kept secured in a cabinet in the room used for evidence submission (84.1.4).
5. Access to the canine controlled substances and controlled substances for narcotics testing kit training will be limited to the canine officers, certified narcotics testing kit instructors, Property and Evidence personnel and those designated by the Chief of Police. Any access to the controlled substances will be noted in BEAST and will include the name, date, time, and purpose for accessing the controlled substances. Access will further be controlled by the use of a two key – two person system to prevent a single person from accessing the area. The secondary officer's name shall be listed in the comments section in BEAST during the checking in/out of the controlled substances.
6. Controlled substances used as narcotics testing kit training aids will be weighed before and after being signed out. The officer signing out the controlled substance training aids will note in BEAST the name, date, time, and purpose for accessing the controlled substance. Upon returning the



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- controlled substance into Property and Evidence, the officer will weigh the controlled substance and record in BEAST the new weight, if applicable.
7. All controlled substances removed for training will be placed back into their designated storage area the same day unless other arrangements have been made and approved by the Chief of Police.
 8. In the event any controlled substances used as a training aid are lost or destroyed during training, or while in the possession of an officer, the officer will immediately notify the Communications Director or designee and complete an incident report detailing the loss. The report will be forwarded to the Investigations Commander and the Chief of Police.
 9. If the controlled substance training aid(s) inventory requires replenishment, controlled substances from cases that have been completely adjudicated, including all appeals, may be used.
 10. Random qualitative and quantitative examinations of controlled substances will be conducted by Property and Evidence personnel.
 11. Property and Evidence personnel will conduct and record quarterly audit/inspection of controlled substances used as training aid(s.) The record will indicate the status of the cabinet and/or safe's security, the condition of each package and seals, and the weights of the training aids at the time of inspection.
 12. If, during any inspection, weight of the controlled substances is significantly less than what is recorded in department records, or packages or seals show evidence of tampering, the Chief of Police will be immediately notified and will order an investigation into the discrepancy.
 13. Canine handlers and narcotics test kit Instructors will immediately forfeit their access to controlled substances used as training aids upon leaving their assignment as a handler or trainer.

F. Records and Status of Property

1. Property and Evidence personnel will maintain records which reflect the status of all evidence/property held by the Department. The information will include, but may not be limited to (84.1.5):
 - a. Date and time of receipt,
 - b. Description of item,
 - c. Location of item, and
 - d. Chain of custody including its final disposition, if applicable.

G. Inspections and Reports

1. The Communications Director shall conduct semi-annual inspections of the evidence system to assure that procedures regarding the control of property are followed. Results of these inspections shall be logged and documented. Any

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discrepancies will be investigated. Details of the investigation shall be forwarded to the Chief of Police. The inspection shall be conducted to determine (84.1.6 a):

- a. Property storage areas are being maintained in a clean and orderly fashion,
 - b. Provisions of agency policies and directives concerning the property management system are being followed,
 - c. Property is being protected from damage or deterioration,
 - d. Proper accountability procedures are being maintained, and
 - e. Property having no further evidentiary value is being disposed of properly.
2. Whenever a new Evidence Custodian or Communications Director is designated, an audit of property to ensure that records are correct and properly documented will be conducted jointly by the newly designated personnel and a person designated by the Chief of Police (84.1.6 b).
 - a. The purpose of the audit is to ensure the continuity of custody and does not require the accounting of every single item of property, but should be a representative sampling including high risk items. The audit should be sufficient to ensure the integrity of the system and the accountability of the property.
 - b. During the joint audit, a sufficient number of property records should be reviewed carefully with respect to proper documentation and accountability.
 - c. The person assuming custody of the property should ensure that all records are current and properly documented.
 - d. All discrepancies should be recorded prior to the assumption of property accountability by the newly appointed custodian or commander.
 - e. An error rate that exceeds four percent will require a full inventory of high risk items.
 3. As deemed appropriate, or at least annually, an audit and inspection of property held by the Department shall be conducted by a ranking officer designated by the Chief of Police other than the Communications Director and jointly with a member of Property and Evidence. The purpose of the audit and inspection is to ensure the integrity of the system. The inspection does not require an accounting of every item of property but will account for a significant representative sampling of high risk property (84.1.6 c).
 4. Unannounced inspections of property storage areas shall be conducted annually as directed by the Chief of Police (84.1.6 d).
 - a. Property accountability and security procedures should receive primary attention during spot inspections.
 - b. A random comparison of records with physical property should consume most of the inspection.
 - c. The same operations and procedures performed in the property storage areas need not be examined each time a spot inspection is conducted;



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rather, a different variety of activities should receive attention during successive spot inspections.

- d. These inspections are in addition to and in support of other regularly scheduled inspections.

H. Evidence Transfer

1. Temporary release of evidentiary items for investigative, laboratory analysis or court purposes is permitted under the following conditions (84.1.1g):
 - a. The receiving officer must state the reason for the removal in the comments section in BEAST.
 - b. The receiving officer is fully accountable for the return of the described property and evidence.
 - c. The items will be returned to the evidence room the same day unless a more extended release is warranted, as in the case of laboratory examinations. Whenever a court holds or confiscates property, a representative of that court will be required to sign the proper forms.
2. The officer in charge of the case will complete the required submission forms in BEAST when evidence is sent to an outside laboratory. After determining which laboratory facility the evidence will be submitted to, Property and Evidence personnel will mail or transport the material. Property and Evidence personnel will keep a record of all evidence sent to an outside laboratory. This record includes:
 - a. Name of the officer who prepared it for mailing;
 - b. Date and time of submission or mailing and method of transmission;
 - c. Date and time of receipt at the laboratory; and
 - d. Name and signature of the person in the laboratory receiving the evidence.
3. When returning property or evidence, officers will log the return of the items into BEAST per department procedures.
4. To facilitate the earliest disposal of property and evidence, the returning officer should advise Property and Evidence personnel of final judgments made by the court concerning any of the named defendants, if known.

I. Disposition of Property and Evidence (84.1.1g)

1. This Department strives to return property to its rightful owner as soon as practical. Final disposition of all found, recovered and evidentiary property will be documented and must be accomplished within six months after all legal requirements have been satisfied and in accordance with Kansas law (84.1.7).
2. When the prosecutor allows, evidence should be photographed and promptly returned to its owner.
3. The victim's Receipt for Property form requires the signature of the person acknowledging their acceptance of the property.

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4. When property seized is no longer required as evidence, it shall be disposed of as follows:
 - a. Property stolen, embezzled, obtained by false pretenses, or otherwise obtained unlawfully from the rightful owner thereof shall be restored to the owner.
 - b. Money shall be restored to the owner unless it was contained in a slot machine or otherwise used in unlawful gambling.
 - c. Property which is unclaimed or the ownership of which is unknown shall be sold at public auction or through an online public auction service.
 - d. Firearms, ammunition, and like devices, which have been used in the commission of a crime will be, at the discretion of the trial court, destroyed, forfeited or used by the law enforcement agency pursuant to K.S.A. 22-2512. If the firearm was stolen it may be returned to the rightful owner.
5. Whenever an officer identifies the owner of found property, the officer shall contact the owner of the property and request that the owner identify the property by describing the property in detail or by matching any identifying numbers that might be on the property with the numbers on a bill of sale, receipt, or other documentation (84.1.1 f).
 - a. The officer will continue to have the responsibility of locating and identifying the rightful owner of said property, until such time as he/she feels he/she has exhausted all efforts to do so.
 - b. Should the owner be identified, it is the officer's responsibility to coordinate the return the property to said owner unless the owner is unwilling to accept it.
 - c. If the owner is not identified, the officer will notify the Property and Evidence personnel and document efforts in a supplemental report.
6. Whenever the owner of found property appears at the Police Department to claim the found property, the owner shall be required to identify the property to the releasing officer's satisfaction.
7. Any found property that has not been claimed by its owner after two years shall be either destroyed or returned to the finder, if not a law enforcement officer, or if of value, retained for sale at public auction.
8. Non-evidence items of insubstantial commercial value (less than \$50) may be sold at public auction, if feasible, or destroyed after being held for a minimum of two years. Perishable or items that are unlawful to own under Federal or Kansas law shall also be deemed to be of insubstantial commercial value and shall be destroyed in accordance with law.
9. Property submitted as evidence will require a signature on the disposition letter from the submitting officer, officer's supervisor or Property and Evidence personnel prior to releasing or disposing of property. When the submitting officer or officer assigned the case is no longer employed by the Andover Police



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Department, the Investigations Commander will be responsible for the disposition of their evidence.

10. Evidence for cases that have been prosecuted requires the authorization of the prosecutor prior to disposal. A signed disposition form must be obtained from the prosecutor.
11. When the review date is reached in BEAST, Property and Evidence personnel will forward a disposition form to the officer assigned the case and reset the review date for ten days. When the disposition form is completed and returned to Property and Evidence, personnel will comply with the disposition form recommendations if they are in accordance with department policy or law. If the officer indicates that the property must be held the review date will be extended for one year.
12. Once a disposition has been received the evidence will be disposed of as indicated by the officer or as allowed by this General Order.
13. Property and Evidence personnel will mail a notice to the owner indicating that the property is available for release and that it will be disposed of if not claimed in thirty days. If no response is received from the owner, a second and final notice will be mailed to the owner indicating the property is available for release and that it will be disposed of if not claimed in 30 days. The second notice will be sent by certified mail or by personal service. Unclaimed property will not be disposed of for two years.
14. If, after two years, unclaimed property is to be sold at a public sale, Property and Evidence personnel shall cause a notice to be listed in the official newspaper. The notice shall include a description of the property, the date of sale, and where the owner may make inquiry of or claim the property. Property must be claimed within 30 days of the date of publication. If no claim within 30 days is received, the property will be sold (84.1.1 g).
 - a. If a claim is received within 30 days, Property and Evidence personnel shall evaluate the claim and give notice to the claimant within 30 days thereof that the claim has been accepted or denied in whole or in part. Property and Evidence personnel may investigate the validity of a claim and may request further supporting documentation from the claimant prior to disbursing or refusing to disburse the property.
15. Property for which no rightful owner can be located or property which is unlawful to possess shall be disposed of in accordance with K.S.A. 22-2512.
16. Unclaimed property determined to be of use can be donated to a charitable organization or be transferred to the Police Department under the following guidelines (84.1.1 g):
 - a. It is the responsibility of Property and Evidence personnel to submit a letter listing the items recommended for donation or for department use, through the Communications Director to the Chief of Police. Once approval has been granted by the City Administrator the property will be released. A

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copy of all disposition documentation will be forwarded to the case file.
BEAST will be updated to reflect the final disposition.

17. Prior to releasing a weapon back to its owner, a criminal history shall be run on the owner at the request of the releasing officer. The weapon will not be released if the owner cannot legally possess a firearm.
 - a. Should any NCIC clearance on the owner/receiver show any felony or domestic violence conviction, or any restraining order in effect, the weapon will not be released without a court order.
 - b. No weapon will be released to a juvenile (under the age of eighteen).
18. All firearms authorized for destruction will be smelted down or crushed in the presence of Property and Evidence personnel and the Chief of Police or his designee, or sold to a reputable licensed firearms dealer (84.1.1 g):
 - a. All weapons must be cleared through NCIC and any entries cancelled.
 - b. Once approval for destruction has been received Property and Evidence personnel will verify that all weapons are accounted for by comparing the weapon to the disposition documentation.
 - c. Property and Evidence personnel destroying the weapons will obtain an incident report number and document the destruction in a written report. The report will include a list of all destroyed weapons, item numbers, their associated case numbers and those members involved in the destruction. The personnel witnessing the destruction will complete a supplemental report documenting their involvement. The BEAST system will be updated to reflect the final disposition.
19. All controlled substances and drug paraphernalia will be disposed of under the following guidelines (84.1.1 g):
 - a. Controlled substances and drug paraphernalia will be destroyed in the presence of Property and Evidence personnel and the Chief of Police or designee.
 - b. Property and Evidence personnel destroying the controlled substances and drug paraphernalia will obtain an incident report number and document the destruction in a written report. The report will include a list of all destroyed drugs, item numbers, their associated case numbers and those members involved in the destruction. The personnel witnessing the destruction will complete a supplemental report documenting their involvement. The BEAST system will be updated to reflect the final disposition.

J. Civil Process and Asset Forfeiture

1. All property seized or requested for seizure through civil process function or asset forfeiture proceedings, is identified by the officer using the case report narrative. All other steps in the civil process and asset forfeiture are conducted by the prosecutor's office (84.1.8).