

STATE OF MINNESOTA

Office of the State Auditor



Rebecca Otto
State Auditor

Best Practices Review:

**Property and Evidence Room Policies and
Procedures Manuals**

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The mission of the Office of the State Auditor is to oversee local government finances for Minnesota taxpayers by helping to ensure financial integrity and accountability in local governmental financial activities.

Through financial, compliance, and special audits, the State Auditor oversees and ensures that local government funds are used for the purposes intended by law and that local governments hold themselves to the highest standards of financial accountability.

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Best Practices Review:

Property and Evidence Room Policies and Procedures Manuals



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Introduction

The importance of property and evidence room management has recently gained visibility in the State of Minnesota.¹ One result of the increased visibility was legislation enacted in 2010, requiring the Minnesota Board of Peace Officer Standards and Training and the Minnesota County Attorneys Association to develop a model policy that articulates best practices for forfeitures.² Under the legislation, law enforcement agencies in Minnesota must adopt and implement a written policy on forfeitures by March 1, 2011, that is identical or substantially similar to the model policy.³ Another result of the increased visibility was the Office of the State Auditor's decision to conduct a best practices review on policy and procedures manuals for property and evidence rooms.

In addition to taking custody of property subject to forfeiture, law enforcement officers take custody of lost and stolen property, contraband, and physical evidence that can directly or indirectly solve a crime. The integrity of these items depends upon the proper handling of the items from the moment law enforcement takes possession of them until they are legally returned to their owners, sold, destroyed, or retained for agency use.

Property and evidence rooms are not just warehouses. They must provide for the security and storage of valuable and sensitive items including cash, jewelry, firearms, and drugs. They must provide for the safe handling of biological evidence while preserving the integrity of the evidence for further analysis. They must preserve a chain of custody that allows for the admission of evidence in subsequent court proceedings. Property and evidence room personnel must also ascertain the lawful disposition of the items in their custody.

The mishandling of these items by law enforcement agencies can lead to criminal charges against officers; financial liability for the law enforcement agency; the loss or theft of property; or the damage, contamination or destruction of evidence.⁴ The mishandling of property and evidence by law enforcement agencies also reduces the public's confidence in law enforcement and, ultimately, in the integrity of the criminal justice system.

¹ See, e.g., Hennepin County Attorney's Office, *Report on Allegations of Misconduct Involving Metro Gang Strike Force*, September 9, 2010; *Report of the Metro Gang Strike Force Review Panel*, August 20, 2009, http://www.dps.state.mn.us/Docs/FINALReport_MGSFReviewPanel.PDF; Minnesota Office of the Legislative Auditor, *Metro Gang Strike Force Special Review*, May 20, 2009, <http://www.auditor.leg.state.mn.us/fad/2009/fad09-18.htm>.

² See Minn. Stat. § 609.531, subd. 8 (2010).

³ *Id.*

⁴ See, e.g., Tim Nelson, *Gang Strike Force victims reach \$3M settlement*, August 25, 2010, <http://minnesota.publicradio.org/display/web/2010/08/25/strike-force-settlement/>; Hennepin County Attorney's Office, *Report on Allegations of Misconduct Involving Metro Gang Strike Force*, September 9, 2010; U.S. Department of the Interior Office of Inspector General, *Virgin Islands Police Department Evidence Integrity at Risk*, March 2009, <http://www.doioig.gov/images/stories/reports/pdf/2009-I-0010.pdf>; William P. Kiley, *An Impending Crisis: The Property Room Is Full*, *The Police Chief Magazine*, August 2008, http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=1585&issue_id=82008; Barney Kinman, *The Property Room: Important Considerations*, *FBI Law Enforcement Bulletin*, July 2004, <http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/2004-pdfs/july04leb.pdf>.

A comprehensive policies and procedures manual for the property and evidence room that is implemented by law enforcement agencies can mitigate these issues. Policies and procedures should “inform department personnel of their responsibilities, outline acceptable procedures to follow, establish general performance standards, and create consistency among employees in carrying out their numerous tasks.”⁵

The purpose of this Review is to provide a timely important resource to law enforcement agencies around the State of Minnesota. It not only provides a guide to developing a property and evidence room policies and procedures manual, but it is also unique in that it incorporates an overlay of Minnesota laws through 2010.

⁵ Michael Carpenter, *Put It in Writing: The Police Policy Manual*, FBI Law Enforcement Bulletin, October 2000, <http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/2000-pdfs/oct00leb.pdf>.

Methodology and Approach

The goal of this Review is to highlight best practices for the management of property and evidence rooms. The Review incorporates best practices for internal controls and segregation of duties in compliance with Minnesota laws for property and evidence handling.

To understand existing property and evidence room policies and procedures, a survey of the nearly 500 law enforcement agencies in Minnesota was conducted by the Office of the State Auditor. One hundred ninety-five law enforcement agencies of varying sizes responded to the survey.

The Office of the State Auditor also conducted a literature review to identify model property and evidence room policies and procedures. This included a review of standards, recommendations, and procedures from, among other entities, the International Association for Property and Evidence (IAPE); the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA); the California Commission on Peace Officer Standards and Training (CA - POST); the Minnesota Bureau of Criminal Apprehension (BCA); and law enforcement agencies in Minnesota and elsewhere. Finally, a review of Minnesota statutes governing the seizure, storage, and disposition of property and evidence by law enforcement agencies was performed.

During its review, the Office of the State Auditor met with representatives from the Minnesota County Attorneys Association, the Minnesota Chiefs of Police Association, the Minnesota Sheriffs' Association, the Minnesota Board of Peace Officer Standards and Training, the City of Minneapolis Police Department's Property and Evidence Unit, the City of St. Paul Police Department, and other law enforcement personnel.

The Office of the State Auditor extends sincere thanks to all of these organizations and entities for their interest in and assistance during this best practices review.

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Survey Responses

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Summary of Survey Responses

The Office of the State Auditor conducted a survey of Minnesota law enforcement agencies to understand existing property and evidence room policies and procedures. Of the nearly 500 law enforcement agencies, 195 law enforcement agencies of varying sizes and types responded. Of 195 respondents, 192 specified the type of law enforcement agency they represented. The specific types were:

- 119 city law enforcement agencies
- 56 county law enforcement agencies
- 3 town law enforcement agencies
- 10 multi-jurisdictional law enforcement agencies
- 4 tribal law enforcement agencies

The following types of agencies reported that they had a property and evidence room:

- 109 city law enforcement agencies
- 55 county law enforcement agencies
- 2 town law enforcement agencies
- 8 multi-jurisdictional law enforcement agencies
- 4 tribal law enforcement agencies

Five of the city respondents and one of the multi-jurisdictional respondents reported that they contracted with their county for property and evidence room services.

Overall, 62% of the responding agencies with a property and evidence room reported that they had a specific policies and procedures manual for the property and evidence room.

When asked about property and evidence room tracking methods, survey respondents reported that they used both manual (paper) and computer software methods to track property and evidence.

The survey revealed that one-fifth (20%) of the local law enforcement agency respondents with a property and evidence room had conducted an external (independent) audit of the property and evidence room in the past five years.

The survey asked the law enforcement agencies for specific topics they wanted included in the best practices review on policies and procedures for property and evidence rooms. The top two responses were:

- release and disposition of property (81%) and
- documenting property received and removed (79%).

In addition to these two areas, the law enforcement agencies reported that they would like the following areas included in the best practices review:

- handling and storage of hazardous materials and biological evidence (72%);
- temporary and long-term storage of evidence (71%);
- evidence tracking (70%);
- handling and storage of various types of evidence, such as firearms, drugs, stolen property, and burglary tools (69%);
- handling and storage of valuable and sensitive items including cash, jewelry, and other high-value property (67%);
- audits (64%);
- inventories (58%);
- storage systems (50%); and
- security and alarm systems (28%).

Steps for Best Practices

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Steps for Best Practices

The following five steps have been identified as essential to best practices for the management of property and evidence rooms.⁶ Smaller agencies that encounter budgetary constraints in meeting these steps may need to consider other alternatives, such as contracting with another agency for property and evidence room services.

Step 1: Maintain a Secure Facility

A secure property and evidence room is required to maintain chain of custody and to safeguard the items stored in the property and evidence room. Agencies should have proper access controls to prevent unauthorized entry into secure storage areas. These controls should include:

1. Key or access card controls;
2. Access logs that document entries into the property and evidence room;
3. Enhanced security areas for items such as currency, firearms, jewelry, and drugs;
4. After-hours access controls; and
5. Alarms and surveillance cameras/videos operated on a 24-hour basis.

Ideally, the property and evidence room personnel should be located adjacent to the property and evidence room, but not within the confines of the storage area. Locating personnel outside the storage area minimizes the number of people having access to the storage area.

Consideration needs to be given to large items, such as vehicles. If the facility is unable to accommodate large or bulky items, alternative arrangements for the secure storage of the items will need to be made.

⁶ These steps were developed using standards and recommendations from various law enforcement agencies; the International Association for Property and Evidence, Inc., (IAPE) Standards; and the California Commission on Peace Officer Standards and Training. Additional resources on property and evidence room management are provided in the [Resources section](#) of this Review.

Step 2: Assign Sufficient and Qualified Personnel to the Property and Evidence Room

Proper staffing of the property and evidence room is critical for the integrity of chain-of-custody, the safe preservation of property and evidence, and the timely and legal disposition of property and evidence. Property and evidence room staffing may be comprised of sworn officers or civilians, or a combination of sworn officers and civilians.

Specialized training should be provided to property and evidence room personnel.⁷ The training should include protocols for all aspects of property and evidence handling and specific legal requirements unique to Minnesota. The training also needs to include specialized safety training on how to handle items such as hazardous materials, biohazards, and firearms. Agencies should consider membership in professional associations that can provide opportunities for networking and training.⁸

The rotation of personnel in the property and evidence room should be discouraged, as it increases the number of people allowed access to the secure and restricted storage areas. More people with access to the property and evidence room increases the likelihood of an error in the tracking of the property or a theft of property/evidence. It will also increase the frequency of key/access code changes, the number of people requiring specialized training, and the number of people who may be in the chain of custody for a piece of evidence.

Step 3: Develop and Implement a Policies and Procedures Manual for the Property and Evidence Room

In order to protect the integrity of the property and evidence, law enforcement agencies need to develop, adopt, and implement policies and procedures for the proper handling and disposition of property and evidence. Otherwise, property and evidence room personnel will be forced to rely on their own judgment in carrying out their duties and responsibilities.

Policies are general statements that reflect the agency's intent and also serve as a guide to provide consistency in carrying out the agency's mission and meeting established goals. Procedures outline detailed and specific methods for meeting the policies set forth by the agency.

⁷ The Metro Gang Strike Force Review Panel recommended that any strike force or task force that handles large amounts of evidence and seized assets should have experienced and professionally trained staff dedicated to overseeing these functions. *Report of the Metro Gang Strike Force Review Panel*, August 20, 2009, at page 33, http://www.dps.state.mn.us/Docs/FINALReport_MGSFReviewPanel.PDF.

⁸ For example, the International Association of Chiefs of Police (IACP); the International Association for Property and Evidence, Inc. (IAPE); and the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA), provide training in property and evidence room management. Website links for these organizations and additional information are provided in the [Resources section](#) of this Review.

A written policies and procedures manual should describe procedures as they are intended to be performed, indicate who will perform which procedures, and explain the design and purpose of control-related procedures. Well-written policies and procedures establish responsibilities, provide guidance for employees, enhance employees' understanding of their role in the control system, improve efficiency, and maintain consistency in procedures, even during employee transitions.

All personnel involved with property and evidence room management should have easy access to the property and evidence room policies and procedures manual. In addition, the manual should be shared with all agency employees to help them understand the role they play in protecting the integrity of the items maintained in the property and evidence room.

Conducting an annual review of the policies and procedures manual provides an opportunity for agencies to revise outdated policies and procedures, update any personnel or position changes, and update law changes. Since laws relating to the collection, preservation, and disposition of property and evidence change, it is important that every law enforcement agency maintain a close relationship with prosecutors and the agency's attorney, and obtain their assistance with the review.

Step 4: Dispose of Property and Evidence in a Timely and Legal Manner

Overcrowding of a property and evidence room leads to disorganization and the potential loss, damage, or contamination of property and evidence. Timely and legal disposition of property and evidence helps avoid these problems. In Minnesota, disposition may include returning the property to the owner, selling the property, retaining the property for agency use, destroying the property, or forwarding the property to another entity.

Determining when final disposition of the property and evidence may occur requires the tracking of related legal proceedings and a knowledge of the laws regarding the disposition of property and evidence.⁹ Therefore, a close working relationship with prosecutors and the agency's attorney is needed. The tracking of legal proceedings and legal requirements, such as timing and notice requirements, allows for the regular review of when final disposition can occur. In forfeiture situations, the tracking will also facilitate the monthly reporting that must be made to the Office of the State Auditor.¹⁰

The agency should conduct regular inventories of the property and evidence room to determine whether the property and evidence are ready for final disposition. The retention schedule for documents adopted by the agency's city, county, or town may provide guidance for the retention of the physical property and evidence that corresponds to the documents.¹¹

⁹ For example, if proper notice of intended forfeiture is not provided, the seized property must be returned to the person from whom it was seized. *See, e.g.*, Minn. Stat. §§ 609.5313 (b) (2010) (judicial forfeiture proceedings) and 609.5314, subd. 2 (c) (2010) (administrative forfeiture proceedings). Key Minnesota statutes relating to the disposition of property and evidence are listed in the [Summary of Minnesota Laws section](#) of this Review.

¹⁰ *See* Minn. Stat. § 609.5315, subd. 6 (2010).

¹¹ *See* Minn. Stat. §§ 15.17 and 138.17 (2010). [Links to document retention schedules](#) are provided in the Resources section of this Review.

Step 5: Perform Reviews and Audits of Property and Evidence Room Procedures

Conducting regular reviews and audits will help law enforcement agencies determine whether policies and procedures for the property and evidence room are being followed on a consistent basis to protect the integrity of the property and evidence.¹² Regular reviews and audits also send a message to everyone in the agency that property and evidence room procedures are important.

Reviews and audits may include unannounced inspections or spot checks by management, internal reviews conducted by agency personnel not assigned to the property and evidence room, peer reviews, or audits by outside non-law enforcement entities.¹³ Law enforcement agencies that handle a large amount of property and evidence should consider an external audit on a regular basis.

Reviews and audits may be conducted on a periodic basis, such as monthly or semi-annually, and/or they may be random. For example, procedures may require monthly reviews of access logs, semi-annual audits of enhanced security areas, and random unannounced inspections as deemed appropriate.

Regardless of size, all law enforcement agencies should consider a peer review on a regular basis. A peer review entails members of other law enforcement agencies looking at your agency's operation. This can be a useful, low-cost tool that can confirm whether there is consistent implementation of all policies and procedures and identify weaknesses in the system. With peer reviews, agencies can inspect each other's property and evidence rooms and share property and evidence room management techniques and ideas. This type of review will provide many of the benefits of an external audit and may be done at little or no cost.

¹² Rigorous audits by teams comprised of professionals with significant experience in the handling of evidence and seized property were recommended by The Metro Gang Strike Force Review Panel. *Report of the Metro Gang Strike Force Review Panel*, August 20, 2009, at page 34, http://www.dps.state.mn.us/Docs/FINALReport_MGSFReviewPanel.PDF.

¹³ The Resources section of this Review provides links to the Law Enforcement Property & Evidence System Audit Guide (2005) published by the California Commission on Peace Officer Standards and Training, as well as other review and audit resources.

A Guide for Developing a Property and Evidence Room Policies and Procedures Manual

By December 1, 2010, Minnesota Board of Peace Officer Standards and Training and the Minnesota County Attorneys Association had to develop a model policy that articulated best practices for forfeitures.¹⁴ By March 1, 2011, law enforcement agencies in Minnesota must adopt and implement a written policy on forfeitures that is identical or substantially similar to the model policy.¹⁵ Among other things, the policy must include best practices in pursuing, seizing, and tracking forfeitures.¹⁶

Management of property and evidence in the custody of law enforcement agencies, however, goes beyond adopting model forfeiture policies. It requires law enforcement agencies to develop policies and procedures for maintaining the integrity of property and evidence in the agency's custody.

The following is a guide that can be used by law enforcement agencies to develop and/or review a property and evidence room policies and procedures manual. The specific procedures will vary based on the needs and requirements of the agency, such as whether the agency uses manual (paper), computer software, or a combination of manual and computer software tracking systems for property and evidence. Ideally, agencies should work with their attorney/legal counsel in developing a manual. Short of that, agencies should have their procedures reviewed by their attorney to ensure compliance with state and local laws.

Even though each agency's procedures will reflect their individual needs and requirements, it is imperative to design an effective and efficient manual that provides specific direction and requires strict adherence to the policies and procedures. Appropriate action should be taken with personnel if the procedures are not followed.

¹⁴ See Minn. Stat. § 609.531, subd. 8 (2010).

¹⁵ *Id.*

¹⁶ *Id.*

Facility/Security

Policy: It is the policy of (law enforcement agency) to limit access to the property and evidence room storage areas to authorized personnel.

Procedures:

- The facility/security procedures should describe how the property and evidence room will be secured and monitored to prevent any unauthorized entry.
- **Access:** Procedures for establishing controls over access to the property and evidence room should limit the distribution of keys/codes allowing access to the room to personnel responsible for the property and evidence room. The procedures should require that access codes be unique and protected. The procedures should also identify who is responsible for:
 1. Issuing keys/access codes and maintaining a key/access code log showing the total number of keys, including the identity of all personnel with keys, and/or all personnel provided with the access code;
 2. Protecting duplicate keys and maintaining a record detailing any use of a duplicate key to enter the property and evidence room;
 3. Changing the keys/access codes whenever there is a change in personnel with keys/codes, a key is lost, or the security of the room may have been compromised; and
 4. Conducting periodic inventories of the keys.

Some agencies use two locks on the door to the property and evidence room, requiring two individuals with separate keys for entry into the room.

Access procedures should also require use of an access log to document all entries into the property and evidence room.¹⁷

- **After-Hours Access:** After-hours access to the property and evidence room secure storage areas should be discouraged. The facility/security procedures should describe how after-hours access will be handled. When after-hours access is required and it is not practical to call the assigned property and evidence room personnel, the two-person rule with the completion of the access log should be used.

¹⁷ Access logs are discussed further in the Documentation section of this Review. [A Sample Property/Evidence Room Access Log](#) is provided in the Sample Forms section of this Review.

- **Enhanced Security Area:** The procedures should describe the enhanced security features that will be provided for items such as currency, drugs, firearms, and jewelry. The enhanced security features for this area could include:
 1. Separate storage area with separate keys/access codes for a limited number of property and evidence room personnel;
 2. A separate access log for the area; and/or
 3. A two-person rule for entry into the area.

- **Surveillance Cameras/Videos and Alarms:** Ideally, agencies should monitor activity, including unauthorized entry into the property and evidence storage areas, by using alarms and surveillance cameras/videos on a 24-hour basis. The procedures should identify who is responsible for maintaining the security systems, responding to alarms, and reviewing after-hours entries. Access to the security systems should be limited to protect the integrity of the systems.

Staffing

Policy: It is the policy of (law enforcement agency) to assign sufficient and qualified personnel to manage the property and evidence room.

Procedures:

- The property and evidence room staffing procedures should make all agency personnel responsible for the proper handling of evidence and seized property. However, the procedures should also clearly state that property and evidence room personnel are responsible for receiving, documenting, storing, securing, preserving, disposing, and tracking the chain of custody for the property and evidence under the custody of the agency.
- The staffing procedures should provide that an adequate number of personnel will be assigned to the property and evidence room. The duties and responsibilities of the property and evidence room personnel, including routine housekeeping for the property and evidence room, should be defined in the staffing procedures. The staffing procedures should also make it clear that the rotation of personnel into and out of the property and evidence room should be avoided to the extent possible.
- Requirements for background (including financial background) and criminal history checks for personnel assigned to the property and evidence room should be stated in the staffing procedures. Procedures for periodic drug testing for personnel assigned to the property and evidence room should be established, in compliance with any collective bargaining agreements.¹⁸
- Specialized training that will be provided to property and evidence room personnel should be described in the staffing procedures, including training in:
 1. Protocols in all areas of evidence handling;
 2. Universal safety precautions and specific safety training in the handling of items such as hazardous materials, biohazards, and firearms; and
 3. Minnesota's laws governing the disposition of property.

¹⁸ For information on Minnesota's Drug and Alcohol Testing in the Workplace Act, see the Minnesota House of Representatives Research Department Information Brief on Workplace Drug and Alcohol Testing, updated June 2010, available at: <http://www.house.leg.state.mn.us/hrd/pubs/dgaltest.pdf>. See also Minn. Stat. § 181.950 *et seq.* (2010).

- The procedures should document property and evidence room hours. Since agencies release property to the public, public access should be considered when scheduling property and evidence room hours.

Packaging

Policy: It is the policy of (law enforcement agency) to establish package requirements that protect items from cross contamination and prevent loss of evidentiary value while permitting efficient storage and retrieval.

Procedures:

- The packaging procedures should authorize property and evidence room personnel to require that property and evidence be properly identified, secured, and packaged before it will be accepted in the property and evidence room.
- Packaging requirements should be based upon the needs of the crime lab used by the agency and the property and evidence room's own storage requirements.¹⁹ Items requiring specific packaging procedures should be described in the packaging procedures. For example:
 1. Currency should be uniquely packaged and sealed. Currency packages should have a cash count listed by denomination and total, and specifically noting the presence of any suspected counterfeit bills or buy funds.²⁰ The two-person rule should be employed when counting, opening, or transferring currency.
 2. Drugs should be uniquely packaged and sealed. The two-person rule should be employed when handling drugs.
 3. Evidence that is a potential biohazard should be plainly marked with a biohazard label. Specific protocols for handling needles and syringes should be specified in the procedures.
 4. Firearms should be unloaded before they are submitted to the property and evidence room, and tagged as inspected and unloaded.
- The packaging procedures should describe how the items should be marked with a unique property and evidence identification number.

¹⁹ The Minnesota Bureau of Criminal Apprehension (BCA) provides information on various evidence collection and packaging requirements, including information on DNA evidence, questioned documents, and drugs. *See* <http://www.bca.state.mn.us/Lab/Documents/Lab-Intro.html>. *See also* Minn. Stat. § 299C.155 (2010) (BCA uniform procedures and protocols for DNA analysis).

²⁰ [A Sample Currency Count form](#) is provided in the Sample Forms section of this Review.

Storage

Policy: It is the policy of (law enforcement agency) to store all property and evidence in the property and evidence room so as to protect the property and evidence from loss, damage, or contamination; to maintain the property's evidentiary value; and to minimize safety hazards, while permitting efficient storage, inventory, and retrieval.

Procedures:

- **Property Handling:** The use of any temporary storage or evidence lockers should be described in the storage of property and evidence procedures. Universal safety precautions should be required when handling any physical evidence. The storage procedures should also identify any hazardous materials such as explosives, flammables, and toxic chemicals that will not be stored in the property and evidence room.
- **Storage Location:** The storage procedures should help maintain order in the property and evidence room. For example, the storage procedures may provide that found property and property held for safekeeping will be stored separately from general evidence, and in areas that are easily accessible and close to public release areas, due to their shorter storage time. The storage procedures may require homicide evidence to be stored in less accessible areas of the property and evidence room due to its longer storage requirement.
 1. The storage procedures should describe how items needing special treatment will be stored in the property and evidence room. For example, proper equipment for storing perishable items and biological evidence should be provided, or alternative arrangements for the storage of these items should be made. Similarly, electronic media devices should be stored in an area that is free from magnetic fields or other environmental conditions that could damage the items.
 2. The agency should find a secure off-site facility for storing large and bulky items. Many agencies have a contract with a towing company for the towing and storage of vehicles. The procedures for the storage of property and evidence should include periodic inspections of the off-site facility to ensure the security and integrity of the items.

3. The storage procedures should require that an enhanced security area be used for such items as currency, drugs, firearms, and jewelry. If possible, separate areas within the enhanced security area should be used for drugs, firearms, and jewelry. Items that have been found and items being held for safekeeping in the enhanced security area should be separated from items being held as evidence in the enhanced security area. The storage procedures should require that the two-person rule be employed when drugs or currency are being handled.

Documentation

Policy: It is the policy of (law enforcement agency) to maintain documentation that tracks the chain of custody and the location of property, and records property and evidence room entries and the authorized disposition of property.

Procedures:

- **Identification of the Property:** The documentation procedures should describe how the property and evidence room will accurately identify the property and evidence in its possession. The description, whether maintained manually (on paper) or electronically, should include:²¹
 1. The case number and incident type (e.g., felony, gross misdemeanor, misdemeanor, juvenile), and whether the property is evidence, property subject to forfeiture, found property, or property held for safekeeping;
 2. The date the property was seized, the date of the offense, and the date the property was received by the property and evidence room;
 3. The investigating and/or booking officer's name and/or badge number;
 4. The victim, the suspect, the owner of the property, and the finder of the property;
 5. A unique property and evidence room identification number; and
 6. A detailed description of the property, including:
 - the make, model, and serial number of any firearms;²² and
 - a cash count of currency listing the denominations of the cash.²³

²¹ A [Sample Property/Evidence Report form](#) is provided in the Sample Forms section of this Review.

²² See Minn. Stat. § 609.5315, subd. 6(a) (2010) (the make, model, and serial number of each forfeited firearm must be reported to the Office of the State Auditor). Additional forfeiture information that must be reported to the Office of the State Auditor is found in the Office of the State Auditor's Statement of Position on Reporting of Criminal Forfeitures, available on the Office of the State Auditor's website at:

http://www.auditor.state.mn.us/Other/statements/reportingcriminalforfeitures_0904_statement.pdf.

²³ A [Sample Currency Count form](#) is provided in the Sample Forms section of this Review.

- **Access Logs:** The documentation procedures should describe the use of access logs to record all entries into the property and evidence room.²⁴ Access logs should document:
 1. The name of the person entering the property and evidence room;
 2. The time, date, and duration of the entry;
 3. The reason for the entry; and
 4. The identity of the property and evidence room personnel escorting the person during the entry.

- **Tracking Systems:** The documentation procedures should describe how the property and evidence room will track.²⁵
 1. The location of the property/evidence within the property and evidence room;
 2. The chain of custody of the property/evidence, including documentation about any time the property/evidence is released from the property and evidence room;²⁶
 3. The legal status of the property, including the status of any legal proceedings related to the property or evidence;²⁷ and
 4. The disposition of all property and evidence, including who authorized the disposition of the property, the date the authorization was obtained, and verification that the disposition of the property occurred as authorized.²⁸

- **Tickler System:** Any officer taking possession of property or evidence, such as when taking the item for further examination or to the prosecutor, should return the property/evidence to the property and evidence room as soon as practical to prevent damage, theft, contamination, or destruction of the item. The documentation procedures should describe the tickler system that will be used to obtain the prompt return of items to the property and evidence room.

²⁴ [A Sample Property/Evidence Room Access Log](#) is provided in the Sample Forms section of this Review.

²⁵ The documentation can be manual (paper) or electronic, or a combination of both. Samples of some of the most commonly used manual forms are provided in the [Sample Forms section](#) of this Review. The forms should be specifically tailored for the tracking system used by the agency, providing for the use of bar codes or property tracking computer software, for example, where appropriate.

²⁶ [A Sample Chain of Custody Report form](#) is provided in the Sample Forms section of this Review.

²⁷ [A Sample Forfeiture Tracking form](#) is provided in the Sample Forms section of this Review.

²⁸ [A Sample Authorization for Disposition of Property form](#) is provided in the Sample Forms section of this Review.

Disposition of Property

Policy: It is the policy of (law enforcement agency) to dispose of items held in the property and evidence room in a legal and timely manner.

Procedures:

- **Review for Disposition:** The disposition of property procedures should specify how often (e.g., monthly) reviews will be performed by property and evidence room personnel to determine whether items are ready for final disposition. To facilitate the final disposition of evidence, investigating officers should be required to notify the property and evidence room when they receive information about the final disposition of a case or a change in the legal status of the property.
- **Authorization for Disposition:** The disposition procedures should specify that no disposition of administratively forfeited property should be made until certification is received from the county attorney.²⁹ In all cases, the procedures should require that the signature of the investigating officer and/or the prosecutor, or a court order, be obtained before disposing of the property.³⁰
- **Release of Currency:** Currency should be deposited or transferred out of the property and evidence room as soon as practical once it no longer has evidentiary value. All currency releases should be authorized in writing by the investigating officer or prosecutor to the custody of a specific person, entity, or financial institution.³¹ The person making the deposit should be required to return a deposit receipt to the property and evidence room to document that the currency was deposited.
- **Release of Unclaimed/Abandoned Property to the Owner:** The disposition procedures should describe the reasonable efforts that the agency will take to locate the property's owner.³² Generally, under Minnesota law, unclaimed/abandoned property must be held for 60 days (under city ordinances) or 90 days (for a sheriff's office) prior to sale of the

²⁹ See Minn. Stat. § 609.5315, subd. 2 (2010).

³⁰ [A Sample Authorization for Disposition of Property form](#) is provided in the Sample Forms section of this Review.

³¹ For example, money found in gambling devices must be paid to the county treasury, or, if seized by a police officer of a municipality, the municipality's treasury. See Minn. Stat. § 626.04 (b) (2010).

³² Procedures in some agencies require a minimum of two reasonable attempts to identify and notify the owner. Minnesota law specifically requires law enforcement agencies to make their "best efforts" for a period of 90 days after the seizure of an abandoned or stolen firearm to return the firearm to the lawful owner. See Minn. Stat. § 609.5315, subd. 7 (2010).

property.³³ The disposition procedures should also describe what steps will be used to establish the identity of the owner and require the owner to sign a receipt acknowledging the receipt of the property.³⁴

- **Release of Recovered Stolen Property to the Owner:** The disposition procedures should be consistent with Minnesota’s law on recovered stolen property. Once the offender is convicted, recovered stolen property must be turned over to the owner.³⁵ Under Minnesota law, recovered stolen property may be returned to its owner prior to trial if: (1) a photograph of the property is filed and retained by the law enforcement agency to be used as evidence; (2) satisfactory proof of ownership is shown by the owner; (3) a declaration of ownership is signed under penalty of perjury; and 4) a receipt for the property is obtained from the owner.³⁶
- **Release of Property Subject to Forfeiture to the Owner:** Under Minnesota law, if notice of seizure and forfeiture is not sent within 60 days, and the county attorney does not receive an extension from the court, the property must be returned to the owner.³⁷ Similarly, Minnesota law provides that, in some circumstances, property subject to forfeiture may be returned to the owner before the forfeiture action is determined if security is provided or a bond is posted.³⁸ The disposition procedures need to describe how property will be returned to the owner in these situations.
- **Sale of Property:** Consistent with Minnesota law, the disposition procedures should expressly prohibit the sale of forfeited property to an officer or employee of the law enforcement agency, or to one of their relatives.³⁹ For all property sales, the disposition procedures should require that the property and evidence room be provided with proof of sale and a receipt from the appropriate entity/entities showing deposit of the sale proceeds.⁴⁰

³³ See Minn. Stat. §§ 345.15, subd. 1 (2010) (sheriff must hold property for at least three months prior to sale at public auction) and 471.195 (2010) (cities may have an ordinance providing for the sale of unclaimed property after the property has been in the city’s possession for at least 60 days).

³⁴ [A Sample Property Release to Owner form](#) is provided in the Sample Forms section of this Review.

³⁵ See Minn. Stat. § 629.361 (2010).

³⁶ See Minn. Stat. § 609.523, subd. 3 (2010). If the recovered property has a value of more than \$150.00, the owner must retain possession of the property for at least 14 days to allow the defense attorney to examine the property. See Minn. Stat. § 609.523, subd. 4 (2010).

³⁷ See Minn. Stat. § 609.5314, subd. 2(c) (2010).

³⁸ See Minn. Stat. § 609.531, subd. 5a (2010) (does not apply to contraband or property being held for investigatory purposes).

³⁹ See Minn. Stat. § 609.5315, subd. 1(c) (2010). The procedures should also recognize any local prohibitions on the sale of certain items. See, e.g., Minn. Stat. § 609.5315, subd. 1 (b) (2010) (Hennepin or Ramsey County Sheriff may not sell firearms, ammunition or firearms accessories if County Board disapproves of policy).

⁴⁰ See, e.g., Minn. Stat. §§ 345.15, subd. 1 (2010) (net proceeds from the sale by the sheriff’s office of abandoned/unclaimed property or property entered as evidence and released by a court order must be transferred to the county treasurer to be deposited and credited to the general revenue fund; net proceeds defined as sale price less any costs of handling, storage, or sale); and 609.5315, subds. 5, 5a, and 5b (2010) (money or proceeds from the sale of forfeited property split among specified entities).

- **Destruction of Property:** A two-person rule should apply to the destruction of property/evidence. Additional procedures to confirm the destruction of drugs should be considered, such as random inspections of drug packages prior to destruction. The disposition procedures should require that the property and evidence room be provided with confirmation of destruction from the destruction site.
- **Property Held As Evidence:** The disposition procedures, consistent with Minnesota law, should specify that evidence must be held until after trial and the expiration date for all associated appeals, unless the court orders the property returned to the owner.⁴¹ Any exceptions to this general rule should be contained in the procedures. For example, under Minnesota law, any biological evidence relating to the identity of the defendant used to secure a conviction in a criminal case must be retained until expiration of the sentence, unless an earlier disposition is authorized by court order.⁴²
- **Property Retained for Agency Use:** The authorization required for retaining property for agency use, and limitations on what can be retained and how the property can be used, should be specified in the disposition procedures.⁴³

⁴¹ See Minn. Stat. § 626.04 (b) (2010).

⁴² See Minn. Stat. § 590.10, subd. 1 (2010).

⁴³ See, e.g., Minn. Stat. § 609.5315, subds. 1 (a)(8) and 3 (2010) (forfeited property other than money may be kept for official use by the law enforcement and prosecuting agencies for the performance of official duties).

Reviews and Audits

Policy: It is the policy of (law enforcement agency) to perform reviews/audits of the property and evidence room to determine compliance with established policies and procedures.

Procedures:

- The review/audit procedures should specify how often and by whom (e.g., internal, peer, or external) the reviews/audits will be performed and the scope of the reviews/audits. The procedures should include the following reviews/audits:
 1. Unannounced inspections may be left to the discretion of the agency's chief law enforcement officer.
 2. Regularly scheduled inspections should be conducted to confirm compliance with specific critical procedures such as key/access code controls, controls for items in the enhanced security area, and procedures for disposing of property and evidence.
 3. Reviews should be performed automatically when there is:
 - a change in key/code-holding personnel;
 - a change in the chief law enforcement officer; or
 - information suggesting a procedure or security breach has occurred.
 4. Reviews of the policies and procedures manual should also be performed.⁴⁴
- The results of the review/audit should be provided to the chief law enforcement officer, and steps should be taken to rectify any issues disclosed during the review/audit.
- The reviews/audits (internal, peer, or external) may include:
 1. Inspecting the access log for compliance with access control procedures;
 2. Conducting an inventory of keys and a review/audit of the key/access code log, and monitoring that keys/access codes were changed when warranted;

⁴⁴ The procedures provided in this Review could serve as an audit checklist to determine the strength of existing property and evidence room procedures.

3. Randomly selecting case files and tracing items from the files through the tracking system to the current location of the items;
 4. Randomly selecting items in the property and evidence room and tracing the items back through the case files to verify the documentation for the items;
 5. Tracing items in the enhanced security area back through the case files to verify the documentation for the items;
 6. Selecting a closed or inactive file and tracing items from the file through the tracking system to the location of the property, or if final disposition of the property has occurred, verifying the documentation about the property's disposition;
 7. Reviewing the cleanliness and inventory level of the property and evidence room;
 8. Reviewing compliance with packaging and safety requirements;
 9. Reviewing tickler files for timeliness of follow-up; and
 10. Reviewing property disposition files for accuracy, legality, and timeliness.
- **Inventory:** The review/audit procedures should require the agency to conduct an annual inventory. Inventories should also be required when there are changes in key holding personnel. The inventory will ensure an accounting of all property and evidence. If a complete inventory of the property and evidence room is not possible, the agency should consider an inventory of the items required to be maintained in the enhanced security area (e.g., drugs or currency). A common inventory method is to list items on a specific shelf or location and compare the list with the property/evidence reports.

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Resources

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Resources: Policies and Procedures Manuals

The following are additional resources for developing a property and evidence room policies and procedures manual.

International Association for Property and Evidence, Inc. (IAPE)

The IAPE is a non-profit association offering training and certification to law enforcement agencies involved in the operation, supervision, and management of property and evidence rooms. The IAPE website is found at: <http://www.iape.org/>.

- **IAPE Professional Standards.** This 79-page document, authored by Joseph T. Latta and Robert E. Giles, and revised in March 2010, contains the professional standards adopted by the IAPE for a number of property room and evidence handling procedures. It is found at: <http://www.iape.org/pdfFiles/IAPE-standards-2-10.pdf>.
- **IAPE Sample Property Manual and IAPE's Sample Forms.** The IAPE's Sample Property Manual and Generic Forms are found at: <http://www.iape.org/resourcesPages/downloads.html#iapepropMan>.
- **Sample Policies and Procedures Manuals.** The IAPE also provides various free, downloadable manuals and policies from other law enforcement agencies. These resources are found at: <http://www.iape.org/resourcesPages/downloads.html>.

International Association of Chiefs of Police (IACP)

The IACP is a non-profit membership organization of police executives. It offers model policies and procedures for property and evidence rooms. The IACP website is found at: <http://www.theiacp.org/>.

- **Best Practices Guide: Developing a Police Department Policy-Procedure Manual.** This IACP guide by Chief W. Dwayne Orrick was designed to assist police agencies in smaller communities with the development and revision of policies and procedures manuals. The project was supported by a grant awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, and is found at: <http://www.mrsc.org/artdocmisc/bp-policyprocedures.pdf>.
- **IACP's National Law Enforcement Policy Center.** The National Law Enforcement Policy has model policies and procedures available for a fee. More information can be found at: <http://www.theiacp.org/PublicationsGuides/ModelPolicy/tabid/135/Default.aspx>.

Minnesota Bureau of Criminal Apprehension (BCA)

The BCA's Forensic Science Service analyzes many types of physical evidence for law enforcement agencies in Minnesota. The BCA's Forensic Science Service website provides guidelines for the collection and packaging of a wide variety of evidence, such as the collection and packaging of DNA evidence, questioned documents, and drugs. Analysis request forms that include packaging instructions are also provided. The BCA's Forensic Science Service website is found at: <http://www.bca.state.mn.us/Lab/Documents/Lab-Intro.html>.

National Center for State Courts (NCSC): Evidence Storage and Handling Resource Guide

NCSC's website contains a resource guide with links to online resources on evidence storage and handling. The resource guide can be found at: <http://www.ncsc.org/topics/criminal/evidence-storage-and-handling/resource-guide.aspx>.

Resources: Training

The following are organizations that offer training on property and evidence room issues.

Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA)

CALEA offers accreditation-related training and presentations on current issues in law enforcement. More information can be found at: www.calea.org.

International Association for Property and Evidence, Inc. (IAPE)

The IAPE offers training in best practices for property and evidence room management. More information can be found at: <http://www.iape.org/classes/index.html>.

International Association of Chiefs of Police (IACP)

The IACP is a non-profit membership organization of police executives that offers training on property and evidence rooms. The IACP website is found at: <http://www.theiacp.org/>.

Resources: Records Disposition

Under Minnesota law, government records must be preserved, and local governments may only destroy government records pursuant to an approved records retention schedule.⁴⁵ These retention schedules should control the retention of property and evidence room documents, and may serve as a guide for the retention of the property and evidence corresponding to the documents. The following are helpful links for records retention information.

Minnesota County Attorneys Association

The Minnesota County Attorneys Association has posted on its website record retention policies for county attorney offices in Stearns, Washington, and Dakota Counties. More information can be found at: <http://www.mcaa-mn.org/docs/2008/RecordsRetentionPolicies.doc>.

Minnesota Historical Society

Links to various records retention schedules for Minnesota governmental entities, including counties, cities, townships, and the district courts, can be found on the Minnesota Historical Society's website at: <http://www.mnhs.org/preserve/records/retentionsched.html>.

- **Court Record Retention Schedule – Minnesota District Courts.** The Minnesota Historical Society's website provides a link to the general records retention schedule for the District Courts, revised in March 2005, and found on the Minnesota Judicial Branch's website at:
http://www.mncourts.gov/documents/0/Public/Justice_Agency/Retention_Schedule_Revised_3-05rev.pdf.
- **General Records Retention Schedule for Minnesota Cities.** The General Records Retention Schedule for Minnesota Cities was last updated in March 2008. The police section of the Schedule begins on page 50. The Minnesota Historical Society's website provides a link to a pdf version of the Schedule found on the Minnesota Clerks and Finance Officers Association (MCFOA) website at:
<http://www.mcfoa.org/vertical/Sites/{067FFB58-E3CD-42BA-9FB1-11EFC7933168}/uploads/{6ADE9FAA-D990-4057-AF2B-77EB5ED7E3B7}.PDF>.
- **General Records Retention Schedule for Minnesota Townships.** The General Records Retention Schedule for Minnesota Townships issued in 1985 is still valid and in use. The police section of the Schedule is contained on pages 9-10. The Minnesota Historical Society's website provides a link to a pdf version of the Schedule found on the Minnesota Association of Townships' website at:
<http://www.mntownships.org/vertical/Sites/%7BD45B3299-B0BE-4D08-8A42-B7053B4AE74F%7D/uploads/%7B99FA079A-0568-4126-8090-D665321F239A%7D.PDF>.

⁴⁵ See Minn. Stat. §§ 15.17 and 138.17.

- **General Records Retention Schedule for Minnesota County.** The General Records Retention Schedule for Minnesota Counties was last updated in 2002. The law enforcement section of the Minnesota General Records Retention Schedule for Counties can be found at: http://www.mnhs.org/preserve/records/docs_pdfs/17_mncounties_lawenforcement.pdf.
- **Minnesota Government Records and Information Network (MN GRIN).** MN GRIN provides an opportunity for the exchange of information among individuals and agencies interested in government records and information management. Membership and meetings are free. Information on MN GRIN can be found at: <http://www.mnhs.org/preserve/records/mngrin.html>.
- **Minnesota State Archives.** The Minnesota State Archives is a department of the Minnesota Historical Society. Its website offers guidelines, information leaflets, and forms to assist governmental entities in managing their paper and electronic records. More information can be found at: <http://www.mnhs.org/preserve/records/recser.html>.

Resources: Reviews and Audits

The following resources provide additional information for law enforcement agencies on property and evidence room inventories, reviews, and audits.

California Commission on Peace Officer Standards and Training (CA - POST)

CA - POST's Law Enforcement Property & Evidence System Audit Guide (2005) is a 60-page document providing resource tools, including references and background material, for completing property and evidence room audits. More information can be found at:

http://lib.post.ca.gov/Publications/prop-evid_audit.pdf.

International Association for Property and Evidence, Inc. (IAPE)

IAPE Professional Standards Section 15 (reviewed March 2010) covers inventories, audits, and inspections on pages 74–79. It is found at: <http://www.iape.org/pdfFiles/IAPE-standards-2-10.pdf>.

Property Room Checklist

The article, *An Impending Crisis: The Property Room is Full*, by William P. Kiley in the August 2008 Police Chief Magazine, contains a one-page property room checklist that can be used as a property and evidence room audit guide. The article is found at:

http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=1585&issue_id=82008.

Appendix 1: Sample Forms

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Sample Forms

The following are sample forms that can be modified to a particular law enforcement agency's needs.

PROPERTY/EVIDENCE ROOM ACCESS LOG: This form is used to document the details of anyone accessing the restricted areas of the property and evidence room.

CURRENCY COUNT: This form documents currency by denomination and total. It also documents if the currency is suspected to be counterfeit or consists of buy funds.

PROPERTY/EVIDENCE REPORT: This form is used to describe the property and evidence taken into custody by the law enforcement agency. Some agencies use one form to describe the property/evidence and to document the chain of custody and property disposition details.

CHAIN OF CUSTODY REPORT: This form is used to track the movement of property/evidence from the time it is seized until its final disposition. Some agencies include this information on the property/evidence report.

PROPERTY RECEIPT, NOTICE OF SEIZURE AND INTENT TO FORFEIT PROPERTY CONTROLLED SUBSTANCE CRIME, and NOTICE OF SEIZURE OF MOTOR VEHICLE USED IN DRIVEBY SHOOTING: These forms were created by the Minnesota County Attorneys Association to comply with Minnesota forfeiture law requirements.⁴⁶ The Property Receipt is given to the person from whom the property was obtained. In administrative controlled substance forfeitures, a Notice of Seizure must be provided to any person who may claim an ownership interest in the seized property.⁴⁷ For drive-by shooting motor vehicle forfeitures, the Notice of Seizure must be served on the registered owner of the vehicle.⁴⁸ The officer serving the Notice of Seizure must also complete a Certificate of Service (on the Notice of Seizure form). The Notice of Seizure explains that forfeiture of the property is automatic unless proper challenges or review requests are filed. If the Notice of Seizure is not served within the required time, the property must be returned.⁴⁹ (These forms cannot be modified.)

FORFEITURE TRACKING: This form may be used to track property subject to forfeiture under Minn. Stat. §§ 609.531 - 609.5318 (2010).

AUTHORIZATION FOR DISPOSITION OF PROPERTY: This form documents the authorization by the investigating officer or the prosecutor for the final disposition of property/evidence.

⁴⁶ See Minn. Stat. §§ 609.531, subd. 4 (b); 609.5314, subd. 2; and 609.5318, subd. 2 (2010).

⁴⁷ See Minn. Stat. § 609.5314, subd. 2 (a) and (b) (2010).

⁴⁸ See Minn. Stat. § 609.5318, subd. 2 (2010).

⁴⁹ See, e.g., Minn. Stat. § 609.5314, subd. 2 (c) (2010).

PROPERTY RELEASE TO OWNER: This form documents the release of property to the owner. For recovered stolen property, it may also be used to document compliance with Minn. Stat. § 609.523 (2010).

SAMPLE PROPERTY/EVIDENCE ROOM ACCESS LOG

It is the policy of this agency to limit access to the property and evidence room storage areas to authorized personnel. The entry by any person entering the property and evidence room must be documented on this log, including the reason for the entry.

DATE IN	TIME IN	NAME/ I.D. #	SIGNATURE	DATE OUT	TIME OUT	REASON FOR ENTRY/ CASE NUMBER	ACCOMPANIED BY (PROPERTY ROOM PERSONNEL)
	am <input type="checkbox"/> pm <input type="checkbox"/>				am <input type="checkbox"/> pm <input type="checkbox"/>		
	am <input type="checkbox"/> pm <input type="checkbox"/>				am <input type="checkbox"/> pm <input type="checkbox"/>		
	am <input type="checkbox"/> pm <input type="checkbox"/>				am <input type="checkbox"/> pm <input type="checkbox"/>		
	am <input type="checkbox"/> pm <input type="checkbox"/>				am <input type="checkbox"/> pm <input type="checkbox"/>		
	am <input type="checkbox"/> pm <input type="checkbox"/>				am <input type="checkbox"/> pm <input type="checkbox"/>		
	am <input type="checkbox"/> pm <input type="checkbox"/>				am <input type="checkbox"/> pm <input type="checkbox"/>		
	am <input type="checkbox"/> pm <input type="checkbox"/>				am <input type="checkbox"/> pm <input type="checkbox"/>		

Log Reviewed by: _____

Date: _____

SAMPLE CURRENCY COUNT

Evidence
 Found Property
 Safekeeping
 Forfeiture
 Other

Case Number: _____

Item Number: _____

Name: _____

Last
First
M

Contains Suspected Counterfeit Currency
 Contains Buy Funds of \$ _____

CURRENCY	COIN
_____ X \$100.00 = \$ _____	_____ X \$1.00 = \$ _____
_____ X \$50.00 = \$ _____	_____ X .50 = \$ _____
_____ X \$20.00 = \$ _____	_____ X .25 = \$ _____
_____ X \$10.00 = \$ _____	_____ X .10 = \$ _____
_____ X \$5.00 = \$ _____	_____ X .05 = \$ _____
_____ X \$1.00 = \$ _____	_____ X .01 = \$ _____
_____ X Other = \$ _____	_____ X Other = \$ _____
Subtotal = \$ _____	Subtotal = \$ _____
Total Amount: 	
Counted & Sealed by: _____	Badge/I.D #: _____
Verified/Witnessed by: _____	Badge/I.D #: _____
Date: _____	Time: _____

SAMPLE PROPERTY/EVIDENCE REPORT

Case Number: _____

Evidence
 Forfeiture
 *Found Property
 *Safekeeping
 Other

*Property will be released to owner after obtaining proof of ownership.

Property/Evidence obtained by: _____
 (Investigating/booking officer's name)

Badge/I.D #: _____ Date property/evidence obtained: _____

Owner
 Victim
 Suspect
 Finder

Name: _____ Telephone #: _____

Address: _____ City: _____

State: _____ Zip: _____

Date of the offense: _____ Type of incident/offense: _____

Bio-Hazard Present: Yes No

Item #	Qty.	Property Description (brand, make, model, serial number, color, etc.)	Storage Location/ Locker #/Bin #

Received by: _____ Time: _____ Date: _____
 (Property/evidence room personnel)

SAMPLE CHAIN OF CUSTODY REPORT

Case Number: _____

Item Number		Description of Property (one item only):									
Date Out	Time Out	Released by Name/I.D. #	Property Received by Name/I.D. #	Property Received Signature	Destination (court, prosecutor, lab, etc.)	Returned by Name/I.D. #	Date Returned	Time Returned	Property Room Personnel Signature		
	am <input type="checkbox"/> pm <input type="checkbox"/>							am <input type="checkbox"/> pm <input type="checkbox"/>			
	am <input type="checkbox"/> pm <input type="checkbox"/>							am <input type="checkbox"/> pm <input type="checkbox"/>			
	am <input type="checkbox"/> pm <input type="checkbox"/>							am <input type="checkbox"/> pm <input type="checkbox"/>			
	am <input type="checkbox"/> pm <input type="checkbox"/>							am <input type="checkbox"/> pm <input type="checkbox"/>			

**Notice of Seizure and Intent to Forfeit Property Controlled Substance Crime
Instructions to Officer:**

- This form is to be used for administrative controlled substance forfeitures. Administrative forfeitures may only be used in limited circumstances. The only property that is subject to administrative forfeiture is **money, motor vehicles, precious metals and precious stones, and firearms.**
- NOTE:** Money, precious metals and stones must be found in proximity to controlled substances, forfeitable drug manufacturing or distributing equipment or devices or forfeitable records of manufacture or distribution of controlled substances. Motor vehicles must contain controlled substances with a retail value of \$100 or more and possession or sale of the controlled substances is a felony. Firearms and accessories must be found either in a motor vehicle used or intended to be used to commit a controlled substance crime, on or in proximity to a person from whom a felony amount of controlled substance is seized, or on the premises and within proximity to a felony amount of controlled substances.
- In addition to notice of seizure, a Property Receipt must be given to or left with the party (a separate form).
- Copy of notice and receipt and reports on case must be sent to County Attorney as soon as possible (within a week if possible, even if pending investigation).
- Inform person being served that if he or she has questions, to direct them, **in writing**, to county attorney's office.
- SERVICE:** A completed Notice of Seizure describing the property seized must be personally served on any person who may claim an ownership interest in the seized property. For motor vehicles, the registered owner, if different from the person from whom the motor vehicle is seized, and any lien holder may be served by certified mail to the address shown in the DPS records. The officer serving the Notice must complete the Certificate of Service. **Service must be completed within 60 days of the date the property was seized.**
- Leased vehicles can be seized but may not be subject to forfeiture unless the lease holder is a party to the violation.
- Forfeiture of any other property, or property over \$50,000, is permissible only by judicial action and this form may not be used for that property.

I.C.R. _____

**NOTICE OF SEIZURE AND INTENT TO FORFEIT PROPERTY
CONTROLLED SUBSTANCE CRIME**

TO: _____
(Name of person given notice)

(Address)

YOU ARE NOTIFIED THAT pursuant to Minnesota Statutes Section 609.5314, on _____, _____ (yr), the following property was seized by the undersigned law enforcement agency at: (location of seizure) _____ in _____ County, and is being held for forfeiture: _____

(Include plate number and VIN number for vehicles; attach Property Receipt)

Forfeiture of this property is automatic unless within 60 days of receipt of this form you demand a judicial determination of this matter, as described on the reverse side.

La confiscación de esta propiedad es automática, a menos que dentro de los 60 días de haber recibido este formulario, usted demande una determinación judicial en este caso, como se describe al reverso.

Qhov yuav poob lub tsev no yeej poob yam tsis muaj kev txwv txav hlo yuav tsum yog hais tias koj thov kom tus neeg txiav txim los nrog soj ntsuam xyuas yam tsis pub dhau 60 hnuv tom qab koj tau txais daim ntawv no, raws li nyob piav nyob sab nraum daim ntawv no.

Hantidan oo lala wareegaa waa mid markiiba dhaqan galeysa haddii aadan muddo lixdan 60 maalmood gudahood ah laga bilaabo maalinta aad foomkan hesho aadan ku codsan in maxkamaddu go'aan ka gaarto arrintan sida bogga dambe (dhabarka) lagu faahfaahiyey.

If you do not demand judicial review exactly as prescribed in Minnesota Statutes, section 609.5314, subdivision 3, you lose the right to a judicial determination of this forfeiture and you lose any right you may have to the above described property. You may not have to pay the filing fee for the demand if determined you are unable to afford the fee. If the property is worth \$15,000 or less, you may file your claim in conciliation court. You do not have to pay the conciliation court filing fee if the property is worth less than \$500.

Si usted no demanda una revisión judicial exactamente como lo indica la sección 609.5314, subdivisión 3 de los Estatutos de Minnesota, usted perderá el derecho a una determinación judicial por esta confiscación, y perderá cualquier derecho que pueda tener en la propiedad descrita con anterioridad. Puede ser que usted no tenga que abonar las tasas por presentación de una instancia de demanda, si se determina que usted no puede costearla. Si la propiedad vale \$15,000 o menos, usted puede entablar su reclamo en el tribunal de conciliación. Usted no tiene que abonar las tasas por presentación de una instancia en el tribunal de conciliación, si la propiedad vale menos de \$500.

Yog hais tias koj tsis thov kom tus neeg txiav txim los soj ntsuam xyuas raws li txoj kev txoj cai hauv lub lav Minnesota, section 609.5314, subdivision 3, ces koj yuav tsis muaj cai los kom tus neeg txiav txim los pab soj ntsuam xyuas thiab koj yuav poob tag rho koj cov cai ua koj yeej muaj txog lub tsev ntawv. Koj tsis tas them nqi ntaub ntawv yog hais tias koj them tsis taus tus nqi ntawv. Yog hais tias koj lub tsev ntawv muaj nqis li \$15,000 los yog tsawg tshaj, koj muaj cai koj mus rau hauv tsev hais plaub conciliation. Koj yuav tsis tau them nqi ntawv hauv tsev hais plaub conciliation yog hais koj lub tsev muaj nqis tsawg tshaj \$500.

Haddii aadan codsan in maxkamaddu ay arrintan dib u eegto sida lagu faahfaahiyey Xeerka Minnesota ee lambarkisu yahay 609.5314, ee qeyb hoosaadka 3, waxa aad waayaysaa xaqa aad u leedahay in maxkamaddu go'aan ka gaarto hantida lala wareegay ee kor ku xusan. Waxa suurto gal ah in aan lagaa dooneyn in aad bixiso lacagta aad codsigaaga kaga diiwaangelin lahayd maxkamadda haddii aadan awoodi karin. Haddii hantida qiimaha ay u dhiganto uu gaarayo \$15,000 ama ka yar, waxa aad dacwadaada ka diiwan gelin kartaa maxkamadaha dhageysta dacwadaha dhexdhexaadinta. Lagaama doonayo in aad bixiso lacagta diiwaan gelinta maxkamadda haddii qiimaha ay u dhiganto hantida uu ka yar yahay \$500.

Certificate of Service

I certify that on _____, _____ (yr), I gave a true copy of this notice to the person named above at _____ and have seized the above described property for forfeiture.
(location of service)

Signature of Officer _____ Badge No. _____ Date _____ Law Enforcement Agency _____

Notice of Seizure Received by: _____ Check if recipient refused to sign

ORIGINAL to COUNTY ATTORNEY
I.C.R. _____

PINK COPY to LAW ENFORCEMENT AGENCY

YELLOW COPY to CLAIMANT
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Your Right To a Court Challenge of the Administrative Forfeiture under MS 609.5314, subd. 3:

- Forfeiture of this property is automatic unless within 60 days following service of the Notice of Seizure you or any person who has a legal interest in the property files a demand for a determination by a judge.
- The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred and a copy must be served on the county attorney for that county. The complaint must be captioned in your name as plaintiff and the seized property as defendant, and must state the grounds on which you allege the property was improperly seized and your interest in the property seized.
- Failure to comply with all of the requirements of 609.5314, subd 3, will result in the forfeiture of the property.
- If a court orders the return of the seized property, the filing fees will be reimbursed.

Your Right To a Review by the County Attorney of the Administrative Forfeiture under MS 609.531, subd. 7:

- In addition to your right to demand a determination of the forfeiture by a judge, and prior to a court order disposing of the forfeited property, any person who has a legal interest may also file with the county attorney a written petition for remission or mitigation of the forfeiture under MS 609.531, subd. 7.
- Such a petition is independent of a demand for a determination of the forfeiture by a judge.

Su derecho a un Desafío Judicial por Confiscación Administrativa bajo MS 609.5314, subdivisión 3:

- La confiscación de esta propiedad es automática, a menos que dentro de los 60 días de haber recibido la Nota de Embargo, usted o cualquier persona que tenga un interés legal en esta propiedad, entable una demanda para una determinación por un juez.
- La demanda debe ser en forma de denuncia civil y debe ser entablada con el administrador del tribunal en el condado en el cual ocurrió el embargo, y una copia debe ser entregada al fiscal de ese condado. En el título, la denuncia debe llevar su nombre como demandante, y la propiedad embargada como demandado, y debe declarar las bases en las que usted alega que la propiedad fue embargada inapropiadamente, y su interés en dicha propiedad.
- El incumplimiento de todos los requisitos de la 609.5314, subdivisión 3, resultara en la confiscación de la propiedad.
- Si un juez ordena que se le regrese la propiedad embargada, se le reembolsara a usted las tasas por presentación de la instancia.

Su derecho a una Revisión de la Confiscación Administrativa por parte del Fiscal del Condado bajo MS 609.531, subdivisión 7:

- En adición a su derecho a demandar una determinación de confiscación por un juez, y antes de una orden judicial que disponga de la propiedad confiscada, cualquier persona que tenga un interés legal, puede entablar una petición escrita con el fiscal del condado para una remisión o mitigación de la confiscación bajo MS 609.531, subdivisión 7.
- Tal petición es independiente de la demanda para una determinación de confiscación por un juez.

Koj Txoj Cai Los Tawm Tsam Hauv Tsev Hais Plaub Txog Qhov Poob Vaj Tse Ntawm Txoj Cai MS 609.5314, subd. 3:

- Qhov yuav poob lub tsev no rov qab yeej poob yam tsis muaj kev txwv txav hlo koj los yog cov neeg muaj feem xyuam ntawm lub tsev no yuav tsum xa daim ntawv thov kom tus neeg txiav txim los pab soj ntsuam xyuas ua ntej 60 hnub tom tau txais Tsab Ntawv Ceeb Toom Txeeb Tsev.
- Tsab ntawv thov yuav siv daim ntawv foob thiab yuav tsum koj mus rau hauv tsev hais plaub ntawm lub zos uas kev tuaj txeeb vaj tse ntawv thiab yuav tsum muaj ib daim qauv ntawv cov ntawv foob xa mus rau tus kws lij choj ntawm lub zos ntawv. Tsab ntawv foob yuav tsum muaj koj lub npe hais tias koj yog tus neeg foob rooj plaub no (plaintiff) hos qhov chaw nyob ntawm lub tsev lawv txeeb yog tus thiv thaiv rooj plaub no (defendant) thiab koj yuav tsum teev lus saib yog vim li cas koj ho xav hais tias kev txeeb vaj tse no ho tsis raug kev raug cai thiab koj muaj feem xyuam rau lub tsev li cas.
- Yog hais tias koj ua tsis raws li cov cai muaj tseg nyob rau tsab cai 609.5314, subd 3, koj yuav poob koj lub tsev ntawv.
- Yog hais tias lub tsev hais plaub txiav txim muaj lub tsev ntawv rov qab, yuav muab qho nqi ntawv rov qab rau koj thiab.

Koj Txoj Cai Kom Tus Kws Lij Choj Hauv Zos Rov Qab Los Soj Suaj Ntsuam Txog Qhov Poob Vaj Tse Ntawm tsab cai MS 609.531, subd.7:

- Txuas ntxiv rau txoj cai los thov kom tus neeg txiav txim los soj ntsuam xyuas kev txeeb vaj tse thiab ua ntej lub tsev hais plaub ua ntawv txiav txim rau ib lub tsev twg, ib tus neeg twg uas muaj feem xyuam muaj txoj cai xa ntawv mus rau tus kws lij choj hauv zos yam sau ntawv tuaj thov kev zam txim thiab thov kom txhob nyhav nyhav raws li tsab cai MS 609.531, subd. 7.
- Tsab ntawv no yog tsis muaj kev feem xyuam rog rau tsab tuaj thov kom tus neeg txiav txim los soj ntsuam xyuas.

Xaqa aad u leedahay in aad maxkamadda hor keento waxyaabaha lagaala wareegay sida uu qabo sharciga ay MS 609.5314, ee qeyb hoosaadka 3:

- La wareegista hantidan waa mid markiiba dhaqan galeysa haddii aanu muddo 60 maalmood gudahood ah laga bilaabo taariikhda la soo gaarsi-yey. Ogeysiiska Lagu Qabsaday Hantida aanu hantiilaha ama qof hantida wax ku leh diiwaan gelin aanu maxkamadda ka diiwaan gelin uu ku codsanayo in qaali dhageysto ama go'aan ka gaaro sharcinimada la wareegista hantida.
- Codsigaas waa inuu noqdaa mid hab madani ah u qoran isla markaana laga diiwaan geliyaa maxkamadda degmada hantida lagula wareegey oo nuqul ka mid ah dacwadana loo gudbiyaa xeer ilaalinta degmada. Codsigaas waa in lagu caddeyaa magacaaga in aad tahay dacwoodaha isla markaana hantida lala wareegeyna laga dhigaa eedeysanaha, waana in sidoo kale lagu caddeyaa sababta aad ku dacwooneyso in hantida si aan sax ahayn loola wareegey iyo lahaanshahaaga hantida.
- Haddii aadan u hogaansamin dhamaan waxyaabaha uu farayo sharciga 609.5314, ee qeyb hoosaadkiisa 3, waxa ay keeni kartaa in hantida lala wareego.
- Haddii ay maxkamaddu amarto in la soo celiyo hantida la qabtay, lacagta aad dacwadda kaga diiwaan gelisay maxkamadda waa lagu soo celinayaa..

Xaqa aad u leedahay in xeer ilaalinta degmadu ay dib u eego waxyaabaha lagula wareegey sida uu qabo sharciga MS 609.531, ee qeyb hoosaadkiisa 7.

- Xaqa aad u leedahay in uu qaali dib u eego in uu qaali dhageysto sharcinimada hantida lala wareegey iyo inta aan la soo saarin amar maxkamadeed oo go'aan lagaga gaarayo hantida lala wareegey, waxaa hantiilaha ama qof kasta oo hantida wax ku leh waxa uu codsi u qori karaa xeer ilaalinta degmada oo uu ku weydiisanayo in ay gorgortan ama dhexdhexaadin ka sameeyaan hantida lala wareegey sida uu qabo sharciga MS 609.531, qeyb hoosaadka 7.
- Codsiga noocaas ah waa mid ka madax banaan codsiga lagu weydiisto in uu qaali dib u eego sharcinimada hantida lala wareegey.

**NOTICE OF SEIZURE OF MOTOR VEHICLE USED IN DRIVEBY SHOOTING
VEHICLES USED IN VIOLATION OF MINNESOTA STATUTES, SECTION 609.66, SUBD. 1E**

TO: _____
(Name of person given notice)

(Address)

YOU ARE NOTIFIED THAT pursuant to Minnesota Statutes Section 609.5318 on _____, 20____
the following motor vehicle was seized by the undersigned law enforcement agency at (location of seizure):

in _____ County, and is being held for forfeiture:

(Include both plate number and VIN number for vehicle)

Forfeiture of this property is automatic unless within 60 days of receipt of this form you demand a judicial determination of this matter, as described on the reverse side.
If you do not demand judicial review exactly as prescribed in Minnesota Statutes, section 609.5314, subdivision 3, you lose the right to a judicial determination of this forfeiture and you lose any right you may have to the above described property. You may not have to pay the filing fee for the demand if determined you are unable to afford the fee. If the property is worth \$15,000 or less, you may file your claim in conciliation court. You do not have to pay the conciliation court filing fee if the property is worth less than \$500.

Qhov yuav poob lub tsev no yeej poob yam tsis muaj kev txwv txav hlo yuav tsum yog hais tias koj thov kom tus neeg txiav txim los nrog soj ntsuam xyuas yam tsis pub dhau 60 hnuv tom qab koj tau txais daim ntawv no, raws li nyob piav nyob sab nraum daim ntawv no.
Yog hais tias koj tsis thov kom tus neeg txiav txim los soj ntsuam xyuas raws li txoj kev cai hauv lub lav Minnesota, section 609.5314, subdivision 3, ces koj yuav tsis muaj cai los kom tus neeg txiav txim los pab soj ntsuam xyuas thiab koj yuav poob tag rho koj cov cai ua koj yeej muaj txog lub tsev ntawv. Koj tsis tas them nqi ntaub ntawv yog hais tias koj them tsis taus tus nqi ntawv. Yog hais tias koj lub tsev ntawv muaj nqis li \$15,000 los yog tsawg tshaj, koj muaj cai koj mus rau hauv tsev hais plaub conciliation. Koj yuav tsis tau them nqi ntawv hauv tsev hais plaub conciliation yog hais koj lub tsev muaj nqis tsawg tshaj \$500.

La confiscación de esta propiedad es automática, a menos que dentro de los 60 días de haber recibido este formulario, usted demande una determinación judicial en este caso, como se describe al reverso.
Si usted no demanda una revisión judicial exactamente como lo indica la sección 609.5314, subdivisión 3 de los Estatutos de Minnesota, usted perderá el derecho a una determinación judicial por esta confiscación, y perderá cualquier derecho que pueda tener en la propiedad descrita con anterioridad. Puede ser que usted no tenga que abonar las tasas por presentación de una instancia de demanda, si se determina que usted no puede costearla. Si la propiedad vale \$15,000 o menos, usted puede entablar su reclamo en el tribunal de conciliación. Usted no tiene que abonar las tasas por presentación de una instancia en el tribunal de conciliación, si la propiedad vale menos de \$500.

Hantidan oo lala wareegaa waa mid markiiba dhaqan galeysa haddii aadan muddo lixdan 60 maalmood gudahood ah laga bilaabo maalinta aad foomkan hesho aadan ku codsan in maxkamaddu go'aan ka gaarto arrintan sida bogga dambe (dhabarka) lagu faahfaahiyey.
Haddii aadan codsan in maxkamaddu ay arrintan dib u eegto sida lagu faahfaahiyey Xeerka Minnesota ee lambarkiisu yahay 609.5314, ee qeyb hoosaadka 3, waxa aad waayaysaa xaqa aad u leedahay in maxkamaddu go'aan ka gaarto hantida lala wareegay ee kor ku xusan. Waxa suurto gal ah in aan lagaa dooneyn in aad bixiso lacagta aad codsigaaga kaga diiwaangelin lahayd maxkamadda haddii aadan awoodi karin. Haddii hantida qiimaha ay u dhiganto uu gaarayo \$15,000 ama ka yar, waxa aad dacwadaada ka diiwan gelin kartaa maxkamadaha dhageysta dacwadaha dhexdhexaadinta. Lagaama doonayo in aad bixiso lacagta diiwaan gelinta maxkamadda haddii qiimaha ay u dhiganto hantida uu ka yar yahay \$500.

CERTIFICATE OF SERVICE

I certify that on _____, 20____, I gave a true copy of this notice to the person named above at (location of service)

_____ and have seized the above described property for forfeiture.

Signature of Officer _____ Badge No. _____ Dated _____ Law Enforcement Agency _____

Notice received by X _____ Check if recipient refused to sign

I.C.R. _____

ORIGINAL TO COUNTY ATTORNEY PINK COPY TO LAW ENFORCEMENT AGENCY YELLOW COPY TO CLAIMANT

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Your Right To a Court Challenge of the Administrative Forfeiture under MS 609.5314, subd. 3:

- Forfeiture of this property is automatic unless within 60 days following service of the Notice of Seizure you or any person who has a legal interest in the property files a demand for a determination by a judge.
- The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred and a copy must be served on the county attorney for that county. The complaint must be captioned in your name as plaintiff and the seized property as defendant, and must state the grounds on which you allege the property was improperly seized and your interest in the property seized.
- Failure to comply with all of the requirements of 609.5314, subd 3, will result in the forfeiture of the property.
- If a court orders the return of the seized property, the filing fees will be reimbursed.

Your Right To a Review by the County Attorney of the Administrative Forfeiture under MS 609.531, subd. 7:

- In addition to your right to demand a determination of the forfeiture by a judge, and prior to a court order disposing of the forfeited property, any person who has a legal interest may also file with the county attorney a written petition for remission or mitigation of the forfeiture under MS 609.531, subd. 7.
- Such a petition is independent of a demand for a determination of the forfeiture by a judge.

Su derecho a un Desafío Judicial por Confiscación Administrativa bajo MS 609.5314, subdivisión 3:

- La confiscación de esta propiedad es automática, a menos que dentro de los 60 días de haber recibido la Nota de Embargo, usted o cualquier persona que tenga un interés legal en esta propiedad, entable una demanda para una determinación por un juez.
- La demanda debe ser en forma de denuncia civil y debe ser entablada con el administrador del tribunal en el condado en el cual ocurrió el embargo, y una copia debe ser entregada al fiscal de ese condado. En el título, la denuncia debe llevar su nombre como demandante, y la propiedad embargada como demandado, y debe declarar las bases en las que usted alega que la propiedad fue embargada inapropiadamente, y su interés en dicha propiedad.
- El incumplimiento de todos los requisitos de la 609.5314, subdivisión 3, resultara en la confiscación de la propiedad.
- Si un juez ordena que se le regrese la propiedad embargada, se le reembolsara a usted las tasas por presentación de la instancia.

Su derecho a una Revisión de la Confiscación Administrativa por parte del Fiscal del Condado bajo MS 609.531, subdivisión 7:

- En adición a su derecho a demandar una determinación de confiscación por un juez, y antes de una orden judicial que disponga de la propiedad confiscada, cualquier persona que tenga un interés legal, puede entablar una petición escrita con el fiscal del condado para una remisión o mitigación de la confiscación bajo MS 609.531, subdivisión 7.
- Tal petición es independiente de la demanda para una determinación de confiscación por un juez.

Koj Txoj Cai Los Tawm Tsam Hauv Tsev Hais Plaub Txog Qhov Poob Vaj Tse Ntawm Txoj Cai MS 609.5314, subd. 3:

- Qhov yuav poob lub tsev no rov qab yeej poob yam tsis muaj kev bwx txav hlo koj los yog cov neeg muaj feem xyuam ntawm lub tsev no yuav tsum xa daim ntawv thov kom tus neeg txiav txim los pab soj ntsuam xyuas ua ntej 60 hnuv tom tau txais Tsab Ntawv Ceeb Toom Txeeb Tsev.
- Tsab ntawv thov yuav siv daim ntawv foob thiab yuav tsum coj mus rau hauv tsev hais plaub ntawm lub zos uas kev tuaj txeeb vaj tse ntawv thiab yuav tsum muaj ib daim qauv ntawm cov ntawv foob xa mus rau tus kws lij choj ntawm lub zos ntawv. Tsab ntawv foob yuav tsum muaj koj lub npe hais tias koj yog tus neeg foob rooj plaub no (plaintiff) hos qhov chaw nyob ntawm lub tsev lawv txeeb yog tus thiv thaiv rooj plaub no (defendant) thiab koj yuav tsum teev lus saib yog vim li cas koj ho xav hais tias kev txeeb vaj tse no ho tsis raug kev raug cai thiab koj muaj feem xyuam rau lub tsev li cas.
- Yog hais tias koj ua tsis raws li cov cai muaj tseg nyob rau tsab cai 609.5314, subd 3, koj yuav poob koj lub tsev ntawv.
- Yog hais tias lub tsev hais plaub txiav txim muaj lub tsev ntawv rov qab, yuav muab qho nqi ntawv rov qab rau koj thiab.

Koj Txoj Cai Kom Tus Kws Lij Choj Hauv Zos Rov Qab Los Soj Suaj Ntsuam Txog Qhov Poob Vaj Tse ntawm tsab cai MS 609.531, subd.7:

- Txuas ntxiv rau txoj cai los thov kom tus neeg txiav txim los soj ntsuam xyuas kev txeeb vaj tse thiab ua ntej lub tsev hais plaub ua ntawv txiav txim rau ib lub tsev twg, ib tus neeg twg uas muaj feem xyuam muaj txoj cai xa ntawv mus rau tus kws lij choj hauv zos yam sau ntawv tuaj thov kev zam txim thiab thov kom txhob nyhav nyhav raws li tsab cai MS 609.531, subd. 7
- Tsab ntawv no yog tsis muaj kev feem xyuam rog rau tsab tuaj thov kom tus neeg txiav txim los soj ntsuam xyuas.

Xaqa aad u leedahay in aad maxkamadda hor keento waxyaabaha lagaala wareegay sida uu qabo sharciga ay MS 609.5314, ee qeyb hoosaadka 3:

- La wareegista hantidan waaa mid markiiba dhaqan galeysa haddii aanu muddo 60 maalmood gudahood ah laga bilaabo taariikhda la soo gaarsiiyey .Ogeysiiska Lagu Qabsaday Hantida aanu hantiilaha ama qof hantida wax ku leh diiwaan gelin aanu maxkamadda ka diiwaan gelin uu ku codsanayo in qaali dhageysto ama go'aan ka gaaro sharcinimada la wareegista hantida.
- Codsigaas waa inuu noqdaa mid hab madani ah u qoran isla markaana laga diiwaan geliyaa maxkamadda degmada hantida lagula wareegey oo nuqul ka mid ah dacwadana loo gudbiyaa xeer ilaalinta degmada. Codsigaas waa in lagu caddeyaa magacaaga in aad tahay dacwoodaha isla markaana hantida lala wareegeyna laga dhigaa eedeysanaha, waana in sidoo kale lagu caddeyaa sababta aad ku dacwooneyso in hantida si aan sax ahayn loola wareegey iyo lahaanshahaaga hantida.
- Haddii aadan u hogaansamin dhamaan waxyaabaha uu farayo sharciga 609.5314, ee qeyb hoosaadkiisa 3, waxa ay keeni kartaa in hantida lala wareego.
- Haddii ay maxkamaddu amarto in la soo celiyo hantida la qabtay, lacagta aad dacwadda kaga diiwaan gelisay maxkamadda waa lagu soo celinayaa..

Xaqa aad u leedahay in xeer ilaalinta degmadu ay dib u eegto waxyaabaha lagula wareegey sida uu qabo sharciga MS 609.531, ee qeyb hoosaadkiisa 7.

- Xaqa aad u leedahay in uu qaali dib u eego in uu qaali dhageysto sharcinimada hantida lala wareegey iyo inta aan la soo saarin amar maxkamadeed oo go'aan lagaga gaarayo hantida lala wareegey, waxaa hantiilaha ama qof kasta oo hantida wax ku leh waxa uu codsi u qori karaa xeer ilaalinta degmada oo uu ku weydiisanayo in ay gorgortan ama dhexdhexaadin ka sameeyaan hantida lala wareegay sida uu qabo sharciga MS 609.531, qeyb hoosaadka 7.
- Codsiga noocaas ah waa mid ka madax banaan codsiga lagu weydiisto in uu qaali dib u eego sharcinimada hantida lala wareegey.

SAMPLE AUTHORIZATION FOR DISPOSITION OF PROPERTY

Case Number: _____

Item Number: _____

Description: _____

Method of Disposition (check one box)

Destroy

Return to the owner

Name of the owner: _____

Sale

Retain for agency use

Reason for retention: _____

Forward to another entity

Name of the entity: _____

Currency release

Amount: _____

Person/entity/financial institution obtaining custody: _____

Authorized/Approved by (Name): _____

Authorized/Approved by (Signature): _____

Date: _____

Disposition pursuant to court order: Yes (attach copy)

No

SAMPLE PROPERTY RELEASE TO OWNER

Case Number: _____

Item Number(s): _____

Date of Release: _____

Description of Property: _____

Was property photographed? Yes No

If yes, location of photograph: _____
See Minn. Stat. § 609.523, subd. 3 (recovered stolen property).

PROPERTY RELEASED TO :

Name: _____

Address: _____ City: _____

State: _____ Zip: _____

Date of Birth: _____ Drivers License #: _____

Proof of Ownership: _____

Declaration of Ownership/Receipt of Property Released

Under penalty of perjury, I declare that I am the lawful owner of the above-described property, and I have received possession of the above-described property from the property and evidence room of the _____ Police/Sheriff's Department.

Signature: _____ Date: _____

NOTICE: Recovered stolen property with a value of more than \$150.00 must be retained by the owner for at least 14 days to allow the defense attorney to examine the property. See Minn. Stat. § 609.523, subd. 4.

Released by: _____ Signature: _____

Witnessed by: _____ Signature: _____

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Appendix 2: Summary of Minnesota Laws

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Summary of Minnesota Laws

The following is a summary of key Minnesota laws related to property and evidence rooms through 2010. The summaries are not legal advice, and should not be relied upon in lieu of legal advice. Because it is a summary, the complete text of the laws should be reviewed and discussed with legal counsel.

Records⁵⁰

Minn. Stat. §§ 15.17 and 138.17

Public officers must make and preserve all records necessary to a full and accurate knowledge of their official activities. *See* Minn. Stat. § 15.17. Government records (including local records made or received by an officer or agency of a county, city, or town pursuant to state law, or in connection with the transaction of public business by an officer or agency, and excluding certain items such as extra copies, documents that do not become part of an official transaction, and reference material) may only be disposed of pursuant to an approved “Application for Authority to Dispose of Records,” an adopted and approved records retention schedule, or an adopted general records retention schedule that has been pre-approved by the State Records Disposition Panel. *See* Minn. Stat. § 138.17.

Unclaimed/Abandoned Property - Municipalities

Minn. Stat. §§ 345.01 - 345.05; 471.195; and 609.5315, subd. 7

Any person having possession of unclaimed or abandoned property may obtain a court order requiring the property to be sold at public auction by any peace officer of the municipality or town where the property is located. Minn. Stat. §§ 345.01 - 345.05. The peace officer, providing ten days posted notice, uses the same sale procedures that are used for sales under executions. Minn. Stat. § 345.05. The proceeds of the sale, less fees, are returned to the court administrator. Minn. Stat. § 345.05.

Cities may have an ordinance providing for the sale of unclaimed property after the property has been in the city’s possession for at least 60 days. Minn. Stat. § 471.195. Sale may be by public auction or private sale through certain nonprofit organizations. *Id.*⁵¹ There must be ten days notice published in a legal newspaper if sold by public auction. *Id.* The ordinance must designate the fund into which the proceeds of the sale must be placed. *Id.* The owner has a right to payment of the sale price from the fund upon application and satisfactory proof of ownership within six months of the sale, or for any longer period of time set in the ordinance. *Id.*

The agency must make its best efforts for a period of 90 days after the seizure of an abandoned or stolen firearm to return it to the lawful owner. Minn. Stat. § 609.5315, subd. 7.

⁵⁰ [Records disposition resources](#) are provided in the Resources section of this Review.

⁵¹ “*Id.*” is a citation to the immediately preceding legal authority.

Unclaimed/Abandoned Property - Counties

Minn. Stat. §§ 345.15, subd. 1, and 609.5315, subd. 7

Sheriffs may seize and retain any personal property abandoned on any public way, sidewalk, or other public premises, or property entered as evidence that has been released by a court order. Minn. Stat. § 345.15, subd. 1. After holding the property for at least three months, the sheriff must sell it at public auction. *Id.* The owner of the property, upon application and satisfactory proof of ownership, may recover the property or, within one month of the sale, the net proceeds of the sale. *Id.* The net proceeds from the sale (sale price less any costs of handling, storage, or sale) must be transferred to the county treasurer to be deposited and credited to the general revenue fund. *Id.*

The agency must make its best efforts for a period of 90 days after the seizure of an abandoned or stolen firearm to return it to the lawful owner. Minn. Stat. § 609.5315, subd. 7.

Property Held as Evidence

Minn. Stat. § 626.04

A court, after a hearing, may order property seized as evidence to be returned to its owner prior to trial. *See* Minn. Stat. § 626.04. After trial and the expiration date for all associated appeals, the property must be returned to its owner or any other person entitled to possess it, or destroyed or otherwise disposed of under the direction of the court. *See* Minn. Stat. § 626.04 (b). Money found in gambling devices must be paid to the county treasury, or, if seized by a police officer of a municipality, the municipality's treasury. *Id.*

Preservation of Biological Evidence⁵²

Minn. Stat. §§ 299C.105, 299C.155, and 590.10

Biological evidence (samples obtained in a sexual assault examination kit, or any item containing blood, semen, hair, saliva, skin, tissue, or other identifiable biological material present on physical evidence or preserved on a slide or swab) relating to the identification of a defendant used to secure a conviction in a criminal case must be retained until expiration of sentence, unless an earlier disposition is authorized by a court order. *See* Minn. Stat. § 590.10, subd. 1. Only the portion of the biological evidence as was used to obtain an accurate biological sample used to obtain a conviction must be retained. *Id.*

The Minnesota Bureau of Criminal Apprehension is required to develop uniform procedures and protocols for collecting and submitting biological evidence in certain offenses. *See* Minn. Stat. § 299C.155, subd. 2. *See also* § 299C.105, subd. 2.

⁵² An overview of Minnesota's criminal DNA collection and preservation laws contained in a House Research document by Jeffrey Diebel, *Minnesota's Criminal DNA Collection and Preservation Laws*, June 2006, is available at: <http://www.house.leg.state.mn.us/hrd/pubs/ss/ssdnacoll.pdf>.

Recovered Stolen Property

Minn. Stat. §§ 609.523; 609.5315, subd. 7; and 629.361

A peace officer arresting a person charged with committing or aiding in the committing of a robbery, aggravated robbery, or theft must use “reasonable diligence” to secure the property alleged to have been stolen. *See* Minn. Stat. § 629.361. After seizure of the property, the officer is “answerable” for stolen property while it remains in the officer’s custody. *Id.* It may be delivered to the county attorney for use as evidence. *Id.* Once the offender is convicted, the property must be returned to the owner. *Id.*

Recovered stolen property may be returned to its owner if: (1) a photograph of the property is filed and retained by the law enforcement agency to be used as evidence; (2) satisfactory proof of ownership is shown by the owner; (3) a declaration of ownership is signed under penalty of perjury; and (4) a receipt for the property is obtained from the owner. *See* Minn. Stat. § 609.523, subd. 3. If the recovered property has a value of more than \$150.00, the owner must retain possession of the property for at least 14 days to allow the defense attorney to examine the property. *See* Minn. Stat. § 609.523, subd. 4.

The agency must make its best efforts for a period of 90 days after the seizure of an abandoned or stolen firearm to return it to the lawful owner. Minn. Stat. § 609.5315, subd. 7.

Forfeited Property

Minn. Stat. §§ 609.531 - 609.5319

Receipt and Notice

When property is seized, the officer must provide a receipt to the person in possession of the property; or, in the absence of any person, the officer must leave a receipt in the place where the property was found, if reasonably possible. *See* Minn. Stat. § 609.531, subd. 4 (b). The law enforcement agency must use “reasonable diligence” to secure the property and prevent waste. *See* Minn. Stat. § 609.531, subd. 5.

For judicial forfeitures, the county attorney must notify the owner or possessor of the property of the forfeiture action within 60 days of the seizure. *See* Minn. Stat. § 609.5313 (a). If notice is not sent within 60 days, and the county attorney does not receive an extension from the court, the property must be returned to the owner. *See* Minn. Stat. § 609.5313 (b).

For administrative forfeitures, notice of the seizure and the intent to forfeit the property must be served within 60 days of the seizure upon all persons known to have an ownership, possessory, or in the case of motor vehicles, security interest in the seized property. *See* Minn. Stat. § 609.5314, subd. 2. If notice is not sent within 60 days, and the county attorney does not receive an extension from the court, the property must be returned to the owner. *See* Minn. Stat. § 609.5314, subd. 2(c). Within 60 days following service of a notice of seizure and forfeiture, a claimant may file a demand for a judicial determination of the forfeiture. *See* Minn. Stat. § 609.5314, subd. 3.

Motor Vehicle Forfeitures

Motor vehicles subject to forfeiture have separate notice requirements. Generally, if the motor vehicle is seized in advance of a judicial forfeiture order, a hearing must be held within 96 hours of the seizure, with notice of the hearing provided to the registered owner of the vehicle within 48 hours of the seizure. *See, e.g.*, Minn. Stat. § 609.5312, subs. 3 (b) and 4 (b). A vehicle must be returned to the owner within 24 hours if the owner of a motor vehicle seeks possession of the vehicle before the forfeiture action is determined and surrenders the vehicle's certificate of title to the appropriate agency in exchange for the vehicle. *See* Minn. Stat. § 609.531, subd. 5a (b). The agency must notify the Department of Public Safety and any secured party noted on the certificate when the certificate is surrendered and when a surrendered title is returned to the motor vehicle owner. *Id.*

Returning Property to Owner

Property may be returned, prior to a court order, to any person with an interest in the forfeited property if the person files a petition for remission or mitigation of the forfeiture with the county attorney, and the county attorney finds a basis for remission or mitigation of the forfeiture. *See* Minn. Stat. § 609.531, subd. 7. Property, except contraband or property being held for investigatory purposes, must also be returned to the owner prior to the determination of the forfeiture action if the owner gives security or posts a bond payable to the appropriate agency in an amount equal to the retail value of the seized property. *See* Minn. Stat. § 5a (a).

For the forfeiture of a motor vehicle, the owner is the registered owner according to the records of the Department of Public Safety. *See* Minn. Stat. § 609.531, subd. 6a (b). For real property, the owner is the owner of record. *Id.* For other property, the owner is the person notified by the prosecuting authority in filing the forfeiture action. *Id.*

Disposition of Property

If the court finds that the property is subject to forfeiture, or the county attorney certifies that the property is subject to administrative forfeiture, the disposition of the property may include: destruction or sale of the property; keeping the property for official use by the agency or forwarding the property to another agency; disbursement of seized money or proceeds of the offense; or other disposition in accordance with law. *See* Minn. Stat. § 609.5315. Sales of forfeited property must be conducted "in a commercially reasonable manner." *See* Minn. Stat. § 609.5315, subd. 1 (d). The property may not be sold to an officer or employee of the agency that seized the property or to a person related to the officer or employee by blood or marriage. *See* Minn. Stat. § 609.5315, subd. 1 (c). The Hennepin and Ramsey County sheriffs may not sell firearms, ammunition, or firearms accessories if the policy is disapproved by the applicable county board. *See* Minn. Stat. § 609.5315, subd. 1 (b). The proper disbursement of seized money or forfeited proceeds, such as to whom and in what proportion, depends upon the basis for the forfeiture. *See, e.g.*, Minn. Stat. § 609.5315, subs. 4, 5, 5a, and 5b.

Before disposing of administratively forfeited property, the county attorney must certify that: (1) the appropriate agency provided a receipt as required by Minn. Stat. §§ 609.531, subd. 4 (for property seized with or without process), or 626.16 (for property seized pursuant to a search warrant); (2) the appropriate agency served notice in accordance with Minn. Stat. §§ 609.5314, subd. 2 (administrative forfeiture of drug-related seizures), or 609.5318, subd. 2 (for vehicles used in drive-by shootings); and (3) probable cause for the forfeiture of the property existed. *See* Minn. Stat. § 609.5315, subd. 2.

Contraband, as defined in the statute, must be summarily forfeited and either destroyed or used by the appropriate agency for law enforcement purposes. *See* Minn. Stat. § 609.5316. Upon summary forfeiture, weapons used must be destroyed unless the agency decides to use the weapons for law enforcement purposes. *See* Minn. Stat. § 609.5316, subd. 1.

Report to State Auditor

Each forfeiture occurring in the state must be reported to the state auditor on a monthly basis following final disposition, regardless of the authority for the forfeiture. *See* Minn. Stat. § 609.5315, subd. 6. *See also* the Office of the State Auditor's Statement of Position on Reporting of Criminal Forfeitures, available on the Office of the State Auditor's website at:

http://www.auditor.state.mn.us/Other/statements/reportingcriminalforfeitures_0904_statement.pdf.

Statutes authorizing forfeitures in addition to those found in Minn. Stat. §§ 609.531 - 609.5319 include:

Minn. Stat. § 84.7741 (off-highway vehicle offenses)

Minn. Stat. §§ 97A.221 - 97A.225 (hunting, game and fish, firearm, and wild animal offenses)

Minn. Stat. § 169A.63 (DWI-related offenses)

Minn. Stat. §§ 297E.16, 349.2125, and 609.762 (gambling-related offenses)

Minn. Stat. §§ 609.905 - 609.908 (racketeering)

Minn. Stat. § 626A.19 (Minnesota's Privacy of Communications Act)

Impounded Vehicles

The sale of an impounded vehicle is subject to Minn. Stat. Chapter 168B.

Statute of Limitations⁵³

Minn. Stat. § 628.26

Caution should be used in applying statutes of limitation because time periods may be lengthened if certain facts have occurred, such as: the defendant did not usually reside in Minnesota, the defendant participated in a pretrial diversion program relating to the offense, or physical evidence relating to the offense is undergoing DNA analysis (unless the defendant demonstrates certain purposeful delays in the analysis).

⁵³ An overview of Minnesota's criminal statutes of limitations, including a chart, contained in an Information Brief from the Minnesota House of Representatives Research Department by Rebecca Pirius, *Criminal Statutes of Limitations*, revised November 2010, is available at: <http://www.house.leg.state.mn.us/hrd/pubs/statlmt.pdf>.

Charges may be filed at any time for: (1) crimes resulting in death; (2) kidnapping; (3) labor trafficking if the victim was under the age of 18 at the time of the offense; and 4) criminal sexual conduct (first through third degree) if physical evidence is collected and preserved that is capable of being tested for its DNA characteristics.

Charges may be filed within the later of 9 years of the offense or 3 years of the offense being reported to law enforcement for criminal sexual conduct (first through fourth degree) if the victim was under the age of 18 at the time of the offense (if DNA evidence is not collected and preserved). Charges may be filed within 9 years for criminal sexual conduct (first through third degree) if the victim was 18 years or older (if DNA evidence is not collected and preserved).

Charges may be filed within 6 years for: 1) labor trafficking if the victim was age 18 or older; 2) bribery of or by a public officer or employee; or 3) medical assistance fraud or theft.

Charges may be filed within 5 years for certain thefts, check forgeries, credit card frauds, and financial exploitation of vulnerable adult crimes where the value of the property or services stolen is more than \$35,000. Charges may be filed within 5 years for hazardous and infectious waste crimes, except for violations relating to false material statements, representations, or omissions, and for arson (first through third degree).

All other crimes have a three-year statute of limitations.

Appendix 3: Bibliography

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