

# MANATEE COUNTY SHERIFF'S OFFICE

## PROPERTY AND EVIDENCE

# Introduction

Over the past 25 years there has been a transition in the operation of Property Rooms across the country from closets to 50,000+ square foot warehouses. Many of the changes have been associated with forensic science, including DNA, and with new statutory requirements to retain certain types of evidence for lengthy periods of time, and indefinitely in at least one state.

For over the past 20 years, almost every year brought significant case law decisions increasing the significance of integrity and documentation credibility within Property Rooms operations.

Today's Property Rooms are much more advanced in many areas, including environmental sensitivity, security, staffing, automation and digital integration (computer networking and information exchange) with other law enforcement agency operations.

The primary purpose of the Property and Evidence Unit is to provide for the secure storage of all property which is in the custody of the police department until such time that it is needed for analysis, court, or authorized for final disposition.

# DISPOSITION – REVIEW

**Standard:** MCSO have a systematic review process assuring each item of property and evidence is evaluated for possible purging on a regular basis.

**Definition :** Review is the assessment of whether an item may be removed from the inventory based upon an elapsed period of time, or completion of all legal and departmental mandates.

**Purpose:** there is no procedure more important to keeping the inventory of a property room at a manageable level than an effective on-going purging program.

- ⊗ 1.3 Disposition – Review
- ⊗ 1.4 MCSO have a systematic review process assuring that each item of property and evidence is evaluated for possible purging on an annual basis.
- ⊗ 1.4.2 Review is the assessment of whether an item may be removed from the inventory based upon an elapsed period of time, or completion of all legal and departmental mandates.
- ⊗ 1.4.3 There is no procedure more important to keeping the inventory of the property room at a manageable

# DISPOSITION – REVIEW

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Review is the assessment of whether an item may be removed from the inventory based upon an elapsed period of time, or completion of all legal and departmental mandates.

There is no procedure more important to keeping the inventory of the property room at a manageable level than an effective on-going purging program.

Special attention will be given to cases that may contain Public Records items and the retention status is governed by General Records Schedule GS2 for LEO.

# DISPOSITION – REVIEW

In order to establish an effective purging system, certain criteria must be established to provide guidance in how long property and evidence should be retained before being reviewed.

Statute of Limitations – the most common review system used in property room utilizes the statutes of limitations as a review date

In misdemeanor cases where the time limit is one or two years the assigned detective or designated person would receive a “review notice” after that period of time.

In felony cases where the time limit is three or four the assigned detective or designated person would receive a “review notice” after that period of time.

The review notice requests approval to release, dispose of or retain the property or evidence.

# DISPOSITION – REVIEW

Administrative Kill Policy – when the inventory is out of control.

The Chief Deputy will initiate the Administrative Kill Policy with a written executive order to dispose of certain categories of evidence.

This order will be specific as to classifications of evidence covered, e.g. “all misdemeanors over ‘X’ months old, without a related arrest warrant, will be destroyed/released” or “designated felony property crimes that are beyond ‘x’ period of time and which will never be investigated”.

Special attention will be given to prevent purge of any evidence in crimes against persons and sex related crimes or certain Public Records.

# DISPOSITION – REVIEW

A review form – electronic disposition form – is used to notify an investigating officer when a case is due for review.

The form includes check boxes to different items to be released, disposed of, or retained. The form has two separate tables: one designated for PR and one designated for Evidence.

The investigating officer is required to choose an option: dispose or retain and electronically sign the form for accountability purposes, and state why it should be retained and until when.

A supervisor will approve whenever evidence disposed or retained beyond the respective statute of limitation.

A schedule for re-review, or a second review will be set for property or evidence that is labeled as “retained”.

Special consideration is given to NOT disposing of certain evidence without prosecutorial or judicial review, such as: sex crimes, capital crimes, other serious felonies, narcotic investigation cases, and pending civil litigations.

# DISPOSITION – Research for Disposal

In order to do Research for Destruction the following Links need to be available for access: **pe.mso.intranet, RMS, CourtView, Document Locator, D.A.V.I.D., FL Statute On-line, Florida Department of Correction – Homepage/Offender Search, Historic Incident Records, E-Agent, Bureau of Federal Prisons and JMS.**



# DISPOSITION – Research for Disposal

If Case is **NON CRIMINAL** and pertains property eligible for destruction proceed with entering the Case Number into the “Search”/same exact named field in pe.mso.intranet

“View additional Details” and make sure to select ONLY items eligible for disposal.

In “Notes” add **ITEM SUBMITTED FOR IMMEDIATE DESTRUCTION MM/DD/YYYY** and then “Submit” according with Disposition Recipients List.

If Case is **NON CRIMINAL** and pertains found/safekeeping property proceed with entering the Case Number into the “Search”/same exact named field in pe.mso.intranet

“View additional Details” and make sure to select ONLY items eligible for disposal.

In “Notes” add any information that might be of value in making a decision: **“no Owner, letter sent and no claim w/in SOL, Finder does not want to claim, item advertised per FSS 705/Policy and Procedures and no claim”, etc.** and then “Submit” to Case Detective or Unit/Division Supervisor according with Disposition Recipients List .

# DISPOSITION – Research for Disposal

If Case is **CRIMINAL** and pertains evidence proceed with researching the Case Status:

No Suspect/Offender and no Arrest - make sure check in Document Locator for an Open Inactive status and/or RMS/Incident/Investigation-Disposition for a Related Arrest and if none continue with pe.mso.intranet-“View Additional Details” which is going to retrieve the PR and EVIDENCE in the case in details w/Property ID, IBR Status, Model, Description and Location.

If the Case is not under FSS 775.15 or FSS 925 -exceptions- proceed to calculate the Expiration Date on Retaining the Evidence (SOL) and use the “Incident Date”, “Statute”, Degree” and Statute of Limitation calculate de exact Statute of Limitation Date on Retaining the Evidence (SOL) as being : Incident Date(mm/dd/yyyy)+Statute of Limitation(years).

If the Case falls under FSS 775.15 or FSS 925 -exceptions- make sure to comply with the Statute and then proceed to calculate the Expiration Date on Retaining the Evidence (SOL) and use the “Incident Date”, “Statute”, Degree” and Statute of Limitation calculate de exact Statute of Limitation Date on Retaining the Evidence (SOL) as being : Incident Date(mm/dd/yyyy)+Statute of Limitation(years).

PR will be retained based on GS2 requirements.

# DISPOSITION – Research for Disposal

If there's a Suspect/ Offender and no Arrest - make sure check in Document Locator for an Open Inactive status and Court View for a Docket due to a Capias request and if none continue with pe.mso.intranet-“View Additional Details” which is going to retrieve the EVIDENCE in the case in details w/ Property ID, IBR Status, Model, Description and Location.

If the Case is not under FSS 775.15 or FSS 925 -exceptions- proceed to calculate the Expiration Date on Retaining the Evidence (SOL) and use the “Incident Date”, “Statute”, Degree” and Statute of Limitation calculate de exact Statute of Limitation Date on Retaining the Evidence (SOL) as being : Incident Date(mm/dd/yyyy)+Statute of Limitation(years).

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# DISPOSITION – Research for Disposal

If there's a Suspect/ Offender and an Arrest was made under this case the following fields should be populated on the first page: Docket #, Case Number, Booking Number, OBTS Number, First/Middle/Last Name DOB, Statute, Charge Descr, Sentence, Disposition.

Additional info may appear in the following(s): evidence kept by Court listed into TrackMan at Clerk Of Court, Results from Sentence Calculation (if the Subject was already sentenced w/in the County) and/or Calculation DOC( if the subject was sentenced to DOC).

If “Expected Release Date”(DOC) or “Release Date”(MCCJ) is populated that would be the guideline on calculating the Statute of Limitation on Retaining the Evidence (S+60): DOC Release Date+60 days or Release Date+60 days.

Always double-check estimated release date date using FL Department of Correction – Homepage/Offender Search and/or JMS.

PR will be retained based on GS2 requirements.

# DISPOSITION – Research for Disposal

If there's a Suspect/ Offender and an Arrest was made under this case but the case is closed CID/CPID - AA=Unfounded use the date of the closure as reference when calculating SOL.

PR will be retained based on GS2 requirements.

# DISPOSITION – Research for Disposal

If case is still Open proceed w/RMS/Property/Evidence Management /Quick Update and change the “Next Action Date” into next year to the day and in Notes add all the research findings in detail so for the next time the case is up for Research, the whole process will start from those findings and not from the very beginning.

# DISPOSITION – Research for Disposal

If there's a Suspect/ Offender and an Arrest was made under this case but the case is closed SAO Declines , NOLLE PROS, DISMISSED or NFO at this time, JUV NFO proceed to calculate the Date on Retaining the Evidence (SOL) and use the “Incident Date”, “Statute”, Degree” and Statute of Limitation calculate de exact Statute of Limitation Date on Retaining the Evidence (SOL) as being : Incident Date(mm/dd/yyyy)+Statute of Limitation(years).

PR will be retained based on GS2 requirements.

# DISPOSITION – Research for Disposal

IF THERE ARE MULTIPLE DEFENDANTS proceed with research for each Defendant. Choose the one with the longest sentence or SOL and calculate retention date based on that date.



# DISPOSITION – Research for Disposal

If there's a Suspect/ Offender and an Arrest was made under this case but the case is closed SAO Teen Court / PTI Program Completed proceed to calculate de exact Statute of Limitation Date on Retaining the Evidence (S+60) being Date of Completion + 60 days.

PR will be retained based on GS2 requirements.

# DISPOSITION – Research for Disposal

After completion of the Research in “Notes” add ALL the findings and “Submit” to the proper authority recipient.

# DISPOSITION – Research for Disposal

IF CASE HAS BEEN EXPUNGED: Proceed w/Expunged / Sealed Case procedure.

IF MISSING PERSON CASE: Check to see if person has been found (usually an FCIC/NCIC Bolo available in Doc Locator or noted on the Incident screen in RMS); If found, treat as non-criminal. If not found, refer to Division Detective assigned to case.

PR will be retained according with GS2 requirements.

# DISPOSITION – Research for Disposal

## EXCEPTIONS

Any case where DNA evidence has been collected falls under 775.15 (15a, 16a) – Exceptions AND/OR 925.11 – Post Sentencing DNA testing (4) check w/Florida Statutes Criminal Procedures and Corrections and w/Detective assigned if case ready for destruction.

# DISPOSITION – Research for Disposal

## ABBREVIATIONS:

AW – Adjudication Withheld

A/W – Arrest Warrant

BDAY – Birthday

B/W – Bench Warrant

CC – Community Control

CJ – Central jail

CTS – Credit for Time Served

D – Day(s)

DC# - DOC ID Number

DJJ – Department of Juvenile Justice

DOC – Department of Corrections

JUV – Juvenile

M – Month(s)

NCF – No charges filed / Non arrest case

NFO – Not Filed On / SAO Decline, Charges are not filed as to...

NP=NOLLE PROS – Nolle Prosequi / SAO Declines Prosecution

PROB – Probation

PTI – Any Program (Pre Trial Intervention, Teen Court Too, Drug Court,...)

S+60 – Sentence plus 60 days

SOL – Statute Of Limitation

SUPV – Supervision

TERMED – Probation or Supervision Terminated

T/S – Time Served

VOCC – Violation of Community Control

VOP – Violation Of Probation

WKND – Weekend

YR – Year(s)

# DISPOSITION – Research for Disposal

Other terms used during research:

CONSECUTIVE = FOLLOW EACH OTHER IN ORDER ONE AFTER ANOTHER

Two or more sentences that are served at separate times, in sequence. One begins when the other ends.

CONCURRENT = MORE THAN ONE SENTENCE SERVED AT A TIME .

Two or more sentences which are served at the same time, simultaneously. When a subsequent sentence is run concurrent with an existing sentence then the two sentences overlap, and would not necessarily end at the same time.

COTERMINUS = TERMINATES UPON COMPLETION OF ANOTHER SENTENCE.

A sentence that ends at the same time as the one the defendant is now serving. A sentence that terminates upon completion of the inmate's other sentence. The effect is to accord retroactive effect to the subsequent sentence, basically making the sentence run concurrent and commencing at a date prior to the time the sentence is imposed.

# DISPOSITION – FLORIDA STATUTES

FSS 705 – LOST OR ABANDONED PROPERTY

FSS 775.15 – STATUTE OF LIMITATIONS

FSS 790.08 – TAKING POSSESSION OF WEAPON AND ARMS; REPORTS;  
DISPOSITION; CUSTODY

FSS 893.12 – CONTRABAND; SEIZURE, FORFEITURE SALE.

FSS 925 – MISCELLANEOUS PROVISIONS OF CRIMINAL PROCEDURE

FSS 933.14 – RETURN OF PROPERTY TAKEN UNDER SEARCH WARRANT

# DISPOSITION – Authority to Purge

The final authority to purge evidence from the property room is reviewed and authorized by the investigating officer. Additional approval is required from the SAO for certain cases. Court order is required for destruction of drugs, guns, gambling machines and accessories and pornographic material.

Authorization to purge refers to the process by which evidence from a case is reviewed to determine if it has potential evidentiary value. If not, the approval may be granted to dispose of the item(s).

The authorization to purge and dispose of evidence is reserved for the investigative officer, SAO, and Court.

Authority to purge refers to the person authorized to review the findings of P&E research for disposal and to make the decision with regards to the next action.



# DISPOSITION – Authority to Purge

The final authority to purge evidence from the property room is reviewed and authorized by the following:

## Immediate Destruction property

Patrol Drugs/Narcotics/Paraphernalia

DL / Tags

Patrol not assigned

Patrol assigned

CID

SID

CPID/CAC/DV

SID/Lt.

Traffic /Lt.

Submitting party

Det. Or Sgt. Assigned

Det. Or Sgt. Assigned

Det. Or Sgt. Assigned

Det. Or Sgt. Assigned

# DISPOSITION – Authority to Purge

Found / Safekeeping not related to criminal cases:

Patrol Drugs/Narcotics/Paraphernalia  
DL / Tags  
Patrol not assigned  
Patrol assigned  
CID  
SID  
CPID/CAC/DV  
Traffic

SID/Lt.  
Traffic / Lt. or Division Supv assigned  
CID / Sgt.  
Det. Or Sgt. Assigned  
Det. Or Sgt. Assigned  
Det. Or Sgt. Assigned  
Det. Or Sgt. Assigned  
Traffic / Lt.

Found / Safekeeping related to criminal cases:

Patrol Drugs/Narcotics/Paraphernalia  
DL / Tags  
Patrol not assigned  
Patrol assigned  
CID  
SID  
CPID/CAC/DV  
Traffic

SID/Lt.  
Traffic / Lt. or Division Supv assigned  
CID / Sgt.  
Det. Or Sgt. Assigned  
Det. Or Sgt. Assigned  
Det. Or Sgt. Assigned  
Det. Or Sgt. Assigned  
Traffic / Lt.

# DISPOSITION – Authority to Purge

## Misdemeanor cases:

Patrol Drugs/Narcotics/Paraphernalia

SID/Lt.

DL / Tags

Traffic / Lt.

Patrol not assigned

CID / Lt.

Patrol assigned

Det. assigned

CID

Det./Sgt. Or Division Lt.

SID

Det./Sgt. Or Division Lt.

CPID/CAC/DV

Det./Sgt. Or Division Lt.

Traffic

Traffic /Lt.

# DISPOSITION – Summary of steps

The following steps represents the Disposition Process:

Identify Evidence Due for Disposition,

Confirm Case Status,

Get final Sign off,

Final Disposition of Evidence.

# DISPOSITION – Summary of steps

Identify Evidence due for Disposition may be done by:

Daily report

OR

Notification of disposal sent per statutory requirements or due to a Court Disposition.

# DISPOSITION – Summary of steps

Confirmation of a Case Status:

Contact relevant parties to confirm case status

OR

Prepare necessary paperwork to request status of case from Investigator.

# DISPOSITION – Summary of steps

Get the final Sign Off:

If item is of value, determine if the item will be returned to owner or diverted for department use,

OR

Obtain written approval to return, release, or destroy the item.

# DISPOSITION – Summary of steps

Final Disposition of Evidence:

Return to Owner or Transfer to another Agency

Release for Auction, Reallocation, or Donation

Physical Destruction



# Notes / Comments

# Questions?