



# Edina Police Operations Manual

Policy Number  
800.00

Subject:

**PROPERTY AND EVIDENCE HANDLING AND STORAGE**

Effective Date  
06/01/1993

Revised Date  
08/11/2020

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## PURPOSE:

To provide for the proper receipt and storage of all property taken into the custody of the Edina Police Department. To ensure that property with possible evidentiary value is maintained in a secure manner. To provide for safe handling of dangerous weapons, explosives, and biohazards. To ensure the prompt return of property to the rightful owner(s) upon case closure.

800.01

## DEFINITIONS

### **Subd. 1 Property Maintenance System**

System of receipt, identification, documentation and maintenance of property taken into the custody of the Edina Police Department in the course of official duties.

### **Subd. 2 Commercial Crimes-Temporary Storage**

- a) Officers investigating commercial crimes may utilize the secure, property storage units located in the Southdale Police Precinct.
- b) These storage units will be considered secure, temporary holding areas for property items where a current investigation is underway and the final disposition of the property has not yet been determined.
- c) Once a determination is made regarding the status of the property, the property shall be processed in accordance with 800.02 Subd. 1.

### **Subd. 3 Property Storage Area**

Secure storage area designed for the maintenance of seized or recovered property with appropriate climate control to preserve the integrity of the property and electronic access control to limit access.

### **Subd. 4 Property and Evidence Specialist**

Department member designated to organize, manage and control the handling of recovered or seized property under the control of the Edina Police Department.

### **Subd. 5 Evidence**

Any property that comes into the custody of a law enforcement agency employee pursuant to an official criminal investigation when such property may tend to prove or disprove the commission of a crime or the identity of a suspect. This

includes evidence that has been admitted in court, as well as evidence that has remained in the possession of the property room.

**Subd. 6 Found Property**

Non-evidentiary property which, after coming into custody of the Edina Police Department, has been determined to be lost or abandoned and is not known or suspected to be connected with any criminal offense.

**Subd. 7 Property for Safekeeping**

Non-evidentiary property that is in the custody of the agency for temporary protection on behalf of the owner or court.

**Subd. 8 Property Staging**

Area designed for property packaging, identification and temporary secure storage prior to entry into the property maintenance system.

**800.02 PROCEDURES FOR HANDLING PROPERTY****Subd. 1 Duties of Employee(s) Taking Property into Custody**

- a) Place all property obtained in the course of the daily shift into the Edina Police Property Maintenance system prior to going off duty. In no instance shall an employee store property in a personal locker or other unauthorized location.
- b) Prepare a property inventory report (also known as voucher), as well as a property/evidence bag and/or property tag. The officer shall fill out all pertinent information on the evidence bag or tag:
  - Case number
  - Type of offense
  - Description of evidence
  - Suspect (If applicable)
  - Victim (If applicable)
  - Date and Time of Recovery
  - Officer's name

Place the property in the staging locker.

- c) Make appropriate inquiries through the communications center NCIC and State computer regarding serialized items to determine if the property is reported stolen and must note the status of the item on the property inventory.

**Subd. 2 Special Handling Procedures**

- a) Package separately each of the following items:
- Guns/firearms
  - Edged weapons
  - Drugs/narcotics
  - Jewelry
  - Currency – If the currency amount is over \$100 the employee and an additional employee shall each count the money. The inventorying employee shall fill in the denomination on the currency bag. Both employees shall sign the currency bag.
- b) A separate evidence bag shall be completed for each individual victim/owner of the property.
- c) The employee should deposit and tag, non-evidentiary large items (bicycles etc,) in the designated secured area (the impounded vehicle bay area). Indicate location of the item on the property voucher.
- d) The employee shall deposit large property (kegs, exercise equipment, etc.) in the large property room located in the basement of the Edina Police Department. This room shall just be utilized for property that does not fit in the property lockers or for large found property. Indicate location of the item on the property voucher.
- e) All property shall be packaged with clear packing tape to close the package. Tamper-evidence tape should be applied overlapping the clear tape and the package. The sealing employee's initials should extend across the seal onto the package.
- f) Biohazard Materials
- When applicable, all biohazard items should be packaged at the scene and then brought into the Edina Police Department.
  - Evidentiary property

To avoid cross contamination, items shall be package individually, inventoried, marked as biohazard, placed in appropriate bags or other containers and placed in the biohazard lockers and/or evidence refrigerator.

- General property

Shall be inventoried as biohazard on the property voucher, marked as biohazard, placed in appropriate bags or other containers and placed in the biohazard lockers.

**800.03      ITEMS REQUIRING SPECIAL HANDLING****Subd. 1      Firearms**

- a) Only licensed police officers should inventory firearms into the property room. An officer delivering a firearm to the property room shall (unless unable to) unload or disable the firearm before placing it in an appropriate box. If unable to put in a box the firearm should be tagged. The firearm serial number shall be recorded on the property voucher and the outside of the container or on the tag holding the firearm. The serial number shall be verified by another officer, prior to sealing the container.
- b) If the firearm cannot be unloaded or disabled, because of a malfunction or unfamiliarity with the firearm, the employee shall attach a note to the container or tag describing the malfunction and warning that the firearm has not been unloaded before depositing in the staging area.
- c) Make appropriate inquiries through communications center NCIC and State computer regarding serialized items to determine if the property is reported stolen and must note the status of the item on the property voucher.

**Subd. 2      Flammables**

See Policy 840.00 of this manual.

**Subd. 3      Explosives**

- a) Recreational fireworks may not be stored in the property room. The procedure is to take a photo of the fireworks for evidence and to place the fireworks in a bin in the armory to be disposed of by a CSO.
- b) No suspected explosives may be brought into the police department. Suspected explosives shall be inspected by bomb squad personnel and made safe, before an employee brings the item into the police department and into the property area.

**Subd. 4 Electronic Delivery Devices (E-Cigarettes/Vape Pens)**

- a) Adult Possession. If the device is believed to be used for illegal substances the following steps should be taken for evidence submission:
1. Take pictures of device and cartridge
  2. Take the cartridge (liquid) out of the device
  3. Submit the cartridge as evidence (this part can be sent to the BCA for testing or collected by the DTF if need be)
  4. Return the device to the owner if they have the legal right to possess it.
- b) Juvenile possession and use of an electronic delivery device (e-cigarettes/vape pens) is illegal. If the device is found in their possession the following steps should be taken as evidence submission:
1. Take pictures of device and cartridge
  2. Take the cartridge (liquid) out of the device
  3. Submit the cartridge as evidence (this part can be sent to the BCA for testing or collected by the DTF if need be)
  4. Destroy the device by placing it in the metal dumpster outside of the police station or at public works. Keep away from anything flammable.

Sale/distribution of electronic delivery devices prohibited to persons under age 18. Minn. SS [609.685](#)(1)(a), (2)(a) (2019)

Purchase/possession/use of electronic delivery device by person under age 18 prohibited. Minn. SS [609.685](#)(2)(b), (3) (2019)

- a) The device should not be submitted for evidence, unless it was a weapon in a crime.
- b) If the owner of the device is unknown, destroy the device by placing it in the metal dumpster outside of the police station or at public works. Keep away from anything flammable.

**800.04 RELEASE OF PROPERTY TO PUBLIC**

- Subd. 1** Property releases must be done during normal business hours, 9:00 AM to 4:00 PM, Monday through Friday, excluding holidays.
- Subd. 2** Appointments must be made with the property and evidence technician. In the event the property and evidence specialist is unavailable her/his direct supervisor can assist.

**800.05      SECURITY OF PROPERTY STORAGE AREAS****Subd. 1    Property Storage Area Electronic Access**

- a) The property and evidence specialist and his/her direct supervisor shall use an electronic key access to the property storage areas. All entrances and exits to the property room will be logged on security software. Reports will be printed monthly and filed by the property and evidence specialist's supervisor.
- b) The chief of police shall have access to the property room in cases of emergency when the property and evidence specialist and his/her direct supervisor is unavailable. In this situation, documentation will be given to the property and evidence specialist and supervisor as to the reason for gaining access date and time, and who gained access to the property room.
- c) Any further access to the property storage area is prohibited without the expressed permission of the chief of police. All property room access must be via an electronic key so entry/exit can be documented.

**Subd. 2    Entry to Property Storage Areas**

- a) Entry to property storage areas should only be made under the supervision of the property and evidence specialist or his/her direct supervisor.
- b) In the absence of the property and evidence specialist or his/her supervisor, property storage areas may be entered only when the following conditions are met.
  - A circumstance of emergency exists, or
  - A supervisor is present, and
  - Such entry will be documented to the property and evidence specialist and his/her supervisor. This documentation shall include the date, time, circumstances and justification of entry, name of the employee entering the property storage area(s), name of the supervisor who witnessed the entry and a summary of actions taken while these persons were in the property storage area(s). The documentation shall be kept by the office manager. All property room access must be via electronic key so entry/exit can be documented.

**800.06      DUTIES OF THE PROPERTY AND EVIDENCE SPECIALIST**

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- Subd. 1** The property and evidence specialist shall monitor the staging lockers, temporary lockers and the large property room on a daily basis during regular business hours.
- Subd. 2** The property and evidence specialist shall place the item(s) into property inventory and note on the property record/receipt the storage location for each item of property.
- Subd. 3** The property and evidence specialist has the right to refuse property into the evidence room that does not comply with packaging or property inventory standards. The inventorying employee's supervisor will be made aware of the situation and the items will be placed in a temporary locker to which the employee's supervisor will be given the key. It is the responsibility of the employee's supervisor to advise the employee as to the nature of the refusal and to follow up on the correction.
- Subd. 4** The property and evidence specialist shall arrange for delivery of evidence requiring laboratory testing to the appropriate facility.
- Subd. 5** The property and evidence specialist shall maintain a review process to evaluate evidence for purging on a regular basis.

## **800.07 WITHDRAWAL AND RETURN OF PROPERTY**

The following procedures will be completed in all instances of withdrawal and return of property.

- Subd. 1** The property and evidence specialist shall record the item number, date and time of removal, the location taken from and the location taken to, and shall sign his/her name on the property inventory receipt form, along with obtaining the signature of the person to who the property is being given.
- Subd. 2** When the property and receipt are returned to the property and evidence technician, the employee returning the item(s) will again sign off as will the property and evidence specialist. The evidence will be replaced into inventory and the receipt will be scanned into the property record.
- Subd. 3** In the event that the property and evidence specialist or direct supervisor is unavailable at the time of return, the property and signed inventory shall be placed in the property staging locker.

## **800.08 DISPOSAL OF PROPERTY**

- Subd.1** Authorized methods of property disposal

- a) Return to owner or finder.
- b) Sale by auction or release to contracted sales facility for sale per Edina City Code Article VII.
- c) Agency or other public use.
- d) Destruction.

**Subd. 2 Procedures applicable to all methods of disposal**

- a) The property and evidence specialist shall forward to the communications center a copy of inventories when firearms are authorized for disposal. Communications personnel shall then cancel any entry from appropriate state and national databases.
- b) No property item shall be released without proper identification and the signature of the person receiving the property. All stolen property that has been recovered and is released to the owner must be photographed. The photograph should be dated, marked with case number and scanned into the incident record.

**800.09 UNCLAIMED PROPERTY AND FINDER CLAIM OF PROPERTY****Subd. 1 Edina City Code 2-668 Disposal of Unclaimed Property**

2-668 Custody of Property Belonging to Others. All property belonging to others, which lawfully comes into the possession of the City in the course of municipal operations shall be kept in the custody of the police chief until claimed by its owner. Such property shall be surrendered to the owner only upon proof of ownership satisfactory to the police chief, and the payment of any fees, penalties or charges required by State Law or this Code.

2-669 Disposal of Unclaimed Property. Any such property which has been in the custody of the police chief for a period of 60 days may be sold in accordance with either of the methods provided in 2-670 and 2-671. All proceeds of the sale, less costs attributable to the sale, shall be delivered to the Treasurer and deposited in a fund entitled "General Fund-Sale of Property". If the owner of any such property sold in accordance with this Section shall furnish evidence of ownership satisfactory to the police chief within six months after the date of sale, the Treasurer shall deliver to said owner the proceeds of the sale of the property less any costs attributable to the sale.

2-670- Public Sale. Unclaimed property may be sold to the highest bidder at a public sale following not less than ten days prior notice published in the official newspaper of the City.

2-671- Private Sale. The City, at any time and from time to time, may enter into contracts with nonprofit organizations that have a significant mission of community service, for the purpose of disposing of unclaimed property through



the sale of such property by such nonprofit organizations. If the City so contracts, unclaimed property shall be disposed of in accordance with the terms and conditions set out in such contracts.

2-672- Record. A record shall be kept listing each item of property, the date and circumstances under which possession by the City was acquired, the date of publication of notice of public sale if sold pursuant to section 2-670, the date the property was transferred to a non-profit organization if sold pursuant to section 2-671, the date of sale, and the proceeds of the sale less any costs attributable to the sale.

2-673 Exception. This Section shall not apply to abandoned motor vehicles as defined in Section 1415 of this Code, or to property forfeited to the City pursuant to M.S. [609.53](#) through [609.5317](#).

*Ref. [https://library.municode.com/mn/edina/codes/code\\_of\\_ordinances?nodeld=SPACOR\\_CH2AD\\_ARTVII\\_UN\\_PR\\_S2-669DIUNPR](https://library.municode.com/mn/edina/codes/code_of_ordinances?nodeld=SPACOR_CH2AD_ARTVII_UN_PR_S2-669DIUNPR)*

### **Subd. 2 Finder Claim of Property**

Any found property for which the finder has requested claim shall be held for a period of 60 days and an effort shall be made to establish an owner. Should an owner not be located, the original finder must request claim to the property in writing.

### **Subd. 3 Agency Use of Property**

The department may make use of unclaimed property and property for which an original owner is not found. In all instances, a formal request, in writing, must be submitted to the chief of police by the person or division seeking use of the item(s) outlining the particular need and how it will be met by allowing the item to be placed in department inventory.

## **800.10 EVIDENCE RETENTION FOR ALL CRIMINAL CASES (Gross Misdemeanor and Felony Cases)**

Where the rules allow for prosecutor or law enforcement discretion, the decision whether to dispose of evidence should be guided by the potential future need for the evidence. This may include a need for the evidence in the case of a court-mandated retrial, to exonerate a convicted defendant, or to solve an unsolved crime through technology not currently available.

In cases prosecuted by the county attorney's office, requests for early destruction of evidence may be sent by e-mail to [ca.policemail@co.hennepin.mn.us](mailto:ca.policemail@co.hennepin.mn.us). In cases prosecuted by the city attorney's office, the city attorney should be contacted.

All transfers or destruction of evidence should be clearly documented, such that the precise disposition of a given item may be readily discovered when needed in the future. Methods of disposing of the evidence should conform to state law and local rules.

**Subd. 1 Disposition of evidence in cases, which remain uncharged or unsolved**

This category also includes cases in which one defendant was acquitted, but another person might be charged, and cases in which an arrest warrant has been issued but the defendant remains at large.

- a) General rule for homicides, criminal sexual conduct and kidnapping: Retain all evidence indefinitely.
  - In the case of a suspicious death, undetermined cause of death, or missing person suspected dead, retain evidence for at least six years, and do not destroy without the consent of the prosecutor.
  - If the perpetrator is deceased and there is no expectation another person will be charged with the crime, law enforcement may dispose of evidence at its discretion.
- b) General rule for all other criminal cases: Retain evidence for at least six years.
- c) Early destruction: Law enforcement may request an earlier disposition of a given item of evidence.
  - The prosecutor's consent is required.
  - Early disposition may be particularly appropriate in the case of bulky items.
- d) Exception: No early destruction of fingerprint or biological evidence of the perpetrator's identity is permitted.
  - With respect to evidence containing biological material, this exception applies only to the portion of such evidence necessary to obtain a biological sample sufficient for DNA testing.
  - Law enforcement must document when and how the portion was removed from the item of physical evidence.
- e) Special rule: Stolen property (non-contraband).

- At any time, if the owner requests the return of property, law enforcement may photograph the property and return it to the owner with the prosecutor's consent. See Minn. Stat. [609.523](#).
  - If the investigation is complete and no one is charged, photograph the property and return it to the owner with or without the owner's request.
- f) Special rule: Other personal property (non-contraband).
- If the owner requests the return of the property, photograph and return it to the owner with the prosecutor's consent.

**Subd. 2 Disposition of evidence in cases in which the defendant was convicted/pled guilty**

This category includes cases in which the defendant was found guilty by a judge or jury or entered a guilty plea.

- a) General rule: Retain all evidence until the expiration of sentence.
- "Expiration" includes the entire pronounced sentence, including conditional release periods.
  - Evidence may be destroyed upon the defendant's death if it occurs before expiration and there is no expectation another person will be charged with the crime.
- b) Early destruction: The law enforcement department may request an earlier disposition for a given item of evidence.
- For items that have been admitted in court, the consent of the prosecutor and the district court is required. See Minn. Stat. [590.10](#) (regarding biological evidence).
  - For items never admitted in court, only the prosecutor's consent is required.
  - Early disposition may be particularly appropriate in the case of bulky items.
- c) Exception: No early destruction of fingerprint or biological evidence of the perpetrator's identity is permitted if the identity of the perpetrator was an issue in the case.
- Law enforcement may consult with the prosecutor to determine whether identity was an issue.

- With respect to evidence containing biological material, this exception applies only to the portion of such evidence necessary to obtain a biological sample sufficient for DNA testing.
- Law enforcement must document when and how the portion was removed from the item of physical evidence.

d) Special rule: Stolen property (non-contraband).

- At any time, if the owner requests the return of property, law enforcement may photograph the property and return it to the owner with the prosecutor's consent. See Minn. Stat. [609.523](#)
- 120 days after sentencing and all appeals, law enforcement should photograph the property and return it to the owner, with or without a request.

e) Special rule: Other personal property (non-contraband).

- At any time, if the owner requests the return of the property, law enforcement may photograph the property and return it to the owner with the prosecutor's consent.

**Subd. 3 Disposition of evidence in cases in which the defendant was acquitted**

- a) General rule: If there is no expectation another person will be charged with the crime, law enforcement may dispose of the evidence at its discretion with the consent of the prosecutor.
- b) Special rule – Stolen property (non-contraband).
- If the defendant is acquitted and there is no expectation another person will be charged, return stolen property to its owner.
- c) Special rule – Other person property (non-contraband).
- If the defendant is acquitted and there is no expectation another person will be charged, return other personal property to its owner upon the owner's request.

**Subd. 4 Disposition of evidence in cases, in which the status of the offense or disposition cannot be determined**

- a) If the offense is a misdemeanor or petty misdemeanor marijuana offense, and the period of one year has elapsed since the initial time of offense, the

evidence seized may be disposed of in accordance with standard policies of this agency for drug disposal.

b) Exceptions:

- The evidence is linked to a gross misdemeanor or felony level crime.
- The county attorney or city prosecutor requires it to be retained.
- It is determined that the retention is necessary for any other reason.

**Subd. 5 Disposition of evidence in misdemeanor or petty misdemeanor cases in which the status of the offense or disposition can or cannot be determined**

- a) If the offense is a misdemeanor or petty misdemeanor and the disposition can be determined, retain the evidence until expiration of sentence.
- “Expiration” includes the entire pronounced sentence, including conditional release periods.
- b) If the offense is a misdemeanor or petty misdemeanor and the disposition cannot be determined, dispose of evidence after three years from the date of incident in accordance with MN Statute of Limitations [628.26](#).
- c) Exceptions:
- The evidence is linked to a gross misdemeanor or felony level crime.
  - The county attorney or city prosecutor requires it to be retained.
  - It is determined that the retention is necessary for any other reason.