

# Property and Evidence

## 801.1 POLICY

It is the policy of the Fargo Police Department to process and store all property in a manner that will protect it from loss, damage, or contamination, while maintaining documentation that tracks the chain of custody, the location of property, and its disposition.

## 801.2 PURPOSE AND SCOPE

This policy provides guidelines for the proper processing, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and those persons authorized to remove and/or destroy property.

### 801.2.1 DEFINITIONS

Definitions related to this policy include:

**Authorized Department Storage Facility** - A duly designated building, facility, or other location authorized for the storage of property and/or evidence received by the Department.

**Booking Member** - The Department member, sworn or civilian, who receives property on behalf of the Department and is responsible for properly processing, storing, and/or categorizing such property as evidence, found property or safekeeping.

**Contraband** - Any property which is unlawful for a person to use or have in their possession.

**Disposal of Property** - The permanent release and/or lawful destruction of any property received and/or maintained by the Department.

**Evidence** - Any property which may be of value towards resolving any criminal, civil, or administrative investigation or inquiry conducted by the Department (or one in which the Department is providing assistance), to include any item which may implicate or exonerate any person from an allegation of having committed an unlawful act.

**Evidence Property Manager (EPM)** - The duly appointed department member responsible for the overall management and security of any property received, stored, or disposed of by the department, as well as the overall management of the facilities used by the Department to receive, process, and store property and/or evidence.

**Evidence and Property Unit (EPU)** - The Department unit that is responsible for all evidence and property received and held by the Department. Assigned personnel are under the direction of the EPM.

**Evidence Room** - The Department's main evidence and property storage facility located within the headquarters building.

**Found Property** - Any property believed to be lost or abandoned by its lawful owner and has no real or possible evidentiary value, and is not relative to a criminal investigation.

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**Property** - Any item received or otherwise obtained by a member of the Department for evidentiary purposes, safekeeping, or pending the resolution of any criminal, civil, or administrative proceeding.

**Property and Evidence Processing Manual (PEPM)** - The Department's manual, which provides members with guidance on receiving, processing, packaging, labeling, and storing evidence, and is maintained within SOP 801.

**Safekeeping** - The maintaining of property which has no evidentiary value but is lawfully obtained and stored by the Department on a temporary basis for safekeeping purposes only.

**Temporary Storage Location** - Includes any duly designated locker, drawer, or other location authorized by the Criminal Investigations Division (CID) commander for the temporary storage of property and/or evidence received by the Department.

### **801.3 PROPERTY SECURITY**

The EPM shall maintain secure storage and control of all property submitted to the Evidence and Property Unit (EPU). The EPM reports to the Professional Standards Division (PSD) commander and is responsible for the security of all of the property storage areas. Property keys shall be assigned and maintained only by the EPM and assigned EPU personnel, who shall not allow the keys to be used by any member not assigned to the EPU and shall maintain keys in a secure manner.

Any individual entering the Evidence Room other than EPU personnel shall be accompanied by an EPU member, and must sign in and out on the logbook, giving the date and time of entry and exit, and the purpose, including a specific case number, if applicable.

### **801.4 GENERAL RULES**

- (a) Any member who comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in a designated locker or storage room, along with the property label, or released and properly receipted to the lawful owner. Care shall be taken to maintain the chain of custody for all evidence.
- (b) All property received or obtained by a department member shall be categorized into one of the following categories:
  - 1. Evidence
  - 2. Found property
  - 3. Safekeeping
- (c) All property received by department members, regardless of how it is categorized, shall be processed, packaged, and stored in accordance with this policy and the Property and Evidence Processing Manual (PEPM), SOP 801 (Evidence Manual).
- (d) All property received by department members, regardless of how it is categorized, shall be properly recorded in the Department's Evidence Records

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Management System (ERMS), and described in detail. Additional information relative to the condition of the property, how and/or why it was received by the Department, ownership of the property, the release of any property, etc., shall be properly documented and recorded on the appropriate department forms and within any corresponding case report(s).

- (e) Whenever possible, the appropriate inquiry shall be made on all property received by a department member to determine if it is lost, stolen, etc. The member receiving the property shall be responsible for making the inquiry and documenting the results within any corresponding case report(s) or on any other applicable department reporting form.
- (f) Where ownership can be established as to found property that has no apparent evidentiary value, excluding contraband, such property may be released to the owner without the need for booking. The proper documentation must be completed to document the release of property not booked. The owner shall sign the appropriate form acknowledging receipt of the item.
- (g) Department members are not permitted to retain or convert for their personal use any property, regardless of how it is categorized, that they receive through the performance of their duties.
- (h) All property received by the Department shall be purged and/or destroyed in accordance with this policy and the PEPM, SOP 801 (Evidence Manual).
- (i) All department members, their immediate family or any person acting on behalf of a department member or their immediate family, are prohibited from having any property received by the Department given or returned to them for their personal use without approval of the Chief of Police or unless acquired by way of sale or auction open to the general public.

#### 801.4.1 PROPERTY STORAGE

All property received by department personnel, including any property placed in a temporary storage location, shall be properly recorded, processed, and stored in an appropriate and authorized department storage facility no later than the end of the booking member's tour of duty, unless otherwise authorized by a division commander. Members booking property shall proceed as follows:

- (a) Under no circumstances shall property received by department members be maintained or stored in a location other than a department approved storage facility or temporary storage location.
- (b) The Department's Evidence Room shall be the primary location for storing property received by department members. Members shall utilize the designated property lockers adjacent to the Evidence Room to store property until an EPU member takes custody of the property.
- (c) Property storage lockers and/or other designated areas located at the Department approved motor vehicle impound building shall be utilized to store any property which is too large to be adequately stored in Evidence Room. This may include motor

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vehicles, boats, ATV's, trailers, etc., requiring indoor storage, or those categorized as evidence.

- (d) Motor vehicles, boats, ATV's, trailers, etc., received by the Department, but not categorized as evidence, shall be stored in the Department approved motor vehicle impound lot.
- (e) When a member places an item in a temporary evidence/property locker they must fill out a placard which identifies the members name, date, and case number (if available). In the event an item is going to remain in the temporary storage locker beyond the end of an member's tour of duty, the placard shall also state the shift or unit commander who authorized the extended temporary storage. The placard shall be locked inside the locker with the property, with the information facing so it is visible from the outside. When the property is removed from the locker the member shall erase the placard and place it back inside the unlocked locker.
- (f) Bicycles classified as found property shall be stored at the storage facility specifically designated for this purpose.
- (g) Motor vehicles pending any administrative forfeiture process, items classified as found property, or any other item may be stored at the motor vehicle impound building with the approval of the EPM or a shift or unit commander. The shift or unit commander approving the storage of any property (except bicycles) at this facility shall ensure the EPM receives notice of the storage of such property.
- (h) Whenever property is placed in any of the Department's authorized storage facilities other than the Evidence Room and regardless of how it is categorized, the booking member shall provide the EPM with written notification that such property has been received and where it is being stored.
- (i) Access to any of the Department's approved storage facilities shall be limited to department personnel or other law enforcement officials who are accompanied by a department member. Any other person requiring access to any of the Department's storage facilities may be granted access by the EPM or a shift or unit commander.

### 801.4.2 EVIDENCE

All property categorized as evidence shall be received, processed, packaged, labeled, and stored as described in the PEPM.

Department members shall obtain approval from an EPU member prior to removing any evidentiary property stored by the Department. EPU members shall be responsible for documenting the release of any evidence, to include which department member the evidence was released to and for what purpose.

If evidence is released under subpoena or court order a copy of the subpoena or court order shall be provided to the EPU member prior to release.

If the custody of any evidentiary property stored by the Department is transferred to another person after being released to the member by the EPU, the member transferring custody shall confirm and document the person's identity, the date and time of the transfer, obtain the person's signature on

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a department property receipt, and document the transfer in the Evidence Records Management System (ERMS).

#### 801.4.3 FOUND PROPERTY

Except for firearms, property received or obtained by department members and categorized as found property shall be documented and described in detail on the found property report/Receipt form (FPD Form #108).

Any member taking possession of a found firearm shall complete a case report under the designation of "Found Property Guns", as well as the firearms information form (FPD Form #100).

Any member taking possession of a found bicycle shall only complete the Community Service Officer (CSO) intake form (FPD Form #307).

Department members receiving any property categorized as found property shall examine the property in an attempt to identify an owner and to ensure the property does not pose a hazard. If the property can lawfully be returned to the owner, the member receiving the found property shall make a reasonable attempt to contact the owner and immediately return the property, ensuring that the owner signs the property report/receipt form. If the property cannot be immediately returned to the owner, the found property shall be processed, packaged, and stored in accordance with the PEPM. A copy of the found property receipt form should be provided to any person who delivers found property to a department member.

The person delivering the property to the Department shall be informed that they may make a request to have the property returned to them if the Department is unable to identify or locate an owner within 60 days of the property being received by the Department.

Property that is contraband, hazardous, contaminated or contains personal identifying information shall be disposed of in conformity with this policy and not returned to the finder. Such items include:

- Any gambling apparatus
- Explosives or incendiary devices
- Alcoholic beverages
- Firearms, knives or other dangerous weapons
- Cellular phones, computers or wallets

#### 801.4.4 PROPERTY MAINTAINED FOR SAFEKEEPING

Any property received or otherwise obtained by department personnel and categorized as safekeeping shall be properly recorded within a corresponding case report. A property for safekeeping receipt (FPD Form #107) shall be issued to the owner of the property at the time it is received.

Except for firearms, safekeeping property shall be released to the owner upon request unless it is unlawful for the owner to possess or reclaim the property. EPU personnel shall be responsible for the release of safekeeping property.

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### 801.4.5 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs or cases involving potential or reported drugging of an individual shall be processed in accordance with the PEPM.

### 801.4.6 EXPLOSIVES

Members who encounter a suspected explosive device shall promptly notify a supervisor or the Shift Commander. The bomb squad shall be called to handle explosive-related incidents and shall be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives, flammables, or other hazardous materials shall not be retained in an active police facility. Flammables or other hazardous materials shall be stored in accordance with the PEPM in the Department approved hazardous materials storage facility. Commercial grade fireworks and explosives shall be stored by the bomb squad at their approved storage facility if not immediately destroyed.

### 801.4.7 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed as follows:

- (a) Sexual Assault Evidence Collection Kits pursuant to Policy 606 (Sexual Assault Investigations) and the PEPM.
- (b) Blood or urine evidentiary samples obtained during the investigation of a suspected or reported drugging incident pursuant to the PEPM.
- (c) Any evidence collected which may contain DNA requires a ND Crime Lab DNA Information sheet, which should be completed by Evidence and Property Unit (EPU) personnel. Additionally, DNA analysis is limited to three items per personal injury case and two items per property case, unless prior approval is obtained from the ND Crime Lab.
- (d) Property stained with bodily fluids such as blood or semen shall be air-dried, preferably in the air drying unit, prior to booking.
- (e) All United States currency shall be manually counted or a currency counter should be used. The counting shall occur in the presence of another officer and independently verified by the second officer, as well as recorded on the member's body-worn camera. The currency shall be packaged in a currency envelope and the envelope shall be signed and initialed by the booking member. This includes currency from inside wallets, purses, and backpacks.
- (f) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should refer to the PEPM for guidance, and notify the EPU via email of any special requests for evidence processing by the ND Crime Lab.
- (g) Items which are potential biohazards shall be appropriately packaged and marked as such to reduce the risk of exposure or contamination.

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City property, unless evidence, should be released directly to the appropriate city department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

#### **801.4.8 EVIDENCE SUBMISSION TO STATE CRIME LAB**

General evidence submissions such as controlled substances and drug paraphernalia shall continue to be submitted to the crime lab by the EPU upon receipt of a written request from a prosecutor's office or the investigating member. DUI blood samples shall be submitted to the crime lab by the arresting member by logging the blood sample kit into the ERMS. The EPU shall then mail the sample to the crime lab.

#### **801.5 RIGHT OF REFUSAL**

EPU personnel may refuse any piece of property that is hazardous or that has not been properly documented or packaged. If property is refused, the EPU member shall maintain secure custody of the item in a temporary property locker or other safe location and notify the submitting member and the member's supervisor.

The submitting member shall make the necessary corrections as soon as practicable, but no later than the end of their next tour of duty.

#### **801.6 PACKAGING OF PROPERTY**

Packaging will conform to certain procedures outlined in the PEPM. Certain items require special consideration as outlined in the PEPM and shall be booked separately. Those items include:

- Controlled substances
- Firearms
- Property with more than one known owner
- Drug paraphernalia
- Fireworks
- Contraband
- Biohazards

Evidence should be packaged in the Department's evidence packaging area utilizing appropriate personal protection measures and evidentiary safeguards to ensure the integrity of the evidence. Except for supervisors, only members involved in the packaging of evidence or property should be present in the packaging room.

#### **801.7 RECORDING OF PROPERTY**

All property received by the EPU, regardless of category, shall be recorded through the ERMS. All items should have a bar code label bearing a unique, identifiable tracking number, a detailed description, the location and date it was received, and the submitting member's name and computer number.

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All location changes of property held by the Department shall be recorded within the chain of custody section of the ERMS and may also be documented in the narrative of the handling member's report as appropriate.

### **801.8 DISPOSITION OF PROPERTY**

Property Unit personnel shall request a disposition or status on all property that has been held in excess of 120 days and for which no disposition has been received from a supervisor or detective.

All property not held for evidence in a pending criminal investigation or proceeding, and held for 60 days or longer where the owner has not been located or fails to claim the property, may be sold at a public auction in compliance with existing laws, upon receipt of proper authorization for disposal.

Property not held for any other purpose and not claimed after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed.

Upon any release or sale of any property, the proper notation shall be made in the ERMS under the appropriate case number. Proceeds from the sale of unclaimed property shall be deposited into the City of Fargo General Fund.

#### **801.8.1 EXCEPTIONAL DISPOSITIONS**

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law or by a court of competent jurisdiction:

- Weapons declared by law to be nuisances
- Animals, birds and equipment related to their care and containment that have been ordered forfeited by the court
- Counterfeiting equipment
- Gaming devices
- Obscene matter ordered to be destroyed by the court
- Altered vehicles or component parts
- Narcotics
- Unclaimed, stolen or embezzled property
- Destructive devices
- Abandoned vehicles (N.D.C.C. § 23.1-15-07)
- Evidence related to a criminal offense before adjudication of the offense or expiration of the statute of limitations (N.D.C.C. § 12.1-34-02)

#### **801.8.2 UNCLAIMED PROPERTY**

Property that is no longer required as evidence, including U. S. currency that is not subject to seizure, and remains unclaimed after 60 days, shall be presumed abandoned property and shall



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be disposed of or sent to auction. Proceeds from any auction or currency shall be deposited into the City of Fargo General Fund.

Found U.S. currency turned over to this department shall be handed over to the finder if it is not claimed by a valid owner within 60 days. The finder also may be entitled to a reward from the state's Unclaimed Property Administrator (N.D.C.C. § 60-01-34; N.D.C.C. § 60-01-37).

#### 801.8.3 RETENTION OF BIOLOGICAL EVIDENCE

CID unit supervisors shall ensure that no biological evidence is destroyed without adequate notification to the following persons, when applicable:

- The defendant
- The defendant's attorney
- The appropriate prosecutor
- Any sexual assault victim
- The assigned investigating member

Biological evidence shall be retained for a minimum period established by this policy in the absence of guidance from statute . Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the assigned CID unit supervisor. Biological evidence retention periods as are follows:

Crime Categories (NIBRS*)	Open <sup>1</sup>	Charges Filed	Adjudicated	Unfounded/ Refused/Denied/No further Investigation
<b>Homicide Offenses</b>	Retain indefinitely	Retain indefinitely	At a minimum, retain for the length of incarceration	Dispose of upon receipt of authorization
<b>Sexual Offenses</b>	At a minimum, retain for the length of the statute of limitations	Retain pending adjudication	At a minimum, retain for the length of incarceration	Dispose of upon receipt of authorization
<b>Assault Offenses, Kidnapping/ Abduction, Robbery</b>	At a minimum, retain for the length of the statute of limitations	Retain pending adjudication	At a minimum, retain for the length of incarceration	Dispose of upon receipt of authorization

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<b>All Other Group A &amp; B Offenses</b>	At a minimum, retain for the length of the statute of limitations	At a minimum, retain for the length of the statute of limitations	Dispose of upon receipt of authorization	Dispose of upon receipt of authorization
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\*The FBI's National Incident-Based Reporting System (NIBRS) classifies 22 types of offenses as Group A crimes and 11 types of lesser offenses as Group B crimes. This table uses the NIBRS crime categories.

<sup>1</sup>Cases where someone was found not guilty after criminal proceedings and additional suspects have not yet been identified or charged should follow the same guidance as open cases.

#### 801.8.4 DISPOSAL OF PROPERTY

EPU personnel shall be responsible for the purging and disposing of all property, regardless of how its categorized, from the Department's authorized storage facilities, including documenting the disposal of any such property.

- (a) EPU personnel shall ensure the disposal of any property received and/or stored in a department storage facility, regardless of how it is categorized, is accomplished in full compliance with established law, and within the parameters of any City of Fargo and/or Fargo Police Department policy, procedure, or directive which regulates the disposal of any such property.
- (b) Except as otherwise described within this policy and/or the PEPM, department members are prohibited from destroying or disposing of any property, regardless of how it is categorized.
- (c) The member assigned to a case where he/she is conducting the investigation in which property categorized as evidence shall be responsible for authorizing the release and/or disposal of any such property in cases where the investigation or prosecution is no longer pending.
- (d) EPU personnel shall release and/or dispose of property categorized as evidence only after receiving notification to do so from the booking member, case officer/investigator or the appropriate prosecutor's office.
- (e) When purging property from the Department's authorized storage facilities, EPU personnel shall ensure that the booking member or the member responsible for conducting the investigation in which the property is relevant as evidence is notified prior to purging the evidence. Department personnel receiving any such notice from the EPU shall respond by completing the Property Disposition/Review Form and return it to the EPU within 14 days of receiving the notice.

#### 801.8.5 CONVERSION OF PROPERTY FOR DEPARTMENT USE

Property received and/or stored by the Department, which is scheduled for disposal, regardless of how it is categorized, may be converted to department use.

- (a) Department personnel wanting to convert any such property to department use shall submit a written request to their respective division commander, who may approve the request. The division commander shall ensure the property is retained and used by

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the Department in a lawful manner. Under no circumstances shall property be used by department personnel prior to it being authorized.

- (b) Any property authorized for conversion to department use shall be recorded as such by the department's EPM and included in the Quartermaster's standard property/equipment inventory until such time as the property is no longer needed or usable. The Quartermaster shall record the disposal of any such property in the same manner as all other department owned property/equipment.
- (c) Property such as general office supplies or other equipment of minimal value which is converted to department use and does not bear a distinct model or serial number, may simply be recorded as such by the EPM.
- (d) Department personnel taking custody of any property defined by this policy as contraband and converting it to department use shall be responsible for the safe and secure maintenance of such property. When not in the immediate possession of the member responsible for the property, it shall be stored in an approved and secure location within a Fargo Police Department facility, unless otherwise authorized by the PSD commander.

### **801.9 PROPERTY CONTROL**

Each time the EPU property or releases property to another person, he/she shall enter this information in the ERMS under the applicable case number. Members desiring property for court should contact the EPM or designee at least two business days prior to the court day.

#### **801.9.1 TRANSFER OF EVIDENCE TO CRIME LABORATORY**

Transfer of evidence items to a laboratory for analysis shall be accurately documented within the chain of custody section of the ERMS. Documentation required by the lab must be properly completed and submitted to the EPU for transfer with the evidence. Evidence may be transferred to the lab via certified mail through the USPS with return receipt or via hand-to-hand delivery by an on-duty department member utilizing a department vehicle.

All transfers of evidence to a laboratory for analysis shall be arranged and facilitated only by the EPU staff following established department procedures.

#### **801.9.2 STATUS OF PROPERTY**

Each EPU member receiving property shall make the appropriate entry in the ERMS to document the chain of custody. Temporary release of property to officers for investigative purposes, or for court, shall be noted in the ERMS, stating the date, time and to whom it was released.

EPU personnel shall obtain the signature of the person to whom property was released and the reason for release. Any member receiving property shall be responsible for such property until it is returned to the evidence and property room or released to another authorized person after obtaining a signed receipt of transfer and entering the transfer in the ERMS.

The return of the property shall be recorded within the ERMS, indicating date, time and the person who returned it.

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#### 801.9.3 AUTHORITY TO RETURN OR DESTROY EVIDENTIARY PROPERTY

EPU personnel shall not release any property being retained for evidentiary purposes or pending the resolution or any criminal, civil, or administrative proceeding in order to return to an owner or set for destruction without documented authorization from an appropriate authorized member of the Department. The respective assigned members shall authorize the disposition or release of all evidence and property relative to their assigned cases coming into the care and custody of the Department when appropriate to do so.

EPU members shall release evidentiary property in the custody of the Department and owned by a victim or witness, upon the request of the owner and with the written approval from the member assigned to the case unless the property is contraband. In lieu of release, EPU members may provide a list describing the property, unless such release would compromise the integrity of an investigation.

Officers or detectives, who have taken custody of evidentiary property, may photograph and release the property to the owner with approval of a supervisor. When in doubt if the property should be released a prosecuting attorney should be consulted.

EPU personnel may return or dispose of any found or safekeeping property, with the exception of firearms, in accordance with this policy and with review and approval by the PSD commander.

#### 801.9.4 RELEASE OF PROPERTY

In conformity with this policy, a reasonable attempt shall be made to identify the rightful owner of any property coming into the Department's possession and immediately return such property to the owner.

Property belonging to a crime victim shall be promptly released to the victim unless needed for evidence within 10 days of being taken or recovered, or as expeditiously as possible, unless the property is contraband or otherwise excluded (N.D.C.C. § 12.1-34-02(9)).

Release of property from the EPU requires a property disposition form, listing the name and address of the person to whom the property is to be released. The release authorization shall be submitted to the EPU via email or via a signed disposition form approved by the authorizing supervisor or detective/officer, and must specify the item(s) to be released. Release of all property shall be properly documented within the ERMS.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 60 days. During such period, EPU personnel shall attempt to contact the rightful owner by mail when sufficient identifying information is available.

EPU personnel shall release the property to the owner or finder, upon valid identification and proper documentation presented by the owner or finder, for which an authorized release has been received. The owner or finder may be required to pay any costs incurred by the agency, such as costs for advertising or storage. Upon release or other form of disposal, the proper entry shall be recorded in the ERMS. A signature of the person receiving the property shall be recorded.

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#### **801.9.5 STOLEN OR EMBEZZLED PROPERTY**

Stolen or embezzled property that is in the custody of the Department shall be restored to the legal owner upon receipt of a court order (N.D.C.C. § 29-01-21). However, goods used for personal, family or household purposes or property that is covered by a certificate of title may be released to the legal owner without necessity of a court order (N.D.C.C. § 29-01-20).

The Department shall dispose of stolen or embezzled property that has not been claimed by the owner within 60 days following the conclusion of criminal court proceedings. Property that is not money shall be sold and the proceeds paid to the City of Fargo Finance Office.

#### **801.9.6 DISPUTED CLAIMS TO PROPERTY**

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a court order or establishes proof of the undisputed right to the property (N.D.C.C. § 12.1-34-02(9)). All parties should be advised that their claims are civil. In extreme situations, legal counsel for the Department may be asked to file an interpleader in court to resolve the disputed claim.

#### **801.9.7 RELEASE AND DISPOSAL OF FIREARMS AND AMMUNITION**

Under no circumstances should any firearm or ammunition be returned to any individual unless and until such person presents valid identification and proof that the individual may legally possess such items. Prior to releasing any firearm a firearms disposition form (FPD form #103) shall be completed and a prohibited person records check shall be conducted to ensure the owner is lawfully able to possess the firearm. The results of the background check shall be reviewed and approved by the PSD commander prior to release of the firearm.

Pursuant to a court order, a forfeited dangerous weapon may be sold at public auction, sold or traded to other law enforcement agencies or dealers, retained for use, or destroyed (N.D.C.C. § 62.1-01-02).

The Property Manager shall determine if a firearm has been lost by, stolen from or otherwise unlawfully obtained from an innocent owner and notify the owner, if located, before disposal. Dispositions of firearms shall follow the steps and reporting set forth in N.D.C.C. § 62.1-01-02.

#### **801.10 REPORT OF ABANDONED PROPERTY**

When currency is deemed abandoned pursuant to this policy, the EPM shall send notice to the City Finance Department reporting the efforts made to contact the owner. The City Finance Department shall complete and electronically file a North Dakota Unclaimed Property Report Summary to the Unclaimed Property Division of the Department of Trust Lands annually. The report shall be submitted November 1 and cover the 12 months preceding July 1 of that year (N.D.C.C. § 47-30.2-21; N.D.C.C. § 47-30.2-22; N.D.C.C. § 47-30.2-23).

Within 120 days of filing the report, the EPM shall send a written notice to any apparent owner of abandoned property at the owner's last known address that the Department has possession of the property. This notice shall be sent if all of the following are met:

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- (a) The Department has an address for the apparent owner, which reasonably appears to be accurate.
- (b) The property has a value of \$25 or more (N.D.C.C. § 47-30.2-26; N.D.C.C. § 47-30.2-27).

### **801.11 INSPECTIONS OF THE PROPERTY**

On a monthly basis, the EPM shall inspect the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

- (a) Unannounced inspections of evidence storage areas shall be conducted annually, as directed by the Chief of Police.
- (b) An annual audit of evidence held by the Department shall be conducted by a supervisor, who is not routinely or directly connected with evidence control, as assigned by the PSD commander.
- (c) Whenever a change is made in personnel who have access to the Property, an inventory of all evidence/property shall be done by an individual not associated with the Property or its function to ensure that records are correct and all evidence property is accounted for.

### **801.12 REVISION DATE 05/20/2025**