

CHAPTER FIFTY-FOUR

EVIDENCE AND FOUND / RECOVERED PROPERTY

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CHAPTER FIFTY-FOUR

EVIDENCE AND FOUND / RECOVERED PROPERTY

I. PURPOSE

The purpose of this directive is to establish procedures for the collection, storage, disposition of evidence and property, and guidelines for the Evidence and Found Property component.

II. DISCUSSION

This directive shall apply to all Sheriff's personnel. It is the policy of the Sheriff of Monroe County to maintain evidence and seized or recovered property in accordance with Federal, State, and Local Statutes and court decisions relating to evidence and seized or recovered property; and to return such property to its rightful owner(s) in a timely manner. In all criminal or civil cases where physical evidence is collected, that evidence or seized and recovered property is the responsibility of the seizing member. All evidence and seized or recovered property, once collected by a member, and is turned over to a District Property / Evidence Assistant or Headquarters Property / Evidence Assistant or Custodian, the responsibility for the evidence and seized or recovered property shall become that of the District Property / Evidence Assistant or Headquarters Property / Evidence custodian (Manager). Headquarters Property / Evidence Custodian (Manager) is responsible to the Major of the Bureau of Administration. The Monroe County Sheriff's Office follows guidelines set forth by the Florida Department of law enforcement for the collection and preservation of evidence.

III. DEFINITIONS

1. Evidence – Anything, which may be used during criminal prosecution to establish a case and to prove facts of a crime before a court of law.
2. Property - Money, valuables, and other objects of personal ownership, which may have been lost, stolen, or abandoned.
3. Handling - Used in the broad connotative sense to indicate one or more of the following general actions that may be performed in the course of processing evidence or property; collection, identification, preservation, receipt, analysis, storage, trial presentation, and eventual disposition.
4. Chain of Custody - The written record referring to the continuity of custody of material and items collected as physical evidence or found or recovered property. The connotation under the law is that the items or material introduced into Court, at the time of trial, is the exact same item as initially taken into custody.
 - a. The Chain of Custody assures continuous accountability. It begins when an item of evidence is collected or when any property is recovered or turned over to a member of the Monroe County Sheriff's Office. The Chain Of Custody is maintained until final disposition of the property. If the Chain of Custody is not maintained, an item of evidence may not be admissible into Courts of Law.
 - b. Each individual in the chain of custody is responsible for any item of property while it is in his/her custody, to include its final disposition.
 - c. When all lines for Chain of Custody are used up, a continuation sheet will be added to the back of the Property Report. The sheet has been designed with space on the top right corner for the case number, and Property Receipt number and approximately 12 additional lines for signatures.
 - d. Whenever a transfer of custody of physical evidence takes place, it will be documented on the property receipt to include the following:

- 1) The date, time and method of transfer;
 - 2) Receiving person's name and responsibility; and
 - 3) Reason for the transfer.
- 5. Evidence Vault** – A secure area to ensure the integrity of all stored evidence / property. Only authorized personnel shall have access to areas used by the Office for the storage of property and/or evidence. Any person(s), other than the Property / Evidence Custodian and Property / Evidence Assistants, who are granted access to the storage and vault areas will sign and date an Entry Log for the Property Custodian, or access will be denied.
- a.** Every person granted access shall sign and date an entry log maintained at the Evidence Room door, or he/she will be denied access.
 - b.** Persons granted access to a specific Property Room, shall be escorted at all times by an authorized member for that Property Room.
 - c.** Inspections of the evidence area by other supervisory personnel shall be conducted in the presence of an authorized member for that Property Room.
 - d.** Only authorized personnel shall have entry control devices (keys, security passwords, combinations, etc.) for unlimited access to the evidence and vault areas. This shall be strictly enforced by the Property Director. An emergency entry control device (key, combination, etc.) for the Headquarters Property area shall be maintained by the Property Director. An emergency entry control (key, combination, etc.) for the District property areas shall be maintained in a sealed container in the personal control of the Property Director.
- 6. Refrigerated Storage** - Perishable items, such as body fluids, must be stored immediately or as soon as possible so that their properties are as unchanged as possible prior to their being examined in a laboratory.
- 7. Controlled Substances** - Narcotics and other dangerous drugs must be maintained separately from other categories of property.
- 8. Weapon** - Any device designed, redesigned, used or intended to be used for offensive or defensive purposes, the destruction of life or the infliction of injury. To include, but not limited to any dirk, metallic knuckles, slingshot, spear gun, billie, tear gas, chemical weapon or device and/or other deadly weapon except a firearm or a common pocket knife. Weapons will be maintained separately from other categories of property and will be unloaded unless the integrity of the evidence dictates otherwise (and will be then noted on the Property Receipt – “Loaded” or “Unloaded”).
- 9. Money and Jewelry** - has to be stored separate from all other evidence / property. Currency and jewelry must be packaged separate from other items.
- a)** Currency must be broken down into denominations. Plastic bags specifically for money are provided at all sub-stations. The impounded officer shall fill out the information on the bag, especially the amounts and denominations of the currency in the bag.
 - b)** Jewelry shall be listed as each item by description, (i.e., yellow metal, white stones, red stones.)
- 10. Property / Evidence Custodian** - the member Appointed by the Sheriff to supervise and be responsible for all evidence and property physically within the Monroe County Sheriff's Office.
- 11. Property / Evidence Assistant** - a member Appointed by the Sheriff to Assist the Property / Evidence Custodian in the daily operation of the Property / Evidence function.

12. Sector property / Evidence Personnel – a member or members appointed by the Sheriff, under the Supervision of the Property / Evidence Director, to be responsible for all evidence and property physically within the district (to include, but not limited to, all evidence in criminal cases, found and abandoned property.) He/she will oversee the chain of custody procedures, and ensure that evidence-handling procedures are followed. He/she will notify Headquarters property / Evidence of all items received into or transferred out of the District property Room on a weekly basis (to include, but not limited to, all evidence in criminal cases, found and abandoned property). The Department maintains it's primary storage facility at 500 Whitehead Street, Key West, Florida 33040. Satellite property rooms are located at Marathon Substation and Spottswood Station (Plantation Key) All property stored with the MCSO is entered into an in-house computer system, which gives the exact location of property.
13. Firearms - means any weapon (including a starter gun) which will, is designed to, and/or may readily be converted to expel a projectile by the action of an explosive; the frame and/or receiver of any such weapon; any firearm muffler or firearm silencer; and destructive device (i.e., bang stick, etc.); and/or any machine gun. The term firearm does not include any antique firearm unless the antique firearm is used in the commission of a riot; the inciting or encouraging of a riot; or the commission of a murder, an armed robbery, an aggravated assault, an aggravated battery, a burglary, an aircraft piracy, a kidnapping, and/or a sexual battery.
14. Antique Firearms - means any firearm manufactured in or before 1918 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1918, and also any firearm using fixed ammunition manufactured in or before 1918, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.
15. Electronic Weapon or Device - is any device which through the application or use of electric current, is designed, redesigned, used, or intended to be used for offensive or defensive purposes, the destruction of life or the infliction of injury.

IV. POLICY AND PROCEDURE

A. Evidence Submission

1. All evidence submitted to the Evidence / Property Room shall be properly identified, marked, sealed, initialed, recorded, and a receipt made. All sections of the Property Receipt shall be filled out. The original Property Receipt shall be submitted with the evidence. All evidence must have an Agency case number and all evidence / property will be packaged. All evidence seized by Deputies of the Monroe County Sheriff's Office and other Law Enforcement Agencies shall be maintained in the personal custody of the seizing Deputy, or placed in the Division's Evidence lockers for Division's I, II, III and IV. Under no circumstances shall a Deputy or Investigator retain evidence or property beyond their tour of duty each day.
2. Each item of evidence shall be listed on a Property Receipt. For each case, no two items will have the same item number on the same Property Receipt. The Property Receipt shall have a complete listing and description of each item of evidence. Item description shall include a physical description, serial number(s), if available. No section of the Property Receipt will be left blank. The notation N/A will be used if applicable.
3. Each individual in the Chain of Custody shall sign the property receipt on the next available line, and shall affix the date and time property was received/released. All individuals handling evidence shall supplement the case as to their participation in the chain of custody. (This last sentence does not include the Property Custodians or Laboratory members.)
 - a. When an officer is placing evidence or property and receipt into a locker or collection receptacle he/she WILL on the next Chain-of-Custody line sign his/her name and under "Reason" write "Submitted to property Locker (# - if applicable), date and time

4. All physical evidence recovered at a crime scene shall be properly marked, sealed, initialed and labeled. This is the first step in the chain of custody. Refer to Chapter 34 for further information. Any surveillance video tapes generated during the course of any investigation shall stand alone on a separate property receipt and will be bagged into evidence separately.

5. Items that are wet must be packaged in paper bags. Use additional paper for absorbency if necessary.

CALEA 41.3.8 B

a. Bags must be sealed, initialed and labeled to correspond to items on the property receipt.

b. Items that require drying must be transported to Key West Property / Evidence Division, as the District property vaults are not equipped with drying facilities. When the items are dry, the investigating officer or property personnel will repackage, seal and label the items.

B. Property Submission

Under no circumstances will property / evidence leave the custody and control of the Property / Director / Assistant without the person gaining custody of the property / evidence, signing the property receipt with reason, date and time. All property must have a case number (Agency) and all property must be packaged.

1. Deputies obtaining possession or custody of lost, found, stolen, or, abandoned property shall prepare a Property Receipt. (This does not include vehicles, boats etc. These go on a Motor Vehicle Acquisition form.) All sections of the property receipt shall be properly filled out. The original Property Receipt shall be submitted to the Evidence Custodian along with the property. The Evidence Custodian or designee will sign the original and will provide a copy for the acquiring Deputy or Station.

2. A copy of the property receipt for all new items will be sent to Headquarters Property weekly basis. All property transactions will be entered into the Property / Evidence computer system within two (2) working days of the notification of the activity. A copy of all property receipts with a new change of custody will be sent to headquarters Property on a weekly basis. Headquarters Property will print reports of Property / Evidence activity for each District on a monthly basis, as well as on request. The District Commander has the authority to determine the property / evidence he/she wishes to have stored in that District's vault. As an administrative requirement, Headquarters property / Evidence must know what property, evidence, found and/or abandoned property, and sting drugs are in the custody of the Sheriff's Office, and where such property / evidence is stored. the Headquarters Property / Evidence van shall transport any property / evidence that requires laboratory analysis, or for other reasons, such as destruction or lack of storage space in the District Property Room as necessary. The original property receipt shall remain in the Property Room where the property evidence first came into the custody of the Sheriff's Office. Once all items on a property receipt have been released (returned to the owner or released to the courts), or are to be transferred to headquarters Property / Evidence, the original property receipt with all original documentation will be sent to headquarters Property. Every property receipt must be logged into the computer program and change of custody be updated according to the changes.

3. Property Release – Headquarters Property / Evidence is responsible for final destruction or disposition of all property / evidence. The property receipt shall indicate to headquarters Property / Evidence the authorization to dispose of the item(s).

4. Headquarters Property / Evidence shall transport any property / evidence to headquarters to the District property Rooms as necessary

5. Evidence needing any type of analysis is to be packaged separately from each other. Money, jewelry, photos, tapes and firearms may be on same receipt but must be packaged separate. Drugs must be on separate receipt and packaged separate.

C. Packaging

1. All evidence / property, however it is collected, shall be properly packaged, sealed and initialed. There are a variety of containers that can be used to package property / evidence but under most general circumstances unless otherwise stated use plastic heat-sealed bags that are provided. Packages must be no smaller than 5" x 7". Plastic bags are suitable for small dry objects. Do not put damp or biological evidence in plastic bags. In this case, use individual paper bags or cardboard boxes. Label each bag with the case number, property receipt number and the item number.
 - a. Firearms - All firearms will be unloaded. If for any reason a loaded firearm must be submitted, it must be clearly and boldly marked as being "**LOADED**". The firing mechanism must be protected to prevent an accidental discharge. Notify the Property Officer to have the firearm unloaded as soon as possible.
 - b. Arson Material - All arson material should be placed in a clean, unused, sealable metal or glass container to prevent any loss of fluid or vapor. Only one exhibit per container. Metal containers are available from the Crime Scene Technician in your area or the Property Section at Headquarters.
 - c. Knives – Sharp objects must have the blade or sharp area covered with a few sheets of paper or like material wrapped around the sharp area, in order to protect the seizing officer and all members of the chain of command from accidental injury or puncture of the package.
 - d. Drugs – marijuana plants should be placed in paper bags, not in plastic. Dried ground or crumbled leaves can be placed in plastic bags.
 - e. Liquids – Proper containers will be used for the collection and storage of liquid evidence. Vials and small glass collection bottles will be used to prevent spillage and contamination. Containers will be sealed with evidence tape, initialed and placed in a paper evidence bag. The evidence bag will be properly marked and identified with a biohazard warning, if applicable.
2. Garments and large items that are not heavy can be put in paper bags or boxes.
3. If the item is large and heavy like a Television or a Microwave it can be tagged. If the large, heavy item needs to be processed, the loss of adhering evidence can be prevented by placing a large plastic or paper wrapping over the evidence and sealing the bottom with tape. Always use clean, new containers to prevent contamination.
4. Do not over-seal and complicate opening the container. Never use staples to seal evidence, they do not make an acceptable seal. You can use brown paper bags or plastic bags. If submitting evidence for analysis, it must be sealed with evidence tape over all the openings. The tape must cover the opening of the bag. Initials must go on tape and to include the package.
5. If Property / Evidence is not packaged, marked and sealed properly it will not be accepted by the Evidence Custodians. It will be returned to the submitting officer's immediate supervisor for correction. This is to insure that the submitting officer is educated as to proper evidence handling and packaging.

D. Disposition of Property and Evidence

1. The Deputy shall make an attempt to locate and notify the owner of the property in custody. The status of the attempt shall be recorded on the property receipt form. If the Deputy is unable to notify the owner, the

Property Division shall then be responsible for notifying the owner once the property is received into the Property Division. If located, the owner shall be notified of the status of their property and the procedure for its return. If owner is not located, the property will be advertised and then forfeited to the department, donated or destroyed.

2. To ensure continuity and consistency within the agency the following procedures will be followed:

a. Each Deputy who has evidence or impounded property shall be responsible for the certain and final disposition of all property and evidence placed in the Evidence Room by the member's authority, unless the investigation has been referred to another investigator. In the event the other investigator has control, it shall become that member's responsibility for certain and final disposition of the property. In the event the Deputy or investigator is not available, the member's supervisor shall become responsible for release of said property.

b. Photographs - In cases where a photograph of evidence / property shall suffice for Court purposes, evidence / property shall be photographed and promptly returned to the owner. This shall be done in accordance with Florida State Procedural Law 90.91. This is located in the Florida Law Enforcement Handbook. All photographs must be packaged separately.

c. Video / Audio Tapes – All video / audio tapes must be packaged separate.

CALEA 41.3.8 C

d. Drugs – All drugs must be packaged separately.

3. Sign-out of Evidence - Evidence / Property Records shall indicate that evidence has been signed out and not returned. A copy of the Property Receipt is furnished with the evidence on sign-out and will be returned with the evidence after examination, or Court. If the evidence is retained by the Clerk of the Court or an Assistant State Attorney the Deputy will notify the Evidence Custodian, and will return the copy of the Property Receipt with this duly noted in the chain of custody section.

a. If final disposition is received to dispose of property / evidence, it will be transported to Property Headquarters for disposal.

4. Return of Property - Person(s) appearing at any the Monroe County Sheriff's Office requesting the release of property shall conform to the following:

a. Contact the Evidence Room and ascertain if there is a release on file. If it is properly completed and authorizes release to the specific person(s) requesting the property, the property may be released upon proper identification.

b. If there is "No Release" on file, person requesting the items must get release from SAO or seizing Deputy.

c. Establish that the property / evidence or money is of no evidentiary or forfeiture value.

E. Suspected Controlled Substances

1. All suspected controlled substances seized by Deputies of the Monroe County Sheriff's Office, shall be maintained in the personal custody of the seizing Deputy, until such time as it can be properly turned over to the evidence room or placed in the Division Evidence locker for Division's I, II, III and IV. See Evidence Submission paragraph of this section.

2. Controlled substances submitted to the evidence room shall be handled the same as any other laboratory submission (packaged and receipt separate from other items).

See Laboratory Submissions of this section, Paragraph H. (FDLE)

3. Packaging, Marking, Weighing, and Transmittal

- a. Following seizure of suspected controlled substances, the seizing officer shall place the item in an evidence container.
- b. Proper packaging for specific items:
 - 1) Plants - whole plants will be folded and packaged in paper bags wrappings. Loose plant material will be packaged in paper bags or manila envelopes. Remove the soil, roots and foreign material first.
 - 2) Powder, Capsule and "Rocks"- the suggested containers are plastic bags with evidence tape covering openings.
 - 3) Drug Paraphernalia - package each item separately to prevent cross contamination.
 - a) Hypodermic Needles - whenever physically possible, remove the needle from the syringe but **NEVER** cut the needle as this will cause splashing. Place the syringe into a plastic syringe container supplied to the Division Offices.
 - (1) If a syringe container is not available and the syringe has the cap intact, package it in a sturdy, crush proof container such as a cardboard box. If the needle is exposed push it into a cork or eraser to cover the end, then package it as described above.

NOTE: Label the Container * * * **CAUTION** * * * **SYRINGE NEEDLE** * * *

c. Marking and Weighing

- 1) The container shall bear the case number, date and place seized, item number, property receipt (inventory) number, suspect's name (if applicable) and member's name and unit number.
 - 2) The container shall be closed and sealed with evidence tape. The seizing Deputy shall affix his/her initials on the seal in such a manner as to include the tape and container under the initials.
 - 3) The container shall be weighed, in the evidence room, by the Evidence Assistant and the gross weight (substance and its container) shall be entered on the property receipt, at the bottom of the description lines, or away from items listed. Property employee shall note weight of items, (i.e., "1 pkg. - 5gr."), and initial.
- d. Suspected drug evidence shall be packaged and receipted separately from general evidence.
 - e. Multiple controlled substance items can go on the same Property Receipt as long as each item is individually packaged, to avoid contamination.
 - f. Several (no smaller than 5 x 7) sealed containers may be placed in one larger container (optional); however, the larger container shall not be sealed until the individual controlled substance containers are weighed and inventoried against the property receipt by the Evidence / Property Assistant or Director.
 - g. Each item of controlled substance shall be recorded on a Property receipt describing each item as completely as possible. In addition to a physical description, the quantity and weight (where applicable) shall be recorded on the Offense / Incident Report.
 - h. The evidence, the original and all copies of the Property Receipt shall then be placed in the evidence storage locker at the Division Offices or the Division Property / Evidence room. The Property Receipt shall not be

sealed inside the sealed package with the evidence, just placed with it. A member of the Headquarters Property / Evidence staff shall visit each Division Office on a periodic schedule to transfer Property / Evidence to and from the Headquarters Property facility.

4. Destruction of Controlled Substance Evidence

- a. When controlled substances are to be destroyed, a Court order shall be obtained authorizing the destruction of controlled substance evidence identified by case number and a description of the items to be destroyed. Narcotics for destruction shall have a final disposition from the SAO or officer, requesting case be disposed of.
- b. If at anytime during the preparation phase of an evidence destruction, the Evidence Custodian should find packaged evidence that appears to have been tampered with, that evidence shall be set aside and re-tested to insure its integrity.
- c. The Division IV Commander (or designee), shall be present to provide security and will verify all the items to be destroyed are listed on the court order. The Division IV Commander (or designee) shall accompany the controlled substance evidence to the destruction site, and shall witness the complete destruction of the controlled substance(s).
- d. If multiple defendants on case, the evidence will not be destroyed until disposition is received on all defendants.

F. Sexual Battery Evidence, Kits and Examination Forms

1. The sexual battery examination forms, which are completed by a nurse after a sexual battery examination, shall not be placed into evidence. The originating Deputy shall attach this form to the original incident report. The investigating officer must ensure that all forms in the kit are filled out and signed and that the kit is properly entered into evidence. This kit must be sealed with evidence tape and refrigerated. If the kit is too thick and the evidence tape breaks, place the entire kit into a paper bag and seal that container with evidence tape.
2. If liquid blood is taken, it must be refrigerated immediately, either in the evidence refrigerator at the District's Office or deliver it to the Headquarters Property / Evidence Room.
3. If biological fluids are collected, they must be refrigerated / frozen as required at the District's Office, or immediately delivered to the Headquarters Property / Evidence Room.
4. All clothing with biological fluids must be refrigerated after being packaged in paper bags. (IMPORTANT: Package each item of clothing separately AND label each item to correspond to items listed on the Property Receipt.)

G. Crime Scene Reporting / Processing (Refer: Chapter 35.)

H. Stolen Vehicles (Refer: Chapter 32 & 35.)

I. Crime Laboratory Submissions

1. All evidence will be submitted into the Property Division. (This includes evidence to be submitted to FDLE for analysis. It must be submitted to the Property Division first).
2. All evidence for analysis, should be accompanied by the FDLE Submission Form and property receipt. FDLE Submission form must have a synopsis of the offense and the examination requested. Packages shall be no smaller than 5 x 7 with evidence tape on all openings and initials on tape and package.

3. The Property Division employee shall drop off evidence weekly to the FDLE laboratory. A **case tracking form** will be obtained from the FDLE lab employee who receives the evidence into the laboratory. Information on the receipt form will include the date and time of receipt in the laboratory, and the name and signature of the person receiving the evidence.
4. After analysis, FDLE will return the evidence and a report of analysis to the Property Division.
5. It shall be the duty of the member assigned the case to ensure the proper examination has been requested.
6. It shall be the duty of the Property Division to send results to the District Sergeant.

J. Evidence Custody

1. The Evidence Custodian shall be responsible and accountable for the control of all evidence and found / recovered property accepted by or stored in the Office's evidence storage areas.
2. All evidence stored by any member of the office shall be within the designated secured areas.
3. At least **semi-annually**, the Evidence Custodian shall conduct an inspection for adherence to the procedures set forth for the control of evidence.
4. Whenever a new Evidence Custodian Supervisor is designated, an inventory of evidence, to ensure that records are correct and properly annotated, shall be jointly conducted by the newly designated Evidence Custodian Supervisor and the outgoing Evidence Custodian Supervisor.
5. Annually, an **audit** and inventory of evidence and evidence records held by the Office shall be conducted by Staff Inspections.
6. At least once annually, the Sheriff shall direct an unannounced inspection and/or inventory of all evidence storage areas to insure accountability and that security procedures are being maintained, as well as the other operational duties of the evidence / property unit. These inspections are in addition to and in support of other regularly scheduled inspections.
7. Items of property requiring added protection, include money, precious metals, jewelry, gemstones, weapons, narcotics, and dangerous drugs, shall be stored in separate, locked, secure areas located within the Office's property storage areas / vault.
8. The Evidence Custodian shall ensure that all members under his/her command maintain records, which reflect the status of all evidence held by the Office. This is done daily through computer data entry.
9. Missing Property – Whenever the Property Assistant is unable to locate an item of property / evidence, which is alleged to be stored, he/she will make a reasonable search for the item(s). If this search fails to locate the missing item, the Property Assistant will advise the Property Director. If the Director is also unsuccessful in locating the item, the Director will advise the Bureau of Administration Commander by memorandum, stating the fact of the matter. The memo will be submitted within 2 weeks of the incident.
10. Secured refrigerated storage shall be available for all perishable items of evidence and shall be used in accordance with proper evidentiary procedures.
11. During those periods the evidence room is closed, all found, recovered, or evidentiary property needing security shall be placed in the facilities provided in Division's I, II, III and IV.
12. Evidence lockers are equipped so items may be stored inside the locker and, once locked, cannot be reopened except by the Evidence Technicians who maintain the only key.

13. All paperwork associated with the property shall be placed inside of the locker with the property.
14. Property placed inside evidence lockers shall be picked up according to the following schedule:
 - a. Division I – Picked up at least once a week.
 - b. Division II – Evidence lockers are **emptied twice a week** by a property technician. **Once a week** pick up will be done for evidence needing analysis and/or disposal.
 - c. Division III – Evidence lockers are **emptied three times a week** by a property technician. **Once a week** pick up will be done for evidence needing analysis and/or disposal.
 - d. Division IV – Picked up at least once a week.

K. Handling Lost and Abandoned Property

1. Is it lost property or abandoned property?
 - a. It's "lost" if it:
 - 1) Is on public property or a place open to the public;
 - 2) Is in a substantially operable, functioning condition; or
 - 3) Has an apparent intrinsic value to the owner.
 - b. It's "abandoned" if it:
 - 1) Is on publicly owned property and;
 - 2) Is wrecked, inoperative or partially dismantled; or
 - 3) Has no apparent intrinsic value to the owner.
 - c. Member should bear in mind that there are some items, which, while technically fitting the definition for "abandoned" property are obviously useless and unfit for any purpose whatsoever. The Office will continue to follow the current policy regarding trash or garbage found on public property.
 - d. Vessels, determined derelict by the Department of Natural Resources are not to be considered abandoned. In cases of doubt, contact the Florida Department of Natural Resources.
2. If an individual turns in lost property to the Office:
 - a. It should be determined whether he/she wants to make a claim to it if the rightful owner cannot be found. If so, he/she must post a reasonable sum sufficient to cover the cost of transportation, storage, and notice of the property. If the rightful owner is found, he/she must reimburse this amount to the finder in order to reclaim the property.
 - b. After ninety (90) days have elapsed from the time of taking the property into custody, if no claim has been made by the rightful owner, the property can be given to the finder.
 - c. The finder's name, address and phone number shall be under "discovered by" on the Property Receipt.
3. Lost Property Procedure
 - a. For lost property, the Deputy shall take custody and the Agency shall retain custody for (90) days. (If too large or unwieldy, tagged - the language on the tag is the same as currently used with the exception that five (5) days, rather than ten (10), are allowed for removal.)

- b. A reasonable attempt should be made to locate the owner. If the owner's name and address are available and the property is tagged, a copy of the notice should be mailed to him/her the same day.
- c. If the property is a motor vehicle or boat, the Department of Motor Vehicles Office of Title / Lien Information or the Department of Natural Resources Office of Vessel Titling and Registration should be contacted to determine:
 - 1) The name and address of owner; and
 - 2) The name and address(es) of any lien holder(s).
- d. Once that information is received, a copy of the notice must be sent, via certified mail with return receipt requested, to the owner and any lienholder(s).
- e. Five (5) days after the notice is mailed:
 - 1) The property should be taken into custody, if this has not already happened.
 - 2) The Office must publish notice of the intended disposition of the property once a week, for two (2) weeks in a newspaper of general circulation in the county where the property was found, if the value of the property is believed to be greater than \$100. If the property receipt doesn't indicate the value of the item, the property personnel receiving the items will estimate the value. He/she will note it on the property receipt. At least once each week, the director of the Property / Evidence Division will compile a list of found items currently being held that are valued at \$100, or less. Item descriptions may be brief but must be reasonable adequate to allow the rightful owner to recognize his/her property. The weekly lists will be faxed to the substations at Cudjoe Key, Key Vaca, and Plantation Key, as well as being retained at the Property and Evidence Division's Key West location. At all four locations, the list must be displayed in an area to which the public has easy access, and must be posted for at least two consecutive weeks.

4. Abandoned Property Procedure

- a. The property should be taken into custody or, if it is too large or unwieldy, tagged. The language of the tag is the same as currently used with the exception that five (5) days, rather than ten (10), are allowed for removal
- b. A reasonable attempt should be made to find the owner. If his/her name and address are available and the property is tagged, a copy of the notice should be mailed to him/her the same day.
- c. If the property is a motor vehicle or boat, the Department of Motor Vehicles Title / Lien Information Office 904 / 488-3881), or Department of Natural Resources Vessel Titling and Registration Office (904 / 488-1195), should be contacted to determine:
 - 1) The name and address of owner,
 - 2) The name(s) and address(es) of any lien holders.
- d. Once that information is received, a copy of the notice is to be sent by certified mail, with return-receipt requested, to the owner and any lien holder(s).
- e. Five (5) days after the notice is mailed:
 - 1) The property should be taken into custody, if this has not already happened.
 - 2) There is no advertising requirement for abandoned property.
- f. After final disposition, notify the owner, if known, of the amount owed for transportation, storage, and/or destruction of the property.

g. If costs are not paid, notify DNR and DMV of the name and address of the owner. He will not be able to get a certificate for any boat, or motor vehicle until the costs are paid.

5. Lost, Abandoned, Found Property - if too large to transport will be tagged, and a Property Receipt will be initiated. The Lost, Abandoned, Found Property will be left at the location, and a photograph taken and attached to the Property Receipt to be placed in the Evidence files (The photograph may be reviewed by an owner or claimant without physically visiting the location).

L. Intake, Retention, Release, and Destruction of Weapons

1. Intake of Weapons

a. Seized Weapons - Every Deputy Sheriff making an arrest under the provisions of Florida Statute Chapter 790 or under any other law or county ordinance within the state shall take possession weapon(s), electric weapon(s) or device(s), and/or arm(s) mentioned in the preceding section, which are found upon the person arrested and the Monroe County Sheriff's Office which shall retain the same until after the trial of the arrested person. If the person is acquitted of the offenses mentioned above, the weapon(s), electric weapon(s), device(s), and/or arm(s) shall be returned to him/her. If he/she fails to call for or receive the same within 240 days from the date of his/her acquittal or the dismissal of the charge, the same shall be forfeited to the state without any court order being necessary. If the person is convicted of the offense, the weapon(s), electric weapon(s) or device(s), and/or arm(s) shall become forfeited to the state without any court order of forfeiture being necessary.

b. Abandoned Weapons - every Deputy Sheriff who takes into possession any weapon(s), electric weapon(s) or device(s), firearm(s) and/or knife(s) which have been found abandoned, discarded or otherwise left in their hands, shall be delivered to the Evidence / Property section of the Monroe County Sheriff's Office, which shall retain said item for a period of 180 days (not to include weapons surrendered for safekeeping). Unless claimed by the owner within the 180 days from the date of discovery or taken into custody, with proper proof of ownership (i.e., serial number, sales slip showing description and serial number, insurance documents that show serial number, copy of stolen weapon(s) report with serial number, or some similar documentation) the weapon shall be forfeited to the state and no other action or proceeding for their recovery shall be maintained in this state.

2. Retention, Transfer, and Disposal of Weapons

a. In accordance with the provisions established in FSS 790.08, the Monroe County Sheriff's Office (MCSO) Evidence / Property Section will become the official custodian of all weapon(s), electric weapon(s) or device(s), and/or arm(s) which have been lawfully forfeited in Monroe County, Florida and as such, will cause adequate inventory records to be maintained on the same.

b. Said weapons shall be disposed only by one of the approved methods:

1) All such weapon(s), electric weapon(s) or device(s), and/or firearms suitable for use by the Monroe County Sheriff's Office as determined by the Sheriff's Office Armorer and Property Director may be so used. In this respect, when practical, antique weapons and other period weapons will be retained for public display and posterity. These weapon(s), electric weapon(s) or device(s), and/or arms shall be RECEIPTED out of the Property / Evidence section by the Property Director of the Sheriff's Office for distribution.

- 2) All such weapon(s), electric weapon(s) or device(s), and/or firearm(s) not needed by the Monroe County Sheriff's Office may be loaned to any other law enforcement agency or department of the state or to any county or municipality law enforcement agency having need of them after proper receipting.
- 3) All weapon(s), electric weapon(s) or device(s), and/or firearm(s) as defined under L.,2.,a., which do not fall under paragraph L.,2.,b.,1) or L.,2.,b.,2) shall be destroyed. Proper documentation for the destruction shall consist of an affidavit with the following information:

Agency Case Number, Property Receipt Number, Serial Number and Description of the weapon(s), electric weapon(s) or device(s) and/or firearm(s), the date and method of destruction, the name and signature of the Property / Evidence Director and the witnessing deputy(s).

- c. Upon a request for the release of a weapon taken into custody during a Baker Act situation the claimant shall provide to the Property Division one of the follow:
 - 1) A legible letter from a physician, clinical psychologist, psychiatric nurse, mental health counselor, marriage and family therapist, or licensed clinical social worker, on official letterhead stating that the person requesting the weapon(s) is presently not a reasonable danger to him/herself or others; OR
 - 2) A court order directing MCSO to release the weapon(s) to the claimant; OR
 - 3) A notarized power of attorney signed by the claimant allowing the release of the weapon(s) to the designee.
- d. Upon a request for the release of a weapon taken into custody pursuant to a restraining order or injunction for protection, the claimant shall provide a court order authorizing the release of the weapon to the claimant.

Prior to the release of any weapon(s) the Property Division shall:

- 1) Review the report and any supplements detailing the circumstances under which the weapon was taken into custody;
- 2) Perform a complete background check on the party requesting the weapon(s) (FCIC/NCIC, domestic injunctions, warrants, etc);
- 3) Run the weapon serial number through NCIC/FCIC;

(Revised 8/9/10)

3. By following this no sale, trade or transfer policy regarding weapons which have been officially placed in the custody of the Monroe County Sheriff's Office, hopefully, the office will be able to ensure that at least these weapons will not be placed back into circulation and thus begin the process of reducing the risk our officers and community face daily.

M. The Director of the Evidence / Property is responsible for maintaining a record of all inspections, inventories, and audits, to contain the dates performed and the results of each event.