

IAPE STANDARDS SECTION 12 – FOUND PROPERTY

Standard 12.1: Found Property – Reporting Policy

Standard: Departmental policy should instruct all personnel that a numbered case report or other easily retrievable document is required whenever Found Property is turned over to, or found by any employee.

Definition: A numbered found property report should be searchable by day, date, time, location, article, and reporting employee.

Reasoning: Found property may consist of item(s) that are lost or misplaced by the owner, or it may be item(s) that are evidence of criminal activity that has not been reported. Forwarding a copy of the found property report to the investigation division may link the found property to a crime.

It is important that basic information is documented identifying the finder:

- if known, the description of the item(s), the location where the item(s) was found
- date and time the item(s) was found
- when it was turned over to agency personnel
- whether or not the finder is interested in claiming the item(s) if the owner is not located

Failure to properly report found property could result in items not being returned to the rightful owner, or it could lead a finder to believe that the items were misappropriated for personal use by a department employee.

The statute or municipal code which governs "found property" should be cited within the departmental directive. The directive should also specify the minimum amount of time that the department is responsible to hold the found property. In the event that there is neither statute nor code governing "found property" the department should consider establishing a policy and procedure related to this topic.

Department policy should provide guidance on the protocols for returning found firearms.

Standard 12.2: Found Property – Receipt

Standard: Departmental policy should instruct all personnel that when a citizen turns found property over to departmental personnel, that the finder be given an

official department receipt that provides direction on how to claim the property and cite any legal requirements.

Definition: A Found Property Receipt is a form that is given to the finder that describes the found item and provides guidance on how to legally claim it if the owner is not found.

Reasoning: Providing the finder of property with a receipt on how to claim an item may reduce many inquiries to the department. The receipt should provide a brief description of the property, the case number, a phone number of who to call with questions, any legal requirements, the statute numbers, and a signature block where the finder acknowledges they received and understand the process if they wish to claim the property. A two-part form, with one part accompanying the property, and the other provided to the finder should be provided.

Standard 12.3: Found Property – Storage

Standard: Found property should be segregated from items of general evidence and clearly labeled as found property.

Exception: Found property consisting of firearms, money, and drugs should be stored with other high profile items with enhanced security, but still clearly labeled with a distinctive tag as Found Property. Large or bulky items may also be stored in the bulky storage area if clearly labeled with a color coded tag.

Reasoning: Found property is generally required to be held for a specified short period of time while attempts to locate the rightful owner are made.

Due to the short-term nature of Found Property storage, the location of these storage shelves should be where it is more convenient to frequently access than other items of general evidence. Generally speaking, there should be no items on the Found Property shelves that exceed the minimum statutory requirements or departmental policy.

Standard 12.4: Found Property – Investigation

Standard: Departmental policy should assign responsibility for attempting to locate the rightful owners of found property.

Definition: Assigned responsibility refers to whom the investigative duties are assigned

Reasoning: Departmental policy should define who is responsible for conducting any follow up investigations to locate the owner of found property. The reason

for assigning responsibility is to ensure that a good faith attempt to locate the rightful owner is made, and not overlooked.

Assigning this responsibility to the property officer is an acceptable practice. The complexity of the investigation or the nature of found property may determine if the property officer needs to collaborate with a detective.

Standard 12.5: Found Property – Release

Standard: Any time found property is released to the owner, finder, or designee, a release form and signature should be obtained from the person claiming the property..

Definition: A release refers to returning found property to the rightful owner, finder, or designee.

Reasoning: Obtaining a signature on the property record from the owner, finder, or designee with appropriate identification may insulate the agency and its employees from any false accusation of theft or mismanagement. Scanning the ID into a computer database, or obtaining a photocopy of the ID should be part of the release process.

Standard 12.6: Found Property – Disposition

Standard: Found Property should be released to the rightful owner or designee, claimed by the finder, or disposed of according to statute or departmental policy.

Definition: Disposition refers to the sale of unclaimed property at auction, the diversion to the agency for public use, or the transfer of ownership to another individual or agency.

Reasoning: When the rightful owner of found property cannot be determined, the finder may claim the item pursuant to statute or departmental policy. If the finder declines to claim the property, it may be diverted for public use by the agency or sold at auction. The final disposition of the found property should be documented as part of the permanent case file.

If the rightful owner of property is contested and cannot be determined, consult with the agency's legal counsel. Failure to release the property to the rightful owner may result in legal action.