

ST. PETERSBURG POLICE DEPARTMENT

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III-14

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Subject: **PROPERTY AND EVIDENCE**

<p>Index as:</p> <ul style="list-style-type: none"> Abandoned Property Baker Act Bicycles Cellular Phones, Seizure of Collection of Evidence Computers, Seizure of Contraband Crime Scene Protection Electronic Cigarettes Evidence Evidence, Handling and Storage of Property and Evidence Evidence, Unclaimed Firearms, Release of Found Property 	<ul style="list-style-type: none"> Lost Property 	<ul style="list-style-type: none"> Mobile Data Devices, Seizure of Narcotics Evidence/Paraphernalia Preservation of Evidence Property and Evidence Property Held for Safe Keeping Release of Property and Evidence Return of Firearms Procedures Risk Protection Order RPO Seizures Storage of Evidence and Property Unclaimed Evidence Vaporizer Pens
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Accreditation Standards: 82.3.2, 83.2.1, 83.2.2, 83.2.5, 84.1.1, 84.1.2, 84.1.3, 84.1.7
CFA 15.10, 27.01, 27.02, 27.08, 27.09

Cross Reference: G.O. III-40, Mobile Video Recording Systems (MVRS)
I.O. V.2:01, Handling and Packaging Controlled Substances
USB SOP III-32, Identification Technician (IDT) Officer Program
Legal Notice 2016-034, Officer must obtain a warrant before searching an abandoned, password protected cell phone
Legal Notice 2017-001, Cell phone owner can be compelled to provide passcode to allow execution of search warrant
§§ 394.463(d)3., 705, 790.08, 823.11, 932.701(2), and 90.91 Florida Statutes
United States v. Castleman, 572 U.S.2014

Replaces: G.O. III-14, Property and Evidence (December 7, 2020)

This Order establishes guidelines for the proper handling, storage and disposition of property and evidence. It consists of the following sections:

- I. Definitions
- II. Crime Scene Protection
- III. Notifications
- IV. Collection of Evidence
- V. Preservation of Evidence
- VI. Storage of Property and Evidence
- VII. Seizure of Computers and Related Devices
- VIII. Seizure of Cellular Phones and Mobile Data Devices
- IX. Release of Property and Evidence
- X. Retention and Release of Mobile Video Recording Systems (MVRS) Data
- XI. Lost or Abandoned Property
- XII. Final Disposition of Property and Evidence
- XIII. Motor Vehicles and Boats

I. DEFINITIONS

- A. Contraband – Any property, material or substance, the possession of which is illegal.
- B. Evidence – Any property, substance or matter *which can be used in court* to establish guilt or innocence or that a crime has or has not been committed.
1. Unclaimed Evidence – Any tangible personal property, including cash, and not included within the definition of "contraband article" as provided in section 932.701(2), Florida Statutes, seized by a law enforcement agency, that was intended for use in a criminal or quasi-criminal proceeding, and is retained by the law enforcement agency or the Clerk of the County or Circuit Court for 60 days after the final disposition of the proceeding, and to which no claim of ownership has been made [§ 705.101(6), Florida Statutes].
 2. This would appear to exclude any property seized ONLY for forfeiture under the Florida Contraband Forfeiture Act but does not address those cases where the property may be both criminal evidence and "contraband" subject to forfeiture. Therefore, property, including currency, which is evidence for a criminal case and/or forfeiture, will be simply marked as evidence.
 3. The officer will make the determination as to an item being classified as property or evidence.
- C. Found Property – Property which has been lost or abandoned and is not connected with any known or suspected criminal offense.
1. Lost Property – All tangible personal property, without an identifiable owner and which has been mislaid on public property, upon a public conveyance, on premises used at the time for business purposes; or in parks, places of amusement, public recreation areas, or other places open to the public in a substantially operable, functioning condition, or which, has an apparent intrinsic value to the rightful owner. If it works, is operable, or can be used, it is most likely "lost" property [§ 705.101(2), Florida Statutes].
 2. Abandoned Property – All tangible personal property, without an identifiable owner and which has been disposed of on public property in a wrecked, inoperative, or partially dismantled condition, or which has no apparent intrinsic value to the rightful owner. If it is broken, inoperative and appears to have no value, it is most likely "abandoned" property. However, vessels determined to be derelict by the Department of Natural Resources in accordance with the provisions of section 823.11, Florida Statutes, will not be included in this definition [§ 705.101(3), Florida Statutes].
- D. Property Held for Safekeeping – Property with known ownership and which is not connected with any known or suspected criminal offense.

II. CRIME SCENE PROTECTION

- A. The primary officer will ensure the scene is protected, keep unauthorized people away, and erect a temporary barrier (warning tape or rope) to secure the area when necessary. Responsibility for the scene may be relinquished to a detective assigned to the investigation.
- B. The officer will attempt to locate entry/exit points and determine what may have been disturbed or if any object has been left behind. The forensic technician and any arriving detective will be advised of these observations, and they will be included in the case report.
- C. Officer(s) should not touch, move or disturb anything. The scene should be left exactly as found to prevent contamination and preserve latent fingerprints.
1. If extenuating circumstances arise and it becomes necessary for an officer to remove a piece of evidence that will need processing prior to the arrival of a forensic technician, the officer should attempt to preserve the item for latent fingerprints and note the location where it was found. Preferably, the item may be turned over to the technician at the scene; if this is not possible, the officer will mark it "Hold For Processing" and turn it in to Property and Evidence.

2. If given evidence prior to the arrival of a forensic technician, the officer will note who gave them the evidence, and the time and location where it was found.

III. NOTIFICATIONS

- A. A supervisor will be requested at all major crime scenes, suspicious deaths, a traffic crash resulting in death or serious injury, and at other scenes when, in the opinion of the officer, the situation requires supervisory presence. Supervisors will:
 1. Assist in coordinating personnel at the scene and organizing the investigation.
 2. Ensure notifications are properly made to the appropriate investigative unit(s) and, when necessary, the medical examiner.
 3. Ensure entry to the crime scene is controlled and that a log is kept, recording the entry/exit of authorized personnel.
- B. Whenever cash valued at \$300 or more is taken from an arrested person or seized as either evidence or property, a supervisor will respond to perform a verification count.

The officer and the supervisor WILL activate the MVRS any time currency or valuables are handled.

- C. Prisoner property is turned over to the jail.
- D. Forensic Services will be notified when:
 1. The incident is a felony.
 2. A supervisor directs a forensic technician to respond.
 3. A forensic technician is available, even though the incident is usually handled as provided for in USB SOP III-32, Identification Technician (IDT) Officer Program.
 4. A child abuse case involves physical injury or neglect.
 5. The incident is a domestic violence battery with obvious injuries.
 6. A traffic crash results in death or serious injury.
- E. A forensic technician will not be called merely to collect evidence, nor be needlessly entered into the chain of custody, unless the evidence requires some type of forensic processing.
- F. An officer should remain at the scene with the forensic technician to provide assistance by protecting the scene and supplying needed information, unless excused by the forensic technician(s) or higher authority.

IV. COLLECTION OF EVIDENCE

- A. Evidence found at crime scenes will, whenever practical, be properly processed (photographed, dusted for prints, etc.) before being moved.
- B. Further information about evidence collection and preservation procedures can be found on the network at J:\Research\EvidenceProcedures. Publications there include the *FDLE Crime Laboratory Evidence Submission Manual*, the *FBI Forensic Handbook*, the *Crime Scene Investigation Guide* (DOJ), and the *Electronic Crime Scene Investigation Guide for First Responders* (DOJ).

- C. The officer/forensic technician responsible for processing the scene will make detailed notes of the location of all evidence and, if found on a person, the article of clothing from which it was removed. This information will be included in the case report. In addition, a crime scene sketch will be completed when requested by a supervisor or when deemed necessary by the officer.
- D. Everything that may be considered to be evidence will be collected. Once the crime scene is left unattended, it is difficult, if not impossible, to return and collect admissible evidence.
- E. In order to preserve the chain of custody, the transfer of any collected item of evidence to another person, whether at the scene or at another location before being submitted to the custody of the Property and Evidence Unit, will be recorded in the report of the person first having the evidence. The report should detail:
 - 1. Date and time of the transfer
 - 2. Receiving person's name and responsibility
 - 3. Reason for the transfer
- F. When appropriate, evidence that can be returned to the owner should be photographed and the photos processed as evidence. The evidence should be returned on-scene, whenever possible, and such action recorded on a *Property Release* form (DO26).
- G. Narcotics evidence/paraphernalia will not be collected by the forensic technician. When appropriate, such evidence should be processed for fingerprints by an IDT officer, or forensic technician if an IDT officer is unavailable, before it is secured in a narcotics locker by the officer who found it.

V. PRESERVATION OF EVIDENCE

- A. All evidence will be properly marked and sealed in an appropriate container, so it can be identified at a later date for presentation in court.
 - 1. Evidence containers and technical assistance are available from the Forensic Services Unit.
 - 2. Evidence will be marked with the following:
 - a. Collecting officer's/forensic technician's initials.
 - b. Case number.
 - c. The date collected.
 - d. If appropriate, clearly marked as: "BIOHAZARDOUS."
- B. The officer/forensic technician will mark the contraband, property or evidence so that it does not destroy the value of the item (e.g., firearms, antiques, etc.).
- C. Contaminated evidence is not admissible in court. Precautions will be taken to maintain all evidence in its original state.
 - 1. Solid evidence will be packaged to prevent scratching, denting or breakage.
 - 2. Powders, hairs, fibers and narcotics evidence will be packaged individually so that one substance does not contaminate another, or a substance does not contaminate paraphernalia. These items should be packaged to prevent spillage or the intrusion of any foreign substances.
 - 3. Liquids will be placed in sealed containers that will prevent leakage, evaporation, and intrusion of foreign substances.
 - 4. Firearms will be turned in to the Property and Evidence Unit in a safe and unloaded condition, along with any ammunition. Ammunition will be placed in a heat-sealed bag, keeping live ammunition separate from any test-fired rounds. An FCIC/NCIC Check of the firearm's serial number will be conducted prior to submitting any firearm to the Property and Evidence Unit.

5. Money:
 - a. The officer WILL activate the MVRS any time currency or valuables are handled.
 - b. When currency is photocopied or photographed and returned to the owner, the copies or photographs become the evidence and must be turned in to the Property and Evidence Unit.
 - c. When it is necessary to maintain the original money, it must be placed in a heat-sealed bag separate from all other items. The money will be "fanned" and stapled together so it can be counted without being removed from the heat-sealed bag, unless it is of such a quantity that this is impractical, in which case it will be bundled in large heat-sealed bag(s).
 - d. The seizing officer(s) will place their initials and payroll number across the bag where the heat seal is located and write the amount on the bag, along with the case number.
 6. Jewelry will be turned in separately from any other evidence/property under the same incident number. Jewelry under the same case number can be packaged together.
 7. Audio and video tapes will be packaged and marked separately, and not sealed with other evidence to prevent them from being stored near a magnetic source.
- D. Evidence which requires special handling prior to storage, such as wet or bloody clothing, will be taken to the Forensic Services Unit for preparation and packaging. It should be clearly marked as "BIOHAZARDOUS."

VI. STORAGE OF PROPERTY AND EVIDENCE

- A. All items of evidence, contraband, found property, or property held for safekeeping will be brought to the Property and Evidence Unit as soon as practical, before the end of the employee's shift. Items considered to be evidence:
 1. Must be protected during any delay in transportation to prevent contamination.
 2. Will not be turned over to, or transported by, members of the civilian volunteer road patrol.
 3. Requiring no further examination, may be released to the owner at the scene, after photographs have been taken.
 4. **AT NO TIME WILL EVIDENCE, CONTRABAND, FOUND PROPERTY, OR PROPERTY HELD FOR SAFEKEEPING BE PLACED IN AN EMPLOYEE'S DESK, BRIEFCASE, LOCKER, OR ANY OTHER PLACE NOT IN ACCORDANCE WITH THIS ORDER.**
 5. In the case of an emergency preventing the officer in control of the property or evidence from turning it over to the Property and Evidence Unit, a supervisor may take control of the property and deliver it to the Property and Evidence Unit. The transfer will be reported as defined in this Order.
- B. All items of evidence, alcoholic beverages, contraband, found property, or property held for safekeeping will have a *Property and Evidence Voucher* (RMS) attached when turned in. Additionally, the Evidence Logbook will be completed. See I.O. V2-01 Handling and Packaging Controlled Substances.
- C. Items turned in to the Property and Evidence Unit as found property or property held for safe keeping will be accompanied by a *Property/Evidence Release* form (DO26) signed by the officer and showing the owner's name and address, and the date the owner was notified to pick up the items.
- D. During hours when the Property and Evidence Unit is open, all items of evidence, contraband, found property or property held for safekeeping (*except* bicycles) will be turned in at the Property and Evidence intake window.

Bicycles will be transported to the Bicycle Compound by the recovering officer. The officer will tag the bicycle with the *Property/Evidence* tag (DO39), complete and attach a *Property and Evidence Voucher*, and place it in the holding area of the Bicycle Compound. The *Property/Evidence Release* form (DO26) will be completed with the owner's name and address, if known, and attached to the DO39.
- E. Any recovered stolen items located at a pawn shop will be handled according to the current Investigative Services Bureau Standard Operating Procedures.

- F. During hours when the Property and Evidence intake window is closed, all evidence, to include narcotics evidence, contraband, found property or property held for safekeeping (excluding bicycles, which are handled as described in this Order) will be locked in the appropriate temporary storage facilities. Perishable evidence, such as blood or urine, will be secured in refrigerated lockers.

The *Evidence Submission Voucher*, printed from RMS and logbook will be completed in their entirety.

- G. Items of great value requiring added protection, to include large sums of money, precious metals, jewelry, gemstones, weapons, and large quantities of narcotics and dangerous drugs, require notification of the seizing officer's supervisor, who will determine whether or not it is necessary to call the supervisor, Property and Evidence Unit to arrange for proper storage.
- H. Items too large for storage in an evidence locker will be marked and placed in the bulk storage rooms, located across from the maintenance receiving area. when the Property and Evidence intake window is closed.

Paperwork for the item(s) will be secured in an evidence locker clearly indicating the item(s) are in the bulk storage area and the log-book entry completed.

- I. Items of evidence, found property, or property held for safe-keeping that contain gasoline will be taken to the municipal maintenance garage for removal of the gasoline. The items should then be stored in the bulk storage room. Items containing fumes from flammable products will be rinsed out to minimize the danger of explosion or ignition.
- J. No prisoner's property will be turned into the Property and Evidence Unit. All prisoners' property will be turned in to the Pinellas County Jail according to their procedures.

K. Vaporizer Pens and Electronic Cigarettes

1. Vaporizer pens and electronic cigarettes are considered dangerous due to their capability to spontaneously explode and/or ignite.
2. An officer will not take vaporizer pens or electronic cigarettes for safekeeping at the time of arrest.
 - a. If the officer makes the arrest at the arrestee's residence, the officer will leave vaporizer pens or electronic cigarettes at the residence.
 - b. If the officer makes the arrest at the arrestee's vehicle, then the officer will leave the vaporizer pens or electronic cigarettes in the vehicle.
 - c. If the officer makes the arrest while in the presence of a third party known to the arrestee, the officer will request the arrestee allow the officer to leave the vaporizer pens or electronic cigarettes with the third party.
 - d. In the event none of these options are available, an officer will treat the item as prisoner's property which will be turned in to the Pinellas County Jail to be disposed of similarly to other contraband that is introduced into the facility.
3. Vaporizer Pens or Electronic Cigarettes as Evidence
 - a. For vaporizer pens or electronic cigarettes that have evidentiary value, the officer will photograph the item, including taking it apart to obtain serial numbers.
 - b. In the event the vaporizer pen or electronic cigarette must be stored in the Property and Evidence Unit as evidence, the officer will make the vaporizer pen or electronic cigarette as safe as possible to minimize the danger of explosion or ignition and store it in the bulk storage room.

- L. All DUI videotapes will be turned in to the Property and Evidence Unit following standard evidence procedures.

VII. SEIZURE OF COMPUTERS AND RELATED ITEMS

- A. Special handling is required when seizing computers, peripherals, disks, or any other electronic device that can store data (e.g., iPods, memory sticks, flash drives, etc.) or related items and documentation.

- B. When a computer or similar item is seized, care must be taken to avoid damage or destruction of data or files which may be of evidentiary value.
1. Secure the computer, peripherals, and the immediate site where the system is located, preventing access by suspects and unnecessary law enforcement personnel.
 2. Prior to searching the site, gather as much information as possible about the system(s) to be seized.
 - a. Attempt to ascertain the user's level of computer knowledge and the environment in which the hardware components are located.
 - b. Carefully review the *Search Warrant* (or *Consent to Search* form) and familiarize yourself with what is appropriate to seize and what is not.
 3. Prior to any search or seizure of a computer, the computer workstation area should be photographed or videoed while continuing to control access to the workstation area.
 4. If the computer is off, do not turn it on or attempt to start it.
 5. If the computer is on, check for a network or telephone connection(s), and disconnect immediately to avoid the possibility of remote access and deletion of files.
 - a. If a program or application is running, attempt to save the data onto a clean, virus-free floppy disk or thumb drive.
 - b. Bring the operating system to a safe shutdown state by pulling the power cord from the rear of a desktop-type computer. (**Do not** run a normal "Windows" shutdown procedure.) If the device is a laptop (or similar) computer, disconnect the power adapter cord and, if able, disconnect the power source battery.
 - 1) **Note:** This change will bring the shutdown procedure into compliance with currently accepted investigative practice.
 - 2) Personnel unsure of the procedure to save data or properly shut down an operating computer will consult with a qualified officer/employee, or request they respond to the scene.
 6. If peripherals (printers, scanners, etc.) and cables are to be seized, connections should be photographed or videoed, and associated connecting points should be labeled; *i.e.*, 1-1, 2-2.
 7. Seal the computer drive bays and on/off switch with evidence tape containing the date/time/officer information to document that the "box" has not been tampered with between seizure and a later search/examination.
 8. If authorized by a *Search Warrant* or *Consent to Search* form, all peripheral and support equipment including, but not limited to, cables, power cords, mice, printers, scanners, zip drives, external hard drives, thumb drives, video/graphics equipment (DVD's), monitors, CPU's, floppy and CD-ROM disks, documents and operating manuals should be properly documented and labeled.
 8. Care must be taken in handling and transporting computers, disks, and other computer-related equipment.
 - a. Computers should be secured to prevent rough handling and shifting during transport.
 - b. Exposure to excessive heat, moisture or devices that produce strong magnetic fields during transportation or storage could damage the item(s) and result in the loss of evidence or subject the City to civil liability.
- C. Whenever there is any need to access or view the content of digital media including compact discs, flash/thumb drives, and memory cards, etc., to further an investigation, this action will be accomplished on a Department computer that **IS NOT** connected to the network.
1. Non-networked computers will be set up in the Uniform Services Bureau and the Investigative Services Bureau for this purpose. Only potential evidence or investigation-related materials will be accessed on these computers. They will not be used for viewing any personal files or information.
 2. Keeping in mind the potential for altering or destroying potential electronic evidence, investigators may wish to seek the assistance of an officer or other employee who has had appropriate training before accessing the media.

3. Once viewed or accessed, the media will be appropriately marked and immediately turned into the Property and Evidence Unit.

VIII. SEIZURE OF CELLULAR PHONES AND MOBILE DATA DEVICES

- A. Cellular phones and other mobile data devices, such as tablets, generally require a Search Warrant to be obtained prior to the contents of the device being viewed or analyzed.
- B. If the officer believes the cellular phone or mobile data device has substantial evidentiary value, the officer should consider contacting a detective to assist with best storage practices.
- C. When a cellular phone or mobile data device is seized, care must be taken to ensure the contents of the device are not destroyed. These devices are vulnerable to being "remotely wiped" which would delete or damage all of the data on the device.
 1. If the device is "Off," do not turn it on or attempt to start it.
 2. If the device is "On," the officer should consider, as soon as practical:
 - a. Placing the device into "airplane mode", or
 - b. Removing the SIM card, and
 - c. Plugging the device in to a power source so the device maintains its power.
 3. The device will be turned into the Property and Evidence Unit as soon as possible.
 4. If the contents of the phone will need to be analyzed, submit a completed Seized Computer and Digital Media Forensic Worksheet the Department Digital Forensics Unit.
 5. Digital forensic detectives will follow current best practices for performing the analysis.

IX. RELEASE OF PROPERTY AND EVIDENCE

- A. All evidence released will be accompanied by a copy of the *Property/Evidence Release* form (DO26) listing all the evidence.
 1. When evidence is to be transported to court or to the laboratory for analysis, the officer/forensic technician requesting the evidence must present a copy of the subpoena, laboratory analysis request, or a formal written request from the Department's Legal Advisor before the release. No evidence will be released without one of these documents.
 2. While in court, all evidence released to the State Attorney, Defense Attorney, Clerk of the Court or the forensic laboratory must be signed for on a Property Signature Receipt.
 - a. Items not released remain the responsibility of the officer/ technician and must be returned to the Property and Evidence Unit with a property signature receipt.
 - b. If all items have been released, the property signature receipt still must be returned.
 3. No returned evidence will be accepted without the property signature receipt attached.
- B. Audio and video tapes being held as evidence will not be removed from the Property and Evidence Unit, unless they are being sent to the lab or to court. Investigators may request a work copy of the tape(s) to assist in their investigations. Property and Evidence personnel will make copies of the tapes that can be used by the investigators in order not to break the chain of custody of the evidence.
- C. If a copy of a document is needed by the investigator, the Property and Evidence personnel will make a work copy but will maintain the original as evidence.

X. RETENTION AND RELEASE OF MOBILE VIDEO RECORDING SYSTEMS (MVRS) DATA

The retention and release of MVRS data will be managed in accordance with G.O. III-40, Mobile Video Recording Systems (MVRS).

XI. LOST OR ABANDONED PROPERTY

- A. Officers taking lost or abandoned property into custody, upon the complaint of a citizen, will ascertain whether the finder wishes to claim the property if the rightful owner cannot be located within ninety (90) days.
1. If the finder wishes to make a claim, the officer will provide the finder with a business card with the officer's name, case number, date and description of the item received.
 2. The officer will advise the finder that they should contact the Property and Evidence Unit for instructions on how to make a claim for the item(s).
 3. The officer will indicate the finder's wishes in the *Incident Report* and in the narrative of the *Property and Evidence Voucher*.
- B. The officer will make a reasonable effort to ascertain the name and address of the owner and, if obtained, will make contact as soon as possible and document how the contact was made in the *Incident Report*.
- C. The investigating officer will ensure the lost/ abandoned property is removed in a timely manner by the owner or by the appropriate City department or refuse hauler. When the officer causes the removal of the property, they will file a supplemental report and send a copy of the report to the Property and Evidence Unit.
- D. When an officer recovers an item on public property, they will determine whether the article is lost or abandoned.
1. If the item can be easily removed, it will be taken into custody and a reasonable attempt made to return it to the rightful owner.
 2. If the item cannot be easily removed, the officer will:
 - a. Cause a notice to be placed upon such property (Notice to Remove Property); and
 - b. Conduct a follow-up investigation to determine the identity of the owner.
 3. After the five (5) day notice period and lacking the identity of the owner, the officer will notify the appropriate refuse removal service; i.e., sanitation.
- E. Where the property is deemed to be ABANDONED, there is no identifiable owner, and the property has no obvious value, use or benefit to the Police Department or any other City department, the officer may:
1. Discard the property in an appropriate refuse receptacle with the approval of a supervisor. (The intent is to avoid turning in property which has no value, and which no one would reasonably be expected to claim.)
 2. When property is summarily disposed of, the officer will describe the property in detail, including the reason for summary disposal in their *Incident Report*.

XII. FINAL DISPOSITION OF PROPERTY AND EVIDENCE

- A. It is the responsibility of the officer or detective in charge of an investigation to arrange for the final disposition of evidence, found property (when owner is known), or property held for safekeeping when such items can legally be released or released without jeopardizing the investigation.
1. The officer in charge of an investigation will notify the owner of any item(s) being held by the Property and Evidence Unit to pick up the item(s) during operating hours.

2. The officer in charge of an investigation, making arrangements for the release of any item(s), will immediately fill out a *Property/Evidence Release* form (D026) and forward it to the Property and Evidence Unit. The form will indicate the date the owner was notified.
 3. If the owner does not respond, the item(s) will be disposed of according to sections 705.103 and 705.105, Florida Statutes.
- B. Evidence, contraband, found property or property held for safekeeping will be released immediately upon order of a judge or upon receipt of a Court Order.
1. A copy of the Court Order will be provided to the supervisor, Property and Evidence Unit.
 2. The permission of the officer in charge of the case is not needed.
- C. If an officer has reason to believe, based on any perceived mental instability, threatened or attempted suicide, and/or other objective criteria to include their training, knowledge and experience, that an individual should not possess a firearm, the officer will document in detail their reasons for this belief in an *Incident Report*. This documentation will include, but is not limited to, the criteria identified above as well as present observations, prior knowledge, and/or contact with the individual.
- D. The law provides that no property will be returned if there is a compelling law enforcement reason for retaining it. This includes when the property is:
1. Contraband; *i.e.*, unlawful drugs, counterfeit currency;
 2. Being held for civil forfeiture proceedings;
 3. Better evidence than a photograph; or
 4. A firearm when the claimant:
 - a. Is a convicted felon;
 - b. Is a respondent on a current, valid domestic violence or dating violence injunction;
 - c. Has, or has had, an Order for Involuntary Placement, pursuant to the Baker Act Statute.
- E. Request for Return of Firearms Procedures:
1. When any request for return of firearms is communicated to the Department, it will be immediately routed to the supervisor, Property and Evidence Unit.
 2. If a firearm(s) is taken pursuant to a Baker Act:
 - a. The firearm(s) must be made available for return no later than 24 hours after the person taken into custody:
 - 1) Has made a request to the Property and Evidence Unit, and
 - 2) Has provided documentation that they are no longer subject to involuntary examination and has been released or discharged from any inpatient or involuntary outpatient treatment.
 - b. The process for the actual return of firearms seized or voluntarily surrendered pursuant to a Baker Act where no Risk Protection Order has been sought may not take longer than seven (7) days. [§ 394.463(d)3., Florida Statutes]
 3. The supervisor, Property and Evidence Unit, will acquire the relevant case officer's approval to release the firearm before continuing this process.
 - a. If the case officer does not approve the release of the firearm, the supervisor, Property and Evidence Unit will communicate this information to the lieutenant, Property and Evidentiary Services.
 - b. If the case officer approves the release of the firearm, the supervisor, Property and Evidence Unit, will forward the information to the sergeant, Crimes Against Persons to begin the Firearm Return Request Form.
 4. The sergeant, Crimes Against Persons, will conduct a final review of the Firearm Return Request Form and forward the original packet back to the supervisor, Property and Evidence Unit.

5. The supervisor, **Property and Evidence Unit**, will upload a copy of the completed form and all supporting documents **into the RMS** for attachment to the main incident report.
 6. The Petitioner (the person who wants the firearm back) may apply for **the return of the firearm** through the Circuit Court which has jurisdiction over the area in which the firearm was seized. This will most likely be the Sixth Judicial Circuit in and for Pinellas County.
 - a. If the matter goes to a hearing, and is properly noticed, the Legal Advisor will email the result of the hearing to the Manager, Records, and copy the supervisor, **Property and Evidence Unit**.
 - b. The supervisor, **Property and Evidence Unit** will upload a copy of the Legal Advisor's email or court order to RMS for attachment to the main incident report.
- F. According to **section 90.91, Florida Statutes**, the officer **will** return, or cause to be returned, to the owner items of property when recovered, after photographs have been taken.
1. Photographs taken before return of the item(s) will each bear, or be accompanied by, the following:
 - a. A written description of the property (including make, model number and serial number, if any)
 - b. The name of the owner of the property
 - c. The location where the theft occurred
 - d. The investigating officer's name
 - e. The photographer's name
 - f. The date the photograph was taken
 - g. The police case number
 2. The photograph will be **submitted to Evidence.com** by the person taking the photograph.
 3. All photos or the digital media will be properly marked as described in this Order.
- G. Florida law allows police to dispose of lost and abandoned property or unclaimed evidence, except for firearms. The Department may:
1. Retain the property to be used by the Department.
 2. Retain the property to be used by another City department.
 3. Transfer the property to another unit of local government or state agency.
 4. Donate the property to a non-profit charitable organization.
 5. Surrender it to the finder, if they have made such a request at the time of its delivery to police, and they pay the advertising costs.
 6. Summarily dispose of the property, if it is abandoned property, which has no identifiable owner and has no obvious use, benefit or value to anyone.
 7. Sell the property at a public sale, pursuant to the provisions of **section 705.103, Florida Statutes**.
 8. Dispose of firearms and weapons as provided for in **section 790.08, Florida Statutes**.

XII. MOTOR VEHICLES AND BOATS

- A. A Motor vehicle on public property **will not** be tagged and removed as lost or abandoned property without the authority of a supervisor, and after a determination by a **property crimes detective** that there is no identifiable owner **and** by the supervisor that the vehicle has no intrinsic value.
- B. A boat either on public property or in the City's waterways **will not** be tagged and removed as lost or abandoned property without the authority of a supervisor, and after a determination by a marine officer that there is no identifiable owner, **and** by the supervisor that the vessel has no intrinsic value.

- C. When a motor vehicle or boat is on public property or in a City waterway and the name of an owner can be determined, **or** it is believed the vehicle or vessel has some intrinsic value, they **will** be removed under the authority of the applicable City ordinance; *i.e.*, street storage or as an abandoned vehicle.
- D. Motor vehicles or boats which appear abandoned on private property will be referred to Code Enforcement.
- E. Special attention is required when removing vehicles and vessels to avoid a monetary charge to the City for removal and storage.

Anthony Holloway
Chief of Police