



**Division of State Patrol
Policy and Procedure**

Number
10-5

Subject PHYSICAL EVIDENCE AND RECOVERED PROPERTY	
Author/Originator Bureau of Field Operations	Approved by Superintendent <i>Anthony L. Burrell</i>
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I. POLICY

It is the policy of the Division of State Patrol (DSP) that sworn personnel seizing evidence, contraband or recovering property adhere to proper standards for collection, documentation, security and disposal of such items.

II. BACKGROUND

Sworn employees often seize property as evidence or contraband while performing their duties. These items are related to the elements of offenses for which arrests are made or citations are issued. The safe handling of evidence requires special considerations in order to maintain the evidence’s relevance and legal status for admission in court.

Evidence is any material good that comes into the custody of a law enforcement officer when such material good may tend to prove or disprove the commission of a crime or the identity of a suspect pursuant to an official criminal investigation.

During the course of their duties, Division employees may recover material goods that do not have evidentiary value. This is considered found property, items for safe keeping, property for destruction, or abandoned property.

III. OBJECTIVES

- A. Establish a procedure for the seizure, control, and chain of custody of evidence and/or recovered property, from first contact to final the disposition.
- B. Establish safe handling guidelines for seized evidence and/or recovered property.
- C. Establish the responsibilities of the Region/Post personnel.

IV. DEFINITIONS

- A. Division Property and Evidence Management Guide – Reference guide for Division employees based on best practices from the [Wisconsin Association for Identification](#) (2020 No. 3).
- B. Evidence Committee – Comprised of an evidence coordinator or evidence custodian from each Region who meet regularly to report or act on Division concerns and issues related to the evidence program.
- C. Evidence Custodian – Designated by each Region and accountable for the control, maintenance, and record keeping of all evidence/recovered property accepted by or stored within the Region.
- D. Evidence Room – The Region/Post facility as designated by the Region Commander utilized to store evidence.
- E. Evidence Technician – Sworn officer who has successfully completed specialized training in the proper collection of crime scene evidence, as recognized by the Division.
- F. Regional Evidence Coordinator – Supervisor designated by the Region Commander to oversee evidence processing procedures.
- G. Statewide Evidence Coordinator – A member of the Statewide Evidence Committee who is assigned by the Division Executive Team to command and coordinate overall evidence/found property procedural operations. This person reports to the Program Director within the Division’s Specialized Operations.
- H. Temporary Evidence Storage – A secure location with limited access approved by the Region Commander or designee for the temporary storage of evidence.

V. GENERAL COLLECTION PROVISIONS – EVIDENCE AND RECOVERED PROPERTY

Employees must be aware of the extent of their authority and legal standing to search for and seize items, the application of the item itself to the elements of an offense, or its status as contraband. Sworn employees seizing property shall be responsible for the proper identification, storage, packaging and processing of property recovered or items seized as contraband or evidence. This includes the handling of evidence, scene securement, documentation, photographs/video recordings, processing, packaging, sealing, and securing of evidence. (See – [Division Property and Management Guide](#))

During the course of their duties, officers frequently come across property, which may be lost or abandoned, along the side of highways or at other locations. If the property poses a potential traffic hazard, it should be removed from the roadway. Unless the property appears to be of significant value, and/or includes personal identification, financial records, or contraband, the respective county highway department should be contacted to perform such removal.

- A. On occasion, members of the public turn in found property to DSP employees.
 - 1. Documentation of the property shall be made in the CFS.
 - a. Include where/when/what was found and by whom.
- B. If the employee is not able to determine the rightful owner of the property within 48 hours of obtaining it, the property shall be turned into the Region/Post headquarters within the Region in which it was found and follow the general evidence processing procedures, including SP4215.

VI. SECURING EVIDENCE AND RECOVERED PROPERTY

- A. Employees shall secure evidence or property only at an approved location (identified per Region/Post SOP) prior to ending their work shift during which the custody and control of the evidence was obtained by them.
- B. Firearms and currency shall be secured at a DSP Region/Post Headquarters.
- C. Evidence should be secured at a facility within the Region in which it was recovered.
- D. Evidence stored at approved temporary storage locations should be transported to the Region/Post headquarters within 30 calendar days.
- E. Items may be stored or secured in a local, county/state or federal law enforcement agency's evidence storage area. When Division employees turn the item(s) over to a representative from another agency, they must obtain the representative's signature on the PROPERTY REPORT/RECEIPT (SP4215).

VII. EVIDENCE CUSTODIANS

Specific evidence custodian responsibilities are outlined in the Division Property and Management Guide. In general, region assigned evidence custodians are responsible for the management, security, and safety within the evidence room.

VIII. SUPERVISORY RESPONSIBILITIES

A. Region/Post Evidence Coordinator

1. The overall security is the responsibility of the evidence coordinator which includes facilitating keycard/key access to the evidence room and providing authorization for persons to access the evidence room.
2. Provide an appropriate means of destroying property. The locations of destruction sites are facilitated through the statewide evidence coordinator.
 - a. Ensure that two DSP employees witness the destruction of property when authorized.
3. Monitor the return of property to owners and provide a means of disposal for unclaimed or non-returnable property.
4. Facilitate for the proper use, care and training of available DSP vent hoods.
5. Maintain a current list of available vent hoods within the region and plot their locations using MACH.
6. Coordinate the removal of dangerous drug waste with an approved vendor.
7. Immediate supervision of appointed custodians who perform assigned evidence related duties.

B. First-Line Supervisor

1. Shall monitor his/her assigned employee's evidence collection procedures for adherence to this and other applicable policies and legal standards.
2. Periodically review the employee's property receipts and related documents.

C. Region Commander

1. Shall approve storage locations and assign personnel to monitor evidence and property – to include coordinator and custodian(s).
2. Ensure an annual inventory of all evidentiary and recovered items within his/her Region is conducted and documented.
3. Shall ensure that a Region Evidence Processing/Seized or Recovered Property SOP is maintained.

IX. REFERENCES

Physical Evidence Handbook by Wisconsin Department of Justice

Wisconsin Association for Identification

[Wisconsin Association for Identification](#)

Wis. Stats. Sec. 20.909 – Lost or abandoned property

Wis. Stats. Sec. 170.07 to 170.105 – Lost chattels, notice/Chattels found by public officials, employees or agents

Wis. Stats. Sec. 928.20 – Return of Seized Property

Wis. Stats. Sec. 968.20(4) – Disposal of Property

Wis. Stats. Sec. 968.205 – Preservation of certain evidence

Property Report/Receipt SP4215

Property Report/Receipt – Supplement SP4216

Offense/Incident Report SP4500

Return of Firearm SP4557

Division Property and Management Guide

[Division Property and Management Guide](#)