

2020

DIVISION OF STATE PATROL PROPERTY AND MANAGEMENT GUIDE



The Division of State Patrol Property and Evidence Management Guide is based on best practices from the [Wisconsin Association for Identification](#).

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 management guide serves as the practical application for DSP policy and procedure 10-5 “Physical Evidence and Recovered Property.”



Daniel P. Steele

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I. HANDLING OF EVIDENCE

- A. All employees collecting/handling evidence of any kind shall wear clean nitrile, latex or other nonporous gloves.
- B. Evidentiary items shall be secured, as applicable, in a container suitable for the particular type of evidence collected and marked as appropriate (see Section VII of this policy personnel

II. CRIME SCENE SECUREMENT

- A. Sworn officers should ensure that all non-essential or unauthorized persons are kept outside of the scene and protect the scene from degradation due to weather conditions, or the intrusion of devices, people, animals, and/or vehicles.
- B. Sworn officers will be cognizant not to disturb potential sources of evidence such as, but not limited to, fingerprints, tire marks, or cross-contaminate potential sources; or deoxyribonucleic acid (DNA) evidence.

III. DOCUMENTATION - RECOVERED OR SEIZED ITEMS

- A. Property control numbers are assigned according to each region's evidence SOP and entered onto the PROPERTY REPORT/RECEIPT (SP4215).
- B. The inventoried items will be listed on the PROPERTY REPORT/RECEIPT (SP4215).
- C. Provide the property owner or person in possession of the seized property with a copy of the PROPERTY REPORT/RECEIPT (SP4215) at the time of seizure, if possible.
- D. Attach the appropriate copy of the PROPERTY REPORT/RECEIPT (SP4215) or other form of documentation to the packaged property as specified in applicable region SOP.
- E. The location and condition of all evidentiary items shall be documented on the PROPERTY REPORT/RECEIPT (SP4215). If applicable, the officer should diagram the item's location and describe that location in the OFFENSE/INCIDENT REPORT (SP4500).
- F. Documentation should be prepared as evidence is collected (date, time, place (wherein a vehicle/place), by whom, etc.).



IV. PHOTOGRAPHS/VIDEO RECORDINGS

- A. Photographs and/or video recordings of the overall crime scene should be considered.
 - 1. Photographs and/or video recordings should be taken prior to moving or collecting items of evidentiary value.
 - 2. See DSP Policy and Procedure 4-11 regarding Mobile Video Recording.

V. EVIDENCE PROCESSING

The evidence procedure guide is meant to provide general information regarding evidence. Some evidentiary items require special consideration, this section will be divided into the following sub-categories:

- A. Dangerous Drug Evidence
- B. Drugs (General)
- C. Biological Evidence
- D. Currency
- E. Firearms

A. Dangerous Drug Evidence

- 1. Officers handling dangerous drug evidence shall be alert to the risk of exposure to dangerous and life-threatening substances such as (especially powder, liquid, and illicit tablets) fentanyl and fentanyl analogs. Officers shall wear personal protection equipment (PPE) to include nitrile gloves, respiratory protection (N-95 masks), eye protection and medical gowns.
- 2. The two-person “buddy system” should be used when handling dangerous drug evidence. One officer conducting the testing and the second “buddy” officer away from the testing area but within view to offer assistance or summon help in the event the testing officer experiences an exposure incident.
- 3. Dangerous Drug Evidence located at a scene where an officer has reason to suspect hazardous chemicals, fentanyl or an analog is present, and where there is a significant risk of exposure, the substance should not be handled at all.
- 4. Avoid performing tasks or operations that may cause illicit drugs to enter the air. Only trained emergency responders wearing proper PPE should conduct activities that could cause illicit drugs to enter the air.



5. Avoid direct skin contact with illicit drugs. If this occurs, immediately wash the area with soap and water and notify dispatch and/or your supervisor.
6. Field-testing of suspected dangerous drugs shall be conducted underneath a vent hood while wearing all the specified personal protection items. The vent hood shall be utilized in the method as demonstrated through specified vent hood training.
7. Wash hands (or other unprotected skin) with soap and water immediately after coming into contact with illicit drugs or after leaving an area where illicit drugs may have been present. Avoid breaking the skin while cleaning and cover all open wounds.
8. Do not use hand sanitizer (or any alcohol-based cleaner) or bleach to clean areas affected by the dangerous drug.
9. Depending on the situation, a hazardous materials team should be consulted to collect the evidence.

NOTE: Officer safety is paramount and should not be jeopardized by shortcutting necessary safety precautions as listed within the evidence handbook.

B. Drugs (General)

[CLICK HERE](#) For the Wisconsin State Laboratory Controlled Substance Submission Quick-Reference Guide.

1. Drug materials should be field-tested and weighed prior to packaging.
2. If the drug material is in a bag or other container that will potentially need to be processed for fingerprints or DNA, then the drug material should be removed and packaged separately from the container.
3. Plant materials and other substances (dabs, gels, etc.) that are not completely dried should only be packed in paper products. This is for the prevention of degradation of the substance due to mold growth.
4. Powder materials can be packaged in plastic. However, it is recommended that secondary packaging be utilized as well.



C. Biological

1. To prevent mold growth or deterioration, non-liquid evidence should only be stored in paper packaging material, never plastic. Liquid evidence should be stored in glass, plastic vials, or jars for long-term storage- with the exception of frozen liquid samples (store frozen liquid in plastic, never glass). Also See Section VII. "Evidence Packaging"
2. Make sure all evidence (except for liquids samples) is dry before placing it into permanent storage.
3. Use this link for additional biological packaging requirements:
[Biological Evidence: Best Practices for Evidence Handlers](#)

D. Currency and Forfeitures

1. Reference Policy 16-5 for currency forfeiture information.
2. Non-forfeited currency may be seized as a result of the officer's investigation with the approval of the local district attorney where the incident took place.
3. Other property considered for potential asset forfeiture must be authorized by a sworn supervisor in coordination with the local district attorney's office where the offense took place.

E. Firearms

1. Firearms shall be securely packaged after being properly safety checked and cleared of all ammunition.
2. A zip tie is to be inserted through the action or cylinder whenever feasible.
 - a. **Zip ties should never be inserted into the barrel of the firearm as it may alter barrel markings that are used during a firearm analysis.**
3. Cardboard is the preferred container for firearm packaging if available.
 - a. Regardless of the container that is used, packaging should safeguard the firearm from any cross-contamination or loss of trace evidence,



as well as protect against contact with biohazardous substances. Live Ammunition should be stored separately from the firearm.

4. A Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) E-trace should be performed on any firearm seized by law enforcement. Firearms tracing is the tracking of the movement of any firearm from its first sale by the manufacturer or importer through the distribution chain to the first retail purchaser. A firearm trace could potentially link a suspect to a firearm in a criminal investigation or find the owner of a found firearm. The National Tracing Center Division conducts the firearm traces. Their contact information can be obtained at <https://www.atf.gov/firearms/national-tracing-center> The ATF website is a resource for the management of firearms. Most of the information on their website pertaining to the management of firearms can be found under the publications or forms tabs. **Consult Regional Evidence Coordinator to obtain an E-trace.**

5. The National Integrated Ballistic Information Network (NIBIN) is an automated database that looks for similarity in digital images of fired cartridge cases. The NIBIN unit then generates a correlation list of potentially matching images for analysis. This technology can create investigative leads by associating digital images of test fired guns and evidence cartridge cases to different crime scenes. **Consult Regional Evidence Coordinator to conduct NIBIN testing.**
 - a. Officers may consider NIBIN testing for the following criminal violations.
 - i. All felony related firearm violations.
 - ii. Felon in possession of a firearm.
 - iii. Possession with intent to deliver a controlled substance with a firearm.
 - iv. Criminal firearm violations that are likely to turn into a felony charge.
 - v. Possession of stolen firearms.
 - vi. CCW violations in conjunction with a controlled substance violation. (Further investigation is required to merit NIBIN testing for violations of this nature)



F. FOUND / RECOVERED PROPERTY WIS. ss. 170

1. Property found by private citizens with a value of less than \$25 does not need to be accepted as Found Property. It can either be destroyed or the finder has the right to keep it.
2. If the found property is money, is less than \$100, and the owner is unknown, the money can be returned to the finder and documented within CFS.
3. Property Found by Private Citizens Valued more than \$25 Wis. ss. 170.7
 - a. If the found property exceeds in value, the State Patrol will post a notice of the found property in two public places in the city, village, or town where the property was found, including but not limited to the wsp.wi.gov website and WSP social media pages.
4. Disposition of Property Found by Private Citizens Wis. Stat. §170.09
 - a. After proper notice has been published, the rightful owner of the property has 90 days to appear. The property may be returned to the rightful owner upon paying all costs and charges on the property, including a reasonable compensation to the finder for the finder's trouble.
 - i. Evidence custodians/or designee will make arrangements with the owner to schedule an appointment to obtain the property. The owner must present satisfactory evidence of identification, must sign to acknowledge receipt of the property, and must pay all associated expenses.
 - ii. The property report is removed from the property file and forwarded to Records for filing in the original case.
 - b. If no owner appears within 90 days, the property may be turned over to the finder.
 - i. The evidence custodian/or designee will notify the finder requesting them to schedule an appointment to obtain the property. The finder has 30 days to acknowledge the ownership of the found property.
 - ii. The finder must present satisfactory evidence of identification and must sign to acknowledge receipt of the property.
 - iii. The property report is removed from the property file and forwarded to Records for filing in the original case.



- c. If the finder does not acknowledge the new ownership All unclaimed found property shall be deemed abandoned and may do the following:
 - i. Process the item(s) for public sale by the state agency having charge of the place where such property was found.
 - ii. Destroy the item(s) unless it is currency.
 - iii. Donate the item(s) to a charitable organization.
 - iv. Retain the items for Division use.

Abandoned currency will be turned over to the Department of Revenue following “Holder Report” guidelines. (SEE SECTION V. “EVIDENCE CUSTODIANS”).

5. Property Found by Public Employees Wis. Stat. §170.105

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. Property recovered by employees within the scope of his/her official duties (not already removed by the count highway department), having a value exceeding \$25.00, shall be transferred to the region/post where property was found, and will post a notice of the found property in two public places in the city, village, or town where the property was found, including but not limited to the wsp.wi.gov website and WSP social media pages.
 - b. If the found property is not claimed within 90 days after the notices were posted, it becomes the property of the finder’s agency.
 - c. If the owner of the found property appears within 90 days after notice is posted, the property may be returned to them upon their paying all the costs and charges on the property.
 - i. The evidence custodian/or designee will notify the owner requesting them to schedule an appointment to obtain the property.



- ii. The owner must present satisfactory evidence of identification, must sign to acknowledge receipt of the property, and must pay all associated expenses.
- iii. The property report is removed from the property file and forwarded to Records for filing in the original case.
- iv. All unclaimed found property will be deemed abandoned. Follow abandoned property guidelines under General Evidence.

VI. SECURING EVIDENCE (DSP Policy and Procedure 10-5)

- 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 were obtained by them.
- B. Firearms and currency shall be secured at a DSP region/post headquarters.
- C. Evidence shall be secured at a facility within the region in which it was recovered.
- D. Evidence stored at approved temporary storage locations shall 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).

NOTE: Transporting items to court requires that the employee maintain security until the court accepts responsibility for the item(s). Items not used for court action shall be returned to a region/post evidence storage facility prior to the end of the applicable work shift.



VII. EVIDENCE PACKAGING

Packaging materials should protect the item from contamination, tampering, or alteration. Packaging materials should not cause deterioration. Unless an item of evidence is a liquid sample, items that are wet should be allowed to dry before being packaged and then packaged in paper or cardboard.

- A. **Paper** - is the appropriate packaging for many different types of items. Paper is porous-it allows water vapor to escape. As a result, it is the packaging of choice for items that may contain residual moisture (unless it is important that the vapors be trapped). Plant materials, such as marijuana or mushrooms which are confiscated fresh, should be thoroughly dried before submission to the Laboratory. When stored in plastic, the plant material will mold, or, with enough time elapsed, may decompose and percolate.
- B. **Plastic** - has several advantages: it has great strength for its weight and transparent plastic allows inspection of the contents. However, there are several disadvantages which must be recognized. Water vapor does not freely pass through plastic. Most evidence is adversely affected by prolonged exposure to water: steel will rust, cardboard or paper may decompose, biological materials are destroyed, natural clothing materials (leather, wool, cotton) can mold and degrade.
- C. **Glass Vials/Jars**- must have a tight-fitting top and must be protected from breakage once collected.
- D. **Metal Cans** - new, clean, unlined paint cans are ideal for storing non-biological samples that could evaporate.

VIII. SEALING EVIDENCE

- A. Evidence must be properly sealed. This provides proof that an item has not been accessed and therefore could not have been altered or contaminated during storage or transport. Nothing can be added or removed from a properly sealed package. The primary requisite of a good seal is that if it is tampered with, the tampering can be detected.



(Figure 1)

Close the package (Figure 1) by folding over the opening more than once. Use an indelible pen to write the sealer's initials across the junction of the tape.



Figure 2

Figure 3

Figure 4

Use an indelible pen to write the sealer's initials across the tape (Figures 2-4). Make sure the sides, as well as the bottom of the flap of the envelope, are covered with tape to prevent anything from being added to or escaping from the envelope. The examples illustrate the flap folded inside or outside the envelope and taped with one or multiple strips of evidence tape. Always check the manufacturer's seal on the packaging to ensure that it is adequate.

The heat-sealing method partially melts the plastic packaging and fuses it together. Make sure that you sufficiently heat the plastic to ensure the halves are fused together. Make sure to initial in the same manner with an indelible pen as shown above.

IV. PROPERTY AND EVIDENCE CONTROL

The property and evidence control function should provide for security and control of seized, recovered, and evidentiary property as well as abandoned, lost or found property in the custody of the law enforcement agency. This is critically important in supporting investigations, in helping to guarantee successful prosecution at



criminal/civil trials, in facilitating the timely return of property to its rightful owners, and in establishing the agency's reputation as honest, reputable, and worthy of the public's confidence and trust.

A. Crime Lab Submittals

1. For the most up-to-date information regarding evidence submission to the Wisconsin State Crime Laboratory (WSCL), please reference <https://www.doj.state.wi.us/dles/wsclevidence-submissioninformation>. The information provided on this website references the 9th Edition of the Physical Evidence Handbook which contains an appendix for general evidence submission guidelines, as well as specific announcements pertaining to guidelines for DNA, latent print, and controlled substance evidence. This website also discusses the various forms that are required when submitting evidence. Links are provided within the website for each topic or form, as well as for the Physical Evidence Handbook. The handbook can also be found on WILENET at the following link: <https://wilenet.org/html/crime-lab/physevbook/index.html>.
2. Be aware that the WSCL may require the submission of a memo from the DA's office requesting testing for certain evidence. This may be applicable in misdemeanor drug cases, non-violent touch DNA cases, or for cases in which the DA is waiting to file charges pending testing results.

B. Retention - Dispositions

1. General

Property seized as evidence must be maintained until a defendant is convicted, the case has been dismissed with prejudice, or the DA authorizes release of the property prior to adjudication. If a suspect has left the state or a John Doe warrant has been issued, the statutes of limitations are suspended or tolled and the evidence must be held.

2. Items Used in the Commission of a Crime

Per [Wis. Stat. § 968.20\(1m\)\(b\)](#), "If the seized property is a dangerous weapon or ammunition, the property shall not be returned to any person who committed a crime involving the use of the dangerous weapon or ammunition."

Per [Wis. Stat. § 939.22\(10\)](#), "Dangerous weapon" means any firearm, whether loaded or unloaded; any device designed as a weapon and capable of producing death or great bodily harm; any ligature or other instrumentality used on the throat, neck, nose, or mouth of another person



to impede, partially or completely, breathing or circulation of blood; any electric weapon, as defined in s. [Wis. Stat. § 941.295\(1c\)\(a\)](#); or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

3. Reference

Any person claiming the right to possession of property seized with or without a warrant may petition for its return in the circuit court from where the property was seized or where the search warrant was returned. ([Wis. Stat. § 968.20](#))

4. Juvenile Dispositions

Juvenile dispositions must be handled on a case-by-case basis. Disposition of juvenile cases can be obtained through the cooperation of Human Services, corporation counsel, and district attorney's office.

5. Multiple Defendants

When two or more defendants are involved in a criminal case, evidence will not be disposed of until all defendants' trials have been concluded and the appeals process is resolved.

6. Court Orders

There are situations in which departments can file for seizure of certain types of evidence in a given case. If the court order the forfeiture of these items, this ruling must be honored. The same is true if the court orders a specific disposition for certain evidence.

7. Recovered Stolen Property

Determine if the evidence submitted is property stolen during a non-violent crime. These items can be released to the lawful owner before the conclusion of the criminal case after the following conditions have been met:

- a. A photograph is taken of the stolen property ([Wis. Stat. § 943.20\(4\)](#)).
- b. Prior to release, all serialized property is cleared from NCIC/CIB.
- c. Any request made by the owner for return of stolen property shall be cleared by the DA's office.



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- d. The property was not seized from a pawn store or other party that has a vested interest.
- e. A receipt is signed by the owner when the property is released.

8. Abandon Money -

<https://www.revenue.wi.gov/Pages/UnclaimedProperty/Home.aspx>

Money deemed abandoned shall be turned over to the Wisconsin Department of Revenue. To start the DOR process, go to the following site <https://tap.revenue.wi.gov/UCPHolder/#6>

- a. Check box #2 to manually enter your information. Ensure to include Federal Employer Identification (FEIN) number. Report number will be 1.
- b. When entering the subjects into the case, put “all other owners” when asked for “relationship”
- c. You will be able to put multiple cases on a report.
- d. You will need to get one cashier’s check to send all the currency to the DOR. Address to send the cashier’s check:

WIDOR – Unclaimed Property Unit
PO Box 8982
Madison WI 53708

- e. WIDOR contact information:
608-264-4594
DOR WI Holder Reports DORWIHolderReports@wisconsin.gov

C. Release - Authorized Persons

The following persons may authorize the release of evidence that has been placed in the property/evidence room:

1. The investigating officer or investigating officer’s supervisor
2. The District Attorney’s office where the incident took place
3. A judge via court order



NOTE: When appropriate, the district attorney and case agents should be involved in decisions involving the disposition of evidence. This coordination will assist in the prevention of erroneous disposal of evidence.

X. EVIDENCE CUSTODIANS

Resources for Division evidence custodians may be found on the following SharePoint Site: <https://wigov.sharepoint.com/sites/dot-dsp/evidcom/SitePages/Home.aspx>
Worksheets have been developed to aid the evidence coordinators/custodians in the management of region property rooms and can be found in section B.

(RIGHT OF REFUSAL)

Assigned Division Evidence Custodians have the right of refusal for any deviation in packaging methods that do not meet the property or evidence standards. Packaging methods are based upon the Wisconsin Physical Evidence Handbook and are defined in sections I-IX above. Division Evidence Custodians have the authority to notify the submitting officer through normal channels to correct any issues.

A. Duties:

1. Management of the Property/Evidence Rooms within their respective Post. Custodians are responsible for limiting access to authorized persons for access inside evidence rooms.
2. The immediate security of the evidence room is the responsibility of the evidence custodian (example: making sure the evidence room door is shut when not in use). The overall security is the responsibility of the evidence coordinator (example: facilitating keycard/key access to the evidence room).
3. Safety is paramount while working inside the evidence room. Evidence custodian(s) must ensure accessibility to first aid/first responders in the event medical attention is needed. This includes:
 - i. Propping the evidence room access door open while working inside the evidence room in order to allow first responders access.
 - ii. Changing the status of MACH to read "Evidence Room."
 - iii. Notify regional Law Enforcement Dispatchers (LED(s)) of the work within the evidence room for appropriate status checks.
 - iv. Immediate access to NARCAN
5. Laboratory Submission - Submit item(s) to laboratories when necessary for testing or other forensic processing. In such cases, the item(s) may be packaged and mailed as prescribed by the laboratory or signed for and transported by a sworn DSP employee to the laboratory for testing in accordance with applicable guidelines in the Wisconsin DOJ Physical Evidence Handbook.



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6. Signing Out Evidence - Interim Release of Evidence. To facilitate the need for officers to temporarily remove evidence from the property/evidence room for further Investigation, examination, etc., the following procedures shall be followed:
 - i. The officer will request the evidence.
 - ii. Officers checking out evidence will be required to sign and date the chain of custody form for all evidence released.
 - iii. Officers shall, as soon as appropriate, return all evidence to the property/evidence room.
 - iv. Evidence shall be repackaged or resealed as necessary to ensure the integrity of the item.
 - v. Evidence entered as a court exhibit is no longer the responsibility of the property manager. The Clerk of Courts maintains the evidence. The disposition of the evidence shall be documented as received by the Courts. It is encouraged to obtain a receipt from the Clerk of Courts as proof that the evidence was entered as an exhibit. The receipt should identify the item of evidence and the exhibit number. All documentation should be placed in the original report file.

7. Determining Disposition/Case Status

Property and evidence held by a law enforcement agency shall be disposed of in a manner authorized by statute and/or local ordinance. See [Wis. Stat. § 968.20](#)

- a. Disposition Letters/Forms or other correspondence should be sent to the appropriate authorized person(s) for a determination as to what is to happen to evidence.
- b. To verify case adjudication, check the Wisconsin Circuit Court Access (CCAP) webpage (<https://wcca.wicourts.gov/>).



NOTE: To streamline dispositions of evidence for cases that have not been appealed, a memorandum of understanding (MOU) between the law enforcement agency and the DA's Office is suggested. Be aware that an MOU does not supersede any statutes dictating retention of evidence. **See section B, Figure 1. For MOU example.**

- c. Typical disposition codes for property/evidence may indicate: destroy, return to owner, hold, retain for open records, court-ordered disposition, auction, donate, diversion, etc.
- d. In cases where there are no suspects or leads, evidence shall be maintained for a period designated by Wisconsin's statute of limitations ([Wis. Stat. § 939.74](#)), unless said evidence is department generated documents and/or electronic media. These files can be subject to a department's records retention policy and therefore should be held for whichever duration of time is longer, the statute of limitations or retention policy.

For additional information regarding case dispositions, follow the guidance on page 15 (and following) in the [Wisconsin Association for Identification Property Management Guide](#).



B. State Patrol Property and Evidence Room Worksheets (EXAMPLES)

Figure 1. District Attorney MOU for Disposition of Evidence

Date:
To: XXXXX District Attorney’s Office and XXXXX Evidence Coordinator
From: XXXXX District Attorney XXXXX and Sergeant XXXXX
Subject: Disposition of Evidence
Expiration: Date: Until Further Notice

In an effort to streamline the disposition of evidence and maximize the efficiencies and effectiveness of the XXXXX District Attorney’s Office and the Wisconsin State Patrol both parties agree to proceed in the following manner regarding the disposition of evidence:

1. After one year of property seized the evidence custodians will check status of the case in CCAP
2. Cases not entered into CCAP
 - a. Property will be purged from evidence in accordance to WSP policy 10-5
3. Misdemeanor cases
 - a. Property will be purged from evidence six months from the conclusion of the case in accordance to WSP policy 10-5
 - b. Property will be retained for misdemeanor cases in the following situations
 - i. Warrant issued for subject’s arrest
 - ii. Case is under appeal
 - iii. DA’s office requests WSP to retain evidence for a stated length of time
 - iv. Evidence custodians recognize extenuating circumstances surrounding case
4. Felony cases
 - a. Property will be purged from evidence one year from the conclusion of the case in accordance to WSP policy 10-5
 - b. Property will be retained for felony cases in the following situations
 - i. Warrant issued for subject’s arrest
 - ii. Case is under appeal
 - iii. DA’s office requests WSP to retain evidence for a stated length of time
 - iv. Evidence custodians recognize extenuating circumstances surrounding case
5. Crash Evidence
 - a. Property taken as a result of an investigation into a crash, will be retained until directed by the XXXXX District Attorney’s office for disposition.



Figure 2. Property Return Letter – General property evidence to-be-returned to owner.

Property Return Letter

Date:

To: Person
Address
City, State, Zip

Reference Case #: 75-10783

Dear XXXXX,

The property listed below is now ready to be released by the Wisconsin State Patrol.

- Smith and Wesson M&P 9MM SN. HKK2311
-
-
-
-

If you wish to claim this property, please call to make an appointment with the Evidence Coordinator (XXX) XXX-XXXX. Property will not be released without an appointment. **You must have this letter and a photo ID with you when you arrive to claim you property.**

If the property is not claimed within 30 days of the date of this letter, it will be disposed of according to law.

Sincerely,

XXXXX Region Evidence Coordinator
Sergeant XXXXX
Wisconsin State Patrol



Figure 3. Firearm Disqualification Letter- based on follow-up investigation, informs property owner that they are disqualified from possession a firearm and/or ammunition due to State and/or Federal-Firearm Disqualifiers.

Firearm Disqualification Notification Letter

Date:

To:

Re: Firearm Disqualification Notification Letter

We are holding firearm(s) under Wisconsin State Patrol Call For Service (CFS) number 000000-0000. Our records indicate that these firearms belong to you.

After performing a Firearm Release Background Check, we have found that you are disqualified from possessing a firearm and/or ammunition due to State and/or Federal Firearm Disqualifiers.

Due to the fact that we cannot return said firearm(s) to you, we intend to destroy said firearm(s) in 30 days from the date of this letter, unless you obtain a legal order prohibiting such action.

You have the option to transfer the ownership of the firearm(s) to a qualifying third party. If you choose to transfer ownership to a qualified third party, please notify us **in writing within 30 days**. In your request, you must include the third party's full name, date of birth and contact information. A thorough background check will then be done on the third party and if approved, both you and the third party will be required to sign a Third-Party Firearm Release Acknowledgement.

If you do not obtain a legal order prohibiting the destruction of said firearm within 30 days of this letter, or notify us of your intent to transfer ownership of the firearm(s) within 30 days of this letter, they may be disposed of pursuant State Statute 968.20.

If you have further questions, please contact me at (XXX) XXX-XXXX.

Sincerely,

XXXX Region Evidence Coordinator
Sergeant XXXXX
Wisconsin State Patrol



Figure 4. Instructions for Currency Return Letter – informs property owner that WSP presently holds money available for return. If left unclaimed after 120 days, the money is turned over to the Department of Revenue.

INSTRUCTIONS FOR PROPERTY RETRIEVAL

Date:

To:

Case Number:

Dear

The currency associated with this case is currently under the protection of the Wisconsin State Patrol – XXX Region. Our records indicate you are the owner of the currency. It is your responsibility to contact the Evidence/Property Unit as soon as possible if you wish to claim your property. If a special circumstance or need arises, please contact the Evidence/Property Unit.

Wisconsin Statue § 177.13 titled, *Property held by courts and public agencies* reads as follows: “Except as provided in ss. 40.08(8), 800.095(8), 852.01(3), 863.37(2) and 863.39, intangible property held for the owner by a court, state or other government, governmental subdivision or agency, public corporation or public authority that remains unclaimed by the owner for more than one year after it became payable or distributable is presumed abandoned.” “Intangible property” is further defined in Wis. Stats. § 117.01(10) to include, among other things, “money, checks, drafts [and] deposits.”

All abandoned funds associated with this case will be turned over to the Wisconsin Department of Revenue within 120 days of this notice.

PROPERTY IS RELEASED BY APPOINTMENT ONLY CALL EVIDENCE/PROPERTY AT (###) ###-#### FOR AN APPOINTMENT. PROPERTY WILL NOT BE RELEASED WITHOUT AN APPOINTMENT.

You must have this letter with you when you arrive to claim your property along with photo identification.

Sincerely,

Region Property/Evidence Coordinator
Wisconsin State Patrol



Figure 5. Firearm Checklist – assists regional coordinator/or designees with a workflow for seized firearm(s) and additional investigative avenues.

CFS: _____

Firearm Checklist

Safety Checked/Secured in Evidence box

Active Firearm Seizure report on "W" drive

ETrace

Stolen Yes No

If yes,

ORI contacted Agency: _____

ORI Contact for Return: _____

Contact DA Regarding Fingerprint/DNA Date: _____

Sent for Fingerprint/DNA

Sent for NIBIN

DISPO

Returned to ORI (Stolen)

Returned to Owner/Third party

Firearm Background Checklist completed

Sent for destruction

10-29 check done on firearm before being sent



Figure 6. Firearm Background checklist – assists regional coordinator/or designee with a workflow for seized firearm(s) and returns to property owners.

Firearm Background Checklist

Name of requestor: _____ DOB: _____

Address: _____ Phone: _____

CFS# : _____ Court Casell (CCAP): _____

Approved to release per Trooper/Inspector: _____

Run and check the following reports:

- Portals 0028
- CIB
- CCAP
- NCIC check on firearm to make sure it hasn't been listed stolen

Any Disqualifiers noted:
 No Yes

If yes, Explain: _____

Form completed by: _____ Date: _____
Signature Date

This portion to be completed by a Supervisor

APPROVED for release of firearm

DENIED for release of firearm

Signature Date



Figure 7. Third Party Firearm Transaction – A receipt for disqualified firearm property owners – authorizing the firearm to-be-turned over to a third-party recipient (Two Pages).

Receipt and Acknowledgement - Third Party Transfer of Firearm

The Wisconsin State Patrol has received information that that _____, DOB _____ is currently prohibited from acquiring and/or possessing firearms; therefore, the firearm(s) listed below may not be returned to him/her. However, the firearm(s) listed below may be transferred to a person identified and verified as not having a firearms prohibition.

Firearms:

1. Make, Model, Caliber, Serial #
2. **Smith & Wesson**
3. **M&P Shield**
4. **.40 Caliber Handgun**
5. **SN: LDN0464**

OWNER'S ACKNOWLEDGEMENT

I, _____, hereby acknowledge the following.

1. _____ Federal and/or State Law prohibits me from possessing or receiving the above described firearm(s) and/or any other firearm(s).
2. _____ Possession or receipt of the above described firearm(s) (and any other firearms) could result in Federal or State criminal charges against me and forfeiture of the firearm(s).
3. _____ I can request the above described firearm(s) be transferred to _____, a person who is not prohibited from possessing the firearm(s) or any other firearm(s).
4. _____ does not reside with me.



PLEASE READ BEFORE SIGNING

I, _____, do hereby agree that I have read and fully understand the information contained above.

Dated: __/__/_____

Signature of the Firearm(s) Owner

Printed Name

Date of Birth

Address

Phone #

I, _____, do hereby agree that I have read and fully understand the information contained above.

Dated: __/__/_____

Signature of Third Party

Printed Name

Date of Birth

Address

Phone #

Dated: __/__/_____

Witness Signature

Printed Names

Northeast Region Evidence Coordinator Wisconsin State Patrol



Figure 8. [Receipt of Firearm SP4558](#) - Form required when transferring a firearm to property owner.

RECEIPT OF FIREARM
SP4558 2000

Wisconsin Department of Transportation

Case Number

Description of Firearm

Make	Model
Caliber	Serial Number
Check One <input type="checkbox"/> Handgun <input type="checkbox"/> Rifle <input type="checkbox"/> Shotgun	

I, the undersigned person receiving the above described firearm, acknowledge receipt of said firearm from the Wisconsin State Patrol.

I understand that under Wisconsin State Law I may not sell, deliver, or otherwise transfer a firearm or ammunition to anyone I know, or reasonably should know, who has been:

- Convicted of a felony in this State.
- Convicted of a crime elsewhere that would be a felony if committed in this state.
- Adjudicated delinquent for an act committed on or after April 21, 1994, that if committed by an adult in this state would be a felony.
- Found not guilty of a felony in this state by reason of mental disease or defect.
- Found not guilty of or not responsible for a crime elsewhere that would be a felony in this state by reason of insanity or mental disease, defect or illness.
- Committed for treatment under s.51.20(13)(a) Wis. Stats. and ordered not to possess a firearm under s.51.20(13)(cv) Wis. Stats.
- Ordered not possess a firearm under s.813.125(4m) Wis. Stats.
- Enjoined under an Injunction issued under s.813.12 or s.813.122 Wis. Stats. or under a tribal Injunction, as defined in s.813.12(1)(e) Wis. Stats., issued by a court established by any federally recognized Wisconsin Indian tribe or band, except the Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he or she is subject to the requirements and penalties under s.941.29 Wis. Stats. and that has been filed under s.806.247(3) Wis. Stats.

Name of Person Receiving Firearm - Print Legibly

(Person Receiving Firearm Signature)

(Date)

(Releasing Officer Signature)

(Badge Number)