



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

560 – PROPERTY

GENERAL ORDER: 2021-XX
ISSUED: August 30, 2021

EFFECTIVE: August 30, 2021

REVIEW/APPROVED BY:
Inspector Shunta Boston-Smith
DATE: July 7, 2021

ACTION: Amends General Order 2017-58 (November 10, 2017)

WILEAG STANDARD(S): 11.1.1, 11.1.2, 11.1.3, 11.1.4, 11.1.5, 11.1.6, 11.1.7, 11.1.8, 11.2.1, 11.2.2, 11.2.3, 11.2.4, 11.2.5, 11.2.6

ROLL CALL VERSION

Contains only changes to current policy.
For complete version of SOP, see SharePoint.

560.05 PROPERTY CONTROL (WILEAG 11.1.1, 11.2.3)

- A. The Property Control Division warehouse is located at 2620 W. Wisconsin Ave. and shall be accessible to the public and department members, Monday through Friday from 7:00 a.m. — 6:00 p.m. during normal business hours. The Property Control Division warehouse is closed to the public on city observed holidays.
- B. ~~The Property Control warehouse shall be accessible for normal department business Sunday through Saturday from 6:00 a.m. — 7:00 p.m.~~ Department members requiring access to Property Control Division services outside of 6:00 a.m. — 7:00 p.m., Sunday through Saturday, normal business hours shall send an email to [REDACTED] or leave a voice mail at extension [REDACTED]. Property Control Division personnel will respond the next business day.
1. If exigent circumstances exist (e.g., large drug/firearm seizure), the shift commander shall notify the Technical Communications Division (TCD). A TCD supervisor shall make notification to a Property Control Division supervisor who will ~~respond outside normal business hours~~ determine if Property Control Division personnel will respond and open the building.
 2. If Property Control Division personnel will not respond to open the building, inventoried property shall be stored in each work location's designated property room until members assigned to the Property Control Division can pick up property as part of the daily property pick-up (~~property inventoried at the Specialized Patrol Division shall be picked up twice per week or at the request of the Specialized Patrol Division shift commander~~).

560.15 MEMBER'S RESPONSIBILITIES (WILEAG 11.1.2, 11.1.5, 11.2.1, 11.2.2, 11.2.4)

- B. All property coming into the possession of any member of the department, including property temporarily retained by officers assigned to PAB municipal court security for persons entering the Police Administration Building, and here otherwise noted in this procedure, shall be immediately inventoried through WinAce.

2. Members shall include the circumstances in which the property came into the department's possession and if applicable, the ~~incident report~~ case number, citation number, or court case number on the WinAce-Officer Drop inventory.
 3. ~~This task~~ The inventory shall be done prior to securing from duty.
- C. The WinAce-Officer Drop inventory shall be generated by entering the inventoried property information into the "Ace-Officer Drop" system. Once the WinAce-Officer Drop submission has been completed, it shall be reviewed for accuracy and approved by a supervisor. After supervisory approval, two copies of the WinAce-Officer Drop inventory will automatically be generated. A copy of the "Case Disposition" form (~~formerly the mint green copy~~) will also be generated, if the property is evidence.
- F. Upon completion and approval of the WinAce-Officer Drop inventory, the member shall be allowed access to place the inventoried property in the secure designated property room under the supervision of a work location supervisor. Members assigned to the Property Control Division who are picking up property as part of the daily property pick-up shall be granted access to the work location's evidence room to collect and ~~gain control~~ of the property. This task shall be performed in the presence of the work location supervisor.
- G. Each work location shall assign a supervisor to coordinate with the supervisors at the Property Control Division on property evidence and inventory issues (e.g., missing, pending). The Criminal Investigation Bureau and Specialized Patrol Division shall both assign a supervisor to coordinate the storage, processing, and release of vehicles their members tow as evidence.
- H. When a prisoner's property cannot be immediately transferred to the location of their confinement (e.g., the prisoner goes to the hospital), that property shall be placed on a WinAce-Officer Drop inventory as safekeeping and processed accordingly.
- I. Seizure of property is limited to contraband, instrumentalities of a crime, fruits of a crime, or evidence of a crime. Unless there is reasonable suspicion to the contrary, police members shall not confiscate property merely because the possessor cannot provide proof of ownership.
2. If the officer determines that the individual from whom the property was recovered is not the rightful owner, then the rightful owner shall be listed. If the rightful owner is unknown, then the claimant shall be listed in either the circumstance or under the person's field as "unknown."
- J. Personal property, including money, is subject to seizure and forfeiture under Wis. Stat. § 973.075, or if a crime under the Uniform Controlled Substances Act under Wis. Stat. § 961.55/06. Personal property may be seized under these statutes for circumstances where the seizure is incident to a lawful arrest; pursuant to a search warrant; or if an officer has probable cause to believe the property is either directly or indirectly derived from the commission of a crime.
1. Any investigating member, except HIDTA personnel, must first obtain a

supervisor's authorization prior to seizing money or a cell phone regarding any type of illegal narcotic related offense that does not meet the criteria as established in SOP 765 Asset Forfeiture. The supervisor authorizing the seizure of the property must be listed in the circumstances field of the property inventory. This section does not apply to "buy money" or if the seized items meet the requirements as outlined in SOP 765 Asset Forfeiture.
(WILEAG 11.1.6.1)

Note: Department SOP 765 on Asset Forfeiture provides additional details on seizing money, cell phones and other property.
(WILEAG 11.2.1.5)

- Q. Whenever any type of dry powder like illegal substance is inventoried, especially those that are believed to contain cocaine or heroin, the substances must be secured in a paper fold and a clear zip-lock bag. The items shall then be sealed inside the appropriate narcotics envelope.
1. Any substance that either contains or may contain fentanyl or any fentanyl derivative shall be processed in accordance with SOP 760 ~~not be tested or removed from its original container. It shall simply be sealed in a zip-lock bag and then secured in the appropriate narcotics envelope.~~ On the envelope itself under drug type, in red ink write, Suspected Fentanyl. If the substance needs to be analyzed, a letter of transmittal shall be completed in order for the substance to be tested by the State Crime Lab.

560.20 ROUTING OF PROPERTY INVENTORY REPORT (WILEAG 11.1.2, 11.2.4, 11.2.6)

- A. ELECTRONICALLY GENERATED WINACE-OFFICER DROP PROPERTY INVENTORY REPORT
2. The "Case Disposition" form ~~of the WinAce Officer Drop~~ is automatically generated anytime a member creates as evidence inventory in WinAce. This form shall accompany other related paperwork in all state cases involving a summary arrest, an arrest warrant request or order-in. The department member shall properly complete the form and forward the form via fax or interdepartmental mail to the Property Control Division.
- B. HANDWRITTEN PROPERTY INVENTORY REPORT (PP-32)
5. The only members who shall have access to remove property from another work location's secure property room locker are members with the rank of inspector of police or above, sworn members assigned to the Internal Affairs Division, members of the Property Control Division who are picking up property as part of the daily property pick-up (in the presence of a work location supervisor) ~~and sworn members of the Forensics Division (who only have access to the forensics room).~~

560.25 PROPERTY DISBURSEMENTS (WILEAG 11.2.5)

- A. Property paper disbursements (form PP-24) shall be made to the Property Control

Division who shall pick up these disbursements on weekdays from each ~~district station~~ ~~work location where inventoried evidence is properly stored~~. All disbursements shall be ready, Monday through Friday for pick-up by 7:00 a.m. If property will be picked up on weekends, holidays, or earlier than 7:00 a.m., the Property Control Division shall telephone the districts to make special arrangements. This section shall only apply if the paper inventory is used.

- C. Prior to the arrival of Property Control Division personnel, each ~~district~~ ~~work location that stores evidence~~ shall prepare the WinAce-Officer Drop submissions for pick-up as follows:
1. The original WinAce-Officer Drop inventory along with the inventoried property and any other original reports if applicable, such as a ~~Firearm's Report (form PF-11)~~ or property receipt, etc.
 2. A stamped ~~original~~ ~~copy~~ WinAce-Officer Drop inventory listing ~~any~~ property turned over to another location for analysis ~~during the previous 24 hour period, following the previous daily disbursement~~ prior to being collected by the Property Control Division.
 3. If inventoried property is released to an owner/claimant prior to being received by the Property Control Division, the following must be immediately provided by inter-office mail or fax to the Property Control Division:
 - a. A copy of the WinAce-Officer Drop inventory listing the property that has been returned to the owner/claimant,
 - b. A *Property Receipt* (form PP-33) signed by the person (owner) receiving the property,
 - c. A photocopy of the citizen's identification card, and
 - d. A PO-5, if required, ~~shall be faxed to Property Control.~~
 4. All original paperwork concerning inventoried property given back to the owner/claimant by members not assigned to the Property Control Division shall be immediately forwarded to the Property Control Division.
- D. The Property Control Division shall verify each disbursement with a representative from the work location.
3. A copy of the disbursement shall be given to the work location, ~~if requested~~, and the original shall be retained by the Property Control Division.

560.30 PROPERTY REQUIRED FOR COURT (WILEAG 11.1.2, 11.1.8, 11.2.1)

A. REQUESTING/OBTAINING PROPERTY FOR COURT

2. ~~A commanding officer/designee or Property Control~~ Any supervisor may authorize

the release of property to a department member for court presentations.

4. ~~Available officers/detectives~~ Department members shall in a timely manner after receiving notification that property is required for court, respond to the Property Control Division to pick up the requested property.

560.35 SUBMISSION OF EVIDENCE TO FORENSICS, HIGH TECHNOLOGY, NATIONAL INTEGRATED BALLISTIC INFORMATION NETWORK LAB OR DRYING ROOM (WILEAG 11.1.2, 11.1.3, 11.1.4, 11.1.5, 11.1.6, 11.2.4)

- A. Inventoried property that is transferred to the Forensics Division, High Technology Unit, National Integrated Ballistic Information Network Lab, or the drying room prior to being received by the Property Control Division shall be handled in the following manner:
 3. The member receiving the evidence at either the Forensics Division, High Technology Unit, or National Integrated Ballistic Information Network Lab shall complete the stamped paperwork and retain the original paperwork. A copy of the stamped/received paperwork shall be provided to the submitting officer upon request.
- C. Items placed in the drying room require a completed and stamped WinAce-Officer Drop inventory.
 2. Whenever an item is placed in the drying room, the member placing the item into the drying room shall ~~notify a member from the South Investigations Division, who~~ shall enter the property into Property Control's SharePoint property log website.
- D. When the property is no longer required to remain in the drying room, the property shall be packaged and stored in HB's the Criminal Investigation Bureau's property storage room along with the original stamped inventory.
(WILEAG 11.1.6.1, 11.1.6.2)

560.45 REQUESTS FOR LABORATORY ANALYSIS (WILEAG 11.1.2, 11.1.5, 11.1.7, 11.1.8)

- A. Members that have recovered evidence that requires analysis by the Wisconsin Regional Crime Lab shall send an email to [REDACTED] Members shall include the following information in the email:

2. Incident report Case number.

G. COMPLETION OF LABORATORY ANALYSIS

3. The investigating member shall file a supplemental report in the ~~Automated Reporting System (ARS)~~ Records Management System (RMS) detailing the follow up completed and shall advise their shift commander of the follow up completed.

560.50 DISPOSITION ORDERS (WILEAG 11.2.1)

- B. Commanding officers, or supervisor designee(s), are responsible for approving all

Disposition Orders for members under their command except for homicide and sexual assault investigations investigated by the Homicide Division and Sensitive Crimes Division (see SOP 560.65(D)(1)).

- D. When evaluating the need to retain evidence, members shall check Circuit Court Automation Program (CCAP), the Municipal Court Case Information System, ~~Tibur~~ or ~~Case Track~~ RMS.
2. If property is to be disposed of or returned due to the case being no-processed, suspect determined to not be involved in the crime, investigation determined no crime was committed, etc., then that information must also be documented on the front of the *Disposition Order*. [Wis. Stat. § 939.74](#) states that the statute of limitations for a felony is 6 years after the commission of a crime and 3 years for a misdemeanor ~~it is 3 years~~.
(WILEAG 11.2.1.3)
- H. The final authorization to release or dispose of inventoried property or evidence shall remain with the Property Control Division manager or designee. Consideration for disposal shall include expiration of the statute of limitations, the conviction of all persons responsible, the court case(s) are completed and that the appropriate appeal or retention time has been reached.

560.60 RETENTION OF PROPERTY SCHEDULE (WILEAG 11.1.2, 11.2.1)

F. HOMICIDE AND SEXUAL ASSAULT EVIDENCE

All uncleared homicide and sexual assault evidence shall be retained indefinitely, where there is no statute of limitations.

1. If ~~the a~~ a homicide case is cleared by an arrest and the defendant(s) was sentenced, the evidence shall be retained until the defendant(s) is completely cleared of the criminal justice system or, has served his/her complete sentence, including probation, parole, or extended supervision.
2. If a sexual assault case is cleared by an arrest and the defendant(s) are sentenced, the DNA evidence shall be retained until the defendant(s) is completely cleared of the criminal justice system or has served his/her complete sentence, including probation, parole, or extended supervision. Non-DNA evidence can be disposed or released after one year from the date of conviction, provided no appeal has been filed.
(WILEAG 11.2.1.5)

J. PROPERTY OF A DECEASED PERSON

A request for the release of a deceased person's property shall be referred to the original investigating case officer/detective or the responsible district / investigations division commander, or designee, for investigation and possible release of property.

K. EMERGENCY DETENTIONS

Property, other than firearms, taken for safekeeping (not evidence of a crime) to support an emergency detention shall be held up to thirty (30) days and then returned to the rightful owner / claimant or disposed of according to city ordinance and state statute.

560.65 RELEASE OF PROPERTY (WILEAG 11.1.7, 11.2.1, 11.2.4)

A. ORDER FOR PROPERTY (FORM PO-5)

1. No original or copy of a PO-5 shall be given to a citizen. The member releasing the property shall call the Property Control Division and inform them of the property release if a citizen is to receive property requiring a PO-5. A copy of the PO-5 shall be faxed to extension [REDACTED] or scanned and emailed to [REDACTED]. The original PO-5 shall be mailed via interdepartmental mail to the Property Control Division.
 - b. Property viewings, ~~should generally~~ shall take place Monday through Friday at the Property Control Division warehouse. A Property Control Division supervisor shall authorize the viewing of the property. An investigating detective or officer shall be present during the entire viewing.
3. A PO-5 is not required under the following situations:
 - b. When a completed *Disposition Order* with proper authorization permits the release or disposal of property held as evidence. When requesting the release of property to a claimant through a *Disposition Order*, the submitting member must provide the claimant's current address.
4. A PO-5 must clearly indicate the inventory number(s), item description, purpose of the release in the space provided and contain the legible signature and PeopleSoft number of the ~~commanding officer~~ authorizing supervisor. Supervisory officers are not permitted to sign a PO-5 releasing inventoried property to themselves.

C. EVIDENCE – NARCOTICS RELATED CASES

A commanding officer or a supervisor designee shall review and authorize the release or destruction of the following:

1. Property ~~dispositions~~ related to controlled substances, prostitution, gambling investigations, and/or other investigations, which are no longer required as evidence may be returned to the rightful owner; provided ownership of said property is not disputed and the property is not considered contraband.

D. EVIDENCE – IN GENERAL

4. Work location commanders, their supervisor designee, or Property Control Division supervisors shall review and authorize the release/destruction of evidence on all sexual assault investigations and sexual assault related *Disposition Orders*, except

for incidents investigated by the Sensitive Crimes Division. Sensitive Crimes Division supervisors shall review and authorize the release/destruction of all evidence handled by their work location.

E. RELEASE OF FIREARMS

1. Firearms on inventory may be released for return to a lawful owner/claimant who is not prohibited by federal or state law from possessing a firearm. ~~Only the assistant chief, or inspector, of the Criminal Investigation Bureau may authorize the release of firearms~~ The firearm release requires a signed PO-5 from the assistant chief of the Criminal Investigation Bureau, or his/her supervisory designee, with the exception of firearms reported stolen by another law enforcement agency (subsection 3).
2. All citizen firearm releases shall be processed through the Firearms Desk. Citizens inquiring about such a release shall be advised to call the Firearms Desk (414-935-7779), Monday through Friday, ~~between the hours of 8:00 a.m. and 3:30 p.m.~~ during normal business hours.
3. Firearms recovered and inventoried by department members which have been reported stolen by another law enforcement agency shall be returned to the reporting agency upon the completion of an investigation and / or court proceedings with the authorization of the Property Control Division manager, or ~~in his/her absence, the inspector of the Criminal Investigation Bureau~~ his/her supervisor designee.
4. All persons ~~civilian citizens~~ receiving a firearm shall have a valid government issued identification card (that will be ~~photographed~~ photocopied), and an appropriate case for transportation of the firearm, and shall sign a *Property Receipt* for the returned firearm. No third party releases are permitted for the release of firearms unless authorized by the assistant chief, or inspector, of the Criminal Investigation Bureau.
(WILEAG 11.2.1.5)

560.80 BICYCLES, MOPEDS, AND MINI-BIKES

- A. District stations shall maintain and process safekeeping bicycles, mopeds and mini-bikes with an engine size of 50cc or less in the following manner:
 4. Evidence bicycles shall only be inventoried as evidence when essential to the prosecution of a crime. When practical, bicycles should be processed, photographed and inventoried as safekeeping. If a bicycle is needed as evidence, it shall be checked in NCIC for stolen/wanted status and the city computer for current registration. A printout of the check shall be attached to the WinAce-Officer Drop inventory.
 7. The Property Control Division will dispose of all unclaimed bicycles not picked up by the owner, claimant, or finder ~~and shall be done expeditiously~~ and in accordance with Milwaukee City Ordinance 102-11-6-7.

8. District commanders that wish to donate a bicycle shall file a *Department Memorandum* to their respective assistant chief specifying the number of bicycle(s) needed and detail who will be receiving the bicycle(s). The Property Control Division manager after receiving approval will then provide the district commander with the number of bicycles requested.

B. Mopeds and mini-bikes that have an engine size over 50cc shall not be placed on inventory and shall be towed in accordance with SOP 610.10 (Towing of Vehicles).

560.85 BICYCLE GIFTING (WILEAG 11.2.5)

A. Any non-profit organization making a request for abandoned or unclaimed bicycle(s) shall submit their request through the Chief of Police, ~~or his or her designee, specifically the district commander,~~ or their supervisor designee.

E. The Property Control Division ~~commanding officer~~ manager, or supervisor designee, shall determine the non-profit's qualification for the donation and the availability of the type and number of bicycles requested.

560.90 FIREARMS INVENTORY (WILEAG 11.1.2, 11.2.1)

A. The firearm's serial number shall be entered on the WinAce-Officer Drop inventory in the serial number ~~section~~ field. If a serial number cannot be read, indicate that detail on the WinAce-Officer Drop inventory. The inventorying member shall list 'obliterated' or 'partially obliterated' on the WinAce-Officer Drop inventory if the serial number has been filed off or is partially illegible.

1. Firearms manufactured prior to the Gun Control Act of 1968 (generally .22 caliber rifles and shotguns) may not have a serial number assigned. They are legal to possess and should not be confused with firearms described in ~~"b"~~ section 2.

B. All firearms shall be unloaded prior to being placed on inventory.

1. If a firearm cannot be unloaded, this information shall be conveyed to the member's shift commander and documented on the original property inventory.

2. When practical, the Tactical Enforcement Unit or the Training Division firearm range staff should be contacted to assist in hard to clear firearm(s) prior to the firearm being sent to the Forensics Division or Property Control Division.
(WILEAG 11.2.1.5)

D. Accessories are to be listed as a separate item number and on a separate line on the WinAce-Officer Drop inventory. It is not necessary to disassemble the accessories from the weapon. Examples of accessories include, but are not limited to, ~~holsters, gun cases, boxes, extra magazines, bags,~~ slings, removable scopes and/or sights. A magazine inserted in a firearm is not to be listed as a separate item.

E. Firearms should remain in the box/case in which they were recovered. This box/case shall not be sealed. Firearms submitted under SOP 560.45 for forensic examination

are exempt from this provision. Firearms shall not remain in holsters.
(WILEAG 11.2.1.5)

- F. ~~The paper *Firearm's Report* (form PF 11) shall be included with the firearm and WinAce Officer Drop inventory in the disbursement to the Property Control Division. The Property Control Division shall forward the *Firearm's Report* to the Fusion Division Firearm Desk.~~ Members inventorying firearms shall complete a *Gun Recovery Report* in RMS. Prior to approving any inventory that includes a firearm, the supervisor shall ensure the *Gun Recovery Report* is submitted in RMS. The supervisor shall then approve the *Gun Recovery Report* and WinAce Officer Drop inventory.
- H. Members inventorying casings shall refer to the SOP 743 - National Integrated Ballistics Information Network Program ~~Standard Operating Instruction~~ for additional information.

560.100 MONEY AND JEWELRY (WILEAG 11.2.1)

A. U.S. CURRENCY AND JEWELRY

1. Currency shall be packaged in an appropriately sized container, preferably a clear plastic envelope bag if whenever possible. Currency shall be placed in an appropriately sized paper bag if the currency contains DNA evidence. It shall not be placed in the container in a rolled up or folded condition.
2. Only U.S. currency and coin is considered money and shall be inventoried separately from any other property, ~~including property that is related~~. Each denomination shall be listed on a separate line of the WinAce-Officer Drop inventory.
(WILEAG 11.2.1.5)

D. COUNTERFEIT / ALTERED U.S. MONIES

2. All counterfeit/altered U.S. monies shall be placed in a plastic bag envelope ~~to preserve future value as evidence~~. The department member shall submit a *Department Memorandum* detailing the circumstances of the seizure and the business or person(s) involved.

F. FRAUDULENT CHECKS AND FINANCIAL TRANSACTION CARDS

Fraudulent checks and financial transaction cards shall be placed on inventory in a plastic envelope bag and are to be handled as little as possible (See SOP 410 Issue of Worthless Check).
(WILEAG 11.2.1.5)

560.105 PERISHABLE PROPERTY (WILEAG 11.1.3)

- A. Perishable property (food items) ~~coming into the possession of members of the department shall not be inventoried and placed on inventory unless absolutely necessary for a criminal investigation.~~
- B. The item(s) shall initially be stored at the respective work location, however,

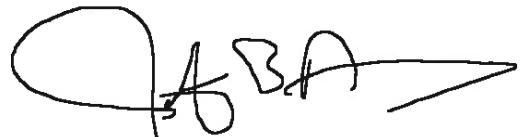
~~photographing the item should be considered before seizing.~~ if the district station work location does not have adequate facilities for storage, and the item(s) are needed as evidence, the Property Control Division shall immediately be notified as to the best method of storing the property. Photographing the item(s) should be considered rather than seizing the item(s).

560.110 SAFES

- A. Members of the department shall immediately notify their shift commander upon locating an abandoned safe. The shift commander will notify the ~~respective~~ Criminal Investigation Bureau ~~division supervisor~~ who shall determine if a police officer or detective will assist in the investigation. The primary investigating member shall process the safe in the following manner:
1. The safe shall be checked for fingerprints, a determination made as to whether or not a crime has been committed. Every effort shall be made to identify the owner.
 2. Photographs shall be taken of the safe.
 3. Any articles found inside the safe shall be placed on inventory.

560.120 DEPARTMENT EQUIPMENT

- A. No department equipment shall be placed on a WinAce-Officer Drop inventory without the express permission of the Chief of Police, or his/her designee.



JEFFREY B. NORMAN
ACTING CHIEF OF POLICE