MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING INSTRUCTION

EVIDENCE VEHICLE PROCESSING

ISSUED: April 24, 2025	**EFFECTIVE:** April 24, 2025	**REVIEWED/APPROVED BY:** Assistant Chief Nicole Waldner **DATE:** February 4, 2025
ACTION: Amends SOI (July 22, 2022)		**WILEAG STANDARD(S): NONE**

ROLL CALL VERISON
Contains only changes to current policy.
For complete version of SOI, see SharePoint.

I. PURPOSE

The purpose of this guideline is to establish standardized instructions related to the handling, processing, and releasing of vehicles that are towed as evidence in criminal investigations, including those investigations stemming from serious injury ~~accidents~~ crashes, fatal motor vehicle ~~accidents~~ crashes, and critical incidents.

II. POLICY

A. Generally, the division or district responsible for the underlying investigation shall be responsible for the timely and thorough processing of vehicles towed as "evidence." However, the Crash Reconstruction Unit (CRU) shall also be responsible for the timely and thorough processing of vehicles towed as "evidence" related to any serious motor vehicle ~~accident~~ crash, including those resulting in a fatality.

1. In homicide cases where the vehicle was the instrument of the crime (e.g., the vehicle was used as a weapon) or the vehicle was involved in a critical incident, the vehicle shall be held for 90 days after the vehicle is processed (e.g., photographs, prints, DNA, trajectory rods, [redacted] trace evidence). After 90 days, the vehicle's status shall be changed to safekeeping and the vehicle will be returned to the owner. If the vehicle needs to be held as evidence beyond 90 days, the commanding officer of the Homicide Division shall determine if the vehicle will continue to be held as evidence or if the status of the towed vehicle should be changed to prisoner's property or safekeeping. The Homicide Division should consult with the District Attorney's Office to determine if the vehicle should continue to be held as evidence beyond 90 days in these instances.

2. In all other cases where a vehicle was towed as evidence (including vehicles towed during homicide investigations when the death occurred inside the vehicle), the vehicle shall be processed (e.g., photographs, prints, DNA, trajectory rods, [redacted] trace evidence) within 72-hours. After 72 hours, the vehicle's status shall be changed to safekeeping and the vehicle will be returned to the owner.

b. The respective commanding officer of the Criminal Investigation Bureau shall

review the circumstances regarding the request to maintain the vehicle as "evidence". If that commander determines that it is necessary to maintain the vehicle as "evidence," the assigned tow lot officers will ~~notify officers assigned to the Property Control Division via email. The Property Control Division officers will then enter the vehicle into WINACE as "evidence."~~ update the tow record.

B. After the vehicle has been processed in accordance with the guidelines in subsection A, and there is no question as to vehicle ownership, the status of the vehicle shall be changed from "evidence" to "safe keeping" and arrangements shall be made with tow lot officers to release the vehicle to the owner. The city tow lot will only release the vehicle to owners as identified by the Wisconsin Department of Transportation (or equivalent state agency in other states) as the vehicle owner.

III. PROCEDURES AT THE SCENE

A. The approval of a Criminal Investigation Bureau supervisor shall be required before any vehicle is towed from the scene of an investigation as "evidence."

Note: A vehicle may be towed from the scene of an investigation as "evidence" with the approval of the commanding officer of the Specialized Patrol Division when the investigation is being conducted by the Crash Reconstruction Unit.

B. When a determination has been made by a Criminal Investigation Bureau supervisor / Specialized Patrol Division commanding officer to tow a vehicle as "evidence," the following shall occur:

4. The lead officer/detective assigned to the scene investigation shall thoroughly document the position of the vehicle, its condition, any damage to the vehicle, the position of doors and windows, and any valuables and/or evidentiary items observed in plain view. The lead officer /detective shall also ensure no persons or animals are present in the vehicle as part of this search and inform the Parking Information Desk a visual inspection was completed in accordance with SOP 610 Towing of Vehicles.

~~8. The scene supervisor shall consider having any department-owned vehicle, which has been determined to be "evidence," towed first to the [redacted] for the purpose of uploading any squad video. A vehicle shall have an evidence placard placed on its windshield in a visible location, and red crime scene tape placed around it, while parked at the [redacted] for the process of uploading.~~

IV. STANDARD PROCESSING PROCEDURES FOR ALL VEHICLES TOWED AS "EVIDENCE," WHERE OWNERSHIP IS NOT IN QUESTION

A. The following tasks shall be completed by the lead officer/detective regarding any vehicle which has been towed as "evidence:"

~~2. If the Criminal Investigation Bureau is investigating the incident, the lead detective shall enter an Evidence Tow Processing Request into the Forensics Division SharePoint Site. The request shall include specific details of what needs to be~~

~~processed and list evidence specific to the incident that may be located during the search/processing of the vehicle. A copy of the *Consent to Search Authorization* or search warrant shall be attached to the request.~~

2~~3~~. ~~The Forensics Division shall assign a forensic investigator to process the vehicle if the Criminal Investigation Bureau is investigating the incident.~~ If a member needs a forensic investigator or crime scene investigator to process the vehicle, the member shall notify their shift commander. Shift commanders shall then notify the Criminal Investigation Bureau (CIB) at extension [redacted], and the CIB shift commander shall determine if a forensic investigator or crime scene investigator will respond to the scene.

~~Note: The lead detective is not required to be present when the vehicle is processed by the forensic investigator.~~

3~~4~~. ~~If the Patrol Bureau is investigating the incident, they shall request the assistance of a forensic investigator prior to reporting to the tow lot.~~ The CIB shift commander shall notify the Forensics Division if a forensic investigator or crime scene investigator will need to respond to the scene.

4~~5~~. Obtain overall photographs (interior/exterior) before searching or processing the vehicle, even if the vehicle was already photographed at the scene of the investigation.

5~~6~~. Process the exterior and interior of the vehicle, including applicable contents and any other related areas, for [redacted]

6~~7~~. Process the exterior and interior of the vehicle for [redacted] (e.g., [redacted]

7~~8~~. Swab suspected [redacted] or any other suspected [redacted]

8~~9~~. Whenever a vehicle is struck by any projectile, ~~place~~ trajectory rods can be placed and ~~depict them in photographs~~ photographed to ~~fully~~ demonstrate the path of each projectile.

9~~10~~. Obtain close up and scaled photographs, especially when [redacted] and any other types of evidence are recovered, to clearly depict those items and the location from which they were recovered.

10~~11~~. After the vehicle has been photographed and processed, search the vehicle for additional evidence and contraband.

11~~12~~. In a timely manner, submit a report detailing any observations made, the condition of the vehicle, any evidence collected, and any related processing.

Note: Not all of the above requirements may be applicable to traffic related deaths investigated by the Crash Reconstruction Unit.

V. SPECIAL PROCESSING PROCEDURES WHICH APPLY WHEN DEATH OCCURRED INSIDE A VEHICLE OR WHEN A VEHICLE WAS USED IN THE COMMISSION OF A CRIME

In addition to the above-described procedures, these additional procedures shall apply when death occurred inside a vehicle, or when a vehicle was used in the commission of a crime:

1. Both the interior and exterior areas of the vehicle shall be photographed and can be video-recorded prior to conducting any searching or processing of the vehicle.

2. The passenger compartment of the vehicle, including the trunk, ~~shall be~~ [redacted] should be examined for trace evidence (e.g., [redacted]).

3. An examination of the interior of the vehicle shall be conducted, and will include an examination of the trunk, ~~using both~~ that can use an [redacted] (e.g., [redacted]) ~~and a~~ or a [redacted] (e.g., [redacted]

Note: This section does not apply to traffic related deaths investigated by the Crash Reconstruction Unit.

VI. SPECIAL PROCESSING PROCEDURES WHICH APPLY WHEN THE VEHICLE IS INVOLVED IN AN EVENT WHICH RESULTED IN SERIOUS INJURY OR A FATALITY

B. In addition to the procedures noted in Section~~s~~ IV ~~and V~~, above, these additional procedures shall be employed by CRU officers:

~~1. [redacted] samples shall be obtained from the body and bumpers of a vehicle, including samples of [redacted] found on the vehicle.~~

1~~2~~. If the vehicle is equipped with an [redacted] CRU members shall attempt to recover or download data, pursuant to either the consent of the vehicle owner or a search warrant.

Note: The lead officer/detective shall complete a *Consent to Search Authorization* (form PF-3) in accordance with SOP 085 Citizen Contacts, Field Interviews, Search and Seizure if a consent search is conducted.

2~~3~~. If any [redacted] evidence is found at the scene, conduct a [redacted] examination of the [redacted] for possible correlation to same.

3~~4~~. When the functionality of any mechanical aspect of a vehicle is in question, the CRU shall conduct a mechanical inspection with the assistance of a qualified mechanic. Any mechanical inspection shall be photographed, video-recorded, and documented in supplemental reports.

4~~5~~. The [redacted] shall be recovered only by members of the CRU with the assistance of a crime scene investigator or forensic investigator if needed.

5~~6~~. If the identity of the driver~~, or the seat position of any passenger~~ is in question, [redacted]

evidence shall be obtained. The CRU shall coordinate with the Forensics Division to collect additional [redacted] evidence, which shall be sent to the State Crime Lab for analysis.

VII. SPECIAL PROCESSING PROCEDURES FOR BURNED VEHICLES

A. When a vehicle has been burned, a trained arson investigator shall examine the vehicle to attempt to determine the origin and cause of the fire.

B. The lead officer/detective shall also ensure no persons or animals are present in the vehicle as part of the search of the vehicle prior to the vehicle being towed and inform the Parking Information Desk a visual inspection was completed in accordance with SOP 610 Towing of Vehicles.

C. Vehicles must be stored outside of the [redacted] at the [redacted] to eliminate storage hazards if the vehicle is burned or if any of the factors delineated in SOP 610.20(E)(4) are present.

IX INVESTIGATIONS WHICH REVEAL THAT THE OWNERSHIP OF A TOWED VEHICLE IS IN QUESTION

A. In situations where a Milwaukee Police Department officer or detective determines that there is a question as to the ownership of a vehicle, for instance, where the owner noted on the title does not match the owner noted on the registration, the vehicle shall be towed for evidentiary purposes.

3. The officer/detective shall complete a *Tow Authorization ~~Record~~* (~~form PT-27~~) *Report* in the Record Management System.

4. The officer/detective shall contact the DPW Parking ~~Enforcement Division~~ Information Desk and obtain a tow reference number, and insert that number as required on the related forms. The officer /detective shall also ensure no persons or animals are present in the vehicle as part of the search of the vehicle prior to the vehicle being towed and inform the Parking Information Desk a visual inspection was completed in accordance with SOP 610 Towing of Vehicles.

~~5. The officer/detective shall document on the *Tow Authorization Record* (form PT-27) that the vehicle shall be placed in the [redacted] at the [redacted] and instruct the tow truck driver that the vehicle shall be placed in the [redacted] The vehicle does not have to be processed for evidence, unless otherwise relevant to an investigation.~~

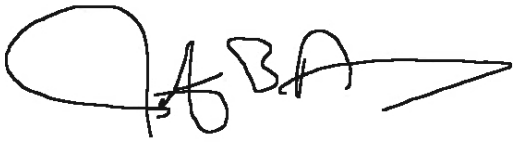
5~~6~~. The vehicle does not have to be followed by an officer/detective while it is being towed to the [redacted]

6~~7~~. A supplemental report shall be filed by the officer/detective documenting the work done, the reason for the tow, and the tow reference number.

B. When any related investigation has been completed, and the vehicle is not needed for evidentiary purposes, the officer/detective shall send, via certified mail, a letter to any

person who possibly has an ownership interest in the vehicle.

3. The letter shall indicate that either proof of ownership or verification of a pending replevin action must be presented to the officer/detective within 30 days of the date of the letter. The letter shall also note that if such proof of ownership or pending replevin action is not received, the status of the vehicle will be changed from "evidence" to "safe keeping," and that the standard procedures of the tow lot, which include the possibility of the sale or destruction of the vehicle, would then come into play. The city tow lot will only release the vehicle to owners as identified by the Wisconsin Department of Transportation (or equivalent state agency in other states) as the vehicle owner.



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