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**

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 crashes, fatal motor vehicle 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 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, 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, 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.

    a. Only the commanding officer of the district or division responsible for the underlying investigation can request that a vehicle remain on "evidence" status after the vehicle has been processed or to request an extension if the vehicle cannot be processed within 72-hours. This request shall be made to the respective commanding officer of the Criminal Investigation Bureau.

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 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.

1. The supervisor who authorized the evidence tow shall send an email to the tow lot at [redacted], informing the assigned tow lot officers that the vehicle has been processed, and that the status of the vehicle has been changed from "evidence to "safe keeping."

2. A supplemental police report to the original incident report shall be submitted in RMS by the receiving tow lot officer noting the name of the authorizing supervisor and the change of the status of the vehicle.

3. A captain, or designee, shall render a decision as to the waiver of tow fee(s). Only evidence tow fees may be waived as safekeeping tow fees cannot be waived.

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:

1. The lead officer/detective shall follow the procedures set forth in Standard Operating Procedure 610 – Towing of Vehicles.

2. A good faith attempt shall be made by the lead officer/detective to notify the owner of the vehicle that it has been towed. If the owner is contacted, the lead officer/detective shall attempt to obtain keys for the vehicle and, if necessary, obtain the owner's consent to search the vehicle.

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.

3. The vehicle shall be photographed prior to the tow, and if appropriate, its placement at the scene shall be measured from a documented reference point (RP).

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.

5. Under exigent circumstances (like impending inclement weather, potential civil unrest, etc.), a supervisor at the scene may request that the exterior of the vehicle be processed for evidence or searched prior to the tow.

6. The vehicle shall be followed by an officer/detective from the scene of the investigation to the [redacted] at the [redacted] A supplemental report shall be submitted in RMS in a timely manner, documenting the chain of custody by that officer/detective.

7. An inventory search shall be conducted at the scene of the investigation, taking care that evidence is not damaged or destroyed.

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:"

1. Determine if a consent to search was obtained or if a search warrant is required.

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. 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.

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

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

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

8. Whenever a vehicle is struck by any projectile, trajectory rods can be placed and photographed to demonstrate the path of each projectile.

9. 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. After the vehicle has been photographed and processed, search the vehicle for additional evidence and contraband.

11. 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, 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, that can use an [redacted] (e.g., a [redacted] or a [redacted] (e.g., [redacted]

4. If any [redacted] is found at the scene, a [redacted] shall be conducted of the [redacted] for possible correlation to same.

5. The lead officer/detective who processes such a vehicle shall determine if the vehicle is equipped with an [redacted] system (often referred to as the [redacted]). These systems [redacted] of the vehicle. Note that the process used to extract this data varies between vehicles, and can be extremely destructive to the interior of the vehicle. Therefore, the lead officer/detective shall contact the High Technology Unit to determine if the data can be retrieved, prior to attempting to extract

such data.

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

A. The processing of a vehicle involved in an event which resulted in serious injury or a fatality shall be completed by members of the Crash Reconstruction Unit (CRU).

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

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

3. 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. 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. If the identity of the driver 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.

VIII. OUT-OF-JURISDICTION CRITICAL INCIDENT INVESTIGATIONS

A. In circumstances where the Milwaukee Police Department is the lead investigating agency for an out-of-jurisdiction critical incident, any vehicles that are held as "evidence" will be released to the involved agency immediately after a criminal charging decision is issued by the district attorney's office.

B. In situations where the district attorney's office issues criminal charges, the lieutenant in charge of the underlying investigation shall meet with the prosecutor to determine if the status of any vehicles towed as "evidence" can be changed to "safe keeping."

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.

1. The vehicle shall be towed as "evidence" (i.e. of a motor vehicle theft, theft by fraud, etc.).

2. The officer/detective shall obtain the PeopleSoft number of the supervisor authorizing the tow, and insert that number as required on the related forms.

3. The officer/detective shall complete a *Tow Authorization Report* in the Record Management System.

4. The officer/detective shall contact the DPW Parking 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 vehicle does not have to be followed by an officer/detective while it is being towed to the [redacted]

6. 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.

1. The letter shall provide a brief procedural history of the related investigation, and indicate that the investigation has been completed.

2. The letter shall communicate that the ownership of the vehicle is in question.

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.

4. If verification of a pending replevin action is timely presented, the vehicle shall be maintained in an "evidence" status until the conclusion of the replevin action. The officer/detective shall confirm the completion of the replevin action by accessing court records. After the completion of the replevin action has been confirmed, the officer / detective shall send an email to tow lot personnel at [redacted] indicating that the status of the vehicle has been changed from "evidence" to "safe keeping."

C. After passage of the 30 days noted in Section B (3), above, and no person has brought proof of either ownership or a pending replevin action to the officer/detective, the officer/detective shall then change the status of the vehicle from "evidence" to "safe keeping," and communicate that change of status to tow lot personnel via email at [redacted]

D. Copies of any correspondence generated consistent with Sections A and B, above, shall be maintained for seven (7) years from the date of issuance, by sending all such correspondence to the Open Records Division - Imaging.

JEFFREY B. NORMAN
CHIEF OF POLICE

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