

MEMPHIS POLICE DEPARTMENT POLICY AND PROCEDURES

SECTION: Security of Crime Scenes

For purposes of this section, the crime scene is defined as the physical area where evidence of the crime may exist. Such evidence may include, but is not limited to, fingerprints, footprints, tire marks, weapons, or other instrumentalities, bullet casings or fragments, fruits of the crime, and/or any other physical evidence relevant to the investigation.

The following procedures shall be followed on any crime scene.

A. The first uniform officer on the scene should:

1. Immediately determine if there is a need for medical attention.
2. For critical/serious injury, when possible, the position of the victim/suspect should not be altered in any way prior to the officer making a written note as to the position of the victim/suspect to give investigating officers upon their arrival. The same officer should accompany ambulance attendants to the victim, making sure they do not alter the scene in any way.
3. For death, scan for obvious signs of lifelessness. (See chapter 10, section 1, and page 1). The officer should immediately leave the area of the deceased and secure the area until the arrival of the investigating officers. All caution must be used to ensure that nothing on the floor in the area is disturbed. Paramedics should not be allowed to remove items from the deceased's pockets or disturb the scene. Officers will not remove the driver's license or any other items from the deceased's pockets. The investigators upon their arrival will do this.
4. Allow **no one** to enter the crime scene area until the arrival of the investigating officers. (Ex: If officers respond to a holdup call to a grocery store, the store is to be closed and no customers allowed in or out. Even if the manager wants to keep the store open for business, the police have an absolute right to close the crime scene despite the manager's wishes.)
5. Officers will use manpower to secure weapons. Do not move, unload, alter or disturb any weapon on the scene that is not a direct immediate threat to safety.
6. Witnesses should be separated and secured immediately and held for the investigating officers. Statements made by witnesses should be written in notebooks and furnished to the investigating officers.
7. Any suspect(s) on the scene should immediately be isolated. Any statement made by the suspect should be entered in the officer's notebook to be furnished the investigating officers. The suspect is to be separated from witnesses, removed from the scene and transported to headquarters at the direction of a supervisor.
8. If the officer believes some evidence has been overlooked, he/she will report it as soon as possible to the investigating officer **not** the crime response officer.

B. The supervisor should

1. Be given information observed by the patrolmen.
2. Take charge of the scene until the arrival of the investigating officer.
3. **Will not** enter the crime scene unless some absolute need requires it.

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4. Determine the number of men needed to preserve the scene and station them accordingly. All other cars placed on the call should be used to canvass the area for witnesses, suspects, or unusual events.
 5. Remain on the scene until released by the investigative supervisor or in his absence the investigating officers.
 6. Assist the investigator as much as possible.
 7. Brief the news media as to the type of crime committed. **Do not** go into any detail about the scene or evidence involved.
- C. The investigating officer will take responsibility for the investigation and the crime scene upon arrival to the scene.
- D. The CSI officer will
1. Assume responsibility for all physical evidence upon arrival.
 2. Take possession of the Crime Scene Personnel Log completed by the uniform officer or the investigator.
- E. The news media
1. Is to be excluded from the crime scene along with all other persons. However, the news media has the right to take photographs of the crime scene from the outside of the crime scene perimeter if they so desire.
 2. Is not to be interfered with as long as they remain outside the physically designated crime scene. General rule to follow is the media has a right to be anywhere that the general public has access. When establishing the crime scene perimeter make sure it is large enough to provide proper security.
 3. Will be referred to the duty chief if he/she is on the scene.
 4. Under no circumstances will any officer connected with an investigation make any comments about any confession or admission made by any suspect under arrest.
- F. On crime scenes where the investigative bureau does not, or is not going to make the scene, the highest-ranking uniform officer on the scene will be responsible for the investigation, including the integrity of the crime scene itself.
- G. MPD personnel on all crime scenes will utilize a Crime Scene Personnel Log. All official personnel who respond to a crime scene (law enforcement, Fire/ EMS. Medical examiner, etc.) shall be listed on the Crime Scene Personnel Log in the appropriate spaces provided. Only one (1) original Crime Scene personnel Log shall be generated at any crime scene. A separate Crime Scene Personnel Log shall be maintained for each different date whenever a crime scene is to be held for several days. No forms or blank sheets of paper other than the approved Crime Scene Personnel Log are to be utilized. The completed Crime Scene Personnel Log is to be given to the CSI officer handling that Crime Scene. Whenever a CSI officer is not called to process a crime scene, the original completed Crime Scene Personnel Log is to be sent to the bureau responsible for the crime that was reported. The Crime Scene Personnel Log can be left at the scene of a business or residence for responding CSI officers

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when uniform patrol is no longer needed at the scene. Crime Scene Personnel Logs are available on Kiosk.

- H. Crimes scenes involving deaths of citizens as a result of police action or while in police custody will be handled according to the protocol explained in Chapter X Section 7: Handling Deaths, subsection V. TBI Scene Protocol.

The **Crime Scene Investigation** is located at the Navistar Building (rear of the old International Harvester Plant) **475 Klinke Road**. The phone number is **901-636-8201**, and the mail drop number is **60**.

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Legal "chain of custody" must be maintained on all evidence, no matter who originally seized it. The number of persons handling the evidence should be kept at a minimum and properly documented.

Sound documentation of the seized items will add to the integrity of the seizure by officers, as well as minimizing potential allegations of misconduct.

The arresting officer, or the officer recovering the property, will be responsible for all seized property and/or evidence until such time as he/she is properly relieved by a supervisor, crime response officer, or an investigator, or until such property is tagged as evidence.

Investigators who bring evidence to the Crime Scene Investigation for the items to be chemically processed will sign on the chemical processing logbook indicating the investigator's name, bureau, report number, date, and a description of the item(s) to be chemically processed. When processing is completed, the Crime Scene Investigation will notify the investigator and he/she must pick up the item and return it to the property room within **thirty (30) days**.

Officers should give special attention to money and/or other distinctive valuables that are to be inventoried and taken into police custody. The evidence is to be inventoried by the arresting officer, or the officer who recovered the property, in the presence of a supervisor, if possible. Documentation of the property should be made in inventory fashion by itemizing the seized item(s) on the appropriate police form or report that is applicable to the seizure/arrest event.

In the event that a large amount of money is seized, and where counting such property is not practical on the scene, the property should be locked in the trunk of the seizing officer's patrol car. As soon as possible, the officer followed by a supervisor should proceed to the property room where the money should be inventoried, and tagged.

When evidentiary weapons are recovered it will be the responsibility of the Crime Response Officer to make the weapon safe while protecting the evidence the weapon may hold. Guns and other weapons hold valuable evidence including fingerprints and DNA evidence. The weapon will be secured in an evidence gun box and sealed with red evidence tape, marked and identified with the date and initials of the officer. All necessary information about the weapon, make, model, serial number, etc. will be clearly marked on the outside of the box. (If a problem exist making the weapon safe, the Academy/Range staff has a person on call that can make the scene to render the weapon safe. The Crime Response Supervisor will determine the need to contact academy/range personnel).

Crime Response will transport the weapon to the Property Room and complete all necessary paperwork requesting the weapon be tagged. The weapon should be tagged in the evidentiary box without additional examination and without the evidence seal being tampered with.

It is the sole responsibility of the Crime Response Officer to make the weapon safe. No personnel unauthorized by the Crime Response Officer shall handle the weapon.

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I. Property and Evidence

A. General

All property/evidence must be tagged as soon as possible and must be placed under the control of the property and evidence control unit before an officer ends his/her tour of duty.

All property tagged in the Property & Evidence Section should have a booking number or ticket number written on the yellow tag. When tagging evidence of traffic violations, the citation number should be noted. When tagging evidence taken during an arrest, the booking number should be noted, and offense report/memo numbers should also be noted.

Officers are responsible for completing their own envelopes/tags before tagging property.

Officers will note on all property envelopes/tags the actual time the evidence was recovered. ALL information required on the envelope/tag is to be handwritten in the unused spaces on the front and back of the envelope/tag and completed by the officer before the evidence is handed over to the Property Room Attendant (PRA). PRAs are not to accept items from officers who do not have complete and accurate information on the envelopes/tags.

When one officer is tagging property for another officer on a case that is not their own, the tagging officer becomes part of the chain of custody. The PRA will need the tagging officer's name and IBM.

B. Property taken to M. P. D. Property & Evidence Section should be tagged under one of four categories:

1. **EVIDENCE** - "Evidence" would include any fruits of a crime, contraband, and instrumentalities of a crime, or items, which serve an investigative purpose to be held for an investigation bureau.
2. **FOUND PROPERTY** - "Found" property would include items, which are not "Evidence", the owner of which is unknown or cannot be located without some further investigation.
3. **PERSONAL PROPERTY** – Upon approval of the on-duty property room supervisor, officers should tag as "Personal" any items taken from suspects, such as large sums of money or other items not accepted at the Jail Intake.
4. **CONFISCATED PROPERTY** - "Confiscated" property would include that property which may be seized by the M.P.D. incidental to an arrest or search warrant, and would have no investigative or evidentiary purpose.

Any property to be placed in the care and control of the Property and Evidence Bureau will be accepted at the Property Room, 201 Poplar, Room LL-106. Items too big and/or bulky to be stored at the main location must be transported to International Harvester (475 Klinke).

C. Steps to be taken for tagging large items which are too big and/or bulky or any property deemed necessary by the on duty Property and Evidence Supervisor:

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1. If evidence that cannot be transported in an officer's patrol vehicle, the officer will request their station's Inventory Control Clerk (Equipment Officer) to make the scene and transport the evidence to International Harvester. If the Inventory Control Clerk is unavailable or the item is too large for the Inventory Control Clerk to safely transport, the officer should inform the dispatcher who will notify the Property and Evidence Bureau Supervisor on duty. The Property and Evidence Bureau Supervisor will contact the city contracted agency responsible for transporting items to International Harvester. The tagging officer **must** follow the driver to International Harvester and accompany the property to ensure valid chain of custody. Dispatch of the city contracted agency is done only on the authority of the Property and Evidence Bureau Supervisor. (Neither the dispatcher nor the officer's Station supervisor has the authority to dispatch the city contracted wrecker service for property transport).
2. Normal operating hours for the International Harvester location to receive items are Mon-Fri, 0800-1400 hours, excluding city holidays. Items transported to International Harvester outside of this time frame require the officer to notify their supervisor, who will call the Property and Evidence Bureau Supervisor. The Property and Evidence Supervisor and a Property Room Attendant will meet the tagging officer at International Harvester to accept the item/s, log it in to the computer, and affix a bar code.
3. If only one Property and Evidence Supervisor is on duty in the Property Room at 201 Poplar Ave, the Property and Evidence Supervisor will have the dispatcher contact a Felony Response (GAB on weekend days) or Crime Scene Investigation Supervisor or designee to stand by at the Property Room, until the Property and Evidence Supervisor returns from International Harvester. Both a Property and Evidence Supervisor and a Property Room Attendant must be present for the tagging of the large item/s.
4. All items will be accepted by the Property and Evidence Bureau at either, 201 Poplar Ave. or at International Harvester; with the exception of motorized/recreational vehicles, to include trailers.
5. All motorized vehicles (i.e. golf carts, mopeds, ATVs, cars) will be towed to the City Lot. Officers are to notify the dispatcher, at which time a wrecker off the rotation list will be dispatched. If the property/evidence is involved in a Homicide, Robbery, or Sex Crime a Property and Evidence Supervisor should be notified prior to requesting a wrecker.
6. If an officer is tagging an item not accepted in the Property and Evidence Bureau at 201 Poplar Ave., the time frame is outside of International Harvester's normal operating hours, and the tagging officer is able to transport the item alone; they will take the property's information to the Property and Evidence Bureau at 201 Poplar Ave. The Property Room Attendant will log the necessary information into the computer and obtain a bar-code which identifies the item. The officer will then transport the property to International Harvester for storage. The Property and Evidence Supervisor and a PRA will follow the officer to International Harvester to accept the item/s. If the officer is unable to transport the property alone, refer to step #1. If the item is

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considered motorized/recreational vehicle the item/s must be logged into the system and bar-coded, prior to the wrecker driver leaving the City Lot. **Under no circumstances** should the city contracted agency transport property to the Property and Evidence Bureau (201 Poplar Ave.) and then to the City Lot without approval of the Property Room Manager or his designee.

7. Fireworks and Explosives

- a. Fireworks tagged as evidence will be given a receipt number for tracking purposes; however, the items are to be turned over to the MPD Bomb Squad. Fireworks that are “found” should be taken directly to the Bomb Squad for disposal.
- b. Any item believed to be explosive in nature should remain at the scene, and the Bomb Squad notified for retrieval. This includes any “suspicious” packages of unknown origin. The Bomb-Squad or Crime Scene Investigation personnel will be responsible for seeing that the items are tagged and bar-coded by a Property Room Attendant.

D. Steps to be taken for tagging bicycles, lawn mowers and other combustibles which are not property/evidence.

1. The officer should take the items to the officer’s assigned workstation. A completed report or memo and a Tow-In slip for each item must be given to the shift supervisor. A copy of the Tow-In must also be given to the Station’s Inventory Equipment Clerk. At that point, the item becomes the responsibility of the station’s Inventory Control Clerk/Equipment Officer. The items should be tagged at International Harvester at 475 Klinke Road. (Mon. – Fri. 0800 to 1600). No item should remain at the workstation longer than one week. Items should be tagged at International Harvester weekly.
2. If an item cannot be transported in an officer’s patrol vehicle, the officer will have the Inventory Control Clerk meet them at their location to transport the property to their assigned workstation in the Station’s equipment vehicle. If the Inventory Control Clerk/Equipment Room person is unavailable or if the item is considered a motorized/recreational vehicle the officer will advise a shift supervisor who will contact a Property and Evidence Supervisor for further instructions.
3. Consideration should always be given for the time involved so that no one will be inconvenienced due to long delays. Bicycles and other combustible items (such as butane grills, etc) can never be stored in the Property and Evidence Bureau at 201 Poplar Ave; they must be stored at International Harvester.

II. LATENT PRINTS / DNA COLLECTION

A uniform patrol officer certified by the Memphis Police Crimes Scene Unit (CSI) shall process a scene for latent prints by photographing with a PDA and processing with issued fingerprinting equipment the following property crime scenes for latent prints:

1. All property crimes totaling in theft and/or damage not exceeding \$10,000. If the amount

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exceeds \$10,000 a Uniform Patrol Supervisor should contact a CSI Supervisor before Crime Scene is dispatched.

2. All locally recovered straight stolen vehicles, where there is not a suspect in custody. If a suspect is in custody a Uniform Patrol Supervisor should contact a CSI Supervisor before Crime Scene is dispatched.

The uniform patrol officer will submit latent print cards collected from a scene to the Latent Print Examiners for evaluation by placing their latent print cards into the lock box at the officer's respective precinct and logging the cards into the log book. This shall be done at the end of the officer's shift.

Additionally, a uniform patrol officer who has been trained by the Memphis Police Crime Scene Unit to recover DNA evidence shall photograph with a PDA and recover DNA evidence left visibly on a scene as blood and/or skin cells on the following property crime scenes.

1. All property crimes totaling in theft and/or damage not exceeding \$10,000. If the amount exceeds \$10,000 a Uniform Patrol Supervisor should contact a CSI Supervisor before Crime Scene is dispatched.
2. All locally recovered straight stolen vehicles, where there is not a suspect in custody. If a suspect is in custody a Uniform Patrol Supervisor should contact a CSI Supervisor before Crime Scene is dispatched.

Upon completion of the call, the uniform patrol officer will take the packaged DNA sample to Property and Evidence for tagging. It will be the responsibility of the case investigator to check the DNA evidence out of Property and Evidence and transport the sample to TBI for testing.

III. PROPERTY (EVIDENCE) IN SHOPLIFTING CASES:

When an officer makes a physical arrest or issues a misdemeanor citation in lieu thereof for shoplifting, the property (evidence) should be left with the store; it will be the responsibility of the storekeeper to bring this property at the time of the trial. The shopkeeper should be instructed that the party who saw the goods being shoplifted should place these goods in some form of container, initial the container, and bring the goods to court on the date of the trial. This makes it the responsibility of the prosecuting witness to bring forward this evidence and not the officer, whose sole responsibility is to transport or in lieu thereof, issue a citation. If the property is of value exceeding \$500.00 it should be photographed and retained by the owner.

IV. CONFISCATION OF FIREARMS:

A police officer may seize a firearm:

- A. When the firearm is evidence of a crime, for example: Unlawful Possession of a Weapon, Shooting Inside the City, Aggravated Robbery, etc.
- B. When the firearm itself is the fruit of a crime, i.e., a stolen firearm.

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- C. When the serial number has been filed off the firearm, or when the firearm has an altered serial number. If the firearm has an altered serial number, the gun should be confiscated. Under State law it is a misdemeanor to sell, buy, or be in possession of any item where the identification number has been altered or destroyed for the purpose of concealing and misrepresenting the identity of that item.
- D. When the weapon is a sawed-off shotgun, sawed-off rifle, or machine gun, or other prohibited weapon as described by State Law.
- E. On orders of a supervisor. Officers receiving a disturbance call where one party has been armed with a weapon prior to their arrival should contact their supervisor prior to confiscation of said firearm. Confiscation of these weapons will only be authorized by a supervisor if he believes that extenuating circumstances exist.
- F. When an officer is called to the scene of an **eviction** where weapons are found, the officer is to take custody of the weapon(s), check to see if the weapon is stolen, write a memo to Project Safe Neighborhoods concerning the recovery and tag the weapon(s) into the Property and Evidence room.
- G. When an officer has probable cause to believe that a firearm falls within the categories as listed above, or the firearm is the subject of a search warrant, the officer has a right to seize the gun.

If the officer does not know that the firearm has been stolen or used in a crime, the officer should not confiscate the gun from citizens who otherwise legally possess such firearm; but if the officer has reasonable belief that the weapon is stolen, he/she should run a check through Station B. If a "hit" is made, the firearm should be confiscated. If a "hit" is not made, the firearm should be left in the possession of the concerned party.

All firearms should be checked through Station B before being tagged in the Property Room.

V. PROPERTY RELEASE PROCEDURES:

Whenever property held by this department in the Property & Evidence Section is to be released, a property release form will be filled out and delivered to the Property & Evidence Section. The Property & Evidence Section will be responsible for preparing a Hold Harmless form for the release of any property or money.

- A. These units are authorized to prepare a property release form:
 - 1. Investigative Services
 - 2. Traffic Investigation
 - 3. Inspectional Services
- B. The above units are authorized to release property in the following cases:
 - 1. When the property is tagged as personal property belonging to a defendant under arrest.
 - 2. When the property is tagged as evidence against a defendant but the investigation reveals that the property involved actually belongs to the defendant.

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3. When stolen or lost property is recovered and the investigator identifies the true owner.
- C. A check request should be filled out anytime money is to be released from the property and evidence room. The ONLY exceptions to this are monies seized by the Vice Narcotics Bureau or monies that will be forwarded to the State of Tennessee as unclaimed property.
- The top portion of the check requests will be filled out by the Property Room Attendant, and the bottom portion will be filled out by the person requesting the money. The check request forms are pre-printed and located in the Property and Evidence room. They should be filled out completely. The following documentation should be attached to the completed check requests:
1. A signed release or court order from the appropriate bureau or judge. **Bureau releases in excess of \$500.00 must be signed by the officer handling the case, reviewed and approved by their lieutenant.**
 2. A copy of the state identification of the person making the check request.
 3. A copy of the property receipt printed from Visions RMS.

All check requests will be reviewed and processed by the currency control officers assigned to the Disposition Review Team. Properly completed check requests will be forwarded to the Police Finance Administrator for final processing. Within six to eight weeks, approved check requests will be mailed to the person who made the request.

Under extenuating circumstances, a Property Room supervisor may authorize the direct release of cash money.

- D. All firearms background casework will be the responsibility of the assigned bureau. Unless a case has been adopted by Project Safe Neighborhoods, firearm releases will be dispensed:
1. Through the Chief of Police's Designee, (the Legal Advisor's Office at this time) or
 2. With a legitimate Tennessee Court Order – a copy of the court order will be forwarded to the Chief of Police's Designee, 201 Polar Ave, Room 12-28, phone number 636-3716.
- E. All property tagged as Found will be released through the appropriate bureau or the City Attorney's Office, 576-6614.
- F. Property (except weapons) held in Criminal or Juvenile Court cases will be released through the court prosecutor.
- Property release forms shall be filled out by investigating officers immediately upon final adjudication by the court. This must be followed to help the Property & Evidence Section determine whether properties are to be destroyed, released, or maintained to help in obtaining convictions in subsequent trials.
- G. Evidence should not be released if there is reason to believe the defendant will be bound over for the Grand Jury (held to State) even though nolle prossed in General Sessions Court.

No property may be released without proof of ownership and proper identification.

Owners of property who are younger than 18 years of age must have property released to parent

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or legal guardian. Owners of property which has been rented or leased, i.e. Mobilecomm, Hertz Rent-A-Car, should be notified of the pending release of those items.

Identification or other items issued by a government agency would be returned to that agency for its disposal following case disposition. This would include, but not be limited to, revoked, suspended, cancelled or altered drivers licenses, USDA Food Stamps and special deputy identification.

VI. RELEASE OF FIREARMS

The following is a guideline to aid Bureau investigators in cases requiring firearm releases.

Three main issues should govern decision-making:

- Are there any criminal charges pending (by arrest, warrant, or indictment) involving the weapon?
- If there are pending criminal charges, are they state or federal?
- If there are state charges only, is the case at the General Sessions or Criminal Court level?

Answers to these questions will determine your actions.

Note: Ammunition is not released simultaneously with any firearm and normally is not returned to the owner.

A. Project Safe Neighborhoods

The Project Safe Neighborhoods Gun Unit reviews all firearm-related arrests, misdemeanor citations, memos and weapon offense reports where firearms are involved. If the United States Attorney under the Project Safe Neighborhoods initiative adopts the case, the firearm and all related evidence will be held as evidence.

Any time an officer seizes a loaded firearm they should carefully remove any magazine from the firearm and place it in a separate evidence envelope without removing the rounds from the magazine. This will allow the magazines and any rounds in it to be processed for fingerprints. Any time an Officer handles any firearm that is being seized as evidence they should wear latex gloves to help preserve any forensic evidence on the firearm.

United States Attorney's Office requests that anyone requesting the release of property being held in a Project Safe Neighborhoods' case be referred to Victim Witness Coordinator at 901-544-4231. This is applicable if the firearm is stolen, and the victim is requesting its' return. If a convicted felon owns the firearm, it will never be returned. Before any firearm release is made, the person releasing the firearm should check with the PSN Office 901-528-2338 to ascertain if the firearm will be used as evidence in a PSN adopted case.

B. NON-PSN Firearm Cases:

If a firearm is being held in a case that **will not be adopted into the PSN initiative**, the PSN investigator that reviewed the original arrest will add a supplement to the case file noting that the case was not adopted. The supplement will include the Bureau assigned to

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the case where the firearm is being held as well as the investigator assigned. Before the Legal Advisor releases the firearm, a property release form authorizing the release of the firearm will be completed by the assigned investigator and sent to the Legal Advisor's Office along with a copy of a III check on the owner and a copy of the report.

The Legal Advisor will review the memo and make the final decision regarding the release.

1. Firearms may not be released if:
 - a. The owner has been convicted of a crime in which the firearm was used, i.e., Unlawful Possession of a Weapon, Aggravated Robbery, or Homicide. A nolle prosequi or dismissal may be conditioned on the forfeiture of the firearm.
 - b. The owner has been convicted in any state of any felony or is presently under any indictment for any felony. A QH/QR check through NCIC of the owner's conviction history and QW for want status and a local check (for previous local convictions) or for any outstanding warrants must be made.
 - c. The owner is an unlawful user of or addicted to any controlled substance or addicted to alcohol. A determination of arrest history for various drug charges or alcohol-related charges will be necessary.
 - d. The owner has been adjudicated as a mental defective or has been committed, voluntarily or involuntarily to a mental institution, or is an undocumented immigrant, or has been dishonorably discharged from the Armed Forces (to be determined by checking discharge papers), or has renounced his/her U.S. citizenship, or if a rifle/shotgun, is under 18 years of age; if handgun, is under 21 years of age.
 - e. The owner was involved in a situation involving the illegal use of the weapon where the facts constitute a sufficient basis to believe that there was a violation of the law or of a municipal ordinance and the victim was a current or former spouse of the offender, a person who lives or has lived with the offender, a person who has dated the offender or who has had a sexual relationship with the offender, a person related to the offender by blood or marriage, or the adult or minor children of a person in a relationship with the offender as set out heretofore. This determination of sufficient basis to believe that there was a violation of the law or of a municipal ordinance shall be made based on the facts found in the investigation regardless of any charging decision or case/charge disposition.

It will be necessary to determine if any of the previously listed conditions exist prior to authorizing the release of any firearm. Any unusual circumstances or questions should be resolved by notifying the Legal Advisor's Office during regular office hours.

Ammunition will not be released simultaneously with any firearm.

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C. NON-PSN CASES WITHOUT PENDING CRIMINAL CHARGES

The following will be forwarded to the Legal Advisor's Office to release weapons in cases without pending state criminal proceedings and not adopted by PSN:

1. Standard MPD Property Release Form signed by case investigator.
2. Copy of III check on the owner. Remember, when conducting III inquiries on owners for gun releases, use "F" (Firearms) instead of "C" for the "purpose code" on the NCIC log book.
3. Copy of Incident Report with updated name and property involvement.
4. Copy of supplement showing case was NOT ADOPTED BY PSN. Print separately and attach with other documents.
5. A Referral - Owners meeting statutory and policy eligibility requirements for weapon returns should be advised to contact the Legal Advisor's Office at 901-636-3715 to schedule an appointment for the release of the firearm. If the release of the weapon is approved, the owner will be provided with a MPD Firearms Release form and advised on further action governing the release of the weapon.

D. NON-PSN CASES WITH CRIMINAL CHARGES DISPOSED BEFORE OR AT PRELIMINARY HEARING

Complete steps 1-4 described above **AND**:

1. **A copy of JMS Booking entry showing disposition of case (i.e. guilty plea, dismissal). INCLUDE ALL ARREST HISTORIES.**
 2. Forward all documents to Legal Advisor and make referral.
- * **Caution should be exercised before weapons are returned in cases disposed in General Sessions.** Cases are often dismissed for "lack of prosecution" but forwarded to the grand jury for indictment (Example: #1-Witness was not served subpoena, or #2-Weapons are forfeited in connection with a guilty plea arrangement).

E. NON-PSN CASES WITH PENDING CRIMINAL COURT ACTION

In any case forwarded to Criminal Court for further proceedings (HTS, H5, and HI), case officers will:

1. Along with all other relevant documents contained in the State Arrest Report, submit a SIGNED COPY of a Property Release designated "Forward to State" for ALL EVIDENCE (including weapons) being held for trial purposes.
2. Original, signed Property Releases will be forwarded to the Property and Evidence Room, as normal.
3. Owners with weapons held as evidence in post-preliminary hearing General Sessions Criminal Court proceedings will be referred to the Shelby County Attorney General's Office at 545-5900 for release disposition. Firearm Releases are the responsibility of prosecutors at this point. Investigators **WILL NOT** be required to submit a Firearms Releases form.

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F. PSN Adopted Cases

Case investigators will refer weapon owners to PSN at 901-528-2338 for any further action. Owners should be warned there might be a significant delay in the release of the weapon since its being held as evidence in a federal criminal proceeding. When considering if a case is potentially a PSN matter, determine if there is ***“a body attached to the gun,”*** or rather, has someone been charged or potentially facing charges by warrant or indictment.

The following property is to be released by Property & Evidence only after first notifying and obtaining Legal Office authorization during regular office hours.

1. Property which is to be confiscated by the State, e.g., gambling paraphernalia and money; drug-related paraphernalia and money; and untaxed liquor and money used in transactions involving such. This does not apply when the Property & Evidence Section is required by law to release this type property to another agency of city government or to a state or federal agency. Organized Crime is responsible for release of seized money tagged for state disposition.
2. Any stolen or recovered property over which there is a dispute as to the true owner.
3. Property belonging to any deceased person.

VII. Process for Requesting Evidence from the Property Room

Investigators requesting property from the Property Room for any reason (i.e. court, processing, release, investigation, etc) will fill out the Property Request form found on the MPD KIOSK under Bureau forms and email it to the Property Room at MPDPropertyRoom@memphistn.gov. A minimum of 48 hours notice is required. The investigator will be notified by a Property Room supervisor when their item is ready to be picked up. Once the investigator has been notified, the property will only be held in the Property Room for 72 hours unless other arrangements are made.

VIII. Process for Checking Out Evidence from the Property Room

- A. When evidence must be checked out of the Property Room for additional processing, comparisons, court, or further investigative needs, the following procedures should be followed:
1. The officer / investigator will give the property room attendant the necessary information to complete their Evidence Temporary Assignment Receipt.
 2. Once the property room attendant has printed the actual receipt, the officer / investigator will sign and date the front page of the receipt, and the back of the receipt.
 4. The property room attendant will make a copy of the front page of the receipt for the officer's / investigator's file.
 5. The officer / investigator will place the signed and dated copy of the receipt in the case file jacket.

Vision personnel are looking at the possibility of making the Evidence Temporary

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Assignment Receipt one page only. This will eliminate the investigator having to sign both the front and back page of the receipt.

6. Once this is completed the bureaus will be notified, however, the officer / investigator must retain a copy of the receipt for the case file jacket.

- B.** Monies and guns can only be released Monday through Friday from 8:00 am to 3:00 pm. Exceptions to this policy can be made with prior approval from a property room supervisor. This will allow for a property room supervisor to contact the appropriate Bureau if there is a discrepancy with the release.

IX. Process for Checking Out Narcotics from Property Room for Law Enforcement Purposes

Narcotics may be checked out of the Property Room through a court order for use in narcotics dog training and in undercover operations. The Manager of the Property Room will be responsible for obtaining and maintaining any court orders necessary to check out narcotics used for these purposes.

The Property Room Manager will coordinate with the Canine Unit, OCU and any other law enforcement agencies obtaining narcotics from the Property Room for law enforcement use to ensure their needs are met and the narcotics are available in a timely manner and usable condition.

To ensure the security of the narcotics as well as the integrity of the process, the following guidelines will be adhered to when checking narcotics out of the Property Room for law enforcement purposes:

A. Use of Narcotics as Training Aids:

1. Only the certified trainer for the Canine Unit, OCU, or any other law enforcement agency may check narcotics out of the Property for use as training aids.
2. To ensure consistency in the reweighing of the narcotics, the training aids will be configured prior to leaving the Property Room. The gross weights of these training aids will be recorded as the check out weights.
3. For use as training aids, the narcotics must not exceed the following amounts:
 - a. The maximum amount that can be checked out of the following narcotics for use as training aids is two ounces:
 - 1) Marijuana
 - 2) Cocaine
 - 3) Methamphetamine
 - 4) Heroin
 - 5) Or and other narcotic not in tablet or pill form.
 - b. The maximum amount of narcotics in tablet form that can be checked out for training purposes is 100 tablets.
4. Narcotics checked out for training purposes must be reweighed at the Property Room

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every thirty days. The narcotics should be in the same training aid form (wrapping, container, etc.) as they were when they were checked out. This is to ensure consistency in the weights. It is the responsibility of the unit commanders (OCU, Canine, etc.) to ensure the training aids are reweighed every thirty days. The Property Room Manager is responsible for maintaining a log recording the reweighing.

5. Training aids may be secured at the facility (Canine Unit, OCU) where they are used for training for the duration of the court order. The certified trainer is the only person that is to have access to the aids. This limited access can be accomplished by biometric reader, restricted keys for padlocks, or restricted combination for safes. The commanders of the Canine Unit and OCU are to ensure this restricted access is in place.
6. If a narcotic training aid is transported to a location other than the facility at which it is secured, a copy of the court order listing the narcotics checked out for training purposes must accompany the training aid.

B. Use of Narcotics for Undercover Operations:

1. Any amount of narcotics checked out of the Property Room for law enforcement use that is over two ounces or 100 tablets falls into this category.
2. These narcotics must be listed in a court order prior to being checked out.
3. These narcotics will be checked out of the Property Room for a 24 hour period. If the narcotics must remain checked out for more than 24 hours, approval from the OCU commander must be obtained. The OCU commander will advise the on duty Property Room supervisor of the approval for additional time and will give an estimated time when the narcotics will be returned to the Property Room. The Property Room supervisor will make a notation of the release.
4. OCU will provide oversight and assist in the management of narcotics used for undercover operations to ensure the narcotics are in an acceptable condition for use. This management will comply with all applicable policies regarding access to narcotics stored in the Property Room.

X. Process for Returning Evidence to the Property Room

Investigators returning property that has been checked out need to do so between 0800-1400, and 1600-1800. The Investigator must have the original labeling of the R&I number and the property receipt number when returning items. The investigator returning the property MUST wait until ALL the property has been checked back in. The investigator will receive a copy of the property receipt and must check it for accuracy before leaving the Property Room. This is for the investigator's protection in case property later becomes misplaced.

If an investigator will be checking in a large number of items or any particularly large item the investigator should contact the property room and give them advance notice.

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SECTION: Pawn Shops

When stolen property has been identified in a pawn shop, and prosecution has been confirmed with the owner of the property, case officers are to notify the Pawn Detail.

The Pawn Detail will then notify the pawn shop to place the item(s) on hold. The case officer must submit a **Pawn Shop Pick up Request/Recovery Form** (KIOSK) to the Pawn Detail.

The top portion of this document should be filled out by the case officer, including a copy of the offense report **with sufficient facts** to enable the Pawn Detail to prepare a Subpoena for Fingerprint Record and an Affidavit for Subpoena for Certain Pawnshop Fingerprint Records.

Upon recovery of the stolen item(s), the Pawn Detail will return a completed Pawn Shop Pick up Request/Recovery Form to the case officer as well as the original Subpoena and Affidavit for inclusion in the State Arrest Report (copies will be made for Pawn Detail files).

The case officer must submit evidence of prosecution with the corresponding incident number to the Pawn Detail (i.e. arrest ticket, a copy of arrest warrant, a supplement, or a request for indictment).

If the owner of the property declines to prosecute, the Pawn Detail will return the item(s) to the pawn shop upon notification from the case officer. The case officer will then determine the proper disposition of the item and complete a property release form for the State Arrest Report.

When the Pawn Detail seizes the item(s) of evidence, the Pawn Detail will leave a copy of the Subpoena and a receipt for the item(s) confiscated from the pawn shop.