Description of the Office of the State Auditor

The mission of the Office of the State Auditor is to oversee local government finances for Minnesota taxpayers by helping to ensure financial integrity and accountability in local governmental financial activities.

Through financial, compliance, and special audits, the State Auditor oversees and ensures that local government funds are used for the purposes intended by law and that local governments hold themselves to the highest standards of financial accountability.

The State Auditor performs approximately 150 financial and compliance audits per year and has oversight responsibilities for over 3,300 local units of government throughout the state. The office currently maintains five divisions:

**Audit Practice** - conducts financial and legal compliance audits of local governments;

**Government Information** - collects and analyzes financial information for cities, towns, counties, and special districts;

**Legal/Special Investigations** - provides legal analysis and counsel to the Office and responds to outside inquiries about Minnesota local government law; as well as investigates allegations of misfeasance, malfeasance, and nonfeasance in local government;

**Pension** - monitors investment, financial, and actuarial reporting for approximately 730 public pension funds; and

**Tax Increment Financing** - promotes compliance and accountability in local governments’ use of tax increment financing through financial and compliance audits.

The State Auditor serves on the State Executive Council, State Board of Investment, Land Exchange Board, Public Employees Retirement Association Board, Minnesota Housing Finance Agency, and the Rural Finance Authority Board.

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Best Practices Review:
Property and Evidence Room Policies and Procedures Manuals

February 16, 2011

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Introduction

The importance of property and evidence room management has recently gained visibility in the State of Minnesota.\(^1\) One result of the increased visibility was legislation enacted in 2010, requiring the Minnesota Board of Peace Officer Standards and Training and the Minnesota County Attorneys Association to develop a model policy that articulates best practices for forfeitures.\(^2\) Under the legislation, law enforcement agencies in Minnesota must adopt and implement a written policy on forfeitures by March 1, 2011, that is identical or substantially similar to the model policy.\(^3\) Another result of the increased visibility was the Office of the State Auditor’s decision to conduct a best practices review on policy and procedures manuals for property and evidence rooms.

In addition to taking custody of property subject to forfeiture, law enforcement officers take custody of lost and stolen property, contraband, and physical evidence that can directly or indirectly solve a crime. The integrity of these items depends upon the proper handling of the items from the moment law enforcement takes possession of them until they are legally returned to their owners, sold, destroyed, or retained for agency use.

Property and evidence rooms are not just warehouses. They must provide for the security and storage of valuable and sensitive items including cash, jewelry, firearms, and drugs. They must provide for the safe handling of biological evidence while preserving the integrity of the evidence for further analysis. They must preserve a chain of custody that allows for the admission of evidence in subsequent court proceedings. Property and evidence room personnel must also ascertain the lawful disposition of the items in their custody.

The mishandling of these items by law enforcement agencies can lead to criminal charges against officers; financial liability for the law enforcement agency; the loss or theft of property; or the damage, contamination or destruction of evidence.\(^4\) The mishandling of property and evidence by law enforcement agencies also reduces the public’s confidence in law enforcement and, ultimately, in the integrity of the criminal justice system.

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\(^2\) See Minn. Stat. § 609.531, subd. 8 (2010).

\(^3\) Id.

A comprehensive policies and procedures manual for the property and evidence room that is implemented by law enforcement agencies can mitigate these issues. Policies and procedures should “inform department personnel of their responsibilities, outline acceptable procedures to follow, establish general performance standards, and create consistency among employees in carrying out their numerous tasks.”\(^5\)

The purpose of this Review is to provide a timely important resource to law enforcement agencies around the State of Minnesota. It not only provides a guide to developing a property and evidence room policies and procedures manual, but it is also unique in that it incorporates an overlay of Minnesota laws through 2010.

Methodology and Approach

The goal of this Review is to highlight best practices for the management of property and evidence rooms. The Review incorporates best practices for internal controls and segregation of duties in compliance with Minnesota laws for property and evidence handling.

To understand existing property and evidence room policies and procedures, a survey of the nearly 500 law enforcement agencies in Minnesota was conducted by the Office of the State Auditor. One hundred ninety-five law enforcement agencies of varying sizes responded to the survey.

The Office of the State Auditor also conducted a literature review to identify model property and evidence room policies and procedures. This included a review of standards, recommendations, and procedures from, among other entities, the International Association for Property and Evidence (IAPE); the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA); the California Commission on Peace Officer Standards and Training (CA-POST); the Minnesota Bureau of Criminal Apprehension (BCA); and law enforcement agencies in Minnesota and elsewhere. Finally, a review of Minnesota statutes governing the seizure, storage, and disposition of property and evidence by law enforcement agencies was performed.

During its review, the Office of the State Auditor met with representatives from the Minnesota County Attorneys Association, the Minnesota Chiefs of Police Association, the Minnesota Sheriffs’ Association, the Minnesota Board of Peace Officer Standards and Training, the City of Minneapolis Police Department’s Property and Evidence Unit, the City of St. Paul Police Department, and other law enforcement personnel.

The Office of the State Auditor extends sincere thanks to all of these organizations and entities for their interest in and assistance during this best practices review.
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Survey Responses
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Summary of Survey Responses

The Office of the State Auditor conducted a survey of Minnesota law enforcement agencies to understand existing property and evidence room policies and procedures. Of the nearly 500 law enforcement agencies, 195 law enforcement agencies of varying sizes and types responded. Of 195 respondents, 192 specified the type of law enforcement agency they represented. The specific types were:

- 119 city law enforcement agencies
- 56 county law enforcement agencies
- 3 town law enforcement agencies
- 10 multi-jurisdictional law enforcement agencies
- 4 tribal law enforcement agencies

The following types of agencies reported that they had a property and evidence room:

- 109 city law enforcement agencies
- 55 county law enforcement agencies
- 2 town law enforcement agencies
- 8 multi-jurisdictional law enforcement agencies
- 4 tribal law enforcement agencies

Five of the city respondents and one of the multi-jurisdictional respondents reported that they contracted with their county for property and evidence room services.

Overall, 62% of the responding agencies with a property and evidence room reported that they had a specific policies and procedures manual for the property and evidence room.

When asked about property and evidence room tracking methods, survey respondents reported that they used both manual (paper) and computer software methods to track property and evidence.

The survey revealed that one-fifth (20%) of the local law enforcement agency respondents with a property and evidence room had conducted an external (independent) audit of the property and evidence room in the past five years.

The survey asked the law enforcement agencies for specific topics they wanted included in the best practices review on policies and procedures for property and evidence rooms. The top two responses were:

- release and disposition of property (81%) and
- documenting property received and removed (79%).
In addition to these two areas, the law enforcement agencies reported that they would like the following areas included in the best practices review:

- handling and storage of hazardous materials and biological evidence (72%);
- temporary and long-term storage of evidence (71%);
- evidence tracking (70%);
- handling and storage of various types of evidence, such as firearms, drugs, stolen property, and burglary tools (69%);
- handling and storage of valuable and sensitive items including cash, jewelry, and other high-value property (67%);
- audits (64%);
- inventories (58%);
- storage systems (50%); and
- security and alarm systems (28%).
Steps for Best Practices
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Steps for Best Practices

The following five steps have been identified as essential to best practices for the management of property and evidence rooms. Smaller agencies that encounter budgetary constraints in meeting these steps may need to consider other alternatives, such as contracting with another agency for property and evidence room services.

**Step 1: Maintain a Secure Facility**

A secure property and evidence room is required to maintain chain of custody and to safeguard the items stored in the property and evidence room. Agencies should have proper access controls to prevent unauthorized entry into secure storage areas. These controls should include:

1. Key or access card controls;
2. Access logs that document entries into the property and evidence room;
3. Enhanced security areas for items such as currency, firearms, jewelry, and drugs;
4. After-hours access controls; and
5. Alarms and surveillance cameras/videos operated on a 24-hour basis.

Ideally, the property and evidence room personnel should be located adjacent to the property and evidence room, but not within the confines of the storage area. Locating personnel outside the storage area minimizes the number of people having access to the storage area.

Consideration needs to be given to large items, such as vehicles. If the facility is unable to accommodate large or bulky items, alternative arrangements for the secure storage of the items will need to be made.

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6 These steps were developed using standards and recommendations from various law enforcement agencies; the International Association for Property and Evidence, Inc., (IAPE) Standards; and the California Commission on Peace Officer Standards and Training. Additional resources on property and evidence room management are provided in the Resources section of this Review.
Step 2: Assign Sufficient and Qualified Personnel to the Property and Evidence Room

Proper staffing of the property and evidence room is critical for the integrity of chain-of-custody, the safe preservation of property and evidence, and the timely and legal disposition of property and evidence. Property and evidence room staffing may be comprised of sworn officers or civilians, or a combination of sworn officers and civilians.

Specialized training should be provided to property and evidence room personnel. The training should include protocols for all aspects of property and evidence handling and specific legal requirements unique to Minnesota. The training also needs to include specialized safety training on how to handle items such as hazardous materials, biohazards, and firearms. Agencies should consider membership in professional associations that can provide opportunities for networking and training.

The rotation of personnel in the property and evidence room should be discouraged, as it increases the number of people allowed access to the secure and restricted storage areas. More people with access to the property and evidence room increases the likelihood of an error in the tracking of the property or a theft of property/evidence. It will also increase the frequency of key/access code changes, the number of people requiring specialized training, and the number of people who may be in the chain of custody for a piece of evidence.

Step 3: Develop and Implement a Policies and Procedures Manual for the Property and Evidence Room

In order to protect the integrity of the property and evidence, law enforcement agencies need to develop, adopt, and implement policies and procedures for the proper handling and disposition of property and evidence. Otherwise, property and evidence room personnel will be forced to rely on their own judgment in carrying out their duties and responsibilities.

Policies are general statements that reflect the agency’s intent and also serve as a guide to provide consistency in carrying out the agency’s mission and meeting established goals. Procedures outline detailed and specific methods for meeting the policies set forth by the agency.

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7 The Metro Gang Strike Force Review Panel recommended that any strike force or task force that handles large amounts of evidence and seized assets should have experienced and professionally trained staff dedicated to overseeing these functions. *Report of the Metro Gang Strike Force Review Panel*, August 20, 2009, at page 33, http://www.dps.state.mn.us/Docs/FINALReport_MGSFReviewPanel.PDF.

8 For example, the International Association of Chiefs of Police (IACP); the International Association for Property and Evidence, Inc. (IAPE); and the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA), provide training in property and evidence room management. Website links for these organizations and additional information are provided in the Resources section of this Review.
A written policies and procedures manual should describe procedures as they are intended to be performed, indicate who will perform which procedures, and explain the design and purpose of control-related procedures. Well-written policies and procedures establish responsibilities, provide guidance for employees, enhance employees’ understanding of their role in the control system, improve efficiency, and maintain consistency in procedures, even during employee transitions.

All personnel involved with property and evidence room management should have easy access to the property and evidence room policies and procedures manual. In addition, the manual should be shared with all agency employees to help them understand the role they play in protecting the integrity of the items maintained in the property and evidence room.

Conducting an annual review of the policies and procedures manual provides an opportunity for agencies to revise outdated policies and procedures, update any personnel or position changes, and update law changes. Since laws relating to the collection, preservation, and disposition of property and evidence change, it is important that every law enforcement agency maintain a close relationship with prosecutors and the agency’s attorney, and obtain their assistance with the review.

Step 4: Dispose of Property and Evidence in a Timely and Legal Manner

Overcrowding of a property and evidence room leads to disorganization and the potential loss, damage, or contamination of property and evidence. Timely and legal disposition of property and evidence helps avoid these problems. In Minnesota, disposition may include returning the property to the owner, selling the property, retaining the property for agency use, destroying the property, or forwarding the property to another entity.

Determining when final disposition of the property and evidence may occur requires the tracking of related legal proceedings and a knowledge of the laws regarding the disposition of property and evidence. Therefore, a close working relationship with prosecutors and the agency’s attorney is needed. The tracking of legal proceedings and legal requirements, such as timing and notice requirements, allows for the regular review of when final disposition can occur. In forfeiture situations, the tracking will also facilitate the monthly reporting that must be made to the Office of the State Auditor.

The agency should conduct regular inventories of the property and evidence room to determine whether the property and evidence are ready for final disposition. The retention schedule for documents adopted by the agency’s city, county, or town may provide guidance for the retention of the physical property and evidence that corresponds to the documents.

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9 For example, if proper notice of intended forfeiture is not provided, the seized property must be returned to the person from whom it was seized. See, e.g., Minn. Stat. §§ 609.5313 (b) (2010) (judicial forfeiture proceedings) and 609.5314, subd. 2 (c) (2010) (administrative forfeiture proceedings). Key Minnesota statutes relating to the disposition of property and evidence are listed in the Summary of Minnesota Laws section of this Review.

10 See Minn. Stat. § 609.5315, subd. 6 (2010).

11 See Minn. Stat. §§ 15.17 and 138.17 (2010). Links to document retention schedules are provided in the Resources section of this Review.
Step 5: Perform Reviews and Audits of Property and Evidence Room Procedures

Conducting regular reviews and audits will help law enforcement agencies determine whether policies and procedures for the property and evidence room are being followed on a consistent basis to protect the integrity of the property and evidence.\textsuperscript{12} Regular reviews and audits also send a message to everyone in the agency that property and evidence room procedures are important.

Reviews and audits may include unannounced inspections or spot checks by management, internal reviews conducted by agency personnel not assigned to the property and evidence room, peer reviews, or audits by outside non-law enforcement entities.\textsuperscript{13} Law enforcement agencies that handle a large amount of property and evidence should consider an external audit on a regular basis.

Reviews and audits may be conducted on a periodic basis, such as monthly or semi-annually, and/or they may be random. For example, procedures may require monthly reviews of access logs, semi-annual audits of enhanced security areas, and random unannounced inspections as deemed appropriate.

Regardless of size, all law enforcement agencies should consider a peer review on a regular basis. A peer review entails members of other law enforcement agencies looking at your agency’s operation. This can be a useful, low-cost tool that can confirm whether there is consistent implementation of all policies and procedures and identify weaknesses in the system. With peer reviews, agencies can inspect each other’s property and evidence rooms and share property and evidence room management techniques and ideas. This type of review will provide many of the benefits of an external audit and may be done at little or no cost.


\textsuperscript{13} The Resources section of this Review provides links to the Law Enforcement Property & Evidence System Audit Guide (2005) published by the California Commission on Peace Officer Standards and Training, as well as other review and audit resources.

By December 1, 2010, Minnesota Board of Peace Officer Standards and Training and the Minnesota County Attorneys Association had to develop a model policy that articulated best practices for forfeitures. By March 1, 2011, law enforcement agencies in Minnesota must adopt and implement a written policy on forfeitures that is identical or substantially similar to the model policy. Among other things, the policy must include best practices in pursuing, seizing, and tracking forfeitures.

Management of property and evidence in the custody of law enforcement agencies, however, goes beyond adopting model forfeiture policies. It requires law enforcement agencies to develop policies and procedures for maintaining the integrity of property and evidence in the agency’s custody.

The following is a guide that can be used by law enforcement agencies to develop and/or review a property and evidence room policies and procedures manual. The specific procedures will vary based on the needs and requirements of the agency, such as whether the agency uses manual (paper), computer software, or a combination of manual and computer software tracking systems for property and evidence. Ideally, agencies should work with their attorney/legal counsel in developing a manual. Short of that, agencies should have their procedures reviewed by their attorney to ensure compliance with state and local laws.

Even though each agency’s procedures will reflect their individual needs and requirements, it is imperative to design an effective and efficient manual that provides specific direction and requires strict adherence to the policies and procedures. Appropriate action should be taken with personnel if the procedures are not followed.

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14 See Minn. Stat. § 609.531, subd. 8 (2010).
15 Id.
16 Id.
Facility/Security

Policy: It is the policy of (law enforcement agency) to limit access to the property and evidence room storage areas to authorized personnel.

Procedures:

- The facility/security procedures should describe how the property and evidence room will be secured and monitored to prevent any unauthorized entry.

- **Access:** Procedures for establishing controls over access to the property and evidence room should limit the distribution of keys/codes allowing access to the room to personnel responsible for the property and evidence room. The procedures should require that access codes be unique and protected. The procedures should also identify who is responsible for:

  1. Issuing keys/access codes and maintaining a key/access code log showing the total number of keys, including the identity of all personnel with keys, and/or all personnel provided with the access code;

  2. Protecting duplicate keys and maintaining a record detailing any use of a duplicate key to enter the property and evidence room;

  3. Changing the keys/access codes whenever there is a change in personnel with keys/codes, a key is lost, or the security of the room may have been compromised; and

  4. Conducting periodic inventories of the keys.

Some agencies use two locks on the door to the property and evidence room, requiring two individuals with separate keys for entry into the room.

Access procedures should also require use of an access log to document all entries into the property and evidence room.\(^\text{17}\)

- **After-Hours Access:** After-hours access to the property and evidence room secure storage areas should be discouraged. The facility/security procedures should describe how after-hours access will be handled. When after-hours access is required and it is not practical to call the assigned property and evidence room personnel, the two-person rule with the completion of the access log should be used.

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\(^{17}\) Access logs are discussed further in the Documentation section of this Review. A Sample Property/Evidence Room Access Log is provided in the Sample Forms section of this Review.
• **Enhanced Security Area:** The procedures should describe the enhanced security features that will be provided for items such as currency, drugs, firearms, and jewelry. The enhanced security features for this area could include:

1. Separate storage area with separate keys/access codes for a limited number of property and evidence room personnel;

2. A separate access log for the area; and/or

3. A two-person rule for entry into the area.

• **Surveillance Cameras/Videos and Alarms:** Ideally, agencies should monitor activity, including unauthorized entry into the property and evidence storage areas, by using alarms and surveillance cameras/videos on a 24-hour basis. The procedures should identify who is responsible for maintaining the security systems, responding to alarms, and reviewing after-hours entries. Access to the security systems should be limited to protect the integrity of the systems.
**Staffing**

**Policy:** It is the policy of (law enforcement agency) to assign sufficient and qualified personnel to manage the property and evidence room.

**Procedures:**

- The property and evidence room staffing procedures should make all agency personnel responsible for the proper handling of evidence and seized property. However, the procedures should also clearly state that property and evidence room personnel are responsible for receiving, documenting, storing, securing, preserving, disposing, and tracking the chain of custody for the property and evidence under the custody of the agency.

- The staffing procedures should provide that an adequate number of personnel will be assigned to the property and evidence room. The duties and responsibilities of the property and evidence room personnel, including routine housekeeping for the property and evidence room, should be defined in the staffing procedures. The staffing procedures should also make it clear that the rotation of personnel into and out of the property and evidence room should be avoided to the extent possible.

- Requirements for background (including financial background) and criminal history checks for personnel assigned to the property and evidence room should be stated in the staffing procedures. Procedures for periodic drug testing for personnel assigned to the property and evidence room should be established, in compliance with any collective bargaining agreements.18

- Specialized training that will be provided to property and evidence room personnel should be described in the staffing procedures, including training in:
  1. Protocols in all areas of evidence handling;
  2. Universal safety precautions and specific safety training in the handling of items such as hazardous materials, biohazards, and firearms; and
  3. Minnesota’s laws governing the disposition of property.

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- The procedures should document property and evidence room hours. Since agencies release property to the public, public access should be considered when scheduling property and evidence room hours.
Packaging

Policy: It is the policy of (law enforcement agency) to establish package requirements that protect items from cross contamination and prevent loss of evidentiary value while permitting efficient storage and retrieval.

Procedures:

- The packaging procedures should authorize property and evidence room personnel to require that property and evidence be properly identified, secured, and packaged before it will be accepted in the property and evidence room.

- Packaging requirements should be based upon the needs of the crime lab used by the agency and the property and evidence room’s own storage requirements. Items requiring specific packaging procedures should be described in the packaging procedures. For example:
  
  1. Currency should be uniquely packaged and sealed. Currency packages should have a cash count listed by denomination and total, and specifically noting the presence of any suspected counterfeit bills or buy funds. The two-person rule should be employed when counting, opening, or transferring currency.

  2. Drugs should be uniquely packaged and sealed. The two-person rule should be employed when handling drugs.

  3. Evidence that is a potential biohazard should be plainly marked with a biohazard label. Specific protocols for handling needles and syringes should be specified in the procedures.

  4. Firearms should be unloaded before they are submitted to the property and evidence room, and tagged as inspected and unloaded.

- The packaging procedures should describe how the items should be marked with a unique property and evidence identification number.

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19 The Minnesota Bureau of Criminal Apprehension (BCA) provides information on various evidence collection and packaging requirements, including information on DNA evidence, questioned documents, and drugs. See http://www.bca.state.mn.us/Lab/Documents/Lab-Intro.html. See also Minn. Stat. § 299C.155 (2010) (BCA uniform procedures and protocols for DNA analysis).

20 A Sample Currency Count form is provided in the Sample Forms section of this Review.
Policy: It is the policy of (law enforcement agency) to store all property and evidence in the property and evidence room so as to protect the property and evidence from loss, damage, or contamination; to maintain the property’s evidentiary value; and to minimize safety hazards, while permitting efficient storage, inventory, and retrieval.

Procedures:

- **Property Handling:** The use of any temporary storage or evidence lockers should be described in the storage of property and evidence procedures. Universal safety precautions should be required when handling any physical evidence. The storage procedures should also identify any hazardous materials such as explosives, flammables, and toxic chemicals that will not be stored in the property and evidence room.

- **Storage Location:** The storage procedures should help maintain order in the property and evidence room. For example, the storage procedures may provide that found property and property held for safekeeping will be stored separately from general evidence, and in areas that are easily accessible and close to public release areas, due to their shorter storage time. The storage procedures may require homicide evidence to be stored in less accessible areas of the property and evidence room due to its longer storage requirement.

  1. The storage procedures should describe how items needing special treatment will be stored in the property and evidence room. For example, proper equipment for storing perishable items and biological evidence should be provided, or alternative arrangements for the storage of these items should be made. Similarly, electronic media devices should be stored in an area that is free from magnetic fields or other environmental conditions that could damage the items.

  2. The agency should find a secure off-site facility for storing large and bulky items. Many agencies have a contract with a towing company for the towing and storage of vehicles. The procedures for the storage of property and evidence should include periodic inspections of the off-site facility to ensure the security and integrity of the items.
3. The storage procedures should require that an enhanced security area be used for such items as currency, drugs, firearms, and jewelry. If possible, separate areas within the enhanced security area should be used for drugs, firearms, and jewelry. Items that have been found and items being held for safekeeping in the enhanced security area should be separated from items being held as evidence in the enhanced security area. The storage procedures should require that the two-person rule be employed when drugs or currency are being handled.
Documentation

Policy: It is the policy of (law enforcement agency) to maintain documentation that tracks the chain of custody and the location of property, and records property and evidence room entries and the authorized disposition of property.

Procedures:

- **Identification of the Property:** The documentation procedures should describe how the property and evidence room will accurately identify the property and evidence in its possession. The description, whether maintained manually (on paper) or electronically, should include:

  1. The case number and incident type (e.g., felony, gross misdemeanor, misdemeanor, juvenile), and whether the property is evidence, property subject to forfeiture, found property, or property held for safekeeping;
  2. The date the property was seized, the date of the offense, and the date the property was received by the property and evidence room;
  3. The investigating and/or booking officer’s name and/or badge number;
  4. The victim, the suspect, the owner of the property, and the finder of the property;
  5. A unique property and evidence room identification number; and
  6. A detailed description of the property, including:
     - the make, model, and serial number of any firearms; and
     - a cash count of currency listing the denominations of the cash.

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21 A Sample Property/Evidence Report form is provided in the Sample Forms section of this Review.
22 See Minn. Stat. § 609.5315, subd. 6(a) (2010) (the make, model, and serial number of each forfeited firearm must be reported to the Office of the State Auditor). Additional forfeiture information that must be reported to the Office of the State Auditor is found in the Office of the State Auditor’s Statement of Position on Reporting of Criminal Forfeitures, available on the Office of the State Auditor’s website at: http://www.auditor.state.mn.us/Other/statements/reportingcriminalforfeitures_0904_statement.pdf.
23 A Sample Currency Count form is provided in the Sample Forms section of this Review.
• **Access Logs:** The documentation procedures should describe the use of access logs to record all entries into the property and evidence room. Access logs should document:

1. The name of the person entering the property and evidence room;
2. The time, date, and duration of the entry;
3. The reason for the entry; and
4. The identity of the property and evidence room personnel escorting the person during the entry.

• **Tracking Systems:** The documentation procedures should describe how the property and evidence room will track:

1. The location of the property/evidence within the property and evidence room;
2. The chain of custody of the property/evidence, including documentation about any time the property/evidence is released from the property and evidence room;
3. The legal status of the property, including the status of any legal proceedings related to the property or evidence; and
4. The disposition of all property and evidence, including who authorized the disposition of the property, the date the authorization was obtained, and verification that the disposition of the property occurred as authorized.

• **Tickler System:** Any officer taking possession of property or evidence, such as when taking the item for further examination or to the prosecutor, should return the property/evidence to the property and evidence room as soon as practical to prevent damage, theft, contamination, or destruction of the item. The documentation procedures should describe the tickler system that will be used to obtain the prompt return of items to the property and evidence room.

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24 A Sample Property/Evidence Room Access Log is provided in the Sample Forms section of this Review.
25 The documentation can be manual (paper) or electronic, or a combination of both. Samples of some of the most commonly used manual forms are provided in the Sample Forms section of this Review. The forms should be specifically tailored for the tracking system used by the agency, providing for the use of bar codes or property tracking computer software, for example, where appropriate.
26 A Sample Chain of Custody Report form is provided in the Sample Forms section of this Review.
27 A Sample Forfeiture Tracking form is provided in the Sample Forms section of this Review.
28 A Sample Authorization for Disposition of Property form is provided in the Sample Forms section of this Review.
Disposition of Property

Policy: It is the policy of (law enforcement agency) to dispose of items held in the property and evidence room in a legal and timely manner.

Procedures:

- **Review for Disposition:** The disposition of property procedures should specify how often (e.g., monthly) reviews will be performed by property and evidence room personnel to determine whether items are ready for final disposition. To facilitate the final disposition of evidence, investigating officers should be required to notify the property and evidence room when they receive information about the final disposition of a case or a change in the legal status of the property.

- **Authorization for Disposition:** The disposition procedures should specify that no disposition of administratively forfeited property should be made until certification is received from the county attorney. In all cases, the procedures should require that the signature of the investigating officer and/or the prosecutor, or a court order, be obtained before disposing of the property.

- **Release of Currency:** Currency should be deposited or transferred out of the property and evidence room as soon as practical once it no longer has evidentiary value. All currency releases should be authorized in writing by the investigating officer or prosecutor to the custody of a specific person, entity, or financial institution. The person making the deposit should be required to return a deposit receipt to the property and evidence room to document that the currency was deposited.

- **Release of Unclaimed/Abandoned Property to the Owner:** The disposition procedures should describe the reasonable efforts that the agency will take to locate the property’s owner. Generally, under Minnesota law, unclaimed/abandoned property must be held for 60 days (under city ordinances) or 90 days (for a sheriff’s office) prior to sale of the

29 See Minn. Stat. § 609.5315, subd. 2 (2010).
30 A Sample Authorization for Disposition of Property form is provided in the Sample Forms section of this Review.
31 For example, money found in gambling devices must be paid to the county treasury, or, if seized by a police officer of a municipality, the municipality’s treasury. See Minn. Stat. § 626.04 (b) (2010).
32 Procedures in some agencies require a minimum of two reasonable attempts to identify and notify the owner. Minnesota law specifically requires law enforcement agencies to make their “best efforts” for a period of 90 days after the seizure of an abandoned or stolen firearm to return the firearm to the lawful owner. See Minn. Stat. § 609.5315, subd. 7 (2010).
property.33 The disposition procedures should also describe what steps will be used to establish the identity of the owner and require the owner to sign a receipt acknowledging the receipt of the property.34

- **Release of Recovered Stolen Property to the Owner:** The disposition procedures should be consistent with Minnesota’s law on recovered stolen property. Once the offender is convicted, recovered stolen property must be turned over to the owner.35 Under Minnesota law, recovered stolen property may be returned to its owner prior to trial if: (1) a photograph of the property is filed and retained by the law enforcement agency to be used as evidence; (2) satisfactory proof of ownership is shown by the owner; (3) a declaration of ownership is signed under penalty of perjury; and 4) a receipt for the property is obtained from the owner.36

- **Release of Property Subject to Forfeiture to the Owner:** Under Minnesota law, if notice of seizure and forfeiture is not sent within 60 days, and the county attorney does not receive an extension from the court, the property must be returned to the owner.37 Similarly, Minnesota law provides that, in some circumstances, property subject to forfeiture may be returned to the owner before the forfeiture action is determined if security is provided or a bond is posted.38 The disposition procedures need to describe how property will be returned to the owner in these situations.

- **Sale of Property:** Consistent with Minnesota law, the disposition procedures should expressly prohibit the sale of forfeited property to an officer or employee of the law enforcement agency, or to one of their relatives.39 For all property sales, the disposition procedures should require that the property and evidence room be provided with proof of sale and a receipt from the appropriate entity/entities showing deposit of the sale proceeds.40

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33 See Minn. Stat. §§ 345.15, subd. 1 (2010) (sheriff must hold property for at least three months prior to sale at public auction) and 471.195 (2010) (cities may have an ordinance providing for the sale of unclaimed property after the property has been in the city’s possession for at least 60 days).
34 A Sample Property Release to Owner form is provided in the Sample Forms section of this Review.
36 See Minn. Stat. § 609.523, subd. 3 (2010). If the recovered property has a value of more than $150.00, the owner must retain possession of the property for at least 14 days to allow the defense attorney to examine the property. See Minn. Stat. § 609.523, subd. 4 (2010).
37 See Minn. Stat. § 609.5314, subd. 2(c) (2010).
38 See Minn. Stat. § 609.531, subd. 5a (2010) (does not apply to contraband or property being held for investigatory purposes).
39 See Minn. Stat. § 609.5315, subd. 1(c) (2010). The procedures should also recognize any local prohibitions on the sale of certain items. See, e.g., Minn. Stat. § 609.5315, subd. 1 (b) (2010) (Hennepin or Ramsey County Sheriff may not sell firearms, ammunition or firearms accessories if County Board disapproves of policy).
40 See, e.g., Minn. Stat. §§ 345.15, subd. 1 (2010) (net proceeds from the sale by the sheriff’s office of abandoned/unclaimed property or property entered as evidence and released by a court order must be transferred to the county treasurer to be deposited and credited to the general revenue fund; net proceeds defined as sale price less any costs of handling, storage, or sale); and 609.5315, subs. 5, 5a, and 5b (2010) (money or proceeds from the sale of forfeited property split among specified entities).
• **Destruction of Property:** A two-person rule should apply to the destruction of property/evidence. Additional procedures to confirm the destruction of drugs should be considered, such as random inspections of drug packages prior to destruction. The disposition procedures should require that the property and evidence room be provided with confirmation of destruction from the destruction site.

• **Property Held As Evidence:** The disposition procedures, consistent with Minnesota law, should specify that evidence must be held until after trial and the expiration date for all associated appeals, unless the court orders the property returned to the owner. Any exceptions to this general rule should be contained in the procedures. For example, under Minnesota law, any biological evidence relating to the identity of the defendant used to secure a conviction in a criminal case must be retained until expiration of the sentence, unless an earlier disposition is authorized by court order.

• **Property Retained for Agency Use:** The authorization required for retaining property for agency use, and limitations on what can be retained and how the property can be used, should be specified in the disposition procedures.

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41 *See* Minn. Stat. § 626.04 (b) (2010).
42 *See* Minn. Stat. § 590.10, subd. 1 (2010).
43 *See, e.g.*, Minn. Stat. § 609.5315, subds. 1 (a)(8) and 3 (2010) (forfeited property other than money may be kept for official use by the law enforcement and prosecuting agencies for the performance of official duties).
Reviews and Audits

Policy: It is the policy of (law enforcement agency) to perform reviews/audits of the property and evidence room to determine compliance with established policies and procedures.

Procedures:

- The review/audit procedures should specify how often and by whom (e.g., internal, peer, or external) the reviews/audits will be performed and the scope of the reviews/audits. The procedures should include the following reviews/audits:

  1. Unannounced inspections may be left to the discretion of the agency’s chief law enforcement officer.
  2. Regularly scheduled inspections should be conducted to confirm compliance with specific critical procedures such as key/access code controls, controls for items in the enhanced security area, and procedures for disposing of property and evidence.
  3. Reviews should be performed automatically when there is:
     - a change in key/code-holding personnel;
     - a change in the chief law enforcement officer; or
     - information suggesting a procedure or security breach has occurred.
  4. Reviews of the policies and procedures manual should also be performed.\(^{44}\)

- The results of the review/audit should be provided to the chief law enforcement officer, and steps should be taken to rectify any issues disclosed during the review/audit.

- The reviews/audits (internal, peer, or external) may include:
  1. Inspecting the access log for compliance with access control procedures;
  2. Conducting an inventory of keys and a review/audit of the key/access code log, and monitoring that keys/access codes were changed when warranted;

\(^{44}\) The procedures provided in this Review could serve as an audit checklist to determine the strength of existing property and evidence room procedures.
3. Randomly selecting case files and tracing items from the files through the tracking system to the current location of the items;

4. Randomly selecting items in the property and evidence room and tracing the items back through the case files to verify the documentation for the items;

5. Tracing items in the enhanced security area back through the case files to verify the documentation for the items;

6. Selecting a closed or inactive file and tracing items from the file through the tracking system to the location of the property, or if final disposition of the property has occurred, verifying the documentation about the property’s disposition;

7. Reviewing the cleanliness and inventory level of the property and evidence room;

8. Reviewing compliance with packaging and safety requirements;

9. Reviewing tickler files for timeliness of follow-up; and

10. Reviewing property disposition files for accuracy, legality, and timeliness.

- **Inventory:** The review/audit procedures should require the agency to conduct an annual inventory. Inventories should also be required when there are changes in key holding personnel. The inventory will ensure an accounting of all property and evidence. If a complete inventory of the property and evidence room is not possible, the agency should consider an inventory of the items required to be maintained in the enhanced security area (e.g., drugs or currency). A common inventory method is to list items on a specific shelf or location and compare the list with the property/evidence reports.
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Resources
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Resources: Policies and Procedures Manuals

The following are additional resources for developing a property and evidence room policies and procedures manual.

International Association for Property and Evidence, Inc. (IAPE)
The IAPE is a non-profit association offering training and certification to law enforcement agencies involved in the operation, supervision, and management of property and evidence rooms. The IAPE website is found at:  http://www.iape.org/.

- **IAPE Professional Standards.** This 79-page document, authored by Joseph T. Latta and Robert E. Giles, and revised in March 2010, contains the professional standards adopted by the IAPE for a number of property room and evidence handling procedures. It is found at: http://www.iape.org/pdfFiles/IAPE-standards-2-10.pdf.

- **IAPE Sample Property Manual and IAPE’s Sample Forms.** The IAPE’s Sample Property Manual and Generic Forms are found at: http://www.iape.org/resourcesPages/downloads.html#iapepropMan.

- **Sample Policies and Procedures Manuals.** The IAPE also provides various free, downloadable manuals and policies from other law enforcement agencies. These resources are found at: http://www.iape.org/resourcesPages/downloads.html.

International Association of Chiefs of Police (IACP)
The IACP is a non-profit membership organization of police executives. It offers model policies and procedures for property and evidence rooms. The IACP website is found at: http://www.theiacp.org/.

- **Best Practices Guide: Developing a Police Department Policy-Procedure Manual.** This IACP guide by Chief W. Dwayne Orrick was designed to assist police agencies in smaller communities with the development and revision of policies and procedures manuals. The project was supported by a grant awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, and is found at: http://www.mrsc.org/artdocmisc/bp-policyprocedures.pdf.

Minnesota Bureau of Criminal Apprehension (BCA)
The BCA’s Forensic Science Service analyzes many types of physical evidence for law enforcement agencies in Minnesota. The BCA’s Forensic Science Service website provides guidelines for the collection and packaging of a wide variety of evidence, such as the collection and packaging of DNA evidence, questioned documents, and drugs. Analysis request forms that include packaging instructions are also provided. The BCA’s Forensic Science Service website is found at: http://www.bca.state.mn.us/Lab/Documents/Lab-Intro.html.

National Center for State Courts (NCSC): Evidence Storage and Handling Resource Guide
NCSC’s website contains a resource guide with links to online resources on evidence storage and handling. The resource guide can be found at: http://www.ncsc.org/topics/criminal/evidence-storage-and-handling/resource-guide.aspx.
Resources: Training

The following are organizations that offer training on property and evidence room issues.

**Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA)**
CALEA offers accreditation-related training and presentations on current issues in law enforcement. More information can be found at: www.calea.org.

**International Association for Property and Evidence, Inc. (IAPE)**
The IAPE offers training in best practices for property and evidence room management. More information can be found at: http://www.iape.org/classes/index.html.

**International Association of Chiefs of Police (IACP)**
The IACP is a non-profit membership organization of police executives that offers training on property and evidence rooms. The IACP website is found at: http://www.theiacp.org/.
Resources: Records Disposition

Under Minnesota law, government records must be preserved, and local governments may only destroy government records pursuant to an approved records retention schedule. These retention schedules should control the retention of property and evidence room documents, and may serve as a guide for the retention of the property and evidence corresponding to the documents. The following are helpful links for records retention information.

Minnesota County Attorneys Association
The Minnesota County Attorneys Association has posted on its website record retention policies for county attorney offices in Stearns, Washington, and Dakota Counties. More information can be found at: http://www.mcaa-mn.org/docs/2008/RecordsRetentionPolicies.doc.

Minnesota Historical Society
Links to various records retention schedules for Minnesota governmental entities, including counties, cities, townships, and the district courts, can be found on the Minnesota Historical Society’s website at: http://www.mnhs.org/preserve/records/retentionsched.html.

- **Court Record Retention Schedule – Minnesota District Courts.** The Minnesota Historical Society’s website provides a link to the general records retention schedule for the District Courts, revised in March 2011, and found on the Minnesota Judicial Branch’s website at: http://www.mncourts.gov/Documents/0/Public/Justice_Agency/MN_District_Court_Record_Retention_Schedule_2011.pdf.


- **General Records Retention Schedule for Minnesota Townships.** The General Records Retention Schedule for Minnesota Townships issued in 1985 is still valid and in use. The police section of the Schedule is contained on pages 9-10. The Minnesota Historical Society’s website provides a link to a pdf version of the Schedule found on the Minnesota Association of Townships’ website at: http://www.mntownships.org/vertical/Sites/%7BD45B3299-B0BE-4D08-8A42-B7053B4AE74F%7D/uploads/%7B99FA079A-0568-4126-8090-D665321F239A%7D.PDF.

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45 See Minn. Stat. §§ 15.17 and 138.17.
• **General Records Retention Schedule for Minnesota County.** The General Records Retention Schedule for Minnesota Counties was last updated in 2002. The law enforcement section of the Minnesota General Records Retention Schedule for Counties can be found at: http://www.mnhs.org/preserve/records/docs_pdfs/17_mncounties_lawenforcement.pdf.

• **Minnesota Government Records and Information Network (MN GRIN).** MN GRIN provides an opportunity for the exchange of information among individuals and agencies interested in government records and information management. Membership and meetings are free. Information on MN GRIN can be found at: http://www.mnhs.org/preserve/records/mngrin.html.

• **Minnesota State Archives.** The Minnesota State Archives is a department of the Minnesota Historical Society. Its website offers guidelines, information leaflets, and forms to assist governmental entities in managing their paper and electronic records. More information can be found at: http://www.mnhs.org/preserve/records/recser.html.
Resources: Reviews and Audits

The following resources provide additional information for law enforcement agencies on property and evidence room inventories, reviews, and audits.

**California Commission on Peace Officer Standards and Training (CA - POST)**

CA - POST’s Law Enforcement Property & Evidence System Audit Guide (2005) is a 60-page document providing resource tools, including references and background material, for completing property and evidence room audits. More information can be found at: [http://lib.post.ca.gov/Publications/prop-evid_audit.pdf](http://lib.post.ca.gov/Publications/prop-evid_audit.pdf).

**International Association for Property and Evidence, Inc. (IAPE)**


**Property Room Checklist**

The article, *An Impending Crisis: The Property Room is Full*, by William P. Kiley in the August 2008 Police Chief Magazine, contains a one-page property room checklist that can be used as a property and evidence room audit guide. The article is found at: [http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=1585&issue_id=82008](http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=1585&issue_id=82008).
Appendix 1: Sample Forms
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Sample Forms

The following are sample forms that can be modified to a particular law enforcement agency’s needs.

**PROPERTY/EVIDENCE ROOM ACCESS LOG:** This form is used to document the details of anyone accessing the restricted areas of the property and evidence room.

**CURRENCY COUNT:** This form documents currency by denomination and total. It also documents if the currency is suspected to be counterfeit or consists of buy funds.

**PROPERTY/EVIDENCE REPORT:** This form is used to describe the property and evidence taken into custody by the law enforcement agency. Some agencies use one form to describe the property/evidence and to document the chain of custody and property disposition details.

**CHAIN OF CUSTODY REPORT:** This form is used to track the movement of property/evidence from the time it is seized until its final disposition. Some agencies include this information on the property/evidence report.

**PROPERTY RECEIPT, NOTICE OF SEIZURE AND INTENT TO FORFEIT PROPERTY CONTROLLED SUBSTANCE CRIME, and NOTICE OF SEIZURE OF MOTOR VEHICLE USED IN DRIVEBY SHOOTING:** These forms were created by the Minnesota County Attorneys Association to comply with Minnesota forfeiture law requirements. The Property Receipt is given to the person from whom the property was obtained. In administrative controlled substance forfeitures, a Notice of Seizure must be provided to any person who may claim an ownership interest in the seized property. For drive-by shooting motor vehicle forfeitures, the Notice of Seizure must be served on the registered owner of the vehicle. The officer serving the Notice of Seizure must also complete a Certificate of Service (on the Notice of Seizure form). The Notice of Seizure explains that forfeiture of the property is automatic unless proper challenges or review requests are filed. If the Notice of Seizure is not served within the required time, the property must be returned. (These forms cannot be modified.)

**FORFEITURE TRACKING:** This form may be used to track property subject to forfeiture under Minn. Stat. §§ 609.531 - 609.5318 (2010).

**AUTHORIZATION FOR DISPOSITION OF PROPERTY:** This form documents the authorization by the investigating officer or the prosecutor for the final disposition of property/evidence.

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46 See Minn. Stat. §§ 609.531, subd. 4 (b); 609.5314, subd. 2; and 609.5318, subd. 2 (2010).
47 See Minn. Stat. § 609.5314, subd. 2 (a) and (b) (2010).
48 See Minn. Stat. § 609.5318, subd. 2 (2010).
49 See, e.g., Minn. Stat. § 609.5314, subd. 2 (c) (2010).
PROPERTY RELEASE TO OWNER: This form documents the release of property to the owner. For recovered stolen property, it may also be used to document compliance with Minn. Stat. § 609.523 (2010).
SAMPLE PROPERTY/EVIDENCE ROOM ACCESS LOG

It is the policy of this agency to limit access to the property and evidence room storage areas to authorized personnel. The entry by any person entering the property and evidence room must be documented on this log, including the reason for the entry.

<table>
<thead>
<tr>
<th>DATE IN</th>
<th>TIME IN</th>
<th>NAME/ I.D. #</th>
<th>SIGNATURE</th>
<th>DATE OUT</th>
<th>TIME OUT</th>
<th>REASON FOR ENTRY/ CASE NUMBER</th>
<th>ACCOMPANIED BY (PROPERTY ROOM PERSONNEL)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>am</td>
<td>pm</td>
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</tbody>
</table>

Log Reviewed by: __________________ Date: __________________

43
SAMPLE CURRENCY COUNT

☐ Evidence  ☐ Found Property  ☐ Safekeeping  ☐ Forfeiture  ☐ Other

Case Number: ________________________

Item Number: ________________________

Name: ____________________________________________________________________

  Last          First          M

☐ Contains Suspected Counterfeit Currency  ☐ Contains Buy Funds of $_______

<table>
<thead>
<tr>
<th>CURRENCY</th>
<th>COIN</th>
</tr>
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<tbody>
<tr>
<td>$100.00 = $ $$</td>
<td>$1.00 = $ $$</td>
</tr>
<tr>
<td>$50.00 = $ $$</td>
<td>$.50 = $ $$</td>
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<tr>
<td>$20.00 = $ $$</td>
<td>$.25 = $ $$</td>
</tr>
<tr>
<td>$10.00 = $ $$</td>
<td>$.10 = $ $$</td>
</tr>
<tr>
<td>$5.00 = $ $$</td>
<td>$.05 = $ $$</td>
</tr>
<tr>
<td>$1.00 = $ $$</td>
<td>$.01 = $ $$</td>
</tr>
<tr>
<td>Other = $ $$</td>
<td>Other = $ $$</td>
</tr>
</tbody>
</table>

Subtotal = $ $$

Subtotal = $ $$

Total Amount:

Counted & Sealed by: ________________________  Badge/I.D #: ________________________

Verified/Witnessed by: ________________________  Badge/I.D #: ________________________

Date: ________________  Time: ________________
**SAMPLE PROPERTY/EVIDENCE REPORT**

Case Number: ________________

☐ Evidence  ☐ Forfeiture  ☐ *Found Property  ☐ *Safekeeping  ☐ Other

*Property will be released to owner after obtaining proof of ownership.

Property/Evidence obtained by: ______________________________________________________

(Investigating/booking officer’s name)

Badge/I.D #: ________________  Date property/evidence obtained: ________________

☐ Owner  ☐ Victim  ☐ Suspect  ☐ Finder

Name: ________________________________  Telephone #: _________________________

Address: ________________________________  City: ________________________________

State: ______  Zip: ________________

Date of the offense: ________________  Type of incident/offense: _______________________

Bio-Hazard Present:  ☐ Yes  ☐ No

<table>
<thead>
<tr>
<th>Item #</th>
<th>Qty.</th>
<th>Property Description (brand, make, model, serial number, color, etc.)</th>
<th>Storage Location/ Locker #:/Bin #</th>
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</table>

Received by: ________________________________________________

(Property/evidence room personnel)  Time: ________________  Date: ________________
## SAMPLE CHAIN OF CUSTODY REPORT

**Case Number:** _________________________

<table>
<thead>
<tr>
<th>Item Number</th>
<th>Description of Property (one item only):</th>
</tr>
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<tbody>
<tr>
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</table>

<table>
<thead>
<tr>
<th>Date Out</th>
<th>Time Out</th>
<th>Released by Name/I.D. #</th>
<th>Property Received by Name/I.D. #</th>
<th>Property Received Signature</th>
<th>Destination (court, prosecutor, lab, etc.)</th>
<th>Returned by Name/I.D. #</th>
<th>Date Returned</th>
<th>Time Returned</th>
<th>Property Room Personnel Signature</th>
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46
PROPERTY RECEIPT

(Name of person given receipt)

(Address)

On __________, _______ (yr), I took into custody the property and things listed below:

<table>
<thead>
<tr>
<th>Property Description</th>
<th>Location</th>
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</tbody>
</table>

Signature of Officer                  Badge No.                  Date                  Law Enforcement Agency

Property Receipt received by: ____________________________________________ Check if recipient refused to sign ☐

Original to Prosecuting Agency           Pink Copy to Law Enforcement Agency           Yellow Copy to Claimant
I.C.R.__________________                  ____________________________          ____________________________
© 8/2010 Minnesota County Attorneys Association
Notice of Seizure and Intent to Forfeit Property Controlled Substance Crime
Instructions to Officer:

☐ This form is to be used for administrative controlled substance forfeitures. Administrative forfeitures may only be used in limited circumstances. The only property that is subject to administrative forfeiture is money, motor vehicles, precious metals and precious stones, and firearms.

☐ NOTE: Money, precious metals and stones must be found in proximity to controlled substances, forfeitable drug manufacturing or distributing equipment or devices or forfeitable records of manufacture or distribution of controlled substances. Motor vehicles must contain controlled substances with a retail value of $100 or more and possession or sale of the controlled substances is a felony. Firearms and accessories must be found either in a motor vehicle used or intended to be used to commit a controlled substance crime, or in proximity to a person from whom a felony amount of controlled substance is seized, or on the premises and within proximity to a felony amount of controlled substances.

☐ In addition to notice of seizure, a Property Receipt must be given to or left with the party (a separate form).

☐ Copy of notice and receipt and reports on case must be sent to County Attorney as soon as possible (within a week if possible, even if pending investigation).

☐ Inform person being served that if he or she has questions, to direct them, in writing, to county attorney's office.

☐ SERVICE: A completed Notice of Seizure describing the property seized must be personally served on any person who may claim an ownership interest in the seized property. For motor vehicles, the registered owner, if different from the person from whom the motor vehicle is seized, and any lien holder may be served by certified mail to the address shown in the DPS records. The officer serving the Notice must complete the Certificate of Service. Service must be completed within 60 days of the date the property was seized.

☐ Leased vehicles can be seized but may not be subject to forfeiture unless the lease holder is a party to the violation.

☐ Forfeiture of any other property, or property over $50,000, is permissive only by judicial action and this form may not be used for that property.

I.C.R. __________________________
NOTICE OF SEIZURE AND INTENT TO FORFEIT PROPERTY
CONTROLLED SUBSTANCE CRIME

TO:

(Name of person given notice)

(Address)

YOU ARE NOTIFIED THAT pursuant to Minnesota Statutes Section 609.5314, on ____________, _____ (yr), the following property was seized by the undersigned law enforcement agency at: (location of seizure) _____________ in ______________ County, and is being held for forfeiture:

(include plate number and VIN number for vehicles; attach Property Receipt)

Forfeiture of this property is automatic unless within 60 days of receipt of this form you demand a judicial determination of this matter, as described on the reverse side.

La confiscación de esta propiedad es automática, a menos que dentro de los 60 días de haber recibido este formulario, usted demande una determinación judicial en este caso, como se describe al reverso.

Ohov yuav poob lub tsev no yeej poob yam tais muaj kev tbov tsoy hlu yuav tsam yog hais tias koi thov kom tisz neeq tsiav bim los nrog soj ntsuam xyuas yam tais pub dhau 69 hnuq tom qab koi taw baais daim ntaaw no, raws li nyob piav nyob sab raum daim ntaaw no.

Hantidan oo laa warceegaa wax mid markiiha dhaqan galeysa hadii aadan muuddo liixdan 60 maamood gudahood ah laga bilaabo maalinta aad loo qaab ka codsan in maaxamaddu go'aan ka gaarto arrintan sida boggaa dambe (dhabarka) lagu faahfaahinayaa.

If you do not demand judicial review exactly as prescribed in Minnesota Statutes, section 609.5314, subdivision 3, you lose the right to a judicial determination of this forfeiture and you lose any right you may have to the above described property. You may not have to pay the filing fee for the demand if determined you are unable to afford the fee. If the property is worth $15,000 or less, you may file your claim in conciliation court. You do not have to pay the conciliation court filing fee if the property is worth less than $500.

Si usted no demanda una revisión judicial exactamente como lo indica la sección 609.5314, subdivisión 3 de los Estatutos de Minnesota, usted perderá el derecho a una determinación judicial por esta confiscación, y perderá cualquier derecho que pueda tener en la propiedad descrita con anterioridad. Puede ser que usted no tenga que acumular las tasas por presentación de una instancia de demanda, si se determina que usted no puede costearla. Si la propiedad vale $15,000 o menos, usted puede entablar su reclamo en el tribunal de conciliación, si la propiedad vale menos de $500.

Yog hais tias koi tais thov kom tisz neeq tsiav bim los soj ntsuam xyuas raws li tboj kev tboj cai hauv lub lav Minnesota, section 609.5314, subdivision 3, cas koi yuav tisq muaj cai los kom tisz neeq bixav bim los pab soj ntsuam xyuas thab koi yuav poob lag rho koi cai u koi yeej muaj tboj lub tsev ntaaw. Koi tais taas mpl ntaub ntaaw yog hais tias koi tais taas tus mpl ntaaw. Yog hais tias koi lub tsev ntaaw muaj ntaq li $15,000 los yog tawq thaj, koi muaj cai cai mus rau hauv tsev hais plaub conciliation. Koi yuav tisq taas mpl ntaaw hauv tsev hais plaub conciliation yog hais koi lub tsev ntaq mpl ntaaw thaj $500.

Haddii aadan codaan in maaxamaddu ay arrintan dib u ugu helo sida lagu fashashaaliga Xeerka Minnesota ee lamarkhaa yahay 609.5314, ee qaab hoosadka 3, waxa aad waayeysaa waa aad u leeadhaxyaa in maaxamaddu go'aan ka gaarto hantida laa warceeyey ee kor ku xusan. Wuxuu suurte gal ah in aan lagu dhexeyn in aad bixiso lacagta aad codaan siyaashaaga kaga dhiisay galka dhiisay haddii aadan awoodi karin. Haddii hantida qiimaha ay u dhiiganto uu gaarayo $15,000 ama ka yar, waxa aad dawqadda da dhiisay gelinta maaxamadda haddii qiimaha ay u dhiiganto hantida uu ka yar yahay $500.

Certificate of Service

I certify that on ______________, _____ (yr), I gave a true copy of this notice to the person named above at ______________ and have seized the above described property for forfeiture.

(location of service)

Signature of Officer

Badge No.

Date

Law Enforcement Agency

Notice of Seizure Received by: __________________________ Check if recipient refused to sign □

ORIGINAL to COUNTY ATTORNEY

PINK COPY to LAW ENFORCEMENT AGENCY

YELLOW COPY to CLAIMANT

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Your Right To a Court Challenge of the Administrative Forfeiture under MS 609.5314, subd. 3:
- Forfeiture of this property is automatic unless within 60 days following service of the Notice of Seizure you or any person who has a legal interest in the property files a demand for a determination by a judge.
- The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred and a copy must be served on the county attorney for that county. The complaint must be captioned in your name as plaintiff and the seized property as defendant, and must state the grounds on which you allege the property was improperly seized and your interest in the property seized.
- Failure to comply with all of the requirements of 609.5314, subd 3, will result in the forfeiture of the property.
- If a court orders the return of the seized property, the filing fees will be reimbursed.

Your Right To a Review by the County Attorney of the Administrative Forfeiture under MS 609.5311, subd. 7:
- In addition to your right to demand a determination of the forfeiture by a judge, and prior to a court order disposing of the forfeited property, any person who has a legal interest may also file with the county attorney a written petition for remission or mitigation of the forfeiture under MS 609.5311, subd. 7.
- Such a petition is independent of a demand for a determination of the forfeiture by a judge.

Su derecho a un Desafío Judicial por Consecución Administrativa bajo MS 609.5314, subdivisión 3:
- La consecución de esta propiedad es automática, a menos que dentro de los 60 días de haber recibido la Nota de Embargo, usted o cualquier persona que tenga un interés legal en esta propiedad, presente una demanda para una determinación por un juez.
- La demanda debe ser en forma de denuncia civil y debe ser entablada con el administrador del tribunal en el condado en el cual ocurrió el embargo, y una copia debe ser entregada al fiscal de ese condado. En el título, la denuncia debe llevar su nombre como demandante, y la propiedad embargada como demandado, y debe declarar las bases en las que usted alega que la propiedad fue embargada inapropiadamente, y su interés en dicha propiedad.
- El incumplimiento de todos los requisitos de la 609.5314, subdivisión 3, resultara en la consecución de la propiedad.
- Si un juez ordena que se regrese la propiedad embargada, se le rembolsara a usted las tasas por presentación de la instancia.

Su derecho a una Revisión de la Consecución Administrativa por parte del Fiscal del Condado bajo MS 609.5311, subdivisión 7:
- En adición a su derecho a demandar una determinación de consecución por un juez, y antes de una orden judicial que disponga de la consecución, cualquier persona que tenga un interés legal, puede entablar una petición escrita con el fiscal del condado para una remisión o mitigación de la consecución.

Koj Tjoj Cai Los Towm Tsam Hauv Tsv Hais Plaub Tqob Qhov Poob Vaj Tse Ntawm Tjoj Cai MS 609.5314, subd. 3:
- Qhov yuav poob lub tsev no roq vaj yeq poob yam tais muaj kev biew brav hio koj los yog cov neeg muaj feem xuyam ntawm lub tsev no yauv xuyam xa daim ntawm thov kom tus neeg blav bim los pal sbo ntsam xuyas u uaj 60 hauv bom taj bai ia lbsa Tjab Ntaw Ceeb Toom Tseeb Tseeb.
- Tsaav ntaw thov yuav siv daim ntawv foob thibav yuav tsum coj murs rau hauv tsev hais plaub ntawm lub zos uaj kev tusu biez biez vaj les ntawv thibav yuav xuyam murs ia daim qauv ntawm cov ntawv foo ia mus rau tus kws leij choj ntsam lub zos ntawv. Tsaav ntawv foob yuav xuyam murs koj lub npe hais lies koj yog tus neeg biew biez plaav no (plaintiff) hos qhav chaw nyob ntawm lub tsev law biez biez yug tus thiev biez plaav no (defendant) thibav koj yav ntawv koj leij choj hais lies kev taj biez vaj les no hauv kauv kev raij thibav koj muaj feem xuyam rau lub thiev li cas.
- Yog hais tais koj uaj tais raws li cov koj muaj neeg yuav rau thob ca 609.5314, subd. 3, koj yuav poob lub koj biez ntawv.
- Yog hais tais ho kauv hais plaav blav bim muaj lub tsev ntawv roq qab, yuav mubh qo ngi ntawv roq qab rau koj thibav.

Koj Tjoj Cai Kom Tus Kws Leij Chov Hauv Rov Qab Los Sot Suaj Ntsam Tqog Poob Vaj Tse Ntawm tsab ca 609.5311, subd. 7:
- Txews ndlv rau baoj caal los thov kom tus neeg biew bim los sbo ntsam xuyas kev beev biez vaj les ntawv ub tsev hais plaub ua ntawv biev bim rau lub tsev biew, lbsa tusneeg biew muaj feem xuyam muaj koj ca xai ntauw rau tus kws leij choj hauv yam sau ntsam tuy biez hauv kev zem bim biez thov kom txobh nyobh nyobh raws li tsab ca 609.5314, subd. 7.
- Tsaav ntawv no yog tais muaj kev feem xuyam rau biez thov kom tus neeg blav bim los sbo ntsam xuyas.

Xaqa aad u loydday in aad maxkamadda hor keento waxyabaaha lagala wareegay sida uu qabo sharciga ay MS 609.5314, ee qeybhoossadeeka 3:
- La waaqegila hantida waa mids markiiba dhagay galiya hadda aaru muddo 60 maalmaid gudheeh ah laga ilbaa taariikhaada la sooc gaarayey. Oogeyisiga Lagu Cabsaday Hantida aaru hantidaa ama qof hantida wax ku leh diiwaan gelin aaluu maxkamadda ka diiwaan gelin uu ku codsiraya in qoolee dhiigayto ama ga’uun ku gaaco sharacimadha la waaqegila hantida.
- Codaliga waxaa inuus nolqaa mids hab madan ah u qoran toda markaanaa lagu diiwaan gelisay maxkamadda degamada hantida lagu wareegay oo nudqal mid ah dawcadanada loo gudbiyaay xeer laaftiinta degamada. Codaliga waxaa in lagu caddeeya maagalada in aad tahay dacwodooda laa markaana hantida hantida laa wareegaynaya laga dlhaa waxaana horti in diiwaan codsiga maxiisiba. Naawa in ugu caawin karo waxaana waxa uu wanaagaya inaad waxa uu miraad si nafta baba markaankaada hantida laga waa reego.

Xaqa aad u loydday in xeer laaftinta degamada ay dib u eegyo waxyabaaha lagula wareegay sida uu qabo sharciga MS 609.5311, ee qeybhoossadeeka 3:
- Xaqa aad u loydday in uu qucoli dib u eegyo qucoli qoygehista sharacimada hantida laga wareegay loo in laa aad uu saarin amar maxkamadeed oo gacanka lagaga gaarayto hantida laga wareegay, waxaa hantidaa ama qof kasta oo hantida wax ku leh waxa uu codsiga u qor kaaraan xeer laaftinta degamada oo uu ku woydeso in ay horjeedina ama qeexheexaad qamayeenan hantida laga wareegay sida uu qabo sharciga 609.5311, qeybhoossadeeka 7.
- Codaliga noocsaasi ah waa mid ka badan codaliga lagu woydilo in uu qucoli dib u eegyo sharacimada hantida laga wareegay.
NOTICE OF SEIZURE OF MOTOR VEHICLE USED IN DRIVEBY SHOOTING
VEHICLES USED IN VIOLATION OF MINNESOTA STATUTES, SECTION 609.66, SUBD. 1E

TO: (Name of person given notice)

(Address)

YOU ARE NOTIFIED THAT pursuant to Minnesota Statutes Section 609.5318 on ___________, 20__
the following motor vehicle was seized by the undersigned law enforcement agency at (location of seizure):

_________________________ County, and is being held for forfeiture:

(Include both plate number and VIN number for vehicle)

Forfeiture of this property is automatic unless within 60 days of receipt of this form you demand a judicial determination of this matter, as described on the reverse side.

If you do not demand judicial review exactly as prescribed in Minnesota Statutes, section 609.5314, subdivision 3, you lose the right to a judicial determination of this forfeiture and you lose any right you may have to the above described property. You may not have to pay the filing fee for the demand if determined you are unable to afford the fee. If the property is worth $15,000 or less, you may file your claim in conciliation court. You do not have to pay the conciliation court filing fee if the property is worth less than $500.

Ghov yuav poob lub tsev no yeeg poob yam tsej muaj kev txaw txaw hoo yuav tsum yog haaj tlaas koj thoov kom tus neeg tbiv tbiv los noog soj ntsuam xiuam yam tsej pub dhaub 80 hnuub tom qab koj tlaas daim ntwaw no, raws li nyob plav nyob saba hraam daim ntwaw no. Yog haaj tlaas koj tsej thoov kom tus neeg tbiv tbiv los soj ntsuam xiuam raws li boq kev boq caj haua lub tsev tliminssa, section 609.5314, subdivision 3, ces koj yuav tlaas muaj caj los kom tus neeg tbiv tbiv los pub soj ntsuam xiuam thiab koj yuav poob tag tho koj cov caj ua koj yeeg muaj hooj lub tsev ntwaw. Koj tsej tlaas tho nq riaw ntwaw yog haaj tlaas koj thoov kom tus nq riaw. Yog haaj tlaas koj lub tsev ntwaw muaj ngs li $15,000 los yog tsev tshiab, koj muaj caj mius ruaj ntsuam yuav haaj plaab conciliation. Koj yuav tlaas tho nq riaw hauv sbev plaab conciliation yog haaj koj lub tsev muaj ngs tsev tshiab $500.

La confiscación de esta propiedad es automática, a menos que dentro de los 60 días de haber recibido este formulario, usted demande una determinación judicial en este caso, como se describe al reverso.

Si usted no demanda una revisión judicial exactamente como lo indica la sección 609.5314, subdivisión 3 de los Estatutos de Minnesota, usted perderá el derecho a una determinación judicial por esta confiscación, y perderá cualquier derecho que pueda tener en la propiedad descrita con anterioridad. Puede ser que usted no tenga que abonar las tasas por presentación de una instancia de demanda, si se determina que usted no puede costearla. Si la propiedad vale $15,000 o menos, usted puede entablar su reclamo en el tribunal de conciliación. Usted no tiene que abonar las tasas por presentación de una instancia en el tribunal de conciliación, si la propiedad vale menos de $500.

Hantidan oo lala waraaga waa mid marka ahaan gileyd haddii aadan uga macnaya wixii 60 maamooda qaadabaha ah laqa bilaabo maaltinta aad foomkan hesho aadan ku codsan in maxkamaddu go'aan ka gaarto arrinta sida boggaa dambe (dhawarka) lagu fahfahhaya, haddii aadan codsan in maxkamaddu ay arrinta dib u eegto sida lagu fahfahhaya xeerka Minnesota ee lambarkiisa yahay 609.5314, ee qeyb hoosaada 3, waxa aad waaweyey uu u leedahay in maxkamaddu go'aan ka gaarto hantida lala waraaga ee ku xiran. Waxa uu xuurtay gal ah in aan leegu doonayo in aad bixiso lacagta aad codsigaaga laqaahkii lahaa laakiin maxkamadda haddii aadan awcadda karin. Hantida hantida gilmaha ay u dilganto uu garansii $15,000 ama ka yar, waxa aad dacuusada ka dhigeen gilminta maxkamadda dhagasya dacuusada dhexmadda. Lagusama doonayo in aad bixiso lacagta lahaa gilminta maxkamadda hantida gilmaha ay u dilganto hantida uu u kar yahay $500.

CERTIFICATE OF SERVICE

I certify that on __________, 20__, I gave a true copy of this notice to the person named above at (location of service)

and have seized the above described property for forfeiture.

Signature of Officer ___________________________  Badge No. ___________  Dated ___________  Law Enforcement Agency ___________

Notice received by X ___________________________ Check if recipient refused to sign □

I.C.R. ___________________________

ORIGINAL TO COUNTY ATTORNEY  PINK COPY TO LAW ENFORCEMENT AGENCY  YELLOW COPY TO CLAIMANT

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Su derecho a un Desafío Judicial por Consecuencia Administrativa bajo MS 609.5314, subdivisión 3:

- La consecuencia de esta propiedad es automática, a menos que dentro de los 60 días de haber recibido la Nota de Embargo, usted o cualquier persona que tenga un interés legal en esa propiedad, presente una demanda para determinar su consecuencia por un juez.
- La demanda debe ser presentada con el administrador del tribunal en el condado en el cual ocurrió el embargo, y una copia debe ser entregada al fiscal del condado. En el título, la demanda debe llevar su nombre como demandante, y el tenedor de este bien como demandado, y debe declarar las bases en las que usted alega que la propiedad fue embargada inapropiadamente, y su interés en dicha propiedad.
- El incumplimiento de estos requisitos de la 609.5314, subdivisión 3, resultará en la consecuencia de la propiedad.
- Si un juez ordena que se riegue la propiedad embargada, se le remitirá a usted las tasas por presentación de la instancia.

Su derecho a una Revisión de la Consecuencia Administrativa por parte del Fiscal del Condado bajo MS 609.5313, subdivisión 7:

- En adición a su derecho a demandar una determinación de consecuencia por un juez, y antes de una orden judicial que disponga de la propiedad, cualquier persona que tenga un interés legal, puede entablar una petición escrita con el fiscal del condado para una remisión o nulidad de la consecuencia bajo MS 609.5311, subdivisión 7.
- Tal petición es independiente de la demanda para una determinación de consecuencia por un juez.

Koj Tsoj Cal Los Tawm Tsaam Huaw Tsvhais Plaub Xoog Qhov Poob Vaaj Tse Ntawm Tsoj Cal MS 609.5314, subdiv. 3:

- Qhov yuaw poob lub tsv no rov qab yej poob yam tels maj mej tsew bav bav lio koi lo yov cov neeg muij feem xysam nthaim lub tsv no yuav tsew xala daim nthaim thow tong tsew bav bav lio gab saph saaj tsaam xysami uaj nej 60 hmu bav bav las bai tsaab Tsoj Ntwam Ceeb Tsoon Tseeb Tsew.
- Tsaab nthaim thow yuvu sia boaw nthaw Pool theeb yuvun boaw maj mus rau hauv teew haiv nthaim lub uaj nos cas yov vouj theeb vaj tse nthaw thai yuvun tsew muij dain guaw nthaim cov nthaw Pool xalas xus rau kans li joi nthaw lub uaj nos nthaw. Tsaab nthaw Pool yuaw tsew muij koi lub npe has tai koi lo yov tus neeg nthaw Pool lub tsew lanw theeb yov tus thiau rooq plaub no (plainitif) haiv chaw myo nthaw lub tsew tianw theeb yov tus thiau rooq plaub no (defendant) thai yuvun tsew tus saab yov yim li cas koi no yuaw has tsei keew vaj tse no hols rauv keew rauv cas koi thab koi Maj saph xysam rau uaj tsew li cas.
- Yov yuaw has koi yuaw tus saab li cov yuaw saph yej yov tus saab cal MS 609.5314, subdiv. 3, koi yuaw poob koi lub tsew nthaw.
- Yov yuaw has tsew tus saab li cov yuaw saph yej yov tus saab nthaw roq qav, yuaw muab qho nthaw rauv qab rauv koi nthaw.

Koj Tsoj Cal Kom Tis Kwe Li Choj Huaw Zos Rov Qab Loj Soj Suaj Ntsuam Tsoj Qhov Poob Vaaj Tse nthaw tsaab cal MS 609.5314, subdiv. 7:

- Tuvu saxi baij rooq rauv rauv kalio yuaw tus neeg baij baij li nos nthaim xysam keew baij vaj tse nthaw li ajjej vs nthaw keew baij baij vs nthaw Pool rauv baij rauv lio lub tsew twg. yuav tus neeg twg joi nthaw Pool saaj nthaw saaj nthaw rauv tus li nthaw Pool joi nthaw saaj nthaw Pool joi nthaw tus li nthaw.
- Tsaab nthaw Pool no yov tus saaj nthaw xysam rauv rauv nthaw Pool saaj nthaw saaj nthaw Pool.

Xaoa aad u leedahay in aad maxkamadda hor koento waxyaabaha lagalda wareegay sida uu qabo sharciga ay MS 609.5314, ee qeyb hoosaadka 3:

- La warguesta markanta anan wuxu marbaa dhaggaan gaaraysa haddii aanu maddo 60 maa noor dadaah u ahaan lahaan waxa ahaan maxkamadda ka dhiiray u gaaraysa uuRUQADNAAHAY. Qeysisalka Lagu Qabaday Hantida aana hantida ama qof hantida wac ku leh dhiiray gelin aanu maxkamadda ka dhiiray gelin uu koo paguunaan in qaati dhageystii ama go'oon ka gaar sharcimadda la warguesta hantida.
- Codsiga waa in uu nooc daan mid hab madani ah u qoran isla markaana lagu dhiiray geliyo maxkamadda degmada hantida lagu wareegay oo muuj ka mid ah dacuuddana loo gudbiyaan xeer ilaalinta degmada. Codsiga waa in lagu caddeysa maagacaaga in aad tahay dacudowadhiisa isla markaana hantida ila waayey iyo ahaan ugu degmada hantida. Wuxuu in sidee kale lagu caddeysa sababto ama ugu duwanayo in hantida sid iyo sax ahayn loo wareegay iyo lahaan waxaana hantida.
- Haddii aadan u hogaan iska dhaween waxaana dhibaatay ugu faragay sharciga 609.5314, 3 waxaa aad ugu caawin karin in hantida ila waxaaga.
- Haddii ay maxkamaddu amaaro in la soo celinta hantida la qabeey, lagacay aad dacwoodda qabtii dhiiraya gelisga maxkamadda was la ugu caawino in laqoona.

Xaoa aad u leedahay in xeer ilaalinta degmada ay dib u eegto waxyaabaha lagalda wareegay sida uu qabo sharciga MS 609.5314, ee qeyb hoosaadka 7:

- Xaoa aad u leedahay in uu qalal dib u eegto in uu qalal dhageysto sharcinta hantida ila wareegay iyo inta aan la soo saarim ama markamaddo oo go'aan lagalda gaarayno hantida ila wareegay, waxaa hantidha ama qof kasta oo hantida wac ku leh wuxuu uu qabo u sii qora xeer ilaalinta degmada oo uu u kuu wuulbadan kii ahaan ugu hawinno in ay goorto ama dhakboola oo in dhamaystahaan oo badan oo uu qabo sharciga MS 609.5314, qeyb hoosaadka 7.
- Codsiga noocaa ah waa mid ka madax banaanaya kodsi lagu weydiyo in uu qalal dib u eegto sharcinta hantida ila wareegay.
**SAMPLE FORFEITURE TRACKING**
*Forfeitures Under Minn. Stat. §§ 609.531-609.5318*

<table>
<thead>
<tr>
<th>Case #:</th>
<th>Item #:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
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</table>

**Seized by:**

(Officer's name)

<table>
<thead>
<tr>
<th>Date</th>
<th>Property seized</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<table>
<thead>
<tr>
<th>Statutory Citation</th>
<th>Property received by evidence room</th>
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</thead>
<tbody>
<tr>
<td>609.531, subd. 4(b)</td>
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**ADMINISTRATIVE FORFEITURES**

<table>
<thead>
<tr>
<th>Notice of Seizure and Intent to Forfeit served</th>
<th>County Attorney provided with:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(within 60 days of seizure or return property other than contraband unless extension)</td>
<td></td>
</tr>
<tr>
<td>609.5314, subd. 2</td>
<td>609.5315, subd. 2</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>County Attorney provided with:</th>
<th>(if controlled substances or drive-by shooting)</th>
</tr>
</thead>
<tbody>
<tr>
<td>__ Receipt</td>
<td>__ Notice of Seizure and Intent to Forfeit</td>
</tr>
<tr>
<td>__ Statement of probable cause</td>
<td>__ Description of property (and estimated value)</td>
</tr>
<tr>
<td>County Attorney certified disposition of property</td>
<td></td>
</tr>
<tr>
<td>~ OR ~</td>
<td></td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Demand for judicial determination filed</th>
<th>(within 60 days of Notice served)</th>
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</thead>
<tbody>
<tr>
<td>609.5314, subd. 3</td>
<td></td>
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**JUDICIAL FORFEITURES**

<table>
<thead>
<tr>
<th>Forfeiture action initiated by County Attorney</th>
<th>Court order for disposition of property</th>
</tr>
</thead>
<tbody>
<tr>
<td>609.5313</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ALL FORFEITURES</th>
<th>Owner seeks possession before determination of forfeiture action:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Security given or bond posted</td>
<td>Security given or bond posted (does not apply to contraband or property held for investigatory purposes)</td>
</tr>
<tr>
<td>Motor vehicle title surrendered (return vehicle within 24 hours)</td>
<td>Motor vehicle title surrendered (return vehicle within 24 hours) (does not apply to contraband or property held for investigatory purposes)</td>
</tr>
<tr>
<td>__ Department of Public Safety notified</td>
<td>__ Department of Public Safety notified (does not apply to contraband or property held for investigatory purposes)</td>
</tr>
<tr>
<td>__ Secured party on title certificate notified</td>
<td>__ Secured party on title certificate notified (does not apply to contraband or property held for investigatory purposes)</td>
</tr>
<tr>
<td>Surrendered title returned to motor vehicle owner</td>
<td>Surrendered title returned to motor vehicle owner (does not apply to contraband or property held for investigatory purposes)</td>
</tr>
<tr>
<td>__ Department of Public Safety notified</td>
<td>__ Department of Public Safety notified (does not apply to contraband or property held for investigatory purposes)</td>
</tr>
<tr>
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<td>__ Secured party on title certificate notified (does not apply to contraband or property held for investigatory purposes)</td>
</tr>
<tr>
<td>County Attorney remits/mitigates forfeiture</td>
<td>County Attorney remits/mitigates forfeiture (does not apply to contraband or property held for investigatory purposes)</td>
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<thead>
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<th>Disposition:</th>
<th>Date property was:</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>__ Destroyed</td>
</tr>
<tr>
<td></td>
<td>__ Returned to owner</td>
</tr>
<tr>
<td></td>
<td>__ Retained for agency use</td>
</tr>
<tr>
<td></td>
<td>__ Currency deposited/distributed</td>
</tr>
<tr>
<td></td>
<td>__ Sold</td>
</tr>
<tr>
<td></td>
<td>__ Forwarded to other agency</td>
</tr>
<tr>
<td></td>
<td>__ Other (Describe _______________)</td>
</tr>
<tr>
<td></td>
<td>Reported to State Auditor</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>609.5315, subd. 6</th>
<th></th>
</tr>
</thead>
</table>

| 609.5315, subd. 6 | |

53
SAMPLE AUTHORIZATION FOR DISPOSITION OF PROPERTY

Case Number: ____________________________________________________

Item Number: ____________________________________________________

Description: _____________________________________________________

Method of Disposition (check one box)

☐ Destroy

☐ Return to the owner
   Name of the owner: ____________________________________________

☐ Sale

☐ Retain for agency use
   Reason for retention: __________________________________________

☐ Forward to another entity
   Name of the entity: ____________________________________________

☐ Currency release
   Amount: ______________________________________________________
   Person/entity/financial institution obtaining custody: ______________
   ___________________________________________________________________

Authorized/Approved by (Name): _____________________________________

Authorized/Approved by (Signature): _________________________________

Date: _____________________

Disposition pursuant to court order: ☐ Yes (attach copy) ☐ No
SAMPLE PROPERTY RELEASE TO OWNER

Case Number: _______________________________________________________

Item Number(s): _____________________________________________________

Date of Release: _____________________________________________________

Description of Property: ______________________________________________

Was property photographed? □ Yes □ No

If yes, location of photograph: __________________________________________

See Minn. Stat. § 609.523, subd. 3 (recovered stolen property).

PROPERTY RELEASED TO:

Name: _____________________________________________________________

Address: _________________________________ City: ____________________

State: _______ Zip: _______________

Date of Birth: ________________ Drivers License #: ______________________

Proof of Ownership: __________________________________________________

Declaration of Ownership/Receipt of Property Released

Under penalty of perjury, I declare that I am the lawful owner of the above-described property, and I have received possession of the above-described property from the property and evidence room of the __________________ Police/Sheriff’s Department.

Signature: _________________________ Date: _________________________

NOTICE: Recovered stolen property with a value of more than $150.00 must be retained by the owner for at least 14 days to allow the defense attorney to examine the property. See Minn. Stat. § 609.523, subd. 4.

Released by: _________________________ Signature: _________________________

Witnessed by: _________________________ Signature: _________________________
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Appendix 2: Summary of Minnesota Laws
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Summary of Minnesota Laws

The following is a summary of key Minnesota laws related to property and evidence rooms through 2010. The summaries are not legal advice, and should not be relied upon in lieu of legal advice. Because it is a summary, the complete text of the laws should be reviewed and discussed with legal counsel.

Records 50
Minn. Stat. §§ 15.17 and 138.17

Public officers must make and preserve all records necessary to a full and accurate knowledge of their official activities. See Minn. Stat. § 15.17. Government records (including local records made or received by an officer or agency of a county, city, or town pursuant to state law, or in connection with the transaction of public business by an officer or agency, and excluding certain items such as extra copies, documents that do not become part of an official transaction, and reference material) may only be disposed of pursuant to an approved “Application for Authority to Dispose of Records,” an adopted and approved records retention schedule, or an adopted general records retention schedule that has been pre-approved by the State Records Disposition Panel. See Minn. Stat. § 138.17.

Unclaimed/Abandoned Property - Municipalities
Minn. Stat. §§ 345.01 - 345.05; 471.195; and 609.5315, subd. 7

Any person having possession of unclaimed or abandoned property may obtain a court order requiring the property to be sold at public auction by any peace officer of the municipality or town where the property is located. Minn. Stat. §§ 345.01 - 345.05. The peace officer, providing ten days posted notice, uses the same sale procedures that are used for sales under executions. Minn. Stat. § 345.05. The proceeds of the sale, less fees, are returned to the court administrator. Minn. Stat. § 345.05.

Cities may have an ordinance providing for the sale of unclaimed property after the property has been in the city’s possession for at least 60 days. Minn. Stat. § 471.195. Sale may be by public auction or private sale through certain nonprofit organizations. Id. 51 There must be ten days notice published in a legal newspaper if sold by public auction. Id. The ordinance must designate the fund into which the proceeds of the sale must be placed. Id. The owner has a right to payment of the sale price from the fund upon application and satisfactory proof of ownership within six months of the sale, or for any longer period of time set in the ordinance. Id.

The agency must make its best efforts for a period of 90 days after the seizure of an abandoned or stolen firearm to return it to the lawful owner. Minn. Stat. § 609.5315, subd. 7.

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50 Records disposition resources are provided in the Resources section of this Review.
51 “Id.” is a citation to the immediately preceding legal authority.
Unclaimed/Abandoned Property - Counties
Minn. Stat. §§ 345.15, subd. 1, and 609.5315, subd. 7

Sheriffs may seize and retain any personal property abandoned on any public way, sidewalk, or other public premises, or property entered as evidence that has been released by a court order. Minn. Stat. § 345.15, subd. 1. After holding the property for at least three months, the sheriff must sell it at public auction. Id. The owner of the property, upon application and satisfactory proof of ownership, may recover the property or, within one month of the sale, the net proceeds of the sale. Id. The net proceeds from the sale (sale price less any costs of handling, storage, or sale) must be transferred to the county treasurer to be deposited and credited to the general revenue fund. Id.

The agency must make its best efforts for a period of 90 days after the seizure of an abandoned or stolen firearm to return it to the lawful owner. Minn. Stat. § 609.5315, subd. 7.

Property Held as Evidence
Minn. Stat. § 626.04

A court, after a hearing, may order property seized as evidence to be returned to its owner prior to trial. See Minn. Stat. § 626.04. After trial and the expiration date for all associated appeals, the property must be returned to its owner or any other person entitled to possess it, or destroyed or otherwise disposed of under the direction of the court. See Minn. Stat. § 626.04 (b). Money found in gambling devices must be paid to the county treasury, or, if seized by a police officer of a municipality, the municipality’s treasury. Id.

Preservation of Biological Evidence52
Minn. Stat. §§ 299C.105, 299C.155, and 590.10

Biological evidence (samples obtained in a sexual assault examination kit, or any item containing blood, semen, hair, saliva, skin, tissue, or other identifiable biological material present on physical evidence or preserved on a slide or swab) relating to the identification of a defendant used to secure a conviction in a criminal case must be retained until expiration of sentence, unless an earlier disposition is authorized by a court order. See Minn. Stat. § 590.10, subd. 1. Only the portion of the biological evidence as was used to obtain an accurate biological sample used to obtain a conviction must be retained. Id.

The Minnesota Bureau of Criminal Apprehension is required to develop uniform procedures and protocols for collecting and submitting biological evidence in certain offenses. See Minn. Stat. § 299C.155, subd. 2. See also § 299C.105, subd. 2.

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Recovered Stolen Property
Minn. Stat. §§ 609.523; 609.5315, subd. 7; and 629.361

A peace officer arresting a person charged with committing or aiding in the committing of a robbery, aggravated robbery, or theft must use “reasonable diligence” to secure the property alleged to have been stolen. See Minn. Stat. § 629.361. After seizure of the property, the officer is “answerable” for stolen property while it remains in the officer’s custody. Id. It may be delivered to the county attorney for use as evidence. Id. Once the offender is convicted, the property must be returned to the owner. Id.

Recovered stolen property may be returned to its owner if: (1) a photograph of the property is filed and retained by the law enforcement agency to be used as evidence; (2) satisfactory proof of ownership is shown by the owner; (3) a declaration of ownership is signed under penalty of perjury; and (4) a receipt for the property is obtained from the owner. See Minn. Stat. § 609.523, subd. 3. If the recovered property has a value of more than $150.00, the owner must retain possession of the property for at least 14 days to allow the defense attorney to examine the property. See Minn. Stat. § 609.523, subd. 4.

The agency must make its best efforts for a period of 90 days after the seizure of an abandoned or stolen firearm to return it to the lawful owner. Minn. Stat. § 609.5315, subd. 7.

Forfeited Property
Minn. Stat. §§ 609.531 - 609.5319

Receipt and Notice
When property is seized, the officer must provide a receipt to the person in possession of the property; or, in the absence of any person, the officer must leave a receipt in the place where the property was found, if reasonably possible. See Minn. Stat. § 609.531, subd. 4 (b). The law enforcement agency must use “reasonable diligence” to secure the property and prevent waste. See Minn. Stat. § 609.531, subd. 5.

For judicial forfeitures, the county attorney must notify the owner or possessor of the property of the forfeiture action within 60 days of the seizure. See Minn. Stat. § 609.5313 (a). If notice is not sent within 60 days, and the county attorney does not receive an extension from the court, the property must be returned to the owner. See Minn. Stat. § 609.5313 (b).

For administrative forfeitures, notice of the seizure and the intent to forfeit the property must be served within 60 days of the seizure upon all persons known to have an ownership, possessory, or in the case of motor vehicles, security interest in the seized property. See Minn. Stat. § 609.5314, subd. 2. If notice is not sent within 60 days, and the county attorney does not receive an extension from the court, the property must be returned to the owner. See Minn. Stat. § 609.5314, subd. 2(c). Within 60 days following service of a notice of seizure and forfeiture, a claimant may file a demand for a judicial determination of the forfeiture. See Minn. Stat. § 609.5314, subd. 3.
**Motor Vehicle Forfeitures**

Motor vehicles subject to forfeiture have separate notice requirements. Generally, if the motor vehicle is seized in advance of a judicial forfeiture order, a hearing must be held within 96 hours of the seizure, with notice of the hearing provided to the registered owner of the vehicle within 48 hours of the seizure. *See, e.g.*, Minn. Stat. § 609.5312, subds. 3 (b) and 4 (b). A vehicle must be returned to the owner within 24 hours if the owner of a motor vehicle seeks possession of the vehicle before the forfeiture action is determined and surrenders the vehicle’s certificate of title to the appropriate agency in exchange for the vehicle. *See* Minn. Stat. § 609.531, subd. 5a (b). The agency must notify the Department of Public Safety and any secured party noted on the certificate when the certificate is surrendered and when a surrendered title is returned to the motor vehicle owner. *Id.*

**Returning Property to Owner**

Property may be returned, prior to a court order, to any person with an interest in the forfeited property if the person files a petition for remission or mitigation of the forfeiture with the county attorney, and the county attorney finds a basis for remission or mitigation of the forfeiture. *See* Minn. Stat. § 609.531, subd. 7. Property, except contraband or property being held for investigatory purposes, must also be returned to the owner prior to the determination of the forfeiture action if the owner gives security or posts a bond payable to the appropriate agency in an amount equal to the retail value of the seized property. *See* Minn. Stat. § 5a (a).

For the forfeiture of a motor vehicle, the owner is the registered owner according to the records of the Department of Public Safety. *See* Minn. Stat. § 609.531, subd. 6a (b). For real property, the owner is the owner of record. *Id.* For other property, the owner is the person notified by the prosecuting authority in filing the forfeiture action. *Id.*

**Disposition of Property**

If the court finds that the property is subject to forfeiture, or the county attorney certifies that the property is subject to administrative forfeiture, the disposition of the property may include: destruction or sale of the property; keeping the property for official use by the agency or forwarding the property to another agency; disbursement of seized money or proceeds of the offense; or other disposition in accordance with law. *See* Minn. Stat. § 609.5315. Sales of forfeited property must be conducted “in a commercially reasonable manner.” *See* Minn. Stat. § 609.5315, subd. 1 (d). The property may not be sold to an officer or employee of the agency that seized the property or to a person related to the officer or employee by blood or marriage. *See* Minn. Stat. § 609.5315, subd. 1 (c). The Hennepin and Ramsey County sheriffs may not sell firearms, ammunition, or firearms accessories if the policy is disapproved by the applicable county board. *See* Minn. Stat. § 609.5315, subd. 1 (b). The proper disbursement of seized money or forfeited proceeds, such as to whom and in what proportion, depends upon the basis for the forfeiture. *See, e.g.*, Minn. Stat. § 609.5315, subds. 4, 5, 5a, and 5b.
Before disposing of administratively forfeited property, the county attorney must certify that:
(1) the appropriate agency provided a receipt as required by Minn. Stat. §§ 609.531, subd. 4 (for property seized with or without process), or 626.16 (for property seized pursuant to a search warrant); (2) the appropriate agency served notice in accordance with Minn. Stat. §§ 609.5314, subd. 2 (administrative forfeiture of drug-related seizures), or 609.5318, subd. 2 (for vehicles used in drive-by shootings); and (3) probable cause for the forfeiture of the property existed. See Minn. Stat. § 609.5315, subd. 2.

Contraband, as defined in the statute, must be summarily forfeited and either destroyed or used by the appropriate agency for law enforcement purposes. See Minn. Stat. § 609.5316. Upon summary forfeiture, weapons used must be destroyed unless the agency decides to use the weapons for law enforcement purposes. See Minn. Stat. § 609.5316, subd. 1.

Report to State Auditor
Each forfeiture occurring in the state must be reported to the state auditor on a monthly basis following final disposition, regardless of the authority for the forfeiture. See Minn. Stat. § 609.5315, subd. 6. See also the Office of the State Auditor’s Statement of Position on Reporting of Criminal Forfeitures, available on the Office of the State Auditor’s website at:
http://www.auditor.state.mn.us/Other/statements/reportingcriminalforfeitures_0904_statement.pdf.

Statutes authorizing forfeitures in addition to those found in Minn. Stat. §§ 609.531 - 609.5319 include:

Minn. Stat. § 84.7741 (off-highway vehicle offenses)
Minn. Stat. §§ 97A.221 - 97A.225 (hunting, game and fish, firearm, and wild animal offenses)
Minn. Stat. § 169A.63 (DWI-related offenses)
Minn. Stat. §§ 297E.16, 349.2125, and 609.762 (gambling-related offenses)
Minn. Stat. §§ 609.905 - 609.908 (racketeering)
Minn. Stat. § 626A.19 (Minnesota’s Privacy of Communications Act)

Impounded Vehicles
The sale of an impounded vehicle is subject to Minn. Stat. Chapter 168B.

Statute of Limitations
Minn. Stat. § 628.26

Caution should be used in applying statutes of limitation because time periods may be lengthened if certain facts have occurred, such as: the defendant did not usually reside in Minnesota, the defendant participated in a pretrial diversion program relating to the offense, or physical evidence relating to the offense is undergoing DNA analysis (unless the defendant demonstrates certain purposeful delays in the analysis).

53 An overview of Minnesota’s criminal statutes of limitations, including a chart, contained in an Information Brief from the Minnesota House of Representatives Research Department by Rebecca Pirius, Criminal Statutes of Limitations, revised November 2010, is available at: http://www.house.leg.state.mn.us/hrd/pubs/statlmt.pdf.
Charges may be filed at any time for: (1) crimes resulting in death; (2) kidnapping; (3) labor trafficking if the victim was under the age of 18 at the time of the offense; and 4) criminal sexual conduct (first through third degree) if physical evidence is collected and preserved that is capable of being tested for its DNA characteristics.

Charges may be filed within the later of 9 years of the offense or 3 years of the offense being reported to law enforcement for criminal sexual conduct (first through fourth degree) if the victim was under the age of 18 at the time of the offense (if DNA evidence is not collected and preserved). Charges may be filed within 9 years for criminal sexual conduct (first through third degree) if the victim was 18 years or older (if DNA evidence is not collected and preserved).

Charges may be filed within 6 years for: 1) labor trafficking if the victim was age 18 or older; 2) bribery of or by a public officer or employee; or 3) medical assistance fraud or theft.

Charges may be filed within 5 years for certain thefts, check forgeries, credit card frauds, and financial exploitation of vulnerable adult crimes where the value of the property or services stolen is more than $35,000. Charges may be filed within 5 years for hazardous and infectious waste crimes, except for violations relating to false material statements, representations, or omissions, and for arson (first through third degree).

All other crimes have a three-year statute of limitations.
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Bibliography


International Association for Property and Evidence (IAPE), http://www.iape.org/ (accessed June 2010).


