



Murray County Sheriff's Office

2558 29th St PO Box 57
Slayton MN 56172
(507) 836-6168
(507) 836-1116 FAX

Heath Landsman, Sheriff
Bryan Bose, Chief Deputy

EVIDENCE PROCEDURES



UPDATED:
August 2023



Murray County Sheriff's Office

2558 29th St PO Box 57

Slayton MN 56172

(507) 836-6168

(507) 836-1116 FAX

Heath Landsman, Sheriff
Bryan Bose, Chief Deputy

TABLE OF CONTENTS:

1. PURPOSE AND SCOPE	PAGE 3
2. EVIDENCE ROOM SECURITY	PAGE 3
3. DEFINITIONS	PAGE 3
4. PROPERTY HANDLING	PAGE 3
5. PROPERTY BOOKING PROCEDURE	PAGE 4
6. CONTROLLED SUBSTANCES	PAGE 4
7. EXPLOSIVES	PAGE 4
8. EXCEPTIONAL HANDLING	PAGE 5
9. PACKAGING OF PROPERTY	PAGE 5
10. PACKAGING CONTAINER	PAGE 5
11. PACKAGING CONTROLLED SUBSTANCES	PAGE 6
12. RIGHT TO REFUSAL	PAGE 6
13. RECORDING OF PROPERTY	PAGE 6
14. PROPERTY CONTROL	PAGE 6
15. RESPONSIBILITIES OF OTHER PERSONNEL	PAGE 7
16. TRANSFER OF EVIDENCE TO CRIME LABORATORY	PAGE 7
17. STATUS OF PROPERTY	PAGE 7
18. AUTHORITY TO RELEASE PROPERTY	PAGE 7
19. RELEASE OF PROPERTY	PAGE 8
20. STOLEN OR EMBEZZLED PROPERTY	PAGE 8
21. DISPUTED CLAIMS TO PROPERTY	PAGE 9
22. RELEASE AND DISPOSAL OF FIREARMS	PAGE 9
23. DISPOSITION OF PROPERTY	PAGE 9
24. EXCEPTIONAL DISPOSITIONS	PAGE 9
25. UNCLAIMED MONEY	PAGE 10
26. SHERIFF SEIZURES AND SALES	PAGE 10
27. INSPECTIONS OF EVIDENCE ROOM	PAGE 10



Murray County Sheriff's Office

2558 29th St PO Box 57
Slayton MN 56172
(507) 836-6168
(507) 836-1116 FAX

Heath Landsman, Sheriff
Bryan Bose, Chief Deputy

1. PURPOSE AND SCOPE

This policy provides for the proper collection, storage and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property. Property belonging to persons in custody should be handled pursuant to policies guiding Temporary Holding Facility, Jail Operations, and the operations procedures for each facility or operation.

2. EVIDENCE ROOM SECURITY

The Evidence Cage shall maintain secure storage and control of all property necessitating custody by the Office. The evidence technicians (MCSO Investigator Devin Gillette and MCSO Patrol Deputy Jarrod Larson) reports to the MCSO Drug/General Investigator Christopher Lewis and is responsible for the security of the Evidence Room. Evidence Room keys are maintained only by the evidence technician and the Drug/General Investigator. The evidence technician and the Drug/General Investigator shall not loan Evidence Room keys to anyone and shall maintain keys in a secure manner.

Any individual entering the Evidence Cage other than the evidence technician must be accompanied by the evidence technician or the Drug/General Investigator and must sign in and out on the log giving the date and time of entry and exit, and the purpose, including a specific case or property number. The entry shall be initialed by the accompanying individual.

3. DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Office for safekeeping, such as a firearm.
- Personal property of an arrestee not taken as evidence.
- Property taken for safekeeping under authority of a law.

Found Property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

4. PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged, labeled and placed in the designated temporary property locker or storage room. Care shall be taken to maintain the chain of custody for all evidence.

Any property seized by a deputy with or without a warrant shall be safely kept for as long as necessary for the purpose of being produced as evidence (Minn. Stat. § 626.04 (a)). Seized property held as evidence shall



Murray County Sheriff's Office

2558 29th St PO Box 57

Slayton MN 56172

(507) 836-6168

(507) 836-1116 FAX

Heath Landsman, Sheriff
Bryan Bose, Chief Deputy

be returned to its rightful owner unless subject to lawful detention or ordered destroyed or otherwise disposed of by the court (Minn. Stat. § 626.04 (b) and Minn. Stat. § 629.361).

A deputy arresting a person for burglary, robbery or a theft offense shall use reasonable diligence to secure the property that was alleged to have been stolen and shall be answerable for it while it remains in his/her custody (Minn. Stat. § 629.361).

Where ownership can be established as to found property that has no apparent evidentiary value, such property may be released to the owner without the need for booking. The property documentation must be completed to document the release of property not booked. The owner shall sign the documentation acknowledging receipt of the item(s).

5. PROPERTY BOOKING PROCEDURE

All property must be locked into a temporary locker prior to the employee going off-duty. Employees booking property shall observe the following guidelines:

1. Complete the property form and label describing each item of property separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.
2. The employee shall label each item of evidence with the proper evidence sticker from RMS.
3. Items should be individually packaged, labeled and the package marked with a sticker from RMS.
4. Place the sticker in the upper right-hand corner or in the appropriate field of the evidence/property tag.

The original property documentation shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if it is stored somewhere other than a property locker.

6. CONTROLLED SUBSTANCES

All controlled substances shall be booked separately using a separate property record. Drug paraphernalia shall also be booked separately (Two deputies shall be present at all times when handling unknown controlled substances).

The deputy seizing the narcotics and dangerous drugs shall place them in the designated temporary property locker accompanied with explanation of the controlled substance.

7. EXPLOSIVES

Explosives that are known or suspected to be armed or live, other than fixed ammunition, should not be retained in the sheriff's facility. All fireworks, railroad flares or fuses that are considered safe will be transported to the appropriate fire department on a regular basis by an evidence technician.

Deputies who encounter an explosive device shall immediately notify the immediate supervisor and/or Senior Deputy. The Bomb Squad will be called to handle situations involving explosive devices and all such devices will be released to the Bomb Squad for disposal.



Murray County Sheriff's Office

2558 29th St PO Box 57
Slayton MN 56172
(507) 836-6168
(507) 836-1116 FAX

Heath Landsman, Sheriff
Bryan Bose, Chief Deputy

8. EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

1. Bodily fluids such as blood or semen stains shall be air-dried prior to booking.
2. License plates found not to be stolen or connected with a known crime, should be released directly to the evidence technician or placed in the designated container for return to the Minnesota Department of Driver and Vehicle Services. No formal property booking process is required.
3. All bicycles and bicycle frames require a property record. Property stickers will be securely attached to each bicycle or bicycle frame. The property may be released directly to the evidence technician, or placed in the bicycle storage area (White Building) until an evidence technician can log the property.
4. All cash shall be counted in the presence of another deputy and the envelope initialed by both deputies. A supervisor shall be contacted for cash in excess of \$1,000. The supervisor shall also witness the count, and will initial and date the property documentation and specify any additional security procedures to be used (Seized Currency Form shall be filled out).
5. All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the property form and label.

County property, unless connected to a known criminal case, should be released directly to the appropriate County department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

9. PACKAGING OF PROPERTY

Packaging will conform to the Property Packaging Procedures. Certain items require special consideration and shall be booked separately as follows:

- a. Controlled substances (Two deputies shall be present at all times when handling unknown controlled substances).
- b. Firearms (ensure they are unloaded and booked separately from ammunition)
- c. Property with more than one known owner
- d. Drug paraphernalia
- e. Fireworks
- f. Contraband

10. PACKAGING CONTAINER

Employees shall package all property, except controlled substances in a suitable container available for its size. Knife boxes should be used to package knives, handgun boxes should be used for handguns and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.



Murray County Sheriff's Office

2558 29th St PO Box 57
Slayton MN 56172
(507) 836-6168
(507) 836-1116 FAX

Heath Landsman, Sheriff
Bryan Bose, Chief Deputy

11. PACKAGING CONTROLLED SUBSTANCES

The deputy seizing controlled substances shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in the designated drug locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. If conducted, the results of this test shall be included in the deputy's report. (When conducting presumptive tests two deputies shall be present.)

Controlled substances shall be packaged in an appropriate container or packaging based on what the item consists of, available in the finger print room or evidence room. The booking deputy shall initial the sealed container and the initials covered with cellophane tape. Controlled substances shall not be packaged with other property.

The booking deputy shall weigh the suspected narcotics or dangerous drugs in the container in which it was seized. A full description of the item, along with packaging and total weight of the item as seized, will be placed in the case report and on the property form and label.

A completed property sticker shall be attached to the outside of the container. The chain of evidence shall be recorded in RMS

12. RIGHT OF REFUSAL

The evidence technician has the right to refuse any piece of property that is not properly documented or packaged. Should the evidence technician refuse an item, he/she shall maintain secure custody of the item in a temporary property locker and inform the supervisor of the submitting deputy.

13. RECORDING OF PROPERTY

The evidence technician receiving custody of evidence or property shall document each piece of property received in RMS.

A property log shall be maintained and RMS will assign a unique property number created for each piece of property received. The log shall record by property number, the date received, case number, tag number, item description, item location and date disposed. A unique property number shall be obtained for each item or group of items from the log. This number shall be recorded on the property sticker.

Any changes in the location of property held by the Murray County Sheriff's Office shall be noted in the property log in RMS.

14. PROPERTY CONTROL

Each time the evidence technician receives property or releases property to another person, he/she shall enter this information in RMS. Deputies desiring property for court shall contact the evidence technician at least two days prior to the court day.



Murray County Sheriff's Office

2558 29th St PO Box 57
Slayton MN 56172
(507) 836-6168
(507) 836-1116 FAX

Heath Landsman, Sheriff
Bryan Bose, Chief Deputy

15. RESPONSIBILITIES OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence logs in RMS shall be completed to maintain the chain of possession. No property or evidence is to be released without first receiving written authorization from a supervisor or investigator.

Request for analysis for items other than controlled substances shall be completed on the appropriate forms and submitted to the evidence technician. This request may be filled out any time after booking of the property or evidence.

16. TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will request to check the evidence out of property, indicating the date and time in which the transporting employee is scheduled to depart for the Crime Laboratory.

The evidence technician releasing the evidence must complete the required information in RMS. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item(s) involved, the deputy will receive an intake form from the crime laboratory indicating to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be scanned into RMS.

17. STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to deputies for investigative purposes, or for court, shall be noted in RMS, stating the date, time and to whom it was released.

The evidence technician shall obtain the signature of the person to whom property was released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded in RMS, indicating date, time and the person who returned the property.

18. AUTHORITY TO RELEASE PROPERTY

The evidence technician shall not release any property without a signed authorization from an appropriate authorized member of the Office. The supervisor (prosecuting attorney gross misd. and felony) shall

authorize the disposition or release of all evidence and property coming into the care and custody of the Office.

Property held as evidence for a pending criminal investigation or proceeding shall be retained for a period of time no less than that required pursuant to Minn. Stat. § 628.26.

For property in custody of the Office for investigatory or prosecutorial purposes and owned by a victim or witness, an evidence technician shall, upon the request of the owner:



Murray County Sheriff's Office

2558 29th St PO Box 57
Slayton MN 56172
(507) 836-6168
(507) 836-1116 FAX

Heath Landsman, Sheriff
Bryan Bose, Chief Deputy

- a. Provide a list describing the property unless such release would seriously impede an investigation.
- b. Return the property expeditiously unless the property is required as evidence.

Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner of the property in accordance with the requirements of Minn. Stat. 609.523.

EVIDENCE related to a homicide or suspected homicide shall be retained indefinitely.

All sexual assault kits shall be retained indefinitely or in accordance with the law.

19. RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or investigator and must conform to the items listed on the property form and label or must specify the specific item(s) to be released. Release of all property shall be properly documented in RMS.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction, which may be conducted as an Internet-based auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed. Unless the auction is Internet based, property with an estimated value of \$500 or more will be advertised in the local print media before it is destroyed or auctioned. The final disposition of all such property shall be fully documented in related reports.

An evidence technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. The owner shall also pay any costs incurred by the agency, including costs for advertising or storage. A signature of the person receiving the property shall be recorded on the original property documentation. After release of all property entered in RMS it should be noted in case notes that all property has been released. If some items of property have not been released that should be noted also.

Upon release or other form of disposal, the proper entry shall be recorded in all property documentation and logs.

20. STOLEN OR EMBEZZLED PROPERTY

Stolen or embezzled property or property believed to be stolen or embezzled that is in the custody of this office shall be restored to the owner (Minn. Stat. § 609.523 Subd. 3). Such property may be released from law enforcement custody when the following are satisfied:



Murray County Sheriff's Office

2558 29th St PO Box 57
Slayton MN 56172
(507) 836-6168
(507) 836-1116 FAX

Heath Landsman, Sheriff
Bryan Bose, Chief Deputy

- a. Photographs of the property are filed and retained by the Evidence Room.
- b. Satisfactory proof of ownership of the property is shown by the owner.
- c. A declaration of ownership is signed under penalty of perjury (MCSO Release of Personal Property).
- d. A receipt for the property is obtained from the owner upon delivery.

21. DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the office, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a court order or other proof of the undisputed right to the involved property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for the Office may be asked to file an interpleader in court to resolve the disputed claim.

22. RELEASE AND DISPOSAL OF FIREARMS

A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922.

The Office shall make best efforts for a period of 90 days after the seizure of an abandoned or stolen firearm to protect the firearm from harm and return it to the lawful owner (Minn. Stat. § 609.5313 Subd. 7). At the expiration of such period, the firearm or other deadly weapon may be processed for disposal consistent with this policy.

23. DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The evidence technician

shall request a disposition or status on all property that has been held in excess of 120 days and for which no disposition has been received from a supervisor and or Murray County Attorney.

24. EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:



Murray County Sheriff's Office

2558 29th St PO Box 57
Slayton MN 56172
(507) 836-6168
(507) 836-1116 FAX

Heath Landsman, Sheriff
Bryan Bose, Chief Deputy

- Weapons declared by law to be nuisances.
- Animals, birds and equipment related to their care and containment that have been ordered forfeited by the court.
- Counterfeiting equipment.
- Gaming devices.
- Obscene matter ordered to be destroyed by the court.
- Altered vehicles or component parts.
- Controlled substances.
- Unclaimed, stolen or embezzled property.
- Destructive devices.

Money found in gambling devices by any peace officer, other than a municipal police officer, shall be paid into the county treasury. Money found in gambling devices by a municipal police officer shall be paid into the treasury of the municipality (Minn. Stat. § 626.04 (b)).

25. UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the money is presumed abandoned property and is reportable as specified in § 804.8, Minn. Stat. § 345.38 and Minn. Stat. § 345.75).

26. SHERIFF SEIZURES AND SALES

A deputy may seize and retain any personal property abandoned upon any public way, sidewalk or other public place, or any property entered as evidence in a judicial proceeding following its release by the court (Minn. Stat. § 345.15). After holding the property for a period of at least 90 days, it may be sold at a public auction. The net proceeds of the sale shall be transferred to the general revenue fund of the county, minus the cost of handling, storage or sale.

28. INSPECTIONS OF THE EVIDENCE ROOM

On a monthly basis, the supervisor shall inspect the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Sheriff.

An annual audit of evidence held by the Office shall be conducted by a Chief Deputy who is not routinely or directly connected with evidence control, as assigned by the Sheriff.

Whenever a change is made in personnel who have access to the Evidence Room, an inventory of all evidence/property shall be made by an individual(s) not associated with the Evidence Room or function to ensure that records are correct and all evidence/property is accounted for.



Murray County Sheriff's Office

2558 29th St PO Box 57
Slayton MN 56172
(507) 836-6168
(507) 836-1116 FAX

Heath Landsman, Sheriff
Bryan Bose, Chief Deputy

