

TITLE 6

LAW ENFORCEMENT

CHAPTER

1. POLICE AND ARREST.
2. POLICY AND PROCEDURES FOR POLICE COMMISSIONERS.
3. POLICY AND PROCEDURES FOR EVIDENCE AND PROPERTY HANDLING.

CHAPTER 1

POLICE AND ARREST¹

SECTION

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6-101. Policemen subject to chief's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1989 Code, § 1-501)

6-102. Rules and procedures. (1) The rules and procedures for the government, discipline, and administration of the Oliver Springs Police Department, entitled Rules and Procedures Manuals, are hereby adopted, with the chief of police having the right to alter, amend or revoke any of said rules, and operating procedure, which through federal or state appellate or supreme court, has held to be unconstitutional. The chief of police shall have same prerogative, as above, upon the written advice of MTAS or TML. In the event of such changes, the chief of police shall notify the town council of such changes, in writing, before the next regularly scheduled council meeting.

(2) Any violation of the rules and procedures may be made the subject of disciplinary charges against employees responsible for such violation. No arbitrary rules can be established which embrace all situations in the discharge

¹Charter reference

Appointment and duties of chief: §§ 15-18.

of police duties. Some things must be left to the discretion of the individual employee. However, if any employee deviates from the provisions of this manual, the member must be able to demonstrate that this action was necessary.

Whenever there is a doubt, as to the meaning or intent of a rule, or procedure, the employee shall seek interpretation or explanation through the chief of police or the town council. (Ord. #921119, Nov. 1992)

6-103. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the town. They shall patrol the town and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1989 Code, § 1-502)

6-104. When policemen to make arrests.¹ Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

(1) Whenever he is in possession of a warrant for the arrest of the person.

(2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1989 Code, § 1-503)

6-105. Citations in lieu of arrest in non-traffic cases.¹ Pursuant to Tennessee Code Annotated, § 7-63-101 et seq., the town council appoints the fire chief in the fire department and the town administrator in the building department special police officers having the authority to issue citations in lieu of arrest. The fire chief in the fire department shall have the authority to issue citations in lieu of arrest for violations of the fire code adopted in title 7, chapter 2 of this municipal code of ordinances. The town administrator in the building department shall have the authority to issue citations in lieu of arrest for violations of the building, utility and housing codes adopted in title 12 of this municipal code of ordinances.

The citation in lieu of arrest shall contain the name and address of the person being cited and such other information necessary to identify and give the person cited notice of the charges against him, and state a specific date and place for the offender to appear and answer the charges against him. The citation shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the special officer in whose presence the offense was committed shall immediately arrest

¹Municipal code reference

Issuance of citations in lieu of arrest in traffic cases: title 15, chapter 8.

the offender and dispose of him in accordance with Tennessee Code Annotated, § 7-63-104.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the citation in lieu of arrest was issued. (1989 Code, § 1-505)

6-106. Summons in lieu of arrest. Pursuant to Tennessee Code Annotated, § 7-63-201 et seq., which authorizes the town council to designate certain town enforcement officers the authority to issue ordinance summonses in the areas of sanitation, litter control and animal control, the council designates the health officer and the town administrator to issue ordinance summonses in those areas. These enforcement officers may not arrest violators or issue citations in lieu of arrest, but upon witnessing a violation of any ordinance, law or regulation in the areas of sanitation, litter control or animal control, may issue an ordinance summons and give the summons to the offender.

The ordinance summons shall contain the name and address of the person being summoned and such other information necessary to identify and give the person being summoned notice of the charge against him, and state a specific date and place for the offender to appear and answer the charges against him. The ordinance summons shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the enforcement officer in whose presence the offense occurred may:

- (1) Have a summons issued by the clerk of the town court, or
- (2) May seek the assistance of a police officer to witness the violation.

The police officer who witnesses the violation may issue a citation in lieu of arrest for the violation, or arrest the offender for failure to sign the citation in lieu of arrest. If the police officer makes an arrest, he shall dispose of the person arrested as provided in § 6-107 below.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the ordinance summons was issued. (1989 Code, § 1-506)

6-107. Disposition of persons arrested. (1) For code or ordinance violations. Unless otherwise provided by law, a person arrested for a violation of this code or other town ordinances shall be brought before the town court. However, if the town court is not in session, the arrested person shall be allowed to post bond with the town court clerk, or, if the town court clerk is not available, with the ranking police officer on duty. If the arrested person fails or refuses to post bond, he shall be confined pending his release by the city judge. In addition, if the arrested person is under the influence of alcohol or drugs when arrested, even if he is arrested for an offense unrelated to the consumption of alcohol or drugs, the person shall be confined until he does not pose a danger to himself or to any other person.

(2) Felonies or misdemeanors. A person arrested for a felony or a misdemeanor shall be disposed of in accordance with applicable federal and state law and the rules of the court which has jurisdiction over the offender. (1989 Code, § 1-504)

6-108. Police department records. The police department shall keep a comprehensive and detailed daily record in permanent form, showing at a minimum:

(1) All known or reported offenses and/or crimes committed within the corporate limits.

(2) All arrests made by policemen.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1989 Code, § 1-507)

CHAPTER 2

POLICY AND PROCEDURES FOR POLICE COMMISSIONERS

SECTION

6-201. Policy.

6-202. Purpose.

6-203. Definitions.

6-204. Procedures.

6-201. Policy. It is the policy of the Town of Oliver Springs Board of Mayor and Aldermen to appoint two (2) members of the town council to the position of police commissioner. This policy shall replace all other policies, procedures, ordinances, or rulings by previous board of mayor and aldermen referring to police commissioner, fire commissioner or public safety commissioner for the Town of Oliver Springs Tennessee. (as added by Ord. #06-20-01, Jan. 2006)

6-202. Purpose. The purpose of this is in order to establish a liaison between the city council, the public, the Oliver Springs Police Department, and the Oliver Springs Fire Department.

The methods and procedures set forth herein are presented for three (3) main reasons:

(1) To ensure that the board of mayor and aldermen are well advised as to the activities, and needs of the police and fire departments of the town, and;

(2) To ensure that policies and procedures set by the board of mayor and aldermen, chief's and other administrators of the town are being followed, and;

(3) To create a good operational environment between the public safety employees and the board of mayor and aldermen. (as added by Ord. #06-20-01, Jan. 2006)

6-203. Definitions. For the purpose of these policies and procedures the following definitions apply:

(1) Police commissioner. Also referred to as public safety commissioner and/or fire commissioner is a member of the city council who has been appointed to act as a liaison between the city council, the public, the Oliver Springs Police Department and the Oliver Springs Fire Department. A police commissioner also acts as an advisor to the police and fire departments and city council as a whole, and may set on a hiring, disciplinary or other boards as directed by city council. A police commissioner has no direct supervision authority over the police or fire departments except when in a session of city council acting by legislative authority as a council member.

(2) Member of the Oliver Springs Police Department. Anyone employed by the Oliver Springs Police Department, full time or part time police officers, dispatchers, animal control officers, and reserve and/or auxiliary police officers.

(3) Member of the Oliver Springs Fire Department. Anyone employed by the Oliver Springs Fire Department, full time, part time or volunteer fire fighters, first responders and/or explorers.

(4) Ride-a-long. The process of a police commissioner riding in a police or fire vehicle as an observer. (No police commissioner while not in a legislative session of town council shall act as a supervising authority over any public safety employee while riding along and/or observing department activities as a commissioner.) (as added by Ord. #06-20-01, Jan. 2006)

6-204. Procedures. A police commissioner shall act as a liaison between the city council, the public, the Oliver Springs Police Department and the Oliver Springs Fire Department. A police commissioner also acts as an advisor to the police and fire departments and city council as a whole, and may set on a hiring, disciplinary or other boards as directed by city council. A police commissioner has no direct supervision authority over the police or fire departments except when in a session of city council acting by legislative authority as a council member.

(1) Appointment. A police commissioner is appointed by a majority vote by the board of mayor and aldermen however it is not recommended that a council member vote for themselves for the position of police commissioner but "pass" or abstain from voting. A police commissioner is appointed for the remainder of the council members term, if the council member seeks re-election and is elected for an additional term they must be reappointed by a majority vote by the board of mayor and aldermen. A police commissioner can be removed from the commissioner position at anytime with a majority vote by the board of mayor and aldermen.

(2) Observation. A police commissioner may act as an observer to the police and fire departments under the following regulations:

(a) Ride-a-long and/or accompany the police and/or fire members in city owned police and/or fire vehicles during emergency and non emergency traffic, (however the police commissioner must follow the directions and guidance of the public safety member especially in reference to safety issues),

(b) May enter into the police and/or fire stations, or other place pertaining to the activities of said departments to observe the actions and activities of the departments at any time except when:

(i) A police supervisor and/or police officer of the police department deems the situation to be confidential matters relating to juveniles, or other confidential cases.

(ii) While the N.C.I.C. computer screen is turned on inside the dispatch office, (a dispatcher has the authority and the obligation by law not to allow uncertified personnel inside the dispatch office while the N.C.I.C. computer screen is visible.)

(iii) A fire supervisor or fire fighter deems the situation to be temporarily unsafe.

(3) A police commissioner has no direct supervision authority over the police or fire departments except when in a session of city council acting by legislative authority as a council member except:

(a) When authorized by the board of mayor and aldermen by a majority vote,

(b) While setting on a hiring, disciplinary or other boards as directed by town council,

(c) While inventorying the police property and evidence during the bi-annual inspection,

(d) To fulfill any other policies, procedures, ordinances, or rulings set forth by town council. (as added by Ord. #06-20-01, Jan. 2006)

CHAPTER 3

POLICY AND PROCEDURES FOR EVIDENCE AND PROPERTY HANDLING

SECTION

6-301. Policy.

6-302. Purpose.

6-303. Definitions.

6-304. Procedures.

6-301. Policy. It is the policy of the Oliver Springs Police Department to maintain an organized management system utilizing a database inventory system for property taken into custody by members of the Oliver Springs Police Department.

All evidence and property under the control of the property custodian shall be audited, inventoried and listed in the database inventory system by the property custodian and/or chief of police before February 1, 2006.

The department will comply with all applicable state and federal requirements for seized and forfeited property.

This policy shall replace all other policies and procedures referring to preservation of evidence and/or property and evidence handling within the Oliver Springs Police Department. (as added by Ord. #06-20-01A, Jan. 2006)

6-302. Purpose. The purpose of this order is to establish and explain procedures pertaining to the proper methods of collection, preservation and storage of evidence and property.

The methods and procedures set forth herein are presented for two (2) main reasons:

- To ensure that evidence is properly handled, documented and preserved to prevent contamination and/or inadmissibility in court, and;
- To ensure that property is returned to its rightful owner, or is disposed of in an appropriate and timely manner, once it is no longer of use to the court system and law enforcement.

(1) Any employee of this department should not take the impounding of property lightly. The process of impounding, recording, controlling, storing and disposing of property is multifaceted, with a direct and profound impact on many operations within this department, as well as the criminal justice system as a whole.

(2) Officers are urged to use prudent judgment, as well as common sense, when impounding property. Valuable time is wasted processing worthless property or correcting mistakes in packaging and documentation if careful attention is not paid to the rules of evidence.

(3) It is imperative that all employees involved in the handling of property have thorough knowledge of the appropriate laws and procedures. (as added by Ord. #06-20-01A, Jan. 2006)

6-303. Definitions. For the purpose of these policies and procedures the following definitions apply:

(1) Chain of evidence. The continuity of the custody of physical evidence, from the time of original collection to final disposition that may be introduced in a judicial proceeding.

(2) Database inventory system. A database and/or computer program chosen by the chief of police to inventory all property and evidence under the control of the property custodian.

(3) Evidence. Any property, regardless of its nature, that is taken by the department as part of an investigation and which may be used for the purposes of the investigation or in legal proceedings.

(4) Forfeitable property. Any of the following:

(a) Property that is illegally possessed.

(b) Property that has been used or is intended to facilitate the commission of a criminal offense or to avoid detection or apprehension of a person committing a criminal offense.

(c) Narcotics and drug related property as defined by (Tennessee Code Annotated, § 53-11-201 et seq., § 40-33-201 et seq.)

(d) Property that is acquired as or from the proceeds of a criminal activity.

(e) Property offered or given to another as an inducement for the commission of a criminal offense.

(f) Vehicle or vehicles used in a DUI-second or subsequent violation as defined by (Tennessee Code Annotated, §§ 55-10-401, 55-10-403 and 40-33-201 et seq.) or in a driving on revoked license due to DUI as defined by (Tennessee Code Annotated, §§ 55-50-504, 40-33-201 et seq.)

(g) Vehicle or vehicles with alterations of vehicle identification numbers (Tennessee Code Annotated, § 55-5-108)

(5) Found property. Any property, regardless of its nature, that has been found by any person and is being held for safekeeping until the owner can be identified.

(6) Recovered property. Any property that has been identified as having been stolen (may also be classified as evidence).

(7) Seizable property. Any of the following:

(a) Property that is relevant in a criminal prosecution or investigation

(b) Property defined by law to be forfeitable.

(8) Seized property. Property taken or held by any law enforcement agency without the consent of the person, if any, who had possession or a right

to possession of the property at the time it was taken into custody. Seized property does not include property taken into custody solely for safekeeping purposes or property taken into custody with the consent of the owner or the person who had possession at the time of the taking. If consent to the taking of property was given by the person in possession of the property and later withdrawn or found to be insufficient, the property shall then be returned or the property shall be deemed seized as of the time of the demand and refusal.

Notice of seizure and law enforcement instructions. The officer taking possession of seized property shall fill out a "property and evidence invoice" form and give the pink copy to the property holder, and when required by law a State of Tennessee "Notice of property seizure and forfeiture of conveyances" form shall be filled out, and the law enforcement instructions on the back of the form shall be followed.

(9) Two-person rule. All of the following:

(a) A witnessing officer shall be present at all times while property and/or evidence is being submitted by the impounding officer to the temporary storage lockers, property custodian or by any other means.

(b) Witnessing officer shall be present at all times while the property custodian is transporting property and/or evidence to the property room.

(c) No one including the property custodian, chief of police or any member of this department shall be in the property room without a witnessing officer at all times.

(10) Member of the Oliver Springs Police Department. Anyone employed by the Oliver Springs Police Department, full or part time police officers, dispatchers, animal control officers, and reserve and/or auxiliary police officers.

(11) Impounding officer. The member of this department who initially receives the property and initiates the chain of custody. The impounding officer may also serve as the witnessing officer when presenting property to the property custodian, but must accompany the property custodian at all times while the property is being entered into the property room.

(12) Property custodian. The chief of police and/or department member designated by the chief of police who is accountable for controlling and maintaining all property and evidence accepted by and/or stored in the temporary storage lockers, property room or in any other location. (No member and/or property custodian of this department will at anytime receive any property from the impounding officer, storage locker or by any other means, or enter into the property room without being accompanied by a witnessing officer at all times.)

(13) Property holder. The person in possession of the property and/or evidence to be surrendered seized and/or forfeited to the impounding officer. (A witnessing officer is not necessary while the impounding officer receives property and/or evidence from the property holder.)

(14) Police commissioner. A member of the city council who has been appointed to act as a liaison between the city council, the public and the Oliver Springs Police Department. A police commissioner also acts as an advisor to the police department and city council as a whole, and may set on a hiring, disciplinary or other boards as directed by city council. A police commissioner has no direct supervision authority over the police department except when in a session of city council acting by legislative authority as a council member.

(15) Witnessing officer. Any member of the Oliver Springs Police Department who shall accompany the property custodian at all times while handling evidence during the process of collecting it from the impounding officer, temporary storage lockers, dispatch office, or by any other means, and while transporting the property into the property room and entering it into the inventory system, the impounding officer may serve as the witnessing officer. A witnessing officer shall accompany the property custodian at all times including while in the property room.

(16) Physical evidence. Any substance or material found or recovered in connection with a criminal investigation.

(17) Vehicle impound lot. Facilities used by this department to store and secure seized, forfeited, and impounded vehicles.

(18) Property room. Facilities used by this department to store and secure evidence or property. (No member and/or property custodian of this department will at anytime enter into the property room without being accompanied by a witnessing officer at all times.)

(19) Temporary storage lockers. Also referred to as temporary evidence lockers are lockers used by this department to temporarily store and secure evidence and/or property. (No member and/or property custodian of this department will at anytime add or remove anything from the temporary storage lockers without being accompanied by a witnessing officer at all times.)

(20) Temporary storage locker. (Also referred to as "temporary drop box") a locker used by this department to hold three (3) locks that are to be used on lockers 1, 2, and 3 in addition to the locks that are permanently attached to the lockers by a chain when evidence is logged in by officers, this locker also contains a set of digital scales, security tape, evidence bags and forms. (No member and/or property custodian of this department will at anytime add or remove anything from the temporary storage locker without being accompanied by a witnessing officer at all times.) (as added by Ord. #06-20-01A, Jan. 2006)

6-304. Procedures. Property and evidence held by the Oliver Springs Police Department will be regulated and controlled by an organized management system that utilizes a database inventory system. The department's property control function is under the direction of the chief of police. A property custodian manages the daily operations of the system. The Oliver Springs Police Department follows the two-person rule. At no time for any reason whatsoever shall anyone including the chief of police, property

custodian, or any member of this department add, remove, receive, store, handle or be in the presents of any property and/or evidence in the temporary storage lockers, temporary drop box, or property room without a witnessing officer present at all times.

All property under the control of the Oliver Springs Police Department will be handled in a manner consistent with the policies and procedures for evidence and property handling.

(1) Intake of recovered and seized property. (a) Utilizing proper evidence gathering, packaging and labeling techniques, all items submitted as recovered or seized property will be documented on the "property and evidence invoice" form. This documentation will be completed prior to the end of the submitting officer's shift.

(b) The submission and documentation of seized or recovered property will be referred to in the offense/arrest report.

(c) The submitted items will be accompanied by the original white and yellow papers of the "property and evidence invoice" form and secured in one of the following ways:

(i) Turned directly over to the property custodian while the property custodian is being accompanied by the impounding officer and/or witnessing officer for immediate submission into the property room,

(ii) Placed in the temporary evidence lockers secured.

(d) The two-person rule shall always be followed by using a witnessing officer.

(e) At no time will property be left unsecured or stored in personal areas, nor will it be converted for personal use.

(f) If the evidence is to be sent to the Tennessee Bureau of Investigation Lab (for any reason), it will be the officer's responsibility to fill out the lab request sheet and submit a copy of the sheet it to the property custodian and to ensure the evidence is handled in accordance with the T.B.I. Evidence Guide Book. The impounding officer will be responsible for delivery of evidence to the crime lab.

(g) The officer shall issue a receipt to the property owner when property is confiscated during a search and/or arrest or taken for safekeeping. This is most efficiently handled with the "property and evidence invoice" form by providing the property holder with the pink paper.

(h) No hazardous substance shall be brought into the police department without approval from the chief of police or captain.

(i) Officers shall turn all confiscated drugs or narcotics over to the property custodian regardless of whether the subject from whom they were seized is charged or not. Drugs and/or narcotics shall not be disposed of in any manner other than that prescribed by the Oliver Springs Police Department.

(j) All narcotics, jewelry, and other valuables shall be deposited into the temporary evidence lockers.

(k) All narcotics must be weighed on a designated scale and/or counted prior to securing them in the temporary evidence lockers.

(l) All money shall be counted by the impounding officer and a witnessing officer, and then the money shall be given to the dispatcher who will enter the transaction into the court computer and be placed with other money to be deposited. The dispatcher will give the impounding officer a receipt printed and numbered by the court computer. The impounding officer will place the receipt and any other evidence into the proper locker, collectible monies, or marked monies will be an exception to this rule and shall be treated like other evidence.

(m) Weapons shall be secured to the extent possible prior to their submission to the property custodian.

(n) If a vehicle is impounded because it is evidentiary in nature, a "property and evidence invoice" form shall be filled out in addition to the vehicle impound report.

(o) If an item demands freezing or refrigeration, the item may be packaged and turned directly over to the property custodian. If it is not possible to directly turn the item over to the property custodian, it may be sealed (in such a manner so as to detect tampering) and placed into the police department refrigerator. The on-duty supervisor shall be notified and notification passed on to watch until the property custodian takes possession.

(2) Intake of found property. (a) All items (value over five dollars (\$5.00)) found by or turned into department personnel will be recorded on a "property and evidence invoice" form. An exception to this is if the identified owner is located and the property returned during the same shift, a "call for service" entry may be made in the dispatch computer documenting the information. The receiving person shall complete a "property and evidence invoice" form for unclaimed property prior to the end of their shift. There may be times that an offense/arrest report is required to document circumstances involving found property.

(b) An attempt to contact the identifiable owner will be made and documented on the front of the "property and evidence invoice" form or in the report. Property illegal to possess is excluded from this notification.

(c) If no owner is identified, or the owner does not immediately respond, the item will be submitted to the property custodian under the following procedure:

- (i) Attach the "property and evidence invoice" form.
- (ii) Place in temporary storage locker.

(iii) If the property custodian is not available, larger items that will not fit in a storage locker may be placed in the dispatch office by a supervisor.

(d) Items valued under five dollars (\$5.00), such as keys, hats, gloves, coffee cups, and obvious junk will be placed in a filing cabinet or other storage area located in the dispatch office, these will be documented by entering them as a "call for service" in the dispatch computer with a brief description. If an owner claims them, a subsequent "call for service" will be used to document the retrieval.

(e) In the event the citizen who turns property over to the police department expresses an interest in claiming the property should no owner be found, the request will be noted and they will be referred to the chief of police. The pink copy of the property evidence invoice form should be given to them as their record.

(3) Hazardous substances. (a) Biological hazards. When collecting evidence that is biological in nature, officers should remain mindful of the potential hazards that may be present. When dealing with this type of evidence officers shall follow the applicable precautions and/or procedures pertaining to blood borne pathogens. When submitting items, which may be contaminated with a biohazard, officers shall observe the following procedures. Property which poses a potential biohazard but is not evidentiary shall be disposed of in an approved manner, with documentation of the property and the manner in which it was disposed of. A property sheet shall be submitted to the property custodian along with a copy of the complaint or offense/arrest report regarding the circumstances under which the property was obtained and the manner in which the property was disposed of.

(i) Materials that have been contaminated should not be submitted or stored in plastic containers but packaged so as not to degrade or contaminate other items.

(ii) All items that may be contaminated shall clearly indicate such on their package. It should also be noted on the complaint or offense/arrest report

(iii) When placed in temporary storage, the compartment containing the object should be clearly marked as containing a potential hazard.

(iv) Officers shall follow decontamination procedures upon exposure to biohazards.

(v) The property custodian will secure the contaminated object in such a manner as to maintain the evidentiary value of the item.

(vi) Officers unsure as to the procedure for handling the contaminated item shall contact a supervisor.

(vii) Perishable food items should be photographed and documented and returned to the owner or properly disposed of.

(b) Hazardous materials. (i) Upon the collection of items that are hazardous in nature such as chemicals, flammable liquids or explosives, the items should be photographed and stored in designated areas or arrangements made for immediate transport to a designated lab. These items shall have a photocopy of the property sheet attached to them, with the originals being submitted to the property custodian along with a copy of the offense/arrest report indicating the type and amount (estimated if necessary) of the hazardous material along with its location. At no time shall these items be taken to the police department without approval from the chief of police or captain. Officers should limit the collection of these types of items to evidence or contraband. Before taking control of these types of items for other reasons, the shift supervisor should be contacted for guidance.

(ii) In the event the collection of hazardous materials involves a Methamphetamine lab the South/East Tennessee Methamphetamine Task Force shall be contacted for assistance.

(4) Property management. (a) Quarterly report. The property custodian while accompanied by a witnessing officer will have primary responsibilities for the day-to-day operations of the property areas. On a quarterly basis the property custodian will submit to the chief of police and the city administrator (or the mayor in his absence) a report listing all of the property under the control of the Oliver Springs Police Department. It will identify those items that have come under control within the last three (3) months and will also contain a list of all items that have been released from the property control area and why the items were released, and all items that had been disposed of along with the method of their disposal.

(b) Bi-annual inspections. (i) Each year there will be bi-annual inspections conducted; in the first week of March and in the first week of September by at least one (1) police commissioner and one (1) patrol sergeant to confirm adherence to procedures used for property control. This inspection will, further ensure that the property areas are being maintained in a clean and orderly fashion, that property is being protected from damage or deterioration, and that proper accountability procedures are being maintained. The property custodian shall be present during the inspections but will not take part in the actual inspection.

(ii) This inspection shall also consist of verifying the property and accompanying documentation of at least ten (10) separate incidents, four (4) of which shall be narcotic related cases, and two (2) shall involve sums of money. This inventory shall

include a list of all property that is under the control of the Oliver Springs Police Department within the past six (6) months. In the event that a piece of property cannot be accounted for, the inspectors shall notify the chief of police and the property custodian to clarify the status of the property. If the status cannot be resolved within five (5) days, the chief of police and police commissioner(s) shall notify the Tennessee Bureau of Investigation. Upon completion of the T.B.I. investigation, the status of the property shall be entered in the case file.

(c) Newly appointed property custodian. In the event the chief of police appoints a new property custodian, an inventory of the property in control of the Oliver Springs Police Department shall be conducted to ensure the integrity of the property and that records are complete. The outgoing property custodian, the newly appointed property custodian and the chief of police or a supervisor designated by the chief of police, shall conduct the inventory. The inventory does not require a complete inspection of each item, but shall be sufficient to ensure the integrity of the system. Any discrepancies should be recorded prior to the newly appointed property custodian assuming responsibility. Discrepancies shall be handled in the manner mentioned above. A written report documenting the change of custodian inventory shall include a listing of all property in control of the Oliver Springs Police Department upon the departure of the outgoing property custodian. All property control inspection reports shall be submitted to the chief of police with copies going to the police commissioner(s), city administrator and the mayor.

(5) Transfer of evidence. (a) Submission of evidence to labs or other agencies. When possible, evidence should be submitted to the appropriate laboratory or agency within three (3) working days of collection. If the evidence is to be sent to the Tennessee Bureau of Investigation Lab, it will be the officer's responsibility to fill out the lab request sheet and submit a copy of the sheet it to the property custodian and to ensure the evidence is handled in accordance with the T.B.I. Evidence Guide Book. The impounding officer will be responsible for delivery of evidence to the crime lab. Officers who have evidence needing to be sent to an outside agency shall complete the "property and evidence invoice" form making sure the chain of custody section has been filled out.

(b) Transfer of evidence procedures. Whenever evidence is transferred from the property room; the following procedures shall be adhered to:

- (i) The two-person rule shall always be followed.
- (ii) In instances where the evidence needs to be removed from the property room, the property custodian shall document the change of custody on the chain of custody section of the property form. The receiving person shall sign upon receipt of the evidence

and note the date and time of the change of custody along with the reason for the transfer of the property.

(iii) The member receiving the evidence assumes control and responsibility for ensuring its security, storage and maintenance.

(iv) Upon return of the evidence, the returning party shall fill out the chain of custody section and the property custodian will sign upon receiving and confirming the evidence being returned. The date and time will be included on the change of custody section.

(v) When property is needed for legal proceedings, the person receiving the notice of the request should notify the property custodian of the date on which the property will be needed. In any event, the property custodian should be notified no less than two (2) days prior to the date on which the property will be needed.

(vi) When evidence is removed from the property room for processing by the Oliver Springs Police Department, the aforementioned procedures shall be adhered to.

(vii) When evidence is transported or shipped to an outside agency for testing, the property custodian will document the change of custody, including the destination, date of shipment, manner of shipment, return of service for the shipment and return of the evidence being processed.

(6) Disposition of property. Evidence shall be disposed of upon receiving a court order or notification from the clerk of court that the case has been resolved, and the appeal process has expired or been exhausted, all of the items that had been released or disposed of by the Oliver Springs Police Department shall be documented in the database inventory system along with the method of their disposal.

(a) Recovered and/or found property. The Oliver Springs Police Department will attempt to return property to its rightful owner. In the case of found or recovered property, the property custodian will take the appropriate steps to contact rightful owners. When an item is claimed, the receiving party shall sign a receipt acknowledging the receipt of the property. When unable to contact the person(s) who may legally claim the property, the property custodian shall take appropriate steps to locate and notify a legal claimant. In instances where the rightful owner does not respond within the prescribed time, the property will be disposed of by the chief of police as allowed by law.

(b) Narcotics and/or contraband. In instances where narcotics or other contraband shall be destroyed, it shall be done during a bi-annual inspection by the property custodian with a police commissioner and a sergeant serving as witnesses, and shall be destroyed

in a fashion prescribed by the chief of police in accordance with state and federal laws. In the event that narcotics and/or contraband need to be destroyed before a bi-annual inspection the chief of police shall set the date and time of destruction then notify the property custodian, police commissioners and a sergeant to destroy the evidence. Under no circumstances will narcotics or contraband be destroyed without a valid court order.

(c) Firearms. (i) If ordered by the courts or if the firearm was held for evidence only the firearm should be returned to the rightful owner within one hundred eighty (180) days. If the rightful owner is unknown, or fails to recover the firearm within ninety (90) days after notice, the property custodian shall dispose of the property consistent with departmental guidelines. Under no circumstances will firearms be destroyed or disposed of without a valid court order.

(ii) No employee or city official of the Town of Oliver Springs shall convert firearms to their own use.

(d) Other evidence. Other evidence that shall be disposed of that is not narcotics or other contraband can be disposed of by the property custodian and a witnessing officer at anytime as prescribed by the chief of police in accordance with state and federal laws. If ordered by the courts or if the property was held for evidence only the property should be returned to the rightful owner within one hundred eighty (180) days. If the rightful owner is unknown, or fails to recover the property within ninety (90) days after notice, the property custodian shall dispose of the property consistent with departmental guidelines.

(7) Storage facilities. (a) Temporary storage lockers. The chief of police will designate a secure location where the temporary storage lockers will be located. Each locker will be equipped with its own pad lock that shall be welded to a secure chain that is connected to the door of the locker so that the lock cannot be removed or tampered with; and the lockers shall remain locked at all times. The keys to the lockers will remain with dispatch. And a second lock will remain in locker 0 that will be used in addition to the chain lock. No evidence should remain in the temporary evidence lockers for more than seven (7) days. When an impounding officer wishes to enter property into the temporary storage lockers he/she shall fill out the "temporary property locker access log" located in the dispatch office, the dispatcher shall note on the log what key if any was received from dispatch. A witnessing officer shall accompany the impounding officer while the property is being entered. No member and/or property custodian of this department will at anytime add or remove anything from the temporary storage lockers without being accompanied by a witnessing officer at all times.

(b) Temporary storage locker 0. (Also referred to as "temporary drop box") The chief of police will designate a secure location where the temporary storage locker 0 will be located. A locker used by this department to hold three (3) locks that are to be used on lockers 1, 2, and 3 in addition to the locks that are permanently attached to the lockers by a chain when evidence is logged in by officers, this locker also contains a set of digital scales, security tape, evidence bags and forms. A witnessing officer shall accompany the impounding officer while the property is being entered. No member and/or property custodian of this department will at anytime add or remove anything from the temporary storage lockers without being accompanied by a witnessing officer at all times.

(c) Property room. The chief of police will designate a secure location where the property room will be located. The property room will be equipped with two (2) separate locks that are keyed differently from one another, one (1) lock that only the chief of police and property custodian will have a key to open. And the key to the other lock shall remain in the dispatch office for a witnessing officer to check out when needed. The purpose of this is to ensure the door to the evidence cannot be opened without first unlocking both locks. The locks on the door shall be dead bolt type locks. There shall be a video surveillance camera that automatically records when it detects motion in the property room, the recording equipment shall be located in the "computer server room" located in the city offices, the city administrator (or mayor in his absence) or his designee shall be responsible for maintaining the recordings and shall keep all recording for seven (7) months before recordings can be purged. No evidence should remain in the temporary drop box or temporary storage lockers for more than seven (7) days; it shall be the responsibility of the property custodian while accompanied by a witnessing officer to remove property and/or evidence from the temporary drop box and temporary storage lockers every six (6) to seven (7) days, or as needed. When the property custodian enters the property room a witnessing officer must accompany him, and the "property room access log" must be filled out and signed by the property custodian and the witnessing officer. All property in the property room shall be entered into the database inventory system. No member and/or property custodian of this department will at anytime enter into the property room without being accompanied by a witnessing officer at all times.

This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third-party claims. Violations of this directive will only form the basis for departmental administrative sanctions. (as added by Ord. #06-20-01A, Jan. 2006)