



KANSAS CITY, MO. POLICE DEPARTMENT

PROCEDURAL INSTRUCTION

DATE OF ISSUE

06-25-08

EFFECTIVE DATE

06-24-08

NO.

08-3

SUBJECT

Prisoner's Personal Property Procedure

AMENDS

Department Memorandum
Concealed Carry Law

REFERENCE

Department Memorandums: "Booking/Implementation of Corrections Management System (CMS); Concealed Carry Law, Procedural Instruction: "Recovered Property Procedures."

RESCINDS

Procedural Instruction 03-13

I. PURPOSE

To provide policies and procedures for inventorying, securing and maintaining accountability of personal property taken from a prisoner while in department custody.

II. POLICY

- A. All personnel will properly inventory, maintain accountability of, and provide security for personal property recovered from prisoners by complying with the procedures outlined in this directive. Items of evidentiary value will be handled in accordance with the current written directive entitled, "Recovered Property Procedure."
- B. All affected elements will maintain a secure facility to store personal property taken from a prisoner in department custody.
- C. A Prisoner's Missing Property Report, Form 217 P.D., will be completed when a prisoner claims that an item(s) of personal property is missing.
- *D. All U.S. currency removed from a prisoner, totaling \$250 or more, will be verified by a second department member prior to sealing the prisoner's property. The department member verifying the money will enter their initials after the amount of currency in the "Property Tab" of the Corrections Management System (CMS).

NOTE: Foreign currency will be listed at no value and handled in accordance with the guidelines set forth in this written directive. Officers should list the type of currency, but should not attempt to put a value on it.

- *E. Any person arrested for an alcohol related offensive cannot "legally" possess a firearm.

III. PROCEDURE

*A. Prisoner's Property Received at the Detention Unit or Division Stations

1. Prisoner's property will be taken and inventoried in CMS during the intake process. All personal property recovered from prisoners will be placed in a bag and sealed with tape to ensure security. Personnel collecting the property will initial and date across the seal, and record the prisoner's last name, first initial and booking number on the bag. In addition, The Prisoner's Wrist Band Report will be stapled or attached to the outside of the original bag. Additional property placed in separate bags will be secured in the same manner. A Booking Receipt will be obtained for each additional bag or large item and will be attached to each bag or item. The prisoner's name and booking number will be highlighted in yellow. Personnel will also write the bag number on each additional bag (i.e., bag 2 of 3, 3 of 3).

NOTE: U.S. and foreign currency will be placed in separate envelopes and sealed, as outlined above, with the envelope placed inside the original bag.

- a. All property will be inventoried in view of the video camera, for accuracy purposes in the event a complaint is filed.
- b. All U.S. currency removed from prisoners will be verified. Foreign currency will be verified by the number of bills and/or coins.
- c. If additional property is taken after the initial booking, the property will be added into CMS.
- d. Medication will be packaged separately. Personnel will write "medication" on the outside of the package.
- e. All hazardous items will be packaged separately and labeled "Hazmat." Hazardous items include any item that may cause physical harm to the detainee, other prisoners, or department personnel.
- *f. Any clothing soiled with blood, urine, pepper spray, or feces should be treated as hazardous and will be placed in a red bag.

*2. Firearm Inventory Procedures

- a. Upon arrival at headquarters or a division station, notify the on-duty Detention Unit supervisor, or desk sergeant of the recovery of a legally concealed firearm.

- b. The supervisor will meet the officer in the basement of headquarters or designated area at the division station.
- c. The firearm will be rendered safe utilizing the available charging barrel. Officers will obtain assistance from a knowledgeable person if unfamiliar with unloading procedures for the particular firearm. Visually and physically inspect the firearm for ammunition.
 - (1) If the firearm is a semi-automatic, unload it by removing the magazine and working the slide a minimum of three times. Lock the slide to the rear (if possible).
 - (2) If the firearm is a revolver, unload it by opening the cylinder and removing the ammunition.
- d. The supervisor will make available a firearm recovery box.
- e. Ammunition and/or the magazine that is removed from the firearm will be placed in a sealed standard sized envelope. The envelope will then be included inside the firearm recovery box with the weapon.
- f. The officer will print "legally concealed firearm" on the top front and back of the firearm recovery box.
- g. In the "Recovered From" section on the firearm recovery box, print "Claimant" and check the "Other" box.
- h. In the "Claimant" section print the owner's last name, first name, and middle initial, if applicable.
- i. Print the owner's address and phone number.
- j. The "Weapon Description" section should be completed with the exception of the trace evidence section.
- k. The officer will print his/her first initial and last name, serial number and unit/station in the appropriate spaces.
- l. As the firearm is considered legally possessed property, the owner should expect the expeditious return of his/her firearm. Therefore, "N/A" will be printed across "Laboratory Use."
- m. An entry will be made in the "Property" section of CMS listing "Firearm" with a disposition of "Safekeeping."

- n. If a Detention Facility Officer (DFO) completes the initial booking, the arresting or transporting officer will advise the DFO that the prisoner has a secured, legally possessed firearm.
 - o. Upon completion, the supervisor will take custody of the firearm recovery box and log it on the Prisoner Firearm Log, Form 286 P.D. The firearm will be secured in the designated area at the division station or Headquarters. **The officer will not enter any detention unit with a firearm.**
3. The prisoner will be asked to sign the Inmate Property Receipt, to acknowledge accuracy of the listed property. The booking officer will explain that by signing the Inmate Property Receipt the prisoner is agreeing with the accuracy of the listed property. The booking officer will also sign. If the prisoner refuses or is unable, due to behavior or condition, to sign the Inmate Property Receipt, the booking officer will write either "refused" or "unable" in the property listing area. Upon release, the release area of the Inmate Property Receipt will be completed and signed by the prisoner.
 - *4. When the prisoner and booking officer are unable to sign the Inmate Property Receipt, due to the signature pad not working, the Inmate Property Receipt will be printed out and the prisoner and booking officer will sign the printed copy. If the prisoner does not bond out and is transferred to Headquarters Detention Unit, the printed Inmate Property Receipt will be affixed to the prisoner's bag.
 5. The Investigation Support Division will set standards for receiving, recording, and securing large quantities of personal property taken from prisoners received at the Detention Unit.

B. Prisoner's Property Removed by an Outside Agency

The following procedure will be followed when an officer responds to an outside agency to transfer a prisoner to a division station or the Headquarters Detention Unit.

1. The transporting officer will search the prisoner.
2. In the presence of the prisoner, request that the outside agency release the prisoner's property to the transporting officer, if applicable.
3. Check the prisoner's personal property in the presence of the prisoner and the releasing personnel. Confirm with the prisoner that all property removed has been returned and accounted for.
4. Remove any additional property from the prisoner that would normally be confiscated for officer safety.

- *5. When the prisoner is in legal possession of a firearm, and a firearm has been recovered, the transporting officer will follow guidelines outlined in Section III, A, 2, of this written directive.
6. If the prisoner claims property is missing, every effort will be made, while at the outside agency and within that agency's policies, to locate any missing property and resolve questions regarding alleged missing property.
7. If the prisoner still claims that property is missing, the transporting officer will complete a miscellaneous investigation report in the Automated Reporting System (ARS). The report will include the name of the releasing personnel present that witnessed the property exchange and the responsible person(s) notified of the missing property.
8. Complete the transfer.
9. The procedure outlined in Section III, A, of this directive will then be followed.

C. Releasing Property to Prisoners

- *1. Prior to release of any property, the prisoner's identification will be verified by the CMS wrist band and the Prisoner's Wrist Band Report stapled to the prisoner's property bag. Review the "Prisoner Property Inventory" for any firearm listing. If a firearm is listed, print the information and highlight it with a yellow marker on the printout.
 - a. Advise the supervisor that the prisoner has a firearm in his/her personal property.
 - b. When the prisoner is ready to post bond, the arresting officer or DFO will notify the desk sergeant or detention supervisor.
2. Upon receipt of the property, the prisoner will sign the Inmate Property Receipt, if applicable, verifying that all property inventoried has been returned to the prisoner upon release. Booking personnel returning the property will sign in the space provided.
3. If property is released to a person other than the prisoner (i.e., relative or friend), photo identification will be required, copied and attached to the back of the Inmate Property Receipt. The prisoner, the person receiving the property, and the DFO must sign the bottom area of the Inmate Property Receipt.
- *4. If a prisoner claims that an item(s) of personal property is missing, the on-duty supervisor will be notified immediately.

- a. A Prisoner's Missing Property Report, Form 217 P.D., will be completed by the detention facility officer, or station booking officer handling the release, at the time the complaint is received. The original will be forwarded to the Bureau Commander. The copy will be given to the prisoner.
 - b. The Bureau Commander will determine whether an investigation is warranted.
 - c. Upon a determination by the Bureau Commander, the information will be forwarded to the appropriate Bureau for investigation.
- D. Detention Unit Supervisor/Desk Sergeant Procedures for Prisoners with Legally Possessed Firearms
1. Supervisors will confirm the identity of the prisoner and escort the individual to the basement of headquarters, or designated area at the division station, and instruct him/her to await the return of the firearm.
 2. The supervisor will locate and remove the owner's firearm recovery box from the repository and make appropriate notations in the Prisoner Firearm Log, Form 286 P.D.
 3. Members will use zip-ties to incapacitate legal firearms being returned to prisoners by applying a zip-tie through the frame or cylinder of the handgun, just prior to returning the weapon to its owner.
 4. The owner of the firearm will be asked to sign the Prisoner Firearm Log, Form 286 P.D., indicating the release of his/her firearm. If the owner refuses to sign the log, enter "Refused."
 5. The firearm recovery box will be returned to the owner **outside** of the headquarters basement exit, or designated area **outside** the division station.
 6. The owner will be advised they cannot re-enter the police facility with the firearm.
 7. If the prisoner requires medical attention and is transported to a medical facility and admitted, the prisoner's personal property may be released, excluding the firearm. The supervisor/desk sergeant will recover the firearm from the repository and forward the firearm to the Property and Evidence Section for "Safekeeping." The firearm **will not** be forwarded to the lab, as it has no evidentiary value. The appropriate disposition, "*Safekeeping*" will be listed in CMS.

8. The Watch II detention unit supervisor/desk sergeant will review the Prisoner Firearm Log, Form 286 P.D., and firearms repository every Tuesday. Firearms found to be in storage for fourteen (14) consecutive days will be recovered according to the procedures outlined in the current written directive entitled, "Recovered Property Procedures." A copy of a completed a Recovered Property Report in the Automated Reporting System (ARS) along with a Physical Evidence/Property Inventory Report, Form 236 P.D., will be placed with the firearm.
- *E. Releasing Prisoners with Legally Possessed Firearms to Outside Agencies
1. An outside agency responding to a detention Unit to transfer arrests will be advised of any prisoners with firearms, and will be asked if they will take custody of it.
 2. If the agency representative agrees to take custody of the firearm:
 - a. Notify the Detention Unit supervisor or desk sergeant.
 - b. Make appropriate notations in the "Property" section of CMS. The supervisor will make the appropriate notations on the Prisoner Firearm Log, Form 286 P.D.
 - c. The supervisor will release the firearm to the agency representative in the basement of headquarters, or designated area at the division station. The agency representative will be asked to sign the Prisoner Firearm Log, Form 286 P.D., prior to release of the firearm recovery box, containing the firearm and accessories.
 3. If the outside agency refuses to take custody of the firearm:
 - a. Notify the detention unit supervisor/desk sergeant immediately.
 - b. List the rank and name of the agency representative in the "release" narrative of CMS and the fact he/she refused to take custody of the firearm.
 - c. The on-duty supervisor will recover the firearm following procedures outlined in the current written directive entitled, "Recovered Property Procedures." The CMS property entry for the firearm will be amended to reflect the recovery of the firearm.

- d. The rank, name and agency of the law enforcement member refusing to accept the firearm will be incorporated in the Recovered Property Report, in ARS, completed by the on-duty supervisor. A copy of this report will be forwarded to the Detention Unit Commander.

4. Firearms will not be released to the Municipal Corrections Institute or to the Jackson County, Missouri Department of Correction's Detention Facility personnel. Officers with a direct drop to Jackson County jail will follow the current written directive entitled, "Recovered Property Procedures." DFO court officers will highlight in yellow marker the firearm entry. Special care will be taken to ensure that the disposition remains "*Safekeeping.*"

James D. Corwin
Chief of Police

Adopted by the Board of Police Commissioners this _____ day of _____, 2008.

Karl Zobrist
President

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