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POLICY MEMORANDUM NO. 12-88

To: Division Heads	**Subject:** Procedures for Preserving, Handling, Disposition/Disposal of Evidence, Found and Abandoned Property
Effective Date:	**Revision Date:**
Approved By: DAVID B. TYDINGCO, General Manager	

ALL REVISIONS ARE MARKED WITH AN ASTERISK (*)

I. PURPOSE:

To establish procedures for preserving, handling, disposition/ disposal of evidence, found and abandoned properties with the Port Authority of Guam premises and/or in the custody of the Security Department..

II. DISCUSSION

It is necessary to establish procedures for the following reasons:

A. To ensure proper control and accountability of evidence/properties in the custody of the Security Department.

B. To standardize methods of receiving and/or releasing of evidence, found, and abandoned properties.

III. SCOPE:

This procedures is effective immediately and applies to all personnel assigned to the Security Department. All personnel shall thoroughly familiarize themselves with the contents of this order and ensure strict compliance with the procedures therein.

IV. DEFINITION OF TERMS:

A. Custodial Property -

Custodial Property shall mean any property under the custody of the Evidence and/or Property Custodian which is expected to be returned to the rightful owner or person from whom it was removed, seized, or confiscated.

B. Evidential Property -

Evidential Property refers to property which is seized or confiscated during the course of an investigation to prove or disprove any pending case or allegations and which is commonly found at a crime scene.

C. Found and Abandoned Property -

Found and Abandoned Property refers to property which is recovered without reason to believe that it is stolen or involved in a pending case. Property that is turned in to the Security Department to be returned to the rightful owner or authorized representative of the rightful owner.

D. Recovered Property -

Recovered Property shall mean any property which is acquired through official security action with the belief that it is a reported stolen or lost property and is comprised of;

1. Identified Recovered Property -

Property that is believed to be stolen and recovered, seized, or confiscated by security during the course of an investigation, search, or other security action or discovered by an individual and turned over to the custody of the Security Department with the knowledge of the identity of the owner or the property is identified with a Security Case Control Number.

2. Unidentified Recovered Property -

Property that is believed to be stolen and recovered, seized, or confiscated by security during the course of an investigation, search, or other security action without the knowledge of the identity of the owner.

E. Safekeeping Property -

Safekeeping Property shall mean any property turned into Security Department by the owner or other person(s), or seized by security for protection without any apparent connection or relevance to any security or police case.

F. Stolen Property -

Stolen Property shall mean property which has been illegally removed or seized from the owner or from the legal custody of another person.

G. Custodial Property File -

Custodial Property File is defined as the orderly arrangement of information on custodial property for preservation and/or reference. It is divided into two (2) categories:

1. Active -

Includes a stolen and unidentified sub-section which refers to that part of the Custodial Property File in which information on reported stolen properties, which have or have not been recovered and has not been returned to the rightful owner or legal custodian.

2. Inactive -

This section of the file is comprised of indexed information of recovered properties stolen or otherwise, which has been legally disposed of, or returned to the rightful owner, legal custodian, finder or to whom it was removed or seized from.

H. Crime Against Person -

Incidents involving illegal or possible illegal physical attack on an individual, i.e., homicide, assault and robbery.

I. Crime Against Property -

Property illegally removed from its owner or from the legal custody of another in the absence of the owner or legal custodian without force or fear, such as burglary, grand theft, petty theft.

J. Evidence and Property Inventory -

Evidence and Property Inventory is a itemized list completed by the Evidence and/or Property Custodian of all evidence and private properties, including the estimated worth of all such property in the custody of the Security Department. Inventory shall be checked against the detailed Custody Receipt File kept by the Evidence and/or Property Custodian to assure that all properties are accounted for and in the same condition as when entered or received.

V. DUTIES AND RESPONSIBILITIES:

A. Chief of Security -

The Chief of Security is responsible in the implementation of this order and insure that all personnel assigned to the Security Department complys to the procedures therein.

B. Security Officer Who Recovered Property Under the Category of;

1. Unidentified Recovered Property shall :

a. completed a supplement report .

b. complete the Custody Receipt Form.

c. circle the item number of every unidentified recovered property on the Custody Receipt Form.

d. complete property tag and attach to the property, parenthesize the Case Control Number of each unidentified recovered property.

2. Found and Abandoned Property shall:

a. report incident to the Duty Security Supervisor for entry in the Security Supervisor Logbook and Security Case Control Logbook.

b. complete incident report and/or custody receipt if applicable.

c. turn over the evidence or property to the Duty Security Supervisor who inturn shall turn the said evidence or property over to the Evidence and/or Property Custodian.

3. If Other Person Recovered Property shall :

   a. report incident to the Duty Security Supervisor for entry in the Security Supervisor Logbook and Security Case Control Logbook.

   b. request for the finder to execute an affidavit using the Guam Police Format. (Attachment 1.)

   c. fill out the Custody Receipt Form and release the property to the Duty Security Supervisor which inturn releases the property to the Evidence and/or Property Custodian maintaining the Chain-of-Custody.

4. Security Officers shall not retain evidence or property in their custody after their tour of duty. Under no circumstances shall any evidence and/or property be taken home by any Security Officer. All evidence or property shall immediately be relinquished to the custody of the Evidence and/or Property Custodian. However, the transfer of custody to another Officer is permissible for the the purpose of satisfying investigational needs and for effecting its delivery to the Evidence and/or Property Custodian. Under no circumstances shall the Chain-of-Custody be broken.

C. Evidence and/or Property Custodian -

The Security Office Clerk shall be designated as the Port Authority of Guam, Evidence and/or Property Custodian. In the absence of the designated Evidence and/or Property Custodian, the Duty Security Supervisor shall assume the duties and responsibilities of the Evidence and/or Property Custodian. The following are the duties and responsibilities of the Evidence and/or Property Custodian.

1. Acknowledges receipt of the property by signing one of the copies of the Custody Receipt Form and giving it to the delivering officer or finder.

2. Collect all evidence or property if any from the Duty Security Supervisor every work day ensure that the Chain of Custody is maintained.

3. Verifies accuracy of information on the Custody Receipt and Property tag.

4. Makes any necessary correction on the Custody Receipt Form and Property Tag. Corrected copy to the delivering Officer or finder.

5. Ensures original is filed and used as a Chain-of-Custody each time evidence or property is transferred from one person to another.

6. Ensure proper recording of information.

7. Stores and secures evidence or property complete with identication tag in a depository in an orderly and systematic manner.

8. Contacts owner and releases property to legal owner or authorized representative of legal owner. All withdrawals or release of evidence or property shall only be made by the Evidence and/or Property Custodian and/or the Chief of Security.

9. Responsible of the opening and closing of the Evidence and Property Locker/Room.

10. Conduct monthly inventories indicating the date and time of inventory and submit original signed copy to the Chief of Security.

11. Maintain strict control over all evidence and property in the custody of the Security Department.

12. Liaison with the Guam Police Department of matter pertaining to evidence or property that is in the custody of the Security Department.

VI. INITIAL HANDLING

A. When evidence and/or property is seized or recovered the Security Officer seizing or recovering such evidence or property shall complete two (2) copies of the Custody Receipt Form. The Custody Receipt Form must contain a complete detailed description of the evidence or property and must be properly signed by the Officer whom assumes possession of the evidence or property. Serial Number if any, from any type of evidence or property must be noted on the Custody Receipt

Form, as well as the correct name and mailing address of the legal owner(s) of the evidence or property if known. The Custody Receipt Form acts as a receipt each time the evidence or property changes hands, thus preserving Chain-of-Custody and providing accountability.

B. One copy of the Custody Receipt Form shall accompany the evidence or property to the designated depository and one copy shall be retained by the Evidence and/or Property Custodian. Additional copies shall be made as needed.

C. The Chief of Security and the designated Evidence and/or Property Custodian shall keep a record in the Security File of Evidence and/or Property in the custody of the Security Department.

VII. MARKING OF EVIDENCE AND/OR PROPERTY FOR IDENTIFICATION:

A. Labeling -

1. When attaching the label or tag it shall be inscribed with the required information and securely tied to the evidence or property. This will be sufficient to serve as an identification mark. All evidence or property shall be marked or labeled with the following information:

   a. Case Control Number as it appears on the Custody Receipt From.

   b. Name or initials of the person(s) seizing or recovering the evidence or property.

   c. Date and Hour of seizure or recovery.

   d. Location where evidence or property obtained.

VIII. DISPOSITION OF EVIDENCE OR PROPERTY:

A. Methods of Disposition of Evidence or Property -

1. All evidence or property which is identified with a police case shall be released to the Guam Police Department, making sure that the Custody Receipt Form is properly maintained.

2. All evidence or property which is not identified with security or police case shall be released to the legal owner or authorized representative of the legal owner, after proper identification and verifications are made and ensuring that the Custody Receipt Form is properly maintained.

3. All currency found or turned over to the Security Department shall be released to its legal owner or authorized representative of the legal owner after proper identification and verifications are made and ensuring that the Custody Receipt Form are properly maintained.

4. All motor vehicles which appeared to be abandoned in the Port Authority premises shall be reported to the Guam Police Department and a formal request for removal shall be made. The immediate disposition of the vehicle shall be indicated in the Incident Report Form, PAG 265 (A,B,C).

5. Under no circumstances shall any firearm found or turned over to the Security Department be kept in the Security Office. All firearms in the immediate custody of the Security Department shall be reported and turned over to the Guam Police Department, making sure that the Custody Receipt Form is properly maintained.

6. Under no circumstances shall any substance believed to be narcotics or any dangerous drug materials be kept in the Security Office.

   All substances believed to be narcotics or dangerous drug materials in the immediate possession of the Security Department shall be reported and turned over to the Guam Police Department, making sure that the Custody Receipt Form is properly maintained.

B. Miscellaneous Evidence or Property -

1. Evidence or property in this group include property seized as evidence in a case, recovered stolen goods, or found goods or currency which was turned over to the Security Department by other persons.

2. All miscellaneous evidence or property which is not involved in any security or police case which is

legitimately owned by an individual or concern shall be released to the owner or authorized representative of the legal owner making sure that the Custody Receipt Form is properly maintained.

3. When found evidence or property is turned over to the Security Department either by a Security Officer or other person, two (2) copies of the Custody Receipt Form shall be completed containing a detailed description of the evidence or property.

4. The Evidence and/or Property Custodian shall send a copy of the Custody Receipt Form to the Guam Police Department within ten (10) days from the time the property is turned over to the Security Department to determine if the found property may be needed as evidence in a criminal case or if there is a reported loss of such property. If, no criminal connection nor reported loss of such property is determined and after a period of ninety (90) days has elapsed, the owner of the property has not claimed such property the Evidence and/or Property with the consent of the Chief of Security shall release custody of the property to the finder and receipt for the found property shall be given to the finder unless the value of the property is greater than twenty dollars ($20.00). If such property is of such greater value the Evidence and/or Property Custodian must publish a copy of the Custody Receipt Form for three (3) successive weeks at a public bulletin board in Agana and at an area in the Port Authority designated for the posting of notices for lost and found property. If the owner does not within one (1) year after the completion of such publication claim the property and pay for all expenses necessarily incurred by the Port Authority in preserving the property, the property shall then be released to the finder.

   If the finding of non-evidential property coincides with the reporting of loss property fitting the description, the property shall be released to its legal owner or the authorized representative of the legal owner, making sure that the Custody Receipt Form is properly maintained.

C. Miscellaneous Unclaimed Property -

1. Includes all items that are not narcotics, firearms, currency or vehicles and may include stolen goods, weapons

other than firearms which are used in offensive or defensive combat and found goods that are not claimed neither by the legal owner or by the finder. All miscellaneous unclaimed property which has not been claimed may be disposed of after one (1) year has elapsed from the time it was turned over to the Security Department and after a copy of the Custody Receipt Form has been forwarded to the Guam Police Department.

2. Two (2) copies of the Custody Receipt Form shall be completed of all miscellaneous unclaimed property in the custody of the Security Department.

   One copy is for filing by the Evidence and/or Property Custodian and the other copy shall be forwarded to the Chief of Security. Additional copies shall be made to maintain the Chain-of-Custody.

3. Information concerning the disposition of miscellaneous unclaimed property shall be entered on the Custody Receipt Form and filed in the Chief of Security Office.

IX. RELEASE OF EVIDENCE AND/OR PROPERTY:

The Chief of Security of the designated Evidence and/or Property Custodian are the duly authorized persons who may release any property in the custody of the Security Department and shall ensure that the procedures for releasing such evidence and/or property are followed in this order.

A. Require proper identification of the rightful owner, or proper written authorization from the legal owner.

B. Match the description of the property on the form with the property to be released.

C. Note the following items:

   1. Name, Social Security Number, Date of Birth, Address, Employer, Occupation and Telephone Number of the legal owner or the authorized representative of the legal owner to claim such property.

   2. Date and Hour property released.

3. Name of the person releasing the property.

D. Complete Custody Receipt Form, give copy to claimant and keep the original on file.

E. Property shall only be released to the rightful owner or authorized representative of the rightful owner to claim such property.