



# East Norriton Township Police Department

## GENERAL ORDER 3.6.7

### PROPERTY/EVIDENCE DISPOSITION

**Subject:**

Property and Evidence Control Administration

**Issued Date:**

March 23, 2011

**Effective Date:**

March 23, 2011

**Revised Date:**

April 27, 2016

**PLEAC STANDARD Reference**

3.6.1

**Index Words**

Property/Evidence Disposition

### 3.6.7 Property/Evidence Disposition

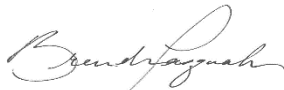
- A. Final disposition or transfer of custody of property/evidence shall be completed within six (6) months after all legal requirements have been satisfied. Final disposition shall be properly documented in writing or within the computer generated Property Form. After final disposition, the Evidence Custodian shall retain the Property Form for at least two (2) years.
- B. Release of Property/Evidence
1. Release to the Rightful Owner:
    - a. Property may be released to the owner once all police use of the property is satisfied and the Officer who submitted the property has approved the release. It is the responsibility of the Evidence Custodian to arrange for the owner to claim the property.
    - b. A letter shall be prepared by the Evidence Custodian advising the owner that they have thirty (30) days to claim the property or the property will be disposed of by the Department.
    - c. This letter shall be sent certified mail to the owner's last known address. A copy of the letter along with the green certified mail receipt shall be placed with the Evidence/Property Form and retained by the Evidence Custodian. If the owner does not respond within thirty (30) days, the property shall be disposed according to the law.
  2. Release to Finder:
    - a. Found property, except for weapons and contraband, maybe released to the finder of the item if the owner is unknown or can not be located. The property must be held for a period of one (1) year to allow the owner to make a claim. The finder must have contact with the East Norriton Township Police Department stating intent to claim the property if it is not claimed by the rightful owner. No member of the East Norriton Township Police Department may make claim as the finder of any property.
  3. Evidence:

- a. Evidence will not be released by an Evidence Custodian until notified by the submitting Officer that the case is completed and it may be returned to the owner or destroyed. Evidence, other than contraband or weapons used in a crime, will be returned to the rightful owner.
  - b. All evidentiary material, such as alcohol, narcotics, dangerous drugs, contraband, etc., upon completion of the cases involving these items shall be destroyed. The method of disposal shall be approved by the Chief of Police, and the method of disposal noted on the Property Form.
  - c. A report of the disposal shall be completed itemizing all evidentiary material destroyed and the destruction of the evidentiary materials shall be appropriately recorded on the Evidence/Property Form pertaining to the destroyed property. Those Evidence/Property Forms and the report shall be kept in a separate file established solely to store these records.
4. Disposition of Unclaimed Property/Evidence:
- a. Unclaimed property/evidence is regulated by state law. State Law (The Act of December 9, 1982 No. 248 P.L. 1057 P.S. ss. 1301.1 et Seq., as amended May 16, 1986, Act 60 P.L.) requires that unclaimed or abandoned property coming into the possession of municipalities and their police agencies be turned over the Pennsylvania Department of Revenue under certain conditions.
  - b. The Escheat Division of the Pennsylvania Department of Revenue should be contacted when there is a question concerning the proper disposition of unclaimed property.
  - c. Contraband and unclaimed property, other than that held for safe-keeping for an owner, which the Department of Revenue will not accept can be disposed of after being held for more than one (1) year. Unclaimed property held for safe-keeping, which the Department of Revenue will not accept, may be disposed of after being held for seven (7) years. Disposition can be either donation to a charitable organization, auction or destruction in an approved manner.
5. Property, other than bicycles and that property being held for the owner, must be unclaimed for one (1) year. Property which is held for safe-keeping for the owner must be unclaimed for seven (7) years. If unclaimed for more than ninety (90) days, bicycles may be donated to charitable organizations, sold at public auction by the municipality, or if in such a state of disrepair as no longer of any value destroyed in an approved manner.
6. Firearms:
- a. Except as provided for in CFR 178.143 and 178.144, no firearm confiscated or seized by this Department will be given to any person knowing or having reasonable cause to believe that such person:
    - 1) Has been convicted of a crime punishable by imprisonment for a term exceeding one year
    - 2) A fugitive from justice
    - 3) A unlawful user of, or addicted to any controlled substance or alcohol
    - 4) Has been adjudicated mentally defective or has been committed to any

mental institution

- 5) An illegal alien
  - 6) Any person who obtained the firearm with false information illegally
  - 7) A person subject to a Protection from Abuse court order and the order was issued after a hearing to which such person received actual notice, and had the opportunity to participate in, that resulted in a finding that such person represents a credible threat to any person.
- b. Firearms seized in the interest of public safety when no charges have been filed, an no mental health warrant or 302 Commitment has been served, may be returned to the registered owner after review of the case by the Chief of Police. Persons requesting return of any firearm in police custody must do so by letter to the Chief of Police.
- c. Destruction of Firearms
- 1) Any firearm that has been in police evidence for one year passed the date of criminal conviction or mental health commitment will be destroyed.
  - 2) Any other firearm that has been in police custody for two or more years where no appeal is pending, and no request for return has been made, will be destroyed.
  - 3) The Chief of Police shall designate who will destroy firearms in accordance with 18 U.S.C. and the Bureau of Alcohol and Firearms.

By order of:



Brandon Pasquale  
Chief of Police