

		Policy & Procedures			No. 3.03	
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		Detainee Property Inventory				
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CALEA STANDARDS

72.5.1 84.1.1 84.1.7 41.4.1

72.5.2 84.1.2

72.5.3 84.1.3

72.5.9 84.1.5

72.8.3

GENERAL CONSIDERATIONS AND GUIDELINES

It shall be the policy of the Canton Police Department to conduct an inventory of the property on the person or in the possession of any detainee under arrest or in protective custody and brought to this department for booking and holding. **72.5.2**

The purpose of said inventory shall be as follows:

- I. To protect the detainee's property, while said detainee is in custody.
- II. To protect this department from groundless claims said detainee's property was not adequately safeguarded.
- III. To safeguard the holding facility by preventing the introduction therein of objects which could be used to attempt an escape or by which harm might be done to some person within, or to the facility.
- IV. To ascertain or verify the identity of the person being held in custody.

A routine inventory search is justified when a detainee is booked (Comm. v Bowlen, 351 Mass.665, [1969]). **41.4.1 F** The inventory of a detainee's personal belongings has also been upheld as necessary both to preserve them while he is incarcerated and to safeguard the police from a later groundless claim that some item has not been returned (U.S. v Lipscomb, 435 F. 2nd 796, 5th Cir. [1970]).

If a person who is incapacitated due to alcoholic intoxication is taken to a police station, pursuant to Mass. Gen. Law, Chap. 111B, Sec. 8, the statute provides that all valuables and all articles which may pose a danger to such person or to others may be taken from such person for safekeeping and, if taken, inventoried.

PROCEDURES

- I. During the booking process and before being placed in a lockup, all detainees will be required to submit to an inventory search and surrender for safekeeping all property, including, but not limited to the following: **72.5.1 A**
 - A. Outer garments
 - B. Footwear: socks should be removed and reversed, then returned
 - C. Belts, suspenders, drawstrings, etc.
 - D. Eyeglasses
 - E. Matches, lighters, smoking materials
 - F. Watches and jewelry, except that which cannot reasonably be removed
 - G. Monies: all monies will be counted and the amount recorded on the inventory sheet
 - H. Wallets
 - I. Cell phones
 - J. Prescriptions and medications
 - K. All property, except immediate clothing on the detainee's person
- II. All detainees shall be subject to a search and the removal of any personal and confiscated property from their clothing or their person before being placed in a cell. An itemized inventory will be documented on the proper inventory form. **72.5.1 A, B; 82.2.1 B**

The search of female detainees shall be in compliance with the department's Policy and Procedure, regarding same, #3.01 "Transporting and Handling Detainees".

- A. **MALES:** All male detainees (or those identifying as such) shall be searched by a male officer if possible. If not, an officer of the opposite gender will conduct the search in the presence of another officer. **72.8.3**
- B. **FEMALES:** The booking officer is to ensure that all female detainees are examined carefully when booked. No personal property, such as handbags or jewelry, will be allowed in the cell. Female detainees (or those that identify as such) are to be searched by a female officer before being placed in a cell or as soon as possible thereafter. Male officers, only under conditions of extreme

emergency, may search female detainees, when failure to do so could result in a life-threatening situation or could lead to the destruction of evidence. If such a search is necessary, it shall be conducted under the direction of the Shift Supervisor, and in the presence of another officer. The search shall be conducted in such a manner and location as to minimize embarrassment to the detainee.

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- III.** The contents of any outer garments, wallets, pocketbooks, purses, knapsacks, etc. shall be checked and inventoried. The amount of money and/or type of jewelry shall be noted.

72.5.1 Exceptional amounts of money or valuable jewelry should be brought to the attention of the Shift Supervisor. The contents of any closed container shall also be checked and inventoried; only if said container can be opened without force or causing damage to the container itself. If the container cannot be opened without force or damage, it is not to be opened and is to be recorded in the detainee property inventory. **72.5.1 B**

- A. TIME OF BOOKING SEARCH:** Under normal circumstances, one officer searches detainees. However, no search of a detainee shall be conducted, except in cases of emergency, until there are adequate police personnel to assist. Maximum safety is provided if the search is conducted before handcuffs are removed.
- B. METHOD OF SEARCH:** All detainees upon being booked shall be searched (including body searches if falling under the guidelines of “Strip and Body Cavity Searches Policy”) for contraband. Officers are to be aware of the fact that detainees will frequently attempt to secrete contraband on their persons. Officers shall conduct all searches in such a manner that all articles that can present any threat to the detainee, officers, or the facility are found. Officers have the availability to utilize a hand-held metal detector. Preliminary searches may include the use of this device. **72.5.1 A**
- C. EXTENT OF SEARCH:** All detainees shall be searched including their personal property. This shall include but not be limited to their clothing, all articles in their possession including contents of containers such as suitcases, handbags, shopping bags, and any other place on or in possession of the detainee where property could be maintained or concealed. **72.5.1**

As stated, any container (or any item reasonably appearing to be a container) found on the arrestee's person or carried by him at the time of his arrest shall be opened and its contents inventoried. Any locked container for which the arrestee has a key among his other personal belongings shall be opened and its contents inventoried. Any locked container for which the arrestee does not have a key among his other personal belongings shall be opened only if there is reasonable suspicion to believe that the container contains any item posing a threat to the safety and security of the station or its personnel. The rule set forth in this paragraph applies equally to any container within any other container searched. If there is probable cause to believe that a locked container where no key is available contains fruits of a crime, contraband, and/or instruments of a crime, officers should secure the container and obtain a search warrant if necessary.

- D. DISCOVERY OF WEAPONS/DRUGS/ETC:** If, during the inventory search of a detainee, items are discovered which are unlawful to possess, criminal complaints shall be initiated.
- E. PAPERS/DOCUMENTS OR OTHER WRITINGS FOUND ON DETAINEE:** Papers, documents, or other writings found on the detainee may be examined only to the extent necessary to:
1. Check the detainee's identity;
 2. Ensure the detainee's physical safety;
 3. Ensure the removal of items dangerous to cell administration;
 4. To protect the department from charges of theft.

Any search of detainee's papers or other possessions for investigative purposes may be affected only upon obtaining either the detainee's written consent or a search warrant.

IV. DETAINEE PROPERTY: The following procedures will be used to ensure the security of the facility and of detainee property:

- A. INVENTORY AND KEEPING OF DETAINEE PROPERTY:** An accurate inventory of all detainee property shall be conducted and recorded on the inventory sheet by the booking officer. Property shall be secured/locked in the detainee property lockers and the locker number written on the detainee inventory form. The key to the lockers will be kept in the top draw of booking and only accessible to sworn employees. **72.5.1 C; 72.5.2**

Evidence is not to be placed in a locker. No property, whether personal property or evidence, is to be kept in the possession of the arresting officer. If unable to be secured in the property lock, coats shall be placed in the cell monitor area and a description written on the detainee property form. Shoes are to be placed in the locker.

- B. CONTRABAND:** No contraband items shall be allowed in the cells. Contraband items include, but are not limited to, the following:
1. Any weapon or item that could be used as a weapon.
 2. Any drugs (prescription or otherwise).
 3. Matches, lighters, or cigarettes (smoking is not allowed in cells).
 4. Any item that could be used to tamper with a cell-lock or assist in escape.
 5. Money, checks, money orders, or other negotiable items.
 6. Any article that could be used in a self-destructive attempt.
 7. Any article that could be used in any way to threaten or harm the facility, its occupants, or detainee care takers.
 8. Any article that could be used to mar, deface, or otherwise damage the cells (such as markers, pens, keys).

V. **HANDLING DETAINEE'S PERSONAL PROPERTY:** All personal property of a detainee, including money and jewelry, shall be taken from the individual and placed inside a secured property bag. The items shall be fully recorded on the property inventory sheet. Personal items that are too large to fit in the locker shall still be recorded on the inventory sheet and placed in temporary evidence. All handguns and long guns are to be appropriately tagged, recorded in the property inventory, and placed in temporary evidence by the Shift Supervisor. **72.5.1 B; 72.5.2; 72.5.3 A; 72.5.4 B**

A. Any of the following articles, found as a result of the inventory, may be seized and held for further investigation:

1. Contraband
2. Fruits of a crime
3. Instruments of a crime
4. Unclaimed Property

B. Any property seized as contraband, evidence, or unclaimed property shall be appropriately processed, tagged, and placed into temporary evidence, according to departmental policies and procedures. All property seized for whatever reason will also be noted on the property inventory sheet. The Booking Officer shall note on the Booking Report which locker contains the detainee's personal property.

C. Upon release of the detainee, all personal property shall be returned to the individual and he/she shall be requested to sign the bottom of the face sheet indicating such return. If the detainee does not sign, the releasing officer should still release the property to the detainee, but should make a record of the refusal to sign, including the date and time and any reason given for such, along with a notation that the property was turned over. **72.5.1 D; 72.5.2; 72.5.3 B**

D. When detainees are transferred to the custody of another agency or facility, the personal property of that detainee shall be turned over to their agent following an audit of the property by the detainee. **72.5.1**

The agent for the receiving property will be requested to sign the face sheet and the disposition and/or retention of that property and the property will become the responsibility of the agent.