

POLICY
703

EFFECTIVE
DATE
1-27-17

Eugene Police Department



Storage of Prisoner Property

703.1 PURPOSE AND SCOPE

The mission of the Eugene Police Department is to deliver high quality public safety services so all people may share a safe and healthy environment. The Department, in partnership with the community, will endeavor to achieve this mission by utilizing the most modern and effective practices and methods. Accordingly, this policy provides for the proper storage of prisoner property which isn't seized as evidence or contraband. This policy only applies to the property storage lockers located at the exterior Lane County Jail on the corner of 5th Avenue and Charnelton Street.

703.2 REFERENCES

Eugene Police Department *Policy 702 – Searches and Inventories of Detained Persons.*

703.3 DEFINITIONS

Prisoner Property – Personal property possessed by the person in custody at the time of arrest that is not evidence or contraband and will either be stored in a jail property bag inside of the jail or in the jail lockers.

Inventory – The systemic, non-discretionary inspection of an arrested person's personal property for the purposes of itemizing, documenting, storing and disallowing of certain items that are prohibited at the Lane County Jail. An inventory includes opening only closed containers that are either *uniquely designed* or *objectively likely* to contain anything prohibited by this policy §703.4.

Secure Area – The area within the jail building where custodies are lodged.

Jail Lockers – Lockers in a fenced area at the corner of 5th Avenue and Charnelton Street.

703.4 INVENTORYING RESPONSIBILITIES

Property storage lockers and bicycle racks with security cables are provided at the Lane County Jail at the NE corner of 5th and Charnelton, next to the jail sally-port, for the storage of bulk personal property. These lockers and cables are secured with a padlock. The jail lockers are for items that will not fit in the jail property bag which is lodged in the jail with the custody. If possible, items should be lodged inside the jail with the custody.

Arresting officers shall be responsible for strictly following this inventory policy. An inventory is a non-investigatory procedure. Arresting officers who encounter any evidence of a crime shall seize it and lodge it at the Evidence Control Unit (ECU.).

Arresting officers who develop probable cause to believe evidence of a crime is located within a closed container that is not open, and not subject to opening because it is not uniquely designed or objectively likely to contain any of the items listed in § 903.4(a) thru (k) will have to seize the closed container and seek a search warrant before opening the container.

Unless otherwise noted in the specific section, the following items are not acceptable for storage inside the Lane County Jail or the jail lockers due to safety and security reasons:

a. Dangerous weapons including explosive devices, knives, fireworks, tools, ammunition and firearms:

1. The jail lockers are not designed for any type of combustible or explosive material as required by the Bureau of Alcohol, tobacco, and Firearms (BATF) construction guidelines found in 27 CFR, Part 555(K.) Knives, regardless of size, are not acceptable for storage within the secured area of the jail. Tools are not acceptable for storage within the secured area of the jail due to their unique ability to present both physical officer safety dangers and their ability to defeat locking devices, doors and other security measures.
2. Small folding knives which have been made safe utilizing tape or other methods and some tools may be retained in the jail lockers. Tools such as bolt cutters which may be used to cut cables or locks may not be stored in the jail lockers.
3. Firearms are often valuable and are sometimes the subject of false or fictitious claims of loss or damage. Firearms will be stored at the Evidence Control Unit.

b. Hazardous materials, chemicals, clothing, or property that has been contaminated by dangerous chemicals or bio-hazardous materials:

Clothing contaminated by chemicals or other hazardous bio-contaminant: The United States Environmental Protection Agency classifies hazardous waste under 40 CFR 261. Materials classified as “potentially harmful” due to having characteristics of ignitability, corrosiveness, reactivity or toxicity are dangerous. No material that has any of these characteristics may be stored in the jail lockers. In an effort to protect staff, arrestees and property, any substance with properties that make it dangerous or potentially harmful to human health or the environment may not be stored in the jail lockers. This includes bio-hazardous materials. These substances should be discarded in an appropriate manner pursuant to department policy.

c. Illegal drugs, drug paraphernalia and other medications not kept in their original packaging:

Illegal drugs and drug paraphernalia pose a threat to the security of any secured facility and a threat to law enforcement and non-law enforcement staff of the facility. Illegal drugs and drug paraphernalia exist for the sole purpose of recreational use and are often addictive. Inmates who are or become addicted may stop at nothing

to attempt to gain access to their drug of choice. The mere existence of illegal drugs and drug paraphernalia within the confines of the facility when known to anyone, especially inmates, increases the likelihood of their introduction into the facility due to inmate manipulation, outright coercion by implication or actual use of force on members of law enforcement and non-law enforcement staff of the facility and/or their friends and family. Therefore, the presence of illegal drugs and drug paraphernalia being a clear and present danger to law enforcement and non-law enforcement staff of the facility and other citizens, no illegal drugs and no drug paraphernalia may be lodged within the Lane County Jail or in the jail lockers.

d. Marijuana:

Marijuana in illegal amounts and/or forms will be seized as evidence of a crime and lodged at the Evidence Control Unit. Legal amounts and substances of marijuana may be stored in the jail lockers. No marijuana may be stored in the secure area.

e. Pharmaceuticals/Prescription drugs:

Pharmaceutical/prescription drugs are often subject of claims of lost or stolen property. List brand names, generic names and quantity on the property receipt form, if applicable. Pharmaceutical/prescription drugs are often abused or used recreationally like illegal drugs, therefore those drugs not contained in their original packaging may not be lodged inside the secure area or in the jail lockers. Prescription drugs in original packaging with valid labels stating that the drugs were prescribed to the prisoner shall be lodged with the prisoner property inside the secure area or lodged at the ECU. Prescription drugs may not be stored in the jail lockers.

f. All food perishable items, and biodegradable or vegetative substances:

The United States Food and Drug Administration guidelines for food storage found in 21 U.S.C. § 110 set forth a requirement that storage of food shall be under conditions that will protect food against physical, chemical, and microbial contamination as well as deterioration. If food is improperly stored mold will develop and may cause a health hazard. These lockers are for the storage of personal property and are not equipped to properly store perishable, biodegradable or vegetative items. To protect employees, arrestees, and property from contamination by mold or other foodborne illness, food or perishable items may not be stored in these lockers.

g. Matches, lighters or other ignition sources:

These items are frequently located on arrested persons and in their property. These items have the characteristics of ignitability as defined by CFR Title 40 (C)§ 261.21 and are a danger to staff and inmates inside of the secured facility should the device itself ignite or ignite other combustible material.

h. Propellants:

Due to their unstable and perishable characteristics, propellants, to include e-cigarettes are not approved for storage in the secured areas of the Lane County Jail including the jail lockers.

i. Live animals, plants, or other organisms:

The Lane County Jail property storage area is for the storage of personal property and is not equipped to properly store any of these types of items. Items of this kind cannot be cared for and may make it dangerous or potentially harmful to human health.

j. Valuable items, money, etc:

1. Money and small valuables should be inventoried due to the risk of theft or a false or fictitious claims being made against the City for allegedly lost money or valuables.
2. All jewelry and currency will be removed from the arrested person, inventoried and held in the arrested person's jail property bag where it can be signed for by the arrested person. Money and valuable items may not be stored in the jail lockers.

Consult Policy 702 – Searches and Inventories of Detained Persons for which closed containers may be opened to search for valuables.

k. Electronics:

The property storage areas outside the jail and are subject to rapid daily temperature changes depending on the time of year and the weather conditions. Rapid changes in temperature may cause damage to electronic devices such as computers, smart phones, tablets, mp3 device players, and personal data organizers. These items shall be stored at the Evidence Control Unit.

703.5 PROPERTY STORAGE PROCEDURE

- a. Enter the gate on the south side of the fenced area or the west side of the fenced area using keys located on the patrol vehicle key ring. This south gate may also be opened using a sergeant's master key.
- b. Fill out a Safekeeping Property Report and include the case number, date, and the custody's name and DOB. The report shall include a description of the inventoried property including serial numbers on property where the number is externally visible. Sign the form and include your badge number and the date it was signed.
- c. Locate an empty locker or bicycle rack. Items should be placed in the smallest sized locker available.
- d. **Bicycles:**
 1. Place a tag containing the case number, custody name, and date placed in the rack on the handle bars.
 2. Place the bike in an empty bike rack location and lock the padlock.

3. Check the master sheet in locker 29 to determine the padlock code for the selected bike rack location.
4. Write the rack number and padlock code on the Safekeeping Property Report.
5. Place the yellow copy of the Safekeeping Property Report in the file in locker 29.
6. Property may not be stored with the bicycle. Follow the instructions below for property storage.

e. Property:

1. Inventory the property per EPD *Policy 702 – Searches and Inventories of Detained Persons* to ensure it does not contain one of the prohibited items listed in §703.4, and provide an itemized description of the contents in the space provided on the Safekeeping Property Report.
 2. Place prisoner property in a large clear plastic bag which can be found in locker 29. Knives shall be secured using tape and placed in the bag with the other property. There will no longer be a special location for knives.
 3. Check the master sheet in locker 29 to determine the padlock code for the selected locker.
 4. Write the locker number and padlock code on the Safekeeping Property Report.
 5. Place the yellow copy of the Safekeeping Property Report in the file in locker 29.
 6. Place the yellow copy of the Safekeeping Property Report in the clear bag so that the case number, the date and the prisoner's name are visible through the bag.
 7. Secure the bag.
 8. Place the property bag in an empty locker. Unused lockers should have the padlocks unlocked and hanging by the attached chain. Multiple custodies property may not be stored in the same locker.
 9. Secure the lock by closing the shackle and rotating the numbers.
- f. Advise the prisoner that his or her property is being placed in the lockers, and that he or she may retrieve their property by going into the fenced area which will be unlocked remotely from the jail control booth. He or she may then find the locker and/or bike rack number written on the property receipt and unlock the locker or bike rack cable using the code listed on their receipt. Remind them that after they put the code in the padlock, they may need to press the lock together and then pull it open in order to release the lock.
- g. The deputy should do the following when booking the custody in to the jail:

1. Request that the prisoner initial the original white copy of the Safekeeping Property Report to confirm the items being stored match the items listed on the form.
 2. Advise the prisoner about the Waiver of Ownership section and give them the option sign the original (white) copy Waiver of Ownership section. If he or she refuses, indicate, "Refused" on the form.
- h. The Safekeeping Property Report copies shall be distributed as follows:
1. Yellow: place in locker with property
 2. Pink: give to prisoner
 3. White: route to the ECU (via evidence slot or mailbox in Records)
- i. Supplies and lock combinations can be found in locker 29 which can be opened using the padlock key found on the vehicle key ring. Locker 29 must be locked after use.
- j. Over size items that will not fit in a locker may not be left unsecured in the gated area. If items do not fit in a locker, they must be brought to the ECU and submitted with an EPR following current policies for items submitted to the ECU.

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