

WAUPACA COUNTY GENERAL CODE OF ORDINANCES
Chapter 39
Sheriff's Department Property Disposal

39.01 DEFINITIONS

A. Agency Owned Property

any physical property acquired by the agency to support its mission. For the purpose of formal inventory, this includes items having a dollar value of \$100.00 or more and all firearms.

B Evidence

Physical property which is related to a crime, which may establish guilt or innocence.

C. Found Property

Physical property that comes into contact with law enforcement personnel and has no apparent evidentiary value, or former evidentiary property that remains unclaimed for thirty (30) days after disposition.

D. Property Held by Court Order

Any property that is not evidence, or abandoned, that is ordered held by the Court.

39.02 DISPOSAL OF PROPERTY

All property, including that which is evidence, found, abandoned or seized in conjunction with any legal process will be disposed of according to applicable laws and ordinances.

Waupaca County hereby adopts Wis. Stats. 66.0139, Disposal of Abandoned Property in its entirety.

Property shall be disposed of by any means that promote the best interest of the County. This means may include destroying the property, donating the property to charity, utilizing the property for County purposes, or selling the property by public auction.

The final disposition of evidence will be accomplished within thirty (30) days after legal or investigative requirements have been satisfied, unless Courts or the District Attorney require extended retention. Legal requirements shall include any post conviction appeals, or as follows:

- A.** Expiration of the statute of limitations of the crime will be considered final case disposition, allowing for the disposal of evidence in the case.

- B.** Notification from the Court or the District Attorney's Office of the conviction and final disposition of a case, and considering post conviction appeal possibilities, evidence may be destroyed of in the approved manner.

After it has been determined the department no longer needs the evidence/property, the property owner shall be notified that they may claim their property. Notification shall be in the form of one letter sent to the property owner at the last known address via regular mail, and documented in the property report. This letter shall instruct the property owner that they have thirty (30) days in which to claim their property, and that property remaining with the Sheriff's Department after thirty days shall be considered abandoned.

In the case of abandoned property, if the owner is known, or is locatable by information contained on the property, or information provided by another, the Property Custodian or recovering officer will notify the owner in writing that they have thirty (30) days to claim their property. The notification shall be in the form of a letter sent to the individual's last known address, by regular mail; and will be documented on the property report. If there is no reasonable way to determine the owner of the abandoned property, then the property will be held for thirty (30) days.

The individual turning in abandoned property, except on-duty police or government employees, may claim the abandoned property after thirty (30) days, if the property remains unclaimed. Individuals turning in abandoned property shall be instructed to contact the property custodian after thirty (30) days have passed to determine if the property remains unclaimed. If the property remains unclaimed, they would have five (5) days in which to claim it from themselves. If the property remains unclaimed after thirty five (35) days, it may be disposed of by any means determined to be in the best interest of the County.

Exceptions to these general rules are:

1. Guns, not controlled by statute may be retained by the agency for its use.
2. Unusual or uniquely valuable items that are abandoned may be retained by the agency for up to ninety (90) days before allowing the individual turning in the property to make a claim. This shall be at the discretion of the agency.
3. Contraband or hazardous materials will not be released.

Due to the limited storage space available, every attempt will be made to dispose of property on a quarterly basis.

All proceeds from the sale of property shall be placed into an account from which the Waupaca County Sheriff's Office will have sole access for the purposes of providing training and equipment for its officers.

Funds from this account will also be used to satisfy any legal fees resulting from the transfer of ownership of any item to the Waupaca County Sheriff's Office and for any expenses incurred for the disposal of any such items.

For all property that is disposed of by the Waupaca County Sheriff's Department, an inventory shall be kept which includes the following information:

- A.** Item number and description
- B.** Date and method of disposal
- C.** Consideration received for any item, if any
- D.** Name and address of the individual taking possession of the property

Approved by Legislative & Judicial Committee on February 15, 2006
Enacted by County Board on March 21, 2006