

CHAPTER X. POLICE DEPARTMENT

ARTICLE 2. PROPERTY IN POLICE CUSTODY

SECTIONS

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10-201. REGULATIONS. The police department is required to establish regulations detailing the collection, storage, and inventory of property which may come under its control by any manner.

(Code 1984)

10-202. DISPOSITION. Any property which has been acquired or turned over to the police department and has been classified in accordance with procedure existing in the police department as unclaimed or for which the proper owner cannot be ascertained shall be kept for a minimum of 90 days. After a period of 90 days, such property, except as provided in Section 10-203, shall be sold at public auction to the highest bidder and the proceeds after expenses shall be paid to the city general fund.

(Code 1984)

10-203. EXEMPT PROPERTY. The following classes of property shall be considered exceptions to Section 10-202 and shall be dealt with in the following manner:

- (a) Cash money shall be turned over to the city general fund unless it is held as evidence of a crime, or unless it is determined to have collector's value, in which case it shall be auctioned according to the provisions in section 10-202.
- (b) Firearms or ammunition which are available for disposition may be dealt with in the following manner:

- (1) If compatible with law enforcement usage, they may be forfeited to the Leawood police department for use within such agency, for sale or trade to a properly licensed federal firearms dealer, or for trading to another law enforcement agency for that agency's use.
 - (2) Forfeited to the Kansas Bureau of Investigation (KBI) for law enforcement, testing or comparison by the KBI forensic laboratory.
 - (3) Forfeited to a county regional forensic science center, or other county forensic laboratory for testing, comparison or other forensic science purposes.
 - (4) Any firearm which cannot be forfeited due to the condition of the weapon, shall be destroyed.
 - (5) If a firearm is seized from an individual and the individual is not convicted of, or adjudicated as a juvenile offender for, the violation for which the weapon was seized, then within 30 days after the declination or conclusion of prosecution of the case against the individual, including any period of appeal, the law enforcement agency that seized the firearm shall verify that the firearm is not stolen, and upon such verification, shall notify the person from whom it was seized that the weapon may be retrieved. Such notification shall include the location where such weapon may be retrieved.
 - (6) In no case shall firearms be sold at public auction.
- (c) Other weapons such as knives, etc., which are deemed to have a legitimate value may be sold at auction, however, homemade weapons or weapons of a contraband nature shall be destroyed.
 - (d) Any items determined to be contraband such as explosives, narcotics, etc., may be destroyed or retained by the police department for investigative or training purposes.
 - (e) Items of a pharmaceutical nature, which, while not contraband when properly dispensed, or which are of an over-the-counter variety, shall be destroyed.
 - (f) Foodstuffs, if sealed and undamaged may be turned over to any appropriate social service agency or destroyed, but shall not be auctioned.
 - (g) Alcohol products such as beer, wine, whiskey, etc., shall be destroyed.
 - (h) Items of only nominal value, as determined by the chief of police, may be returned to the finder upon a finding by the chief of police that the lawful owner of the item cannot or will not be located and that return of the item to the finder is in the public interest.

(Code 1984)
(Ord. 2861C; 09-18-17)

10-204. CLAIMING PROPERTY. The police department shall be required to make reasonable attempts to locate the owner of any property and no property shall be released unless such reasonable proof is presented.

(Code 1984)

10-205. PROOF OF OWNERSHIP. Claimants to any property in police storage shall be required to present reasonable proof of ownership and no property shall be released unless such reasonable proof is presented.

(Code 1984)

10-206. AUCTION. At such time as it has been determined that a public auction is necessary to dispose of unclaimed property, an inventory listing all property to be auctioned, and the date and type of auction, shall be prepared and kept on file in the police department. As used in this Article, public auction shall include all sales by direct auction, consignment auction or online auction, where items are sold to the highest bidder using methods for ensuring each sale is conducted in an open, fair and competitive manner. Online auction companies shall be approved by the City in advance.

(Code 1984)

(Ord. 2861C; 09-18-17)

10-207. REWARD. The chief of police is hereby authorized and empowered to adopt and enforce rules and regulations regarding the payment of reward monies to persons who turn over to the custody of the police department lost or stolen property. The payment of reward money in any particular instance shall be made at the discretion of the chief of police in accordance with the adopted rules and regulations and subject to the monies appropriated for such purpose in the adopted city budget.

(Code 1984)