

## CHAPTER 7 - LOST, STOLEN PROPERTY

## SECTION:

## 9-7-1. - POSSESSION AND DISPOSITION OF LOST OR STOLEN PROPERTY.

- (A) *Deliver to Custodian:* It is hereby made the duty of all officers and members of the Police Department, into whose possession any property seized or taken shall come, to deliver the same at once to the custodian of lost and stolen property unless it is wanted for immediate use as evidence in any case, and in that event a report and inventory of the same shall be forwarded at once to the custodian.

(Code 1957, § 34-23)

- (B) *Disposition of Pistols, Knives and Other Dangerous Weapons:* These provisions, however, shall not apply to pistols, revolvers, derringers, bowie knives, dirks, slingshots, metallic knuckles or other deadly weapons of like character. All such weapons shall, within six (6) months after their receipt, be taken by either the custodian of lost and stolen property, his/her duly appointed deputy, the Chief of Police or his/her duly appointed deputy, and destroyed so that the same or any part thereof may never again be fit for use or disposed of in such a manner as to prevent further use.

(Code 1957, § 34-30)

- (C) *Custody and Disposition of Property Otherwise Provided For:* Nothing herein shall be held to require the custodian of lost and stolen property to take possession of, or to make disposition of, any lost or stolen property the disposition or possession of which is otherwise provided for in this Code or other ordinances of the City, such as animals required to be impounded pursuant to the provisions of Section 9-4-8 of this Code.

(Code 1957, § 34-29)

(Code 1957, §§ 34-23, 34-29, 34-30; Ord. No. 51-0-08; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-7-1)), 1-23-2012)

## 9-7-2. - APPOINTMENT OF CUSTODIAN; DUTIES.

A custodian of lost and stolen property shall be appointed by the Chief of Police. Such person shall act as custodian of all property seized or taken by the police, and shall keep a record of all property which may be seized or otherwise taken possession of by members of the Police Department.

(Code 1957, §§ 34-22, 34-24; Code 1979; Ord. No. 51-0-08; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-7-2)), 1-23-2012)

## 9-7-3. - FAILURE OF OWNER TO CLAIM PROPERTY, SALE.

Plaintiffs' Exhibit

19

Page 1 of 3

Plaintiffs' Exhibit 6

Page 1

- (A) *Sale; Notice, Publication:* If property seized or taken possession of under the provisions of this Chapter shall not be claimed by the rightful owner thereof and possession surrendered to such owner within sixty (60) days from the date of the final disposition of the court proceedings in connection with which such property was seized or otherwise taken possession of, or in case there are no such court proceedings, then if such property so seized or taken possession of shall not be claimed by the rightful owner thereof and possession surrendered to such owner within sixty (60) days from the date of such seizure or taking by the police, the custodian of lost and stolen property may sell such property at a public auction. If the Property is to be put up for auction, the custodian shall publish, or cause to be published, in the official newspaper of the City, a description of such property, together with the date of seizure or the taking possession thereof, and shall give notice that if such property be not claimed by the rightful owner thereof within ten (10) days from the date of such publication, such property will be sold at public auction at such place as the Chief of Police may direct and in such manner as to expose to the inspection of bidders all property so offered for sale.
- (B) *Property Useful to City Not to be Sold:* If any unclaimed property advertised for sale is deemed by the Chief of Police to be useful to the City, it shall not be sold but shall be retained for the use of the City.
- (C) *City Employees Not to Participate in Sale:* No employee of the City, directly or indirectly, shall purchase or participate in the bidding for, or purchase of, any unclaimed property.

(Code 1957, §§ 34-25—34-27; Ord. No. 51-0-08; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-7-3)), 1-23-2012)

#### 9-7-4. - PROCEEDS OF SALE.

The proceeds of any sale made under the provisions of this Chapter, after deducting the cost of storage, advertising, selling and other expenses incident to and the handling or selling of such property, shall be paid by the custodian of lost and stolen property to the Police Pension Fund of the City established pursuant to Section 1-9-7 of this Code.

(Code 1957, § 34-28; Ord. No. 51-0-08; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-7-4)), 1-23-2012)

#### 9-7-5. - PROPERTY HELD AS EVIDENCE.

In all cases where property is held by the custodian of lost and stolen property as evidence, he/she shall, when the same is needed in court, allow the officer in the case to have temporary custody of it, upon executing proper receipt procedures, with the understanding that it shall be returned as soon as the court will permit. Original inventory shall, at all times, accompany the property until its final disposition.

(Code 1957, § 34-31; Code 1979; Ord. No. 51-0-08; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-7-5)), 1-23-2012)

#### 9-7-6. - DISPOSITION OF FOUND MONEY AND PERSONAL PROPERTY.

Plaintiffs' Exhibit

19

Page 2 of 3

Plaintiffs' Exhibit 6

Page 2

If any person shall deposit with the Police Department money or any other personal property of value which has been found or otherwise come into the lawful possession of such person without ownership, the custodian of lost and stolen property may receive and hold such property in safekeeping. The person delivering such property shall receive a receipt indicating the date the property is received and the nature of the property. Within fourteen (14) days of such delivery, the custodian of lost and stolen property shall publish, or cause to be published in a newspaper of general circulation within the City of Evanston, notice of such found property at the expense of the party to whom the property is eventually returned. If the rightful owner does not claim such property within sixty (60) days from the date of publication, the property shall be returned to the person who delivered the property to the Police Department. Any claim to such property by a person other than the person who delivered the property to the Police Department shall be supported by affidavit and such other suitable evidence as may be required by the Chief of Police to establish the fact that the claimant is indeed the rightful owner. Neither the Chief of Police, nor the custodian of lost and stolen property, nor any other police officer shall be liable in any action in law or equity for delivering the property to a person who has established his/her claim to the property to the satisfaction of the Chief of Police.

(Ord. No. 42-0-84; Ord. No. 51-0-08; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-7-6)), 1-23-2012)