

RESOLUTION NO. 4134


A RESOLUTION ADOPTING A REVISED POLICE DEPARTMENT POLICY FOR LOST AND FOUND PROPERTY.

WHEREAS, the Miles City Police Department has a policy regarding Lost and Found items, which requires revisions based on legislative changes to MCA 7-8-105;

NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:

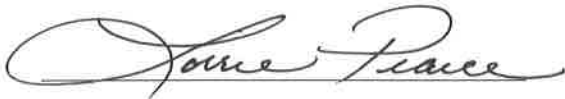
1. The “Lost and Found” policy, attached hereto as Exhibit “A,” is hereby approved and adopted by the Council, effective immediately.
2. This policy shall supersede any previously adopted policies of the same subject matter.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 13TH DAY OF MARCH, 2018.



John Hollowell, Mayor

ATTEST:



Lorrie Pearce, City Clerk

EXHIBIT A

MILES CITY POLICE DEPARTMENT
POLICY

LOST AND FOUND

1. Purpose. The purpose of this policy is to establish the handling, return, destruction and sale of lost or abandoned property.
2. Found Property. Property which is deposited with the police department will be stored at the evidence room and shall be logged upon receipt. The following information should be recorded when possible: Name, address and phone number of finder; date deposited; name of owner or suspected owner, if known; location the item was found; description of the item. If the found property is a firearm, the firearm shall be entered into NCIC as a recovered firearm.
3. Retention of Found Property. All property other than firearms, valued at \$20.00 or more, shall be retained for not less than three months. Firearms shall be retained for the remainder of the year found, or the year entered into NCIC if later than the year found, plus two years.
4. Notification of Owner. If it can be determined who the owner of the property is, the department shall attempt to contact the owner via phone, mail, or other reasonable means. If the department is unable to make contact with the owner, the owner of the property will be deemed unknown. The notification shall indicate that the person has three months to claim the property, or else the property will be disposed of.
5. Claim to Property. The owner of property must present valid identification when claiming the property, and must be able to describe the property in sufficient detail to indicate with reasonable certainty that they are the owner of the property.
6. Disposition of Property. At least ten days prior to the time fixed for final disposition of unclaimed property, by either returning to the finder, destruction, donation, or sale at public auction, notice of the planned disposal must be given by publication one time in the Miles City Star.
 - a. Cash. If cash is not claimed by a person identified to be the owner within three months, the department shall notify the finder in writing that they may retrieve the cash within ten days. If the finder does not claim the cash within ten days, the cash shall be deposited with the City Treasurer and placed in the General Fund.
 - b. Identification, Credit Cards, Etc. ID cards, credit cards, and similar items shall be destroyed after three months if not claimed.
 - c. Personal Property. Personal property of de minimis value which is not claimed within three months shall be donated to St. Vincent de Paul in Miles City, Montana; or destroyed in the event the donated property is not wanted. Personal property which the Chief of Police determines to be of substantial value may be

EXHIBIT A

sold at public auction, and the proceeds deposited with the City Treasurer to be placed in the General Fund.

- d. Firearms. When the owner of a firearm is unknown or is unable to be located, and after the firearm has been entered in NCIC as recovered for the remainder of the year found (or entered), plus two years, and if the firearm is legal for a private citizen to own, then the firearm shall be sold in a commercially reasonable manner to a local licensed firearm dealer. The proceeds from such sale shall be deposited with the City Treasurer and placed in the General Fund. If the firearm is not the type of firearm that is legal for a private citizen to own, then the firearm shall be destroyed.
7. Illegal Items. Any item, other than firearms, which are not legal to be owned by a private citizen, shall be destroyed immediately and shall not be subject to the procedures established by this policy.