

<b>NORTHAMPTON POLICE DEPARTMENT</b>		
<b>Administration &amp; Operations Manual</b>		
<b>Policy: Evidence and Property Control</b>		<b>AOM: S210</b>
Massachusetts Police Accreditation Standards Referenced:		Issuing Authority <hr/> Jody Kasper Chief of Police
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**I. Introductory Discussion**

It is necessary that the handling of property be carefully accounted for in order to minimize the possibilities of adverse claims against the Department and to enhance its credibility when used in court as evidence. Therefore, it is the purpose of this directive to provide members of the Northampton Police Department with strict safeguards regarding the management of the following types of property:

1. Property seized as evidence.
2. Found or recovered stolen property.
3. Lost or abandoned property; or
4. Property submitted for safekeeping.

Departmental procedures regarding the handling of prisoner property are set forth in *AOM 0142 Detainee Processing & Confinement* and *AOM S212 Detainee Property Inventory Search*.

## II. Property Management Responsibility

- A. Responsibility of Evidence/Property Control Supervisor: The Chief of Police shall designate a supervisor to oversee evidence & property control. The Evidence/Property Control Supervisor shall have overall control and responsibility for the management of all property seized as evidence, found or recovered stolen property, lost or abandoned property, or property submitted for safe keeping.
- B. Responsibility of Evidence/Property Control Officer: The Evidence/Property Control Supervisor may designate an ***Evidence/Property Control Officer*** to perform evidence and property control management duties under their supervision.
- C. Inventory Requirement for Transfer of Property Function: Whenever a new Evidence/Property Control Officer is designated, there shall be a joint inventory of property conducted by these personnel to ensure that records are correct and to formally transfer custody of the property within the system. [84.1.6,b]
  - 1. The inventory shall be of a nature sufficient to ensure the continued integrity of the system and need not be an accounting of every item of property.
  - 2. During the joint inventory, a sufficient number of property records should be reviewed carefully with respect to proper documentation and accountability. The person assuming custody of the property should ensure that all reviewed records are current and properly annotated.
  - 3. All discrepancies shall be resolved prior to the transfer of responsibility.

## III. General Guidelines & Regulations

- A. Handling of Evidence/Property: The following are general guidelines and department regulations regarding the handling of evidence/property:
  - 1. **Store in Authorized Locations Only**: No evidence, property, or contraband will be stored by any member of the Department in their office, desk, or locker without prior authorization from the Evidence/Property Control Supervisor or the Evidence/Property Control Officer.
  - 2. **Do Not Leave Unattended/Unsecured**: Evidence or property shall not be left unattended or unsecured at any time to ensure the continuity of the custody of physical evidence.
  - 3. **Handle with Care**: Evidence or property shall be handled with care so as to protect any evidentiary value of the item.
  - 4. **Maintain Chain of Custody**: The chain of custody shall be carefully maintained with as few persons as possible handling the property.
  - 5. **Utilize for Legitimate Department Purposes Only**: No member of the Department shall take, use, or possess any item that has been recovered or confiscated by the Department, other than for those purposes sanctioned by the Department.

B. Submission of Evidence or Property: The following are general guidelines and department regulations regarding the submission of evidence/property:

1. **Complete Proper Records**: All evidence or property which comes under the control of this Department shall be properly recorded on the appropriate departmental forms consistent with the procedures outlined in this directive.
2. **Follow Proper Storage Procedures**: All evidence or property must be properly tagged, packaged separately, and/or sealed prior to being submitted for storage. The location of each evidentiary item must be noted in the evidence log book.
3. **Maintain Possession**: Evidence/property shall remain in the possession of the single officer initially handling it until such time that it will be turned over to Officer-in-Charge for storage.
4. **Be Accurate and Complete**: Accuracy and completeness is important. Items not properly submitted will be returned to the officer or their Shift Commander for reprocessing and resubmission.

#### **IV. Security and Access to Evidence and Property Room [84.1.2]**

A. Secure Storage Areas: The Department shall maintain areas for the secure storage of evidence and/or property. These areas shall be secured at all times when left unattended.

B. Authorized Access to Evidence/Property Storage Areas: Only those officers authorized by the Chief of Police shall have access to the areas used to secure evidence/property. The following personnel have been authorized by the Chief of Police to have access to the Evidence/Property Room: [84.1.4]

1. Evidence/Property Control Supervisor.
2. Evidence/Property Control Officer; and
3. Court Administrator. (added 7/25/2000)

C. Access to Spare Key: A spare key to the Evidence/Property Room shall be kept in a sealed envelope with a log book in the Chief's Office. The spare key can be used when a member of the Department requires access to the Evidence/Property Room and no person authorized to have access to the room is available. In such cases, the Chief must make an entry in the log book identifying who was authorized to enter the Evidence/Property Room and when such entry was made.

#### **V. Evidence and Property Control Procedures**

A. Mark for Identification: All property/evidence coming into the possession of Northampton Police Officers shall immediately be marked for identification. Identification shall include the following information: [84.1.1,d]

1. Submitting Officer's Personnel Identification Number.
2. Evidence Identification Number.

- B. Follow Department Procedures for Handling Evidence: Property seized as evidence shall be handled in accordance with *AOM 0401 Evidence and Property Identification & Collection*.
- C. Tag and Package Property/Evidence: Upon return to the station, evidence/property will be tagged and placed in the appropriate size evidence/property bag and sealed, if appropriate. Procedures regarding packaging and labeling as set forth in *AOM 0401 Evidence and Property Identification & Collection* shall be followed for all property and evidence. [84.1.1,d]
- D. Complete Incident Narrative: An officer bringing property to this Department shall complete a narrative detailing the circumstances by which the items came into the Department's possession and give a general description of each item obtained. For evidence, the officer shall include this information in his/her incident report. [84.1.1,c]
- E. Complete Entries in Evidence/Property Tracking Screen: As soon as possible, submitting officers shall enter all information required by the computer-generated Evidence/Property Tracking Screen for every item of evidence or property coming into their possession. If the owner of said property requests that a receipt be made, then one shall be given to them. Officers shall ensure that required information is entered prior to the end of their tours of duty. [84.1.1,a]

**Update Records As Appropriate:** This ensures that an accurate record of all evidence/property coming into this Department can be maintained. Information in the Evidence/Property Tracking Screen shall be updated to reflect the status of said property. [84.1.5]

- F. Turn Items Over to OIC: The submitting officer shall then turn all items over to the Officer-in-Charge (OIC), who shall place such items in the appropriate temporary storage area. Officers shall ensure that all items of evidence/property are submitted to the OIC prior to the end of their tour of duty. [84.1.3]
  - 1. **Place in Temporary Storage Area:** The Officer-in-Charge is responsible for placing all property/evidence received in either the temporary storage cabinet or a temporary drop box as prescribed in this directive, prior to the end of their tour of duty. [84.1.1,b]
  - 2. **Complete Entries in Log Book:** Whenever evidentiary items are placed in the temporary storage cabinet or drop box, the Supervisor submitting the items shall complete all required entries in the evidence/property log book indicating that the items were signed in.
- G. Responsibility of Evidence/Property Control Officer: The Evidence/Property Control Officer shall be responsible for obtaining the items from the temporary storage cabinet and storing them in their proper secured storage area. They shall complete the evidence/property log book indicating that the items were signed out, and shall ensure that departmental computer evidence/property tracking screens are updated indicating the new location of the evidence or property.

- H. Record Chain of Custody: Whenever evidence or property is released, exchanged, or transferred, such transfer of custody shall be recorded in a log book and/or computer data base in accordance with procedures set forth in *AOM 0401 Evidence and Property Identification & Collection*. [83.3.1] & [84.1.5] & [84.1.1g]
1. Members of the Northampton Police Department who assume custody of evidence or property bear full responsibility for ensuring its security, proper storage, and maintenance, and for the ready retrieval of such evidence upon demand.

## VI. Special Handling Requirements [84.1.1, e]

- A. Firearms: Firearms are considered to be extremely dangerous wherever they are kept. All firearms coming into custody or control of the Department will be handled with the strictest safety considerations in mind.
1. **Bring Directly to Station**: All seized/recovered firearms will be brought directly to the station. At no time will firearms be left unattended in a cruiser.
  2. **Check for Ammunition**: All firearms will be checked for ammunition as soon as practicable in a safe area to minimize risk in the case of an accidental discharge.
  3. **Leave in Safe Condition**: All firearms shall be left in a safe, unloaded condition with their action open. Any ammunition removed from the firearm will be placed in a separate evidence/property bag and submitted with the firearm.
  4. **Check CJIS/NCIC**: All firearms will be checked through the CJIS/NCIC computer system before being turned into the Evidence/Property Control Officer.
  5. **Tag, Package, & Secure Firearms**: Each firearm shall be tagged individually and, size permitting, protected by placing it in an evidence/property bag. Each firearm shall then be immediately secured into the Temporary Evidence/Property Cabinet for later retrieval by the Evidence/Property Control Officer. (amended 7/25/2000)
  6. **Storage of Firearms**: The Evidence/Property Control Supervisor will ensure that all firearms, rifles, shotguns, machine guns, and ammunition taken as a result of a restraining order or for safe keeping are secured in the Evidence/Property room or sent to a State and Federally licensed firearm dealer for storage in a bonded warehouse, in accordance with M.G.L. Ch. 40 §129D. (section added 7/25/2000)
- B. Cash: Upon the receipt, discovery or seizure of currency in an amount in excess of \$100.00, the officer shall immediately notify their supervisor. At no time will the money leave the presence of the officer and/or the supervisor.
1. **Count & Package Money**: Both the officer and the supervisor will participate in the counting and packaging of money and the OIC will ensure that it is properly and immediately secured in an Evidence/Property Drop Safe.
- C. Jewelry of High Value: Upon the receipt, discovery or seizure of jewelry valued in excess of \$100.00, the officer shall immediately notify their supervisor.
1. **Tag & Turn Over to Supervisor**: Items will be itemized and appropriately tagged by the officer, who will then turn the jewelry over to the Supervisor. The

supervisor shall be responsible for immediately securing the jewelry in an Evidence/Property Drop Safe. (amended 7/25/2000)

- D. Perishable Items: If the recovered property or evidence is perishable, such as blood or a urine sample taken for analysis, it shall be brought directly to the station and stored in the proper temporary refrigerated storage area.
1. **Notify Evidence/Property Control Supervisor**: Whenever perishable items are placed into the temporary refrigerated storage area, the submitting supervisor shall leave notification to the Evidence/Property Control Supervisor indicating the need to transfer such items to the refrigerated storage area in the Evidence/Property Room.
  2. **Transport to State Police Lab, if Necessary**: If evidence is to be submitted to the State Police Laboratory the transporting officer shall follow proper transfer procedures as set forth in *AOM 0401 Evidence and Property Identification & Collection*.
- E. Hazardous Items: Evidence of a hazardous nature shall be appropriately packaged and stored in accordance with established agency policy. Such items include, but are not limited to those which may have been exposed to or contaminated by communicable diseases, hazardous chemicals or waste products, or explosives or highly combustible products. The Property/Evidence Control Officer shall be responsible for the storage and control of such substances outside the Evidence/Property Room.
- F. Drugs/Narcotics: Whenever drugs are brought to the station for evidentiary purposes, they must be counted and/or weighed by the Shift Commander and/or Supervisor and the officer who confiscated such drugs/narcotics. The weight shall be recorded in the evidence data screen under the heading "*Condition*".
1. **Use Proper Packaging Bags/Equipment**: All drugs shall be properly packaged. To ensure that the Evidence/Property Control Officer does not have to open any packages (for court, analysis, and transfer to other authorized purposes), evidence shall be sealed by utilizing bags and equipment available for such use.
  2. **Submit to OIC**: All drugs seized by this department shall be submitted to the Officer-in-Charge, who will place the items in an Evidence/Property Drop Safe and log them into the evidence control log. At a later time, the items shall be retrieved by the Evidence/Property Control Officer or Court Administrator.
  3. **Responsibility of Evidence/Property Control Officer**: The Evidence/Property Control Officer or Court Administrator shall inspect the package for proper packaging, tampering or substitution upon transferring it to the Evidence/Property Safe.
  4. **Sole Custodians**: The Evidence/Property Control Supervisor, Evidence/Property Control Officer and Court Administrator shall act as the sole custodians of all controlled substances and narcotic drugs seized in the course of any arrest or investigation.

## VII. Final Disposition of Evidence/Property [84.1.7] [84.1.1, g]

- A. Evidence: When a final disposition is reached in court concerning a case, the Evidence/Property Control Supervisor, Evidence/Property Control Officer or Court Administrator will notify the owner to arrange for the return of the evidence/property, or dispose of it according to Massachusetts General Laws. [84.1.1,f]

**Contraband:** Items of contraband shall be stored separately from other items and may be destroyed upon court order.

- B. Drugs / Narcotics: The Evidence/Property Control Officer shall ensure that on a periodic basis all controlled substances and narcotic drugs seized by the Police Department are properly inventoried and destroyed. They shall contact the Department of Health indicating how many items need to be destroyed. Requests for destruction can be made to M.S.P.

- C. Safekeeping, Recovered and Found Property: All recovered or found property, or property submitted for safekeeping, shall be kept by this Department for a period of at least 30 days, unless claimed by the owner. All unclaimed cash shall be kept by this Department for a period of at least 1 year.

1. **If Owner is Known:** Officers taking possession of found property shall ensure that, if an owner is known, the property is returned immediately - prior to its being processed. All returned property and attempts to return property shall be documented in the department record system.
2. **If Owner is Not Known:** If the owners are not known, a reasonable attempt should be made to locate and notify them of the status of their property. [84.1.1,f]
3. **Found Property:** In situations where the property was found, the finder may be eligible to claim the item after 30 days (or 1 year if the property is cash).
4. **Final Disposition:** Final disposition of found, recovered or evidentiary property in custody shall be completed within six (6) months after legal requirements have been satisfied. [84.1.7]

## VIII. Evidence and Property Room Inspection

- A. Responsibility of Evidence/Property Control Supervisor: The Evidence/Property Control Supervisor shall be responsible to inspect all property storage areas at least semi-annually. The results of this inspection shall be documented on the appropriate form (see *AOM O402.e Semi-Annual Property/Evidence Inspection Form*). This inspection is to determine that: [84.1.6,a] (amended 7/25/2000)

1. These areas are being maintained in a clean and orderly fashion.
2. Proper Departmental procedures are being followed.
3. Property is being protected from damage or deterioration.
4. Property having no further evidentiary value is disposed of promptly; and that
5. Material eligible for return is being purged from the system.

- B. Annual Inspections: On an annual basis, the Chief of Police shall appoint a supervisory officer, not routinely or directly connected with the control of property to conduct an inspection of property held by the Department. The purpose of this inspection is to ensure the integrity of the system and does not require the examination of every item held by the agency. The results of this inspection shall be documented on the appropriate form (see [AOM O402.b Evidence/Property Log](#)). [84.1.6,c]
- C. Unannounced Inspections: In addition to the above, the Chief of Police or designee shall conduct unannounced inspections of property storage areas. See [AOM A120.a Random Line Inspection Report](#). [84.1.6,d]