

NORTHAMPTON POLICE DEPARTMENT		
Administration & Operations Manual		
Policy: Detainee Property Inventory/Search		AOM: S-212
Massachusetts Police Accreditation Standards Referenced: [72.5.1.b], [72.5.2], [72.5.1.a], [1.2.8.b], [1.2.8.c], [1.2.8.a], [72.5.1.b], [72.8.4], [72.5.1.c], [72.8.4.c], [72.5.1.d]		Issuing Authority <hr/> Jody Kasper Chief of Police
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I. Introductory Discussion

The intent of this directive is to provide guidelines regarding the surrender, receipt, handling, security and disposition of detainee property.

II. Policy

- A. It shall be the policy of the Northampton Police Department to conduct an inventory of the property on the person or in the possession of any detainee who is under arrest or in protective custody and brought to this department for booking and holding. Additionally, all such property shall be securely stored in the appropriate designated location until such time that the detainee is released.
[72.5.1, b] & [72.5.2]
- B. The purpose of said inventory shall be as follows:
 - 1. To protect the detainee’s property, while they are in custody.

2. To protect this department from groundless claims that the detainee's property was not adequately safeguarded.
3. To safeguard the holding facility, its occupants and personnel by preventing the introduction therein of objects or substances which could be used to attempt an escape or by which harm might be done to the detainee, to some other person therein, to police personnel or to the facility.
4. To ascertain or verify the identity of the person being held in custody.

III. Procedures - General

During the booking process and before being placed in a lockup, all detainees shall be required to surrender for safekeeping all property, including, but not limited to the following:

1. Outer garments
2. Footwear
3. Belts, suspenders, drawstrings, etc.
4. Eyeglasses
5. Matches, lighters and smoking materials
6. Watches and jewelry, except that which cannot be reasonably removed.
7. Money
8. Wallets, purses, backpacks, or any other container that is or was on the detainee's person or was in the possession of the detainee.
9. Prescriptions or medications
10. All property, except the immediate clothing on the detainee's person.

IV. Procedures – Search of Detainees

- A. Search & Remove Property: Detainees shall be subject to a search and the removal of any property from their clothing or on their person. This shall include all articles in possession of the person, such as contents of suitcases, handbags, shopping bags, and any other place on or in possession of the detainee where property could be maintained or concealed. [72.5.1,a]
 1. Such inventory search shall take place during booking and a subsequent search made just prior to placing the detainee into the cell. [72.5.1,a]
 2. Any property, which because of extenuating circumstances cannot be removed from the person of a detainee, shall be recorded on a *Property Inventory Form* with an explanation as to the reason why the property was not removed. [72.5.1,b] When necessary, a photograph should be taken of any item that was not removed, particularly when the detainee is in an intoxicated condition.
- B. Strip Searches: Any search which requires the removal or re-arrangement of any clothing so as to expose or permit the visual observation of a person's buttocks, anus, and genitalia or, in the case of a female, the breast area. No person shall be subjected to a strip or visual body cavity search, unless exigent circumstances exist and there is clear and articulated probable cause to believe that there may be

weapons or contraband on their person, and there is no other reasonable means to search for or retrieve such articles. Any strip search shall be documented by the officer conducting and/or present during the search. [1.2.8,a]

1. The Patrol Supervisor will consider the age of the individual to be searched prior to approval (e.g., juveniles).
 - a. Special consideration must be given when considering strip-searching juveniles. The Patrol Supervisor must weigh the potential risk of harm to both the juvenile and the public, say in a situation where the juvenile is thought to be armed with a dangerous weapon or in possession of a dangerous material, against the negative effects a strip-search would have on the juvenile.
2. Such a search shall only be conducted under the direct control and supervision of the Officer-in-Charge. Whenever a strip search is required, it shall be conducted out of public view, and in a professional and dignified manner. Additionally, the department member or assisting agency member conducting the search will be of the same gender as the individual being searched. [1.2.8,b] (amended 3/23/00)
3. If a strip search and/or body cavity search is conducted, the Officer-in-Charge and every officer involved in the search shall be required to submit individual reports to the Chief of Police explaining in detail the necessity for the search and how the search was conducted. [1.2.8,c]

C. Body Cavity Searches: Body cavity searches, which involve some degree of touching and probing of body cavities, can only be conducted when a search warrant is issued by a judge, supported by a strong showing of particularized need and a high degree of probable cause” (Rodriques v. Furtado, 410 Mass. 878). The search warrant must be authorized by a judge and not a clerk magistrate. [1.2.8,a]

1. Probable cause to believe that the contraband or other items of evidentiary value is actually inside the cavity must exist independent of whether there is probable cause to believe that the individual searched is hiding contraband elsewhere in their home or on their person.
2. All body cavity searches require special hygienic procedures and shall be conducted by qualified medical personnel. The detainee shall be transported to a medical facility, pursuant to Department policy to accommodate such procedure. [1.2.8,b]
3. The medical facility should be notified in advance so that a qualified medical professional may be located to conduct the search. Upon arrival at the facility, the staff of the medical facility shall be provided with a copy of the search warrant. Should the search reveal any contraband, items of evidentiary value and/or weapons, such items shall be confiscated, tagged, and placed into evidence pursuant to ***AOM O401 Evidence and Property Identification & Collection*** and ***AOM O402 Evidence & Property Handling Procedures***. Any

officer present during a body cavity search shall document the search procedures. [1.2.8,c]

V. **Procedures – Inventory & Storage** [72.5.1, b] & [72.8.4]

- A. Record Property: The booking officer will record all property belonging to the detainee on a *Property Inventory Form*. This includes property which could not be removed from the detainee. (added 3/23/2000)
- B. Obtain Detainee Signature: Upon the completion of the inventory, the detainee should be asked to sign, acknowledging the inventory of their property. If the detainee should refuse to sign, the inventorying officer should make a record of the refusal, including the date, time and any reason given for such, on the inventory form.

If at all possible, the inventory of a detainee's property should be conducted in the presence of said detainee.

- C. Place Property in a Secure Container: All property, with the exception of firearms, jewelry and money, shall be placed into a secured property container corresponding in number to the cell assigned to the detainee and marked with the detainee's name. [72.5.1,c]
1. Outer garments and items too large to fit into a property container are to be tagged with the detainee's name, and placed into the designated secure detainee's clothing storage area and recorded on the *Property Inventory Form*.
 2. All firearms are to be appropriately tagged, recorded on the property inventory form, and placed in the appropriate secure storage area. [72.5.1,c]

D. Inventory & Storage of Jewelry/Money

1. The inventorying officer shall place all jewelry and monies in a sealed envelope marked with the following:
 - a. The amount of money and/or list of jewelry, contained therein;
 - b. The arrest or protective custody number;
 - c. The incident activity number; and
 - d. The inventorying officer's signature across the seal of said envelope.
2. Any monies of an amount in excess of \$100.00 should also be counted by the Officer-in-Charge, or designee, before it is placed and sealed in said envelope. All monies should be secured in the detainee lockers inside the booking area.

E. Property Which May Be Seized

1. Any of the following articles, found as a result of the inventory, may be seized and held for further investigation:

- a. Contraband
 - b. Fruits of the Crime
 - c. Instruments of a Crime
 - d. Unclaimed Property
2. Any property seized as contraband, evidence or unclaimed property shall be appropriately processed, tagged and placed into storage in accordance with ***AOM 0402 Evidence & Property Handling Procedures.***
- F. Property Received From an Outside Source: If bail money or other property is brought to the station for a detainee from an outside source, the officer receiving the property shall include such on the detainee's inventory form, and shall record the identification of the outside source. [72.8.4,c]

VI. Procedures – Return of Property upon Release

- A. Obtain Detainee Signature: Upon release from custody, the detainee should be asked to sign the inventory form indicating receipt of their property. If the detainee refuses to sign, the releasing officer should still release the property to them, but should make a record of the refusal to sign, including the date, time and any reason given for such, along with a notation that the property was returned to the detainee. [72.5.1,d]
- B. Regulations Regarding Transfer of Detainee to Court:
1. Court Officers will only accept detainee property which is sealed in, or may be placed and sealed in, an 8 inch x 11 inch plastic property bag. The only exception will be the acceptance of a female's purse. Large items such as suit cases, gym bags, video cameras, bicycles, or other items that do not meet the size requirements, must be retained by the department until the detainee has been released after arraignment. (added 3/23/2000). Any items not released to the detainee to go to court must be issued a PR# and placed in the prisoner property cage. The prisoner should receive a "Detainee Property Notification" form with the pertinent information. The yellow copy of this form should be attached to the property tag for proof of notification.
 2. No firearm, knife, or other weapon, or lighter or matches, nor is any alcoholic beverage to be turned over to a detainee being brought over to court, until the detainee has been released after arraignment. If the detainee is to be held in bail, any weapons or alcoholic beverages are to be turned over to the district court personnel having custody of said detainee. Any property being retained for evidentiary purposes should be noted on the inventory form. [72.8.4,c]
- C. Transfer of Detainee to Another Facility: When detainees are transferred to the custody of another agency or facility, the personal property of that detainee shall be turned over to the person receiving said detainee following a review of the property

by the detainee. The detainee will be asked to sign the inventory form indicating that all items are accounted for and the disposition and/or retention of the property will become the responsibility of the person receiving the detainee. Any items remaining at the police department (that the receiving agency will not accept) need to be assigned PR # and placed in the detainee property cage. The detainee should receive *AOM 0142.d Detainee Property Notification Letter* with the pertinent information. The Yellow copy of this form should be attached to the property tag for proof of notification.