

EVIDENCE & PROPERTY CONTROL

POLICY & PROCEDURE NO. 3.03	ISSUE DATE: July 27, 2015
	EFFECTIVE DATE: 8/3/2015
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED:	REVISION DATE: _____

I. GENERAL CONSIDERATIONS AND GUIDELINES

As part of their routine responsibilities, police officers come into possession of evidence and property that varies widely in nature, value and condition. These items may include anything from priceless jewelry to the bloodstained clothing of a murder victim, and could be as worthless as yesterday's newspaper or as valuable as an art treasure. Items of evidence and property are normally held by department's subject to strict legal constraints and under control of the department's property and evidence officer.

Storing, safekeeping, and managing evidence are major responsibilities, not only for the evidence custodian, but for all officers in the department. Failure of departments to establish effective and efficient systems to gather, manage and secure evidence can lead to civil and criminal charges against officers and the inability of the criminal justice system to successfully prosecute criminal offenders.

II. POLICY

It is the policy of this department to:

- A. Effectively and efficiently manage and control all found, recovered, and evidentiary property and any other property coming into the custody of this department.
 - 1. All evidence and property recovered or turned in to the department will be properly and lawfully preserved, packaged, recorded, accounted for, handled and stored.
 - 2. The department will take the initiative to return property to its rightful owner or owners in the most expedient manner.
 - 3. Property and evidence that is no longer useful or is potentially dangerous, will be disposed of as provided by law.
 - 4. Strict accountability will be maintained for all property and/or evidence.

III. PROCEDURES

A. **Handling and Submission of Evidence/Property**

1. ***Handling of Evidence/Property***

- a. 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. To ensure this, the following procedures shall be followed:
 - i. No evidence, property, or contraband will be stored by any member of the department in his/her office, desk or locker.
 - ii. Evidence or property shall not be left unattended or unsecured at any time.
 - iii. Following receipt or confiscation of property or evidence, the officer shall promptly return to the station and shall immediately turn the item(s) over to the Drug Control or Evidence/Property Officer. In the absence of the Drug Control or Evidence/Property Officer, the item(s) shall be turned over to the officer's immediate supervisor

who shall ensure the property/evidence is stored securely. [84.1.1(b); 84.1.3]

- iv. Evidence or property shall be handled with care so as to protect any evidentiary value of the item.
- v. The chain of custody shall be carefully maintained with as few persons as possible handling the property.
- vi. 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.

2. ***Submission of Property or Evidence***

- a. All evidence or property which comes under the control of this department shall be properly recorded on the appropriate departmental forms and logged into department computer records as soon as possible, consistent with the procedures outlined in this directive. [84.1.1(a)]
 - i. Included on the forms shall be information on how the property or evidence came into the department's possession and a description of each item. [84.1.1(c)]
- b. All evidence or property shall be tagged, packaged, and/or sealed prior to being submitted for storage. All items will be properly documented and entered into our computer under the incident assigned to the case.[84.1.1(d)]
- c. Items requiring further processing by either the Massachusetts State Police Laboratory or the F.B.I. shall be accompanied by the appropriate examination request paperwork. See departmental policy on ***Collection & Preservation of Evidence.***
- d. Items (other than narcotics and controlled substances) requiring further processing by a member of this department shall be clearly marked on the evidence

tag and Property Control Form to identify what type of examination or method of examination is requested.

- e. Accuracy and completeness is important. Items not properly submitted will be returned to the officer or his/her supervisor for reprocessing and resubmission.

B. Security and Access to Evidence and Property Room

1. 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. Only those officers authorized by the Chief of Police shall have access to the areas used to secure evidence/property. [84.1.4]

C. Drug and Evidence/Property Control Officers

1. Property coming into the custody of this department will fall into one of two categories:
 - a. Drugs or narcotics evidence; or
 - b. Property other than drugs that is seized as evidence, found or recovered stolen property, lost or abandoned property, or property submitted for safe keeping.
2. Although both categories deal with property, they have been separated into different aspects of the overall property function. This has been done to facilitate the different manner in which drugs must be processed and to establish a more rigid span of control.
3. The Chief of Police will designate a supervisor to have overall control of both categories of property.
 - a. This supervisor shall designate an officer (Drug Control Officer) to be accountable as the official custodian of all drug and narcotic substances in custody of the department. This officer will be delegated the responsibility of maintaining control of the records and inventory system for drugs and narcotics.

- b. This supervisor shall also designate an officer (Evidence/Property Control Officer) to be accountable as the official custodian of all evidence and property, excluding drugs, in the custody of the department. This officer will be designated the responsibility of maintaining control of the records and inventory system for all evidence and property (excluding drugs) coming into police custody.
- 4. The Drug Control and Evidence/Property Control Officers shall receive all evidence and/or property intended to be placed into their care. Their duties shall include, but not be limited to, the following functions:
 - a. Ensure that all evidence/property is properly packaged and accurately documented with the necessary forms.
 - b. Check to see that the evidence/property is not reported lost or stolen.
 - c. Maintain all department, laboratory , and computer entries necessary.
 - d. Return evidence/property to the rightful owner as soon as it is no longer needed.

D. Evidence/Property Excluding Drugs

1. Property Records [84.1.5]

- a. The department will establish a system for documenting the receipt and status of property into the department's property/evidence room.
- b. The property records will include the following information:
 - i. Date and time property was stored or released;
 - ii. Log/Incident number of the incident;
 - iii. Name(s) of officer(s) submitting the property;
 - iv. Defendant's name, if applicable;

- v. Location where submitting officer places the property;
- vi. Property category;
- vii. Property owner's information, if known;
- viii. Description of the property, including manufacturer and model and serial numbers, if appropriate;
- ix. Submitting officer's signature;
- x. Shift Commander's signature; and
- xi. Chain of custody from time stored until final disposition.

2. **Procedures**

- a. Evidence/Property shall be handled and the property receipt completed in the following manner:
 - i. Property (other than narcotics or dangerous drugs) seized as evidence shall be handled in accordance with the department's policies and procedures for the **Collection and Preservation of Evidence**.
 - ii. The property shall be immediately delivered to the station and a property receipt will be completed. All evidence will be properly entered into the computer system under the appropriate heading.
 - iii. Evidence/Property will be tagged and/or placed in the appropriate size evidence/property bag and sealed, if appropriate.
 - iv. The Shift Commander will sign the property receipt indicating that it has been filled out completely and correctly.
 - v. The evidence/property being submitted will be turned over to the Property/Evidence Officer to

be placed into the appropriate secure storage area. [84.1.2]

[a] In the absence of the Property/Evidence Officer, the Shift Commander will accompany the submitting officer to witness the evidence/property being placed into the storage area.

[b] Only authorized personnel shall have access to property/evidence storage areas. [84.1.4]

vi. The officer submitting the evidence/property shall be given a receipt indicating the evidence/property was properly submitted.

vii. A citizen submitting an item for safekeeping shall be given a receipt indicating the item was received.

3. **Release of Property** [84.1.1(g)]

a. Only the Evidence/Property Control Officer will release evidence or property from any of the department's evidence/property rooms.

b. Whenever evidence/property is to be removed from an evidence/property storage room a Chain of Custody Log will be completed in accordance with the following procedures:

i. Evidence/Property will be signed out on the Chain of Custody Log. The officer receiving the evidence/property will fill in the following information:

[a] Date and time;

[b] Name;

[c] Reason for removing evidence/property (such as court).

- ii. The Evidence/Property Control Officer will then sign the Log indicating that the officer has the evidence/property and that there is a proper reason for signing it out.
- c. Officers taking property to court as evidence must return it and sign it back in on the same day.
- d. When evidence/property is being returned to the main Evidence/Property Room, the Evidence/Property Control Officer will examine the evidence/property, checking the model and serial numbers, if appropriate, to ensure that it is the same evidence/property that was signed out, and that it is in the same condition as when it was signed out.
 - i. If all is in order, the Evidence/Property Control Officer will then place the evidence in the Evidence/Property Room and have the officer sign the evidence in on Chain of Custody Log with the following information:
 - [a] Date and time; and
 - [b] Name.
 - ii. The Evidence/Property Control officer will sign the evidence in and return it to the Evidence/Property Room.
 - iii. Any unexpected or unexplained change or alteration of the evidence shall be immediately reported by the Evidence/Property Control Officer, in writing to the Chief of Police.
- e. In the event that the Evidence/Property Control Officer is not available to receive the evidence/property, the items will be placed into the appropriate evidence/property room under the supervision of the receiving officer's supervisor.

4. ***Added Precautions for Specific Types of Property [84.1.1(e)]***

a. ***Firearms***

- i. 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 and will be stored in a separate, locked, secure area within the evidence/property room.
- ii. All seized/recovered firearms will be brought directly to the station. At no time will firearms be left unattended in a cruiser.
- iii. 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.
- iv. 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.
- v. All firearms will be checked through the CJIS/NCIC computer system before being turned in to the Evidence/Property Control Officer. A copy of the computer printout will be attached to the Property Control Form.
- vi. Each firearm shall be tagged individually and, size permitting, protected by placing it in an evidence or property bag.

b. ***Cash Seizures***

- i. Upon the discovery or seizure of currency in any significant amount, the officer shall immediately notify his/her supervisor who shall, if at all possible, witness the recovery and seizure.

- ii. At no time will the money leave the presence of the officer and/or the supervisor until it is placed in the Evidence/Property Room.
- iii. Both the officer and the supervisor will participate in the counting and packaging of the money and will ensure that it is properly and immediately secured.
- iv. Currency will be itemized by denomination on the property receipt.
- v. Any cash received as recovered, lost or abandoned property or seized as evidence will be entered on its own property receipt, separate from any other types of property or evidence seized or recovered as part of the same incident.
- vi. When transferred to the appropriate Evidence/Property Room, all cash will be secured in a separate locked secure area within the Evidence/Property Room.

c. ***Items of High Value or Jewelry***

- i. Upon transfer to the appropriate Evidence/Property Room, items of high value or expensive jewelry will be stored in a separate locked secure area within the Evidence/Property Room.

d. ***Perishable Items***

- i. 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 State Police Laboratory and secured in the proper refrigerated storage area.
 - [a] The appropriate forms will be filled out by the submitting officer along with a request for a written copy of the test/analysis.
 - [b] The submitting officer will indicate on his/her report the fact that items were

transported to the State Police Lab for analysis, and will attach any receipts to his report.

- ii. If transport to the State Police Laboratory is not possible, or the evidence/property does not need to be sent in for testing/analysis, the items will be stored in a secure refrigerated storage area.

e. **Combustible Liquids**

- i. Combustible evidence such as gasoline, toluene, paint thinner, etc., shall be stored in a secure Flammable Liquids Cabinet.
- ii. Officers should use the safest method of transportation available if it becomes necessary to transport any type of combustible liquid.

f. **Explosive Devices**

- i. Under no circumstances will explosive devices such as dynamite, hand grenades, blasting caps, etc., be brought into the station.
- ii. When an explosive device or suspected explosive device is located, the officer locating the device shall inform the Shift Commander, who shall notify the appropriate Bomb Disposal Unit.
- iii. Items of an evidentiary nature shall, upon being rendered in a safe condition, be properly tagged and packaged.

g. **Recovered Bicycles**

- i. Bicycles recovered as found property shall be processed in the same manner as other types of found or recovered property.

5. Disposition of Evidence/Property [84.1.1(g)]

a. **Evidence**

- i. When a final disposition is reached in court concerning a case, the Evidence/Property Control Officer will promptly notify the owner to arrange for the return of the evidence/property, or dispose of it according to Massachusetts General Laws. The officer who signed the evidence out shall notify the Evidence/Property Control Officer of the final disposition
- b. ***Safekeeping, Recovered, and Found Property***
 - i. All recovered or found property, or property submitted for safekeeping, shall be kept by the Department for a period not to exceed one (1) year.
 - ii. Reasonable attempts shall be made to locate the owners of property in custody. The property will be returned to the owner as expeditiously as possible or disposed of according to existing law.
[84.1.1(f)]
 - [a] The disposition of property that has come into police possession depends on the nature of the property and the manner in which it came into police custody.
 - [b] Specific statutes govern the procedures police must follow when disposing of various types of property.
 - [c] Notice of finding of all lost property, disposition or sale of any or all property in custody, and the proceeds thereof, shall be subject to the direction of the Chief of Police in conformity with applicable Massachusetts General Laws.
 - iii. When evidence/property is removed from the custody of the department for final disposition, the Evidence/Property Control Officer will sign the property out on the Chain of Custody Log, listing the reason.

- iv. Individuals claiming ownership of property in the custody of the department will be required to provide proper identification and sign the property receipt before taking possession of such property. A witness must also sign the form.
- v. If property is not clearly identifiable, and an individual claims ownership, the property shall be released only when that individual establishes ownership rights to such property.
- vi. Any property that becomes the subject of controversy as to the rightful owner shall not be released to any person, except by written order of the Chief of Police or by a court order.
- vii. Final disposition of property in custody shall be completed within six (6) months after legal requirements have been satisfied. [84.1.7]

E. Narcotics and Controlled Drugs

1. The establishment and maintenance of proper drug handling procedures is necessary to ensure the successful prosecution of cases in court, as well as to minimize the allegation of theft of or tampering with narcotic evidence. The following procedures shall be adhered to whenever any narcotics or dangerous drugs come into police custody or are to be released from department custody.

2. Drug Records

- a. The department will establish a system for documenting the receipt and status of drugs coming into or being released from the department's secure drug storage areas. [84.1.5]
- b. The drug records will include the following information:
 - i. Date and time when received or released;
 - ii. Name of submitting officer;
 - iii. Defendant's name;

- iv. Log/Incident number of the arrest or incident;
- v. Amount and alleged identity of substance;

NOTE: The evidence shall be recorded by count and description (such as 10 packets containing cocaine, 5 rolled marijuana cigarettes, etc.).

- vi. Weight;
 - [a] All narcotics/drugs seized should also be weighed-in by the Shift Commander.
 - [b] The weight indicated is the pre-analysis weight of the drugs, the material in which they are contained, and the evidence container, e.g., if cocaine is seized wrapped in paper, the drugs will not be removed from the paper before being weighed. The purpose of this weight is for internal quality and quantity control only, and does not represent exact weight of the substance to be analyzed.
- vii. Submitting officer's signature;
- viii. Shift Commander's signature; and
- ix. Chain of custody.

3. ***Procedures***

- a. The drug receipt shall be completed and the drugs handled in the following manner:
 - i. Drugs will be placed in the appropriate size evidence bag or container and sealed by the Shift Commander.
 - ii. Hypodermic needles shall be placed into labeled needles tubes.

- iii. The Shift Commander will sign the drug receipt, indicating that it has been filled out completely and correctly.
- iv. The drugs will be turned over to the Drug Control Officer who shall place them in the appropriate secure storage area. In the absence of the Drug Control Officer, the drugs shall be placed in the appropriate secure storage area by the officer accompanied by the Shift Commander. [84.1.2; 84.1.4]

4. **Drug Removal** [84.1.1(g)]

- a. Only the Drug Control Officer will remove drugs from the department's secure storage areas.
- b. Whenever drugs are to be removed from the storage areas, a Chain of Custody Log will be completed. The Drug Control Officer will check the overnight drug storage area on a daily basis, remove all drugs, and place them into the main secure drug storage area. [S]he will sign them into this storage area on the Chain of Custody Log, indicating the date and his/her name in the Sign-In section.
- c. Whenever drugs are taken from the secure drug storage area, they will be signed out on the Chain of Custody Log. The officer receiving the drugs will fill in the following information:
 - i. Date and time;
 - ii. Name; and
 - iii. Reason (such as analysis, court, etc.)
- d. The Drug Control Officer will then sign the Log, indicating that the officer has the drugs and that there is a proper reason for signing them out.
- e. Officers taking drugs to court as evidence must return them and sign them back in on the same day.

- f. In the event that the return to the station of the officer who signed out the drugs is delayed, in court or elsewhere, and the Drug Control Officer is not available to receive the drugs, the drugs will be placed into the overnight drug storage area. The officer will file a report detailing the reasons the drugs were not returned at the proper time.
- g. Drugs will be transported to the State Laboratory for analysis by the Drug Control Officer only. [S]he will indicate on the drug receipt the date that they were brought to the lab and the number assigned to the drugs by the lab.
- h. When drugs are being returned to the secure drug storage area from analysis or court proceedings, the Drug Control Officer will examine the package and contents for any evidence of damage or tampering.
 - i. If all is in order, the Drug Control Officer will then place the drugs in the proper storage facility and have the officer sign the drugs in on the Chain of Custody Log with the following information:
 - [a] Date and time; and
 - [b] Name.
 - ii. The Drug Control Officer will sign the drugs in and indicate where they were placed.
 - iii. If the package appears to have been tampered with in any way, the Drug Control Officer shall count and/or weigh the contents and verify the listed count/weight noting if there is or appears to be any discrepancy. The Drug Control Officer will immediately submit a report to the Chief of Police detailing the incident. The Chief will immediately notify Internal Affairs, which will initiate an immediate investigation. Additionally, as part of that investigation, Internal Affairs will conduct a full inventory and audit of all drugs and drug records.

- i. When a final disposition is reached in court concerning a case involving drugs, the Drug Control Officer will indicate on the drug receipt the date and nature of that disposition. Additionally, and in accordance with M.G.L. c. 94C, the Prosecutor will request from the sitting Magistrate a written "Drug Destruction Order." When the certificate of destruction is received from the court, the Drug Control Officer will record the date and certificate number on the drug receipt.
- j. When the drugs are removed for destruction, the Drug Control Officer will sign them out on the drug receipt and Chain of Custody Log indicating DESTRUCTION as the reason they were signed out and the date of the destruction.

F. Photographing and Release of Victim's Property

- 1. In cases involving property wrongfully taken, where retaining the property, especially cash needed to meet payroll obligations or other immediate expenses would prove an extreme hardship for the victim, the victim's property may be photographed, the photograph to be admitted in judicial proceedings as competent evidence.
 - a. The property may then be released to the victim prior to trial, provided that, in the opinion of the department's Prosecutor, the return does not compromise prosecution of the case. In determining whether or not to return the property to the victim, the Prosecutor must weigh the hardship created for the victim against the value of the evidence in future court proceedings.
- 2. Before impounded property is returned, it will be photographed in a manner that clearly identifies the property and may be admissible in court as competent evidence.
 - a. A Polaroid or similar "instant" camera should be used to take the picture to enable the Evidence/Property Control Officer to determine immediately if the photograph clearly and accurately portrays the subject.

- b. When applicable, a readily identifiable object should be used for size comparison.
3. The Evidence/Property Control Officer will indicate on the property receipt that the items were photographed and returned to the owner.
4. The owner must sign for returned property in the appropriate section of the property receipt.
5. The photographer must write the following on the back or bottom of the photograph:
 - a. Original Incident Number;
 - b. Criminal Investigation Division's Case Number;
 - c. Victim's printed name; (The victim shall sign below his/her printed name.)
 - d. Photographer's printed name; (The photographer shall sign below his/her printed name.) and
 - e. Date, time, and location where photographed.
6. The Evidence/Property Control Officer will place the photograph in an appropriate storage area.

G. Evidence/Property Room Inspections

1. The department's evidence/property rooms and drug storage areas as well as the property records and drug records are to be inventoried according to the following schedule:
 - a. SEMI-ANNUALLY: At least semi-annually, the supervisor of the Drug Control and Evidence/Property Control Officer shall conduct an investigation of all departmental evidence and property storage areas to ensure that: [84.1.6(a)]
 - i. Evidence/Property and drugs in custody, and the records relating thereto, are being maintained in full compliance with the procedures outlined in this directive and that

-
- proper accountability procedures are being maintained;
- ii. Property is properly stored and protected from damage and/or deterioration;
 - iii. Property having no further evidentiary value is being disposed of promptly; and
 - iv. The evidence/property rooms are being maintained in a clean and orderly condition.
- b. **UNSCHEDULED SEMI-ANNUAL:** In addition to and in support of other regularly scheduled inspections, the Chief of Police shall conduct an unannounced inspection of the department's property rooms and drug storage areas on, at least, a semi-annual basis. Accountability and security procedures will be the primary focus of this inspection. *[84.1.6(d)]*
- c. **ANNUAL:** In order to ensure the integrity of the department's Property Management System, a supervisor not routinely connected with the property/evidence function (assigned by the Chief of Police) will conduct a full inventory and accounting of all property and drugs held by the Department and will submit a report of his/her findings to the Chief of Police. *[84.1.6(c)]*
- d. **REASSIGNMENT OF THE EVIDENCE/PROPERTY CONTROL OFFICER OR THE DRUG CONTROL OFFICER:** Should either the Evidence/Property Control Officer or the Drug Control Officer be reassigned, there shall be an inventory and inspection of the records of all evidence/ property or drugs in custody by: *[84.1.6(b)]*
- i. The former officer,
 - ii. The new Evidence/Property Control Officer or Drug Control Officer, and
 - iii. Their supervisor.

