

COLLECTION & PRESERVATION OF EVIDENCE

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I. GENERAL CONSIDERATIONS AND GUIDELINES

Physical evidence is an extremely important component for the prosecution of criminal cases. The successful presentation of evidence at trial includes documenting where the evidentiary item was found, who has had possession of it, where it has been after being collected, and what forensic testing was done along its journey to the court.

Given the scientific nature of much of the evidence today, officers must be even more vigilant to protect crime scenes from contamination, and those who collect evidence must take great care not to contaminate the evidence at the scene, during packaging, or during processing.

In addition to in-house personnel, state and federal evidence processing resources are available to police departments to augment their collecting and processing of evidence. In some cases, specialized state crime scene personnel have the expertise and equipment to provide a more detailed search for forensic evidence. They often can collect more and better evidence, shorten the chain of custody by bringing the items directly to the lab, and help to avoid the collection of unnecessary items that can burden the property and evidence function.

II. POLICY

It is the policy of this department to:

- A. Protect and process the crime/incident scene as appropriate;
- B. Properly collect, record, and preserve items recovered of potential evidentiary value;

- C. Maintain a precise chain of custody for potentially evidentiary items; and,
- D. Ensure the admissibility of evidence recovered at a crime/incident scene in court.

III. PROCEDURES

A. Crime Scene Processing Resources

1. **EQUIPMENT AND SUPPLIES:** This department provides crime scene technicians with equipment and supplies used for conducting their specialty tasks, as determined by the Chief of Police. [83.2.4]
2. **AVAILABILITY [83.1.1]**
 - a. Qualified personnel are available on a twenty-four hour per day basis to process a crime scene or the scene of a traffic collision.
 - b. A list of department personnel and their contact numbers is available in dispatch.
 - c. Taskforce, Law Enforcement Council, and State Police points of contact and telephone numbers are available in dispatch.
3. **COLLISION RECONSTRUCTION**
 - a. Traffic collision reconstruction personnel may be requested as authorized by an officer-in-charge.
 - b. These include:
 - 1) Department personnel;
 - 2) Taskforce or Law Enforcement Council personnel; and
 - 3) State Police.
4. **COMMERCIAL VEHICLE INSPECTIONS**
 - a. Commercial Vehicle Inspection personnel may be requested as authorized by an officer-in-charge.
 - b. These include:
 - 1) Department personnel; and
 - 2) State Police Truck Team.
5. **LATENT FINGERPRINT RECOVERY [83.2.4(A)]**
 - a. Latent fingerprint recovery personnel may be requested by a Supervisor or OIC
 - b. These include:
 - 1) Department personnel;
 - 2) Taskforce or Law Enforcement Council personnel; and
 - 3) State police: State Police Crime Scene Services.

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6. PHOTOGRAPHY [83.2.4(B)]
 - a. Photography personnel may be requested as authorized by the officer-in-charge or investigator.
 - b. These include:
 - 1) Department personnel;
 - 2) Taskforce or Law Enforcement Council personnel; and
 - 3) State police: State Police Crime Scene Services.
 7. CRIME SCENE SKETCH [83.2.4(C)]
 - a. Crime scene sketches (diagrams) will normally be accomplished by the case officer or investigator.
 - b. Specialized crime scene diagramming and mapping personnel are available for certain crime scenes and may be requested by the Supervisor or OIC.
 - c. These personnel resources may be summoned for incidents where:
 - 1) The scene covers a large geographical area.
 - 2) There is a large volume of recoverable evidence.
 - 3) Deaths or serious injuries resulting from suspected criminal action have resulted.
 - 4) A collision reconstruction is being undertaken.
 - 5) A Supervisor or OIC has determined that such a crime scene diagram is necessary.
 - d. Crime Scene Diagram Resources
 - 1) Department personnel;
 - 2) Taskforce or Law Enforcement Council personnel; and
 - 3) State police: State Police Crime Scene Services.
 8. PHYSICAL EVIDENCE COLLECTION AND RECOVERY [83.2.4(D)]
 - a. In most cases, physical evidence will be recovered by department personnel conducting preliminary or follow-up investigations.
 - b. Physical evidence recovery personnel may be requested by the Investigating Officer, Supervisor or OIC.
 - c. These personnel resources may be summoned for incidents where:
 - 1) There is a large volume of recoverable evidence.
 - 2) The evidence is of such a nature that the services of specially trained persons are necessary for recovery.
 - 3) A Supervisor or OIC has determined that such a crime scene diagram is necessary. Such cases may include:
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- a) Recovery of DNA evidence;
 - b) Perishable fingerprints on portable items;
 - c) Firearms which could be loaded, containing fingerprint or DNA evidence that officers at the scene are unfamiliar with; and
 - d) Explosive devices and infernal machines.
- d. Evidence Collection Resources
- 1) Department personnel
 - 2) Taskforce or Law Enforcement Council personnel
 - 3) State police: State Police Crime Scene Services
9. TRACE AND BODY FLUID EVIDENCE RECOVERY: Trace and body fluid evidence recovery personnel may be requested by an Investigating Officer, Supervisor or OIC.
- a. Department personnel;
 - b. Taskforce or Law Enforcement Council personnel; and
 - c. State police: State Police Crime Scene Services.

B. Initial Response to a Crime/Incident Scene

1. PRELIMINARY INVESTIGATION
- a. Some crime scenes can be processed by patrol personnel conducting preliminary investigations. This will be determined by:
 - 1) The nature of the incident;
 - 2) The volume of potential evidence;
 - 3) The need for any special skills in collecting evidence; and
 - 4) The availability of patrol officers and detectives.
 - b. Normally, the first units to arrive will be responsible for identifying, securing, and protecting the crime/incident scene as well as conducting the preliminary investigation (see the department policy on **Preliminary Investigations**) .
 - c. Investigators may respond directly to a crime scene while on duty or may be called at the direction of a Supervisor or OIC who has evaluated the need for investigators.
2. INVESTIGATOR DUTIES
- a. Not all crime scenes require processing.
 - b. Upon arrival at a crime scene, the investigator should:
 - 1) Ensure that the scene has, in fact, been secured.
 - 2) Obtain information about the nature of the incident.

- 3) Inquire as to what potential evidence items have been located and what, if any, has been recovered.
- 4) Enquire as to contamination of the crime scene, if any, and to what degree contamination may have occurred prior to the arrival of the investigator.
- 5) Determine what types of evidence, if any, may be collected and what resources will be needed.
- 6) Adjust the secured crime scene area, larger or smaller, as appropriate.

C. Crime Scene Processing Plan

1. To avoid contaminating, missing, or destroying evidence, and to ensure that evidence is properly collected and documented, it is important to process the scene methodically.
2. A simple crime scene may be processed by one or two officers.
3. A larger or more complicated crime scene may require a team of investigators to process the scene for evidence. For such an incident, the officer managing the search should consider:
 - a. The types of evidence to be processed;
 - b. Personnel and skills needed to process the scene;
 - c. The need for clothing such as Tyvek outerwear or foot covers to avoid contaminating the crime scene or personnel;
 - d. The need to videotape the crime scene prior to processing;
 - e. Adequate supplies to process, collect and package evidence;
 - f. The need for any special equipment;
 - g. On-site storage of collected evidence; and
 - h. Transportation of evidence from the scene.
4. Crime Scene Processing Functions: In most cases, personnel processing for evidence will need to perform several functions. For smaller scenes, all of the functions may be carried out by one person. For a larger scene, one or more officers may be assigned to each function:
 - a. Locate evidence.
 - b. Photograph the evidence in place.
 - c. Document the photo on a photo log.
 - d. Collect the evidence.
 - e. Document the evidence on an evidence collection log.
5. Search Teams: In a large crime scene, the area to be processed may be broken down into smaller areas and a team assigned to each area.

D. Crime Scene Processing [83.2.1]

1. VIDEO [83.2.2]

- a. The crime scene manager should consider the need for videotaping the crime scene prior to searching for and processing evidence.
- b. The secured crime scene should be vacant of people other than the videographer, if possible. Other investigators should vacate the area.
- c. Be aware that background noise and voices may be recorded while the video is recorded.
- d. The videographer should methodically video the entire scene generally and again in more detail to capture images of the scene prior to processing.
- e. Known evidence items should be captured in detail and the items' spatial relationship to the scene should be portrayed.
 - 1) Video media containing crime scene video shall be labeled with:
 - a) The incident number;
 - b) Date of video;
 - c) Location of video; and
 - d) Name of videographer.
 - 2) The video shall be submitted to the evidence officer to be logged and maintained by the property and evidence function.

2. PHOTOGRAPHS [83.2.2]

a. Taking Photographs

- 1) In most cases, photographs should be taken of the crime scene prior to processing.
- 2) The photographer shall write identifying information and photograph same to identify the incident from which the photographs were taken. The information shall include:
 - a) The incident number;
 - b) Date of photographs;
 - c) Location of photographs; and
 - d) Name of photographer.
- 3) Photographs should include a wide view of the crime scene showing its spatial relationship to the area's other buildings, markers or terrain features.
- 4) Several closer photographs, if necessary, should be taken to focus in on the crime scene area.

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- 5) Photographs of areas of the crime scene itself should be taken to document the overall crime scene.
 - 6) Photographs of each evidence item should be taken, when possible, prior to the item's being collected or processed.
 - 7) A photograph of each collected evidence item may be taken to document the item. This may be useful as best evidence in the event that the item is returned to the owner.
 - 8) When a scale is to be used in the field of view so that the exact size of an object can be determined, a separate photograph will also be taken without the scale.
 - a) The same camera position, lighting, and camera settings will be used.
 - b) Alternatively, the dimensions of a fixed object in the scene can be taken to provide a scale of reference.
- b. Photo Log: A photographic/video log will be maintained of each video or photograph taken, noting:
- 1) The date, time, and location;
 - 2) The case/incident number;
 - 3) The camera used;
 - 4) The lenses used;
 - 5) The film and ISO if applicable;
 - 6) The lighting used;
 - 7) Photo number (as assigned by photo log);
 - 8) A description of each photograph;
 - 9) Notation of whether or not a scale is used; and
 - 10) The name of the photographer.
- c. Submission of Photographs
- 1) When film is developed, a CD Rom of the photographs will also be ordered.
 - 2) The original negatives, one set of prints, and the original CD will be entered as evidence.
 - 3) A copy of the CD will be made for the investigator upon request.
- d. Submission of Digital Images
- 1) The digital media shall be submitted into evidence for processing.
 - 2) Upon receipt of the media, Evidence Officer shall copy the images to a read-only media.

- a) No changes of any kind, including file name changes and image orientation (portrait, landscape), may be made to any file.
 - b) The images burned on the media must be an exact copy of the images from the camera media.
 - 3) The CD containing the images shall be logged into evidence. If additional copies are needed, they may be made from the camera media when the master CD is made or from the master CD later.
 - 4) The images shall be uploaded to RMS software.
3. CRIME SCENE DIAGRAM (SKETCH)
- a. Crime Scene Diagrams Generally
 - 1) Not all crime scenes require a diagram.
 - 2) A crime scene diagram may be necessary depending upon the nature of the incident and the evidence recovered from the scene. The crime scene diagram establishes a “map” of the crime scene.
 - 3) Crime scene diagrams shall contain the following information:
 - a) Incident number;
 - b) Incident date;
 - c) Incident location;
 - d) Name of officer preparing the diagram; and
 - e) An arrow indicating north.
 - b. Crime Scene Diagram Detail
 - 1) A simple diagram, not necessarily to scale, may be provided to document the crime scene and the location of furniture, articles and evidence at the scene. Measurements may be included if the quantification of distance is necessary.
 - 2) A more detailed, to-scale crime scene diagram may be necessary if distances and detailed special relationships between articles and evidence are important elements.
 - 3) Computerized, surveyor type equipment and mapping software for the purpose of crime scene diagramming and mapping may be needed for large crime scenes, numerous evidence items, or when accurate distances are necessary.
4. COLLECTION OF ARTICLES OF EVIDENCE
- a. All articles collected as evidence should be photographed in place prior to being collected, if practical.
 - b. If multiple articles are collected, an evidence collection log form may be used.
 - 1) The log shall include:

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- a) The incident number;
 - b) The date of collection;
 - c) Location of collection;
 - d) The item number;
 - e) Description of the item;
 - f) The person who collected the item; and
 - g) The person at the scene taking custody of the item.
- 2) Each article shall be packaged in a bag, box, or envelope. Large items shall have a tag affixed, and all shall be marked with the information below. Evidence labels should not be affixed directly to any item, as the label adhesive may damage or alter the item. The label or tag shall include:
 - a) Incident number;
 - b) Location where collected;
 - c) Date of collection;
 - d) Person who collected the item; and
 - e) Item number corresponding to the collection log, if any.
 - 3) Drug evidence collected shall not be co-mingled.
 - a) Drugs found in separate locations shall be collected, packaged, and submitted as separate evidence articles.
 - b) Drugs of the same type, found together, may be submitted as one evidence article. (Marijuana in a baggie and a marijuana cigarette are different for the purposes of packaging and submission.)
 - c) Drugs of different types or pills of different shape, color or configuration, found together, must be package separately and submitted as separate articles of evidence. The lab must process them separately.
5. FINGERPRINTS [83.2.3]
- a. Processing Fingerprints
 - 1) Fingerprints may be recovered from surfaces at the crime scene, or portable items may be collected and processed at a police, state, or federal lab.
 - 2) Fingerprints should be photographed with a size scale, as they appear, prior to any attempt to lift the print.
 - 3) Ideally, the search for latent fingerprints should be undertaken as follows, whenever practical:

- a) Begin with a visual search of surfaces for fingerprints that can be seen without any other aid.
 - b) A light source, if available, may be employed to expose fingerprints which were not visible without the light source.
 - c) Chemicals
 - i. Porous specimens should be processed with the appropriate chemical for the type of material.
 - ii. Non-porous specimens should be processed by superglue fuming, if practical.
 - d) Fingerprint powders.
- b. Collecting Fingerprints
- 1) If multiple prints are to be photographed and/or lifted from a surface, the officer should create a diagram of the surface, indicating the location from which each print is photographed and/or lifted.
 - 2) Lifted prints should be marked with the incident number and, if necessary, a notation which corresponds to a fingerprint lift diagram.
 - 3) The fingerprint lifts should be placed in an envelope, bag, or other container marked with the incident number for further processing or storage.
- c. Collecting Evidence to be Processed at a Lab
- 1) The item must be collected without damaging existing fingerprints.
 - 2) Gloves should be used and handling kept to a minimum.
 - 3) The item should be placed in a container and the container handled.
 - 4) The container must be clearly marked to warn others that it contains fingerprint evidence.
6. TRACE AND BODY FLUID EVIDENCE
- a. For information regarding DNA evidence, see **DNA EVIDENCE** in this policy.
 - b. Search for Trace and Body Fluid Evidence
 - 1) A search should begin with a visual examination. The visual examination may be followed up with a search using an alternate light source to expose evidence not visible under normal spectrum light.
 - 2) The location of evidence items should be marked by circling with a marker for collection under normal light conditions.
 - 3) A diagram shall be created of each item from which trace or body fluid evidence is removed.
 - c. Collecting Trace and Body Fluid Evidence

- 1) Those collecting trace or body fluid evidence must take care to avoid contaminating evidence samples. This is particularly important if DNA testing may be conducted on the evidence item.
 - 2) Care must be taken not to cross contaminate evidence of suspects and victims, or to accidentally introduce such evidence into the crime scene.
 - 3) Items should be removed, packaged and marked for further examination and/or storage. Marking should include:
 - a) Incident Number;
 - b) Date of collection;
 - c) Name of person collected by; and
 - d) A notation corresponding to the location on the diagram indicating where the item was collected.
 - 4) Clothing or other items on which are located body fluid specimens, such as blood and semen, should be allowed to dry thoroughly. Such items must not be placed in plastic as the sample may mold and deteriorate. Paper bags or envelopes should be used until they are completely dry.
- d. Comparison Sample [83.3.1]: Whenever possible a comparison sample shall be collected and submitted. Such comparison sample may include samples of:
- 1) Hairs;
 - 2) Fibers;
 - 3) Fabrics;
 - 4) Paint;
 - 5) Glass;
 - 6) Wood;
 - 7) Soil;
 - 8) Tool marks;
 - 9) Wood fractures; and
 - 10) Torn ends of tape or rope.
7. SEIZURE OF FIREARMS
- a. Safe Keeping:
- 1) Firearms seized for safe keeping, such as in the case of a restraining order, shall be unloaded and inspected to ensure that no ammunition remains in the firearm or magazine prior to submission to the evidence officer.

- 2) Firearms actions shall be locked open, whenever possible.
- 3) Detachable magazines shall be removed from firearms whenever possible.
- b. Evidence Firearms:
 - 1) Firearms collected as evidence shall be photographed prior to unloading or clearing, whenever possible.
 - 2) Whenever fingerprint or DNA testing is requested:
 - a) The firearms must be handled with Biohazard Barrier Gloves to avoid contamination.
 - b) The firearms shall be stored separately in an unused container, bag or box.
 - 3) When the firearm is unloaded, the chamber or cylinder shall be inspected, and the location of live ammunition and/or empty shell casings noted.
 - a) Ammunition from the chamber or cylinder shall be packaged separately from ammunition from a magazine, or a magazine containing ammunition.
 - b) A magazine removed from a firearm shall be packaged separately from other magazines and identified as such.
 - 4) Firearms shall only be submitted unloaded as described in the preceding section, "Safe Keeping."
 - 5) If a firearm must be examined prior to unloading, contact the State Police and request a ballisticsian to respond and process the firearm prior to submission to the evidence officer.
8. SEIZURE OF COMPUTER EQUIPMENT [83.2.5]
 - a. INSPECTION OF MEDIA: No employee, except one acting under the direction of a computer forensic specialist or State Police, will attempt to examine any computer system, CPU, floppy disk, zip disk, thumb drive, CD ROM, or like device used to store electronic media for potential evidence contained therein.
 - b. Whenever electronic devices are encountered and to be seized pursuant to a search warrant, consent or probable cause, the employee making the seizure will take the following steps:
 - 1) If the computer is off, leave it off. Do not turn it on.
 - 2) If the computer is on, photograph the monitor to document what is displayed for evidentiary purposes.
 - 3) Do not make any key strokes or mouse clicks to the computer. If that occurs, document exactly what keystrokes or mouse clicks were made and the results of these actions.

- 4) Photograph the computer or other electronic media in their original state before anything is touched.
- 5) If the computer is on, unplug the power cord from the back of the computer, not the wall outlet.
- 6) Unplug any external hard drives.
- 7) Photograph the rear of the computer including cables. Photograph any devices connected to the computer.
- 8) If the computer is connected to a modem, LAN, or router, disconnect it from the computer.
- 9) Document each step as each cable is disconnected, making notes as to which device was disconnected.
- 10) Once power has been disconnected from the computer, tags or labels should be applied to all cables on the computer. Corresponding labels should be affixed to the computer connectors, or a diagram created noting each connector and identifying the cable attached, so that the computer can be reconnected to its original configuration for later analysis or court purposes.
- 11) Do not transport electronic media near antennas or power supplies. Keep electronic media away from electromagnetic fields. Contact with these sources can cause the deletion of data.
- 12) The employee impounding the electronic media must provide the computer forensics specialist with the background information of the case. This will include, but will not be limited to, the following:
 - a) Suspect(s) name(s);
 - b) Special or street language used by the suspect(s); known code words;
 - c) Passwords;
 - d) Email addresses; and
 - e) Other information that may be of use to the computer forensic specialist in the formulation of searches.

E. DNA Evidence

1. FIRST RESPONDER PRECAUTIONS [83.2.7(A)]
 - a. First responders must secure the crime scene.
 - b. Protect the area from which the DNA sample is to be taken from contamination.
 - c. Always wear fresh Biohazard Barrier Gloves when processing for DNA.
 - d. Replace gloves between samples.
 - e. Avoid contact of samples.

- f. Be careful not to introduce suspect or victim DNA into the collection area.
2. TRAINING REQUIREMENTS: The collector shall complete a MSP DNA Standard Collection Course prior to collecting DNA evidence. [83.2.7(c)]
3. COLLECTION, STORAGE, AND TRANSPORTATION OF DNA EVIDENCE [83.2.7(B)]
 - a. Collector shall wear Biohazard Barrier Gloves.
 - b. Lightly moisten cotton swabs with distilled water. Do not over-saturate the swabs.
 - c. Rub the collection area with the swab to transfer the matter to the swab. Use a minimal number of swabs (1-6 maximum).
 - d. Use a separate swab to swab the area around the collection area. This will be a control swab.
 - e. Allow the swabs to dry for at least thirty minutes. Be sure to maintain the chain of custody during the drying time.
 - f. Label and package the sample swab separately from the control swab. The two swabs should never come into contact.
 - g. Place both swabs into an envelope.
 - h. Seal the envelope with tape, and initial and date the seal. NEVER MOISTEN THE ENVELOPE SEAL WITH SALIVA OR WATER.
4. DNA BUCCAL SWAB
 - a. Authorization for Collection
 - 1) A DNA Buccal swab may be conducted under the consent of the person being tested or pursuant to a court order.
 - 2) All consent swabbing must be preceded by the subject's reading, understanding and signing a Voluntary Submission of DNA Sample for Analysis form.
 - b. Precautions
 - 1) Whenever possible, use a State Police approved collection kit.
 - 2) Read the entire instruction sheet prior to collection.
 - 3) Do not use a kit if the integrity seal has been broken.
 - 4) It is critical to avoid touching the pink/white collection paper, and to avoid allowing the paper to come into contact with another collection paper during the drying and packaging stage.
 - c. Collection Procedures
 - 1) Remove all components from the kit envelope.
 - 2) Fill out all information requested on the front of the DNA collection card.

- 3) Put on Biohazard Barrier Gloves.
 - 4) Remove the foam-tipped swab from the sterile package, being careful not to touch the foam tip.
 - 5) Place the swab in the subject's mouth, then thoroughly swab between gum line and cheek, both left and right side, using all sides of the swab, and then swab under the subject's tongue, allowing the foam tip to absorb as much saliva as possible.
 - 6) Remove the applicator from the subject's mouth.
 - a) Carefully lift the paper cover on the collection card.
 - b) Press, drag and roll the applicator onto the FTA paper. This technique is wiping the skin cells off the swab onto the FTA paper.
 - c) If there is an immediate change from pink to white, continue. If there is little change, swab again and apply swab to FTA paper.
 - d) Discard the applicator.
 - 7) Allow the card to air dry for approximately thirty minutes. Be sure to maintain a chain of custody during the drying process.
 - 8) Place the dry collection card into the ziplock bag provided, seal the bag and return the bag to the kit envelope. NEVER MOISTEN THE ENVELOPE SEAL WITH SALIVA OR WATER.
 - 9) Do not remove the dessicant packet from the ziplock bag.
 - 10) Kits may be ordered from Doe & Ingalls, Medford, MA. 798-391-0090 ext. 208, Kit ordering code: DNA(S.S)-1M.
5. SUBMISSION OF DNA EVIDENCE [83.2.7(D)]
- a. DNA swabs kits may be stored at room temperature or refrigerated prior to submission.
 - b. Follow the department evidence labeling and evidence submission procedures.
 - c. DNA samples shall be submitted to the State Police Crime Lab.
6. ACTIVATING A DNA CASE
- a. After submission of DNA, the case must be activated in order for lab personnel to process the evidence.
 - b. Contact the Case Resolution Unit at 508-358-3152 or 3245.

F. Chain of Custody

1. TRANSFER OF CUSTODY IN THE FIELD
 - a. A transfer of evidence from one person to another in the field must be documented to ensure the chain of custody is maintained.

- b. In cases where an evidence collection team member collects an item of evidence and submits the evidence to a team member tasked with receiving and documenting collected evidence, a notation on the evidence collection log as to who collected the evidence is sufficient.
 - c. In cases where evidence is submitted to a crime scene technician from another agency or from the crime lab, a written receipt from the person taking custody of the evidence must be obtained.
 - 1) The submission copy of the state CL-1 form is an adequate receipt.
 - 2) A receipt may be handwritten and contain:
 - a) The date and time of transfer;
 - b) The incident number;
 - c) Name of the person taking custody;
 - d) A description of the item(s) taken; and
 - e) Signature of the person taking custody.
2. EVIDENCE OFFICER: The Chief of Police or his designee shall be responsible for accepting, maintaining, accounting for, and submitting to the appropriate laboratory, evidence collected by officers in the field.
- a. The evidence officer may refuse to accept improperly packaged evidence, or evidence missing proper documentation.
 - b. Missing evidence items shall be noted, and the evidence officer shall confer with the submitting officer.
 - c. Discrepancies that are not resolved shall be reported to the Chief of Police.
3. SUBMISSION OF EVIDENCE TO EVIDENCE OFFICER
- a. All evidence items shall be packaged and labeled prior to submission to the evidence unit.
 - b. Non-perishable items shall be turned over directly to the evidence officer. When the property/evidence officer is not on duty, evidence shall be stored in temporary storage locker.
4. SUBMISSION OF PERISHABLE EVIDENCE
- a. When an item of evidence may deteriorate if not refrigerated, the evidence shall be submitted to the evidence officer as soon as possible. The evidence officer will store the evidence in secure, refrigerated storage.
 - b. When the property/evidence officer is not on duty, evidence shall be secured in a secure, temporary storage refrigerator.
5. SUBMISSION OF HAZARDOUS, FLAMMABLE EVIDENCE
- a. Flammable evidence shall be secured in a sealable metal or glass container. If a large volume of such material is collected, a sample of the

material shall be sealed in such a metal or glass container and submitted as evidence. The balance shall be entered as evidence, tagged, and secured in a flammables storage locker.

- b. The evidence officer may consult with Fire Department officials and/or Police Supervisor to make certain that the evidence is stored and processed in a manner that will ensure both safety and the admissibility of the evidence.
6. SUBMISSION OF EVIDENCE FOR FINGERPRINT PROCESSING
 - a. Officers submitting evidence that they believe may contain fingerprints of evidentiary value must package the item in such a manner as to avoid accidental contamination by handling.
 - b. The evidence shall be submitted to the evidence officer and the packaging clearly marked "FINGERPRINTS."
 - c. The evidence officer shall accept the properly packaged item for submission to department fingerprint personnel or a state laboratory.

G. Submission of Evidence to Laboratories

1. PROPERTY AND EVIDENCE FUNCTION: It is the responsibility of the property and evidence function to ensure that evidence items are transported to the appropriate laboratory in a timely manner. [83.3.2(a)]
2. DOCUMENTATION [83.3.2(C)]
 - a. Officers submitting evidence for analysis shall complete a State Lab Evidence Submission Form (CL-1):
 - 1) With the evidence when it is submitted to the evidence officer; or
 - 2) Prior to submission of the evidence to the lab, after having advised the evidence officer by e-mail or otherwise in writing.
 - b. A copy of the incident report is required for items submitted to the state lab.
 - 1) If a report is not available, a note from the case officer shall be attached to the submission form advising lab personnel that a copy of the report will be forwarded as soon as it is available.
 - 2) It is the responsibility of the case officer to provide such reports to the lab.
3. FINGERPRINT EVIDENCE: The case officer shall provide elimination prints whenever possible in cases where evidence articles or fingerprint lifts are submitted as evidence.
4. FIREARMS
 - a. Firearms must be submitted to the state lab unloaded and packaged in a box or bag.

- b. All firearms must be submitted to the State Police Ballistics Lab, regardless of what tests (ballistic, fingerprints, DNA) are to be conducted.
 - c. Firearms submitted for fingerprinting or DNA testing must be so marked prior to submitting.
5. CHAIN OF CUSTODY [83.3.2(D)]
- a. Activity of all evidence items submitted to or received from labs shall be recorded in the evidence log.
 - b. State labs provide a receipt for all items submitted or returned.
6. TRANSPORTATION OF EVIDENCE [83.3.2(B)]
- a. Evidence may be transported by the evidence officer for delivery to a laboratory.
 - b. The evidence officer may transfer custody of evidence to another person for transportation. Such person must be a state or local public safety employee and the activity documented to maintain chain of custody.
 - c. Evidence transported to local laboratories by department employees may be transported in the containers in which it is stored.
 - d. Drug evidence may be shipped to state laboratories by Registered U.S. Mail.¹
 - e. Other evidence items may be shipped to state or federal laboratories by Registered U.S. Mail.
 - f. Evidence mailed to labs shall be packaged in a sealed box or envelope to maintain the integrity of the evidence in the event that the container opens during shipping. The sealed envelope or box shall be packaged in a mailing container or box for shipping.

H. Reports [83.2.6]

1. OFFICERS' REPORTS
- a. The officer who processes or supervises the processing of a crime, incident, or collision scene shall submit a detailed report of the investigation to his/her Supervisor or OIC as soon as possible. The report shall include:
 - 1) The date and time of arrival to the scene;
 - 2) The location of the crime;
 - 3) The names of the victims, if known;
 - 4) The name(s) of the suspect(s), if known;
 - 5) The actions taken at the scene, including photographs, measurements, and a listing and disposition of physical evidence recovered;
 - 6) The name of the laboratory to which evidence was sent for analysis; and

- 7) The department incident number.
- b. If personnel outside of the department are requested to participate in processing the scene, the officer shall include additional information in the report, such as:
 - 1) Date and time of service request;
 - 2) The name of the person(s) responding; and
 - 3) The disposition of physical evidence, exposed negatives, images, and crime scene measurement information.
2. LABORATORY RESULTS: State and federal laboratories shall submit laboratory reports in writing as determined by their policies. [83.3.2(e)]

¹ M.G.L. c. 94C, §47A.

PROPERTY & EVIDENCE CONTROL

POLICY & PROCEDURE NO. 6.02	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	REVISION DATE: _____

I. GENERAL CONSIDERATIONS AND GUIDELINES

As part of their routine responsibilities, police officers come into possession of types of property and evidence that vary 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 property and evidence are normally held by departments subject to strict legal constraints and under control of the department's property and evidence function.

Storing, safekeeping, and managing of property and 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 to the inability of the criminal justice system to successfully prosecute criminal offenders.

The purpose of this policy is to provide guidance for the submission, custody, and disposition of property which is not the property of the police department.

II. POLICY

It is the policy of this department to:

1. effectively and efficiently manage and control all found, recovered and evidentiary property and any other property coming into the custody of this department
2. properly and lawfully preserve, package, record, accounted for, handle and store all property and evidence recovered or turned in to the department;

3. take the initiative to return property to its rightful owner or owners in the most expedient manner;
4. dispose of property and evidence that are no longer useful or are potentially dangerous, as provided by law; and,
5. maintain strict accountability for all property and/or evidence.

III. DEFINITIONS

- A. **Audit:** An inspection of the documentation and accountability of a random sampling of in-custody property sufficient to evaluate the integrity of the property and evidence function.
- B. **Inspection:** An examination of the agency's property storage areas to determine that they are being maintained in a clean and orderly fashion, that the agency directives concerning the property management system are being followed (property handling, documentation, etc.), and that the property is being protected from damage and deterioration.
- C. **Inventory:** An accounting of every item of property.
- D. **Property Record:** Electronic records contained in the property and evidence management program that document and describe an evidence item and reflect its status within the custody of the property and evidence function. [84.1.5]
- E. **Property Room:** A designated storage room for property and evidence under the control of the property and evidence function.

IV. PROCEDURES

A. Property Function Administration and Management

1. **Property Custodian:** Sergeant shall be responsible for managing the property and evidence function.
2. **Property Technician:** An employee normally assigned to work in the secure property and evidence storage areas.
3. **Evidence Officer:** Irrespective of any non-sworn members assigned to the property and evidence function, the Chief of Police shall designate a police officer to act as the custodian of all drugs and narcotics seized in the course of any arrest and investigation. The Evidence Officer shall be a Property Technician.¹

B. Security and Access to Property Storage Areas [84.1.2]

1. **AUTHORITY TO ACCESS PROPERTY ROOM**
 - a. The department shall maintain areas for the secure storage of items of property and evidence in the custody of the police department.
 - b. Unescorted access to such areas shall be limited to employees who are assigned to work regularly in such areas by the Chief of Police.

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- c. Other persons may access property and evidence storage area provided that:
 - 1) They are escorted at all times by a Property Technician;
 - 2) They are accessing the area for a legitimate work function such as:
 - a) Conducting an inventory;
 - b) Conducting an inspection; or
 - c) Conducting maintenance of the facility or equipment; and
 - 3) The visit is recorded in the Property Room Visitors Log.
 - d. Visitors shall not enter the property room for the purpose of station tours.
2. PROPERTY ROOM SECURITY
- a. Keys, pass-codes, or other means of entry to property storage areas shall not be possessed by any person who is not specifically authorized unescorted access by the Chief of Police.
 - b. Key issue and control shall be the responsibility of Sergeant.
 - 1) All property room keys shall be accounted for in a key log which shall list:
 - a) An individual key (by key number, etc.);
 - b) The person to whom the key was issued;
 - c) The date that the key was issued; and
 - d) The person who issued the key.
 - 2) An annual key audit shall be conducted by the Property Custodian to account for all property room keys.
 - 3) The audit report shall be filed with the Chief of Police.
 - 4) Un-issued keys shall be stored in a secure container within the property room.
3. LIMITED SECURITY STORAGE
- a. Bulky items such as vehicles, boats, and watercraft, which remain in police custody and have already been or will not be subjected to processing for evidence, may be stored in a limited security storage area. Such areas include:
 - 1) A designated location within the police department parking lot;
 - b. Vehicles and trailers shall be locked and/or immobilized if possible.
 - c. Keys shall be submitted to the property and evidence function.

C. Packaging Property and Evidence for Submission

1. GENERAL PRECAUTIONS

- a. It is necessary that property and evidence in the department custody be carefully accounted for to minimize the possibility of adverse claims against the department and to maintain the department's credibility in the courts.
- b. To this end, all personnel shall be aware of and practice the following:
 - 1) No property, evidence, or contraband shall be stored in any office, desk or locker, vehicle, or other unauthorized location. (Evidence may be temporarily stored in a vehicle for security purposes in the field.)
 - 2) Property or evidence shall not be left unattended or unsecured at any time.
 - 3) Property and evidence shall be handled with care so as to protect any evidentiary value of the item.
 - 4) The chain of custody shall be carefully maintained with as few persons as possible taking custody of the property.
 - 5) Upon taking custody of property or evidence, the employee shall promptly return to the station and document, package, and submit item(s) to the property and evidence function pursuant to this policy.
 - 6) No member of the department shall take, use, or possess any item that has been recovered or confiscated by the department, for other than those purposes sanctioned by the department.

2. TYPES OF PROPERTY: DEFINITIONS

- a. Destruction: Contraband, unwanted firearms, ammunition, or other items confiscated by police officers or turned in by citizens for disposal. Citizens submitting property for destruction relinquish all rights of ownership to such property.
- b. Evidence: Property which potentially may be presented as an exhibit in court, or before a board or other body.
- c. Found Property: Items lost by and not in the custody of the owner.
- d. Safe Keeping: An item temporarily in the custody of the police for the purpose of its safe retention.
- e. NIBRS (National Incident Based Reporting System): Items or property entered into the department's records management system for the purpose of NIBRS reporting only. Such items are not physically in police custody.

3. DOCUMENTATION OF PROPERTY AND EVIDENCE

- a. All property shall be logged in to the property and evidence management program of the department's records management software prior to the

end of the officer's tour of duty. The entry must include as much of the following information as is known: [84.1.1(a)]

- 1) Association with the incident number;
- 2) A description of the property;
- 3) Quantification of the item (number, weight, size, etc.);
- 4) Type of property (evidence, found, destruction, etc.);
- 5) Name of owner or custodian; and
- 6) What is to be done with the property, such as:
 - a) Hold for evidence;
 - b) Forward to a laboratory for specific testing;
 - c) Destruction or disposition; or
 - d) Return to owner.

- b. All property and evidence in the custody of this department shall be associated with an incident number and accompanied by a log entry or report explaining the circumstances by which the property came into the agency's possession and describing each item of property obtained.
[84.1.1(c)]

4. PACKAGING OF PROPERTY AND EVIDENCE [84.1.1(D)]

- a. A property label generated by software or hand written should be included with or affixed to the property container or property tag. Employees should not stick labels directly on any item that could be damaged by the label adhesive.
- b. The evidence items shall be packaged and labeled prior to being submitted to the property and evidence function. To some degree, packaging and documentation should be guided by the needs of the case.
 - 1) Items which need to be individually identified should be individually packaged (i.e., a bag of marijuana found in a suspect's pocket, a bag of marijuana found in the glove compartment, a marijuana roach found in an ash tray).
 - 2) Items which are similar and may be identified collectively may be packaged collectively (i.e., five bags of marijuana found in a vehicle's console).
 - 3) For further information on packaging of evidence items, see the department policy on **Collection and Preservation of Evidence**.
- c. Bulk items such as bicycles, safes, and vehicles which will not fit into an evidence bag shall be tagged. A tag shall be affixed to the item listing the incident number, date and submitting officer's name, or a property tag generated by the property and evidence program may be attached.
- d. Items requiring further processing shall be:

- 1) Clearly marked to identify what type of examination or method of examination is requested;
 - 2) Packaged so as to avoid destroying or contaminating the evidence;
 - 3) Marked to warn Property Technicians that the item must be handled with care (fingerprints, DNA, etc.). Property Technicians shall not be responsible for the destruction or contamination of evidence not properly packaged or marked.
- e. Items (with the exception of drugs) requiring further processing by the Massachusetts State Police Laboratory shall be submitted with a completed CL-1 form and a copy of the report. See department policy on **Collection & Preservation of Evidence**.
 - f. Accuracy and completeness are important. Items not properly submitted will be returned to the officer or his/her Supervisor or OIC for reprocessing and resubmission.
5. DNA TESTING ITEMS
- a. Items submitted for processing for DNA shall be packaged in such a manner as to avoid contamination prior to submission.
 - b. Such items shall be clearly marked to warn property technicians. The property and evidence function shall not be responsible for the inadvertent destruction or contamination of DNA evidence when the submitted item is not properly packaged and clearly marked.
 - c. For further information, see the department policy regarding **Collection and Preservation of Evidence**.
6. HANDLING VALUABLE OR SENSITIVE ITEMS [84.1.1(E)]
- a. Employees must use a higher level of caution when dealing with valuable or sensitive items, such as cash, jewelry, precious metals, and drugs.
 - b. At least two employees shall package and document such items. In the case where circumstances do not allow for two officers, a Supervisor or OIC may authorize a single officer to package and document such property. Supervisor or OICs should use such discretion judiciously.
 - c. Whenever possible, particularly when an officer is working alone, such items should be processed in view of the booking room video camera, another fixed surveillance camera, or in certain cases, processing should be video-recorded.
- 1) DRUGS:
 - a) Drugs must be quantified by type, size, or other classification (2 blue pills, 4 red and white tablets, 3 rocks, 10 bindles, 3 baggies, etc.).
 - b) Unsealed bags of powder or vegetable matter should be weighed.
 - 2) CASH:

- a) Cash shall be counted by at least two employees.
 - b) The results of the count shall be entered on the cash accountability sheet by the number of each denomination accounted for.
 - c) Each employee shall print his or her name, sign and date the form.
 - d) The form and cash shall be placed in a sealed envelope to be submitted to the property and evidence function.
- 3) JEWELRY:
- a) Jewelry which could contain precious metals or stones.
 - b) This might include expensive watches or other such items.
- 4) PRECIOUS METALS: Precious metal in a solid form may be quantified. Metal in flakes, dust, etc. shall be weighed.
- 5) OTHER VALUABLE ITEMS: Other items of value may, in the discretion of the employee or Supervisor or OIC, require such handling.
7. DELAYED ENTRY AND PACKAGING
- 1) Large volumes of evidence, such as from a search warrant, which cannot be processed prior to the end of the shift may be stored in a sealed container or locked in a secure room.
 - 2) Property items seized in an after-hours incident or search warrant may be secured to be processed after employees have rested.
 - 3) Such actions must be authorized by a Supervisor or OIC.
 - 4) The storage area must be secure and the integrity of the evidence not compromised.

D. Submitting Evidence to the Property and Evidence Function

1. Barring extraordinary circumstances, as authorized by a Supervisor or OIC or as excepted by this directive, property and evidence shall be submitted to the property and evidence function prior to the end of an officer's tour of duty.
[84.1.1(b)]
2. DIRECT SUBMISSION: Submitting property and evidence directly into the custody of the property and evidence function is the preferred method.
3. AFTER HOURS STORAGE: [84.1.3]
 - a. Property and evidence to be placed in the custody of the property and evidence function when such personnel are not on duty shall be temporarily stored in the overnight storage locker. Property may be placed into storage by a Supervisor or OIC or detective.
 - b. An entry shall be made in the temporary evidence storage log book which shall include:
 - 1) Date;
 - 2) Incident number;

- 3) Storage locker number; and
 - 4) Initials of the submitting officer.
 - c. The evidence shall be placed in the corresponding locker number and the locker locked.
 - d. Bulk items such as bicycles, safes, and vehicles which will not fit into an evidence locker shall be tagged and placed in the department garage, with permission of a Supervisor or OIC.
 - 1) An entry shall be made into the temporary evidence log listing the storage location.
 - 2) The item must be placed in full view of the surveillance camera.
 - 3) Vehicles or items to be processed for evidence shall be protected with crime scene tape.
 - 4) Uninvolved employees shall not handle items left in the garage.
 - 5) The remote opening controls for the garage doors shall be disabled.
 - 6) No cars may be washed in the garage when a vehicle or property items to be processed are present.
4. TEMPORARY EVIDENCE STORAGE:
- a. Designated temporary evidence storages areas are available for property which has not yet come under the control of the property and evidence function.
 - b. Evidentiary items recovered which will be processed by department employees may be entered into the property and evidence program and stored in another authorized evidence storage location. These will remain the responsibility of the person or entity having custody of the items until such time as the items are delivered to the property and evidence function.

E. Receiving and Storing Property and Evidence

1. RECEIVING PROPERTY
 - a. A Property Technician may receive property or evidence directly from an employee.
 - b. For property and evidence removed from temporary storage, the Property Technician shall:
 - 1) Take custody of the property;
 - 2) Annotate the property log with his or her initials and the date on which the property was removed; and
 - 3) Check the items for proper packaging and documentation. Items not properly prepared need not be accepted and may be returned.

2. PROCESSING PROPERTY

- a. Check each property entry in the property and evidence program, and update the property activity to reflect the present status.
- b. Store or prepare property and evidence for transportation to the appropriate lab.
- c. Make a diligent effort to identify and notify owners of found or stolen property, and return the property to the rightful owner as soon as it is no longer needed. [84.1.1(f)]
- d. Prepare property for legal disposition, such as auction or destruction.

3. DRUGS

- a. Evidence Officer: Drugs in the custody of the property and evidence function are the responsibility of the Evidence Officer.
 - 1) Drugs shall be received, processed and stored under the supervision of the Evidence Officer.
 - 2) Only the Evidence Officer will transport drugs to and from the appropriate state drug laboratory.
- b. Drug Storage: Drugs shall be stored in a locked container or room within the property and evidence storage area. When not in use, such locked container or room shall remain locked and secured.
- c. Transfer of Custody: When drugs are being issued from or returned to the custody of the property and evidence function, the Property Technician shall inspect the drug packaging and contents for any evidence of damage or tampering.
 - 1) If the package appears to have been tampered with in any way, the Property Technician shall immediately notify the Evidence Officer.
 - 2) The Evidence Officer shall inspect the evidence. If the Evidence Officer believes that the evidence has been compromised:
 - a) The officer shall count and/or weigh the contents, and verify the listed count/weight against any such count or weight recorded by the testing laboratory or existing evidence record.
 - b) The sample shall be resubmitted to the lab for testing to determine if the contents is the substance noted on the laboratory certificate of analysis.
 - c) The packaging shall be preserved as evidence.
 - d) The Chief of Police shall be advised, and the evidence officer and/or Property Technician shall submit a report to the Chief of Police regarding the incident.
 - 3) The Chief will notify the Internal Affairs Supervisor or OIC to initiate an immediate investigation.

- 4) Additionally, as part of that investigation, Internal Affairs will conduct a full inventory and audit of all drugs and drug records.
- d. Destruction:
 - 1) Drugs may be destroyed upon receipt of an order of destruction issued by the court, after adjudication of a case, or when submitted to the property and evidence function for that purpose.
 - 2) When drugs are to be destroyed, the Evidence Officer will ensure that the drugs are prepared for destruction in accordance with guidelines set forth by the Department of Public Health.
 - a) All drug cases and reports shall be reviewed by the District Attorney's Office.
 - b) Drug destructions must be authorized by the Chief of Police.
 - c) Drug destructions shall be conducted by the Drug Officer and at least one other employee.
 - d) Upon completion of drug destruction, the activity for each item shall be updated to reflect the destruction of the item and the closed status of the case.
4. HYPODERMIC NEEDLES
 - a. Hypodermic needles and syringes shall be accepted only when properly packaged to prevent an accidental needle stick. Needles not in factory packaging should be placed into a syringe container prior to being submitted.
 - b. Laboratory policy prohibits analysis of syringes unless requested by the District Attorney's Office.
 - c. Needles and syringes which are not to be held as evidence shall be placed in a "sharps container" for collection for eventual disposal and shall be recorded as destroyed in evidence records.
5. FINGERPRINT ITEMS
 - a. Items submitted for processing for latent fingerprints shall be clearly marked to warn Property Technicians. The property and evidence function shall not be responsible for the inadvertent destruction of fingerprints when the submitted item is not clearly marked.
 - b. Property technicians shall wear gloves when handling such items.
 - c. Such items shall be handled with care so as to preserve any existing fingerprints.
6. DNA TESTING ITEMS
 - a. Items submitted for processing for DNA shall not be accepted unless they have been packaged in such a manner as to avoid contamination prior to submission.

- b. Such items shall be clearly marked to warn Property Technicians. The property and evidence function shall not be responsible for the inadvertent destruction or contamination of DNA evidence when the submitted item is not properly packaged and clearly marked.
 - c. Such items shall be handled with care so as not to contaminate the item.
7. HIGH VALUE ITEMS [84.1.1(E)]
- a. High value items shall be stored within a secured room or container within the property room.
 - b. Cash: The property and evidence function will not provide long term storage of cash unless the Chief of Police specifically authorizes such storage for a specific case.
 - 1) Cash received by the property and evidence function shall be promptly forwarded to the treasurer for deposit in a police holding account or returned to the proper owner.
 - 2) Cash will be accepted only if it has been accounted for by the submitting employee and placed in a sealed container. See **Handling Sensitive Items** in this policy. Sealed containers of cash will not be opened by Property Technicians unless such cash is to be returned to the owner or custodian.
 - a) Cash for deposit in a police holding account will be forwarded, as received in a sealed container, to the treasurer's office and the activity updated in the property and evidence program.
 - b) Cash to be immediately returned to the owner or custodian shall be counted in the presence of the owner or custodian and properly returned.
 - c) Cash to be returned to the owner or custodian at a later time shall be deposited into a police holding account and the return made by check.
8. PERISHABLE ITEMS: Perishable property or evidence, such as blood or a Sexual Assault Kit, shall be refrigerated in a secure area until such time that it is transported for analysis.
9. FIREARMS
- a. Firearms shall be received only after having been unloaded and rendered safe. No loaded firearm shall be accepted or stored by the property and evidence function. For further information, see the department policy regarding **Collection and Preservation of Evidence**.
 - 1) Firearms shall not be placed in any evidence box or container until the firearm has been checked to ensure that it is unloaded and safe. Upon placing the firearm into the box or bag, the container shall be sealed and the seal initialed by the person who sealed the container.

- 2) Any firearm removed from an evidence box or container shall be checked to ensure that it is unloaded and safe.
 - 3) No firearm shall be stored with a magazine inserted into the magazine well.
- b. Firearms shall be stored in an organized manner and location at the discretion of the evidence supervisor within the property room .

10. COMBUSTIBLE LIQUIDS:

- a. Combustible evidence such as gasoline, toluene, paint thinner, etc., shall be stored in a secure Flammable Liquids Cabinet.
- b. Officers should use caution when transporting flammables.
- c. Whenever possible, small samples of the flammable shall be retained as evidence.
- d. For further information, see the department policy regarding **Collection and Preservation of Evidence**.

11. EXPLOSIVE DEVICES

- a. No live explosive devices shall be accepted or stored by the property and evidence function.
- b. Under no circumstances are explosive devices such as dynamite, hand grenades, blasting caps, etc., to be brought into the station.
- c. When an explosive device or suspected explosive device is located, the officer locating the device shall inform a Supervisor or OIC, who shall notify the appropriate Bomb Disposal Unit.
- d. Upon being rendered safe, non-explosive components may be properly received.

F. Temporary Release of Property [84.1.1(g)]

1. PRIMARY RELEASE OF PROPERTY

- a. The temporary release of property or evidence from the custody of the property and evidence function shall be conducted or coordinated by employees assigned to that function.
- b. Property may be released for the purposes of:
 - 1) Use as evidence in court or another hearing;
 - 2) Laboratory examination;
 - 3) Identification of property by the owner, custodian, victim, or witness;
 - 4) Investigation; and
 - 5) Other law enforcement purposes.
- c. Whenever property or evidence is removed from the custody of the property and evidence function, the chain of custody shall be maintained.

- 1) A notation shall be made in the Property and Evidence Log, containing the following information:
 - a) Date and time;
 - b) Property number(s);
 - c) Name of person taking custody;
 - d) Reason for removing the item (court, laboratory processing, investigation, etc.); and
 - e) Initials of the person taking custody.
 - 2) The Property Technician will then initial the Log to indicate the change in custody.
 - 3) A Property Technician shall update the status of the property in the property and evidence program to reflect the release from custody and to whom the item was released.
 - 4) The person receiving temporary custody of property must return the property promptly.
2. SECONDARY TEMPORARY RELEASE OF PROPERTY
- 1) Property temporarily released to an employee may be further released to the custody of another, if necessary to fulfill a law enforcement purpose. Among the reasons for such release are:
 - a) Transfer of evidentiary items to the court or District Attorney's office;
 - b) Release to another investigative agency; or
 - c) Release to another agency for a specialist to examine.
 - 2) Upon such secondary release, the releasing employee shall obtain a written receipt for the property which shall include:
 - a) Date and time;
 - b) Property number(s);
 - c) Name of person taking custody;
 - d) Reason for removing the item (court, laboratory processing, investigation, etc.);
 - e) Signature of the person taking custody; and
 - f) Name and signature of the person relinquishing custody.
 - 3) The receipt shall be forwarded to the property and evidence function for purposes of maintaining the chain of custody, and for personnel to update the property activity in the property and evidence management program.

3. PROPERTY RELEASED FOR INVESTIGATIVE OR TRAINING PURPOSES [84.1.4]
- a. Weapons, explosives, and controlled substances may be used for investigative or training purpose with the express permission of the Chief of Police.
 - b. Firearms and weapons shall be transferred to the custody of the department as follows:
 - 1) The property activity for such weapon shall be annotated to indicate such transfer and shall reflect a “closed” status.
 - 2) The weapon shall be listed on the department’s Weapons Control Roster.
 - c. Small quantities of explosives for training purposes may be stored by the department. (This does not include devices used by special operations teams for diversionary purposes.)
 - 1) Training explosives shall be stored in a designated storage area approved by the Chief of Police.
 - 2) Access to the explosives shall be supervised by Chief or Sergeant.
 - 3) When needed for training purposes, the explosives shall be issued by Chief or Sergeant, who will annotate in the Explosives Log the date, time, purpose of issue, and name of the person to whom the explosive was issued. The employee receiving the explosive shall initial having received the item.
 - 4) The explosive shall be returned to Chief or Sergeant, who will place the item back into the designated storage and annotate such return in the Explosives Log.
 - d. Drugs may be issued for training or investigations.
 - 1) Only drugs associated with closed cases or submitted for destruction may be used for such purposes.
 - a) The Evidence Officer shall obtain an incident number which will be associated with each drug item to be used for such training or investigation.
 - b) The Evidence Officer shall submit an incident report identifying each property item by description, property number and state lab number (if applicable).
 - c) For drugs processed and packaged by a state lab, if the drugs must be removed from the packaging, the original packaging shall be maintained by the Evidence Officer.
 - 2) The drugs shall be issued as temporary release of property.

- 3) Drugs not under the immediate control of an authorized person shall be locked in a secure container approved for such purposes by the Chief of Police.
- 4) In the event that any drugs are lost or damaged during such investigation or training, in addition to any other incident reports, the employee having custody of such drugs shall submit a report explaining the circumstances of such loss or damage.
- 5) Upon return to the custody of the property and evidence function, the Evidence Officer shall:
 - a) Inspect the drugs for loss or damage;
 - b) Submit an addendum to the initial report; and
 - c) Re-submit same to the state lab along with the original packaging and certificate.²

4. RETURNED PROPERTY

- a. When property or evidence is being returned to the custody of the property and evidence function, the returning party may return the item in person, or when no Property Technician is on duty, the item may be placed in the temporary storage lockers. See **Temporary Evidence Storage** in this policy.
- b. The Property Technician will examine the item to ensure that it is the same item that was released and that it is in the same condition.
 - 1) If all is in order, the item will be received and the activity updated in the property and evidence program.
 - 2) Any unexpected or unexplained change or alteration of the item shall be immediately reported to the Property and Evidence Function Manager for further action.

G. Final Disposition of Property

1. RELEASING PROPERTY [84.1.1(G)]

- a. All property permanently released from the custody of the property and evidence function shall be documented and accounted for.
- b. A receipt shall be obtained for each item. The receipt shall contain:
 - 1) The date and time of release;
 - 2) The property number of each item released;
 - 3) A brief description of the property item;
 - 4) Name, address, and date of birth of person to whom the property is released -- if multiple property sheets are used, this information need only be captured on one sheet;
 - 5) Signature of the person to whom the property is released; and

- 6) Name and signature of employee releasing the property.
 - c. The property record for each released property item shall be updated to reflect the return of the property and the change of the status of the property item to "closed."
2. DISCARDED OR DESTROYED PROPERTY
 - a. All property in the custody of the property and evidence function which is discarded or destroyed shall be documented and accounted for.
 - b. Upon the property's being discarded or destroyed, the property record for each discarded or destroyed property item shall be updated to reflect the return of the property and the change of the status of the property item to "closed."
 3. PROPERTY SUBMITTED FOR DESTRUCTION
 - a. When receipt is received of property submitted for destruction, such property shall be processed and held for destruction or destroyed.
 - b. Drugs submitted for destruction shall be processed in accordance with the guidelines set forth by the Department of Public Health.
 4. EVIDENCE NO LONGER NEEDED
 - a. It is the responsibility of the case officer to notify the property and evidence function when evidence is no longer needed.
 - 1) Such evidence will be promptly returned to the owner whenever possible.
 - 2) The property and evidence function shall make a diligent effort to notify the owner. Such notification may be made by telephone, e-mail or U.S. Mail.
 - b. If the owner or custodian cannot be located, such item may be disposed of.
 5. PHOTOGRAPH OF EVIDENCE, RETURN OF PROPERTY TO OWNER
 - a. Evidence may be returned to the owner or custodian, at the discretion of the case officer or District Attorney's Office, after having been photographed. The photograph may be admitted in judicial proceedings as competent evidence.
 - 1) The property may then be released to the victim prior to trial, provided that the return does not compromise prosecution of the case.
 - 2) In determining whether or not to return the property to the victim, the case officer must weigh the hardship created for the victim against the value of the evidence in future court proceedings.
 - 3) Return of property in superior court cases must be approved by the District Attorney's Office.

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- b. 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.
 - 1) When applicable, a readily identifiable object should be used for size comparison.
 - 2) The person to whom the property is to be returned shall be asked if the property in the photograph is the same property as that being returned. The person shall then sign and date the photograph.
 - c. The item(s) shall be returned and the return documented in accordance with this policy.
 - d. The signed property return receipt and photograph(s) shall be turned in to the property and evidence function.
 - e. Property released from the custody of the property and evidence function shall be annotated to reflect the return of such property and the entry of a photograph into custody, in place of the true item.
6. FOUND PROPERTY: RIGHT OF CLAIM BY FINDER: The finder of money or property may request that such property be turned over to him/her after one year has passed since the property or money was found. ³
- a. If the owner becomes known and makes a claim to such property within one year, the property shall be returned to the owner. ⁴
 - b. If the owner remains unknown or does not make arrangement to obtain the property within one year of the date of finding, the property shall ensure to the finder. ⁵
 - c. If the finder does not claim the property, such property may be disposed of at auction.⁶
7. OTHER LOST, STOLEN, ABANDONED, OR UNCLAIMED PROPERTY
- a. Lost, stolen, abandoned property, or property taken from a person under arrest (excepting arrestee property to be returned upon release), shall be forwarded to the designated lost and found officer. Such property shall also include:⁷
 - 1) Property left behind by arrested persons; and
 - 2) Safe keeping property not reclaimed by the owner after notice or attempt of notice.
 - b. All such property shall be retained for a period of at least one month. Property left by arrestees are disposed of after 7 days and shall be notified upon transfer.
 - c. The designated lost and found officer shall maintain an orderly location and process to classify, label, maintain and dispose of lost and found property.
 - d. The property may be sold at auction, provided that:⁸

- 1) The owner or owner's abode or place of business is unknown;
 - 2) If the owner, owner's place of abode or business is known, the owner shall be notified by registered mail; and
 - 3) If the owner refuses or fails to take possession of the property within ten days of receiving notice, the property may be sold at auction.
- e. Owner's Claim to Property:
- 1) The owner may make claim to the property:
 - a) Within two years and two months after the property came into the possession of the police department; or
 - b) Within two years of the sale of such items.
 - 2) If the owner can prove ownership of the property, the owner may receive proceeds of the sale of the property, less any incurred expenses.
 - 3) 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.
 - 4) 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.

8. PROPERTY FROM SEARCH WARRANTS

- a. Property or articles stolen, embezzled or obtained by false pretenses, or otherwise obtained in the commission of a crime shall be returned to the rightful owners.⁹
- b. All other property seized in execution of a search warrant shall be disposed of as the court or justice orders.
- c. Rifles, shotguns, knives, or other dangerous weapons which have been found to have been kept, concealed or used unlawfully or for an unlawful purpose shall be delivered to the State Police for destruction.

H. Disposition of Firearms

1. FIREARMS TURNED IN FOR DISPOSITION: Unwanted firearms turned in to the police department for disposition shall be **delivered to a bonded warehouse for disposition.**
2. FIREARMS HELD FOR SAFE KEEPING
 - a. Firearms in possession of the police department for the purpose of safe keeping shall be held for a period of not more than thirty days (30) days.
 - b. Firearms held in excess of 30 days may be transferred to a bonded warehouse for storage.

3. LICENSE SUSPENSION OR REVOCATION; TRANSFER OF FIREARMS BY OWNER: Firearms surrendered Pursuant to Suspension or Revocation of License¹⁰
 - a. The owner or his or her legal representative may transfer firearms, rifles, shotguns, machine guns, and ammunition to anyone lawfully permitted to take possession.
 - b. The purchaser or transferee and the former owner shall notify the licensing authority in writing of the intended transfer.
 - c. Within ten days of the receipt of such notice, the firearms shall be transferred.
4. BONDED WAREHOUSE
 - a. Firearms held in police custody may be transferred to a bonded warehouse for storage.¹¹
 - b. This shall apply to all firearms with the exception of firearms being held as evidence in any pending case dealing with a firearms violation.¹²
5. FIREARMS, VIOLATION OF M.G.L. 265, §10
 - a. A firearm shall be returned to the person from whom it was lost or stolen if that person was lawfully in possession of it.¹³
 - b. Otherwise, unless directed by the court, firearms shall be forwarded to the State Police for disposition.¹⁴
6. FIREARMS, SERIAL NUMBER REMOVED OR MUTILATED: Such firearms shall be delivered to the State Police for destruction.¹⁵
7. SILENCERS: Unlawfully possessed silencers shall be delivered to the State Police.¹⁶

I. Asset Forfeiture [84.1.8]

1. DOCUMENTATION
 - a. A separate incident number shall be assigned to each asset forfeiture application.
 - b. Items seized for possible asset forfeiture shall be documented and turned into the property and evidence function as would an evidence item of a similar type.
 - c. A report shall be filed documenting:¹⁷
 - 1) The exact kinds, quantities and forms of property;
 - 2) From whom the property was received;
 - 3) Under what authority it was held, received, or disposed of;
 - 4) To whom it was delivered; and
 - 5) The manner of destruction or disposition.

2. ASSET STORAGE

- a. Such item shall be stored pending the outcome of such action.
- b. Vehicles shall be immobilized, locked, and stored in a secure area.
- c. Cash shall be forwarded to the treasurer for deposit in a police holding account.
- d. Other items shall be stored in the custody of the property and evidence function.

3. APPLICATION FOR ASSET FORFEITURE

- a. Asset forfeiture actions should be initiated promptly.
- b. The following documents shall be forwarded to the District Attorney's Office Seizure Unit:
 - 1) Request for Asset Forfeiture Form; and
 - 2) A copy of the police report. The report must contain necessary probable cause for seizure.

4. FINAL DISPOSITION

- a. The District Attorney's Office will notify the police department of the award.
- b. Funds awarded to this department shall be deposited in a police holding account specifically designated for drug asset forfeiture funds only.
- c. All funds shall be disbursed as directed by the forfeiture judgment. Such funds may be used for the following purposes:¹⁸
 - 1) To defray the cost of protracted investigations;
 - 2) To provide additional technical equipment or expertise;
 - 3) To provide matching funds to obtain federal grants; or
 - 4) To accomplish such other law enforcement purposes as the Chief of Police deems appropriate.
- d. Such funds shall not be considered a source of revenue to meet the operating needs of the department.
- e. The disposition of all vehicles, real property, and items of value shall be in accordance with the final order of forfeiture. Such disposition may include:
 - 1) Official use by the department or other public agency; or
 - 2) Sale at public auction or competitive bidding.
- f. Funds from the sale of vehicles or property shall be disbursed in **accordance with M.G.L. c. 94C, §47.**

5. FEDERAL ASSET FORFEITURE

- a. Federal asset forfeitures will be conducted in conjunction with the federal agency involved with the asset seizure.

- b. Funds received shall be deposited in a police holding account for federal asset forfeiture funds only.
- c. Such funds shall be used only for purposes lawfully allowed by the federal asset forfeiture program.
- d. The Detective Sergeant shall maintain records of all asset forfeiture funds received and disbursed and shall comply with annual reporting requirements

J. Property Room Integrity Inspections

1. The department shall conduct scheduled and unscheduled inspections, inventories, and audits of the property and evidence function to maintain a high degree of evidentiary integrity over agency controlled property and evidence.
2. INSPECTION [84.1.6(A)]
 - a. Inspections to determine adherence to the procedures used for the control of property and evidence shall be conducted by the Property Manager or an employee designate by the Property Manager to conduct such an inspection. The inspection shall determine if:
 - 1) Property and evidence, and drugs in custody, and the records relating thereto, are being maintained in full compliance with the procedures outlined in this directive, and proper accountability procedures are being maintained;
 - 2) Property is properly stored and protected from damage and/or deterioration;
 - 3) Property having no further evidentiary value is being disposed of promptly; and
 - 4) The evidence/property rooms are being maintained in a clean and orderly condition.
 - b. Inspections shall be conducted semi-annually.
 - c. The inspection report shall be filed appropriately.
3. INVENTORY [84.1.6(B)]
 - a. An inventory of all property under the control of the property and evidence function shall be conducted as follows:
 - 1) Whenever the Property Custodian is assigned to or transferred from the position, an inventory shall be conducted by the newly assigned Property Custodian, jointly, with an employee designated by the Chief of Police. The inventory shall ensure that records are correct and properly annotated.
 - 2) An inventory shall also be conducted when directed by the Chief of Police.

- b. The purpose of the inventory is to ensure the continuity of custody and not to require the accounting of every single item of property.
 - 1) The inventory shall be sufficient to ensure the integrity of the system.
 - 2) The inventory shall include all high risk items:
 - a) Cash;
 - b) Precious metals;
 - c) Jewelry;
 - d) Firearms; and
 - e) Drugs.
 - 3) A sufficient sample of property records relative to the volume of property under the care of the property and evidence function shall be reviewed carefully with respect to proper documentation and accountability.
 - c. All discrepancies should be recorded prior to the assumption of property accountability by the new custodian.
 - d. The inventory report shall be filed appropriately.
4. AUDIT [84.1.6(C)]
- a. An audit of property and evidence in the custody of the property and evidence function shall be conducted:
 - 1) Annually in the month of July or
 - 2) As directed by the Chief of Police.
 - b. Such audit shall be conducted by a Supervisor or OIC assigned to that task by the Chief of Police. The Supervisor or OIC assigned shall not be routinely or directly connected with the control of property and evidence. Under no circumstances should the inspector designated by Supervisor or OIC or command officers have the property function under his or her control.
 - c. The audit report shall be filed appropriately.
5. UNANNOUNCED INSPECTIONS [84.1.6(D)]
- a. Unannounced inspections of the property storage areas shall be conducted as directed by the Chief of Police, but at least annually.
 - b. Accountability and security procedures will be the primary focus of this inspection.
 - c. The inspection report shall be filed appropriately.

¹ M.G.L. c. 94C, §47A.

² Department of Public Health, Drug Destruction Protocol, III.c.

³ M.G.L. c. 134, §4.

⁴ M.G.L. c. 134, §3.

⁵ M.G.L. c. 134, §4.

⁶ M.G.L. c. 135, §8.

⁷ M.G.L. c. 135, §7.

⁸ M.G.L. c. 135, §7.

⁹ M.G.L. c. 276, §3.

¹⁰ M.G.L. c. 140, §129D.

¹¹ M.G.L. c. 140, §129D.

¹² M.G.L. c. 140, §129D.

¹³ M.G.L. c. 265, §10(f).

¹⁴ M.G.L. c. 265, §10(e).

¹⁵ M.G.L. c. 265, §1B; M.G.L. c. 265, §11C.

¹⁶ M.G.L. c. 265, §10A.

¹⁷ M.G.L. c. 94C, §47(e).

¹⁸ M.G.L. c. 94C, §47.