

NORTHAMPTON POLICE DEPARTMENT		
Administration & Operations Manual		
Policy: Evidence and Property Handling Procedures		AOM: O-402
Massachusetts Police Accreditation Standards Referenced: [84.1.1.c], [84.1.1.a&c], [84.1.1], [84.1.3], [84.1.1.b], [83.3.1], [84.1.2], [84.1.7], [84.1.1.g], [84.1.1.f], [84.1.6.a], [84.1.6.c], [84.1.6.d]		Issuing Authority <hr/> Jody Kasper Chief of Police
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I. Introduction

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

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

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

II. Evidence and Property Management Responsibilities

- A. Responsibility of Evidence/Property Control Supervisor: The Chief of Police shall designate a supervisor to oversee evidence & property control. The Evidence/Property (E/P) Control Supervisor shall have overall control and responsibility for the management of all property seized as evidence, found or recovered stolen property, lost or abandoned property, or property submitted for safe keeping. The E/P Control Supervisor shall perform semi-annual audits of the electronic entry log of the evidence room. They will also perform an annual audit of all items in the departments control with the EP Control Officer, and Evidence/Property Specialist.
- B. Responsibility of Evidence/Property Control Officer: The Evidence/Property (E/P) Control Supervisor may designate an Evidence/Property (E/P) Control Officer to perform evidence and property control management duties under their supervision.
- C. Responsibility of the Evidence/Property Specialist: The EPS supports the function of the EPCS. They will be sworn in as a SPO for evidence processing only. They will work with the EPC Officer to process property and evidence. They will also be responsible for the purging of items, to include the destruction of controlled substances and firearms.
- D. Audit Requirement for Transfer of Property Function: Whenever a new E/P Control Officer, or E/P Control Supervisor is designated, there shall be a joint audit of property conducted by these personnel to ensure that records are correct and to formally transfer custody of the property within the system. [84.1.6,b]
1. The audit shall be of a nature sufficient to ensure the continued integrity of the system and need not be an accounting of every item of property.
 2. During the joint audit, a sufficient number of property records should be carefully reviewed with respect to proper documentation and accountability. The person assuming custody of the property should ensure that all reviewed records are current and properly annotated.
 3. All discrepancies shall be resolved prior to the transfer of responsibility.

III. Chain of Custody Procedures

To ensure the admissibility of evidence at a criminal trial, the police must be able to establish a “chain of possession or custody”. Chain of possession means an officer must be able to account for the handling, examination, and storage of the evidence by everyone involved. [84.1.1, g]

- A. Complete Incident Narrative: An officer bringing property to this Department shall complete a description in their offense report detailing the circumstances by which the items came into the Department's possession. [84.1.1,c]
- B. Complete Entries in Evidence/Property Segment of Offense Report: As soon as possible, submitting officers shall enter all information required by the computer-generated Offense Report for every item of evidence or property coming into their possession (with the exception of found keys). If the owner of said property requests that a receipt be made, then one shall be given to them. Officers shall ensure that required information is entered prior to the end of their tour of duty. [84.1.1,a,c]
- C. Turn Items Over to Officer-in-Charge (OIC): The submitting officer shall then turn all items over to the OIC, who shall place such items in the appropriate storage/locker area. Officers shall ensure that all items of evidence/property are submitted to the OIC prior to the end of their tour of duty. However, where circumstances occur that evidence cannot be submitted to the OIC at the end of the shift, with the approval of the OIC, the evidence will be logged and properly secured until such time that it can be processed accordingly. [84.1.1] [84.1.3]
1. **Place in Proper Storage Area**: The OIC is responsible for placing all evidence/property received in either the evidence/property locker, drop safe, temporary caged area, records area, or refrigerator as prescribed in this directive, prior to the end of his/her tour of duty. Note exception detailed in section C above. (Refer to *AOM 0402.a Property Storage Guide*) [84.1.1,b]
 2. **Complete Entries in Evidence/Property Log**: Whenever evidence/found property items are placed in any of the above noted locations, the OIC submitting the items shall complete all required entries in *AOM 0402.b Evidence/Property Log*. The entries shall include; date and time the items were logged in, the computer generated property number, the location of storage, and the OIC's signature. [84.1.1]
- D. Responsibility of Evidence/Property Control Officer: The E/P Control Officer shall be responsible for reviewing the Evidence/Property Log and when necessary, moving items from the temporary storage area(s) to the proper permanent secured storage area(s) (e.g., evidence room, drug safe, gun safe). They shall complete *AOM 0402.b Evidence/Property Log*, and shall ensure that departmental computer evidence/property tracking screens are completed indicating the new location of the evidence or property.
- E. Evidence Room Entry Log: Any authorized person entering the Evidence Room will only gain access with the use of their issued key FOB. This process will electronically record the date, time, and name of the individual entering the evidence room. If an unauthorized person enters the room (accompanied by an authorized person) an entry will be made on *AOM 0402.d Evidence Room Entry Log*.

- F. Record Chain of Custody: Whenever evidence or property is released, exchanged or transferred, such transfer of custody shall be recorded on *AOM O402.c Property Release Log*, and/or computer data base. [83.3.1]
- G. Members of the Northampton Police Department who assume custody of evidence or property, bear full responsibility for ensuring its security, proper storage, maintenance, and for the ready retrieval of such evidence upon demand.

IV. Storage Guidelines for Evidence and Property [84.1.2]

- A. Secure Storage Areas: The Department shall maintain areas for the secure storage of evidence, property, or contraband. These areas shall be secured at all times when left unattended. The following is a list of potential storage areas;
1. **Evidence Lockers** - located in the lower level hallway.
 2. **Drop Safe** - located in the Temp Cage.
 3. **Evidence Room** - located in the lower level of the Police Department.
 4. **Drug Safe** - located in the Evidence Room.
 5. **Gun Cabinet** - located in the Evidence Room.
 6. **Refrigerator** - located inside the Evidence Room.
 7. **Refrigerator** - (Temporary Storage) located within the Evidence Lockers in the lower level of the police department as well as the Temp Cage.
 8. **Temporary Cage** - located in the lower level of the Police Department.
 9. **Cold Storage**- secure area located in the garage area in the Lower Level of the Police Department.
 10. **Detective Bureau** – Locked file cabinet and locked sexual assault files.
 11. **Lost and Found** – Refer to form O402.a

Authorized Access to Evidence/Property Storage Areas: Only those individuals authorized by the Chief of Police shall have access to the areas used to secure evidence/property/contraband. The following personnel have been authorized: [84.1.2]

1. Evidence/Property Control Supervisor;
2. Evidence/Property Control Officer;
3. Evidence/Property Specialist;
4. Court Administrator.

In case of an emergency, an evidence master key is locked in an emergency box outside of the evidence room. Should this key be accessed, a memo must be submitted to the Captain of Administration detailing the circumstances.

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

Evidence and/or found property released to the owner, or for auction or destruction, must be logged out in the IMC Evidence/Property Screens, and if evidence, must be logged out on *AOM O402.c Evidence/Property Tracking Log*. The computer property inventory tracking maintenance screen shall be completed.

- A. Evidence: When a final disposition is reached in court, the officer, unless the court has made a specific disposition, shall return the evidence/property to the owner if they are present. The owner must sign the evidence/property tag indicating the date and time of receipt. The tag shall be returned to the Property Control Officer.

If the evidence/property is brought back to the station by the officer, they must turn the item(s) over to the OIC. The OIC shall record the item(s) into ***AOM 0402.b Evidence/Property Log*** and place them into a proper storage area.

The E/P Specialist, Control Supervisor, Control Officer, or Court Administrator shall notify the owner to arrange for the return of the evidence/property, or its disposal. [84.1.1, f]

1. **Contraband**: Items of contraband shall be stored separately from other items and may be destroyed upon disposition from the case.
- B. Drugs / Narcotics: The E/P Specialist shall ensure, that on a periodic basis all controlled substances and narcotic drugs seized by the Department are properly inventoried and destroyed (Refer to ***AOM 0402.f Drug Destruction Protocol***).
- C. Safekeeping, Recovered and Found Property: Unless claimed by the owner, all recovered or found property, or property submitted for safekeeping, shall be kept by this Department for a period of at least 30 days. All unclaimed cash shall be kept by this Department for a period of at least 1 year and 1 day.
1. **If Owner is known**: Officers taking possession of found property shall ensure that the property is returned to its owner. All returned property and attempts to return property, shall be documented in the departments computer evidence/property tracking system.
 2. **If Owner is Not Known**: Every reasonable effort should be made to identify, locate, and notify owners of the status of their property. [84.1.1,f]
 3. **Found Property**: In situations where the property was found and the owner was not identified, the finder may be eligible to claim the item after 30 days or if the property is cash, 1 year and 1 day.
 4. **Final Disposition**: Final disposition of found, recovered or evidentiary property in custody shall be completed within thirty (30) days after legal requirements have been satisfied. [84.1.7]

VI. Evidence and Property Room Inspection

- A. Responsibility of Evidence/Property Control Supervisor: At least semi-annually, the E/P Control Supervisor shall be responsible for inspecting all property storage areas to determine adherence to procedures used for the control of property. The results of this inspection shall be documented on ***AOM 0402.e Semi-Annual***

Property/Evidence Inspection Form, which shall be maintained in the E/P Control Supervisor's office. [84.1.6,a]

- B. Annual Audits: On an annual basis, the Chief of Police shall appoint a supervisory officer, not routinely or directly connected with the control of property to conduct an inspection of property held by the Department. The purpose of this inspection is to ensure the integrity of the system and does not require the examination of every item held by the agency. The results of this inspection shall be documented. [84.1.6,c]

- C. Unannounced Inspections: In addition to the above, the Chief of Police shall direct unannounced inspections of the property storage areas. [84.1.6,d]