

	Policy & Procedures				No. 1.16	
	Subject: Chain of Custody-Evidence/Property					
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GENERAL CONSIDERATIONS AND GUIDELINES

C.A.L.E.A. Standards

84.1.1 84.1.6

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- I. POLICY:** To ensure that evidence and property in the possession of the Canton Police Department be properly secured, stored, readily retrieved, and that any changes in location/custody have been properly and completely documented. **84.1.5**

The purpose of this policy is to establish guidelines for maintaining the integrity of the chain of custody for all articles in our possession whether they be evidence, contraband, lost property, or items for safekeeping.

DEFINITIONS: For the purpose of this directive, the following definitions apply:

- A. Chain of Custody:** The documentation of evidence/property from its initially discovered location through its continuity of custody with the Canton Police Department. The documentation should include the date/time each item was located, where each item was located, name of the person/officer who initially located same. Each time the item/s is transferred to the possession of another officer/agency, the name of the person receiving such item/s, the date/time of the exchange, and the signature of the person taking receipt shall be recorded on the property/evidence receipt to be entered into the in-house computer system. **83.2.1 (1G)**

The connotation, under the law, is that the item or material introduced into evidence, must be proven to be the same as that obtained initially.

- B. Temporary Evidence Room:** Any secured designated repository used to **TEMPORARILY** store evidence located in the room adjacent to the common mailboxes. The secured repositories consist of the 16 temporary lockers, the shelves designated for larger items, the safe and the small refrigerator. **84.1.3**
- C. Evidence/Property Officer:** The Canton Police Officer accountable for control and maintenance of all evidence/property accepted by or stored in the evidence room of the Canton Police Department.
- D. Evidence Room:** Secured facilities or storage containers utilized by the Evidence/Property Officer to store evidence on a **PERMANENT** basis.
- E. Abandoned/Found Property:** Any lawful item of property, the control of which is taken into custody for safekeeping for the purpose of identifying and returning the property to its rightful owner (ie. found cell phone)
- F. Impounding Officer:** Any law enforcement officer who initially receives the evidence/property and initiates the chain of custody.
- G. Physical Evidence/Recovered Property:** Any substance or material found or recovered in connection with a criminal investigation (ie. jewelry from a B&E).
- H. Confiscated Property:** Any item of property seized in compliance with law by an officer, that does not meet the criteria above for evidence or found property (ie. 209A weapons). Any firearm that is not regarded as evidence in a criminal case, will be transferred by the Evidence Officer to the Head Firearms Officer, to be secured in the department armory until such time that they can be picked up by the outside storage facility contractor.

II. PROCEDURES

COMMAND: The Chief of Police shall assign a sworn officer as the Evidence/Property Officer. Their duties and responsibilities are specified in the Canton Police Department Regulations.

II. GENERAL SECURITY:

- A. Designated member(s) of the Canton Police Department authorized by the Chief of Police are the only personnel who may enter the **PERMANENT** evidence room. The Designated Lieutenant and the Evidence Officer (Admin. Sergeant) are the only members designated at this time. **84.1.2**
- B. Designated officer(s) will utilize their scan cards to enter the Permanent Evidence room and that information will be stored electronically.
- C. No other person may enter or remain in the **PERMANENT** evidence room unless the evidence officer is present. The purpose of entering the evidence area shall be specifically related to the evidence function or building maintenance.
- D. The **PERMANENT** evidence room shall be kept locked at all times during the absence of the evidence officer and no one shall have the capability of unlocking the door except the Designated Lt and Admin. Sgt. All entries will automatically be recorded on the Security Door Access Computer and video. **84.1.2; 84.1.3**
- E. The **TEMPORARY** evidence room can be accessed by the Chief, Deputy Chief, Lieutenants, Sergeants and Officers in Charge for the Canton Police Department. Its purpose is to temporarily secure items that have been confiscated until they can be placed in **PERMANENT** evidence by the designated sworn officer. **84.1.3**

III. EVIDENCE-PACKAGING/LABELING: In cases where physical evidence is to be turned over to the evidence officer for processing and safekeeping, the following procedures will be followed: **83.2.1; 84.1.1 D**

All property herein to include evidentiary, seized, recovered, impounded, abandoned and found, shall be tagged and secured in an evidence locker area in temporary evidence. It shall be accompanied by a printout of the report and/or log entry and the computer-generated evidence receipt. **84.1.1 A,B,C; 84.1.2**

If the item bulky, oversized or too large for a locker, it will be tagged and stored on a shelf in the temporary evidence. A report and computer-generated evidence receipt will accompany it, followed by an email to the evidence officer. From there it will be stored on a shelf in Permanent Evidence designated for oversized items. **84.1.1 (9G)(10G); 84.1.2**

The Shift Supervisor; shall oversee that all procedures for packaging, labeling, and temporarily securing all evidence have been adhered to. In addition, the following procedures shall be followed for these special items:

A. CURRENCY: 84.1.1 E; 84.1.2; 84.1.5 All monies shall be counted by the impounding officer and verified by the shift supervisor or OIC. **83.2.1**

Both shall sign the evidence receipt generated by the computer. Money recovered from different areas (i.e. vehicle vs. pants pocket) should not be combined. A separate evidence bag shall be used for currency recovered from each location. A separate line entry shall be used on the computer evidence receipt for all currency recovered. It should detail the serial number of each bill, the denomination of the bill and the location found. Monies will then be placed in a plastic tamper-resistant plastic bag (s) and placed in the temporary locker to await removal by the Evidence Officer to the Permanent Storage Safe.

NOTE: If the bills are wet or have blood on them, do not place in a plastic bag. Follow all the other instructions, but utilize paper envelopes/bags. Place a piece of "Biohazard" tape on the outside of the paper bag. Place the currency in the temporary locker to air dry.

B. CONTROLLED SUBSTANCES: 83.2.1; 84.1.1 E; 84.1.2; 84.1.5

1. All controlled substances shall be placed in evidence bags of appropriate size. A supply of assorted bags will be kept in the Booking Area or the Temporary Evidence Room. All controlled substances will be weighed (scales will be provided in the Booking Area) in their original packaging by the confiscating officer and witnessed by the Sergeant/OIC. Both will sign the computer-generated evidence receipt. All items will be placed in the temporary lockers accompanied by a computer-generated evidence receipt and copy of the report. **84.1.1 (9C)**
2. Controlled Substances should **NEVER** be left on the shelves in temporary evidence. Controlled Substances should **NEVER** be stored anywhere in the Canton Police Department except the designated locked evidence storage areas, unless the items are too numerous and bulky to store in this manner (ie. hundreds of marijuana plants). The evidence officer should be immediately notified by phone of this situation. **84.1.2**
3. Capsules, pills, marijuana joints, small packets, and all countable items shall be counted. Controlled substances seized from different people or from different locations shall be counted and packaged separately.

Different pills should be placed in different glassine evidence bags.

Marijuana plants should be allowed to die and air dry-they should not be placed in any type of plastic bag

4. Different controlled substances found on the same person should also be counted and packaged separately.
5. Paraphernalia related to the controlled substance seizure shall be placed in a different evidence bag than the drugs themselves, unless

the drugs are contained within or adhering to such paraphernalia. Hypodermic needles will be placed in a biohazard safe SHARPS container and such containers shall have an evidence label adhered to same.

- C. FIREARMS:** Firearms shall be labeled and placed in a cardboard box (located in the Booking Area and Temporary Evidence) All firearms shall be unloaded and cleared prior to being placed in a locker in temporary evidence. A report and computer-generated evidence receipt shall accompany the firearm.

If, for evidentiary purposes or other reasons, a **firearm cannot be unloaded**, a warning label shall be affixed to the outside of the locker and to the firearm. **84.1.1 E; 84.1.2; 84.1.5**

- D. BICYCLES:** A bicycle being submitted as EVIDENCE (not found property) will be tagged appropriately. It will be placed inside temporary evidence with a hanging evidence tag affixed to it. A report and a copy of the computer property receipt will accompany it. **84.1.1 E; 84.1.2; 84.1.5**

IV. SUBMISSION: 83.2.1; 84.1.1; 84.1.2

- A.** All property/evidence shall be submitted and logged into IMC as soon as possible and prior to the officer completing his tour of duty. **84.1.1 A(1,2)**
- B.** Officers shall take reasonable precautions in the handling of physiological specimens, items contaminated with physiological fluids, chemicals, contaminants, and hazardous materials to avoid contaminating themselves or others with infectious or harmful agents. The use of protective gloves, laboratory coats or jumpsuits, filtering masks, and safety goggles should be used when appropriate. Hands should be washed frequently. Work surfaces shall be cleaned after each case.

V. IMPOUNDING EVIDENCE:

- A.** The evidence officer shall be responsible for receiving, storing, maintaining, releasing, and accounting for all evidence in compliance with established departmental policy and all laws.
- B.** All monies shall be counted by the impounding officer and verified by a second officer. Monies will then be placed in a tamper-resistant bag and placed in the evidence room or locker. **84.1.2**
- C.** The evidence officer shall remove all evidence from the evidence lockers during his/her tour of duty. All items shall be inspected to ensure that the items are properly packaged and that no tampering has occurred. The

accompanying documentation shall be examined to ensure accuracy, completeness, and the proper chain of custody.

- D. The evidence officer shall immediately report any indication of evidence tampering, or improper documentation to the Chief of Police.
- E. All evidence and property received by the evidence officer will be entered into the computerized evidence record system as soon as possible. These records will reflect the status of all property held and locations. The status will be reflected as follows:

VI. CUSTODY STATUS: 84.1.5 This reflects the current status of recovered property/evidence that is currently part of an active case investigation awaiting court and/or final disposition. Anytime a piece of evidence, found or recovered property is to leave the secured evidence room, for any of the following reasons listed below, it shall be entered into the custody field by the releasing evidence officer. All monies, precious jewelry, and all other valuables shall be accounted for prior to and subsequent to each item returned.

- A. **Court Proceedings:** reflects property/evidence that has been released investigator or officer for court proceedings.
- B. **Lab Analysis:** indicates that property/evidence from an active case that has been released for lab analysis to an accredited laboratory. The property/evidence officer releasing the item(s) shall note the location of the analyzing lab. A drug receipt will be completed for all controlled substances that are to be analyzed. Controlled substances to be analyzed will be transported to the State Laboratory Institute by the evidence officer or his/her authorized relief. Such submissions shall be monthly and processed in accordance with the procedures of the Institute. The evidence officer shall obtain a copy of the drug receipt for the department's records. Each item will also be noted in the custody field of the property/evidence report. **83.2.1 (1F)**
- C. **Moved to Secondary Location:** reflects status of property/evidence that has been moved by evidence officer for storage or inventory purposes.
- D. **Released to Officer:** indicates property/evidence that has been released to an officer for supplemental investigation purposes.
- E. **Released to Investigator:** indicates property/evidence that has been released to an investigator for supplemental investigation purposes.
- F. **Released to Owner:** items that have been released to owner. Each item released to owner should be indicated in the narrative (e.g., case may still be active, however, the item released shall be photographed). **Property officers shall not release any items to the owner without express consent from either the court or the investigating officer in charge of the case. 84.1.1 G**

- G. **Released to Agent:** items that have been released to an Agent of the Owner (i.e. Attorney). Property officers shall have received consent from the court or the investigating officer and have written consent from the rightful owner of the evidence or property. If the property belongs to a company (i.e. Marshall's-items that have been shoplifted) the manager or his/her designee can be regarded as the agent.
- H. **Released to Other:** items released to persons that do not fall in the above referenced categories. This category will only be used with the permission of the Officer in Charge of Property.

VII. EVIDENCE/PROPERTY - INDIVIDUAL ITEM STATUS: 84.1.5 Each individual piece of evidence or property will be identified as one of the following status indicators:

- A. **Auction:** Items that have been lawfully deemed available for auction. These items will be itemized as **Auction**, and the anticipated pickup date by Property Room.com identified.
- B. **Destroyed:** Items that have been destroyed by other agencies (i.e., State Police - Firearms, Knives, Ammunition, etc.; State Destruction; State Fire Marshall - Fireworks and other Hazardous Material; and others). These items will be termed as **Destroyed** or **Destroyed at Lab**, and date and method of destruction indicated within the narrative of the property report.
- C. **Pending:** Items that are still physically being held but are pending the next phase of their disposition. These items will be termed as **Destruction Pending**. All other items held will be reviewed on a case by case basis annually (i.e., an item received on 03/01/11, should be reviewed on 03/01/12 or as close to that date as possible).
- D. **Returned To:** Items that have been returned, such as found/recovered property that can be given to an identifiable person or agency shall be identified as **RET-Owner**, **RET-Agent**; with the date, time and name of officer returning same indicated. The Evidence Officer shall make and document all attempts to identify and notify the owner or custodian of property held in the evidence room. Evidence will be **Photographed** and returned to the owner whenever possible. **84.1.1 (11)**
- E. **Other:** items returned (i.e., RMV documents, plates, licenses, etc.,) which are or will be returned to the custody of another agency (i.e. Registry of Motor Vehicles (RMV). These items will be termed as **Other** and noted in the narrative of the property officer's report.

VIII. DISPOSITION STATUS: 84.1.5 This reflects the status of the entire case, regardless of the number of defendants and/or number of pieces of evidence or property:

A. Active: All cases will be identified as **Active**, as long as **any** piece of evidence and/or property related to the case are still physically being maintained in the custody of the Canton Police Department Property/Evidence Room.

B. Inactive: All cases will be classified as **Inactive**, as soon as all pieces of evidence or property related to the case are no longer being maintained in the custody of the Canton Police Department Property/Evidence Room. When a case is termed Inactive, the individual item/piece disposition field will reflect the FINAL DISPOSITION of the item.

IX. STORAGE OF EVIDENCE: 84.1.1 (9,10); 84.1.2

A. All in-custody property/evidence shall be stored in the **PERMANENT** evidence room. The evidence officer shall assign a storage location to each item of evidence and record this information on the evidence tag or label and the computerized evidence records system.

B. Evidence requiring added security, including money, precious metals, jewelry, gemstones, firearms, and controlled substances shall be stored in separate secured containers or specific areas within the PERMANENT EVIDENCE room. These areas include but are not limited to; gun lockers, and money lockers and the controlled substance racks. **84.1.1 E; 84.1.2**

Hazardous materials may be stored in temporary evidence and the Lieutenant notified/called immediately to determine if outside agencies need to respond to remove the hazardous evidence/property. A placard or hazard tape should be affixed to any item that is hazardous or deemed to have been exposed to hazardous materials. **84.1.1 E; 84.1.2**

C. Perishable items shall be stored in a locked refrigerator, located in an area of the evidence room. **84.1.1 (9D)(10D); 84.1.2**

D. Unopened containers of alcoholic beverage will not usually be analyzed for alcohol content. The label will act as sufficient proof of contents. Opened containers of alcohol may be submitted for analysis when such analysis becomes necessary to the case. They should be packaged in such a manner as to prevent spillage and evaporation.

E. UNDER NO CIRCUMSTANCES will evidence be stored in personal lockers, desks, or other areas except the evidence repository areas specifically detailed in this policy.

X. INSPECTION, INVENTORY, AND AUDIT OF THE EVIDENCE ROOM: 84.1.6 B

- A.** Whenever a new officer in charge of the property/evidence room is designated, an inventory and audit of evidence shall be conducted. This inventory shall be conducted jointly by the newly designated evidence officer and the outgoing evidence officer under the supervision of the Chief of Police. All records shall be reviewed relative to proper documentation and accountability. Any discrepancies shall be reduced to writing and submitted to the Chief of Police for review. An additional independent audit may be done by an agency outside this department. **84.1.6 B**
- B.** The Evidence Officer shall inspect the evidence storage facilities semi-annually to ensure adherence to appropriate policies and procedures. **84.1.6A**
- C.** An annual audit and inventory of property held by the department shall be conducted by a superior officer not routinely or directly connected with the control of evidence. The Chief of Police shall select this officer. **84.1.6 C**
- D.** The Chief of Police shall assign a superior officer, not routinely or directly connected with the control of evidence, to conduct an **unannounced** annual inspection of the evidence area. These inspections shall verify that property accountability and security procedures are being followed. This inspection shall consist primarily of random/spot checks matching evidence and records. **84.1.6 D**

XI. TRANSFERS OF CUSTODY: 84.1.1 (G)

- A.** The evidence officer shall document all changes in custody of physical evidence. The documentation shall identify the individuals or organizations maintaining custody of all evidence transferred to them.
- B.** A receipt shall be prepared for all transferred evidence.
- C.** Officers are responsible for the security, storage, maintenance, and accessibility of evidence in their custody.
- D.** Officers will obtain their evidence on the day it is to be presented in court and an "Evidence Status Form," will accompany the evidence. This form is to be utilized in cases where destruction or forfeiture of evidence is directed by the court. When applicable, it is to be signed by the judge and returned to the evidence officer by the custodial officer.
- E.** Sealed bags of evidence are not to be opened unless ordered by the court. If a sealed evidence bag is opened, the custodial officer shall submit a report explaining the circumstances.
- F.** Upon completion of the case, the officer will return the evidence and all pertinent forms to the evidence officer.

- G.** All evidence is to be returned on the same day that it is picked up unless the court/DA has assumed custody of it. The officer shall submit a report to the evidence officer indicating the status and location of evidence in court custody. A report shall accompany returned evidence advising the evidence officer of the disposition.

XII. DISPOSAL OF EVIDENCE: 84.1.1; 84.1.7

- A.** Final disposition of found, recovered, and evidentiary property should be accomplished within six months after legal requirements have been satisfied. When no longer needed, evidence shall be returned to its lawful owner or disposed of according to law by the evidence officer. If property is returned to the owner, the evidence officer will obtain a property receipt. Anytime cash or other valuable property is returned, a secondary officer shall witness the transaction and sign the property receipt. **84.1.1 G**
- B.** In cases regarding controlled substances, officers shall return a "Destruction Notice" signed by the judge. If this is not possible, the "Destruction Notice" shall be given to the Assistant District Attorney for completion and returned to the evidence officer or court officer. The name of the District Attorney shall be noted on the officer's disposition report.
- C.** Any destruction of controlled substances shall be in accordance with the applicable laws and the procedures of the State Laboratory Institute. Such destruction shall occur in accordance with the State Laboratory procedures or guidelines. **84.1.1 (10C)**
- D.** Firearms and weapons that are to be destroyed shall be transported to the appropriate State Police facility for destruction.
- E.** Fireworks will be transferred to the MA State Police Bomb Squad for destruction.

XIII. FOUND PROPERTY: 84.1.2

Collection, packaging, preservation, and storage of found property would follow the same procedures as enumerated in the procedures for evidence, with the following exceptions: **84.1.1 (4,5)**

- A. PRELIMINARY INVESTIGATIONS:** In incidents of found property, the reporting officer will make every attempt to identify the owner and return the property. If the property is returned, the officer shall obtain a receipt and

submit a report regarding his actions. The receipt and a copy of the report shall be submitted to the evidence officer. **84.1.1 (11)**

- B. FOLLOW-UP INVESTIGATIONS:** If the preliminary investigation fails to determine the owner, the evidence officer will conduct a follow-up investigation to ascertain the identity of the owner. If property is returned to the owner, the evidence officer will obtain a property receipt. Anytime cash or other valuable property is returned, a second Canton Police Department employee shall witness the transaction and sign the property receipt.
- C. PACKAGING:** Found property shall be labeled but not be sealed.
- D. DISPOSAL:** If an item cannot be returned to the rightful owner, it will be disposed of in compliance with Mass. Gen. Law, Chap. 135, Sec. 8, 9, and 10 as follows: **84.1.1 (10H)**
 - 1. Hold for one year.
 - 2. Return to the finder.
 - 3. If currency, deposit with the town treasurer into an account set up for this purpose.
 - 4. Sell at auction on PropertyRoom.com
- E. PROPERTY/BICYCLES:** Found bicycles that's not evidence will be stored in accordance with Mass. Gen. Law, Chap. 134 and Chap. 135. The bicycle will be tagged, placed inside the secure storage container in the parking lot and a copy of the log entry/report, as well as the computer property receipt, will be placed in the Evidence Officer's mailbox. **84.1.1 (9F,10F); 84.1.2**

IVX. GENERAL RULE OF THUMB:

A report/log entry and an evidence/property computer page will be generated for each incident where any member of the department receives ANY property/confiscated item (evidentiary, seized, recovered, impounded, abandoned or found). This report/log entry shall include how the department came into possession of the property and specifically describe each piece of property obtained. **84.1.1 A,C**

A copy of each will accompany the item/s into temporary evidence where they will remain until the Evidence Property Officer has the opportunity to catalog it and place it in the correct secured repository.

This will be done before the officer ends his/her tour of duty. The Supervisor will ensure that this is completed. **84.1.1 A,C**