

		Policy & Procedures			No. 6.02	
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CALEA STANDARDS: 84.1.1; 84.1.4; 84.1.2; 84.1.3; 84.1.5; 84.1.6; 84.1.7; 83.2.1

***** See Definitions on Back Page *****

GENERAL CONDITIONS AND GUIDELINES

As part of their responsibilities, police officers come into possession of evidence that varies widely in nature, value and condition. From here on, 'All evidence' refers to items that are evidentiary, seized, recovered, impounded, abandoned, and/or found. Items of evidence are subject to strict legal constraints and under control of the department's evidence officers. **84.1.1**

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

This policy is to be referenced in conjunction with Evidence-Collection & Preservation Policy.

I. POLICY

It is the policy of the Canton Police Department to effectively and efficiently manage and control all evidence coming into the custody of the department.

- A. All evidence will be properly and lawfully preserved, packaged, recorded, accounted for, handled and stored. **83.2.1**
- B. Evidence that is no longer useful or is potentially dangerous will be disposed of as provided by law.
- C. Strict accountability will be maintained for all evidence. **83.2.1**

II. PROCEDURES

A. Handling and Submission of Evidence

1. Handling of Evidence **83.2.1**

- a. It is necessary that evidence be carefully accounted for in order to minimize the possibilities of adverse claims against the department and to enhance its credibility when presented in court. To ensure this, the following procedures shall be followed:
 - i. No evidence or contraband will be stored by any member of the department in his/her office, desk, locker or other personal area. **83.2.1 (1D)**
 - ii. Evidence shall not be left unattended or unsecured at any time.
 - iii. Following receipt or confiscation of evidence, the officer shall promptly return it to Police Headquarters. The Shift Commander shall ensure the evidence is entered and stored securely before the end of his/her tour of duty. **83.2.1 (1D); 84.1.1 (1,2); 84.1.3**
 - iv. Evidence shall be handled with care so as to protect the evidentiary value of the item.
 - v. The chain of custody shall be carefully maintained with as few persons as possible handling the evidence.
 - vi. No member of the department shall take, use, or possess any item that has been recovered or confiscated by the department, other than for those purposes sanctioned by the department.

2. Submission of Evidence **83.2.1 (1F)**

- a. All evidence which comes under the control of this department shall be properly recorded in the IMC computer system and within the officer's report, consistent with the procedures outlined in this directive. This shall be done before the end of the officer's tour of duty. **84.1.1 (1)**
 - i. Included in each **officer's report** shall detail the circumstances by which the property came into the department's possession and a description of each item. **84.1.1 (3A,B)**
 - ii. The officer or shift supervisor shall make an entry into the computer system indicating where he/she has placed the evidence.
- b. All evidence shall be packaged and marked for identification prior to being submitted for storage. **84.1.1 (4)(5)**

- c. If evidence requires further processing by either the Massachusetts State Police Laboratory or the FBI, the submitting officer shall include in his/her report a request that the evidence be analyzed, and shall attach a copy of the report to the evidence bag. See departmental policy on ***Collection & Preservation of Evidence. 83.2.1 (1F, 2)***
- d. Accuracy and completeness are important. Each item shall be submitted with a copy of the police report or log entry. Items not properly submitted will be returned to the officer or his/her supervisor for reprocessing and resubmission. **84.1.1 (3)**

B. Security and Access to Evidence Storage

- 1. The department shall maintain areas for the secure storage of evidence. These areas shall be secured at all times when unoccupied.
 - a. Only those officers authorized by the Chief of Police shall access the areas used to secure evidence. Currently just the Lieutenant designated by the Chief and the Administrative Sergeant. **84.1.1 (8); 84.1.2(3); 84.1.4**
 - b. An electronic log will be maintained reflecting the entry into any secure Evidence Room by name, date, and time in and out.

C. Evidence Officers

- 1. Evidence coming into the custody of this department will fall into one of two categories:
 - a. Drug evidence; or
 - b. Non-drug evidence.
- 2. Although both categories deal with evidence, they have been separated into different aspects of the overall evidence function. This has been done to facilitate the different manner in which drugs must be processed and to establish a more rigid span of control for drug evidence.
- 3. The Chief of Police will designate a supervisor to have overall control of the management of evidence.
 - a. For this policy the designated officer will be referred to as the Evidence Officer. The Evidence Officer will be accountable as the official custodian of all evidence in the custody of the department. This officer is responsible for maintaining control of the records and inventory system for all evidence (including drugs) coming into police custody as well as inspections.

4. The Evidence Officer shall receive all evidence. His/her duties shall include, but not be limited to, the following functions:
 - a. Remove all evidence from evidence lockers and move it to the department's Permanent Evidence Room. **84.1.1 (7)**
 - b. Ensure that all evidence is properly packaged and accurately documented. **83.2.1**
 - c. When moving a piece of evidence, record in the IMC computer system where each piece of evidence is stored.
 - d. Maintain all necessary department computer entries.
 - f. Ensure that non-drug evidence needing forensic examination is submitted to the appropriate laboratory in a timely fashion, and is returned to Police Headquarters as soon as testing is completed. **83.2.1 (1F)**
 - i. Dispose of evidence that is no longer needed in accordance with department policy and Massachusetts law.

D. Evidence Submission

1. Evidence Records **83.2.1; 84.1.1; 84.1.5**
 - a. The department has established a computerized system for documenting the receipt and status of evidence into the department's Evidence Room.
 - b. Evidence records, in addition to labeling, will include the following information: **84.1.1 (5)**
 - i. Date and time evidence was received or released;
 - ii. Case number of the incident;
 - iii. Defendant's name, if applicable;
 - iv. Owner's name, if applicable;
 - v. Location where submitting officer placed the evidence.
 - vi. Evidence category;
 - vii. Description of the evidence, including manufacturer and model and serial numbers, if appropriate;
 - viii. Chain of custody from time stored until final disposition.

2. Procedures

- a. Evidence shall be handled in the following manner:
 - i. All evidence shall be handled in accordance with the department's policies and procedures for the ***Collection and Preservation of Evidence***.
 - ii. Once evidence has been seized, it shall be promptly delivered to Police Headquarters. **84.1.1 (2)**
 - iii. Evidence will be placed in the appropriate size evidence bag and sealed. Evidence that is too large for a bag shall be marked by affixing an evidence label to the item. **83.2.1 (1A); 84.1.1 (4)(5); 84.1.2**
 - iv. The Shift Supervisor will ensure that the evidence bag has been filled out completely and correctly.
 - v. The Shift Supervisor will deposit the evidence, along with the report face sheet, into an evidence locker in the **Temporary Evidence room** and lock the locker. **84.1.1 (6); 84.1.3**
 - vi. Evidence too large for the evidence locker may be placed in **Temporary Evidence** or in the outside locked trailer. The Evidence Officer is to be notified by phone immediately. **Permanent storage** of Large/Bulky/Oversized items will be in the outside locked trailer **84.1.1 (6, 9G, 10G, 12); 84.1.2 (G); 84.1.3**
 - vii. The Evidence Officer will remove all evidence from evidence lockers at least twice each week and store each item in the appropriate place in the Permanent Evidence Room. **84.1.1 (7)**

3. Added Precautions for Specific Types of Property **84.1.1(8)**

- a. **Firearms 84.1.2 (B)**
 - i. Firearms are a potentially dangerous form of evidence. All firearms coming into custody or control of the department will be handled with the strictest safety considerations in mind.
 - ii. All seized/recovered firearms will be brought directly to Police Headquarters. At no time will seized/recovered firearms be left unattended in a cruiser.
 - iii. Prior to determining whether the firearm is loaded, the recovering officer should determine whether the weapon needs forensic examination. Weapons needing examination should not be

unloaded. All firearms not requiring further examination will be checked for ammunition as soon as practicable in a safe area to minimize risk in the case of an accidental discharge.

- iv. All firearms not requiring forensic examination shall be left in a safe, unloaded condition with their action open. Any ammunition removed from the firearm will be placed in a separate evidence bag and submitted with the firearm. **83.2.1 (1E)**
- v. All firearms will be checked through the CJIS/NCIC computer system before being turned in to the Evidence Officer. A copy of the computer printout will be attached to the officer's report.
- viii. Each firearm shall be individually placed in a firearms evidence box. This box will go into a locker in **Temporary Evidence** until removed to **Permanent Evidence Room** on the shelf designated for firearms storage. **84.1.1 (9B, 10B); 84.1.2 (B)**

b. **Cash Seizures** **83.2.1; 84.1.2 (A)**

- i. Upon the discovery or seizure of more than two hundred dollars currency, the officer shall immediately notify his/her supervisor who shall, if possible, witness the recovery and seizure. **83.2.1**
- ii. At no time will the money leave the presence of the officer and/or the supervisor until it is placed in a **Temporary evidence** locker. **83.2.1; 84.1.1 (9A); 84.1.2 (A)**
- iii. Both the officer and the supervisor (or secondary officer) will participate in the counting and packaging of the money. Both the officer and supervisor (or secondary officer) will sign the evidence sheet & bag attesting to the amount of cash being placed into evidence.
- iv. Currency will be itemized by denomination in the officer's report.
- v. When transferred to the **Permanent Evidence Room**, all cash will be secured in the locked vault in the Permanent Evidence Room. **84.1.1 (10A); 84.1.2 (A)**
- vi. As soon as possible, the evidence officer will arrange a date and time with the Town Treasurer to perform a turnover of the received evidence funds to be deposited into the Town's fiduciary institution. The transfer will be recorded in the department's evidence tracking software and a property receipt signed by the Town Treasurer will be filed with the evidence officer.

c. **Items of High Value – Jewelry 84.1.2 (A)**

- i. Items coming into the station will be stored in a **Temporary Evidence Locker** until it can be removed. **84.1.1 (9A)**
- iii. Upon transfer to the **Permanent Evidence Room**, items of high value such as expensive jewelry will be stored in the locked vault. **84.1.1 (10A)**

d. **Perishable Items – Blood & other bodily fluids 83.2.1; 84.1.2 (D)**

- i. In the case of biological evidence, such as a rape kit, blood or a urine sample taken for analysis, it shall be brought to the State Police Laboratory as soon as reasonably possible. Until then it shall be secured in the locked refrigerator in **temporary evidence**. **84.1.1 (9D)**
Once the padlock is locked, the Administrative Sgt. and designated LT are the only persons with that key.
 - a. The appropriate forms will be filled out by the submitting officer along with a request for a written copy of the test/analysis.
 - b. The submitting officer will indicate on his/her report the fact that items were transported to the State Police Lab for analysis, and will attach any receipts to his/her report.
- ii. If the evidence does not need to be sent in for testing/analysis, the items will be securely stored in the refrigerator in the **Permanent Evidence Room**. **84.1.1 (10D); 84.1.2 (D)**

e. **Motor vehicles 84.1.2 (E)**

- i. A motor vehicle recovered and/or seized as evidence will be returned to the Canton Police Department and stored **temporarily** in Bay 3 for processing, etc. **84.1.1 (9E); 84.1.2 (E)**
- ii. **Permanent storage** will be made at the towing storage facility used by the town. **84.1.1 (10E); 84.1.2 (E)**

f. **Bicycles 84.1.2 (F)**

- i. A bicycle being submitted as evidence (not found property) will be tagged appropriately and placed in the **Temporary Evidence** room

until it can be removed. A report and a copy of the property receipt will accompany it. **84.1.1 (9F)**

- ii. **Permanent** storage will be made in the locked outside trailer. **84.1.1 (10F); 84.1.2 (F)**

g. **Lost & Found 84.1.2 (H)**

- i. All lost & found property will be placed in a locker in **Temporary Evidence** until it can be removed. **84.1.1 (9H)**
- ii. Once removed, the property will be securely stored on a shelf for lost & found items located in the **Permanent Evidence Room**. **84.1.1 (10H); 84.1.2 (H)**
- i. Found property (with the exception of firearms and drugs) will be maintained in evidence for 1 year from the date it was found.
- ii. If after 1 year, the item has not been claimed, the person who found the property will be notified to see if he/she would like to take possession of the item.
- iii. If the person does not want the item, it will be destroyed or if valuable, it will be sent to *propertyroom.com* to be sold. A log entry will be made of same.

h. **Combustible Liquids 83.2.1; 84.1.2 (I)**

- i. Combustible evidence such as gasoline, toluene, paint thinner, etc., shall be brought to the attention of the Shift Commander, who will determine appropriate temporary storage until the evidence can be brought as soon as practicable to the state police lab.
- ii. Officers should use the safest method of transportation available if it becomes necessary to transport any type of combustible liquid.

i. **Explosive Devices 83.2.1; 84.1.2 (I)**

- i. Under no circumstances will explosive devices such as dynamite, hand grenades, blasting caps, etc., be brought into Police Headquarters.

- ii. When an explosive device or suspected explosive device is located, the officer locating the device shall inform the Shift Commander, who shall notify the State Police Bomb Squad.
- iv. Items of an evidentiary nature shall, upon being rendered safe, be properly marked and packaged.

j. **Fireworks 83.2.1; 84.1.2 (I)**

i. Commercial Fireworks

The Bomb Squad and the Canton Fire Department should be called immediately to respond when call for service involves commercial grade fireworks. Canton Police Department personnel should never transport or store commercial grade fireworks.

ii. Non Commercial Grade Fireworks

Property of this nature will be turned over to the Massachusetts State Police for destruction as soon as reasonably possible. They may be stored at the Canton Police Department.

E. **Drug Evidence 83.2.1; 84.1.2 (C)**

1. The establishment and maintenance of proper drug handling procedures is necessary to ensure the successful prosecution of cases in court, as well as to prevent the allegation of theft of or tampering with narcotic evidence. The following procedures shall be adhered to whenever any narcotics or dangerous drugs come into police custody or are to be released from department custody.
2. Drug Records
 - a. The department has established a system for documenting the receipt and status of drugs coming into or being released from the department's secure drug storage area. **4.1.1; 83.2.1; 84.1.1; 84.1.5**
 - b. In addition to the information described in Section D. 1. b., drug records will include a count, description and weight of the drug evidence (such as 10 packets containing cocaine, 5 rolled marijuana cigarettes, etc.).
3. Submission of Drug Evidence
 - a. Procedures outlined in Section II, 2 of this policy shall be followed by officers submitting drug evidence (Hypodermic needles shall be placed into syringe tubes prior to being placed in an evidence bag). Drug evidence will initially be stored in a locker in **Temporary Evidence. 84.1.1 (9C)**
 - b. Drug evidence will be removed from temporary evidence and placed on a shelf for drug evidence for secure storage in the **Permanent Evidence Room. 84.1.1 (10C); 84.1.2 (C)**

4. Drug Removal **84.1.1 (8)**

- a. Only the Evidence Officer will remove drugs from the department's secure storage area.
- b. General procedures for the removal of evidence shall apply to drug evidence as well.
- c. Drugs will be transported to the Department of Public Health Laboratory for analysis within two weeks of their seizure by the Evidence Officer, or by the Chiefs designee if he/she is not available. He/she will indicate in the IMC computer system the date that they were brought to the lab. The lab will assign a number to the drug evidence.
- d. If the package appears to have been tampered with in any way, the Evidence Officer shall count and/or weigh the contents and verify the listed count/weight noting if there is or appears to be any discrepancy. The Evidence Officer will immediately submit a report to the Chief of Police detailing the incident. The Chief will immediately initiate an Internal Affairs investigation. As part of that investigation, Internal Affairs will conduct a full inventory and audit of all drugs and drug records.
- e. When a final disposition is reached in court concerning a case involving drugs, the Court Officer shall notify the Evidence Officer.
- f. Prior to destroying drug evidence, the Evidence Officer will ensure that the case has not been appealed. **84.1.1 (13); 84.1.7**
- g. When drugs are removed for destruction, the Drug Control Officer will log them out in the department computer system indicating DESTRUCTION as the reason they were logged out, and the date of the destruction. **84.1.7**
- h. Original copies of all drug destruction records shall be maintained in a locked container by the Evidence Officer, and copies shall be maintained by the Records Division.

F. Disposition of Evidence 84.1.1(12,13); 84.1.7

- a. Evidence
 - i. When a final disposition is reached in court concerning a case, the Court Officer shall notify the Evidence Officer of the disposition. The Evidence Officer will promptly notify the owner (victim, suspect, etc.) to arrange for the return of the evidence if

appropriate, or dispose of it according to Massachusetts General Laws. **84.1.1 (13); 84.1.7**

- ii. No evidence shall be released or disposed of if the case is under appeal.
- ix. If an officer other than the Court Officer or Evidence Officer has logged the evidence out, he/she shall notify the Evidence Officer of the final disposition of the case.
- iv. When evidence is removed from the custody of the department for final disposition, the Evidence Officer will log the property out in the computer system.
- v. Individuals claiming ownership of evidence in the custody of the department will be required to provide proper identification and sign a property receipt before taking possession of such property. **84.1.1 (13); 84.1.7**
- vi. Any evidence that becomes the subject of controversy as to its rightful owner shall not be released to any person, except by written order of the Chief of Police or by a court order.

G. Release of Evidence 84.1.1

- a. When evidence is needed for a court case, the Court Officer is to notify the Evidence Officer in writing with as much advance notice as possible. The Evidence Officer will document in IMC the removal of the evidence from permanent to temporary evidence with a chain of custody form attached. In most cases, evidence will be removed from the department's Evidence Room and transported to court by the Court Officer. **84.1.1 (12)**
- b. Whenever evidence is to be removed from or returned to an Evidence Room an entry will be made into the department computer system. **83.2.1; 84.1.1 (13)**
- c. Any officer taking evidence to court must return it on the same day, unless otherwise directed by an assistant district attorney or judge. The Evidence Officer should be notified immediately by phone if the evidence is not going to be returned that day (i.e. DA is holding onto it). **84.1.1 (12)**
- d. When evidence is being returned to an Evidence Room, the officer returning the evidence will examine it to ensure that it is the same evidence that was logged out, and that it is in the same condition as when it was logged out. Any unexpected or unexplained change or alteration of the evidence shall be immediately reported in writing to the Chief of Police.

- e. In the event that the evidence cannot be returned immediately to the Evidence Room, the items will be placed into an evidence storage locker within the **Temporary Evidence Room. 84.1.3**
- f. Upon the return of a piece of evidence, the officer returning it shall make a computer entry indicating where it has been placed.

H. Photographing and Release of Victim's Property 84.1.7

- 1. In cases where retaining the evidence, such as perishables or cash needed to meet payroll obligations, would prove an extreme hardship for the victim, the victim's property may be photographed, the photograph to be admitted in judicial proceedings as competent evidence.
 - a. The property may then be released to the victim prior to trial, provided that, in the opinion of the Shift Commander and or the Court Officer, the return does not compromise prosecution of the case. **84.1.7**
 - b. In determining whether or not to return the property to the victim, officers must weigh the hardship created for the victim against the value of the evidence in future court proceedings.
- 2. Before impounded evidence is returned, it will be photographed in a manner that clearly identifies the property so that it may be admissible in court as competent evidence. Digital photography is the preferred method for photographing such evidence. **84.1.1 (13)**
- 3. The officer will indicate in his/her report that the items were photographed and returned to the owner. **84.1.1 (13)**
- 4. The owner must sign for the returned evidence. **84.1.1 (13)**
- 5. The officer should attach each photograph of evidence to his/her report in the department computer system, and describe what the photographs depict.

I. Evidence Room Inspections 84.1.6

- 1. The department's Evidence Room, as well as evidence records and drug records, are to be inventoried according to the following schedule:
 - a. SEMI-ANNUALLY: At least semi-annually, an officer designated by the Chief of Police shall conduct an investigation of all departmental evidence and property storage areas to ensure that: **84.1.6 A**

- i. Evidence and the records relating thereto, are being maintained in full compliance with the procedures outlined in this directive and that proper accountability procedures are being maintained;
 - ii. Evidence is properly stored and protected from damage and/or deterioration;
 - iii. Evidence having no further evidentiary value is being disposed of promptly; and
 - iv. The Evidence Rooms are being maintained in a clean and orderly condition.
- b. **UNSCHEDULED SEMI-ANNUAL:** In addition to and in support of other regularly scheduled inspections, the Chief of Police shall assign a Superior Officer to conduct an unannounced inspection of the department's property rooms and drug storage areas on, at least, a semi-annual basis. Accountability and security procedures will be the primary focus of this inspection. **84.1.6 D**
- c. **ANNUAL:** In order to ensure the integrity of the department's Evidence Management System, a supervisor not routinely connected with the property/evidence function (assigned by the Chief of Police) will conduct a full inventory and accounting of all property and drugs held by the Department and will submit a report of his/her findings to the Chief of Police. **84.1.6 C**
- d. **REASSIGNMENT OF THE EVIDENCE OFFICER:** Should the Evidence Officer be reassigned, there shall be an inventory and inspection of the records of all evidence/ property or drugs in custody by: **84.1.6 B**
 - i. The former officer,
 - ii The new Evidence Officer, and
 - iii. Their supervisor.
- e. **STORAGE OF INPECTION FORMS:** All inspection and audit reports pertaining to evidence will be stored in a secure cabinet in the Administrative Sergeant's office. **84.1.6 A**

DEFINITIONS

- 1. **Evidence:**
Any property coming into the custody of the police station. This could be from a victim, suspect, house break, etc.

All evidence is divided into two categories

- I. Drug Evidence
- II. Non-drug evidence

2. Drug Evidence:

Any drugs or controlled substances, both prescription and non-prescription, that comes into the custody of the police department.

3. Non-drug Evidence:

Any evidence that is not a drug or controlled substance that comes into the custody of the police department. The following, though not all-inclusive, include:

- 1. Currency
- 2. Firearms
- 3. Personal/Real Property
- 4. Motor vehicles
- 5. Finger print evidence
- 6. Blood evidence
- 7. Foot print evidence
- 8. Video footage