



Somerville Police Department 		TYPE: GENERAL ORDER		POLICY NUMBER: 600	
		Subject: Evidence and Property Control			
Issuing Authority: David Fallon Chief of Police		Signature: 		Effective Date: January 24, 2020	
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Purpose

Items of property and evidence are normally held by department subject to strict legal constraints and are under control of the department's property and evidence personnel. Therefore, the purpose of this policy is to provide guidelines to ensure and effect the proper storing and dissemination/disposition of all found, recovered, impounded, abandoned, seized and all evidentiary items that the Somerville Police Department assumes custody of.

In addition, it is our purpose to assist the District Attorney's Office in cases of evidentiary items for criminal prosecution and proceedings and to maintain (as practicable) an uninterrupted chain of custody and the proper and timely disposition of said property items. [84.1.1]

Storing, safekeeping, and managing of property and evidence are major responsibilities, not only for the Evidence Officer, but also for all officers in the department. Failure of a department 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.

Policy

It is the policy of the Somerville Police Department to:

- A. Effectively and efficiently manage and control all found, impounded, abandoned, recovered, seized and all evidentiary property items and any other property coming into the custody of the department. [84.1.1]
- B. Properly and lawfully preserve, package, record, account for, handle, and store all property and evidence retained by the department.
- C. Take the initiative to return property to its rightful owner(s) in the most expedient manner.

- D. Dispose of unclaimed/ abandoned, potentially harmful/dangerous items.
- E. Maintain strict accountability for all property and evidence.

Definitions

Property/Evidence Officers: Somerville police officers specifically assigned and accountable for control and maintenance of all evidence/property accepted by, or stored in, the department's evidence and property rooms.

Evidence Room/Property Storage Areas: Secured facilities or storage areas used by the department to store evidence/property.

Found Property: Any lawful item of property, the control of which is taken into custody for safekeeping for the purpose of returning the property to its rightful owner. Found property includes abandoned property.

Physical Evidence: Any property, substance, material, or item found or recovered in connection with a criminal investigation. This includes all evidentiary, seized, recovered, and impounded property.

Prisoner Property: Any lawful item of property that was accompanied by a person taken into custody by the Somerville Police Department, the control of which is taken into custody for safekeeping for the purpose of returning the property to its rightful owner.

Oversized Prisoner Property: Any prisoner property that will not fit in a prisoner property envelope.

Procedures

1. Command

- A. The Chief of Police shall assign one or more officers as Property/Evidence Officers. These officers shall be assigned to, and work under the direction of, the CID Captain.

2. General Security

- A. Only members of the Somerville Police Department authorized by the Chief of Police or his/her designee may enter the Evidence Room.
- B. Only the CID Captain, the Court Liaison Sergeant, and the Evidence Officer have keys to the Evidence Rooms.
- C. No other person may enter or remain in the Evidence Room unless the Evidence Officer is present. The purpose of entering the Evidence Room shall be specifically related to the evidence function or building maintenance.

- D.** The Evidence Rooms 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 CID Captain, the Court Liaison Sergeant, and the Evidence Officer.

3. Submissions

In cases where physical evidence is to be turned over to the Evidence Officer for processing, the following procedures will be followed by the submitting officer:

- A.** Each item will be tagged and labeled accordingly. This information will include: [84.1.1(d)]
- 1.** Incident number
 - 2.** Submitting officer's name
 - 3.** Description of property
 - 4.** Name of owner, if known
- B.** Packaging should fit the type of evidence to be preserved, keeping the evidence as close to its original condition as possible, preventing contamination of evidence, and preserving the individual identity of evidence for court presentation. Evidence packaging must be properly performed by the submitting officer. [84.1.1(d)]
- C.** A CAD incident number and evidence/property report will be generated for each incident where any member of the department receives evidence, or seized, recovered, impounded, abandoned or found property. Noted in the report will be:
- 1.** The evidence locker number used, if applicable.
 - 2.** Circumstances by which the evidence came into the department's possession.
 - 3.** A description of each item of evidence obtained. [84.1.1(c)]
- D.** Barring extraordinary circumstances, all evidence/property shall be logged into the CAD system and secured at the department as soon as possible and before the officer completes his/her tour of duty.
- 1.** In the extraordinary circumstance where an officer cannot log evidence/property into CAD and submit evidence/property into the property and evidence control function before the completing his/her tour of duty, supervisory approval should be obtained. The only instance when this it is an acceptable delay is when the officer is physically unable to log the evidence because of illness or injury. At the very least, a descriptive inventory should be accomplished verbally or through electronic means if distance is

- a factor. It shall be the ultimate responsibility of the Captain of C.I.D to ensure that properties are tagged as one of six specific categories. Those categories are: Evidentiary, Seized, Recovered, Impounded, Abandoned and Found.[84.1.1(a)(b)]
- E.** The department maintains temporary evidence lockers: [84.1.3] [84.1.1(e)]
1. Smaller items shall be placed in the lockers in the Booking Area.
 2. Larger items shall be placed in the standing lockers in the hallway outside of the Report Writing Room.
 3. Locks for the smaller lockers are in the upper-left locker in the Booking Area. These locks are to be used for both the lockers in the Booking Area and the standing lockers outside of the Report Writing Room.
 4. Items that require refrigeration, such as blood or other bodily fluids, shall be stored in the refrigerator next to the standing evidence lockers outside of the Report Writing Room.
 5. The key to the lock to the evidence refrigerator is located in the desk in the Commander's Office.
 6. Once an item is placed in the evidence refrigerator, the key to this lock shall be submitted to the OIC for proper storage and safekeeping.
- F.** Any vehicle seized shall be secured in the garage until it is processed. After processing, the vehicle may be moved out into the back parking lot. Both the garage and the back parking lot are under 24-hour video surveillance. [84.1.2]
- G.** Bicycles being submitted as evidence will be tagged appropriately. Bicycles will be temporarily placed inside the garage area and secured using the cable stored in the Booking Area evidence locker and a standard evidence lock. Bicycles will be stored, on a more permanent basis, in one of the Evidence rooms in the building. [84.1.2]
- H.** The following procedures shall be followed for these exceptional, valuable, or sensitive items of property to provide added security
1. Currency: All money shall be counted by the submitting officer and verified by a second officer. Money will then be placed in a tamper-resistant bag and secured in an evidence locker.
 2. Controlled Substances:
 - a) All controlled substances shall be placed in evidence bags of appropriate size. A supply of bags is kept in the Booking Area.

- b) All controlled substances shall be weighed, if possible, and counted before being placed in proper packaging.
 - c) 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 adhered to the paraphernalia.
 - d) Hypodermic needles will be accepted only when properly packaged to prevent an accidental needle stick. State Police Laboratory policy prohibits analysis of syringes unless requested by the DA's Office.
 - e) Different substances shall be placed in separate evidence bags.
 - f) Controlled substances seized from different people or from different locations shall be packaged separately.
 - g) All controlled substances that are requested for analysis at the State Crime Lab shall be tagged separately, one type of item per bag.
 - h) All controlled substances will be placed in an evidence locker.
3. Firearms: All firearms shall be unloaded, cleared and packaged in a firearm box if available, before being submitted as evidence. If a firearm cannot be unloaded, a warning tag shall be affixed to the outside of the storage locker and to the firearm.
4. Hazardous/Flammable Materials:
- a) At no time will explosive devices or suspected explosive devices (i.e., dynamite, hand grenades, blasting caps, etc.) be placed into storage. Items that have been certified safe by an appropriately trained Bomb Technician or Explosive Ordinance Device Expert may be processed and stored as evidence.
 - b) Officers shall take reasonable precautions in the handling of chemicals, contaminants, infectious, and harmful agents. The use of protective gloves, jumpsuits, filtering masks, and safety goggles should be used when appropriate and these items will be furnished by the department. Hands should be washed frequently and work surfaces shall be cleaned after each handling.
 - c) If necessary, consultation shall be made with the Fire Department before storing hazardous/flammable materials.
5. Jewelry, precious metals, and gemstones will be packaged in tamper-resistant bags and labeled before being secured in an evidence locker.

4. Receiving and Processing 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 law.

- B. All currency shall be counted by the Evidence Officer and verified by a second officer. Currency will then be placed in a tamper-resistant bag and placed in the vault in the evidence room for added security. [84.1.1(e)]
- C. Unopened containers of alcoholic beverages will not generally be analyzed for alcoholic content. Opened containers of alcohol may be submitted for analysis when the analysis becomes necessary to the case. The Evidence Officer may take photos of alcohol/alcoholic containers submitted as evidence and then properly dispose of the containers/content at his/her discretion. These pictures will act as sufficient proof of the contents.
- D. Barring any exceptional circumstances, as authorized by the Chief of Police, 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.
- E. The Evidence Officer shall immediately report any indication of evidence tampering, improper documentation, or packaging to the CID Captain.
- F. All evidence received by the Evidence Officer will be entered into the computerized evidence records system as soon as possible. These records will reflect the status of all property held. Each individual piece of evidence will be identified as one of the following status indicators: **Active, Inactive, Closed, or Destroyed.** [84.1.5]

5. Storage of Evidence: [84.1.2]

- A. With the exception of large items, all in-custody evidence shall be stored in the 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. Oversized items can be secured in the Evidence Room on the lower-level of the department. In cases of required access to these items during “off hours”, the evidence officer should be contacted on a call in basis to make items available.
- B. Evidence requiring added security like: money, precious metals, jewelry, gemstones, firearms, and controlled substances shall be stored in separate secured areas/containers in the safe in the Evidence Room across from the Fingerprinting Room. Hazardous/flammable materials shall be stored in a manner that will ensure both safety and the admissibility of the evidence. [84.1.1(e)]
- C. Perishable items shall be stored in a refrigerator outside the booking area and transferred to a refrigerator within the Evidence Room.
- D. Under no circumstances will evidence be left unattended or stored in personal lockers, desks, or other areas.

6. Temporary and Final Release 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. This receipt shall be forwarded to the Records Bureau.
- C. When evidence is released to an officer for court, he/she is responsible for the security, storage, maintenance, and accessibility of evidence in his/her custody.
- D. Officers will obtain their evidence on the day it is to be presented in court and sign out the evidence in the evidence logbook. The Evidence Officer will document the item's return in the same logbook.
- E. Sealed bags of evidence are not to be opened unless ordered by the court. If a sealed evidence bag is opened, the officer in custody of the evidence 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 who shall forward them to the Records Bureau.
- G. Unless the court has assumed custody, all evidence is to be returned on the same day that it is picked up, The officer shall notify the Evidence Officer indicating the status and location of evidence in court custody. This will be indicated on the department provided chain of custody form.
- H. The department does not store any Controlled Substances, Weapons or Explosives under the control of the property and evidence officer, for training or investigative purposes. [84.1.4]

7. Disposal of Evidence: [84.1.1(g)]

- A. 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, which will be forwarded to the Records Bureau. Anytime cash or other valuable property (i.e. jewelry, gold coins etc..) is returned, a second officer shall witness the transaction and sign the property receipt.
- B. Any destruction of controlled substances shall be in accordance with the applicable laws and procedures of the State Laboratory Institute. This destruction shall occur in accordance with the State Laboratory procedures or guidelines.
- C. Firearms and weapons that are to be destroyed shall be transported to the appropriate State Police facility for destruction.
- D. The Evidence Officer will record the status of all evidence released or disposed of in the computerized evidence records system.

8. Found Property [84.1.1(e)]

Collection, packaging, preservation, and storage of found property shall follow the same procedures as enumerated in the procedures for evidence, with the following exceptions:

- A. Preliminary Investigations:** In incidents of found property, the reporting officer will record the identity and contact information, when known, of the individual turning in the property. The reporting officer will make every attempt to identify the owner and return the property before submitting it to the Evidence/Property Officer. If the property is returned, the officer shall obtain a receipt and generate a CAD entry regarding his/her actions. The receipt and a copy of the CAD entry shall be submitted to the Evidence/Property Officer, who will forward it to the Records Bureau.

 - 1.** A CAD entry shall be generated for each incident where any member of the department receives property. Submitting officers will also generate NIBRS report for all items of value.
- 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/Property Officer will obtain a receipt. Anytime cash or other valuable property is returned, a second officer shall witness the transaction and sign the property receipt. [84.1.1(f)]
- C. Packaging:** Found property shall be labeled and sealed as appropriate.
- D. Disposal:** If an item cannot be returned to the rightful owner, it will be disposed of in compliance with M.G.L. Chapter 135, Sections 8, 9, and 10 as follows: [84.1.1(g)]

 - 1.** Hold for one (1) year.
 - 2.** Return to the finder after one (1) year.
 - 3.** Sell at auction.
 - 4.** If currency, deposit with the Treasury Office into an account set up for this purpose.
 - 5.** Items with no identifiable value will be submitted for destruction.
- E. Storage:** All property will be securely stored in a designated temporary evidence/property storage area of the police station.
- F. Currency and items of value** will be stored by the Evidence Officer in the Evidence Room. Firearms not being held as evidence shall be labeled (including any serial number) and placed in the safe in the Evidence Room opposite the fingerprinting room or in the armory. All firearms shall be unloaded and cleared before being stored. If a firearm

cannot be unloaded, a warning tag shall be affixed to the outside of wherever the firearm is stored.

9. Prisoner Property [84.1.1(f)]

Collection, packaging, preservation, and storage of prisoner property shall follow the same procedures as enumerated in the procedures for evidence, with the following exceptions:

- A.** Prisoner Property shall be inventoried and then sealed in a prisoner property envelope. The envelope shall be stored in the temporary lockers located in the booking area. Oversized prisoner property may be placed across from the prisoner cell block while the prisoner is in custody.
- B.** Prisoner property shall be inventoried and returned to the prisoner upon release or bail.
- C.** Prisoner property shall be inventoried and accompany the prisoner to court with the exception of oversized property. The court will not accept oversized prisoner property. Notate property retained by the SPD on the inventory form.
- D.** Packaging: Oversized prisoner property shall be labeled and sealed as appropriate.
- E.** Storage: All oversized prisoner property will be securely stored in a designated temporary evidence/property storage area of the police station.
- F.** Currency and items of value will be stored by the Evidence Officer in the Evidence Room. Firearms not being held as evidence shall be labeled (including any serial number) and placed in the safe in the Evidence Room opposite the fingerprinting room or in the armory. All firearms shall be unloaded and cleared before being stored. If a firearm cannot be unloaded, a warning tag shall be affixed to the outside of wherever the firearm is stored.
- G.** Disposal: The court sergeant or the designee will conduct a follow-up on the status of the prisoner to determine the best initiative to return property to the owner in the most expedient manner. If an item cannot be returned to the rightful owner, it will be disposed of in compliance with M.G.L. Chapter 135, Sections 8, as follows: [84.1.1(g)]
 - 1.** Hold prisoner property for at least one month (30 days);
 - 2.** And the owner thereof or his/her place of abode or business is unknown;
 - 3.** Or the owner and his/her place of abode or business are known and the owner, after receipt by certified or registered mail of a written notice from the Somerville Police Department;
 - 4.** Or member to take possession of said property, refuses or fails for a period of ten (10) days following said receipt so to do;

5. Sell at auction;
6. Items with no identifiable value will be submitted for destruction.

10. Inspection, Inventory and Audit of the Evidence/Property Rooms:

- A.** Whenever a new officer in charge of the evidence or property is designated, an inventory and audit of evidence/property shall be conducted. This inventory shall be conducted jointly by the newly designated Evidence/Property Officer and the outgoing Evidence/Property Officer under the supervision of the CID Captain. All records shall be reviewed relative to proper documentation and accountability and maintained by the CID Captain. 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 outside agency. The report shall be submitted to the CID Captain who will be responsible for the maintenance of these records in his/her locked office. [84.1.6(b)]
- B.** Semi-annual inspections are conducted by the Evidence/Property Officer(s) to determine adherence to appropriate policies and procedures used for the control of evidence and property. These inspection reports will be submitted to the CID Captain who will be responsible for the maintenance of these records in his/her locked office. [84.1.6(a)]
- C.** An annual audit and inventory of evidence and property held by the department shall be conducted by a superior officer not routinely or directly connected with the control of evidence or property. The Chief of Police shall select this officer and the report shall be submitted to the CID Captain who will be responsible for the maintenance of these records in his/her locked office. [84.1.6(c)]
- D.** The Chief of Police shall assign a superior officer to conduct an unannounced inspection of the evidence/property area, at least annually. These inspections shall verify that property accountability and security procedures are being followed. The report shall be submitted to the CID Captain who will be responsible for the maintenance of these records in his/her locked office. [84.1.6(d)]