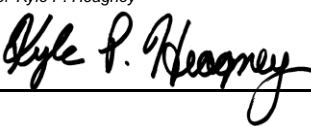




# ATTLEBORO POLICE DEPARTMENT

## Policy and Procedure

	TITLE <b>Evidence Control</b>	
No. <b>Chapter 20 Section 2</b>	<input checked="" type="checkbox"/> NEW	<input type="checkbox"/> AMENDS <input type="checkbox"/> RESCINDS
DISTRIBUTION <b>All Personnel</b>	DATE OF ISSUE 9/7/2012	EFFECTIVE DATE 9/7/2012
REFERENCES	Issuing Authority: Chief Kyle P. Heagney 	

## 20.2.0 Evidence Control

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### 20.2.0.1 Introduction

The evidence control function provides for the security and control of evidence. This is critically important in supporting investigations, in helping to guarantee successful prosecution at criminal trials and in establishing the Attleboro Police Department's reputation as an honest, reputable agency worthy of the public's confidence and trust.

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### 20.2.0.2 Previous Directives

This Policy and Procedure supersedes all previous directives regarding Evidence Control.

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### 20.2.0.1 Policy

It is the policy of the Attleboro Police Department to:

- Effectively and efficiently manage and control all evidence coming into the custody of this department;
  - Properly and lawfully preserve, package, record, account for, handle and store all evidence recovered or turned into the department;
  - Dispose of evidence as provided by law; and
  - Maintain strict accountability for all evidence.
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## 20.2.1 Index

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**20.2.1.1** This chapter contains the following topics.  
**In this Chapter**

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## 20.2.2 Definitions

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**20.2.2.1 Definitions** For the purpose of this policy and procedure, the following definitions apply.

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**20.2.2.2 Audit** An inspection of the documentation and accountability of a random sampling of in-custody evidence or property sufficient to evaluate the integrity of the property and evidence function.

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**20.2.2.3 Cash Accountability Form** The form used to document any cash being seized as evidence or property.

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**20.2.2.4 Cash Deposit Form** The City Treasurer financial form used to denote the amount of cash and/or checks transferred from the department's custody to a financial institution.

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**20.2.2.5 Chain of Custody** Chain of custody refers to the chronological documentation (or paper trail), showing the seizure, intake, process, custody, control, transfer, analysis, and disposition of any item of evidence.

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**20.2.2.6 Confiscated Property** Any item of property seized by an officer that does not meet the criteria for evidence or abandoned property.

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**20.2.2.7 Evidence Tracking Form** The form used as a receipt when evidence is temporarily released from the evidence room for official law enforcement purposes.

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**20.2.2.8 Evidence** Any item seized or taken into police custody that may be connected to a criminal investigation.

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## 20.2.2 Definitions, Continued

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**20.2.2.9  
Evidence  
Officer** The department member designated by the Chief of Police who is responsible for the control and maintenance of all evidence and property accepted by or stored in the department's evidence and property room.

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**20.2.2.10  
Evidence  
Room** The secure designated repository used to store evidence.

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**20.2.2.11  
Evidence Room  
Access Log** The form used to track access to the evidence room.

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**20.2.2.12  
Evidence Tag** A red tag indicating the items status as evidence in the custody of the Attleboro Police Department.

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**20.2.2.13  
Firearm** A pistol, revolver, rifle, shotgun, or other weapon of any description, loaded or unloaded, from which a shot or bullet can be discharged.

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**20.2.2.14  
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.

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**20.2.2.15  
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 (handling, documentation, etc.), and that the property is being protected from damage and deterioration.

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**20.2.2.16  
Inventory  
Control Form** The form used by the submitting officer to document the submittal of evidence or property into the temporary evidence room.

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## 20.2.2 Definitions, Continued

**20.2.2.17  
Key Fob** A small security hardware device with built-in authentication mechanisms used to control access to the property, evidence and temporary evidence rooms.

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**20.2.2.18  
Member** Any duly appointed police officer, dispatcher or civilian employee associated with the Attleboro Police Department.

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**20.2.2.19  
Narcotics  
Evidence Log  
Book** The log book which catalogs all narcotics entered into the drug evidence storage container.

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**20.2.2.20  
Property  
Room** The secure designated repository used to store property.

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**20.2.2.21  
Property Tag** A yellow tag indicating status as property in the custody of the Attleboro Police Department.

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**20.2.2.22  
Temporary  
Evidence Log** The form used to track access to the temporary evidence room.

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**20.2.2.21  
Temporary  
Evidence  
Room** A secure room utilized by the Attleboro Police Department to temporarily store evidence and property.

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## 20.2.3 Security

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### 20.2.3.1 Authorized Personnel

Only members of the Attleboro Police Department authorized by the Chief of Police may enter the temporary evidence, evidence and property rooms.

Only the evidence officer and Detective Division Commander are authorized to enter the main evidence or property room.

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### 20.2.3.2 Non- Department Members

Other persons may be granted access to the evidence rooms provided that:

1. Permission has been granted by the Chief of Police
  2. They are escorted at all times by the evidence officer; *and*
  3. They are accessing the area for a legitimate authorized function, such as:
    - Conducting an inventory, inspection or audit;
    - Conducting maintenance of the facility or equipment;
  4. The entry is recorded in the Evidence/Property Room Entry Log.
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### 20.2.3.3 Visitors

Visitors shall not enter the evidence or property rooms for the purpose of station tours.

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### 20.2.3.4 Log

The evidence officer shall keep entry logs for the temporary evidence, evidence and property rooms, for those persons who enter the evidence or property rooms. These logs shall be kept in a secured location for three years, at which time they can be destroyed according to the public records law.

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### 20.2.3.5 Two-party Entry

No person, except the evidence officer, shall enter or remain in the temporary evidence, evidence or property rooms unless they are accompanied by a witness. The witness shall sign the log.

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### 20.2.3.6 Secure

The evidence room, temporary evidence room and property room shall be kept secure and locked.

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### 20.2.3.7 Unauthorized Access

Any unauthorized access to the temporary evidence, evidence, or property rooms shall be immediately reported to the Chief of Police and the Operations Division Commander.

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## 20.2.3 Security, Continued

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**20.2.3.8 Unsecure Evidence or Property** Any member discovering evidence or property not properly secured or left unattended shall be immediately reported to the on-duty shift commander, who will secure the items, and notify the Chief of Police and Operations Commander.

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**20.2.3.9 Training Aids** At no time shall any evidence or property located in the evidence or property room be used for training purposes.

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**20.2.3.10 Video Surveillance** At all times the evidence room, property room and temporary evidence room shall be monitored and recorded by closed circuit television cameras.

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**20.2.3.11 Alarm** The evidence room, property room and temporary evidence room shall be monitored by an alarm. The alarm shall remain active whenever each room is not being physical entered. If the alarm is activated, it is the duty of any member hearing the alarm to contact the shift commander of the alarm activation. The shift commander shall immediately investigate the alarm and as soon as possible report the alarm activation to the Operations Division Commander.

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**20.2.3.12 Alarm Code** Each duly authorized member shall have an alarm code to access the evidence room, property room and temporary evidence room.

- Members shall not provide, give, share, or disseminate their alarm code to anyone.
- The Operations Division Commander shall be responsible for issuing, revoking and maintaining the alarm codes.
- The Chief of Police shall not be issued an alarm code, or have access to any alarm codes.
- From time to time, the Operations Division Commander shall see these alarms codes are changed.

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## 20.2.3 Security, Continued

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### 20.2.3.13 Keys Fob

The evidence room, temporary evidence room and property room shall be accessed via a key fob.

- The key fobs shall be maintained by the Chief of Police.
  - The operations Division Commander shall not have access to the key fobs or key fob software.
  - Only those authorized members shall be issued a key fob.
  - Members shall not provide, give, lend, share, or disseminate their key fob.
  - Members shall immediately report to the Chief of Police any lost or stolen key fobs. A detailed report shall be immediately forwarded to the Chief of Police regarding the loss or theft.
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### 20.2.3.14 Keys

The evidence, temporary evidence and property rooms shall have a door key. No member of the Department, except the Evidence Officer, shall possess a key to the evidence, temporary evidence or property rooms.

There shall only be one key.

The copying of keys is expressly prohibited.

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## 20.2.4 Storage

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**20.2.4.1 Policy Storage** It is the policy of this department that all evidence shall be properly stored in the evidence room.

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**20.2.4.2 Personal Storage** Under no circumstances shall a member store evidence or property in his/her locker, desk, cruiser or other area. All evidence shall be stored in the proper evidence room, except evidence being temporarily stored in a vehicle for security purposes in the field or while being transported to court.

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**20.2.4.3 Unattended Items** Under no circumstances shall evidence or property be left unattended or in an unsecured manner.

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**20.2.4.4 Perishable Items** Perishable items (blood, bodily fluid) shall be stored in a locking refrigerator.

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**20.2.4.5 Alcoholic Beverages** Open or unopened containers of alcoholic beverage **will not** be analyzed for alcoholic content, unless the defendant is charged with:

1. a felony,
2. operating under the influence; or
3. violent misdemeanor.

The label shall be sufficient proof of its contents. Photographs shall be taken of the alcoholic beverage and placed within the arrest packet. The non-evidence alcoholic beverage shall be destroyed and **not** stored within the evidence locker.

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**20.2.4.6 Exceptional Value** Evidence requiring added security, including but not limited to, money, precious metals, jewelry, gemstones, firearms, and controlled substances, shall be stored in separate secured areas/containers. These areas include, but are not limited to:

- Gun lockers
- Drug lockers
- Money lockers
- Locking filing cabinets

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## 20.2.4 Storage, Continued

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**20.2.4.7 Vehicles** Vehicles that are impounded as part of a criminal investigation or as evidence shall be secured in the police garage until processed.

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**20.2.4.8 Hazardous Material** Hazardous materials shall not be stored in any of the evidence rooms.

Hazardous materials shall include, but not limited to the following items and extra precautions shall be taken:

- Explosive materials
- Black Powder
- Gun Powder
- Gasoline
- Oil
- Any flammable liquid
- Any flammable gas
- Tools containing gasoline, kerosene or fuel
- Fuel tanks
- O2 Tanks
- Tanks Compressed gas
- Other caustic/explosive/flammable items.

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**20.2.4.9 Securing Hazardous Materials** Hazardous materials shall be tagged with an evidence or property tag and secured in the hazardous material storage locker.

A copy of the completed incident report shall be attached to the property and copy shall be placed in the evidence/property officer's mailbox.

If the materials to be secured are extremely hazardous and the short term security of the property would create an immediate risk or damage, the property shall not be secured within the Attleboro Police Station and the on-duty Shift Commander or Operations Commander shall be notified to assist with finding an off-sight location to secure the property.

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**20.2.4.10 Currency** No seized, found, or abandoned currency shall be stored for long term in any safe, vault or evidence storage area, unless written permission is authorized by the Chief of Police. As soon as possible, the evidence officer shall transfer all seized, found, or abandoned currency to the applicable bank account at the authorized financial institution.

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## 20.2.4 Storage, Continued

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**20.2.4.11 Release/Return/Transfer of Currency** Prior authorization is required by the Chief of Police prior to any seized, found, or abandoned currency returned or released.

The evidence officer is the only authorized person designated to return or release any and all currency.

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**20.2.4.11 Bicycles** All bicycles shall be stored in the fenced pen to the rear of the police garage.

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## 20.2.5 Temporary Release and Return of Evidence or Property

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### 20.2.5.1 Policy

It is the policy of this department that only the Evidence Officer shall be authorized to temporarily release evidence from any of the evidence areas.

In absence of the Evidence Officer, the Detective Commander, when authorized by the Chief of Police, may temporarily release evidence from any of the evidence areas (using the same procedure as the Evidence Officer and this policy).

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### 20.2.5.2 Official Purpose

Evidence shall only be temporarily released for official law enforcement purposes.

Among the reasons for such release are:

- Transfer of evidentiary items to the Court or District Attorney's office.
  - Release to another investigative agency.
  - Release to another agency for a specialist to examine.
  - As directed by a Court order.
  - Transfer of funds to a financial institution.
  - As directed by the Chief of Police.
- 

### 20.2.5.3 Temporary Release of Evidence

The following table outlines the steps for removal of property or evidence:

Step	Action
1	An evidence tracking form shall be completed.
2	Any removal of evidence is immediately recorded by the evidence officer within the QED tracking system.
3	If the evidence is narcotics, the evidence officer shall weigh the drugs and log the exact amount on the evidence tracking form.
4	Property taken to court as evidence must be returned and signed back in on the same day, except when ordered held by a Judge.

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## 20.2.5 Temporary Release and Return of Evidence or Property, Continued

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### 20.2.5.4 Transfer or Release of Evidence

Upon such transfer or release of evidence, the Evidence Officer shall obtain a written receipt for the evidence which shall include:

- Date and time.
  - Incident number(s).
  - Name and title of person taking custody.
  - Reason for removing the item (court, laboratory, investigation, etc.)
  - Signature of the person taking custody; and
  - Department member signature relinquishing custody.
- 

### 20.2.5.5 Returning Evidence

The following table describes the process for returning property or evidence.

Step	Action
1	The evidence officer shall inspect the item(s), checking to ensure that it is the same item that was signed out, and in the same condition and quantity as when signed out. <b>If the item was open in court a supplemental QED report shall be completed by the officer who had custody of the evidence and a copy shall be forwarded to the Chief of Police.</b>
2	If the evidence is narcotics, the evidence officer shall weigh the drugs and log the exact amount on the evidence tracking form.
3	The evidence officer shall log the item into the QED tracking system, to include the date, time and returning officer's full name.

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### 20.2.5.6 Changes or Alteration

Any member who observes any unexpected or unexplained changes or alteration of the item shall be immediately reported in writing to the Chief of Police and Operations Division Commander.

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### 20.2.5.7 Return of Evidence Exception

If the evidence officer is not available when the evidence is returned, the item will be stored in the temporary evidence room and the applicable forms documented.

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### 20.2.5.8 Training

Weapons, explosives, and controlled substances shall not be released or transferred for training purposes.

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**Inventory Control Form**

<b>Date</b>	<b>Locker #</b>	<b>Description of Evidence</b>	<b>Officer</b>

**Attleboro Police Department  
Evidence Tracking Form**

Case Number: \_\_\_\_\_

The following items of property/evidence was released to:

\_\_\_\_\_ for the following reason:  
**Officer Name**

- Court: \_\_\_\_\_
- District Attorney: \_\_\_\_\_
- Laboratory: \_\_\_\_\_
- Other: \_\_\_\_\_

Description of Property:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_

How many pieces of evidence have been released to the below officer? \_\_\_\_\_

Officer Receiving: \_\_\_\_\_

Date/Time: \_\_\_\_\_

Officer Returning: \_\_\_\_\_

Date and time to be returned: \_\_\_\_\_

Evidence Officer: \_\_\_\_\_

Comments:

Incident # \_\_\_\_\_

Date \_\_\_\_\_ Officer \_\_\_\_\_ CAD # \_\_\_\_\_

- Evidence     Found Property     Safekeeping     Other \_\_\_\_\_
- Owner     Suspect     Finder

\_\_\_\_\_  
(Print Name, Last Name, First Name, Middle Initial)

Criminal Statute (If Applicable): MGL \_\_\_\_\_

Location Found: \_\_\_\_\_

Located By: \_\_\_\_\_

Currency Count:

Count	Currency	Total
	X \$100.00 =	
	X \$ 50.00 =	
	X \$ 20.00 =	
	X \$ 10.00 =	
	X \$ 5.00 =	
	X \$ 1.00 =	
	<b>Sub Total Amount</b>	\$

Count	Coins	Total
	X \$.25 =	
	X \$.10 =	
	X \$.05 =	
	X \$.01 =	
	<b>Sub Total</b>	\$

**Total Amount of all Currency \$** \_\_\_\_\_

Counted by: \_\_\_\_\_ CAD #: \_\_\_\_\_

Verified By: \_\_\_\_\_ CAD # \_\_\_\_\_

Date & Time Sealed \_\_\_\_\_

*Evidence Officer USE ONLY:*

Received By: \_\_\_\_\_ Date: \_\_\_\_\_ Intact?    [ ] Yes [ ] No

Opened By: \_\_\_\_\_ Date: \_\_\_\_\_ Accurate?    [ ] Yes [ ] No

Witnessed By: \_\_\_\_\_ Date: \_\_\_\_\_ Accurate?    [ ] Yes [ ] No



# PROPERTY RELEASE FORM

Date \_\_\_\_\_ Case Number: \_\_\_\_\_

All items booked/pertain to this case number

Item# \_\_\_\_\_ Description \_\_\_\_\_

Item# \_\_\_\_\_ Description \_\_\_\_\_

Item# \_\_\_\_\_ Description \_\_\_\_\_

Item# \_\_\_\_\_ Description \_\_\_\_\_

Item# \_\_\_\_\_ Description \_\_\_\_\_

Item# \_\_\_\_\_ Description \_\_\_\_\_

Item# \_\_\_\_\_ Description \_\_\_\_\_

Item# \_\_\_\_\_ Description \_\_\_\_\_

**Released to:**

Printed Name: \_\_\_\_\_

Date of Birth \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**RECEIPT UNDER PENALTY OF PERJURY**

I certify, under the pains and penalties of perjury, that I am the lawful owner/guardian of the property listed above, and that I have inspected the property and taken possession of the described property from the Attleboro Police Department.

Signature: \_\_\_\_\_

**Released by:** Officer's Name \_\_\_\_\_ CAD# \_\_\_\_\_