



ATTLEBORO POLICE DEPARTMENT

Policy and Procedure

	TITLE Final Disposition of Evidence	
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20.4.0 Final Disposition of Evidence

20.4.0.1 Introduction

The property and evidence control function provides for the security and control of seized, recovered, and evidentiary property as well as abandoned, lost, or found property in the custody of the agency.

This is critically important in supporting investigations, in helping to guarantee successful prosecution at criminal trials, in facilitating the timely return of property to its rightful owners, and in establishing the Attleboro Police Department's reputation as an honest, reputable agency worthy of the public's confidence and trust.

20.4.0.2 Previous Directives

This Policy and Procedure supersedes all previous directives regarding the final disposition of evidence.

20.4.0.3 Policy

It is the policy of the Attleboro Police Department:

- That no evidence shall be disposed of unless a final disposition has been adjudicated by the Court.
 - To take the initiative to return property to its rightful owner or owners in the most expedient manner;
 - To dispose of property and evidence as provided by law; and
 - Maintain strict accountability for all property and/or evidence.
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20.4.1 Index

20.4.1.1 This Chapter contains the following topics.
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20.4.2 Definitions

20.4.2.1 Definitions For the purpose of this policy and procedure, the following definitions shall apply.

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

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

20.4.2.4 Cash Transfer Form The form used to denote the amount of cash and/or checks transferred from the department's custody to a financial institution.

20.4.2.5 Chain of Custody The continuity of custody of material and items collected as physical evidence. 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 and delivered to the laboratory for examination.

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

20.4.2.7 Evidence Tracking Form The form used as a receipt when evidence is removed from the evidence room and transferred to court.

20.4.2.8 Evidence Any item seized or taken into police custody that may be connected to any criminal investigation.

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20.4.2 Definitions, Continued

**20.4.2.9
Evidence
Officer** An Attleboro Police Officer designated by the Chief of Police to be accountable for the control and maintenance of all evidence/property accepted by or stored in the department's evidence and property room.

**20.4.2.10
Evidence
Room** The secured designated repository used to store evidence.

**20.4.2.11
Evidence Room
Access Log** The form used to track access to the evidence room.

**20.4.2.12
Evidence Tag** A red tag indicating its status as evidence in the custody of the Attleboro Police Department.

**20.4.2.13
Firearm** A pistol, revolver, rifle, shotgun, or other weapon of any description, loaded or unloaded, from which a shot or bullet can be discharged.

**20.4.2.14
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.

**20.4.2.15
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.

**20.4.2.16
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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20.4.2 Definitions, Continued

**20.4.2.17
Key Fob** A small security hardware device with built-in authentication mechanisms used to control access to the property, evidence and temporary evidence rooms.

**20.4.2.18
Member** Any duly appointed police officer, dispatcher or civilian employee associated with the Attleboro Police Department.

**20.4.2.19
Narcotics
Evidence Log
Book** The log book which catalogs all narcotics entered into the drug evidence storage container.

**20.4.2.20
Property
Room** The secured designated repository used to store property.

**20.4.2.21
Property Tag** A yellow tag indicating status as property in the custody of the Attleboro Police Department.

**20.4.2.22
Temporary
Evidence Log** The form used to track access to the temporary evidence room.

**20.4.2.23
Temporary
Evidence
Room** A secure room utilized by the Attleboro Police Department to temporarily store evidence and property.

20.4.3 Final Disposition of Evidence

20.4.3.1 Policy It is the policy of this Department that no evidence shall be disposed of unless a final disposition has been adjudicated by the Court.

20.4.3.2 Releasing of Evidence The Evidence Officer is the only authorized member to permanently release evidence.

20.4.3.4 Final Disposition Procedures When a final disposition, including possible appeals, is reached in court in which evidence is involved, the Evidence Officer shall:

- Promptly notify the owner to arrange for the return of the evidence.
- All evidence shall be photographed prior to its release. The photograph(s) shall be subsequently scanned & attached to the QED incident report.
- A receipt shall be used to document the return.
 - A receipt shall contain the following information:
 - The receipt shall contain incident number
 - The date and time of release
 - A description of each item
 - The serial number of each item (if applicable)
 - Name, address and date of birth of person to whom the evidence is release to.
 - Printed name and signature of the person to whom the property is released to,
 - The signature of the evidence officer.

If the owner cannot be located, the evidence shall be disposed of in accordance with all applicable laws and this policy.

20.4.3.5 Superior Court Cases Return or release of evidence in Superior Court cases must be verified with the District Attorney's Office by the evidence officer. This contact will be documented in the *Notation Tab* within the QED evidence tracking module.

20.4.3.6 Release/Return/Transfer of Currency Prior authorization is required by the Chief of Police prior to any seized, found, or abandoned currency is returned or released. The evidence officer is the only authorized person designated to return or release any and all currency.

20.4.4 Drug Destruction

20.4.4.1 Policy Narcotic evidence shall only be destroyed in accordance with the Massachusetts General Laws.
All drug destructions shall be approved in advance by the Chief of Police.

20.4.4.2 Notification of Destruction Prior to any destruction process, the evidence officer shall submit a report to the Chief of Police stating the date, time, location, witness to the destruction and list the drug items to be destroyed.

20.4.4.3 Legal Authority Narcotic evidence shall not be destroyed without first having a Destruction Notice signed by a Judge or signed by the Chief of Police by authority of the Massachusetts Drug Destruction pilot program.

20.4.4.4 Authorized Member The Evidence Officer is the only authorized member to conduct drug destructions.
A second officer shall witness the destruction; however the second officer cannot be the witnessing officer in back-to-back destructions.

20.4.4.5 Drug Destructions The evidence officer shall ensure two bi-annual narcotic destructions (January and July).

20.4.4 Disposing of Firearms

20.4.4.1 Policy It is the policy of this department that all firearms shall be released or disposed of in compliance with all applicable laws.

The preferred method of the Attleboro Police Department is to destroy any firearm used in a crime rather than selling the firearm.

20.4.4.2 Authorization No firearm shall be transferred, released or disposed of, without the expressed authorization of the Chief of Police.

20.4.4.3 Firearm Tracing Prior to any release or destruction of a firearm used in any crime, the evidence officer shall ensure that firearm was traced via ATF's online *etrace* system

20.4.4.4 Gun License No firearm shall be released to any person not having legal authority to possess a firearm or an active firearms license for said make and model firearm under the provisions of MGL Chapter 140.

20.4.4.5 Firearms taken for Safekeeping Firearms taken for safekeeping/seizure may be transferred to a certified bonded warehouse in accordance with all applicable laws.

20.4.4.6 Firearms used in Suicide or Attempts Firearms used in an attempted suicide or completed suicide shall not be returned to the lawful owner/estate without:

- A court order, or
- Authorization from the Chief of Police.

20.4.4.7 Preparing for Destruction of Firearms Authorization is required from the Chief of Police prior to any destruction of firearms. All firearms shall be destroyed in accordance with all applicable laws. The evidence officer will prepare an inventory list of all firearms scheduled for destruction and forward it to the Chief of Police or his designee for review. The melting of firearms shall be the preferred method of destruction. If cutting is used to destroy the firearm, the firearm shall be completely inoperable.

20.4.4.8 Sale of Firearms Authorization is required from the Chief of Police prior to any sale, exchange or transaction involving firearms.
