

# Truro Police Department

## EVIDENCE CONTROL CUSTODY AND SUBMISSION

**Policy Number: OPS-7.02**  
**REFERENCE: Attachment A**

**Effective Date: June 1, 2000**  
**Revised: June 30, 2008**

**Accreditation Standards: 83, 84**

**Mass. Gen. Law:** Mass. Gen. Law, Chap. 134 & Chap. 135, Sec. 8, 9, & 10

**Other:** TPD Guide to Collection and Preservation of Evidence, Computer Property Storage Codes.

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### **POLICY:**

It is the policy of the Truro Police Department to ensure that evidence and property and its custody can be properly secured, stored, readily retrieved, and that any changes in its custody have been properly and fully documented. This policy should be consulted where another agency, such as the Sheriff's office or the state police is not called in to assist to handle the collection or evidence. *(Jan 3, 2002)*

The purpose of this policy is to establish guidelines for maintaining the integrity of the evidentiary chain of custody. Prisoner property is discussed in section 5 of policy OPS-7.01 Prisoner Processing. *(Revised December 1, 2002)*

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

**CHAIN OF EVIDENCE:** 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.

**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.

**EVIDENCE LOCKER:** Any secured designated repository used to temporarily store evidence and property, including a one-way drop box and a refrigerator. *(Revised November 1, 2002)*

**PROPERTY/EVIDENCE OFFICER:** A Truro Police Officer accountable for control and maintenance of all evidence/property accepted by or stored in the department's evidence room.

**EVIDENCE ROOM:** Secured facilities or storage containers utilized by the Truro Police Department to store evidence or found property.

**FOUND PROPERTY:** Any lawful item of property, the control of which is taken into custody for safekeeping for the purpose of finding and returning the property to its rightful owner.

**IMPOUNDING OFFICER:** Any law enforcement officer who initially receives the evidence/property and initiates the chain of custody.

**PHYSICAL EVIDENCE:** Any substance or material found or recovered in connection with a criminal investigation.

**TEMPORARY PROPERTY:** Property that an officer takes into possession for temporary safe keeping after an incident, such as a traffic crash. *(New December 1, 2002)*

**PROCEDURES:**

**1. COMMAND:** The Chief of Police shall assign one or more officers as Evidence Officers. These officers shall be assigned to work under the direction of the Lieutenant with respect to these duties. When Evidence Officers are not working in this capacity, they shall answer to their assigned Patrol Shift Commander. Their duties and responsibilities are specified in the Truro Police Department Rules and Regulations, under the heading Evidence Officer, and shall be guided and assigned additional duties by policy, order or direction of the Lieutenant. *(Jan 3, 2002)*

**2. SECURITY GENERAL:**

- A. Only authorized members of the Truro Police Department may enter the Evidence Room.
- B. No other person may enter or remain in the evidence room unless an evidence officer is present. The purpose of entering the evidence area shall be specifically related to the evidence function or building maintenance.
- C. The evidence room shall be kept locked at all times.

**3. PACKAGING/LABELING:** In cases where physical evidence is to be turned over to the property/evidence officer for processing and safekeeping, the following procedures, in consultation with attachment A will be followed: *(Jan 3, 2002)*

- A. **SUPERVISION:** Evidence officers shall ensure that all procedures for packaging and labeling of all evidence/property have been adhered to.

**B. CONTROLLED SUBSTANCES:**

- 1.** All controlled substances shall be placed in tamper-resistant bags of appropriate size. A supply of bags is kept near the evidence lockers in the hallway, near the patrol room. The evidence officers will supply additional bags. All controlled substances will be placed in the evidence lockers, located in the hall, or turned over directly to the evidence officer.

2. Capsules, pills, marihuana joints, small packets, and all countable items shall be counted before being placed in the tamper-proof bags.
3. 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 needle tube containers and such containers shall be labeled.
4. Different substances shall be placed in separate bags.
5. Controlled substances seized from different people or from different locations shall be packaged separately.
6. All controlled substances and related evidence shall be tagged or labeled.

**C. FIREARMS:** Firearms shall be labeled and placed in an evidence locker. All firearms shall be unloaded and cleared prior to being placed in a locker. If, for evidentiary purposes or other reason, a firearm cannot be unloaded, a warning label shall be affixed to the outside of the locker and to the firearm.

**D. BICYCLES:** Bicycles being submitted as found property or evidence will be tagged. The bicycle will be secured in the outside storage area, next to the dog kennel. *(Jan 3, 2002)*

**E. HAZARDOUS MATERIALS:** The Truro Police Department will not handle or control any suspected evidence or property that is deemed to be hazardous. All hazardous materials shall be handled by the Truro Fire Department. *(Jan 3, 2002)*

#### 4. SUBMISSION:

- A. All property/evidence will be submitted as soon as possible before the officer ends his tour of duty. An incident report will be filed and shall include the circumstances by which the property came into the officer's possession, and shall describe each item of property/evidence submitted. Also noted in the report will be the evidence locker number utilized, if applicable. *(Revised Feb 1, 2002)*
- B. All evidence seized shall be submitted to the evidence officer in hand if available. If evidence cannot be secured or placed in a secured location, the evidence officer shall be called to secure the property.
- C. The department maintains evidence lockers in the hallway. If the evidence officer is not available, officers shall place all evidence, affixed with a computer generated label, in an open evidence locker. The officer shall then secure the locker by closing and making sure it is locked. The key shall be deposited in the key box attached to the evidence lockers. *(Revised Jan 3, 2002)*

- D. Officers shall take reasonable precautions in the handling of physiological specimens, items contaminated with physiological fluids, chemicals, contaminants, 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.

#### 5. 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, jewelry and extremely valuable items shall be counted and verified by the impounding officer and verified by a second officer. Items will then be placed in a tamper-resistant bag and placed in the evidence room safe by the evidence officer or evidence locker by impounding officer.
- C. The evidence officer shall remove all evidence from the evidence lockers at the beginning of his 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, improper documentation or packaging directly to the Chief of Police. *(Jan 3, 2002)*
- E. All evidence and property seized will be entered into the computerized evidence record system before the property is delivered to the evidence officer or the evidence locker. These records will reflect the status of all property held. The status will be reflected as follows:
1. **CASE STATUS:** 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** pieces of evidence or property related to the case are still physically being maintained in the custody of the Truro Police Department Property/Evidence Room.
    - b. **Closed:** All cases will be classified as **closed**, as soon as all pieces of evidence or property related to the case are no longer being maintained in the custody of the Truro Police Department Property/Evidence Room. When a case is termed closed, the individual item/piece disposition field will reflect the FINAL DISPOSITION of the item.

2. **EVIDENCE/PROPERTY - INDIVIDUAL ITEM STATUS:** Each individual piece of evidence or property will be identified as one of the following status indicators in the evidence maintenance form in the computer. *(Jan 3, 2001)*
- a. **AUCTION:** Items that have been lawfully deemed available for auction.
  - b. **DESTROYED:** Items that have been destroyed by other agencies (i.e., State Police - Firearms, Knives, Ammunition, etc.; Food and Drug Administration - Drugs and Paraphernalia; State Fire Marshall - Fireworks and other materials). These items will be termed as **Destroyed**, and date and method of destruction indicated. Items that have been disposed of, such as paper, books, alcohol, clothes and other items will be termed as **Destroyed**, and date and method of disposition indicated.
  - c. **IN or CONFISCATED IN ARREST:** Items that are in custody and are being held for a designated length of time. These items will be identified as **IN**.
  - d. **TO BE IN COURT:** These items are expected in court, and a court date will be entered with the property.
  - e. **OUT TO LAB:** These items are out to a crime or other lab to analyze such property, and due back in.
  - f. **RECEIVED FOR SAFEKEEPING:** Property held for items taken for safekeeping.
  - g. **RETURNED TO...:** Items that have been returned, such as found or recovered property, or evidence, that can be returned to an identifiable person or agency (i.e., RMV documents, plates, licenses, etc., that are returned to the custody of the Returned to Registry of Motor Vehicles (RMV) and not to be returned to our custody).
2. **OUT FOR COURT, TRANSFERED OR OTHER REASON:** Items that will be turned over to another agency, court, or departmental unit, and will not be returned to the Truro Police Department custody, these items will be termed as **Out...** (Indicating whom they were turned over to) and date of transfer. (Example: If State Police or a Federal Agency takes over an investigation and they will be prosecuting the case at that level, item will be noted as **Out-FBI / 1/13/97.**)

- F. 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 authorized relief. Such submissions shall be made not less than every two weeks 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.
- G. 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.***

#### **6. STORAGE OF PROPERTY/EVIDENCE:**

- A. All in-custody evidence property 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. *(Revised December 1, 2002)*
- B. Evidence requiring added security, including 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, and money lockers, all of which are located within the evidence/property room.
- C. Perishable items shall be stored in a refrigerator, located in the evidence room.
- D. Unopened containers of alcoholic beverage will not usually be analyzed for alcoholic 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 a location not listed in the property location codes as attached. The property location codes are utilized in the Property/Pawn/Evidence application in the in-house computer. *(Revised Jan 3, 2002)*
- F. Fireworks and ammunition will be labeled and stored in the outside cement vault. *(Added October 15, 2005)*

#### **7. INSPECTION, INVENTORY, AND AUDIT OF THE EVIDENCE ROOM:**

- A. Quarterly, the Lieutenant or an evidence officer assigned by him shall conduct a quarterly an inspection to determine adherence to policies and procedures used for the control or property. *(Jan 3, 2002)*

- B. Whenever a new evidence officer who has access to the Evidence Room is designated, or one resigns, an inventory and audit shall be conducted jointly by the newly assigned evidence officer and the outgoing evidence officer under the supervision of a superior officer not directly connected with evidence officer duties. All records shall be reviewed relative to proper documentation and accountability. *(Jan 3, 2002)*
- C. The Chief of Police shall assign a superior officer, not routinely or directly connected with the control of evidence, to conduct an annual inspection of the evidence area. These inspections shall verify that property accountability and security procedures are being followed. An annual, unannounced inspection shall be made by the Chief of Police. This inspection shall consist primarily of random/spot checks matching evidence and records. *(Jan 3, 2002)*

#### **8. TRANSFERS OF CUSTODY:**

- 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 prior to the day it is to be presented in court. A computer-generated evidence chain of custody form is will accompany the evidence, showing the history of transactions of the evidence. In cases where destruction or forfeiture of evidence is directed by the court, this form may be used in conjunction with the appropriate motion from the District Attorney's Office. When applicable, it is to be signed by the judge and returned to the evidence officer by the custodial officer. *(Jan 3, 2002)*
- 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 to the Chief of Police explaining the circumstances.
- F. Upon completion of the case, the officer will return the evidence and all pertinent forms to the evidence officer.
- G. When practical, all evidence is to be returned on the same day that it is picked up unless the court has assumed custody of it. The officer shall submit an incident report with a copy forwarded to the evidence officer indicating the status and location of evidence in court custody. *(Jan 3, 2002)*

**9. DISPOSAL OF EVIDENCE:**

- A. Final disposition of found, recovered, and evidentiary property shall 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, a property receipt will be obtained by the evidence officer. Anytime cash or other valuable property is returned, a second Truro Police Department employee shall witness the transaction and sign the property receipt. This transaction should take place at the station.
- 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. 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 no less than every six months.
- D. The evidence officer and one other officer will witness all drug destructions.
- E. After the completion of any destruction process, the evidence officer shall submit a report to the Chief of Police. The report will include the date, time, and location of the destruction. It will also include an inventory of the items destroyed and a list of those present at the destruction.
- F. Firearms and weapons that are to be destroyed shall be transported to the appropriate state police facility for destruction.

**10. FOUND PROPERTY**

Collection, packaging, preservation, and storage of found property will 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 make every attempt to identify the owner and return the property. If the property is returned, the officer shall obtain a receipt note the information in the log regarding his actions. The receipt shall be submitted to the evidence officer.
- 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 Truro 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:
  - 1. Hold for one year.
  - 2. Return to the finder.
  - 3. If currency, deposit into the department safe located in the Evidence Room. Money found shall be submitted as if it were evidence.
  - 4. Sell at auction.
- E. **PROPERTY/BICYCLES:** Property including bicycles will be stored in accordance with Mass. Gen. Law, Chap. 134 and Chap. 135. If the bicycle is found property, the officer recovering the bicycle will cause to have all related information entered into the log, including the finders name, address and other particulars. The person finding the bicycle should be informed that he must notify the Truro Police Department one year after date of find, if he plans to take possession of the unclaimed item.

#### **11. PROPERTY STORED FOR TEMPORARY SAFE KEEPING** *(New December 1, 2002)*

- A. From time to time, an officer may come into possession with property belonging to an individual from an incident, such as a motor vehicle crash. This property will be properly inventoried, labeled, and if possible, secured in a temporary storage area located adjacent to the found property storage area. Property of significant value must be entered as evidence as described in this policy. A notation in the original incident shall be made concerning our possession of the property. *(New December 1, 2002)*
- B. The OIC of the shift, or any of the evidence officers, may release said property to the rightful owner. Property may be released to another with a written notarized statement allowing said property to be released. The original signed copy of this shall be retained and forwarded to the Administrative Assistant, or if an incident folder exists for the particular incident in which the property came into possession, the original shall be placed in that folder and a copy forwarded to the Administrative Assistant. A copy shall also be given to the owner or custodian. *(New December 1, 2002)*
- C. At the time of release, an incident shall be made detailing the transference of the property. *(New December 1, 2002)*
- D. Upon release, the officer releasing said property shall cause a property transfer sheet to be generated by the computer, and signed by the owner or custodian. The Telecommunicator shall also indicate the property transaction in the property file of the in house computer (Pamet System). *(New December 1, 2002)*.
- E. If said property is not picked up by the owner or owner's designee within two weeks, the evidence officer(s) shall remove the property, and place it in the evidence room.

If the owner does not pick up said property, it will be disposed of in compliance with Mass. Gen. Law, Chap. 135, Sec. 8, 9, and 10. Said transfer will be noted in the property program of the Pamet System. *(New December 1, 2002).*

**F.**

**TRURO POLICE DEPARTMENT**

**January 3, 2002 Listing of All Property Location Codes Thursday 10:12**

<u>Location Code</u>	<u>Description</u>
ARMY	WEAPONS ARMORY
BASE	BASEMENT
CH'F	CHIEF'S OFFICE
EVI1	EVIDENCE LOCKER #1
EVI2	EVIDENCE LOCKER #2
EVI3	EVIDENCE LOCKER #3
EVI4	EVIDENCE LOCKER #4
EVI5	EVIDENCE LOCKER #5
FOLD	CASE FOLDER
GARA	GARAGE
L095	LOCKER #095
L096	LOCKER #096
L097	LOCKER #097
L098	LOCKER #098
L099	LOCKER #099
L100	LOCKER #100
L101	LOCKER #101
L102	REMOVED 1/3/02
L103	LOCKER #103
L104	LOCKER #104
L105	LOCKER #105
LOST	LOST & FOUND DRAWER
PARK	REAR PARKING LOT
REFR	REFRIGERATOR
SECO	SECOND FLOOR STORAGE
SHED	BIKE STORAGE AREA
STOR	OUTSIDE STORAGE AREA
TEMP	TEMPORARY STORAGE AREA

There were 27 Property Location Codes listed

**ATTACHMENT A****DNA EVIDENCE COLLECTION.**

Every officer, from the first responding patrol officer to the experienced detective and the crime scene technician, should be aware of important issues involved in the identification, collection, transportation, and storage of DNA evidence. Because extremely small samples of DNA can be used as evidence, greater attention to contamination issues is necessary. Evidence can be contaminated when DNA from another source gets mixed with DNA relevant to the case. This can happen when someone sneezes or coughs over the evidence or touches his or her mouth, nose or other part of the face and then touches the area of the evidence containing the DNA.

When transporting and storing DNA evidence, the evidence should be kept dry and at room temperature. Once the evidence has been secured in paper bags or paper envelopes, it must be sealed, labeled and transported in a way that ensures proper identification of where it was found and proper chain of custody. Never place DNA evidence in plastic bags because the moisture retained in the bags can be damaging to the DNA. Direct sunlight and hot conditions also may be harmful to DNA. Avoid keeping evidence in places that may get hot, such as a room or police cruiser without air conditioning.

To avoid contamination of evidence that may contain DNA, always take the following precautions:

1. Wear gloves. Change them before and after obtaining a sample;
2. Use disposable instruments or clean them thoroughly before and after handling each sample;
3. Avoid touching the area of the evidence where you believe DNA may exist;
4. Avoid talking, sneezing, scratching, and coughing over evidence;
5. Avoid touching your face, nose and mouth when collecting and packaging evidence;
6. Air-dry evidence thoroughly before packaging (not in direct sunlight);
7. Put evidence into new paper bags or paper envelopes; do not use plastic bags or staples.

As with fingerprints, the effective use of DNA may require the collection and analysis of "elimination samples." These samples are necessary to determine whether the evidence came from the suspect or from someone else.

One investigative tool available to law enforcement is CODIS (Combined DNA Index System). CODIS, an electronic database of DNA profiles that can identify suspects, is similar to the AFIS database. All states have implemented a DNA index of individuals convicted of certain crimes. Therefore, law enforcement officers have the ability to identify possible suspects when no prior suspect existed. The CODIS system is available through the FBI Laboratory.

The Truro Police Department has several officers and an Investigator that is trained in the collection of DNA evidence from an Institute that meets the national standards on DNA collection. At a minimum, the training will meet the basic collecting and packaging of DNA for submission to an accredited laboratory. 83.2.7c

All DNA evidence will be forwarded to the Investigator. The Investigator will facilitate all appointments through the State Police Crime Laboratory. DNA Evidence will be tracked the same as all other property and evidence.