

UPPER MERION TOWNSHIP POLICE DEPARTMENT
POLICY AND PROCEDURES

No: 600

Supersedes: NA

Effective: July 5, 2017

Page: NA Section: NA

Page: 1 OF 12

Dated: September 6, 2002

EVIDENCE AND PROPERTY CONTROL

- I. **PURPOSE:** The purpose of this policy is to establish procedures for the handling, management, accountability and preservation of evidence and property.
- II. **POLICY:** It is the policy of the Upper Merion Township Police Department that all evidence and property recovered or surrendered to the department be properly handled, packaged, recorded, and stored. The department shall take the initiative to return property to its rightful owner in the most expedient manner. Property that is no longer useful or is potentially dangerous shall be disposed of in accordance with the law and this policy.
- III. **DEFINITIONS:**
- EVIDENCE: Any item of tangible property, material, or substance found or recovered in connection with a criminal investigation.
- CONTRABAND: Items that are illegal to possess and are to be destroyed with no formal charges filed.
- PERSONAL PROPERTY: Non-evidentiary property that comes into the possession of the department.
- ESCHEATABLE PROPERTY: Property that has no evidentiary value, but has an auction value in excess of \$50.00.
- IV. **RESPONSIBILITIES:**
- A. **AUXILIARY SERVICES LIEUTENANT:** Responsible for the overall management of property and evidence for the department.

- B. **EVIDENCE TECHNICIAN:** The Evidence Technician is responsible for the daily operation of the Evidence/Property Room. The Evidence Technician shall oversee the recording, storage, transfer, transportation and security of evidence and property as it travels through its necessary chain of events, such as laboratory tests, court proceedings, disposal or return to owner. The duties of the Evidence Technician are:
1. Be accountable for control of all evidence and property stored in the Evidence/Property Room.
 2. Maintain a clean, orderly and secure Evidence/Property Room. Take necessary steps to insure the evidence and property in custody is protected from damage, deterioration and theft.
 3. When present, restrict access into all secure areas only allowing entry to the Chief of Police and those persons authorized by the Chief of Police.
 4. Maintain separate areas of added protection for the storage of special evidence and property, such as weapons, money, jewelry, drugs, dangerous substances and major crime evidence.
 5. Be responsible for the maintenance of records on recovered evidence and property indicating the chain of custody from reception to final disposition.
 6. Insure proper identification and authorization of those requesting evidence or property prior to releasing the evidence or property.
 7. Submit to the Auxiliary Services Lieutenant semi-annually a list of all evidence that is no longer of evidentiary value, and insure that all such evidence is legally disposed of within 6 months after all legal requirements have been satisfied.
 8. Submit to the Auxiliary Services Lieutenant semi-annually a list of all personal property that has not been claimed by the owner, or for which an owner can not be identified. The Evidence Technician shall insure that all such property is legally disposed of within 6 months of acquisition.
- C. **QUARTERMASTER:** When the Evidence Technician is unavailable for an extended period of time, the Chief of Police may appoint the Quartermaster to assume the duties and responsibilities of the Evidence Technician under this policy.
- D. **RECOVERING OFFICER:** It shall be the responsibility of any officer recovering evidence or personal property to insure that the evidence or personal property is clearly identified and stored in the temporary evidence storage area prior to the conclusion of the officer's shift.
1. All evidence and personal property received by this department shall be placed in an evidence bag. The inventory section on the front of the evidence bag shall be completed. If the evidence or property is too large to fit inside, the evidence bag shall be secured to the item. Property taken from prisoners, which is not evidence, shall be accounted for on the Prisoner Property Report.

2. The recovering officer shall be responsible to properly package and label all items recovered as evidence or property to prevent tampering, contaminating, or destruction of such evidence or property.
 3. Recovering officers shall, when possible, check all evidence and property against NCIC and CLEAN records.
 4. For property that may be lawfully released to the owner, the recovering officer shall attempt to notify the owner, as soon as possible, that the department is holding their property and make arrangements for the return of the property. If the Recovering Officer releases the property directly to the rightful owner, or his/her authorized representative, the officer shall have the person receiving the property sign the Evidence Custody Log Form. The Evidence Custody Log Form and the completed evidence bag shall be forwarded to the Evidence Technician who shall enter the property and its disposition into the Police Records Management System.
 5. The recovering officer, or detective if applicable, shall ensure that final disposition of evidence is accomplished within 6 months after legal requirements have been satisfied. The recovering officer or detective shall notify the Evidence Technician when evidence is no longer needed for court so that he/she may dispose of it. Major case evidence shall be retained indefinitely and disposed of at the direction of the Chief of police.
- E. ON-DUTY SUPERVISOR: It shall be the responsibility of the on-duty supervisor to determine if a crime, accident or other investigation scene requires immediate processing by the evidence technician, a detective, or a traffic safety officer. If such a determination is made, the necessary personnel shall be called in for duty with the approval of a Command Officer. Qualified personnel shall be available on a 24 hour basis to process such scenes.

V. **EVIDENCE PROCEDURES:**

A. PROCESSING AND SECURING OF EVIDENCE:

1. All evidence shall be promptly turned over to the Evidence Technician for inventory and storage. The recovering officer shall place all evidence in a secure temporary storage locker in the Temporary Evidence Storage Area, located in the Evidence Processing Room, until it can be properly stored in the Evidence/Property Room. If the evidence requires processing, the recovering officer shall clearly mark the outside of the evidence bag, "Evidence to be processed". Evidence too large to fit in a locker shall be placed in the secure temporary storage area.
 - a. Evidence requiring refrigeration shall be placed in a cooler, along with a cold pack, and stored in a locker in the Temporary Evidence Storage Area until removed by the Evidence Technician.

2. The recovering officer shall ensure that the temporary storage locker/area is secure after placing the evidence inside. Personnel shall at no time keep evidence for their personal possession.
3. The Property Screen in the Police Records Management System shall be used as the permanent record of evidence seized or recovered by an officer. The Evidence Technician shall be responsible for entering all information on the recovered evidence into the Property Screen, which shall include at the minimum:
 - a. The name and assignment of the person who collected the evidence for processing or storage;
 - b. The name and assignment of the person receiving the evidence;
 - c. A description of each item of evidence;
 - d. The date and time of every transfer;
 - e. The reason for the transfer.
 - f. Any other pertinent information relating to the transfer of the evidence.
4. The recovering officer shall detail in his/her incident report the circumstances by which the evidence came into his/her possession.
5. The Evidence Technician shall be responsible for promptly removing evidence from the temporary storage lockers/area and placing it into secure storage in the Evidence/Property Room. The Evidence Technician shall account for all items listed on the evidence bag, and log the evidence into the Property/Evidence records on the Police Records Management System as soon as possible. These records shall contain the status and location of all evidence.
 - a. Evidence requiring processing may be stored in the secure Evidence Processing Area pending completion of the processing. The Evidence Technician shall log the evidence into the Property/Evidence records, which shall indicate the status and location of the evidence. If the items processed are determined to be of evidentiary value, they shall be moved into secure storage in the Evidence/Property Room. If the items processed are of no evidentiary value they may continue to be stored in the secure Evidence Processing Area pending return to the owner.
6. If the evidence is transferred to a laboratory or another agency, the person transporting the evidence shall submit a Field Supplementary Report. The Field Supplementary Report shall include:
 - a. The name and location of the laboratory or agency where the evidence was transferred;
 - b. The type of examination(s) requested or the reason for the transfer.

B. PACKAGING AND STORAGE OF EVIDENCE:

1. Evidence shall be packaged in the appropriate container. The inventory form on the front of the container shall be completed. Large items of evidence that will not fit into a container shall have an evidence bag attached that has been completed in accordance with this policy.
2. Certain evidence requiring special handling shall be stored in separate, secure areas located within the Evidence/Property Room. These items include, but are not limited to, weapons, drugs, money, jewelry, and biohazardous items.
3. *Firearms/Weapons*: All firearms shall be checked for ammunition as soon as practical in a safe area to minimize the risk of an accidental discharge, unless this procedure would interfere with the evidentiary value of the weapon. The firearm will be protected by placing it in a large evidence container if practical. If the firearm will not fit in a container, an evidence bag shall be attached. All firearms shall be stored in a designated area in the Evidence/Property Room.
 - a. Plastic wire ties will be used to render weapons unusable while in storage.
 - b. Knives and other cutting instruments will be packaged in knife boxes whenever possible.
4. *Drugs*: The recovering officer shall weigh any large quantity of drugs. Pills or capsules shall be counted unless there is an excessive amount. Each separate container shall be properly marked with the weight or count, if applicable. The evidence container will list the type of drug, the number of containers submitted, along with the weight or count. These substances shall be stored in a designated area in the Evidence/Property Room.
5. *Money/Jewelry*: All money submitted shall be counted by both the recovering officer and his/her supervisor. All money shall be submitted in a sealed package and initialed by the recovering officer and his/her supervisor. Money and jewelry shall be packaged separate from other evidence and stored in a designated area in the Evidence/Property Room.
6. *Biohazardous Items*: Any item of evidence that may be contaminated with a bodily fluid requires special precautions and packaging. All such items shall be allowed to dry, if possible, then placed and sealed in an appropriate container. Items that can not be dried shall be placed in leak-proof containers. In either case, the evidence container shall be clearly marked with a biohazard warning. Biohazardous items will be stored in approved containers in a designated area of the Evidence/Property Room.
 - a. Hypodermic needles and syringes shall be placed in syringe transport tubes, appropriately identified, and marked with a biohazard warning.
7. *Explosives*: Explosive substances shall not be stored in the Evidence/Property Room. All such substances shall be photographed and turned over to the Montgomery County Bomb Squad for disposal.

8. *Vehicles*: When a vehicle is brought into the department to be held for processing and/or searching, it shall be placed in one of the bays in the Police Garage until it is released. All doors to the bays shall be secured and access limited to authorized personnel. Additionally, the bay doors will be continuously monitored by Communications Center Personnel using the garage's video system.
9. *Prescription medicine drop-off box procedures*: Access to the prescription medicine drop-off box is restricted to the Community Response Officer who shall be responsible for the following:
 - a. Emptying of the prescription medicine drop-off box as required. Whenever the prescription medicine drop-off box is accessed and the storage container removed, the employee authorized to do so shall be accompanied by another police department employee approved by the Auxiliary Services Lieutenant until such time that the storage container is returned to the medicine drop-off box and, if applicable, the contents are transferred to the Evidence Technician.
 - b. Packaging of prescription medicine removed from the drop-off box. All prescription medicine removed from the drop-off box will be packaged in a sealed container and weighed in the presence of the Evidence Technician. The container shall then be labeled with the contents, date of packaging and the weight. There is no need to individually list the contents of the container on the label or in the property record.
 - c. Transfer of the container to the Evidence Technician. The Evidence Technician shall place the container into permanent evidence storage until it is properly disposed of, and shall enter the container into the property record.
 - d. The Auxiliary Services Lieutenant may authorize access to the prescription medicine drop-off box to another police department employee for the purposes outlined in sections 9(a-c) above when the Community Response Officer is unavailable. The designee will be accompanied as stipulated in section 9(a) whenever access to the prescription medicine drop-off box has been made.

C. SEXUAL ASSAULT TESTING AND EVIDENCE COLLECTION:

1. The Department shall take possession of a sexual assault kit within 72 hours of being notified of its existence. Upon receipt of the sexual assault kit, existing property and evidence control procedures shall be followed to ensure the integrity of the evidence.
2. If the victim, or a victim advocate acting at the victim's direction, has provided written notice of consent to the forensic testing, the Department must submit evidence awaiting testing to an approved laboratory within 15 days.
3. If the victim has not provided consent to testing, the evidence shall be preserved and stored for a period of no less than two years, unless consent is provided within the two years.

4. The sexual assault kit shall be stored in compliance with the Storage and Preservation Policy for Sexual Assault Evidence published by the Pennsylvania State Police (46 PA Bulletin 7927 published December 17, 2016) pursuant the Sexual Assault Testing and Evidence Collection Act (Act 27 of 2015).
5. The Lieutenant of Auxiliary Services, in consultation with the Evidence Technician, shall file an annual report by January 31st on the number of untested sexual assault kits in the Department's possession to the Pennsylvania Department of Health and/or the Pennsylvania State Police as required by law.

VI. **EVIDENCE ROOM PROCEDURES:**

- A. ACCESS TO EVIDENCE/PROPERTY ROOM: Access to this area is limited to those persons authorized by the Chief of Police. In the event that items are taken into department control that cannot be stored in the Evidence/Property Room due to size, condition or hazard, the Evidence Technician shall make arrangements for secure storage in other areas for these items.
- B. REMOVAL OF EVIDENCE: Evidence may be withdrawn from the Evidence/Property Room for the following reasons:
 1. Analysis by a laboratory.
 2. Examination or processing by authorized members of this department.
 3. Presentation in court.
 4. Release to another law enforcement agency.
 5. Analysis or examination by an authorized outside agency.
 6. Showing to a victim, witness or other person related to the investigation.
 7. Release to the rightful owner.
 8. Those authorized to withdraw evidence include: the recovering officer, investigators assigned to the case, supervisors in the investigating officer's direct chain of command, the Evidence Technician, and personnel authorized to transport evidence to the laboratory.
 9. When withdrawing evidence from the Evidence/Property Room, personnel shall sign for the evidence on the Evidence Custody Log Form.
 10. The person withdrawing the evidence from the Evidence/Property Room is responsible for returning the evidence. Any evidence removed from the Evidence/Property Room must be returned the same day unless a supervisory or command officer approves a delay. In the event the evidence is not to be returned to the Evidence/Property Room, the person who withdrew the evidence shall complete a Field Supplementary Report documenting the reason and the location of the evidence.
 11. To minimize delays in picking up evidence, personnel shall advise the Evidence Technician, or other authorized person, one working day in advance of the items they wish to obtain. If evidence is requested by a night shift officer for court, the Evidence Technician, or other authorized person, shall place the items in the

secure evidence closet in the Roll Call Room. Access to the evidence closet shall be limited to all command officers, all sergeants, all corporals, the Evidence Technician and the Quartermaster. The requesting officer will then contact one of those individuals to open the evidence closet to retrieve the items when they are needed. Officers returning evidence from use at court will follow the procedures outlined in Section V-A-1 of this policy.

C. DISPOSITION OF EVIDENCE:

1. When evidence is no longer of value to be retained, it shall be disposed of in accordance with all applicable laws and department procedure. The Evidence Technician shall be responsible for monitoring evidence in storage to insure legal disposition is made in a timely manner.
2. The case disposition and evidence disposition reports shall be forwarded to the case officer, who shall then be responsible to notify the Evidence Technician of the final case disposition and provide instructions regarding the specifics, if any, for the final disposition of the evidence.
3. Any confiscated property or item no longer of value as evidence shall be promptly returned to the owner if ownership can be determined, providing it is not contraband. The Evidence Technician shall not dispose of evidence until all court appeals have been exhausted or until directed by appropriate authority. The Evidence Technician shall log the final disposition in the Property/Evidence record.

D. INSPECTION OF EVIDENCE/PROPERTY ROOM:

1. The Auxiliary Services Lieutenant, or his/her designee, shall conduct periodic inspections, at least annually, of the Evidence/Property Room to ensure adherence to department policies and procedures.
2. Whenever a new Evidence Technician or Quartermaster is assigned, an inventory of the Evidence/Property Room shall be conducted by the newly assigned Evidence Technician or Quartermaster and an officer appointed by the Chief of Police. This inventory is to ensure that all property is accounted for and all records are accurate.
3. Annually, an audit of a representative sample of all evidence and property held by the department shall be conducted by a supervisor assigned by the Chief of Police, and not routinely or directly connected with the control of evidence or property. The inventory shall be conducted with the Evidence Technician and Quartermaster present.
4. Unannounced inspections of the Evidence/Property Room shall be conducted at least annually as directed by the Chief of Police.
5. A complete inventory of all items and records shall be conducted when there is reason to believe that evidence has been tampered with, or if the evidence custodian has been removed for any irregularities.

VII. PERSONAL PROPERTY PROCEDURES:

A. PROCESSING AND STORAGE OF PERSONAL PROPERTY:

1. All personal property, except property listed in subsection A-1-b, shall be promptly turned over to the Evidence Technician for inventory and storage. The recovering officer shall place the personal property in the Temporary Storage Area until it can be properly stored in the Evidence Property Room. The recovering officer shall ensure that the Temporary Storage Area is secure after placing the personal property inside. Personnel shall at no time keep another's personal property for their personal possession.
 - a. Bicycles shall be locked to the bicycle rack in the designated storage area in the Police Garage. The Evidence Technician shall maintain key control to the locks for the bicycle rack.
 - b. Found or recovered property of minor value for which an owner has been contacted and stated that he/she will pick the property up, may be stored in the secure drawer in the Communications Center. The property will be turned over to an on-duty dispatcher who will lock the property in the drawer and make an entry in the daily log describing the items. The officer recovering the property will document the transfer in his/her report. When the property is returned to the owner, the dispatcher will document the transfer in the daily log and notify the recovering officer who will document it in his/her report. In the event the owner does not pick up the property within 24 hours, it will then be turned over to the Evidence Technician for inventory and storage in accordance with section A-1 of this policy.
2. An officer placing a prisoner in a cell must:
 - a. In the presence of the prisoner, inventory and record all personal property on a Prisoner Property Report. If some of the prisoner's possessions are to be retained as evidence, follow the procedures outlined in sections IV-D-1 and V-A-1 of this policy.
 - b. Place all personal property to be returned to the prisoner in a property bag and place the bag and the Prisoner Property Report in the plastic storage bin that is numbered to correspond to the prisoner's cell. The storage bin shall then be placed on the corresponding closet shelf located in the processing room and the closet door secured. Property confiscated from prisoners held in a Temporary Holding Area shall be placed on the floor of the closet.
3. Officers removing prisoners from cells must:
 - a. Inventory and return all personal property to the prisoner. Have the prisoner sign the Prisoner Property Report. If a prisoner refuses to sign the Prisoner Property Report, a second officer should witness the presence of all the personal property and its return to the prisoner. Note the refusal on the Prisoner Property Report.

- b. An officer who removes personal property from the plastic storage bin prior to the release of the prisoner must note on the Prisoner Property Report what property was removed, the reason for the removal, and sign the report each time property is removed.
4. The Property Screen in the Police Records Management System shall be used as the permanent record of personal property recovered by or surrendered to the department with the exception of a prisoner's property. The Evidence Technician shall be responsible for entering all information on the recovered property into the Property Screen, which shall include at the minimum:
 - a. The name and assignment of the person who recovered the property, if an employee of the department. Otherwise, the name, address and telephone number of the person who recovered the property;
 - b. The name and assignment of the person receiving the property;
 - c. A description of each item of property;
 - d. The date and time of every transfer;
 - e. The reason for the transfer.
5. The recovering officer shall detail in his/her incident report the circumstances by which the property came into his/her possession.
6. The Evidence Technician shall be responsible for promptly removing personal property from the Temporary Storage Area and placing it into secure storage in the Evidence/Property Room. The Evidence Technician shall account for all the items listed on the evidence bag, and log the property into the Property/Evidence records on the Police Records Management System as soon as possible. These records shall contain the status and location of all property.
 - a. Oversized property which will not fit readily into the Evidence/Property Room may be stored in the secure Evidence Processing Area pending disposition. The Evidence Technician shall log the property into the Property/Evidence records, which shall indicate the status and location of the property.
7. Items of personal property requiring added protection shall be stored in separate, secure areas of the Evidence/Property Room. These items include, but are not limited to: firearms, money, jewelry and drugs. The officer coming into possession of this property shall secure it in a temporary evidence storage locker until the Quartermaster can transfer it to the Evidence/Property Room.

B. DISPOSITION OF EVIDENCE AND PERSONAL PROPERTY:

1. *Firearms*: Firearms and other dangerous weapons that are unclaimed or can not legally be returned to the owner shall be destroyed after complying with Montgomery County District Attorney's Office guidelines.

2. *Drugs*: Drugs will be flushed or burned. Two members of the department, at least one of them a supervisor, must witness the destruction, which shall be documented on the Incident Report.
3. *Contraband*: Found contraband shall be destroyed using the most practical means available.
4. *Bicycles*: Unclaimed bicycles shall be held by the department for 90 days and then donated to a charitable organization. The person who found an unclaimed bicycle may file a written claim for it with the department after 90 days
5. *Money*: Unless otherwise directed by a court or other competent authority, money shall be disposed of as escheatable property.
6. *Escheatable Property*: If unclaimed by the owner, it shall remain in the appropriate storage areas for 90 days. Upon expiration of the 90 days, the finder shall be notified to present a claim for the property. The notification shall advise the finder that if the property is not claimed within 30 days of notification, it will be relinquished to the Pennsylvania State Treasury, Office of Unclaimed Property, or otherwise disposed of at the direction of the Chief of Police. (see Attachment A)
7. *Non-escheatable Property*: This may be disposed of within 90 days, if not claimed, with the approval of the Chief of Police.
8. *Other dispositions*: Some property, such as fireworks, ammunition and explosives, may be so inherently unstable that they cannot be stored in the Evidence/Property Room or other areas of the department. Therefore, these items shall be disposed of with the assistance of the Montgomery County Bomb Disposal Unit.
9. All returned evidence or property must be signed for on the Evidence Custody Log Form by the authorized person who receives it.

APPROVED: _____
 Chief Thomas M. Nolan

DATE: _____

APPROVED: _____
 Captain Christopher R. Bird

DATE: _____

TO BE REVIEWED: ANNUALLY

DISTRIBUTION: All Police Officers,
 All Civilian Employees
 Township Manager
 File

POLICY # 600- EVIDENCE AND PROPERTY CONTROL

ATTACHMENT A

ESCHEATABLE PROPERTY

All monies, including coins and coin collections, shall be forwarded to the Pennsylvania State Treasury, Office of Unclaimed Property.

The following items will be accepted by the Office of Unclaimed Property, provided they have an auction value in excess of \$50.00:

1. Jewelry (costume or valuable).
2. Scales (electronic, antique, ammunition reloading).
3. Electrical equipment, appliances- working units that are determined to be sellable.
4. Tool sets (reasonable condition).
5. Silver and gold items.
6. Antiques.
7. Power tools (in working condition).
8. Automobile stereo systems (new) with speakers.

The Office of Unclaimed Property, regardless of value, will refuse the following items:

1. Weapons, including firearms, magazines, ammunition, scopes, holsters and knives.
2. Clothing.
3. Perishable foods.
4. Micro-evidence (blood samples, spent cartridges, etc.).
5. Damaged and inoperable stereo equipment.
6. Used tires.
7. Damaged furniture.
8. All citizen band radios.
9. Telephones of any type.
10. Damaged car radios, tape decks, tapes and compact disks.
11. Damaged inoperable motorcycles and minibikes.
12. Alcoholic beverages.
13. Tools, other than tools in reasonable condition.
14. Purses with wallets, having no value.
15. Used motorcycle helmets or hard hats.
16. Used toys of any kind.
17. Toiletries, personal care items.
18. Bicycles, per statute, will be held by, and disposed of by this department.