



Fitchburg State University Police Department

Subject: PROPERTY AND EVIDENCE CONTROL	
Reference: MPAC: 84.1.1, 84.1.2, 84.1.3, 84.1.4, 84.1.5, 84.1.6, 84.1.7	
IACLEA: 15.1.1, 15.1.2, 15.1.3, 15.1.4, 15.1.5, 15.1.6, 15.1.7, 15.1.8	
Rescinds: Section 52	
Effective Date: May 19, 2020	Review Date:
By Order of: Michael J Cloutier, Chief of Police	

General Order

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PURPOSE:

The purpose of this general order is to establish guidelines mandating that all found property and evidence that comes into the possession of the Fitchburg State University Police Department is labeled, stored, maintained, and disposed of in a manner which will ensure the integrity of the evidentiary chain of custody and public trust..

POLICY:

It is the policy of the Fitchburg State University Police Department that all evidence be handled in accordance with those procedures currently accepted by the Massachusetts Judicial System. All members of this department will follow this order to ensure that all property is collected, maintained and, if possible, returned in proper fashion. Any changes in the custody of evidence and property will be properly and fully documented. Further, it shall be the policy of this department to return or dispose of abandoned property and evidence when permitted by law.

DEFINITIONS:

Chain of Evidence: There is a need for 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 court or the laboratory for examination.

Physical Evidence: Any substance or material found or recovered in connection with a criminal investigation.

PROCEDURE:

A. Evidence and Found Property Custodian:

1. The evidence officer, at the direction of the Chief of Police of the Fitchburg State University Police Department, is in charge of ensuring that all property, whether found or collected as evidence, is properly entered into the department's computer system (IMC Record Management System), labeled, stored, tested and returned to the rightful owner or lawfully disposed of if no owner is located.
2. The evidence officer shall be the official custodian of all evidence and property in the custody of the department. This officer will be designated the responsibility of maintaining control of all records and the inventory system for all evidence and property in the custody of the department.
3. The evidence officer shall oversee the short term found property procedure as outlined in this order.
4. The evidence officer will ensure that all evidence/property is properly packaged and accurately documented with all necessary forms. He/she will check on each piece of evidence or found property to ascertain if it has been reported lost or stolen. This officer will maintain accurate records as to the whereabouts and status of all evidence and property as well as being responsible for the returning of all evidence/property to its rightful owner when not needed for any court case. All unnecessary evidence/ property will be disposed of and removed from the evidence room within six months of the item no longer being needed.
5. The department's record management system (IMC) will be used to record all evidence and possessed property shall be accurate and up to date. The entry for each piece of evidence or possessed property shall include its current status, date and time when the property was received or released, character, type and amount of property on hand; and the complete chain of custody from the time the property was stored until its destruction or other final disposition.
6. The evidence officer, with permission from the Chief of Police, may designate a sworn member of the department to assist him in his duties as the property and evidence control officer for the department.

IACLEA 15.1.1

B. Evidence Room Security:

1. The Fitchburg State University Police Department evidence room shall be in the caged area of the Firearm Storage area (B02) located in the basement (B01). This room has an electronic access control, which shall be limited to supervisors only for entry. All entry will be electronically monitored through the access monitoring system as well as video monitoring. The evidence-caged area can only be entered by means of a hard key that will remain in the possession of the designated evidence officers.

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- a. Only members of the Fitchburg State University Police Department, authorized by the Chief, may enter the evidence room. They must be accompanied by the Chief of Police or the evidence officer at all times.
 - i. Those non designated individuals given access shall be tracked through the department CAD system , by logging their name, purpose for entering, the evidence cage, and who accompanied them.
- b. All in custody and evidentiary property shall be stored in the department's evidence/property room. The property will be stored and tracked to designated areas, shelves, cabinets, refrigerators, or safes within control of the evidence officer. The evidence room shall be kept locked at all times during the absence of the evidence officer.
- c. Upon transfer to the main evidence/property room, sensitive or high value or items such as expensive jewelry, cash, firearms, and drugs shall be stored in a separate, locked, secure area within the evidence/property room. Blood and other body fluids shall be stored in a locked refrigerator within the evidence/property room or the secure temporary storage refrigerator as necessary.
- d. The Fitchburg Police Department, Massachusetts State Police Leominster Barracks or the Klondike Service Center may be utilized in the storage of vehicles and other large, oversized items.

IACLEA 15.1.3 / MPAC 84.1.2

2. The Fitchburg State University Police Department has designated a locker system located in the Interview room (103) as a temporary storage cabinet. This cabinet has a unique key for each locker as well as a secure refrigerated portion.
 - a. Officers shall utilize this storage system for all for the temporary storage of in-custody or evidentiary property.
 - b. Officers shall label all property according to this directive.
 - c. The designated evidence officer shall check the temporary storage area and move any item stored to the evidence room periodically to ensure ample temporary storage remain available.

IACLEA 15.1.4 / MPAC 84.1.3

C. Processing of Found Property (Including Abandoned):

1. When found or abandoned property is received, all reasonable efforts will be made to identify the owner or custodian, and notify them of their property status.
2. The receiving officer will attempt to notify the owner and arrange for the owner to pick up the property. The receiving officer will release the property and document the transfer and final disposition of the property. This can be accomplished by:
 - a. Attempt to locate any identifying marks or contact information on or in the property.
 - i. This should not be an evidentiary search, and limited to only those areas or sections of the property where ownership can be determined. All searches

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shall follow department **General Order 2.2.4 Search and Seizures**.

- ii. If ownership is not readily available, or if a search to obtain ownership is too intrusive as to violate constitutional rights, guidance from a supervisor shall be sought.
- b. Email or call the owner from a department recorded line to the owner.

IACLEA 15.1.2 f / MPAC 84.1.1 f

3. Valuable or sensitive items of property (i.e., money/negotiable instruments, high value items, weapons, drugs) while in custody of the department; will be immediately recorded and placed into a temporary locker located in the Interview room (Room 103).

IACLEA 15.1.2 e / MPAC 84.1.1 e

4. **The receiving officer shall enter** all of the information into a call for service in IMC, which may be further tracked using the call number.

The following information must be included in the Found/Lost Property call:

- a. the name of the person who turned-in the item,
- b. the location where the item was found,
- c. complete information/description about the item,
- d. the name of the owner, if known,
- e. any contact the officer had with the owner
- f. the final status, (i.e will the owner pick-up the item, has the item been returned to the owner, etc.).

If the owner isn't immediately available to retrieve the item, the call will be printed, and the printed page shall be placed into a temporary evidence locker with the item.

5. The evidence officer will enter the property information into the IMC Records Management System (RMS) and assign a property number.
 - a. The RMS has a specific property module that will track all property taken by the department. The only exception is personal property processed for safekeeping during the booking process, which will be processed according to **G.O. 8.1 Detainee Processing and Detention**.
 - b. The evidence officer is responsible for ensuring that the RMS storage is reflective of the physical space within the evidence room, to include temporary storage.
 - c. All lost and found items shall be tracked in the CAD system.

IACLEA 15.1.6 / MPAC 84.1.5

6. Duties of the evidence officer include: Return the property to the rightful legal owner. Follow all other general requirements of this directive regarding control, inventory, and final status of their designated properties. If unable to identify and notify the owner; inventory and prepare items for disposal, auction or donation. Assure the final status is reflected, whether returned, destroyed, auctioned or donated.
7. Any cash turned-in will be deposited to Financial Services and the funds will be made available to the owner after ownership is verified. After one year if the funds are not collected by the owner, the finder may claim the monies.
8. Items of Little or No Value
 - a. Officers shall not return recovered items of lost property bearing little or no value, with no identifying markings, to the police station;
 - i. Such items (clothing, books, wallets stripped of valuables, eyeglasses, keys etc.) shall be left in the custody of the official in charge of the location (Campus Center, residence hall, library, etc.) where the item was found;
 - ii. If such items are turned in by a citizen, the evidence officer may designate them as lacking in substantial value, and dispose of them forthwith;
 - a) Eyeglasses are donated to the Lions Club,
 - b) Cell phones are donated to women's shelters or DVIP programs,
 - c) Books or clothing in good condition are donated to the, Falcon Bazar or Salvation Army
 - d) Items which are broken or deemed to be of little value will be discarded.
9. At no time will found property be stored in an officer's personal locker, in a desk in a common area of the station or other areas not designated to store such property.
10. All other items such as keys, textbooks, clothing, that the department becomes custody of, may be stored in the communication center file cabinet.

D. Processing of Evidence (Including Seized, Recovered, and Impounded):

1. It is very important that the chain of custody for all pieces of evidence remain intact, particularly for those items involved in criminal actions.
2. All items of evidentiary value shall be properly packaged in a department evidence bag.
 - a. All non biological items shall be placed in a plastic evidence bag.
 - b. All biological items shall be placed in a paper evidence bag.
 - c. If an item is unable to be placed in an evidence bag due to size, guidance shall be sought from a supervisor.

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- d. Each item of evidentiary value shall be individually packaged.

IACLEA 15.1.2 d / MPAC 84.1.1 d

3. All evidence shall be documented on departmental forms as well as in an incident number, or arrest number and placed under the control of the property and evidence control function.
 - a. Each piece of evidence will be assigned a property number in IMC Record Management System, a property label affixed to the evidence and the property tracking sheet will accompany each piece of evidence.
 - b. The submitting officer will sign and date the property tracking sheet. Labeled and sealed evidence envelopes (as applicable) shall be placed into an appropriately sized secure temporary storage locker, along with the evidence tracking sheet, in the interview room area awaiting the evidence officer.
 - c. In the narrative section of the report, each item of property coming in the department possession will be documented describing the piece of property / evidence, and the circumstances by which it came into the department's possession. *IACLEA 15.1.2 c*
 - d. All property shall be logged and entered as previously described by the end of the officer's shift. *IACLEA 15.1.2 a, b, & d / MPAC 84.1.1 a, b, & c*
4. Any time a piece of evidence is removed from an evidence locker or the evidence room, this movement will be recorded on the chain of custody paperwork maintained by the evidence officer. This will include any transfer of the property to a lab for testing, another criminal justice agency for examination, or bringing the evidence to court for use in a trial or hearing.
5. The evidence officer will make a reasonable attempt to locate the owner(s) of the evidence and advise them of its status. In instances when keeping evidence from its rightful owner would produce a hardship, the department will consult with the District Attorney's Office to discuss the possibility of photographing the property and returning the property to the owner. If in the opinion of the District Attorney's Office this procedure will not compromise prosecution of the case, the evidence may be released after verification that the photo taken has caught the true essence of the property. The owner will sign a property receipt and the evidence officer will also sign that the property was returned. The original photograph will contain the original incident number, the victim's name, the photographer's name as well as the date, time, and location where the evidence was photographed.
6. The Chief of Police shall personally approve any controlled substances, weapons, or explosives, held in the possession of the department, to be used for investigative or training purposes.
 - a. Items that are part of any ongoing case or civil matter shall not be used for training purposes.
 - b. Any items designated for training shall be labelled as such in the IMC Evidence tracking module.
 - c. As part of the semi-annual inspection of the evidence room, the evidence officer's

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supervisor shall inventory any such usage and verify its continued necessity in a report to the Chief.

IACLEA 15.1.5 / MPAC 84.1.4

7. Any evidence removed from a secure designated area will be returned to that same secure, designated area as soon as possible if it is not ready to be released.
8. At no time will evidence of any nature be stored in an officer's personal locker, open area of the station, or any other area not designated as an evidence storage area.

E. Transfers of Custody:

1. The evidence officer will document all changes in custody of physical evidence. The documentation will include the name of the individual(s) or organizations assuming custody of the evidence and a brief explanation of why custody is being transferred.
2. A receipt shall be prepared for all transferred evidence.
3. Officers are responsible for the security, storage, maintenance, and accessibility of evidence in their custody.
4. If evidence is needed for court, the officer will make the evidence officer aware of the need for the property three days prior to the court date at a minimum. Officers will only obtain the evidence on the day it is to be presented in court.
5. Sealed bags of evidence are not to be opened unless the court orders it to be opened. If a sealed bag is opened, the officer with current custody of the property will submit a letter (To/From format) to the evidence officer explaining why the bag was opened.
6. Upon completion of the case, or at the end of the court day the officer will return the evidence to the evidence officer. Evidence is to be returned on the same day that it was picked up unless the court assumes custody of it. If the court assumes custody of the evidence the officer who last had custody will submit a letter (To/From format) to the evidence officer indicating the status, location and who assumed responsibility for the evidence at the court.

F. Inspection, Inventory and Audit of the Evidence Room:

1. Whenever the primary property officer is assigned to and/or transferred from the property and evidence control function, an inventory of the property room is conducted jointly by the newly designated primary property officer and a designee of the Chief of Police, to ensure that records are correct and properly annotated. A written report shall be submitted to the Chief upon completion of the inventory.
 - a. During the joint audit, a sampling of the total amount of high risk (e.g., money, precious metals, jewelry, firearms, and drugs) property records under the agency's care must be reviewed with respect to documentation and accountability. The person assuming custody of the property should ensure that records are current and properly annotated. All discrepancies should be recorded prior to the assumption of property accountability by the newly appointed custodian

IACLEA 15.1.7 b / MPAC 84.1.6 b

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2. An **annual** audit and inventory of property held by the department will be conducted by a supervisor or officer **not routinely or directly connected with the control of the evidence** or found property. The results of this audit and inventory, including any discrepancies will be made in writing and provided to the Chief of Police.

IACLEA 15.1.7 c / MPAC 84.1.6 c

3. The evidence officer will conduct a **semiannual** inspection of the department's property storage areas to determine that they are being maintained in a clean and orderly fashion; that agency directives concerning the property management system are being followed (proper handling, storage and record-keeping, etc.); that the property is being protected from damage or deterioration; and that property having no further evidentiary value is being disposed of promptly.

- a. As a line inspection, a supervisor responsible for the property control function or his/her designee may conduct the inspection.

IACLEA 15.1.7 a / MPAC 84.1.6 a

4. At least **once a year**, the Chief of Police will direct the completion of an unannounced inspection of all property storage areas. The unannounced inspection is not meant to be a time consuming task. It is intended to inspect for cleanliness, orderliness and tracing a few pieces of property and evidence to assure they are in the proper place as stated in the agency's records.

IACLEA 15.1.7 d / MPAC 84.1.6 d

G. Return/Destruction/Disposition of Found Property or Evidence:

1. Final disposition of found, recovered, and evidentiary property will be completed as soon as practical after the legal requirements have been satisfied. When no longer needed, evidence will be returned to the lawful owner as soon as possible. A property receipt will be obtained by the evidence officer when the property is returned to the lawful owner.
2. Drug destruction will follow the Massachusetts State Police Forensic Services Group Drug Destruction Policy for Municipal Police Departments.
3. In instances where the owner of lost money or goods does not appear after one year, the property or money may be claimed by the finder.
4. In the case of money that is not claimed, the Department will turn over all unclaimed funds to the Financial Services Office at Fitchburg State University.
5. In the instance of unclaimed valuable property (i.e. jewelry, personal electronics, etc.) the property will be taken to the Capital Planning and Maintenance inventory coordinator for disposal and recycling via the Commonwealth of Massachusetts inventory system.
6. Contraband i.e. (alcohol, narcotic paraphernalia, knives, etc.) used in Student Judicial Board hearings will be destroyed after the case has been cleared/adjudicated by Student Affairs.

IACLEA 15.1.2 g, 15.1.8 / MPAC 84.1.1 g 84.1.7

H. **Asset Forfeiture**

1. In the event that a narcotics investigation leads to the possibility of an asset forfeiture the Fitchburg State University Police Department will follow the provisions outlined in Federal or Massachusetts General Laws, regulating that process. The Fitchburg State University Police Department will consult with the District Attorney's Office or the U. S. Attorney's Office prior to any request for the forfeiting assets.
2. In the event that forfeiture is requested and approved, the investigating officer will document the entire process in their report.
3. In the event that an asset forfeiture is completed, and the department takes possession of an item, property, or money, the evidence officer will initiate and maintain full and complete records showing what was seized, from whom it was seized, under what authority it was held or received, any restriction on its utilization and the method of disposition. State and Federal Guidelines, as well as any restriction embedded in the original forfeiture order will be followed by disposing of a forfeited item.

Approval:



Chief of Police

05/19/2020
Date