

ELIZABETH POLICE DEPARTMENT GENERAL ORDERS



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SUBJECT: EVIDENCE AND PROPERTY CONTROL

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BY THE ORDER OF:

Chief Giacomo Sacca

BY AUTHORITY OF:

Police Director Earl J. Graves

SUPERSEDES ORDER #: G.O. 63A / June 2023

PURPOSE: The purpose of this general order is to provide a standardized procedure regarding the documenting and handling of evidence and property that comes into the possession of the Elizabeth Police Department. The procedures set forth are to ensure that the integrity of evidence and property are accurately maintained.

POLICY: The utilization of proper and accepted methods for the collection, packaging, storage and preservation of all evidence and seized property is of paramount importance in the successful investigation and prosecution of criminal cases. The lawful and appropriate disposition of such property on regular intervals is necessary for the efficient management of the evidence/property control function.

PROCEDURE:

I. COLLECTION AND PRESERVATION OF EVIDENCE

A. Administration

1. The Elizabeth Police Department has qualified Identification Bureau personnel that are available on a 24-hour basis to process crime/traffic crash scenes where the collection and preservation of evidence is necessary, such as crashes involving serious injury or fatalities.
 - a. If necessary, the detective/officer in charge will notify the Union County Sheriff's Crime Scene Investigations (CSI) Unit for assistance with scene processing.
 - b. Major incidents requiring the assistance of the Union County Sheriff's Crime Scene Investigations (CSI) Unit shall also require the notification of Union County Prosecutor's Office and the Chief of Police or designee through the chain of command.
2. All personnel assigned the responsibility of processing scenes shall be trained in the use of equipment designed to gather, preserve, and otherwise memorialize evidence.
3. The department provides or has access to personnel, equipment, and supplies used for processing scenes for the following:
 - a. Recovery of latent fingerprints;
 - b. Photography and videography;
 - c. Sketch and/or digital rendering of the scene; and
 - d. Collection and preservation of physical evidence.
4. All personnel responsible for the processing on crime/traffic collision scenes shall include in their report(s), the date and time of arrival at the scene; location of the crime; name of the victims, if known; name of suspect, if known; action taken at the scene, including the number of photographs taken, and whether measurements were made; list of physical evidence recovered; and incident number. Additionally, the report shall indicate the location where and when the evidence was located and by whom. In order to preserve the chain of custody, whenever evidence is transferred, the transfer shall be recorded along with a signature. This chain of custody shall include the names of individuals, dates and complete listing of evidence that is transferred.

B. Operations

1. Physical evidence may encompass any particular thing, object, or substance that can establish that a crime has been committed or can provide a link between a crime, the victim(s), and the actor(s). All personnel will make arrangements for the proper identifying, collecting, processing, and preserving

of physical evidence in the field, inclusive of the documented transfer of custody while in the field.

- a. When assisted by another agency, the officer/detective in charge will coordinate the proper identifying, collecting, processing, and preserving of evidence in the field to include the documented transfer of custody that occurs in the field.
- b. Personnel shall adhere to the New Jersey State Police Evidence Field Manual for the identification, collection, processing and preserving of physical evidence.
 - 1) When identifying, collecting, processing, and preserving physical evidence in the field all personnel shall adhere to the following procedures:
 - a) Secure and isolate the scene;
 - b) Photograph and/or video record the evidence prior to collection. Photographing and video evidence shall be taken by the ID bureau or with departmental equipment only. This process provides the courts with a visual depiction of the scene;
 - c) Sketch the scene, as needed;
 - d) Identify, process, collect and preserve evidence.
 - 2) Upon arrival at the scene of a crime, where the actor has fled or is no longer in the area, the scene must be secured to preserve evidence.
 - 3) The initial responding officer(s) shall:
 - a) Summon medical assistance, if necessary.
 - b) Detain and separate any witnesses found at the scene.
 - c) Notify communications of the situation and request the supervisor to respond.
 - d) Request additional units if required to assist in securing the crime scene.
 - e) Restrict access to the crime scene to authorized personnel only and list name and agencies of all personnel at the scene.
 - f) Remain at the scene until relieved by the supervisor.

- 4) The supervisor shall:
 - a) Respond to the crime scene and ensure that it is properly secured.
 - b) Request additional manpower, if needed, to assist in securing the crime scene.
 - c) Ensure that police lines are established to restrict civilian access to the crime scene. This would include the press who should not be allowed into an unprocessed scene.
 - d) At the scene of a major crime (i.e., homicide, arson, sexual assault, etc.) reserve an area for staging of vehicles and equipment. Restrict parking and walking in crime scene areas to safeguard evidence. Notify Communications of the staging area location and request all units responding to report to that area.
 - e) Request the assistance of ID bureau personnel as required.
 - f) Post the necessary manpower at the scene to ensure preservation of evidence and to assist evidence collection personnel as required.
2. Conduct a systematic search for evidence while keeping within the boundaries of constitutional requirements and current criminal procedures.
3. Each item of evidence/property must be marked and packaged with one or more features to facilitate identification in court regardless of whether the case results in a judicial process. Some items may require tagging or placement in some type of container, in which case, marking shall be made on the tag or container.
4. Drugs should be placed in clear plastic bags, with the officer's/detective's markings visible through the packaging. The officer/detective will then be able to identify their markings without opening the package. This is particularly important in the event that the package must be re-submitted to a laboratory for analysis. This precludes the package from needing to be opened prior to trial.
5. Fingerprints, biological, non-biological, and trace evidence will be processed, developed, lifted, labeled, collected, and memorialized in accordance with the New Jersey State Police Evidence Field Manual. Where applicable and whenever available, when collecting evidence for subsequent submission to a laboratory for forensic or comparative analysis, control samples must also be collected to provide the laboratory with a basis for comparison. This is especially useful when examining hairs, fibers, fabrics, paint, glass, wood, soil, and tool marks.

6. Collect and package physical evidence so that each item is placed in a separate bag, envelope, box or other appropriate container(s), avoiding cross contamination and label properly prior to transportation. Previously used evidence boxes/containers from older cases or commercial establishments (i.e., grocery bags, copy paper boxes) should never be used.
7. The size, type, and condition of the evidence/property will dictate how the item(s) should be packaged. The packaging should be able to prevent or retard contamination or decomposition, provide security, facilitate storage, subsequent retrieval, and eventual disposition/disposal.
 - a. All oversized items shall have an evidence tag/label attached. The container should be marked to indicate the contents, the date, where the evidence was found and the signature or initials of the officer/detective finding and packaging the evidence. The container should be sealed. If evidence is not dry when collected, it must be air dried prior to packaging.
8. If an arrestee's clothing is needed for evidence then they shall be provided with a disposable jumpsuit or other temporary garment(s).
9. The officer/detective with overall responsibility for the investigation shall include in his/her report, the location, where and when the evidence was located and by whom.
 - a. All personnel conducting or directly involved with the processing of a crime scene will properly submit a supplemental report indicating their full actions.

C. Submitting Evidence to an Accredited Laboratory for Analysis

1. The designated Narcotics Detective or designee shall be responsible for the submission of all drug evidence to the laboratory for analysis, whenever possible. The designated Detective or designee shall be responsible for the submission of firearms and other evidence to the laboratory for analysis, whenever possible. When the above designated detectives are not available to transport the evidence to the laboratory, personnel conducting the transport shall sign for the evidence to ensure proper chain of custody. The transfer of evidence to the laboratory shall take place as soon as practicable.
2. The method for packaging and transmitting/transferring of evidence to the New Jersey State Police Forensic Laboratory shall be consistent with the New Jersey State Police Evidence Field Manual.
3. The method for packaging and transmitting/transferring of evidence to the Federal Bureau of Investigations' Laboratory shall be consistent with the U.S. Department of Justice's Handbook of Forensic Science.
4. The method for packaging and transmitting/transferring of evidence to the Union County Prosecutor's Office Laboratory shall be consistent with the New Jersey State Police Evidence Field Manual.

5. The method for packaging and transmitting/transferring of evidence to the Union County Police Department's Firearms Forensic Examination Unit shall be consistent with the New Jersey State Police Evidence Field Manual.
6. The methods for packaging and transmitting/transferring of evidence to any other laboratory used by the Elizabeth Police Department shall be in accordance with that laboratory's requirements.
7. When submitting evidence to the laboratory, the designated Detective or designee responsible for the delivery of evidence to the laboratory shall ensure that the proper documentation such as the evidence examination/submission receipt/request accompanies the evidence when transmitted to the laboratory. The person delivering the evidence will manually or electronically sign the evidence examination/submission receipt/request.

a. **New Jersey State Police Forensic Laboratory**

- 1) When evidence is being submitted to the New Jersey State Police Forensic Laboratory for examination, the property clerk(s) shall indicate the transfer of custody in the crime fighter BEAST evidence tracking system (the BEAST) and complete the BEAST-generated evidence submission form or the proper entry into the New Jersey State Police Forensic Laboratory Information Management System (LIMS).
 - a) If evidence is suspected of being contaminated with Hepatitis B, HIV, or other contagious viruses, it must be noted on the Laboratory Information Management System (LIMS) submission.
 - b) The BEAST-generated evidence submission form or LIMS request for examination form (auto-generated by the LIMS System) and the corresponding evidence shall be transported to the laboratory for analysis.
- 2) All Bio-Chem or DNA evidence will also require a completed Bio-Chem Questionnaire form (SP 648).

b. **Federal Bureau of Investigations Laboratory**

- 1) When evidence is being submitted to the Federal Bureau of Investigations Laboratory, the appropriate documentation required by the laboratory shall accompany the evidence. Personnel shall be guided by the U.S. Department of Justice's Handbook of Forensic Science.

c. **Union County Prosecutor's Office Laboratory**

- 1) The designated Narcotics Detective will be responsible for the transfer of controlled dangerous substances/paraphernalia to the Union County Prosecutor's Office Laboratory.
- 2) CDS will only be tested if there are complaints to be signed.

- 3) Evidence submitted to the Union County Prosecutor's Office Laboratory shall be recorded on the evidence submission form. The person delivering the evidence will manually sign the submission form.
- 4) The department will utilize the Union County Prosecutor's Office Laboratory for the examination of all controlled dangerous substances.
 - a) The New Jersey State Police Forensic Laboratory may be utilized for all other evidence examination/analysis and will be used as a backup laboratory for the above-described examinations in cases where the Union County Prosecutor's Office Laboratory cannot process the request.

d. **Union County Police Department's Firearms Forensic Examination Unit**

- 1) The designated Detective will be responsible for the transfer of firearms to the Union County Police Department's Firearms Forensic Examination Unit.
- 2) Evidence submitted to the Union County Police Department's Firearms Forensic Examination Unit shall be recorded on the evidence submission form. The person delivering the evidence will manually sign the submission form.
- 3) The department will utilize the Union County Police Department's Firearms Forensic Examination Unit for the examination of all firearms.
 - a) The New Jersey State Police Forensic Laboratory may be utilized for all other evidence examination/analysis and will be used as a backup laboratory for the above-described examinations in cases where the Union County Police Department's Firearms Forensic Examination Unit cannot process the request.

- e. Evidence submitted to any other laboratory shall be accompanied with an evidence examination/submission receipt/request.

8. Upon delivery of the evidence to a laboratory, an original stamped submission receipt shall be obtained and made part of the file. The files shall be kept in a secure filing system.

- a. When evidence is transported to the laboratory, the property clerk(s) will be responsible for updating all BEAST electronic chain of custody logs and related reports to reflect the details and status of the evidence so as to preserve the chain of custody at all times.

9. Upon completion of analysis at the laboratory, the Designated Detective or designee shall be responsible for the arrangement of transporting,

safeguarding, and the return of all evidence to the evidence/property control function.

- a. When evidence is returned from the laboratory, the property clerk(s) will be responsible for updating all BEAST electronic chain of custody logs and related reports to reflect the details and status of the evidence so as to preserve the chain of custody at all times.
10. All laboratory results shall be submitted in writing. Once laboratory results are received at the Elizabeth Police Department, the original will be obtained and made part of the file. The files shall be kept in a secure filing system.

II. PROPERTY AND EVIDENCE CONTROL

A. Property Clerks Responsibilities

1. The department's evidence/property control function shall be staffed by no more than five (5) property clerks and one (1) supervisor. Based upon daily responsibilities, the property clerks shall be designated as primary and alternates as determined by the supervisor or designee. This designation shall be alternated as operational needs dictate.
2. The property clerks shall maintain records, which reflect the chain of possession of evidence during the time the evidence is in custody of the Elizabeth Police Department.
3. The property clerks shall maintain property in a place and under conditions, which eliminate as much as possible any risk of loss or tampering.
4. The property clerks shall maintain physical control of property until it is properly disposed.
5. Destruction of evidence and property will be the responsibility of the property clerks in accordance with the procedures set forth by the Union County Prosecutor's Office and the State of New Jersey.

B. Administration and Operations

1. All personnel receiving evidence and property obtained by employees into the custody and control of the Elizabeth Police Department shall ensure that:
 - a. All evidence/property shall be logged/recorded into the department's reporting system(s) in connection with the recovery or collection of any property or evidence must be submitted before the recovering officer ends their shift, unless the recovering officer is incapacitated or otherwise incapable of accomplishing this before their shift ends. If applicable, the duty supervisor shall designate another officer to complete this action. Full documentation of the transfer of custody of the evidence and the reason for such transfer must be noted in all BEAST electronic chain of custody logs and related reports to reflect the details and status of the evidence so as to preserve the chain of custody at all times.

- b. All evidence and property submissions must be immediately placed under the direct control of the evidence/property control function before the recovering officer/detective ends their shift, unless the recovering officer/detective is incapacitated or otherwise incapable of accomplishing this before their shift ends. If applicable, the duty supervisor shall designate another officer to complete this action. Full documentation of the transfer of custody of the evidence and the reason for such transfer must be noted in all BEAST electronic chain of custody logs and related reports to reflect the details and status of the evidence so as to preserve the chain of custody at all times.
 - 1) Evidence may be submitted to the property clerks directly when he/she is on duty. If not on duty, officers will utilize the temporary evidence lockers or designated secure area.
 - 2) No vehicle, desk, personal locker or other unauthorized location shall be used for the storage of evidence/property. This does not include the temporary storage prior to placing under the control of the evidence/property control function prior to the shift conclusion.
 - 3) The temporary storage of evidence shall be accomplished in a manner consistent with the provision established in this general order.

C. Reports Required

- 1. An Incident/Investigation Report generated in the Records Management System (RMS), an Evidence Report and BEAST entry describing each item of evidence/property obtained and the circumstances by which the property came into the department's possession shall be completed by the submitting officer.
 - a. The box that lists "ITEM" must be indicated by a numerical value, alphabetical characters are not to be used.
 - b. In a case where there are multiple property Reports (same case number), officers must coordinate their activities to prevent "Items" being listed as duplicate numbers. For example, if one property Report indicates items 1-16, then the second property Report must start at item 17, etc. In cases involving follow up investigation, officers/detectives tagging property must indicate item number in the consecutive order of the original property Report.
 - c. In cases involving multiple items relating to the same case, make sure the separately tagged items contain the case number and the number of the item (example: Item #1 of 20).

D. Packaging and Labeling Prior to Storage

- 1. Evidence that consists of several objects should be packaged in separate containers or wrapped individually. Each package should be clearly marked with an appropriate label, tag or marking. An evidence tag, label or marking shall be placed directly on the object (when permissible) on a tag, or label

attached directly to the object. When this is not practical, the evidence tag, label or marking is to be placed onto the sealed container housing the object.

2. Potentially bio-hazardous materials such as hypodermic syringes, bloodstained materials and evidence relating to sexual assaults require special care and handling. All appropriate blood-borne pathogen precautions should be adhered to including, but not limited to, the use of sterile gloves, sharps containers for syringes and the placement of biohazard stickers on a prominent location on the exterior of the SECUR-PAK® evidence packaging.
3. Blood and urine samples will be submitted in sealed containers and then sealed in the SECUR-PAK® evidence packaging. The samples will have biohazard labels attached. Blood should be refrigerated, and urine may be frozen.
4. If evidence may be contaminated with pathogens or other contagious viruses or bacteria, it should be so labeled on the bags or containers.
5. The officer that packages the evidence shall ensure that the evidence/property is secured in the packaging with a tamper-proof seal prior to storage.
6. Evidence in need of laboratory analysis shall be secured in packaging separate from other evidence associated with the case. Any items submitted for DNA evidence must be packaged in a paper container only. DNA evidence cannot be secured when plastic packaging is used. Any evidence to be submitted for DNA must be approved by an AUTHORIZED assistant Union County Prosecutor. Bio Lab request form must be submitted.
7. All clothing and other evidence containing dried blood should be placed in separate paper bags and labeled with biohazard labels. Specimens containing wet stains of blood or other biological fluids should be placed in separate leak proof containers, such as plastic bags, at the scene and labeled with a biohazard label. The specimens should then be transported to the department as soon as possible where they can be removed from the plastic bags and placed in the forensic drying cabinets and secured. Once the specimens have been completely dried, they should be placed in separate paper bags and labeled with biohazard labels. The paper bags and paper should be retained and submitted with the evidence/property control function.
8. Evidence and Property Submission (Internal Control)
 - a. The submitting officer will sign the report, indicating that it has been placed under the control of the evidence/property function and secured.
 - b. Upon completion of the Investigation Report, Evidence Report, the marking and packaging of property and any other necessary reports related to the case, the officer shall submit same for inspection to the Patrol Desk Lieutenant.
 - c. The Desk Lieutenant will inspect the reports for accuracy and completeness as well as the property for proper identification, labeling and packaging.

- d. The Desk Lieutenant will then watch the officer who took custody of the property, go to the property holding lockers, and place the property and attached copies of the completed reports in an appropriate locker. All property will be secured under the supervision of the Desk Lieutenant.
- e. Once the property has been secured, the Desk Lieutenant will then record the transaction in the Evidence and Property Logbook noting the date, time, case #, locker utilized, number of bags, and his ID # and initials.
- f. The property clerk will sign the evidence/property report when the item(s) have been retrieved from the temporary evidence storage.
- g. The property clerk will review the report against the submitted items to ensure they are accounted for and are properly packaged. The property clerk has the right of refusal to reject and notify the officer that property or evidence is improperly packaged or documented, and needs correction.

E. Extra Precautionary/Verification and Security Measures for Handling Exceptional, Valuable, or Sensitive Items

- 1. Exceptional, valuable, or sensitive items requiring extra precautionary/verification and security measures shall be defined as: all money, drugs, firearms, blood/other bodily fluid, and precious metals, jewelry and gemstones with a value greater than \$500.00. All appropriate precautionary/verification and security measures shall be adhered to when handling evidence such as the use of sterile gloves to protect against contamination of evidence and/or officer safety with bio-hazardous evidence.
 - a. **CURRENCY:** Currency shall be packaged separately from any other evidence seized during the precipitating event. Upon the discovery and/or seizure of currency in any significant amount, the officer shall notify his/her supervisor who shall, whenever possible, witness the recovery and seizure. At no time will these items leave the presence of the officer and/or supervisor until they are secured in the Evidence and Property System. Both the officer and the supervisor will participate in the counting and packaging of these items and ensure that they are properly and immediately secured. Cash shall be placed in the currency envelopes and properly recorded on the corresponding Evidence Report. The designated currency envelopes and will then be signed by both the officer and supervisor. Currency shall be provided enhanced security or storage measures, such as a locking safe within the long-term evidence/property storage room.
 - b. **DRUGS:** Drugs must be packaged separately from any other evidence seized during the precipitating event and should be marked and packaged in accordance with the New Jersey State Police Evidence Field Manual. Drugs shall be sealed in the SECUR-PAK® evidence packaging and properly recorded on the corresponding Evidence Report. Pursuant to Union County Prosecutor's Office Directive, all drugs shall be transferred to the Union County Prosecutor

Office Laboratory for analysis and permanent storage. Any drugs stored in the evidence/property room prior to weekly transportation to the laboratory shall be provided enhanced security or storage measures, such as a locking safe within the long-term evidence/property storage room.

- c. **FIREARMS:** Firearms shall be rendered safe prior to packaging and storage. Firearms shall be disarmed and if possible, locked in the slide-open position. All weapons and bullets will be identified by marking their packaging. At no time will initials or other information be scratched into the weapon, bullet or casing. Latex gloves should be utilized, when possible, to safely preserve the weapon for future latent prints and/or DNA testing if applicable. Officers are to write in reports if gloves were worn or not. If they were not able to wear gloves do to exigent circumstance, we can bypass Union County Sheriff's Office and go directly to ballistics. Firearms shall be provided enhanced security or storage measures, such as a locking vault within the long-term evidence/property storage room.
- 1) Any firearm seized or recovered under any circumstances, the recovering officer shall arrange for the prompt entering of the information concerning the make, model, caliber and serial number of the weapon into the NCIC 2000 System to determine whether the firearm was reported stolen.
 - 2) Any firearm seized or recovered that was unlawfully possessed or used, or recovered from a crime scene, or reasonably believed to have been involved in the commission of a crime, or that was found property, (e.g., abandoned or discarded), the recovering officer /Detective shall enter e-trace related information directly into the **New Jersey Trace System**, which is part of the **Criminal Justice Information System (CJIS)**. The recovering officer/ Detective will remain with the NCIC dispatcher to provide the necessary NJTRACE information and verify the entry was completed. Once the NJTRACE entry is completed the officer / Detective will make a copy of the NJTRACE receipt and tag the receipt into evidence. The information shall be entered as soon as practicable, but no later than within twenty-four hours after the time that the weapon was recovered.
 - 3) Any firearm seized or recovered that was unlawfully possessed or used, or recovered from a crime scene, or reasonably believed to have been involved in the commission of a crime, or that was found property, (e.g., abandoned or discarded), the Designated Detective shall make arrangements to have any such weapon that is suitable for National Integrated Ballistic Network (NIBIN) examination submitted to the Elizabeth Police Identification Unit, or to a forensic laboratory that has NIBIN capabilities within two business days to determine whether the weapon is related to any other criminal episode or person. When the Elizabeth Police Department recovers any other ballistics evidence, such as spent shell casings, from a crime scene or otherwise

has reason to believe that such ballistics evidence is related to the commission of a crime or an improper discharge of a firearm, the Designated Detective shall within two business days submit the ballistics evidence to the Elizabeth Police Identification Unit, or to a forensic laboratory with NIBIN capabilities. The Elizabeth Police Identification Unit will adhere to the standards set forth in the Minimum Required Operating Standards dated January 1, 2025 from the Bureau of Alcohol, Tobacco, Firearms and Explosives regarding all NIBIN Policy and Procedures.

- 4) In the event that the Elizabeth Police Department is in possession of a firearm or shell casing that was seized or recovered between January 1, 2004 and March 17, 2008, that would have been subject to the provisions of paragraph 1)-3) of this general order, the Union County Police Department's Firearms Forensic Examination Unit or Designated Detective shall submit information to the NCIC, the e-Trace System and/or NIBIN, as appropriate.
- 5) All urgent inquiries and requests for assistance with firearms traces should be directed twenty-four (24) hours per day to the New Jersey Crime Gun Center at the New Jersey Regional Operations and Intelligence Center (609) 963-6900.
- 6) In accordance with the Attorney General's Directive, the New Jersey State Police shall identify trends, interconnectivity of events or transactions, source states, source vendors, and individual trafficking or importing guns in New Jersey. After the Designated Detective has submitted information to e-Trace, the New Jersey State Police shall report on the results of the trends, interconnectivity and case-specific analyses to the Elizabeth Police Department.
- 7) Firearms seized as a result of a domestic violence incident shall be submitted to the Union County Prosecutor's Office for storage, when the weapon is to be secured for domestic violence purposes only, and not for a criminal charge.
- 8) Firearms found at a crime scene will be submitted to the Elizabeth Police Identification Unit, or the Union County Sheriff's Crime Scene Unit, as an alternate, for processing. The firearms will be returned to the Elizabeth Police Department upon the completion of processing.
- 9) Firearms, which are found on a person and require tracing, will be submitted to the Elizabeth Police Identification Unit or the Union County Police Department, as an alternative, for Integrated Ballistic Identification System (IBIS) processing. Positive IBIS results that require a correlation review will be submitted to the Union County Police Department Ballistics Unit for further analysis. The firearms will be returned to the Elizabeth Police Department upon the completion of processing.

- d. **BLOOD, URINE, DNA, AND OTHER PERISHABLE EVIDENCE:** Blood, Urine, DNA and other perishable evidence (bodily fluids) shall be promptly secured in an evidence refrigerator. Generally blood, urine, DNA and other perishable evidence shall be delivered within three business days to the proper laboratory facility for analysis, when applicable. DNA swabs do not require refrigeration.
- e. **PRECIOUS METALS, JEWELRY AND GEMSTONES,** (value greater than \$500.00): Precious metals, jewelry and gemstones shall be marked, packaged and stored in temporary evidence storage. Upon the discovery and/or seizure of items of high risk, the officer shall notify his/her supervisor who shall, whenever possible, witness the recovery and seizure. Items of high risk shall be sealed in the SECUR-PAK® evidence packaging and properly recorded on the corresponding Property Report. The designated SECUR-PAK® evidence packaging will then be signed by both the officer and supervisor. The officer and supervisor will sign the completed Evidence Report indicating accuracy and completeness. Precious metals, jewelry and gemstones shall be provided enhanced security or storage measures, such as a locking safe within the long-term evidence/property storage room.

2. Special care shall be taken in the following:

- a. **COMBUSTIBLE LIQUIDS:** Combustible evidence such as toluenes, gasoline, paint thinner, etc., shall normally be disposed of in accordance with the appropriate handling of hazardous materials. However, if there is a specific reason to retain such evidence, combustible materials shall be packaged in airtight containers, such as fresh paint cans, and marked as to the contents. Officers should use the safest method of transportation available if it becomes necessary to transport any type of combustible liquid. These types of items shall be secured in the Hazmat Fire Cabinets, which is under the control of the evidence/property control function.
- b. **EXPLOSIVE DEVICES:** Under no circumstances will explosive devices, such as dynamite, hand grenades, blasting caps, etc., be brought into the police headquarters unless they have first been properly inspected by the Union County Police Department's Bomb Squad and rendered harmless. Commercial grade fireworks shall be secured in Hazmat Fire Cabinets, which is under the control of the evidence/property control function.
 - 1) Unexploded ordnance shall not be handled. The duty supervisor shall cause contact with the Union County Police Department's Bomb Squad to take custody of the explosives for proper storage and disposal. Special care must be taken to minimize the risk of unintended detonation.
- c. **AMMUNITION:** The Elizabeth Police Department will not store evidence ammunition for long periods as it becomes unstable. Therefore, the property clerk(s) will review annually the status of stored ammunition.

- 1) The Union County Police Department's Bomb Squad may complete disposal.
- d. **ENGINE DRIVEN MACHINES OTHER THAN VEHICLES (LAWN MOWERS, ETC.):** Engine driven devices are those items that have internal combustion engines such as lawnmowers, trimmers, and similar landscaping equipment.
- e. **MOTOR VEHICLES:** Vehicles in need of evidence processing shall be processed at the scene or placed in the processing garage bay until processing has been completed.
 - 1) Where investigators of the Union County Prosecutor's Office are notified and are involved in the investigation, they will process and collect the evidence in conjunction with the Union County Sheriff's Office and the Elizabeth Police Department.
 - 2) After collection or processing of evidence/property has been accomplished, the vehicle may be returned to the owner or secured in the impound yard managed by the City-Approved wrecker service.
- f. **COMPUTER EQUIPMENT:** When seizing computer equipment and related media, ensure the scene is photographed according to department policy. Photograph should include the scene and equipment to include the back of the computer, network connections, components, layout, etc. Sketch the wire configuration and do not use the system. Contact the Union County Prosecutor's Office's for data recovery and evidence collection.
- g. **SUSPECTED ILLEGAL DRUG LABORATORY:** If a suspected drug laboratory is encountered, nothing should be touched or moved including containers, paraphernalia, instruments, or suspected CDS. Additionally, do not (de)activate lights and electrical switches; operate portable radios, flashlights or other battery operated objects. The location shall be immediately evacuated by all occupants, including law enforcement officers, and secured. The Union County Police Department's Hazardous Materials Unit and the Union County Prosecutor's Office shall be contacted by the officer/supervisor to assist with the handling of the drug laboratory.

F. Effort to Identify and Notify the Owner/Custodian of Recovered Property in the Department's Custody

1. The property clerk(s) are responsible for all found/recovered property and evidence received by the department and facilitating an investigation to identify the rightful owner/custodian of the property, and notification to the owner/custodian concerning the status of the property, including the procedure for return of the property to the owner. The recovering officer will attempt immediate contact/notification to the property owner on found property not associated with a criminal matter.
2. According to N.J.S.A. 40A:14-157:

- a. Where tangible personal property comes into the possession of the Police Department, by finding and recovery, by a member of the department acting in the line of duty, and if the owner or his whereabouts is unknown and cannot be ascertained, or if said owner shall refuse to receive such property, then the said property shall not be disposed of for six months, except in cases of motor vehicles, which shall be disposed of according to P.L. 1964, c. 81 (C. 39:10A-1 et seq.). In any such case the governing body of the City of Elizabeth, by resolution, may then provide for the sale, in whole or in part of any such property, at public auction, after notice of a designated time and place therefore, not less than 10 days prior thereto, published in a newspaper circulating within the municipality. Perishable items may be sold without reference to the said periods of time. Moneys received from the sale of any such property shall be paid into the general municipal treasury.
- b. All unclaimed moneys coming into the possession of the department shall be turned over within 48 hours to the municipal treasurer for retention in a trust account and, after six months, if unclaimed by any person entitled thereto, be paid into the general municipal treasury.

G. Temporary and Final Release/Disposition of Property and Evidence

1. General

- a. When evidence/property is released from the evidence/property room for court, laboratory analysis, review or final disposition, including destruction or return, the property clerk(s) will ensure that all BEAST electronic chain of custody logs related reports reflect the details and status of the evidence at all times so as to preserve the chain of custody up to and including the release.
- b. Evidence/property must be returned to rightful owners at the earliest possible time. Where practical, photographs should be taken of the item(s) so that the property could be returned, and the photos then retained as evidence. All evidence no longer needed for court and not able to be returned may be converted to police use, turned over for auction or municipal use, or destroyed pursuant to applicable guidelines. All items stored for more than a year should be revisited every six (6) months in order to determine if destruction or conversion is the appropriate course of action. The owner of the property must sign a receipt indicating the date they received the item(s), and from whom they received it. Proof of ownership must be established prior to any property being returned. Whenever there is a dispute concerning ownership of property, do not release the property, pursuant to 2C:65-2. The court having jurisdiction over the case in which the stolen property is involved shall review the matter. The identity of the individual presenting him/herself as the owner should be verified.
- c. Stolen property should be retained if it will materially assist in the prosecution of the case. Whenever there is any question as to whether or not the stolen property should be returned prior to the final

disposition of the case, the assigned Assistant Prosecutor will make the decision.

2. Evidence/Property Destruction

- a. Destruction of Weapons - The Union County Prosecutor's Office is responsible for the destruction of all weapons.
 - 1) Weapons connected with criminal cases may be destroyed once it is not of any further evidential value in accordance with evidence destruction timeframe established herein. The Elizabeth Police Department is required to attach documentation regarding the case's final disposition to the destruction form. If a defendant is convicted of an indictable crime, the period to wait for an appeal to be filed is six (6) months from the date the defendant was sentenced. If no appeal has been filed, then the weapon(s) may be destroyed in accordance with the evidence destruction timeframe established herein. If an appeal has been filed, then the department must await the outcome of the appeal. A check with the County Prosecutor's Office is necessary to determine appeal status. If a defendant enters the Pre-Trial Intervention Program (PTI), the weapon cannot be destroyed until after the defendant successfully completes the term of PTI. The PTI order must be obtained because the conditions of PTI may include:
 - a) Forfeit Weapon.
 - b) Surrender Weapon for term of PTI.
 - c) If a firearm is involved regarding a Final Restraining Order, the firearm(s) shall be held during the period in which the restraining order is in effect, or two (2) years, whichever is greater.
 - 2) If the department has not been able to contact the owner of the weapon(s), then attach documentation, including a copy of the letter to the owner along with the certified mail receipt, to the destruction form. If the certified mail receipt is returned as unclaimed, it is the responsibility of the department to check with the postal authority and the New Jersey Motor Vehicle Commission or other State's database to attempt to find an accurate address.
 - 3) If a weapon has been found in the evidence/property room and no reports can be found regarding the circumstances of the case, then a new report must be generated indicating when it was found and how long it is believed to have been in the room.
 - 4) All weapons are to be checked through the National Crime Information Center Computer prior to disposition of the weapon.

- 5) After the weapons have been destroyed, the destruction forms should be kept on file by the department for the time period specified by the New Jersey Administrative Code and applicable records retention schedule.
- b. Destruction of Drugs - The Union County Prosecutor's Office is responsible for the destruction of all drugs.
 - 1) If drugs have been found in the evidence/property room and no reports can be found to establish the circumstances of the case, then a new report must be generated indicating when it was found and how long it is believed to have been in the room.
 - 2) After the drugs have been destroyed, the destruction forms should be kept on file by the department for the time period specified by the New Jersey Administrative Code and applicable records retention schedule.
- c. Destruction of other Types of Evidence
 - 1) Upon approval of the Union County Prosecutor's Office, items not related to the categories of firearms and drugs may be destroyed by the property clerks, provided that ownership cannot be determined or the owner does not want the property back. In those instances where the evidence is department property (such as a video or cassette recording) those items may be destroyed or used for training purposes.
 - 2) Other types of evidence, such as clothing, may generally be placed in the normal trash disposal container of the department. If this is done, all accompanying tags and labels, which could indicate the name of a victim or suspect, shall be removed. Documentary or paper evidence may be shredded. Under no circumstances should any document or photograph be placed in the trash without first being shredded.
 - 3) Excess detainee property, entered into property and evidence for safekeeping according to the procedures outlined in *General Order V.5 Ch.7.Sec. VI.G 2, Temporary Detention*, which has not been claimed by the detainee or his /her representative within 30 days, shall be disposed of pursuant to applicable guidelines.

3. Forfeiture of Evidence

- a. The department shall supply the County Prosecutor's Office with the statutorily required information to assist with the completion of quarterly reports. If the department does not provide the required information, they shall automatically return to the owner(s) all property that has been seized or forfeited during the quarter of noncompliance including any proceeds resulting from forfeited property obtained during the quarter of noncompliance.

- b. The seizing officer is required to fill out all applicable fields on the form entitled "Law Enforcement Seizure Incident Report" at the time of seizure and provide a copy to the Forfeiture Unit of the Union County Prosecutor's Office as soon as possible, but no later than 48 hours after seizure. It is the responsibility of the seizing officer to ensure that all fields are filled out properly.
- c. In addition to filling out all fields on the form, if currency is received the department is still required to fill out the U.S. Currency Seizure Report that is signed by the claimant (Form E - United States Currency Seizure Report).
 - 1) A complete seizure packet will include the Law Enforcement Seizure Incident Report, Form E - U.S. Currency Seizure Report, and any other items required by the Union County Prosecutor's Office.
- d. The seizing officer is required to provide additional information to the County Prosecutor such as whether the seizure occurred during a traffic stop on an interstate or state highway and, if so, the direction of traffic flow.
- e. The seizing officer must include every item of property seized, including currency, vehicles, real property, jewelry, technology, contraband, weapons, drugs, etc. The seizing officer must also add a separate entry for each item seized. If you have two vehicles that were seized on a particular case, you must have two entries. When seizing vehicles, special attention must be paid to the VIN and ensure that each letter/number is recorded accurately.
- f. If seizing officer seizes gift cards, he/she must call the number on the back of the card or utilize a device such as an eRAD machine to determine the balance of the gift card at the time of seizure. The balance information and the gift card number must be listed on the property section of the form.
- g. If electronics are seized, the seizing officer must include all identifying information, including serial number. If jewelry is seized, the seizing officer must include specific descriptions. For example, one yellow-colored ring with one large clear stone in the center and four smaller clear stones on either side.
- h. The seizing officer is required to provide the Union County Prosecutor's Office with an estimated value of each item seized.
- i. Vehicles that are impounded pending forfeiture action may not incur storage fees.
- j. For further information regarding forfeitures, refer to the Attorney Generals Forfeiture Program Administration, Standard Operating Procedures.

4. Timeframes for Evidence Destruction

a. Homicide Evidence

- 1) In all cases where all defendants have been charged and all of the defendants in the case are deceased, upon proof of death being submitted, a request for destruction authorization may be submitted.
- 2) In cases where the defendants were convicted and no appeals or post-conviction relief motions are pending, after a period of 5 years from the date of conviction or upon the defendant's expiration of sentence, whichever is later, a request for destruction authorization may be submitted.
- 3) In cases where no suspects have been identified but a DNA profile has been obtained and submitted to CODIS, or fingerprint evidence that has been submitted to AFIS, or there is no statute of limitations, the evidence shall be retained indefinitely. Only the Prosecutor or his/her designee may authorize the destruction of this evidence.

b. Sex Crimes Evidence

- 1) In all cases where all of the defendants have been charged and all of the defendants in the case are deceased, upon proof of death being submitted, a request for destruction authorization may be submitted.
- 2) In cases where the defendants were convicted and no appeals or post-conviction relief motions are pending, after a period of 5 years from the date of conviction or upon the defendant's expiration of sentence, whichever is later, a request for destruction authorization may be submitted.
- 3) In all cases where the defendants have been admitted into the Pre-Trial Intervention Program (PTI), have successfully completed PTI, and have been discharged, upon the court's signing an order dismissing the case as to all parties, and upon the expiration of the longest sentence of any co-defendants not admitted into PTI, a request for destruction authorization may be submitted.
- 4) In cases where no suspects have been identified but a DNA profile has been obtained and submitted to CODIS, or in the case of fingerprint evidence that has been submitted to AFIS, or in cases where there is no statute of limitations, the evidence shall be retained indefinitely. Only the Prosecutor or their designee may authorize the destruction of this evidence.
- 5) Evidence involving the testing, tracking, storage, retention, and destruction of sexual assault forensic examination (SAFE) kits shall be accordance with New Jersey Attorney General Law Enforcement Directive No. 2023-1 and any Directive promulgated by the County Prosecutor.

- 6) In cases involving juvenile defendants who have been charged, except in Homicide cases, and where there is no referral of the case to another court, with or without the juvenile's consent, a request for destruction authorization may be submitted 4 years after the final adjudication or disposition of all juvenile defendants or upon release from custody, whichever is later. Evidence in juvenile cases which are referred (waived) to another court, or in which there are adult co-defendants, shall be subject to the retention periods for adult cases.

c. Narcotic Evidence

- 1) In all cases where all of the defendants in the case have been charged and all of the defendants are deceased, upon proof of death being submitted, a request for destruction authorization may be submitted.
- 2) In cases where the defendants were convicted and no appeals or post-conviction relief motions are pending, after a period of 5 years from the date of conviction or upon the defendant's expiration of sentence, whichever is later, a request for destruction authorization may be submitted.

The County Prosecutor may authorize in writing the destruction of all or any portion of the excess quantity of controlled dangerous substances, as that term is defined herein, provided that:

- a) All post-conviction direct appeals have been concluded, or, in the event that no direct appeal has been filed, one year has elapsed since the entry of the judgment of conviction;
- b) No motion for post-conviction relief is pending;
- c) The defense attorney(s) of record has/have been given written notice of the prosecutor's intention to destroy the evidence not less than 30 days before the evidence is to be destroyed, and no motion is pending before a court to enjoin or delay the destruction of the evidence;
- d) A photographic or video record of the entire quantity of controlled dangerous substance that was seized, and a photographic or video record of all controlled dangerous substances to be destroyed, has been made, and such photographic/video records are maintained in the prosecutor's case file, and
- e) A report documenting the date of destruction, quantity, and type of controlled dangerous substance destroyed, and place and method of destruction is prepared and maintained in the prosecutor's case file.

For purposes of this provision, the term "excess quantity of controlled dangerous substances" means that portion of the aggregate quantity of controlled dangerous substance seized that exceeds the statutory amount threshold set forth in N.J.S.A. 2C:35-5b for the highest degree of crime for which the defendant was convicted (e.g., any amount of seized cocaine in excess of five ounces in the case of a first-degree cocaine conviction), except that with respect to a first-degree conviction for manufacturing, distributing, or possession with

intent to distribute marijuana in violation of N.J.S.A. 2C:35-5b(10)(a), the term means any amount that exceeds twenty-five pounds, or over 50 plants.

All remaining controlled dangerous substance (i.e., CDS less than the excess quantity) shall be retained and shall be destroyed in accordance with this written directive. Nothing herein shall be construed to preclude the County Prosecutor from seeking a destruction order at any time pursuant to N.J.S.A. 2C:35-21.

- 3) In all cases where the defendants have been admitted into the Pre-Trial Intervention Program (PTI), have successfully completed PTI, and have been discharged, upon the court's signing an order dismissing the case as to all parties, and upon the expiration of the longest sentence of any co-defendants not admitted into PTI, a request for destruction authorization may be submitted.
- 4) Where a controlled buy or an undercover buy has taken place and the investigation has been officially closed by the investigating agency with no prosecution having been instituted against anyone, after a period of one year and one day, a request for destruction authorization may be submitted.
- 5) Any controlled dangerous substance that has been submitted to a Forensic Laboratory for analysis and has not been connected to any suspect or defendant and has been submitted as Found Property. When there is no case or person attached, the property is submitted initially as for destruction, and there is no waiting period.
- 6) In cases involving juvenile defendants who have been charged, except in Homicide cases, and where there is no referral of the case to another court, with or without the juvenile's consent, a request for destruction authorization may be submitted 4 years after the final adjudication or disposition of all juvenile defendants or upon release from custody, whichever is later. Evidence in juvenile cases which are referred (waived) to another court, or in which there are adult co-defendants, shall be subject to the retention periods for adult cases.
- 7) Notwithstanding the provisions above, the County Prosecutor or the Director of the Division of Criminal Justice may authorize the use of samples of controlled dangerous substances taken from evidence, for the purpose of training K-9s, provided such use will not compromise any pending criminal prosecution or appeal.

d. Firearms Evidence

- 1) In cases where the defendants were convicted and no appeals or post-conviction relief motions are pending, after a

period of 5 years from the date of the conviction or upon the defendant's expiration of sentence, whichever comes later, a destruction authorization may be submitted. If there is a legal owner of the firearm who is not a defendant in the case and is not otherwise legally disqualified from possessing the firearm, pursuant to any provision of Chapter 58 of the New Jersey Criminal Code, rather than destroying the weapon it should be returned to the owner, if said owner is in possession of necessary permits.

- 2) Prior to any destruction authorization being granted, no firearms evidence shall be considered for destruction until all necessary tracing tests and IBIS submissions have been completed.
- 3) In all cases where all defendants have been charged and all defendants in the case are deceased, upon proof of death being submitted, a request for destruction authorization may be submitted.
- 4) If the weapon is related to a Homicide case in addition to this section, see Section "a" above.
- 5) If the weapon is related to a Sex Crimes case, in addition to this section, see Section "b" above.
- 6) If the weapon is related to a Narcotics case, in addition to this section, see Section "c" above.
- 7) In cases involving juvenile defendants who have been charged, except in Homicide cases, and where there is no referral of the case to another court, with or without the juvenile's consent, a request for destruction authorization may be submitted 4 years after the final adjudication or disposition of all juvenile defendants or upon release from custody, whichever is later. Evidence in juvenile cases which are referred (waived) to another court, or in which there are adult co-defendants, shall be subject to the retention periods for adult cases.
- 8) For any firearm that has not been connected to any suspect or defendant and which has been submitted as found property, a request for destruction authorization may be submitted one year and one day after any necessary attempts to trace ownership of the weapon and upon verification that no prosecution has been instituted relating to the evidence.

e. Other Evidence

- 1) In all cases where all defendants have been charged and all of the defendants in the case are deceased, upon proof of death being submitted, a request for destruction authorization may be submitted.

- 2) In cases where the defendants were convicted and no appeals or post-conviction relief motions are pending, after a period of 5 years from the date of conviction or upon the defendant's expiration of sentence, whichever comes later, a request for destruction authorization may be submitted. If there is a legal owner of said evidence who is not a defendant, no forfeiture proceedings are pending or have been concluded and there are no appeals of said forfeiture action pending and the ownership has not been granted to a law enforcement agency by court order, said property shall be returned to the legal owner of same, rather than being authorized for destruction.
 - 3) In cases involving juvenile defendants who have been charged, except in Homicide cases, and where there is no referral of the case to another court, with or without the juvenile's consent, a request for destruction authorization may be submitted 4 years after the final adjudication or disposition of all juvenile defendants or upon release from custody, whichever is later. Evidence in juvenile cases which are referred (waived) to another court, or in which there are adult co-defendants, shall be subject to the retention periods for adult cases.
- f. Municipal Cases (Not including DWI cases)
- 1) Evidence relating to cases disposed of in Municipal Court, where there is no companion Superior Court case, shall be addressed within this section.
 - a) Evidence from Municipal Court cases, other than DWI cases, may be destroyed one year after the disposition of the Municipal Court case.
 - b) It shall be the responsibility of the law enforcement agency holding the evidence to determine that the municipal court case has been disposed of, and the date of disposition.
 - c) Once that determination has been made, the law enforcement agency **shall not be required** to obtain authorization from a County Prosecutor or Municipal Prosecutor prior to destroying the evidence.
- g. Municipal DWI Cases
- 1) Evidence relating to cases disposed of in Municipal Court, where there is no companion Superior Court case, shall be addressed within this section.
 - a) Evidence used in a DWI case shall be retained for ten years following the disposition of the case.

- b) It shall be the responsibility of the law enforcement agency holding the evidence to determine that the municipal court case has been disposed of, and the date of disposition.
 - c) Once that determination has been made, the law enforcement agency **shall not be required** to obtain authorization from a County Prosecutor or Municipal Prosecutor prior to destroying the evidence.
 - h. Special Circumstances
 - 1) In cases where the defendant has been determined by a Court to be Incompetent to stand trial, the evidence must be retained until the defendant has become competent to stand trial, has died, or the Prosecutor of that respective county has made a determination to not proceed with the prosecution of the defendant.
 - 2) In cases where there is an acquittal of the only defendant or there is a finding of Not Guilty By Reason of Insanity of the only defendant, then the evidence may be authorized for destruction by the Prosecutor of that county, in a timeframe to be determined by the Prosecutor of that county.
 - i. Other Requirements Not Superseded
 - 1) Nothing in this policy is intended to require that a law enforcement office retain evidence in circumstances where such evidence would ordinarily be destroyed, returned to its rightful owner, forfeited, or otherwise disposed of pursuant to existing statutes or policies. Examples include, but are not limited to:

N.J.S.A. 2C:65-1 et seq. Disposition of Stolen Property and Documentary Exhibits;

N.J.S.A. 2C:64-1 et seq. Seized or Forfeited Property;

N.J.S.A. 2C:35-21 Destruction of Bulk Seizures of Controlled Dangerous Substances;

N.J.S.A. 52:4B-36 (1.) Crime Victims Bill of Rights, Prompt Return of Property When No Longer Needed as Evidence.

III. EVIDENCE/PROPERTY ROOM/AREA MANAGEMENT

- A. All in-custody and evidentiary property shall be stored in the following designated, secure areas with access limited to authorized personnel. Authorized personnel for access to the evidence/property room, cabinets, areas and enhanced security or storage measures shall be the property clerk(s) and property supervisor.
 - 1. An evidence/property room within the Elizabeth Police Department.

- a. The room shall be locked at all times and no individual will be allowed to enter or remain in the room unless accompanied by authorized personnel.
 - b. The room shall contain an evidence refrigerator/freezer.
 - c. The room shall provide enhanced security or storage measures for exceptional, sensitive, or valuable evidence/property, includes, but not limited to locking safes, vault, cages, cabinets, and lockers, within the long-term evidence/property storage room. The enhanced security storage measures shall be secure at all times with access limited to authorized personnel.
 - 2. Two (2) Hazmat Fire Cabinets.
 - a. The cabinets shall be locked at all times and no individual will be allowed to enter or remain in the cabinets unless accompanied by authorized personnel.
 - b. The cabinets shall be used for the storage of combustible, flammable or hazardous items.
 - 3. Vehicles
 - a. Vehicles shall be secured in the impound yard managed by the City-Approved wrecker service.
- B. The Elizabeth Police Department will have secure storage, which is provided for the temporary storage of in-custody or evidentiary property when the evidence/property room is closed or otherwise unavailable to include, but not limited to:
- 1. Secure locking lockers, including locking evidence refrigerator units.
 - 2. An area adjacent to the evidence/property room shall have cable locks or chains and padlocks for the temporary storage of items unable to be secured in the interior evidence lockers, (too large for interior storage). This will allow officers/detectives the ability to individually secure large items, such as bicycles. The item will be retrieved by the property clerk(s), who will then transfer to the evidence/property storage room.
 - 3. The Identification Bureau shall have a secure area with restricted access for the processing, examination and packaging of temporary evidence when the evidence/property room is closed.
 - a. The secure area shall contain locking garage bays. The area shall contain fuming chambers, drying cabinets and other necessary equipment needed to process temporary evidence prior to the transfer to the evidence/property room. The fuming chambers and drying cabinets shall be locked when evidence is placed in them.
 - b. The Identification Bureau has designated safes for each Identification Bureau officer securing evidence during the processing phase to maintain chain of custody.

4. Once evidence/property has been placed into the temporary evidence/property storage location and secured/locked, access shall only be available to the property clerks.
 5. If temporary lockers, refrigerator units, cable locks or areas are at capacity or if the size or composition of the evidence/property makes it impossible to adequately secure the evidence/property, the Desk Lieutenant shall notify a property clerk to respond and take custody of the evidence/property.
- C. The property clerk(s) shall be held strictly accountable to the Chief of Police or designee on the safety and security of the evidence keys/combinations in their possession and shall not be loaned/disclosed to another or shall not be temporarily used by another.
1. Lost/misplaced keys: If evidence keys are lost, a complete and detailed report shall be submitted in writing to the Chief of Police or designee. Locks to the affected evidence storage areas will be changed/re-keyed within 72 hours.
 2. Duplication of keys: No duplicate "evidence" keys will be made without written authorization from the Chief of Police or designee.
- D. No evidentiary item or in-custody property to include, but not limited to, controlled substances, weapons, or explosives shall be used by the department for investigative or training purposes, whether procured, seized or forfeited.
- E. Inspections/audits/records
1. In order to maintain a high degree of evidentiary integrity over department-controlled evidence/property, the following documented events shall be completed:
 - a. **Semi-Annual Inspection**
 - 1) An inspection to determine adherence to procedures used for the control of evidence/property by the person responsible for the evidence/property control function or his/her designee. A report will be submitted to the Deputy Chief in charge of Investigations on the findings.
 - 2) The inspection is conducted to determine if the evidence/property storage areas are being maintained in a neat and organized manner that protects the integrity of the evidence/property and in accordance with the agency general order. The inspection does not require an audit of property and/or evidence.

b. Audit

- 1) An audit of evidence/property shall occur:
 - a) Whenever the property clerk, and the evidence/property control function supervisor is assigned to and/or transferred from the position and is conducted jointly by the newly designated property clerk and a designee of the Chief of Police to ensure the records are correct and properly annotated. A report will be submitted to the Deputy Chief in charge of Investigations and the Union County Prosecutor on the findings noting any discrepancies.
 - b) A new Chief of Police is appointed and the audit is conducted jointly by the new Chief of Police or designee, former Chief of Police or designee and the property clerk(s). A report will be submitted to the current Chief of Police and the Union County Prosecutor on the findings noting any discrepancies.
 - c) Whenever there is any indication or suspicion of a breach of the evidence/property repository. A report will be submitted to the Deputy Chief in charge of Investigations and the Union County Prosecutor on the findings noting any discrepancies.
- 2) An audit should begin with a complete inventory of all evidence/property held by the department. The inventory of the evidence/property room should then be used to verify the accuracy of the evidence/property records. An audit of completed transactions should be conducted by examining the case files to verify that required notifications and release authorizations have been properly submitted. In addition, a legitimate basis for the release decision should be clearly apparent in the file. This audit must account for all high risk items (money, drugs, firearms, blood/other bodily fluid, and precious metals, jewelry and gemstones with a value greater than \$500.00).
- 3) A representative sampling of all other evidence/property is sufficient.

c. Annual Representative Audit

- 1) An annual representative audit of evidence/property in the department's custody is conducted by a supervisor not routinely or directly connected with and outside of the chain of command for the evidence/property control function along with the designated property clerk(s) as directed by the Chief of Police. A report will be submitted to the Deputy Chief in charge of Investigations on the findings noting any discrepancies.

- 2) An annual representative audit of evidence/property in compliance with **Appendix K of the CALEA Standards Manual** shall be used to determine the minimum sampling size.

d. **Unannounced Inspection**

- 1) An unannounced inspection of evidence/property storage areas is conducted as directed by the Chief of Police at least once a year. A report will be submitted to the Deputy Chief in charge of Investigations on the findings. The purpose of the unannounced inspection is similar to an inspection as noted above.