

GENERAL ORDER

G.O. 9-841

SUBJECT: EVIDENCE AND PROPERTY



DATE EFFECTIVE: January 29, 2018
DATE WRITTEN: 06/30/00 DAB AMENDED: 08/01/12, 10/15/12, 01/29/18
AMENDS: Police Manual Section 20. Policy F-93-1 & F-95-4. Directives Dated 12/06/78, 06/03/81 & 06/12/81.
DISTRIBUTION: ALL SWORN PERSONNEL
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SIGNATURE:
INDEX: CHAIN OF EVIDENCE, CONTRABAND, EVIDENCE MANAGEMENT, FOUND PROPERTY, PROPERTY, PROPERTY HELD FOR SAFEKEEPING, SEIZED EVIDENCE, SEIZED PROPERTY, ASSET FORFEITURE, MEDICATION COLLECTION/DISPOSAL PROGRAM

I. PURPOSE AND RESPONSIBILITY:

- A. Purpose: To set the policy and establish the procedures for the preservation of property taken into custody as evidence, contraband, found property, or property held for safekeeping at the Monroe Police Department.
- B. Responsibility:
1. It will be the responsibility of all officers of this Department to tag, record, and cause the securing of any property seized during the performance of their duties.
 2. It will be the responsibility of the Detective Division Property Control Officer (PCO) for the control, security, and the legal return or authorized destruction

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of all evidence and property not otherwise disposed of.

3. It will be the responsibility of the Detective Division Property Control Officer (PCO) to supervise the classification, storage, accountability, and release of all received evidence and property.

II. DISCUSSION:

- A. This general order deals with the policy and procedures for the preservation and storage of evidence and other property coming into the control of this Police Department. This directive defines the different types of evidence and property, explains the duties of the officers involved with the handling of evidence and other property, and establishes the procedures to preserve the chain of evidence. This directive also deals with the preservation of evidence in minor cases.

III. DEFINITIONS:

- A. CHAIN OF EVIDENCE: Is the continuity of custody of any property, substance, or matter collected as evidence, whether at a crime scene or not. The connotation, under law, is that the evidence introduced subsequently into court at the time of trial must be proven to be the same as that obtained initially by Officers.
- B. CONTRABAND: Is any property, substance, or matter of which the mere possession is illegal. Contraband may include narcotics, dangerous drugs, weapons, incendiary devices, explosives (including fireworks), etc.
- C. EVIDENCE: Is any property, substance, or matter that can be used in court to establish guilt or innocence, or whether or not a crime has been committed.
- D. FOUND PROPERTY: Is any property having the value of more than one dollar which is not an item of evidence or contraband.
- E. MINOR EVIDENCE: Any stolen property that has a value of less than one thousand dollars (\$1,000.00).
- F. PROPERTY CONTROL OFFICER: The designated "PCO", shall be the Detective Division Commander. The PCO shall supervise the classification, storage, accountability, and release of all received evidence and property.

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- G. PROPERTY CUSTODIAN: There shall be a designated Property Custodian who shall be responsible to the PCO. The Property Custodian shall control and secure all evidence and property coming into this Department. The Property Custodian will also assist the PCO with the legal return or authorized destruction of all evidence and property coming into this Department.
- H. PROPERTY HELD FOR SAFEKEEPING: Property where the ownership is known but where it is not connected with any known or suspected criminal offense.

IV. POLICY

- A. It will be the policy of the Monroe Police Department that the accountability for all incoming evidence and property is the inherent responsibility of the entire Department. Every employee of this Department will be held accountable for the security and the chain of evidence of all property seized or received by this Department. No property will be held in any other than the prescribed way.
- B. It will be the policy of the Monroe Police Department not to seize and store evidence of larceny when the value of the property is less than one thousand dollars (\$1,000.00).

V. PROCEDURES:

- A. PROPERTY RECEIVING: The following are procedures for receiving all in-custody and evidentiary property obtained by officers of this Department, to include:
 - 1. PROPERTY LOG: The property custodian will record, as soon as possible, all evidence/property coming into this Department's possession.
 - 2. PROPERTY CONTROL: All property will be placed into evidence under the control of the property custodian before officers finish their shift.
 - 3. PROPERTY REPORT: An incident report will be generated by the officer detailing the circumstances by which the property came into this Department's possession. The report will also describe each item of property obtained.

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4. PROPERTY PACKAGING AND LABELING:

- a. Packaging: All property that has been collected will be packaged to ensure that the introduction of foreign material is prevented. The specific procedures for certain evidence are as follows:
 - 1. Latent Fingerprints: Property collected for the purpose of developing latent fingerprints will be placed in either the evidence room or a storage locker. The officer then will indicate in the incident report where the item was obtained, the name of the seizing officer, and what the seizing officer is looking for. The PCO will cause this property to be logged in and then logged out to the Detective Division (DD) Supervisor. The DD Supervisor will assign a detective to process the item for latent fingerprints. After processing, the DD Supervisor will cause the property to be returned to the PCO who will cause the property to be re-logged in. The property custodian will then make arrangements for the return of the property to the lawful owner if not needed for any other legal purpose.
 - 2. Clothing: Whether wet or bloody, clothing must be air-dried and packaged in paper bags before being turned into the PCO.
 - b. Labeling: Officers collecting evidence in the field shall label all property prior to submission to evidence:
 - 1. Standard "tie-on" evidence/property tags are to be used on all evidence or property received.
 - 2. Adhesive-backed evidence/property tags are to be used on all evidence or property where the standard tie-on tag is impractical.
5. PROPERTY EXTRA SECURITY: Items of value or sensitive items including drugs, money, and firearms will be stored in the evidence room safe.
6. PROPERTY NOTIFICATION: The PCO will make an effort to identify and

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notify the owner or custodian of property in this Departments custody.

7. PROPERTY RELEASE:

a. Evidence:

1. Without Warrant: The property custodian will, within six months of the final disposition of the case concerning property seized without a search and seizure warrant, comply with what the court ordered. The court order will be returned on the JD-CR-18 form submitted at the time of seizure;
2. With Warrant: The property custodian will follow the same procedure as in property seized without a warrant above. The court order will be returned on the JD-CR-52 form.

b. Contraband:

1. Evidence: If evidence, the property custodian will handle the return the same way as in subsection a above, titled "Evidence";
2. Not Evidence: If not evidence, then the property custodian will destroy the contraband within six months:
 - a. Narcotics and dangerous drugs will be destroyed by the property custodian, except that very large quantities will be destroyed at a RESCO or other burn plant;
 - b. Other contraband will be destroyed by the property custodian.

c. Found Property:

1. Advertisement: The property custodian will advertise the property in the local newspaper having a general circulation within Monroe, CT;

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2. Offered to Finder: After six (6) months, if the property has not been claimed by its rightful owner, the property shall be offered to the finder;
 3. Not Claimed: If not claimed by the finder within ten (10) days of notification, the property shall be held for public auction or donated to an appropriate charitable organization;
 4. Receipt: A Department "Possessed Property Receipt" will be obtained by the property custodian from whomever receives the property and this receipt will be entered into the case file;
 5. Conversion: If the finder was an employee of this Department, the property becomes the property of the Town of Monroe, CT.
- d. Property Held for Safekeeping: A check with the property owner will be initiated by the property custodian within every six month period:
1. Release: The property custodian will release the property if requested by the person who had turned the property over to this Department;
 2. No Release: The property custodian will not return the property to the person it was received from if the property is a weapon or could be used as a weapon and the person still poses a threat to himself or others;
 3. Attorney: The property custodian may turn the property over to the person's attorney, if requested by the person;
 4. Court Order: The property custodian will return any property obtained or seized to the lawful owner if ordered to by any court of this State.
- B. PROPERTY STORAGE: All seized evidence and received property will be secured in the following locations:
1. EVIDENCE ROOM SAFE: Cash, precious metals, jewelry, gemstones,

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narcotics, dangerous drugs, and small arms will be secured in the evidence safe located in the evidence room armory. Cash will be placed in envelopes and the seal will be signed by the seizing officer and the officer's supervisor, the PCO, or the property custodian.

2. **EVIDENCE ROOM:** All other property seized or received by this Department, if small enough, will be secured in the evidence room or one of the eighteen temporary evidence lockers located in the booking room area.
 3. **OTHER:** If the evidence or property is too large, hazardous, or inflammable to secure in the evidence room, the PCO will make other arrangements to secure the property.
 4. **STATE LAB:** The State Toxicology Lab will send a "Return of Findings Report" and return all narcotics and dangerous drugs sent in for analysis. The Property Custodian will check the records to determine if the narcotic or dangerous drug is needed for a court trial. If needed, the evidence will be stored in the evidence room armory. Upon adjudication of the case, the property custodian will follow the order of the court in disposing of the narcotic or dangerous drug.
- C. **PROPERTY SECURITY:** Under normal circumstances, an officer who has transported seized evidence or property to be held at headquarters will secure these items by turning the tagged and recorded evidence or property into the PCO or the property custodian. During those hours that the PCO and the property custodian are simultaneously off-duty and the evidence room is closed, the officer must secure the evidence or the property in the following manner:
1. **EVIDENCE LOCKER:** Officers will deposit the evidence or property, with the appropriate forms, in one of the five numbered locked lockers located in the booking room area. The locks on these lockers are numbered and will be left in an unlocked position during non-use. After placing the evidence in the locker, the officer will lock the locker and secure the key inside the locker. The officer should describe the evidence and its location in the incident report.
 2. **REFRIGERATOR:** Evidence that has to be refrigerated will be secured in the

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designated evidence refrigerator.

3. ALL SECURITY DEVICES: The property custodian will gather the evidence, found property, contraband, or property held for safekeeping. The property custodian will then verify the accounting and will record and secure this property in the appropriate position in the evidence room.
 4. PAPERWORK: Officers placing evidence or property in any of the above secured storage devices will still complete the appropriate forms for the property.
- D. EVIDENCE ACCESS: The PCO, the property custodian, the Captain and the Chief of Police are the only personnel allowed access to the evidence depositories, the evidence room, and the evidence room safe. The only exception is during inspections. This limited access is to prevent the alteration, unauthorized removal, theft, or other compromise of evidence or property stored.
- E. PROPERTY RECORDS: The property custodian will record all evidence/property coming into this Department's possession. The record will reflect:
1. DATE AND TIME:
 - a. Date and time when evidence was seized or when property was received;
 - b. Date and time of inspections, inventories, or audits; and
 - c. Date and time of release of evidence or property.
 2. NAME:
 - a. Name of the seizing officer or the person who had turned the property in;
 - b. Name of any officer who has logged the evidence/ property out for any reason (ie. transported to State Lab for analysis, to display to victims for identification, etc.)

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3. DESCRIPTION: Such as brand name, model number, serial number, etc.;
4. NUMBER OR QUANTITY;
5. RESULTS: Results of any inspections, inventories, or audits;
6. RELEASE: Manner of release (Such as return to owner, turned over to the State for destruction, etc.).

F. INSPECTIONS AND REPORTS:

1. NEW APPOINTMENT INVENTORY: The Chief of Police will, on the appointment of a new PCO, cause an inventory of all evidence and property performed by both the outgoing and incoming PCO. The PCO will, on the appointment of a new Property Custodian, cause an inventory of all evidence and property performed by the PCO and the outgoing and incoming Property Custodian. The new appointment inventories are conducted to ensure that the property/evidence records are correct and properly annotated.
2. AUDIT: Bi-annually the Captain will conduct or cause an audit of evidence and property. The purpose of this audit is to ensure the integrity of the system but does not require an accounting for every item of evidence and property.
3. UNANNOUNCED INSPECTIONS: The Chief of Police will cause unannounced spot inspections of property/evidence storage areas semi-annually. Evidence and property accountability and security procedures should receive primary attention during spot inspections. A random comparison of records with physical property should consume most of the time allotted to the spot inspections. The same operations and procedures performed in the property storage areas need not be examined each time a spot inspection is conducted. A variety of activities should receive attention during successive spot inspections. These inspections are in addition to the other regularly scheduled inspections and are conducted by a supervisor not normally associated with the property and evidence control function.

- G. PROPERTY RELEASE: Final disposition of evidence, contraband, found property, and property held for safekeeping will be accomplished within six months after legal

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requirements have been satisfied. Refer to subparagraph A, section 7 of this paragraph.

- H. **RECORDS AS EVIDENCE:** A special category needs to be established for the radio and telephone line digital recordings of this Department. There may be an instance where the recordings could be used as evidence. In this instance, the computer administrator will prepare a compact disc of the recording and enter it into evidence using the normal procedures for entering evidence into the system.
- I. **MINOR EVIDENCE**
 - 1. **LARCENY FIFTH OR SIXTH DEGREE:** Officers recovering evidence valued at one thousand (\$1000.00) or less may leave the property with the victim, at the discretion of the officer and/or the officer's supervisor. Procedures for larceny sixth degree cases:
 - a. **Inventory, Describe, Photograph and List:** Officers recovering stolen property shall inventory, describe, photograph and list all property in the incident report form, irrespective of whether or not the evidence is retained. A total retail value of the property must be included in the heading of the incident report under "amount lost" and "amount recovered".
 - b. **Turn the Property Over to the Victim:**
 - 1. If recovered immediately, as in shoplifting or in a bicycle theft where the perpetrator is caught almost immediately, the officer must make note of this return in the incident report. Since the property was never taken into evidence, there is no need for a Department "Property Receipt";
 - 2. If the property is taken into police custody to establish owner identity, etc., a Department "Property Release Form" must be obtained when the property is released;
 - 3. If the investigating officer believes that the item of evidence is necessary to prove certain facts important to the case, photographs may be taken prior to returning the property to the

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owner.

- c. Retain Property as Evidence: If the investigating officer believes the item of evidence is necessary to prove that a crime has been committed (ie. price tag switching, etc.) the officer may seize and enter the property into evidence.
- 2. ATTEMPTED LARCENY (any degree, any value):
 - a. In the course of investigating an attempt to steal property, regardless of its value, and the property at all times remains on the premises (ie. inside the store or building proper, etc.) the officer will not seize the property;
 - b. The officer should leave the property with the victim for resale or reuse and follow the reporting and retention procedures established in section 1, subsections a and b above.
- 3. MULTIPLE CHARGES, CONSPIRACY, OR UNUSUAL CIRCUMSTANCES:
 - a. Multiple Charges: In cases involving multiple charges and one of the charges is Larceny Sixth degree, the officer should seize and enter the property into evidence as it is necessary to prove the other charge(s);
 - b. Conspiracy: Cases involving Conspiracy to Commit Larceny Sixth degree do not necessitate the seizing and entering the property into evidence;
 - c. Unusual Circumstances: In cases involving unusual circumstances, the officer may transport the property to headquarters for investigation and release it to the owner at a later date. This temporary custody, and the reason for it, should be specified in the incident report. The evidence in this category should be seized and entered into evidence following the established procedures. If the property is returned within a short period of time no JD-CR-18 form has to be submitted.
- 4. MARKER PLATES:

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- a. Motor Vehicle Violations: When seizing and tagging any marker plates under Title 14 place the letters "MV" in the upper right hand corner of the evidence tag;
 - b. Criminal Violations: When seizing and tagging any marker plate under the penal code place the letters "CR" in the upper right hand corner of the evidence tag;
 - c. No Court Forms: The court does not require the retention of marker plates as evidence. No court form (JD-CR-18) is needed when seizing marker plates in either motor vehicle or criminal cases.
- J. ALCOHOLIC BEVERAGES SEIZURE: The following are procedures to be used when seizing alcoholic beverages possessed in violation of state statute or municipal code:
 - 1.OFFICER: The officer making an arrest or issuing a summons will seize as evidence all illegally possessed alcoholic beverages and provide for the necessary transportation of it to the police facility. The entire quantity will be seized, secured, and tagged and turned over to the PCO.
- K. NARCOTICS AND DRUGS ABANDONED: With increasing frequency, officers in the normal course of their duty, either find contraband narcotics or drugs abandoned or have these contraband drugs or prescription drugs turned over to them by members of the general public in non-arrest situations. The following are procedures for all officers that come into possession of any narcotic or drug substance, in a non-arrest situation, and for handling by the PCO:
 - 1. THE OFFICER: The officer will:
 - a. Obtain an incident/case number from the SSD Communications Unit;
 - b. Properly mark and tag the substance with an evidence tag;
 - c. Submit a brief incident/case report describing the drug substance and the circumstances by which it came into their possession. The

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incident/case reports will be:

1. Classified "Narcotic/Drug Incident" with a sub-classification of "Found Property";
 2. Immediately closed out as having "No Criminal Aspect";
- d. Submit the tagged substance to the PCO at the earliest possible time;
2. DD PROPERTY CONTROL OFFICER: The PCO will:
 - a. Secure the drug substance, as any drug evidence, in the evidence safe;
 - b. Destroy the drug substance as required by state statute;
 - c. Cause the receipted evidence of compliance to be placed in the incident/case report master file.
- L. EVIDENCE/MOTOR VEHICLES: Evidence is classified into four categories: fruits of; instrumentality of; relevant (mere) evidence of a crime, and contraband. The following are procedures to be followed when a motor vehicle either is evidence or contains evidence:
 1. EVIDENCE: Any motor vehicle that is an instrumentality of, or mere evidence of a crime will be classified as evidence. The vehicle should be seized, towed, inventoried and will be impounded at headquarters in either the impound area or the garage;
 2. NOT EVIDENCE: Any motor vehicle that is not evidence in and of itself, but contains evidence may be seized, towed, inventoried and impounded. If the vehicle contains so much evidence that it is impractical to remove the evidence, the vehicle should be seized, towed, inventoried and will be impounded at headquarters in the garage;
 3. STOLEN MOTOR VEHICLE: Any motor vehicle that is found to be the fruit of a crime, should be seized, towed, inventoried and impounded when there is probable cause to believe that the vehicle was used in the commission of

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another crime and there is a need to process the vehicle;

4. **IMPOUNDED MOTOR VEHICLES:** The officer that caused the seizure, towing, and impounding of any motor vehicle, or an officer assigned to assist, will:
 - a. Inspect and make notation of the outward condition of the vehicle at the time of impoundment. The officer will make note in the incident/case report of any noticeable damage to the vehicle;
 - b. Inventory the contents of the motor vehicle, listing all items of value. The items listed should be described with as much detail as possible (ie. make, model, serial number, etc.) on a Vehicle Inventory form. All compartments of the vehicle and containers in the vehicle, whether open, closed, or locked will be inventoried and the contents listed. If there are no items of value in a compartment or container, that information should be noted on the form;
 - c. Secure the compartments and containers of the vehicle and the vehicle itself. The keys will be tagged and turned over to the PCO for safekeeping.
5. **COURT FORMS:** Seized, towed, and impounded motor vehicles will not be entered on the court form titled "Inventory of Property Seized Without a Search Warrant" (JD-CR-18). The seizing officer will notify by memorandum, the PCO, who may list the motor vehicle on the court form, if deemed necessary.
- M. **ASSET FORFEITURE:** Property seized by this Department as a function of a forfeiture, in rem or civil process shall be inventoried and recorded in the original case report. All subsequent actions regarding the property including disposal and/or destruction shall be added to the case in the form of a supplement report. The final disposition of the property shall be in compliance with court orders.
- N. **MEDICATION COLLECTION/DISPOSAL PROGRAM:** The medication collection and disposal program provides a safe disposal location for citizens to properly dispose of unused household medications. The program provides an environmentally safe alternative to disposing of medications in the landfill or sewer systems that may later negatively affect the environment. The program encourages

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citizens to remove their unneeded medications from their homes which reduces access to addictive medications for accidental or intentional misuse by children or others in the home. The material to be disposed must be destroyed in accordance with Monroe Police Department policies and must include incineration as the method of destruction. The incineration must be performed in an authorized facility designated to perform the destruction of controlled substances. Commercial disposal from medical facilities, doctor/dental offices, veterinarians, etc. is prohibited and is not part of this program.

1. AUTHORIZATION TO INSTALL COLLECTION DROP BOX: The Chief of Police or his/her designee will contact The Department of Consumer Protection for an application to receive registration which is fee exempt and renewed on an annual basis. The registration will be used for verification and compliance for the Drug Enforcement Administration. Failure to obtain such registration will result in non compliance. The Monroe Police Department issued credential number should be conspicuously displayed on the Drop Box.
2. PURCHASE AND INSTALLATION OF COLLECTION DROP BOX: The Monroe Police Department will obtain an approved steel one-way hopper door type collection box to be secured in the Monroe Police Department lobby into which citizens may deposit these medications. Under no circumstances will the drop box be located outside of the Monroe Police Department lobby and will be installed in the following manner:
 - a. The collection box shall be clearly marked for this purpose with instructions for proper use;
 - b. The collection box shall be double locked and securely fastened in place to prohibit removal of the box or retrieval of medications from within the box by unauthorized persons;
 - c. Citizens may place their unused medications/drugs into the collection box anonymously. Markers will be provided to encourage depositors to obliterate personally identifying information;
 - d. Opened containers of liquid will not be accepted unless they are completely sealed;

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- e. Syringes shall not be placed into the drop box. Signage will instruct depositors of alternative methods of disposal;
 - f. No medications or other waste shall be permitted to be left outside of the drop box.
3. **COLLECTION AND MONITORING OF THE MEDICATION DISPOSALS:** The following procedures will be adhered to in managing and monitoring the medication disposals:
- a. The property custodian or other designated officer will hold one of two keys to the collection box. The other key will be held by another designated full time certified police officer;
 - b. No property custodian or officer shall have individual access to the contents of the collection box;
 - c. Authorized police personnel may monitor the collection of the drop box contents which will allow the ability to survey the kinds of medications that are being disposed of. This information can be used for evaluation and decisions regarding this program;
 - d. A case number will be assigned to the collection box as per Monroe Police Department policy and the property custodian or the designated certified police officer will have to provide a total weight collected annually. This allows for tracking of data to monitor the program benefits;
 - e. The deposited drugs/medications will be collected on a frequency deemed necessary based on usage. The viewports on the collection box should be checked weekly, unless an especially large deposit is observed;
 - f. The individual retrieving the box or bucket shall wear protective gloves. The box or bucket shall be closed with a lid and sealed with evidence tape and a numbered tag applied;

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- g. The chain of custody shall be documented from retrieval through destruction. Access to the box shall be logged to include date, time, case number, tag number, and individuals involved in retrieval and process.
- 4. **STORAGE AND DISPOSAL OF COLLECTED MEDICATIONS/DRUGS:** The following procedures shall be adhered to when storing and disposing of collected medications and drugs:
 - a. The property custodian or designated certified police officer will package the deposited drugs and document a general description and weight of the contents and place into evidence as abandoned property pending destruction through witnessed incineration. The material located in the drop box should not be handled nor is individual product identification required.
 - b. The property custodian or designated certified officer shall ensure the destruction of the collected medications by witnessed incineration at intervals not to exceed six (6) months.
- 5. **ANNUAL REGISTRATION RENEWAL:** A registration will be obtained from the Department of Consumer Protection , Drug Control Division web site. This registration is non-fee and will be renewed annually. A new registration number will be issued with each renewal. On a yearly basis during the registration renewal process, the accumulated yearly weight will be submitted to the Drug Control Division of the Department of Consumer Protection.

HISTORICAL CHANGES TO POLICY

Aug. 1, 2012 – Page 1 & 2, Section IB2&3, responsibility was changed from SSD to Detective Division.

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Page 2, Section III,F was changed from SSD to Detective Division Commander.

Oct/ 15, 2012 – Page 2, Section III, Page 3, Section IV,B and page 10, Section V,I, dollar amounts were changed from \$250 to \$1,000 for larceny values.

Jan 29, 2018 - Entire section N, Medication/Drug Disposal Plan on pages 14-17 added.