



# ORONO POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURES

Protect with Vigilance & Serve with Compassion and Excellence

<b>Subject:</b>	<b>Property &amp; Evidence Control</b>	<b>Policy #</b>	<b>O-6</b>
<b>Effective Date:</b>	<b>January 5, 2026</b>	<b>Review Cycle:</b>	<b>2 Years</b>
<b>Distribution:</b>	<b>All Sworn Personnel</b>	<b># of pages:</b>	<b>14</b>
<b>MLEAP:</b>	<b>12.01, 12.03, 12.04, 12.05, 12.06, 12.07, 12.08, 12.09</b>		
	<b><i>Rescinds All Previous Policies Related To This Current Policy</i></b>		
<b>Issuing Authority:</b>	<b>Chief of Police Daniel Merrill</b>		

### I. **POLICY:**

It is the policy of the Orono Police Department that all evidence, property, and asset forfeiture items recovered or turned into this agency be appropriately packaged, handled, recorded, stored, accounted for, and disposed of in a legal and timely manner.

### II. **PURPOSE:**

The purpose of this policy is to establish a system for the safe and efficient storage and retrieval of evidence or other property that enters the custody of this department.

All personnel shall maintain strict accountability for all property held as property and/or evidence.

These policies and procedures are not intended, nor shall they be interpreted, to supersede any federal or state statute. These policies and practices are designed to comply with existing laws.

### III. **DEFINITIONS:**

**Audit:** An inspection of the documentation and accountability of a random sampling of in-custody property sufficient to evaluate the integrity of the property and evidence function.

**Evidence:** Materials or items discovered or retrieved from a crime scene or other law enforcement incident that may have evidentiary value or may be needed to prove a case in court.

**Inspection:** An examination of the agency's property and evidence storage areas to determine that they are being maintained in a clean and orderly fashion, that the agency directives concerning the property management systems are being followed (property handling, documentation, etc.), and that the property is being protected from damage and deterioration. Furthermore, a small sampling of items should be identified, tracked and documented to determine proper entry and storage.

**Inventory:** A survey of items designed to create a detailed list of articles or property. This includes (1) processes such as those utilized within the agency and can be part of an audit or inspection; and (2) processes utilized by the agency after the agency assumes control over a person's property where such processes are designed to protect the citizen's property and the agency from allegation of misconduct.

**Property:** Any item of value turned over to a police officer by a citizen or found by a police officer, which has not been used in the commission of a crime or is not otherwise needed to prove a case in court.

**Property/Evidence Record:** Electronic records contained in the property and evidence management system (PEMS) that document and describe an item of property or evidence and reflect its status within the custody of the PEMS.

**Property/Evidence Room:** A designated secure storage room for property and evidence under the control of the property and evidence custodian as assigned by the Chief of Police or designee.

**Property Officer/Evidence Custodian:** The officer or detective assigned to the management and security of all property/evidence in the evidence room(s). The Chief of Police or designee shall be responsible for the general supervision of the property officer / evidence custodian.

**Temporary Property/Evidence Storage:** A designated, secure location used by authorized personnel to temporarily store evidence and property collected in the course of their duties. This storage is intended for short-term use until the Evidence Custodian retrieves and transfers the items to the department's primary Evidence Storage Room. Temporary Evidence Storage areas must be secure, access-controlled, and comply with all departmental policies governing the handling and integrity of evidence.

#### IV. **PROCEDURES:**

**MLEAP 12.01**

##### A. **Officer's Responsibilities:**

1. The recovering officer will be responsible for properly packaging and labeling all items collected or recovered as property, evidence, or asset forfeiture to prevent any tampering, contamination, or destruction of the same.
2. Upon return to the police department, the recovering officer shall as soon as possible list and describe all items recovered in the department's Records Management System (RMS).
3. The recovering officer will attach an evidence label to the item. The label must include:
  - a. The date the item was seized.
  - b. The corresponding case numbers.
  - c. The owner's name if known.
  - d. A property (PR) number.
  - e. A brief description of the property.
4. Reporting officers will, as soon as possible, check all property against NCIC or in-house records for stolen or missing.
5. All property and evidence must be delivered to the property locker as soon as possible, but no longer than the end of the shift unless *exceptional circumstances* exist, such as;

**MLEAP 12.03**

  - a. All property lockers are occupied
  - b. When the item is too large to be placed in the storage lockers.
6. If *exceptional circumstances* exist, officers shall do the following;
  - a. Notify the evidence custodian or duty supervisor of the situation.
  - b. Indicate in their report where the item was stored and the reason it is stored in a different location.
7. For property that may be lawfully released to the owner, the recovering officer shall immediately attempt to notify the owner to return the property to the rightful owner.

8. If evidentiary materials are needed for investigative cases, laboratory analysis, testimony, or other purposes, officers shall make the request (5) days prior to the date it is required. This request should be made via email to the Evidence Custodian.
  - a. When evidentiary materials are required with less than five (5) days' notice due to unforeseen or exigent circumstances, such as court orders, last-minute prosecutorial requests, or other time-sensitive investigative needs, officers shall notify the Evidence Custodian immediately. The request must include a description of the exigent circumstance. The Evidence Custodian shall make reasonable efforts to fulfill the request, provided that the integrity of the chain of custody and all documentation requirements is maintained.
9. In instances where evidence is removed from the department's property room for external laboratory analysis, the Evidence Custodian shall document the following in the department's RMS system:
  - a. The date and time of release.
  - b. The receiving officer's or party's initials and the reason for the release.
10. When returning property or evidence, officers shall return items to the evidence storage locker. The officer shall obtain the prosecutor's Authorization for Release of Evidence on a case pending appeal. Further, the officer shall ascertain from the prosecutor when contraband may be destroyed, and upon approval, arrange for destruction or other methods of disposal as soon as possible.
11. The Property and Evidence Disposition will be entered into the department's RMS every time property or evidence is disposed of or returned to the owner.

**B. Evidence Custodian's (EC) Responsibilities:**

**MLEAP 12.01**

1. Accountable for control of all property and evidence stored in the property and evidence storage room and ensuring that all held property is documented correctly in property records of the department.
2. Maintenance of an evidence room that is clean, orderly, and secure and taking necessary steps to ensure that property and evidence in custody are being protected from damage, deterioration, or theft.
3. Empty storage lockers as necessary and ensure there are available storage lockers.
4. Delivery of evidence without unnecessary delay to the appropriate laboratory, obtaining a receipt for the property, and assuring the receipt is scanned to the correct report associated with the evidence (PR#).
5. Maintaining a separate protected area from all other property and evidence for the storage of money, jewelry, weapons, and precious metals.
6. Maintaining a facility for the storage of perishable items and/or items requiring refrigeration.
7. Maintaining records of recovered property, indicating continuity of property and evidence from entry into the system to its final disposition.
8. Releasing property and evidence only to authorized persons and obtaining proof of authorization or identification of the owner or investigating officer to whom property is released.
9. Checking monthly for property and evidence that is unclaimed or of no further evidentiary value and arranging proper disposition of that property or evidence.
10. Ensuring that the final disposition of found, recovered, and evidentiary property is accomplished within six months after legal requirements have been satisfied. The Evidence Custodian will report any exceptions to this to the Chief of Police.

**V. PROPERTY/EVIDENCE STORAGE ROOM ANNUAL AUDITS & UNANNOUNCED INSPECTIONS**

1. An inspection and/or audit to determine adherence to procedures used for the control of property and evidence is conducted semi-annually by the Chief of Police or designee. An

individual assigned to conduct this inspection/audit should not have routine access to the Property/Evidence room to ensure full transparency of the inspection process.

2. Following each property and evidence inspection/audit, the individual conducting the inspection shall prepare a written report or memorandum. This documentation shall include, at a minimum: the date of the inspection, the name and title of the person conducting it, a description of the scope of the inspection, any deficiencies or irregularities noted, and corrective actions recommended or taken. A copy of the report shall be submitted to the Chief of Police (or designee) and maintained in agency records. (see Appendix #3)
3. The Chief of Police or designee shall conduct an **unannounced inspection** of the property/evidence room at least once a year. **MLEAP 12.07**
  - a. The inspection must include review of the actual department policies and procedures relating to Property and Evidence and whether these procedures are being followed (*i.e., is the Property and Evidence room secure, is the sign-in log being utilized, is property being submitted properly, is the property being logged in and stored properly, is the property being processed for disposal properly as well as whether the property room is clean and orderly*).
  - b. A small sample of items (3-5 items) should be identified and tracked to determine if they were properly entered and stored. This inspection report, if not being conducted by the Chief of Police, should be forwarded to the Chief of Police for review and sign off.
4. The Chief of Police or designee shall conduct an **announced audit** of the property/evidence room **at least once a year**. The audit report, if not conducted by the Chief of Police, will be forwarded to the Chief of Police for review and sign off. Should significant discrepancies be discovered, the Chief of Police may order a complete inventory. Each audit shall consist of the following: **MLEAP 12.08**
  - a. How policies, procedures, and practices are followed, and must meet one of the two sampling methods listed below.
  - b. Approved audit sampling methods: The agency will strive for 100% accountability in the maintenance of all property and evidence in their custody. If the agency is without bar-coding or other technological assistance, it may be difficult to conduct a 100% audit. In that case, either of the two sampling methods below will meet the requirements of MLEAP 12.08.
    - i. **Sampling Method 1:**-A complete inventory of all critical items (Guns, Drugs, and Money) in the Property Room and a random sample of 5% of the total number of items or 25 items, whichever is less, of the remaining items in the property room.

The inventory should be conducted by locating the intake paperwork for all the Guns, Drugs, and Money, then locating the items in the property room. The audit of the other items should be done in two parts. The first part is done by randomly selecting the paperwork for 25 items and locating them in the property room. The second part would consist of randomly selecting 25 items from the property room and locating the item's paperwork to test the record-keeping system.

This system of sampling will benefit smaller agencies that have smaller numbers of critical items in their property and evidence rooms
    - ii. **Sampling Method 2:** Sampling method 2 relies on a mathematical sampling formula that produces a 95 percent confidence level with a confidence interval of +/- 3 percent. This audit is conducted on all items. Obviously, the agency will want to resolve any discrepancies discovered by an inventory, but an error rate of greater than 4 percent would indicate that a complete inventory of critical items is needed.

This sampling methodology requires a random sample to be accurate and the agency must be able to describe or show how the random sample was determined. To determine the sample size, the agency must also know the approximate number of total items in the property room, and then consult the table below to determine the number of items required to be located and examined. Once a random sampling method is determined, no deviation is permitted. The agency must show that it adhered to the sampling methodology selected.

Creating a random sample can be as easy as locating a random number table in a mathematics textbook or on-line and using the last digits of the number that matches your agencies property numbers and use that table in order until the total number of samples has been reached. It can also be done by dividing the number to be sampled into the total number of items, i.e. (Total items 15,000, sample required 996,  $15000/996=15.06$ ) and selecting every 15<sup>th</sup> item on a list of all Money, Guns, and Drugs which would produce the proper number of sample items. Agencies that choose to use this method regularly might consider having their computer staff write a specific program for the development of a random audit list.

This sampling method would benefit larger agencies with many critical items.

Total Number of Critical Items (Money, Guns, and Drugs)	Minimum Required Sample Size
100	92
200	169
300	234
400	291
500	341
750	441
1000	516
1250	576
1500	624
1750	663
2000	696
2250	724
2500	748
2750	769
3000	787
3500	818
4000	843
4500	863
5000	880
6000	906
7000	926
8000	942
9000	959
10000	964
12500	983

15000	996
20000	1013
25000	1023
50000	1045
100000	1056

**V. INVENTORY UPON APPOINTMENT OF NEW CRITICAL PERSONNEL**

***MLEAP 12.09***

1. In the event of a critical assignment change (new Chief of Police, supervisor who has oversight of the Property/Evidence room, or new Evidence Custodian), a complete inventory audit of all property and evidence will take place.
2. If there is a critical assignment change the complete inventory should be conducted by the Chief of Police or designee, accompanied by the newly assigned Evidence Custodian, the vacating Evidence Custodian, and a supervisor familiar with property and evidence operations assigned by the Chief of Police.
3. During the complete audit, in addition to the item being present, those involved in the audit will examine the item for tampering or missing items, and any discrepancy reported. An investigation shall be conducted to resolve any discrepancies.
4. The results of the complete inventory audit shall be documented and forwarded to the Chief of Police for review and approval

**5. Security of Property and Evidence Storage Room**

***MLEAP 12.04***

- a. Key access to the property/evidence room will be restricted to the Evidence Custodian and the Captain. Entrance into the storage area by all other persons is prohibited unless accompanied by one of the above individuals.
  - b. The property/evidence storage room shall always be locked.
  - c. Anyone without authorized access (as noted in "a" above) shall sign in and out on the access log or other tracking system.
  - d. Property requiring additional security, such as guns, drugs, and money, will be separated from other property in a locked storage container/locker that is secured in the Property Room.
6. **Weapons:** Officers and employees of this department will not, under any circumstances, take personal possession of any weapon that is found, turned in, or confiscated.
    - a. All weapons coming into the custody of this department will be immediately inspected to ensure their safe storage. It is imperative that all firearms be unloaded before placing in the lockers and evidence room.
    - b. All firearms coming into the custody of the department will be checked by the recovering officer against NCIC stolen files.
  7. **Drugs and Narcotics:** In the case of drug property or evidence, the recovering officer shall obtain a gross weight (content and package) for quantitative and quality control. This should be indicated in the actual report and on the property label.
  8. **Photographs:** Digital photographs shall be uploaded into the department's RMS and attached to the appropriate reports. In certain situations where there is a large number of photographs or images inappropriate to be uploaded to the department's RMS (i.e., unattended death, burglary, or sexual in nature), images will be saved in the Temporary

Digital Evidence Folder in the shared drive in a folder with an assigned property and/or case number. They will be tracked in the department's RMS in a manner consistent with video footage files.

9. **Audio and/or Visual Recordings:** Pursuant to department policy *O-4 Recording of Suspects in Serious Crimes & the Preservation of Notes & Records*, "the following procedures will be followed when handling evidentiary recordings:

- a. When policy dictates that interviews are required to be recorded, the preferred method is to conduct interviews at the Orono Police Department in the interview room. However, if this was not available or not prudent, officers will utilize a digital recording device.
- b. If an interview is recorded by means of an audio recording (Orono PD interview room, Body Worn Camera, or digital recording device), the investigating officer will be responsible for the following:
  - i. Indicate in the report that an interview/interaction was recorded and has been entered into evidence.
  - ii. Collect that digital media evidence and adequately enter it into evidence.

10. **Impound of Vehicles or Oversized Items**

1. Vehicle(s) held as evidence shall be secured in one of the Orono Police Department's garages.
2. In the event all garages are occupied, vehicle(s) will be towed to a designated private area to be secured. The duty supervisor will then be notified.
3. Oversize evidence/property that is unable to adequately fit in the evidence room shall be placed inside one of the Orono Police Department's garages for safekeeping.
4. Officers will indicate in their report that they placed the vehicle and/or oversized evidence/property in the garages for safekeeping.

11. **Storage of Digital Media Evidence**

1. Digital media evidence is all evidence that can be stored on a hard drive, CD-R, DVD, thumb drive, or similar device. Digital evidence may include, but is not limited, to body-worn camera footage, surveillance camera footage, and audio recordings.
2. Procedures for handling and storage of digital evidence:
  - a. Officers will download their body-worn camera footage at the end of their shift and place the footage in the proper category if that has not already been done.
  - b. If the video is not going to prosecution, then it can stay in the WatchGuard software program.
  - c. If the video is part of an arrest that is going to prosecution, part of an offense report that will turn into an arrest, or an offense report that is being submitted for a recommendation, then the evidence must be handled as follows:
    - i. The video must be assigned an evidence number in department's RMS.
    - ii. The Captain will then upload the video to the corresponding case in the cloud if necessary.

12. **Release of Property**

***MLEAP 12.06***

1. Evidence Custodian or officer shall generate a "Property Return Form."

2. Obtain the signature of the individual receiving the property on the "Property Return Form."
3. The "Property Return Form" shall be scanned and uploaded into the original OF or AR.
4. All released property will be entered into the evidence log.
5. This same process will occur for the property that is being held/used as evidence, but that must go to the lab for analysis, or that is being transferred to another agency or person. In this case, an "Evidence Release Form" will be used, which will go with the property for the chain of custody. A copy of the face sheet from the "Evidence Release Form" shall be obtained when possible or a receipt from the receiving agency or person (showing all necessary information).

13. **Categorizing of Evidence & Disposition of Property and Evidence** **MLEAP 12.05**

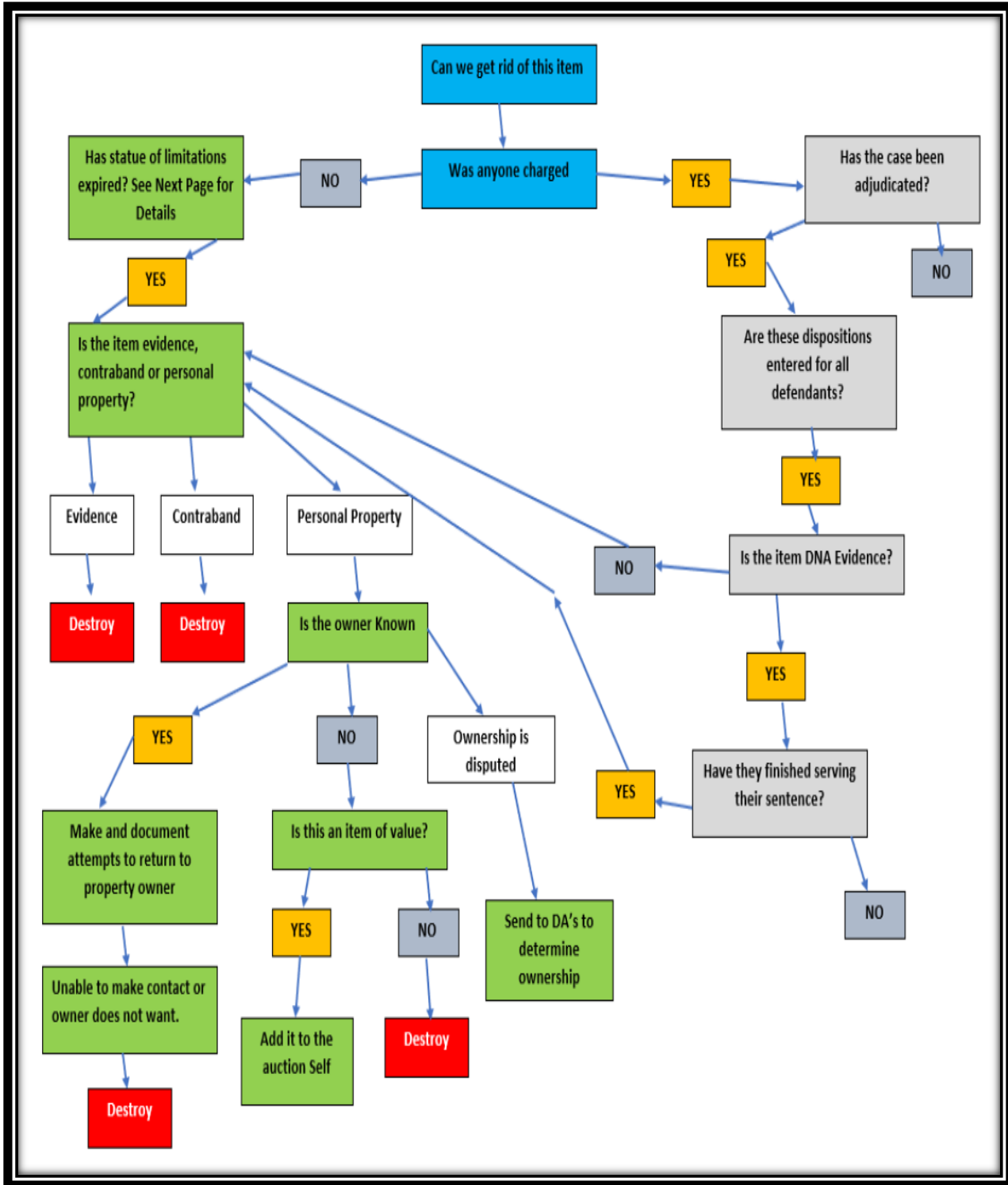
1. Destruction of evidence and property shall follow Title 25 M.R.S., Chapter 401, §3501 – 3507, the guidelines provided below and the flowchart (*Appendix 2*).
2. Property/evidence will only be released to authorized persons, and proof of authorization or identification of the person to whom the property is released may be required.
3. The person to whom the property is released must sign a receipt for the property using the Property Receipt form. This receipt will be scanned into the original OF or AR. (*See Section 14 above*)
4. If the identity of the owner or other person entitled to the possession of the property cannot be verified in accordance with provisions in Title 25 MRS §3503 or if the finder of such property does not claim possession of the property in accordance with Title 25 MRS § 3507, the Orono Police Department will hold, destroy, auction, or donate the property to a charitable organization.
5. The Evidence Custodian will place all submitted evidence into one of the five categories listed in the below table. Additionally, the Evidence Custodian will follow the Disposition of Property and Evidence in the below table;

<b>CATEGORIZING OF EVIDENCE</b>	<b>DISPOSITION OF PROPERTY AND EVIDENCE</b>
<b>Category 1-</b> All found property, medical marijuana, all civil violations, and traffic infraction evidence.	<b>Category 1-</b> Evidence will be held up to 90 days. After 90 days, the detective shall check the status of the case for property and evidence case resolution. This process will continue every 90 days until the evidence is considered unclaimed or of no further evidentiary value. In the case of medical marijuana, a court order will be required in order to be released.
<b>Category 2-</b> Class D and E crimes to include but not limited to criminal mischief, leaving the scene of an accident, possession of drugs, and possession of burglar tools, harassment, theft.	<b>Category 2-</b> Evidence will be held for a maximum of 6 months after date of conviction or a not guilty finding; (3) years if no charges are filed in the case from date of incident/report.
<b>Category 3-</b> Class A, B and C crimes, against property, including but not limited to, burglary, aggravated criminal mischief, trafficking in drugs.	<b>Category 3-</b> Evidence will be held for a maximum of 30 years after date of conviction; (1) year after a not guilty finding; (6) years if no charges are filed in case from date of incident/report;
<b>Category 4-</b> Sexual Assault and Homicide Cases	<b>Category 4-</b> Evidence will be held indefinitely for homicide cases, or disposed of at the direction of the Maine Attorney General's Office; evidence in sexual assault cases will be held until the expiration of the statute of limitations, if applicable, or disposed of at the direction of the prosecuting authority.
<b>Category 5</b> – Evidence held or collected for other agencies. This evidence should only be held or collected by this agency when an exigency exists. Return of such items will be completed in less than 30 days.	<b>Category 5-</b> Evidence held for less than 30 days unless special arraignments made.

**STATUTE OF LIMITATIONS (TITLE 17-A, SECTION 8)**

<b>CRIME</b>	<b>LENGTH OF STATUTE OF LIMITATIONS</b>
<b>Murder / Criminal Homicide</b>	<b>NO EXPIRATION</b>
<b>Gross Sexual Assault                      Unlawful Sexual Contact                      Incest                      Sexual Abuse of a Minor                      Only if victim was less than 16 at the time of the offense</b>	<b>NO EXPIRATION</b>
<b>Unlawful Sexual Contact                      Gross Sexual Assault                      Class A, B, C</b>	<b>20 Years</b>
<b>All other Felonies (Class A, B, or C)</b>	<b>6 Years</b>
<b>All other Misdemeanors (Class D, or E)</b>	<b>3 Years</b>

Appendix #2



**A**

# ORONO POLICE DEPARTMENT

## PROPERTY ROOM AUDIT/INSPECTION

Page1

Auditor: \_\_\_\_\_

E/P Coordinator: \_\_\_\_\_

Type of Audit/Inspection:

- Annual Audit
- Unannounced Inspection
- Change of Custodian Audit

Type of Property (choose ONE):

- Narcotics
- Firearms
- Currency
- Jewelry
- Other

# of items audited: \_\_\_\_\_

% of items inventoried: \_\_\_\_\_%# of

Discrepancies: \_\_\_\_\_

\* Complete Discrepancy report(pg3)

Error Rate: \_\_\_\_\_%

General Comments:

Auditor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

# PROPERTY ROOM INSPECTION/AUDIT

Page 2

Property Area Inspected: \_\_\_\_\_

**1. Property room is clean and orderly?    Yes    No**

Discrepancies or  
Problems \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2. Agency SOP's are being followed?    Yes                  No**

Discrepancies or  
Problems \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**3. Property is protected from damage?    Yes                  No**

Discrepancies or  
Problems \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4. Accountability procedures maintained?    Yes                  No**

Discrepancies or  
Problems \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**5. Timely disposal of released property?    Yes                  No**

Discrepancies or  
Problems \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**6. All property is suitably packaged?    Yes                  No**

Discrepancies or  
Problems \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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**7. Refrigerated items maintained?**

**Yes**

**No**

Discrepancies or  
Problems \_\_\_\_\_

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**8. Records up to date/complete?**

**Yes**

**No**

Discrepancies or  
Problems \_\_\_\_\_

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I \_\_\_\_\_ have inspected the property area indicated above and found it to be in compliance with all applicable Standard Operating Procedures. Any discrepancies or problems are noted.

\_\_\_\_\_  
Signature of Evidence/Property Coordinator

\_\_\_\_/\_\_\_\_/\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Supervisor performing inspection

\_\_\_\_/\_\_\_\_/\_\_\_\_  
Date

\_\_\_\_\_  
Chief of Police Signature

\_\_\_\_/\_\_\_\_/\_\_\_\_  
Date

# Discrepancy Resolution Report

Indicate how and when any of the below listed problems were corrected and who corrected them.

- 1. \_\_\_\_\_
  - 2. \_\_\_\_\_
  - 3. \_\_\_\_\_
  - 4. \_\_\_\_\_
  - 5. \_\_\_\_\_
  - 6. \_\_\_\_\_
  - 7. \_\_\_\_\_
  - 8. \_\_\_\_\_
  - 9. \_\_\_\_\_
  - 10. \_\_\_\_\_
  - 11. \_\_\_\_\_
-