



ORONO POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES

Protect with Vigilance & Serve with Compassion and Excellence

Subject:	Property & Evidence Control	Policy #	O-6
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	<i>Rescinds All Previous Policies Related To This Current Policy</i>		
Issuing Authority:	Chief of Police Daniel Merrill		

I. POLICY:

It is the policy of the Orono Police Department that all evidence and property 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. 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 or evidence 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 by 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 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.
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 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.

IV. PROPERTY/EVIDENCE STORAGE ROOM ANNUAL AND UNANNOUNCED AUDITS

1. An inspection to determine adherence to procedures used for the control of the property is conducted semi-annually by the Chief of Police or designee. The individual assigned to conduct this inspection should not have routine access to the Property/Evidence room to ensure full transparency of the inspection.
2. The Chief of Police or designee shall conduct an unannounced inspection of the property/evidence room at least once a year. **MLEAP 12.08**
3. An annual audit of property and evidence held by the agency is conducted by a supervisor not routinely or directly connected with control of property and evidence. Each audit shall consist of the following; **MLEAP 12.07**
 - a. A documented accounting of high-risk items (e.g., cash, precious metals, jewelry, firearms, and drugs) and other evidence and non-agency property to establish that all property is accounted for and records can reasonably be assumed correct.
4. Research the items listed in the department's RMS database as "evidence in storage" that will be:
 - a. Located and verified that the item is in the proper documented location in storage;
 - b. Verified the item is appropriately labeled with identification that shall include the receiving officer's name, the date, all defendant's/suspect's names, and incident number
 - c. Verified that the department's RMS database and the item in storage match information, and both reflect proper documentation.
5. Research the items are chosen from the property/evidence room that will be cross-checked in the department's RMS database to ensure;
 - a. The items were located the assigned location in storage;
 - b. The item location was documented correctly in department's RMS;
 - c. All the appropriate fields in the department's RMS database are complete with the information available for the item.
6. The findings of each audit shall be reported in writing to the Chief of Police.

V. INVENTORY UPON APPOINTMENT OF NEW CRITICAL PERSONNEL

MLEAP 12.09

1. In the event of an assignment change (new Chief of Police, supervisor who has oversight of the Property/Evidence room, or new Evidence Custodian), a general inventory audit of the property will take place.
2. If the change of assignment is the Evidence Custodian, the newly assigned Evidence Custodian, the vacating Evidence Custodian, and a supervisor assigned by the Chief of Police will conduct the audit.
3. The results of the general inventory audit shall be documented and forwarded to the Chief of Police for review and approval.

4. The purpose of the inventory audit is to ensure the continuity of custody involved with property/evidence. The audit shall be enough to demonstrate the integrity of the system and accountability of the property. During the audit, not all items of the property need to be checked, but enough records inspected prior to the change of command. All data shall be recorded, dated, timed, and signed by both auditors.
5. All currency, negotiable instrument(s), and controlled substances shall be inventoried entirely.

6. **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.
7. **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.
8. **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.
9. 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.
10. **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.
11. **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:
 1. Indicate in the report that an interview/interaction was recorded and has been entered into evidence.
 2. Collect that digital media evidence and adequately enter it into evidence.

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

- a. Vehicle(s) held as evidence shall be secured in one of the Orono Police Department's garages.
- b. 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.
- c. 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.
- d. Officers will indicate in their report that they placed the vehicle and/or oversized evidence/property in the garages for safekeeping.

13. **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:
 1. The video must be assigned an evidence number in department's RMS.
 2. The Captain will then upload the video to the corresponding case in the cloud if necessary.

14. **Release of Property**

MLEAP 12.06

- a. Evidence Custodian or officer shall generate a "Property Return Form."
- b. Obtain the signature of the individual receiving the property on the "Property Return Form."
- c. The "Property Return Form" shall be scanned and uploaded into the original OF or AR.
- d. All released property will be entered into the evidence log.
- e. 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). *See Appendix #2*

15. **Categorizing of Evidence & Disposition of Property and Evidence**

MLEAP 12.05

- a. Destruction of evidence and property should follow the guidelines and flowchart provided below.
- b. Property/evidence will only be released to authorized persons and may require proof of authorization or identification to whom the property is released.
- c. The person to whom 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.
- d. 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-A 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.

- e. 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;

CATEGORIZING OF EVIDENCE	DISPOSITION OF PROPERTY AND EVIDENCE
Category 1- All found property, medical marijuana, all civil violations, and traffic infraction evidence.	Category 1- 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.
Category 2- 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.	Category 2- 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.
Category 3- Class A, B and C crimes, against property, including but not limited to, burglary, aggravated criminal mischief, trafficking in drugs.	Category 3- 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;
Category 4- Sexual Assault and Homicide Cases	Category 4- 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.
Category 5 – 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.	Category 5- Evidence held for less than 30 days unless special arraignments made.

STATUTE OF LIMITATIONS (TITLE 17-A, SECTION 8)	
CRIME	LENGTH OF STATUTE OF LIMITATIONS
Murder / Criminal Homicide	NO EXPIRATION
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	NO EXPIRATION
Unlawful Sexual Contact Gross Sexual Assault Class A, B, C	20 Years
All other Felonies (Class A, B, or C)	6 Years
All other Misdemeanors (Class D, or E)	3 Years

