

<p style="text-align: center;">East Haven Police Department</p> 	Type of Directive: Policies & Procedures		No. 703.4
	Subject/Title: Evidence and Property Control	Issue Date: November 26, 2019	
		Effective Date: December 15, 2019	
Issuing Authority: Honorable Board of Police Commissioners	Review Date: Annually		
References/Attachments: Connecticut General Statutes § 54-36a, 53-278c, 54-36e, 54-36c, 54-36g, 54-36h, 54-36i, 21a-279a, 21a-267(d)(1), 21a-267(d)(2).		Rescinds: 703.3	
		Amends: N/A	

I. PURPOSE

- A. The purpose of this directive is to set forth the policies and procedures of the East Haven Police Department (EHPD) regarding the handling of evidence and other property taken into possession by members of this Department.

II. POLICY

- A. All members of the East Haven Police Department shall handle evidence and other property with care, honesty and integrity.

III. DEFINITIONS

- A. **Physical Evidence:** Any physical item seized by a member of the Department in connection with a criminal investigation.
- B. **Evidence Room:** Secure rooms and areas designated for the storage of evidence/property until final disposition of the evidence or property.
- C. **Found Property:** Any item taken into possession by a member of this Department for safe keeping when the owner of said property is unknown or not available for the immediate return of said property.
- D. **Property Officer:** The officer(s) designated by the Chief of Police to manage the handling and securing of the evidence and property taken in by the Department.

- E. Temporary Evidence Room: The facility designated by the Department for the temporary storage of evidence and other property.

IV. PROCEDURES

- A. The officer who found or recovered property shall attempt to identify and notify the rightful owner of the said property when applicable.
- B. Evidence/property will initially be placed in the Temporary Evidence Room and subsequently transferred to the Evidence Room.
- C. Access to the Evidence Room
 - 1. The Temporary Evidence Room can be accessed by officers to place items into evidence. The logging of items into evidence will be witnessed by a supervisor and recorded in the Law Enforcement Administration System (LEAS).
 - 2. All in-custody and evidentiary property will be stored within the Evidence Room. Entry to the Evidence Room will be restricted to the Property Officer(s). No other personnel are allowed access to the Evidence Room unless they are granted access and accompanied by the Property Officer.
- D. Non-Drug Evidence/Property
 - 1. Officers taking possession of evidence/property from a person(s) shall issue that person a receipt when applicable for the evidence/property received. The names(s) of said person(s) shall be included in the officer's incident report.
 - 2. All evidence/property taken into possession by an officer for any reason will be brought to the Department and logged into the Temporary Evidence Room as soon as possible after taking possession of such property. Officers who take possession of any evidence/property shall log and place such property into the Temporary Evidence Room prior to the completion of their tour of duty.
 - 3. The officer receiving evidence/property shall do the following.
 - a. Fill out the necessary property receipt, and court forms if applicable.
 - b. Enter the property into LEAS under the property tab of the appropriate case number.
 - a. Package the evidence/property for storage using appropriate, tamper-evident storage/evidence bags and sealed with a barcoded evidence label printed from LEAS.
 - 4. The officer shall show the evidence/property and the completed forms to a supervisor prior to placing the evidence into the Temporary Evidence Room.
 - 5. The shift supervisor shall verify the evidence/property against the receipt and the officer who received the items shall place them in the Temporary Evidence Room.

6. Money, jewelry, firearms, and other items of value shall be secured in a designated evidence locker within the Temporary Evidence Room.
7. In the event the property/evidence is too large for storage in the evidence locker/temporary evidence room, the shift supervisor may direct the officer to place it in another approved location. This provision is for non-drug property only. In some instances, it may be required to call in a Property Officer for access to additional secured areas.
8. In the event that the evidence/property is hazardous, i.e. fireworks, flammable liquids/solids, the shift supervisor may contact the Property Officer to place it in the “open air” caged area.
9. The receiving officer shall forward any documentation to the Records Division.
10. Any weapon taken into custody for any reason will result in a COLLECT/NCIC inquiry being made to determine if it is stolen or wanted by any agency.
11. Officers who take possession of evidence/property shall complete an incident report in accordance with Policies and Procedures # 303 – Incident Report and Review Procedures detailing the circumstances by which such property came into the Department’s possession and describing such property.

E. Drug Evidence

1. All drugs and drug paraphernalia taken into possession by an officer for any reason will be brought immediately to the Department and logged into the Temporary Evidence Room unless exigent circumstances exist.
 - a. If an exigent circumstance exists, all drugs and drug paraphernalia taken into possession by the officer(s) shall be logged and placed into the Temporary Evidence Room prior to the completion of their tour of duty.
2. The officer taking possession of drugs and/or drug paraphernalia shall complete the following:
 - a. The Inventory of Property Seized without Search Warrant or Inventory of Property Seized under Warrant depending upon the type of seizure.
 - b. Log the drugs and/or drug paraphernalia into LEAS under the property tab of the appropriate case number.
 - c. Field test or identify utilizing the Drug Bible or similar reference (unless unsafe to do so), weigh, and photograph all drugs prior to packaging to determine the drug type.
 - d. Place the drugs and/or drug paraphernalia in appropriate, tamper-evident evidence/storage bags and sealed with a barcoded evidence label printed from LEAS.

3. The shift supervisor will verify that all drugs are placed in the appropriate, tamper-evident evidence bag(s) and will witness the officer securing the drugs into the evidence locker within the Temporary Evidence Room.
4. Officers who take possession of drugs and/or drug paraphernalia shall complete an incident report in accordance with Policies and Procedures # 303 – Incident Reporting and Review Procedures detailing the circumstances by which such property came into the Department’s possession and describing such property.
5. The Property Officer(s) will be responsible for the following:
 - a. Transporting the drugs/paraphernalia to and from the State Laboratory when required.
 - b. Obtaining a receipt at the State Laboratory from the person taking possession of the evidence.
 - c. The property officer shall secure the drugs/paraphernalia in the Evidence Room and record any other transfers of property in the property function of LEAS.
6. Seizure of Marijuana and Marijuana related drug paraphernalia
 - a. Any officer who issues an infraction for possession of marijuana (less than ½ ounce) in violation of Connecticut General Statute § 21a-279a or an infraction for possession of drug paraphernalia in connection with less than ½ ounce of marijuana in violation of Connecticut General Statutes § 21a-267(d)(1) and/or § 21a-267(d)(2), shall seize said marijuana or drug paraphernalia and transport it to the Department. The issuing officer shall field test, photograph, weigh, and log the marijuana into evidence; the drug paraphernalia shall be photographed and logged into evidence. An Inventory of Property Seized Without Search Warrant (JD-CR-18) shall be filled out, with the box “destroy” checked off. The property officers will be responsible for the destruction of the marijuana in accordance with state law.

F. Property Officer

1. It shall be the responsibility of the Property Officer to inspect the Evidence Room, Evidence Locker and Temporary Evidence Room on a regular basis.
 - a. If such inspection reveals any discrepancies, the Property Officer shall immediately initiate an investigation and notify the Chief of Police.
 - 1) Upon completion of any such investigation, the Property Officer shall provide a written report to the Chief of Police with his/ her findings and any recommendations for either changes in policies and procedures and/or for further investigation involving and discrepancy by the Internal Affairs Officer (IAO).
 - b. If no discrepancies are found, the Property Officer shall transfer all items to the Evidence Room.

- c. The Property Officer shall record in the property function of LEAS the location of the evidence in the Evidence Room.
 - d. If items are to be returned to the owner within two (2) days, they may be placed in the Temporary Evidence Room.
 - e. Drugs, drug paraphernalia, money, weapons, jewelry, and other items of value will be stored in dedicated areas within the Evidence Room, which will remain secured
2. All seized property shall remain in the custody of the Department under the control of the Property Officer until a disposition order is received from a court having jurisdiction.
 3. If at any time the Property Officer notices any discrepancies in the records, missing property or evidence or property that shows signs of tampering, he or she shall notify his/ her commanding officer.
 - a. If personnel cannot immediately account for the discrepancies or locate the missing property, the commanding officer shall alert the Chief of Police and refer the matter to the IAO for investigation.
 4. All property held as found or secured by this Department for any other purpose shall remain in the custody of this Department until returned to a properly identified owner or other disposition is authorized by State statute.
 5. All evidence forms, receipts, and official documents relating to evidence and/or property in the custody of this Department will be maintained by the Property Officer in accordance with the applicable State statutes and this directive.
 6. State and Department forms used for the administration and accounting of evidence and property retained by this Department shall consist of, but not limited to the following.
 - a. State Form JD-CR-18 Property Seized Without A Search Warrant.
 - b. State Form JD-CR-52 Property Seized With A Search Warrant.
 - c. Property receipt form.
 - d. Returned property form.
 - e. Receipt for seized property/advisement of rights JD-CR-42.

G. Evidence Records Responsibilities

1. All property/evidence, whether seized, found, or held for safekeeping will be logged into the Temporary Evidence Room and documented on a JD-CR-18 or JD-CR-52 form.

2. All property/evidence received by the Department will be entered into the property file within the Department's computer system, LEAS. This file will provide an inventory and status of all property received and handled by the Department. It is the responsibility of the Shift Commander to ensure that all property received is properly logged into LEAS and placed into the Temporary Evidence Room.

H. Evidence Room Inspection/Audit

1. The Property Officer shall conduct an inspection of the Evidence Room semi-annually to ensure adherence to the procedures used for the control of property and evidence.
 - a. The Property Officer shall submit a written report to the Records Division's supervisor detailing the formal review.
2. As directed by the Chief of Police, a supervisor who does not oversee the Department's property and evidence function shall conduct an annual audit of the Evidence Room along with the Property Officer to ensure the physical and evidentiary integrity of property/evidence is maintained to the following standards.
 - a. Property is maintained consistent with Departmental policies and procedures.
 - b. Property that has no further evidentiary value, is unclaimed found property (held for a sufficient amount of time according to State statute) and/or has been released by the court is disposed of properly.
3. The personnel conducting the audit will submit a written report to the Chief of Police annually.
4. When a new Property Officer is named, he/she and the Records Division's supervisor shall perform an audit of the Evidence Room. The new Property Officer shall not assume his/her duties until any and all discrepancies are documented/resolved and reported to the Chief of Police.
 - a. Any discrepancies found in any audit and review will be referred to the IAO for possible investigation.
5. The Chief of Police or his/her designee shall conduct unannounced inspections of the Evidence Room at least once a year. Such personnel will be accompanied by the Property Officer.

I. Found Property

1. Found property or other property in custody of the Department, but not subject to court ordered disposition, shall be returned to any person or agency only when the Property Officer has verified the identity of the owner of the property.
2. The Property Officer will obtain a signed receipt or have the person electronically sign for the property returned.
3. The Property Officer shall deliver a copy of this receipt to the Records Division where it shall be inserted into the case file.

4. Any person requesting the return of property being held by the Department for any reason shall be referred to the Property Officer. In the absence of the Property Officer(s), a supervisor may return found property to their rightful owners after having the owner sign a returned property receipt (or have the person electronically sign).
5. If found property remains unclaimed and an owner cannot be identified, found property will be donated to charity, re-purposed for Department use and/or destroyed.

J. Evidence Subpoena to Court

1. Any officer requiring evidence for presentation in a court case shall advise the Property Officer of the time, date, case number, and item(s) of evidence required.
2. When any evidence is removed from the Evidence Room for presentation in court, the officer receiving same will sign a receipt to the Property Officer. In most instances, the Property Officer will transport the evidence for presentation at court.
3. The Property Officer will attach the receipt to the other documents and receipts concerning that particular evidence.
4. The Property Officer shall indicate on the property receipt to whom the evidence was released and for what purpose.
5. If the evidence is returned to the Department, the responsible officer shall return it directly to the Property Officer.
 - a. The Property Officer will sign a receipt to the officer.
 - b. A copy of this receipt will then be attached to the original case file, and the evidence will be logged into LEAS as evidence, and returned to the Temporary Evidence Room or Evidence Room.
6. In the event that the Property Officer is unavailable at the time of return to the Department, the shift supervisor will issue a receipt to the officer returning the property and follow the procedures for receiving evidence/property.
 - a. The supervisor shall enter it into the Temporary Evidence Room as described above.

K. Bicycles

1. Bicycles shall be processed like any other property, but shall be stored in the fenced impound area. In the event that a bicycle is received when the Property Officer is not present, bicycles shall be temporarily stored in the downstairs hallway and must be properly tagged and logged into LEAS.
2. Bicycles shall be properly identified by having a evidence tag with the case number attached to the bicycle.

3. The Property Officer shall transfer bicycle) to the fenced impound area or another appropriate evidence storage location.
4. Unclaimed bicycles may be donated to charity, re-purposed for Department use and/or destroyed.

L. Impounded Vehicles

1. When it is necessary to seize, impound, or otherwise take into Department possession any motor vehicle, the vehicle will be stored at the rear of the Department.
2. In the case of life threatening or fatal motor vehicle accidents, the vehicle(s) will be secured in the rear parking lot or the maintenance garage and properly secured with evidence tape and an evidence tag.
3. At the conclusion of the inspection or evidence processing, the vehicle will be stored at the rear of the Department.
4. When such a vehicle is seized, impounded, or otherwise taken into Department custody, the shift supervisor will ensure that the vehicle is inventoried on the appropriate form, which will accompany the incident report (unless an exigent circumstance exists). The inventory shall include all areas of the vehicle and any compartments or containers which may contain personal property.
5. If impounded as a result of a motor vehicle accident, an authorized mechanic shall be allowed access, by the investigating officer, only as it relates to conducting a mechanical inspection as part of the investigation.

M. Disposition of Property/Evidence

1. Property will be disposed of in accordance with instructions provided by compliance orders issued by a judge of the court or, as provided in the appropriate State statute(s).