

Stowe Police Department

General Order: 2.07	Related General Orders:
Property and Evidence Management	
This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.	
Applicable Vermont Statutes: 20 VSA § 2301, 2303, 2304, 2305, 2306	
Date Implemented: 5/22/2014	Date Revised:

I. PURPOSE:

1. To outline the procedure of this Department with respect to property, contraband or evidence that is seized.

2. POLICY:

1. The policy of this Department is to provide for the reasonable safekeeping of all property that comes into possession of this agency. With respect to evidentiary items, this agency shall maintain a proper chain of custody and secure such items in a manner that will ensure that the evidence is available to be admitted at trial.

III. PROCEDURE:

1. General provisions applicable to ALL evidentiary items.

A. Members of this Department shall only seize items under the following conditions:

- a. Officer has probable cause to believe that an item is contraband. (Contraband is an item(s) that by their very nature are illegal to possess. E.g. illegal narcotics)
- b. Officer has probable cause, at the moment of seizure, that the item to be seized is stolen.
- c. Officer has probable cause, at the moment of seizure, to believe that the item is evidence of a crime.
- d. Public Safety and court order.

- B. Once an item is seized it shall be transported to the police headquarters as soon as practical.
- C. Officers who have seized the property shall fill out any Department property forms and enter the property into the Department computer system.
- D. In cases where the items relate to a criminal investigation all forms necessary for criminal processing shall be compiled.
- E. All evidence shall be properly packaged and tagged with the incident number, date of seizure, the officer's name as well as the suspect's name where applicable.
- F. All evidence will be photographed and the photo's copied to the incident in the Departments computer system.
- G. The officer shall then store the item(s) in a secure area of the Evidence/Processing Room (Pass-Thru Locker System).
- H. No evidence will be left out anywhere in the building or unsecured in the Evidence/Processing Room. All evidence will be secured in the Pass-Thru Locker System. If the evidence is too large to fit in the Pass-Thru Locker System or there are numerous items of evidence then the Evidence Officer or Chief of Police will be notified to secure the items temporarily in the Evidence Property Room or other designated area. If there are many items of evidence and the inventory or processing of that evidence will take an extended period of time then the Evidence Officer or Chief of Police will be notified to secure the items temporarily in the Evidence Property Room or other alternative area.
- I. Once the evidence has been secured by the officer, it shall remain in the secure area (Pass-Thru Locker System) until such time as the Evidence Officer can move and secure the item(s) in the Evidence Property Room.
- J. The Evidence Officer will remove any evidence from the Pass-Thru Locker System and make sure that the evidence has been properly packaged, properly tagged and the inventory list/paperwork is attached.
- K. If any discrepancies are discovered between the items listed on the inventory list and the item(s) being moved to the Evidence Property Room, the Evidence Officer will check with the officer submitting the evidence and completed the inventory list to determine the reason for the discrepancy. If the discrepancy cannot be explained or resolved by the Evidence Officer, the Chief of Police will be notified.
- L. The Evidence Officer will then secure the evidence in the Evidence Property Room. The Evidence Officer will log all evidence in the Evidence Property Room, which will

include the location of the evidence within the Evidence Property Room (specific locker, shelf, rack, etc).

- M. Drugs, jewelry and money will be stored in a locked file container in the Evidence/Property Room. The Evidence Officer will maintain a key and the Chief of Police will have a key.
- N. When evidence is needed for court, the officer assigned to the case shall notify the Evidence Officer. The Evidence Officer will sign out the evidence to the case officer and sign the evidence back in when the case officer returns it. The Evidence Officer is responsible for ensuring that all paperwork is completed to document chain of custody for all evidence. If the Evidence Officer is not on-duty when the officer returns the evidence, the officer will secure the evidence in the Pass-Thru Locker System.
- O. When large amounts of evidence or narcotics are seized and storage is impractical, the seizing officer and/or supervisor may substitute photographs or videotapes of the items with prior written approval from the States Attorney.

2. Evidentiary Narcotics

- A. Officers who seize drugs shall complete all paperwork that accompanies these arrests. The suspected narcotics should be field tested, where applicable, weighed, properly packaged and tagged. The packaged and tagged narcotics along with the inventory list shall then be placed in the Pass-thru Locker System or other designated area.
- B. Drugs should be removed from unnecessary exterior packaging and a net weight taken and recorded. Photographs of the packaging before and after should be taken to document the packaging.
- C. Narcotic examination reports shall be completed, if applicable. Any narcotics that require a toxicology examination will be delivered to that agency and the proper chain of custody paperwork will be completed. The Evidence Officer will maintain the receipts for the evidence.
- D. The Evidence Officer shall be responsible for ensuring that any narcotics sent for toxicology testing is returned and properly documented as well as stored in the designated areas of the evidence room.

3. Non-Evidentiary Narcotics

- A. Any drugs or other narcotics that are found and turned over to the police department will be properly documented and secured in the Pass-thru Locker

System as outlined above. The Officer will complete an incident report, property form and properly package the item(s).

- B. The Evidence Officer shall retrieve the item(s) from the Pass-thru Locker System and secure the item(s) in the designated narcotic storage in the Evidence/Property Room until such time it can be disposed of.

4. Narcotic Disposal

- A. Any drugs, narcotics or substances that have been seized by any member of this Department, must be inventoried, reported, audited, handled, tested, stored, preserved, or destroyed pursuant to procedures promulgated by the State of Vermont and this Department.
- B. The chief law enforcement official of the seizing agency, his designee, or the clerk of the court, after one (1) year following the conviction, guilty plea, plea by nolo-contendere, or other disposition of the criminal case, may order the destruction or other lawful disposition of the drugs, narcotics or other substances that is unnecessary for evidentiary purposes.
- C. The chief law enforcement official of the seizing agency or his designee, after a reasonable period of time following the seizure, may order the destruction or other lawful disposition of the drugs, narcotics or other substances that do not come within the jurisdiction of the court (example: contraband).
- D. When large amounts of drugs, narcotics or other substances are seized and storage is impractical, the seizing officer and/or supervisor may substitute photographs or videotapes of the items with prior written approval from the States Attorney. When substitutions are used, the chief law enforcement official or his designee may authorize the destruction of the drugs, narcotics or other substances following the seizure with the authorization from the States Attorney.
- E. It shall be the responsibility of the Evidence Officer to perform reconciliation between the drugs within the custody of this Department and the disposition of cases. The purpose of this reconciliation is to determine those cases where drugs will no longer be needed as evidence. In cases where the drugs are no longer needed, the drugs will be destroyed in accordance with the procedure set by the State of Vermont and the Department.
- F. When the narcotics are ready for destruction the Evidence Officer will indicate on the evidence property sheet the items to be destroyed, date and time of destruction, method of destruction and the name of the witness to the destruction. The Evidence Officer will also complete any additional paperwork and record the activity in the computer system for that incident.

5. Stolen Property

- A. In addition to the general provisions of this General Order the following particular provisions also must be complied with when dealing with stolen property or property where there is probable cause to believe is stolen. It should be noted that State Legislatures set diverse requirements for types of stolen property and for property that has been recovered as stolen from varying crimes. It is the intent of this General Order to be broad enough to cover all stolen property irrespective of the crime or type of property that will meet all the requirements of law.
- B. When dealing with any types of stolen property officers responsible for that property shall comply with the provisions of the Vermont law.
- C. Officer shall secure the property believed to be stolen and create an inventory detailing the property taken into custody in accordance with the general provisions of the General Order.
- D. The Evidence Officer is responsible for and shall verify that any item brought into the custody of this Department is property logged and secured.
- E. The Evidence Officer may deliver the stolen property to its rightful owner upon satisfactory proof of ownership after meeting the provisions of state law.
- F. Anytime a firearm is returned to a person a criminal history check must be done to determine if the person receiving the firearm has been disqualified by some conviction from possessing a firearm.
- G. Prior to the return of a firearm, a check of available databases concerning domestic violence protective, restraining or non-contact orders shall be conducted to determine if the person receiving the firearm has been disqualified by some conviction from possessing a firearm. **A Stowe Police Department-Firearms Return Questioner Form will be completed.**

6. Other Seized Property

- A. In the course of investigating crime it is often necessary to seize what courts refer to as “mere evidence” to establish a connection between a suspect and a crime. This would include items such as wallets with identification, clothing, photographs and any other item that belongs to a suspect, victim or witness to a crime. While some of these items may have no monetary value they may in fact be valuable to the rightful possessor of the property.
- B. In addition to the general provisions of this General Order which must be followed for all items coming into custody of this Department, additional particular provisions shall also be followed.

- C. Prior to returning any property to a claimant the following criteria shall be met:
 - a. Claimant must show proof of identification, if not known by the officer.
 - b. The person claiming the property shall sign the property return form.
 - c. No items in the custody of this Department shall be disposed except in accordance with the provisions of this General Order.
- D. Firearms that are no longer necessary for evidentiary purposes and have not been returned to a rightful owner, shall be disposed of in accordance with Vermont law.

7. Disposition of Seized and Other Property Held

- A. Seized property or abandoned property and articles which come into custody of this Department shall be initially handled in accordance to the provisions of this General Order.
- B. In addition to the general provisions, other specific procedures required by Vermont law must be followed.
- C. Unless other disposition is specifically provided by law, when property seized or held is no longer required as evidence, it shall be disposed of by the law enforcement agency as the agency may deem adequate as follows:
 - a. Property stolen, embezzled, obtained by false pretenses, or otherwise obtained unlawfully from the rightful owner thereof shall be restored to the owner.
 - b. Money shall be restored to the owner unless it was used in unlawful gambling or lotteries or it was used or intended to be used to facilitate a violation of laws in which case the money shall be forfeited and disposed in compliance with law.
 - c. Contraband shall be destroyed unless they may reasonably be returned to a condition or state in which such goods may be lawfully used, possessed or distributed by the public.
 - d. Firearms, explosives, ammunition, bombs and like devices shall be destroyed.
 - Under 20 VSA § 2303 (a): Any unlawful firearm in the possession of an agency which is not needed as evidence for or in a criminal prosecution or other judicial or administrative proceeding shall, within 30 days of its receipt by the agency, be delivered to such place and in such manner as the commissioner of public safety designates for ultimate disposition in accordance with the provisions of this chapter.
 - Under 20 VSA § 2303 (b): Any unlawful firearm in the possession of an agency needed as evidence for or in a criminal prosecution or other judicial or administrative proceeding may be retained by

the agency for such purposes and until the conclusion of such prosecution or proceeding. Upon notice to the agency from a state's attorney, other prosecuting official, or other state or federal official having jurisdiction over the subject matter that the unlawful firearm may be released, the agency shall, within 30 days of such notification, deliver the unlawful firearm to such place and in such manner as the commissioner of public safety designates for ultimate disposition in accordance with the provisions of this chapter.

- e. Animals which are seized and no longer required as evidence will be disposed of pursuant to a court order or notification from the States Attorney.
- f. Any other property shall be disposed of in accordance with a court order.

8. Found / Lost Property

- A. Found or lost property which comes into custody of this Department shall be properly inventoried and the officer shall fill out any Department property forms and enter the property into the Department reporting computer system.
- B. The officer will make all reasonable efforts to contact the owner of the property if known.
- C. The property will be stored in the Evidence Processing Room – Found Property storage area.
- D. If the property has not been returned to the owner in fourteen (14) days it will be properly logged and placed into the Evidence Property Room by the Evidence Officer. The Evidence Officer will make sure that all methods of contacting the owner have been exhausted and will make any additional attempts if needed. The Evidence Officer will make sure the property paperwork and computer system is updated to reflect the property move and storage in the Evidence property Room.
- E. Any officer returning found or lost property to an owner will have that person sign the property form. The officer will indicate on the Property Return Form:
 - Name of owner or person claiming the property
 - Claimant must show proof of identification, if not known by the officer.
 - Signature of owner or person claiming the property
 - Date and Time property was returned
 - Returning Officers signature
- F. The Officer releasing the property will document the property release and update the information in the computer system.

- G. Once the property has been moved to the Evidence Property Room after the fourteen (14) days the property can only be released by the Evidence Officer.
 - H. If any lost or found property where the owner can not be identified or the property cannot be returned to the owner shall be disposed of after six (6) months. Any found or lost property will be publically advertised twice during the six (6) month period to see if the property can be claimed before any disposal occurs. The Evidence Officer will submit a list of the property to the Chief of Police so that it may be publically advertised. If the owner of the property cannot be identified and the property is of some value, then the Evidence Officer may return the property to the person who found it, if known.
9. Evidence Officer
- A. The Evidence Officer will be a supervisor assigned by the Chief of Police.
10. Evidence Processing Room
- A. Only Department authorized personnel will have access to the Evidence Property Room.
 - B. The Evidence Processing Room will be used for processing, packaging and examining any evidence or property. All supplies relating to evidence and property will be stored in the Evidence Processing Room.
 - C. The temporary lost and found property storage area will be located in the Evidence Processing Room.
 - D. Any prisoner property that is being held will be stored in a designated area in the Evidence Processing Room.
11. Evidence Property Room
- A. The Evidence Officer and the Chief of Police are the only personnel who will be authorized to access the Evidence Property Room.
 - B. The Evidence Officer is responsible for documenting and securing all property that enters the Evidence Property Room.
 - C. The Evidence Officer is responsible for the removal, chain of custody, return or destruction of any property in the Evidence Property Room.

12. Inspections and Audits

- A. The Chief of Police or his designee will conduct an annual inspection and inventory of the Evidence Processing Room, Evidence Property Room and associated records to ensure adherence to property control procedures.
- B. Unannounced inspections and audits may be conducted as directed by the Chief of Police.
- C. Whenever a new officer is assigned as the Evidence Officer an audit of the property/evidence and records will be conducted jointly by the Evidence Officer, the new Evidence Officer and designee of the Chief of Police.

IV DISCIPLINE:

- 1. Any violation of this policy may be grounds for disciplinary action consistent with any applicable collective bargaining agreement, statute, Department policy or Town Policy.

Issued by: _____

Donald Hull
Chief of Police