



ACTON POLICE DEPARTMENT

DEPARTMENT MANUAL; P&P: Property Management		
POLICY & PROCEDURE # 6.02	DATE OF ISSUE: 1/24/2024	EFFECTIVE DATE: 1/31/2024
SUBJECT: PROPERTY & EVIDENCE CONTROL	ISSUING AUTHORITY: Chief James Cogan	
REFERENCE(S): Massachusetts Police Accreditation Commission # 84.1.1; 84.1.2; 84.1.3; 84.1.4; 84.1.5; 84.1.6; 84.1.8	___NEW __X__AMENDS ___RESCINDS	

I. PURPOSE

As part of their routine responsibilities, police officers come into possession of types of property and evidence that vary widely in nature, value and condition. These items may include anything from priceless jewelry to the bloodstained clothing of a murder victim, and could be as worthless as yesterday's newspaper or as valuable as an art treasure. Items of property and evidence are normally held by departments subject to strict legal constraints and under control of the department's property and evidence function.

Storing, safekeeping, and managing of property and evidence are major responsibilities, not only for the evidence custodian, but for all officers in the department. Failure of departments to establish effective and efficient systems to gather, manage and secure evidence can lead to civil and criminal charges against officers and to the inability of the criminal justice system to successfully prosecute criminal offenders.

The purpose of this policy is to provide guidance for the submission, custody, and disposition of property which is not the property of the Acton Police Department.

II. POLICY

It is the policy of the Acton Police Department to:

1. Effectively and efficiently manage and control all found, recovered and evidentiary property and any other property coming into the custody of this department;
2. Properly and lawfully preserve, package, record, account for, handle and store all property and evidence recovered or turned in to the Acton Police Department;
3. Take the initiative to return property to its rightful owner or owners in the most expedient manner;
4. Dispose of property and evidence that are no longer useful or are potentially dangerous, as provided by law; and,

5. Maintain strict accountability for all property and/or evidence.

III. DEFINITIONS

- A. *Property*: In this policy “property” refers to all evidentiary, found, impounded, abandoned, recovered, and seized property in the Department’s custody.
- B. *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.
- C. *Inspection*: An examination of the agency’s property storage areas to determine that they are being maintained in a clean and orderly fashion, that the agency directives concerning the property management system are being followed (property handling, documentation, etc.), and that the property is being protected from damage and deterioration.
- D. *Inventory*: An accounting of every item of property.
- E. *Property Record*: Electronic records contained in the property and evidence management program that document and describe an evidence item and reflect its status within the custody of the property and evidence function. **[84.1.5]**
- F. *Property and Evidence Room*: A designated storage room for property and evidence under the control of the property and evidence function.

IV. PROCEDURES

A. Property Function Administration and Management

1. Property and Evidence Officer: Officers designated by the Chief of Police to record and maintain incoming and outgoing property and evidence. Property and Evidence Officers shall be the only employees with access to the PSF’s secure Property and Evidence Room. **[84.1.2(2)]**

B. Security and Access to Property Storage Areas

1. AUTHORITY TO ACCESS PROPERTY AND EVIDENCE ROOM

- a. The Acton Police Department shall maintain areas for the secure storage of items of property and evidence in the custody of the Police Department.
- b. Unescorted access to such areas shall be limited to employees who are assigned to work regularly in such areas by the Chief of Police.
- c. Other persons may access the property and evidence storage areas provided that:

- 1) They are escorted at all times by a Property and Evidence Officer.
- 2) They are accessing the area for a legitimate work function such as:
 - a) Conducting an inventory;
 - b) Conducting an inspection; or
 - c) Conducting maintenance of the facility or equipment.
- 3) The visit is recorded in the Property and Evidence Room Visitors Log.
- d. Visitors shall not enter the property and evidence room for the purpose of station tours.

2. PROPERTY AND EVIDENCE ROOM SECURITY

- a. Keys, pass-fobs, or other means of entry to property and evidence storage areas shall not be possessed by any person who is not specifically authorized unescorted access by the Chief of Police.

3. LIMITED SECURITY STORAGE

- a. Bulky items such as vehicles, boats, and watercraft, which remain in police custody and have already been or will not be subjected to processing for evidence, may be stored in a limited security storage area. Such areas include:
 - 1) The locked storage garage in the carport; or
 - 2) Secured in the rear police lot of the Public Safety Facility. **[84.1.2(E)(G)]**
- b. Vehicles and trailers shall be locked and/or immobilized if possible.
- c. Keys shall be submitted to the property and evidence function.

C. Packaging Property and Evidence for Submission

1. GENERAL PRECAUTIONS

- a. It is necessary that property and evidence in the Department's custody be carefully accounted for to minimize the possibility of adverse claims against the Department and to maintain the Department's credibility in courts.
- b. To this end, all personnel shall be aware of and practice the following:
 - 1) No property, evidence, or contraband shall be stored in any office, desk or locker, vehicle, or other unauthorized location. (Evidence may be temporarily stored in a vehicle for security purposes in the field.)
 - 2) Property or evidence shall not be left unattended or unsecured at any time.

- 3) Property and evidence shall be handled with care so as to protect any evidentiary value of the item.
- 4) The chain of custody shall be carefully maintained with as few persons as possible taking custody of the property.
- 5) Upon taking custody of property or evidence, the officer shall promptly return to the station and document, package, and submit item(s) to the property and evidence function pursuant to this policy.
- 6) No member of the Department shall take, use, or possess any item that has been recovered or confiscated by the Department, for other than those purposes sanctioned by the Department.

2. DOCUMENTATION OF PROPERTY AND EVIDENCE

- a. All property and evidence, that has been recovered by an officer, shall be documented in the officer's report, prior to the end of his/her tour of duty, in the following manner: **[84.1.1(1)(3)]**
 - 1) Location of where the property was stored (i.e. property locker);
 - 2) Incident number;
 - 3) A description of each item of property; **[84.1.1(3B)]**
 - 4) Quantification of the item (number, weight, size, etc.);
 - 5) Type of property (evidence, found, impounded, abandoned, recovered, seized, destruction, etc.);
 - 6) Name of owner or custodian; and
 - 7) What is to be done with the property, such as:
 - a) Hold for evidence;
 - b) Forward to a laboratory for specific testing;
 - c) Destruction or disposition; or
 - d) Return to owner.
- b. All property and evidence in the custody of this department shall be associated with an incident number and accompanied by a log entry or report explaining the circumstances by which the property came into the agency's possession and describing each item of property obtained. **[84.1.1(3A)]**

3. PACKAGING OF PROPERTY AND EVIDENCE **[84.1.1(4)]**

- a. A property label generated by software or a handwritten label should be included with or affixed to the property container or property bag. Officers should not stick labels directly on any item that could be damaged by the label adhesive. **[84.1.1(5)]**

- b. The evidence items shall be packaged and labeled before being submitted to the property and evidence function. To some degree, packaging and documentation should be guided by the needs of the case. [84.1.1(5)]
 - 1) Items that need to be individually identified should be individually packaged (i.e., a bag of heroin found in a suspect's pocket, a bag of heroin found in the glove compartment, a crack pipe found in an ashtray).
 - 2) Items that are similar and may be identified collectively may be packaged collectively (i.e., five bags of heroin found in a vehicle's console).
 - 3) For further information on the packaging of evidence items, see the department policy on Collection and Preservation of Evidence (6.01).
- c. Bulk items such as bicycles, safes, and vehicles that will not fit into an evidence bag shall be tagged. A tag shall be affixed to the item listing the incident number, date, and submitting officer's name, or a property tag generated by the property and evidence program may be attached.
- d. Items requiring further processing shall be:
 - 1) Clearly marked to identify what type of examination or method of examination is requested;
 - 2) Packaged so as to avoid destroying or contaminating the evidence;
 - 3) Marked to warn Property and Evidence Officers that the item must be handled with care (fingerprints, DNA, etc.). Property and Evidence Officers shall not be responsible for the destruction or contamination of evidence not properly packaged or marked.
- e. Items requiring further processing by the Massachusetts State Police Laboratory shall be submitted with the appropriate evidence submission forms and a copy of the report if needed.
- f. Accuracy and completeness are important. Items not properly submitted to the Property and Evidence Function will be returned to the officer or his/her supervisor for reprocessing and resubmission.

4. DNA TESTING ITEMS

- a. Items submitted for processing for DNA shall be packaged in such a manner as to avoid contamination before submission.
- b. Such items shall be clearly marked to warn Property and Evidence Officers. The property and evidence function shall not be responsible for the inadvertent destruction or contamination of DNA evidence when the submitted item is not properly packaged and clearly marked.
- c. For further information, see the department policy regarding Collection and Preservation of Evidence (6.01).

5. HANDLING VALUABLE OR SENSITIVE ITEMS [84.1.1(8)]

- a. Employees must use a higher level of caution when dealing with valuable or sensitive items, such as cash, jewelry, precious metals, and drugs.
- b. At least two employees shall package and document such items. In the case where circumstances do not allow for two officers, a supervisor may authorize a single officer to package and document such property. Supervisors should use such discretion judiciously.

1) DRUGS:

- a) Drugs must be quantified by type, size, or other classification (2 blue pills, 4 red and white tablets, 3 rocks, 10 bindles, 3 baggies, etc.).

2) CASH:

- a) Cash shall be counted by at least two employees.
- b) The results of the count shall be entered in the reporting officer's incident report, and on the evidence or property bag.
- c) The cash shall be placed in a sealed and completed evidence or property bag to be submitted to the property and evidence function, along with a copy of the incident report.

3) JEWELRY:

- a) Jewelry which could contain precious metals or stones.
- b) This might include expensive watches or other such items.

4) PRECIOUS METALS: Precious metal in a solid form may be quantified. Metal in flakes, dust, etc. shall be weighed.

5) OTHER VALUABLE ITEMS: Other items of value may, at the discretion of the employee or supervisor, require such handling.

6. DELAYED ENTRY AND PACKAGING

- a. Large volumes of evidence, such as from a search warrant, which cannot be processed before the end of the shift may be stored in a sealed container or locked in a secure room.
- b. Property items seized in an after-hours incident or search warrant may be secured to be processed after employees have rested.
- c. Such actions must be authorized by a supervisor.
- d. The storage area must be secure and the integrity of the evidence not compromised.

D. Submitting Evidence to the Property and Evidence Function

1. Property and evidence shall be submitted to the property and evidence function before the end of an officer's tour of duty. Following the receipt or confiscation of property and/or evidence, Officers shall place such property and/or evidence into the temporary property and evidence lockers with a copy of the incident report for processing by the Property and Evidence Officer(s). **[84.1.1(2)(6)(9A)(9B)(9C)]**
2. DIRECT SUBMISSION: Submitting property and evidence directly into the custody of the property and evidence function is the preferred method.
3. AFTER HOURS STORAGE: **[84.1.3]**
 - a. Property and evidence to be placed in the custody of the property and evidence function when such personnel are not on duty shall be temporarily stored in the temporary property and evidence lockers and noted in the officer's incident report. Within the report, the reporting officer shall include the date and storage locker number. **[84.1.1(6)]**
 - b. The evidence shall be placed in the corresponding locker number and the locker closed and locked.
 - c. Bulk items such as bicycles, safes, and vehicles that will not fit into an evidence locker shall be tagged and placed into the locked garage evidence room. **[84.1.1] [84.1.2(F)(G)] [84.1.1(6)(9E)(9F)(9G)]**
 - 1) An entry shall be made through the Department's records management system listing the storage location by the Property and Evidence Officer.
 - 2) Uninvolved officers shall not handle items left in the garage.
 - 3) Bulk items such as bicycles and safes will then be moved and stored in the inner secured property and evidence room located in the garage by the authorized property and evidence officer. **[84.1.1(10E)(10F)(10G)] [84.1.2(F)]**

E. Processing Property and Evidence

1. RECEIVING PROPERTY: A Property and Evidence Officer may receive property or evidence directly from an officer for processing.
2. PROCESSING PROPERTY:
 - a. Check each property entry in the property and evidence program, and update the property activity to reflect the present status.

- b. The Property and Evidence Officer will move the submitted property and evidence from the temporary lockers and secure the items in a permanent location within the determined Property and Evidence rooms **[84.1.1(7)]**
- c. Store or prepare property and evidence for transportation to the appropriate lab.
- d. Make a diligent effort to identify and notify owners of found or recovered stolen property, and return the property to the rightful owner as soon as it is no longer needed. **[84.1.1(11)]**
- e. Prepare property for legal disposition, such as auction or destruction.

3. DRUGS:

- a. Property and Evidence Officer: Drugs in the custody of the property and evidence function are the responsibility of the Property and Evidence Officers.
- b. Drug Storage: Drugs shall be stored in a locked area within the property and evidence storage room. When not in use, such locked area shall remain locked and secured. **[84.1.2(2C)]**
- c. Transfer of Custody: When drugs are being issued from or returned to the custody of the property and evidence function, the Property and Evidence Officers shall inspect the drug packaging and contents for any evidence of damage or tampering.
 - 1) The Property and Evidence Officer shall inspect the evidence and if he/she believes that the evidence is compromised:
 - a) The packaging shall be preserved as evidence.
 - b) The Chief of Police shall be advised, and the Property and Evidence Officer(s) shall submit a report to the Chief of Police regarding the incident.
 - 2) The Chief will notify the Internal Affairs Supervisor to initiate an immediate investigation.
 - 3) Additionally, as part of that investigation, Internal Affairs will conduct a full inventory and audit of all drugs and drug records.
- d. Destruction:
 - 1) Drugs may be destroyed upon receipt of an order of destruction issued by the court, after adjudication of a case, or when submitted to the property and evidence function for that purpose.
 - 2) When drugs are to be destroyed, the Property and Evidence Officer(s) ensure that the drugs are prepared for destruction.
 - a) Drug destructions must be authorized by the Chief of Police.

- b) Drug destructions shall be conducted by the Drug Evidence Officer and at least one other employee.
- c) Upon completion of drug destruction, the activity for each item shall be updated to reflect the destruction of the item and the closed status of the case.

4. HYPODERMIC NEEDLES:

- a. Hypodermic needles and syringes shall be accepted only when properly packaged to prevent an accidental needle stick. Needles not in factory packaging should be placed into a syringe container prior to being submitted.
- b. Non-evidentiary hypodermic needles shall be disposed of by the reporting officer in an authorized sharps disposal container.

5. FINGERPRINT ITEMS:

- a. Items submitted for processing for latent fingerprints shall be clearly marked to warn Property and Evidence Officers. The property and evidence function shall not be responsible for the inadvertent destruction of fingerprints when the submitted item is not clearly marked.
- b. Property and Evidence Officers shall wear gloves when handling such items.
- c. Such items shall be handled with care so as to preserve any existing fingerprints.

6. DNA TESTING ITEMS:

- a. Items submitted for processing for DNA shall not be accepted unless they have been packaged in such a manner as to avoid contamination prior to submission.
- b. Such items shall be clearly marked to warn Property and Evidence Officers. The property and evidence function shall not be responsible for the inadvertent destruction or contamination of DNA evidence when the submitted item is not properly packaged and clearly marked.
- c. Such items shall be handled with care so as not to contaminate the item.

7. HIGH VALUE ITEMS:

- a. High-value items shall be stored within a secured/locked area within the property and evidence room. High-value items are described as cash, firearms, drugs, and jewelry [84.1.1(10A)(10B)(10C)] [84.1.2(A)(B)(C)]
- b. Cash: The property and evidence function will not provide long-term storage of cash unless the Chief of Police specifically authorizes such storage for a specific case.

- 1) Cash received by the property and evidence function shall be promptly forwarded to the Town Accountant or returned to the proper owner.
[84.1.2(A)]
 - 2) Cash will be accepted only if it has been accounted for by the submitting officer and placed in a sealed container. See Handling Sensitive Items in this policy.
 - a) Cash forwarded to the Town Accountant will be made under the direction of the Chief of Police.
 - b) Cash to be immediately returned to the owner or custodian shall be counted in the presence of the owner or custodian and properly returned.
 - c) Cash to be returned to the owner or custodian at a later time will be overseen by the Town Account at the direction of the Chief of Police and the return of funds will be made by check.
8. PERISHABLE ITEMS: Perishable property or evidence, such as blood or a Sexual Assault Kit, shall be refrigerated in a secured property and evidence refrigerator at the PSF, until such time that it is transported to the lab for analysis. Larger perishable items that do not fit into the refrigerator locker shall be placed into the spare refrigerator in the evidence processing room and locked. **[84.1.1(9D)(10D)]**
[84.1.2(D)]
9. FIREARMS:
- a. Firearms shall be received only after having been unloaded and rendered safe. **No loaded firearm** shall be accepted or stored by the property and evidence function. For further information, see the department policy regarding the Collection and Preservation of Evidence (6.01).
 - 1) Firearms shall not be placed in any evidence box or container until the firearm has been checked to ensure that it is unloaded and safe.
 - 2) Any firearm removed from an evidence box or container shall be checked to ensure that it is unloaded and safe.
 - 3) No firearm shall be stored with a magazine inserted into the magazine well.
 - b. Firearms shall be stored in a secure area within the property and evidence room, which will remain secured and locked when not in use.
10. EXPLOSIVE DEVICES
- a. No live explosive devices, with the exception of consumer fireworks, shall be accepted or stored by the property and evidence function.

- b. Under no circumstances are explosive devices such as dynamite, hand grenades, blasting caps, etc., to be brought into the station.
- c. When an explosive device or suspected explosive device is located, the officer locating the device shall inform the patrol shift supervisor, who shall notify the State Police Bomb Disposal Unit.
- d. Upon being rendered safe, non-explosive components may be properly received.

11. LOST OR FOUND PROPERTY

- a. Officers shall place such lost or found property into the temporary property and evidence lockers with a copy of the incident report for processing by the Property and Evidence Officer(s). **[84.1.1(9H)]**
- b. After processing, lost or found property shall be secured within the property and evidence room on an assigned shelf. **[84.1.1(10H)] [84.1.2(H)]**

F. Temporary Release of Property or Evidence **[84.1.1(12)]**

1. PRIMARY RELEASE OF PROPERTY OR EVIDENCE

- a. The temporary release of property or evidence from the custody of the property and evidence function shall be conducted or coordinated by Property and Evidence Officers assigned to that function.
- b. Property or evidence may be released for the purposes of:
 - 1) Use as evidence in court or another hearing;
 - 2) Laboratory examination;
 - 3) Identification of property by the owner, victim, or witness;
 - 4) Investigation; and
 - 5) Other law enforcement purposes.
- c. Whenever property or evidence is removed from the custody of the property and evidence function, the chain of custody shall be maintained.
 - 1) A notation shall be made in PAMET containing the following information:
 - a) Date and time;
 - b) Property number(s);
 - c) Name of person taking custody;
 - d) Reason for removing the item (court, laboratory processing, investigation, etc.); and

- 2) A Property and Evidence Officer shall update the status of the property or evidence in the property and evidence program reflecting the release from custody and to whom the item was released.
- 3) The person receiving temporary custody of property or evidence must return the property or evidence promptly.
- 4) The Property and Evidence Officer shall re-enter the property or evidence back into PAMET upon return of such property or evidence.

2. PROPERTY RELEASED FOR INVESTIGATIVE OR TRAINING PURPOSES **[84.1.4]**

- a. The Acton Police Department shall not release property and/or evidence for investigative or training purposes.

3. RETURNED PROPERTY

- a. When property or evidence is being returned to the custody of the property and evidence function, the returning party may return the item in person, or when no Property and Evidence Officer is on duty, the item may be placed in the temporary storage lockers. See Temporary Evidence Storage in this policy.
- b. The Property and Evidence Officer will examine the item to ensure that it is the same item that was released and that it is in the same condition.
 - 1) If all is in order, the item will be received and the activity updated in the property and evidence program.
 - 2) Any unexpected or unexplained change or alteration of the item shall be immediately reported to the Property and Evidence supervisor for further action.

G. Final Disposition of Property **[84.1.1(13)]**

1. RELEASING PROPERTY

- a. All property permanently released from the custody of the property and evidence function shall be documented and accounted for.
- b. A property release form shall be completed.

2. DISCARDED OR DESTROYED PROPERTY

- a. All property in the custody of the property and evidence function which is discarded or destroyed shall be documented and accounted for.
- b. Upon the property's being discarded or destroyed, the property record for each discarded or destroyed property item shall be updated to reflect the disposition of the property and the change of the status of the property item to "closed."

3. PROPERTY SUBMITTED FOR DESTRUCTION

- a. When receipt is received of property submitted for destruction, such property shall be processed and held for destruction or destroyed.

4. EVIDENCE NO LONGER NEEDED [84.1.7(2)]

- a. It is the responsibility of the investigating officer to notify the property and evidence function when evidence is no longer needed for reasons such as:
 - 1) A court case has reached a disposition, and all appeals have been exhausted.
 - a) The investigating officer shall coordinate with the Department's Court Prosecutor to verify that all court issues have been resolved. [84.1.7(3)]
 - b) The Department's Court Prosecutor will communicate with the District Attorney's Office about the need for destruction notices and the return of property if applicable. [84.1.7(3)]
 - 2) No suspects were identified, and prosecution has been forbidden by the statute of limitations.
 - a) Such evidence will be promptly returned to the owner whenever possible.
 - b) The property and evidence function shall make a diligent effort to notify the owner. Such notification may be made by telephone, e-mail, or U.S. mail.

5. FOUND PROPERTY: RIGHT OF CLAIM BY FINDER: The finder of money or property may request that such property be turned over to him/her after one year has passed since the property or money was found.ⁱ [84.1.7(1)]

- a. If the owner becomes known and makes a claim to such property within one year, the property shall be returned to the owner.ⁱⁱ
- b. If the owner remains unknown or does not make arrangements to obtain the property within one year of the date of finding, the property, if claimed, shall return to the finder.ⁱⁱⁱ
- c. At the time the finder surrenders the found property, a Notification of Finder form shall be completed and submitted into the property and evidence function with the found item(s).
- d. If the finder does not claim the property, such property may be disposed of.

6. OTHER LOST, STOLEN, ABANDONED, OR UNCLAIMED PROPERTY

- a. Other lost, stolen, abandoned property, or property taken from a person under arrest (excepting arrestee property to be returned upon release), shall be forwarded to the property and evidence function and secured in the property and evidence room. Such property shall also include: **[84.1.2(I)]**
 - 1) Property left behind by arrested persons; and
 - 2) Safekeeping property not reclaimed by the owner after notice or attempt of notice.
- b. All such property shall be retained for a period of at least one month.
- c. The property may be sold at auction, provided that:^{iv}
 - 1) The owner or owner's abode or place of business is unknown;
 - 2) If the owner, owner's place of abode or business is known, the owner shall be notified by registered mail; and
 - 3) If the owner refuses or fails to take possession of the property within ten days of receiving notice, the property may be sold at auction.
- d. Owner's Claim to Property:
 - 1) The owner may make claim to the property:
 - a) Within one (1) year after the property came into the possession of the Police Department; or
 - b) Within one (1) year of the sale of such items.
 - 2) If the owner can prove ownership of the property, the owner may receive proceeds from the sale of the property, less any incurred expenses.
 - 3) If the property is not clearly identifiable, and an individual claims ownership, the property shall be released only when that individual establishes ownership rights to such property.
 - 4) Any property that becomes the subject of controversy as to the rightful owner shall not be released to any person, except by written order of the Chief of Police or by a court order.

7. PROPERTY FROM SEARCH WARRANTS

- a. Property or articles stolen, embezzled or obtained by false pretenses, or otherwise obtained in the commission of a crime shall be returned to the rightful owners.^v
- b. All other property seized in execution of a search warrant shall be disposed of as the court or justice orders.
- c. Firearms which have been found to have been kept, concealed or used unlawfully or for an unlawful purpose shall be delivered to the State Police for destruction.

H. DISPOSITION OF FIREARMS

1. FIREARMS TURNED IN FOR DISPOSITION:

- a. The Acton Police Department will turn over all surrendered firearms to the Massachusetts State Police for destruction.

2. FIREARMS HELD FOR SAFEKEEPING

- a. Firearms surrendered to the Acton Police Department for the purpose of safekeeping may be transferred over to a bonded warehouse for storage.

3. LICENSE SUSPENSION OR REVOCATION; TRANSFER OF FIREARMS BY OWNER: Firearms Surrendered Pursuant to Suspension or Revocation of License^{vi}

- a. The owner or his or her legal representative may transfer firearms to anyone lawfully permitted to take possession within a year of the revocation or suspension.
- b. If the transfer takes place outside of one (1) year, a licensed firearms dealer needs to take possession of the firearms for transfer.

4. BONDED WAREHOUSE

- a. Firearms held in police custody may be transferred to a bonded warehouse for storage.^{vii}
- b. Surrendered firearms shall be held by the Department for a minimum of 30 days before being transferred to a bonded warehouse.
- c. This shall apply to all firearms with the exception of firearms being held as evidence in any pending case dealing with a firearms violation.^{viii}

I. Asset Forfeiture

1. DOCUMENTATION

- a. Asset forfeitures will be made and conducted by the Middlesex District Attorney's Office Forfeiture Unit. An incident report detailing the items sought for forfeiture will be forwarded to the Forfeiture Unit by the court prosecutor.
- b. Items seized for possible asset forfeiture shall be documented and turned into the property and evidence function as would an evidence item of a similar type. **[84.1.8(A)]**
- c. The officer's incident report shall be filed documenting:^{ix}
 - 1) The exact kinds, quantities and forms of property;
 - 2) From whom the property was received;

- 3) Under what authority it was held, received, or disposed of;
- 4) To whom it was delivered; and
- 5) The manner of destruction or disposition.

2. ASSET STORAGE

- a. Such items shall be stored pending the outcome of such action.
- b. Vehicles shall be immobilized, locked, and stored in the rear police parking area of the Public Safety Facility.
- c. Cash shall be forwarded to the town accountant for deposit in the town bank holding account.
- d. Other items shall be stored in the custody of the property and evidence function.

3. FINAL DISPOSITION **[84.1.8(B)]**

- a. The District Attorney's Office will notify the Acton Police Department of the award.
- b. Funds awarded to this department shall be held in a drug asset forfeiture account.
- c. Such funds shall not be considered a source of revenue to meet the operating needs of the department.
- d. The disposition of all vehicles, real property, and items of value shall be in accordance with the final order of forfeiture. Such disposition may include:
 - 1) Official use by the department or other public agency; or
 - 2) Sale at public auction or competitive bidding.
- e. Funds from the sale of vehicles or property shall be disbursed in accordance with M.G.L. c. 94C, §47.

J. **Property and Evidence Room Integrity Inspections**

1. The department shall conduct scheduled and unscheduled inspections, inventories, and audits of the property and evidence function to maintain a high degree of evidentiary integrity over agency-controlled property and evidence.
2. INSPECTION **[84.1.6]**
 - a. Inspections to determine adherence to the procedures used for the control of property and evidence shall be conducted by the Detective Lieutenant and the Property and Evidence Officer(s). The inspection shall determine if:
[84.1.6(2)]

- 1) Property and evidence, drugs in custody, and the records relating thereto, are being maintained in full compliance with the procedures outlined in this directive, and proper accountability procedures are being maintained;
 - 2) Property is properly stored and protected from damage and/or deterioration;
 - 3) Property having no further evidentiary value is being disposed of promptly; and
 - 4) The evidence/property rooms are being maintained in a clean and orderly condition.
- b. Inspections shall be conducted semi-annually.
 - c. The inspection report shall be filed in the Accreditation Folders. **[84.1.6(3)]**

3. INVENTORY (FULL AUDIT) **[84.1.6]**

- a. An inventory of all property under the control of the property and evidence function shall be conducted as follows:
 - 1) Whenever a Property or Evidence Officer is assigned to or transferred from the position, a full inventory/audit shall be conducted by the newly assigned Property and Evidence Officer, jointly, with the Detective Lieutenant. The inventory shall ensure that records are correct and properly annotated. **[84.1.6(8)]**
 - 2) An inventory shall also be conducted when directed by the Chief of Police.
- b. The purpose of the inventory is to ensure the continuity of custody and not to require the accounting of every single item of property.
 - 1) The inventory shall be sufficient to ensure the integrity of the system.
 - 2) The inventory shall include all high risk items:
 - a) Cash;
 - b) Precious metals;
 - c) Jewelry;
 - d) Firearms; and
 - e) Drugs.
 - 3) A sufficient sample of property records relative to the volume of property under the care of the property and evidence function shall be reviewed carefully with respect to proper documentation and accountability.
- c. All discrepancies should be recorded prior to the assumption of property accountability by the new custodian.

- d. The inventory report shall be filed in the Accreditation folders.

4. AUDIT **[84.1.6]**

- a. An audit of property and evidence in the custody of the property and evidence function shall be conducted:
 - 1) Annually. **[84.1.6(15)]**
 - 2) As directed by the Chief of Police.
- b. Such audit shall be conducted by the Deputy Chief with the assistance of the Property & Evidence Custodian. The Deputy Chief shall not be routinely or directly connected with the control of property and evidence. Under no circumstances should the inspector, designated by supervisory or command officers, have the property function under his or her control. **[84.1.6(12)]**
- c. The audit report shall be filed in the Accreditation folders.

5. UNANNOUNCED INSPECTIONS **[84.1.6]**

- a. Unannounced inspections of the property storage areas shall be conducted as directed by the Chief of Police, but at least annually. **[84.1.6(20)]**
- b. Accountability and security procedures will be the primary focus of this inspection.
- c. The inspection report shall be filed in the Accreditation Folders.

PROPERTY AND EVIDENCE CONTROL INFORMATION

History: Manual I, Section II & III.

ⁱ M.G.L. c. 134, §4.

ⁱⁱ M.G.L. c. 134, §3.

ⁱⁱⁱ M.G.L. c. 134, §4.

^{iv} M.G.L. c. 135, §7.

^v M.G.L. c. 276, §3.

^{vi} M.G.L. c. 140, §129D.

^{vii} M.G.L. c. 140, §129D.

^{viii} M.G.L. c. 140, §129D.

^{ix} M.G.L. c. 94C, §47(e).