

# NIAGARA FALLS POLICE DEPARTMENT

## General Order

<b>DATE:</b> 08/12/2013	<b>SUBJECT:</b> Evidence Control	<b>NUMBER:</b> 109.00 (NYSLEAP O-51-2, O-51-4, A-7-1, A-7-3)
<b>RESCINDS:</b> 01/01/2002		<b>NUMBER OF PAGES:</b> 6

**I. PURPOSE:**

- A. The purpose of this policy is to establish guidelines for maintaining the integrity of the evidentiary chain of custody and protection of property for proper disposal.

**II. POLICY:**

- A. It is the policy of the Niagara Falls Police Department to ensure that any property that is found or seized is properly secured and stored, readily retrievable, and that any changes in its custody have been properly and fully documented.

**III. DEFINITIONS:**

- A. **CHAIN OF CUSTODY:** Documented successive possession of property and evidence.
- B. **IMPOUNDING OFFICER:** The member of the NFPD who initially receives the Evidence and initiates the chain of custody.
- C. **PHYSICAL EVIDENCE:** Any substance or material found or recovered in connection with a criminal investigation.
- D. **FOUND PROPERTY:** Any property which is found abandoned by an officer or reporting person, not believed to be evidence.
- E. **PROPERTY:** Any item taken into custody by this department not meeting the definition of evidence.
- F. **GENERAL EVIDENCE CUSTODIAN:** NFPD member accountable for controlling and maintaining all general evidence and property accepted by or stored in the NFPD's general evidence/property rooms.
- G. **NARCOTICS EVIDENCE CUSTODIAN:** NFPD member accountable

for controlling and maintaining all narcotics evidence and property accepted by NID personnel.

H. CURRENCY AND VALUABLES EVIDENCE CUSTODIAN: NFPD member accountable for controlling and maintaining all currency and valuables (i.e. jewelry, coin, collectibles) accepted by or stored in the NFPD's currency and valuables evidence/property room.

I. FIREARMS EVIDENCE CUSTODIAN: NFPD member accountable for controlling and maintaining all firearms evidence/property accepted by or stored in the NFPD's firearms storage room.

#### IV. PROCEDURES:

##### A. Processing Evidence and Property:

1. Any member of this agency who has evidence or property to be placed in a NFPD evidence/property room shall inventory and document articles using the NFPD computerized evidence and property tracking system. The inventory shall include the following information for all items:
  - a. Description of the item (including make, model number, and serial number).
  - b. Source (from whom or location obtained); and
  - c. Names of persons primarily responsible for collecting the item or items.
  - d. Other information as required by the evidence and property tracking software.
2. The impounding officer shall properly handle, package and mark each package with the appropriate barcode. Smaller sized evidence, including narcotics, currency and jewelry, shall be packaged in a clear plastic evidence and property bag. The bag shall be sealed and a barcode affixed to the outer packaging material. Additionally, a barcode shall be affixed to the report generated by the impounding officer. All pertinent information shall be entered on the face of the evidence bag. A copy of page one of the NFPD report shall be attached to the outer packaging material. All articles will be turned over to the appropriate evidence custodian, if available. If unavailable, property lockers located outside the Crime Scene Unit or other authorized secure locations shall be used to store articles.
3. Items of a hazardous nature shall be appropriately packaged and stored in accordance with NFPD policy and state and federal law. Such substances include but are not limited to items that may have been exposed to or contaminated by communicable diseases,

hazardous chemicals or waste products, explosives or highly combustible products. Where appropriate, the general evidence custodian will make arrangements and assume responsibility for storage and control of such substances outside the evidence/property room.

4. At no time will any member of the Niagara Falls Police Department store evidence or property in their personal locker, vehicle, residence, or locations other than what has been described in this section.

B. Impounding Evidence/Property:

1. The appropriate evidence custodian shall be responsible for receiving, storing, maintaining, releasing, and accounting for all evidence.
2. When evidence is deposited with the evidence custodian or in an approved holding facility, a property receipt shall be completed by the impounding officer. The property receipt shall include all information necessary to both document and ensure the integrity of the chain of custody. Upon receipt of the evidence or property, the evidence custodian shall sign the property receipt. The original copy shall be submitted to the NFPD Records Division for inclusion with the original reports; the yellow copy shall stay with the evidence; and the pink copy will be issued to the impounding officer.
3. Drugs shall be turned over to the Narcotics Evidence Custodian unless the custodian is not available. In this event, the drugs shall be field tested; properly packaged, inventoried and recorded using the NFPD computerized property and evidence tracking system. An NID log sheet shall be completed (excluding the NFPD log number) and attached to the packaging. After barcodes are affixed to the packages and reports, the packages shall be placed in the NID locked box. The Narcotics Evidence Custodian or designee will retrieve the packages, return the pink copy of the signed property receipt to the impounding officer and have the drugs turned over to the NCSD Forensic Laboratory within three days of seizure, unless otherwise directed by the NID Commander. The NID Commander is to be contacted immediately in the event any unusually large seizures of narcotics or currency take place. If a drug arrest is made pursuant to a vehicle stop, or if there is a motor vehicle involved in the arrest, the vehicle shall be towed and a hold placed on the vehicle. The NID Commander should be contacted immediately. The NID Commander will determine if forfeiture proceedings will commence against the property in accordance with federal or state guidelines.

4. All money shall be counted by the Currency and Valuables Evidence Custodian in the presence of the impounding officer or Narcotics Evidence Custodian who retrieved the money from the NID locked box. If the Currency and Valuables Evidence Custodian is unavailable, money shall be counted in the presence of a supervisor. Both the impounding officer and supervisor will sign and record the amount on the property receipt and on the packaging before depositing the money in the NID locked box. This money shall be retrieved by the Narcotics Evidence Custodian and turned over to the Currency and Valuables Evidence Custodian, who shall count the money in the presence of both. Both custodians will sign and record the amount on the property receipt and on the packaging. A signed pink copy of the property receipt will be returned to the impounding officer.
5. Confiscated firearms will be immediately turned over to the Firearms Evidence Custodian unless the custodian is not available. In this event, a Crime Scene Unit officer shall be called to the scene and take custody of the firearm. The CSU officer will follow the same procedures outlined above for logging the evidence. If a weapon cannot be made safe, the weapon is to be brought to the Firearms Training Unit for assistance. If the FTU is closed, the weapon must be secured by the CSU in a secure location. A clear notation must be posted on the outside of the packaging stating the weapon is loaded.
6. Found property will be identified as such on the property receipt.

C. Storage of Evidence:

1. The evidence custodian shall assign a storage location to each item of evidence and record this information using the NFPD computerized property and evidence tracking system.
2. Evidence requiring added security, to include money (more than \$20), precious metals, jewelry, gemstones, furs, and related items, shall be stored separately. Weapons, narcotics, and dangerous drugs shall be placed in a separate secure storage area.
  - a. Cash up to \$20 may be stored with general evidence.
3. Perishable items shall be stored in a refrigerator or other suitable container.

D. Access to the Evidence Rooms:

1. Only members of the NFPD authorized by the Superintendent of Police may enter any evidence room.
2. A log shall be kept by the appropriate evidence custodian that identifies each authorized member entering each evidence room.
  - a. The log may be a part of the NFPD card access system.

E. Inspections of the Evidence Room:

1. On a quarterly basis, the supervisor of each evidence custodian shall inspect the evidence storage facilities to ensure adherence to this order and other policies and procedures.
2. Unannounced inspections of evidence storage areas may be conducted as directed by the Superintendent of Police.
3. An annual inventory of evidence held by the NFPD shall be conducted by a commanding officer not routinely or directly connected with evidence control. This person will be appointed by the Superintendent of Police. Similar inventories shall be conducted whenever a new evidence custodian is assigned.

F. Recording transfers of custody:

1. Each evidence custodian shall be responsible for developing and maintaining a file that documents all changes in custody of physical evidence. The file shall be capable of readily identifying the individual or organization currently maintaining custody of all evidence. The NFPD computerized property and evidence tracking system may be used to accomplish this task.
2. A written record of all transfers of physical evidence and property shall be made by property receipt. Officers shall record the following information on a supplemental report:
  - a. The date and time of transfer;
  - b. The name and location of the person receiving the property;
  - c. The reason for the transfer;
  - d. Any examinations requested (if applicable).
3. Members of the NFPD who assume custody of evidence or property from any evidence/property rooms bear full responsibility for ensuring its security, proper storage and maintenance, and for the ready retrieval of such articles upon demand.

G. Disposal of Evidence

1. When no longer needed for evidentiary purposes, all evidence, with the exception of firearms and contraband, shall be returned to its lawful owner unless title to the evidence is transferred to this or other jurisdictions by court order. If the lawful order fails to claim the evidence, the agency may, as permitted under law;
  - a. Destroy it,
  - b. Dispose of it by public auction,
  - c. Retain it for use by the department.
2. Firearms and other nondrug contraband shall be physically destroyed unless;
  - a. Court order authorizes use of the item by this department; or
  - b. The firearm is required by law to be returned to its owner.
    1. Firearms can only be returned fully unloaded. No ammunition shall be returned with the firearm.
3. All narcotics destruction will be accomplished through the Niagara County Sheriff's Department Forensic Laboratory.