	<b>NEW PALTZ POLICE DEPARTMENT</b> <b>Policy and Procedures</b>	
	<i>Subject</i> <b>7.1 Evidence and Non-Agency Property Management</b>	
	<b>ISSUED: March 7, 2011</b>	<b>EFFECTIVE: March 7, 2011</b>
	<b>REVISED: February 16, 2021</b>	<b>RESCINDED:</b>
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## Evidence and Non-Agency Property Management

### **PURPOSE**

The purpose of this policy is to assure that New Paltz Police Department personnel properly record all items of evidence and/or non-agency property as well as maintaining the integrity of the evidentiary chain of custody when handling and transferring of evidence and/or non-agency property.

### **POLICY**

It is the policy of this law enforcement agency to ensure that evidence and/or non-agency property in its custody is properly secured, stored and recorded, classified, readily retrievable, and that any changes in its custody have been properly and fully documented. The Chief of Police has appointed both New Paltz Police Department detectives the evidence custodians of the department.

### **DEFINITIONS**

- a. Chain of Custody: The continuity of the custody of physical evidence—from time of original collection to final disposal—that may be introduced in a judicial proceeding.
- b. Impounding Officer: The member of this law enforcement agency 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. Evidence Custodian(s): Agency member(s), appointed by the Chief of Police, accountable for control of all property placed within the protective custody of the agency.
- e. Evidence Locker: A temporary, secured container used by impounding officers to deposit physical evidence until such a time that it can be placed in the evidence room by an Evidence Custodian. This locker is secured and can only be accessed by an Evidence Custodian.
- f. Evidence Room: Facilities used by this law enforcement agency to store evidence.
- g. High-Value Items: Precious metals, jewelry, collectible coins or any other items believed to be of a high commercial monetary value.

### **PROCEDURE**

1. Anytime physical evidence and/or non-agency property comes into the New Paltz Police Department's possession the securing member will make an entry of said item into the department's New World "LERMS Quick Property" records management system. This computer program will require the officer to enter the following information;



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## Policy and Procedures

*Subject*

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#### a. Property Details

- i. Name of the person involved
  - ii. Property name
  - iii. Owner of property
  - iv. Case Number
  - v. Serial number of property (if available)
  - vi. Type of property
  - vii. Date property received
  - viii. Quantity
  - ix. Measure, type and source (if drug property)
  - x. Model
  - xi. Physical description
  - xii. Complete vehicle description
  - xiii. Impounding officer identification
  - xiv. Location physical evidence is secured
  - xv. The item number will automatically be generated by the program and will be numbered consecutively based upon the order in which the property/evidence is entered into the system.
2. Once all data is properly entered in New World “LERMS Quick Property” records management system, the physical evidence will be secured in the department’s secured evidence lockers located in the evidence processing room.
    - a. Evidence must be entered into the system and placed in secure storage prior to the end of the member’s tour.
    - b. The configuration of these lockers is such that once the member places the evidence in a locker and closes the door, it auto locks and can only be opened by an approved Evidence Custodian.
    - c. If an item does not fit into one of these lockers, it will be secured in the evidence processing room with an email generated to the Chief, Lieutenant, On-duty Sgt. or OIC and the detective division specifying exactly where the evidence has been secured.
  3. When evidence is moved from the evidence locker to the evidence room, it will be done so only by an Evidence Custodian. The Evidence Custodian will check in the item from Quick Property and the location of the item will be updated in New World records management system.
  4. All monies and drugs secured by the New Paltz Police Department will be sealed and initialed by the impounding officer. Additionally, the on-duty Sergeant or if not available, the senior officer on duty will

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monitor this process, double count the monies and/or drugs and initial the evidence bag as well. In the event there is no sergeant and the senior officer is the impounding officer, the next most senior officer will fill in.

5. All physical evidence secured by the New Paltz Police Department will either be sealed in an evidence bag, box, wrapping, (if applicable) or attached to an evidence tag. Officers will place their initials on bags/tags/box/or wrapping in an appropriate location. These bags, boxes, wrappings and tags will have, at minimum, (if applicable) the following information on them:
  - a. Agency name
  - b. Case number
  - c. Offense
  - d. Suspect name
  - e. Victim name
  - f. Date and time of recovery
  - g. Impounding officer information
  - h. Description of evidence
  - i. Sealed by, date and time
  - j. List the item number. If there are multiple items the number on the evidence should correspond with the item number assigned in Quick Property Entry.
  
6. This property system will also incorporate additional security and control measures to safeguard all money, firearms, controlled substances, and high-value items within our protective custody. *The below listed items must be packaged separately as they are to be stored in that manner.*
  - a. Money-Once moved into the evidence room, all money will be stored within a locked metal locker within the locked evidence room.
  
  - b. Firearms- The impounding officer will clear the weapon and render the firearm safe using a variety of methods available. Ammunition will not be packaged with the firearm as it cannot be stored in the same location. Once moved into the evidence room, all firearms will be stored within a locked metal safe within the locked evidence room. All firearms will be secured unloaded, with their action open. All firearms must also be processed through the department's NCIC/eJusticeNY computer to determine if they are stolen. All weapons that have been confiscated by or voluntarily delivered to the New Paltz Police Department and are NOT considered evidence are disposed of, at the New York State Police Forensic Identification Center

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in Albany, NY, and handled in accordance with Section 400.05 of the New York State Penal Law and the destruction policies set forth by the New York State Police Forensic Identification Center. Weapons held as evidence **MUST** be held until the conclusion of the case and disposition of any and all appeals. No seized firearm will be released unless that individual has been run through the multiple check system practices by members of the detective division to ensure that firearms are only returned to individuals that are legally entitled to possess them. No weapon will be destroyed for which the department has received a certificate of non-destruction from a judge, justice of a court of record or the district attorney for a weapon to be retained in a police laboratory for research comparison, identification or use by the department. There must be at least two New Paltz Police Department members present, one of whom is a department evidence custodian, for the transport and turning over of the weapons to the NYSP FIC.

- c. Controlled substances- Once moved into the evidence room, all controlled substances will be stored within a locked metal locker within the locked evidence room when feasible.
  - i. All narcotics, dangerous drugs and associated paraphernalia will be destroyed in compliance with procedures set forth in section 3387 of the New York State Public Health Law and with the approval of the Ulster County District Attorney’s Office.
    - 1. Narcotics, dangerous drugs and associated paraphernalia will be destroyed by incinerating them at the Dutchess County Resource Recovery Agency.
      - a. There must be at least two New Paltz Police Department members present, one of whom is a department evidence custodian when the narcotics/dangerous drugs are transported and disposed of. Additionally, a civilian witness/employee of the disposal facility must witness and sign off on the disposal.
  - ii. Prescription medications and or sharps collected from the New Paltz Police Department’s the Med Return™ Drug Collection Unit and NYS Sharps Disposal Kiosk will be turned over to the United States Drug Enforcement Administration for destruction or destroyed at the Dutchess County Resource Recovery Agency following the transport and witness procedures listed above for controlled substances. Only authorization from the Chief and/or their designee is required for the disposal of prescription medications collected from the unit.
- d. High-value items-Once moved into the evidence room, all high-value items will be stored within a locked metal locker within the locked evidence room. If the processing officer believes that an item is of high value, an email will be sent to the detective division.

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- e. Ammunition and fireworks will be stored in the evidence room and turned over to the New York State Police Bomb Disposal Unit for destruction. Ammunition and fireworks that are seized pursuant to an arrest may be destroyed only after the evidence custodian has confirmed the case is closed, received permission from the District Attorney's Officer to destroy the evidence and has obtained a signed authorization for destruction pursuant to section 405.05 of the New York State Penal Law from a local judge. All other nuisance ammunition and fireworks may be turned over without completing the previously mentioned paperwork. The Evidence Custodian will issue a receipt to the New York State Police personnel with the type of evidence, the accompanying case number and date and time of receipt. The evidence custodian will update the location as destroyed in New World records management system.
  
7. Evidence of a hazardous nature shall be appropriately packaged and stored in accordance with established agency 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 evidence custodian will make arrangements and assume responsibility for storage and control of such substances outside the evidence room. All "sharps" and body fluid stained evidence must be sealed in such a way as to prevent exposure to the evidence custodian or others who may need to allow them to air dry in a secured environment.
  - a. Evidence which is wet must first be air-dried in a secure environment and then packaged in a paper bag which will prevent moisture buildup. Members processing a wet piece of evidence will contact the detective division for direction.
  
8. Liquid blood samples (i.e. DWI blood kits) and other items of evidence that require refrigeration will initially be placed in the refrigerator within the evidence processing room. The property/lab submission accompanying the DWI blood kit will be completed in its entirety per NYSP lab evidence submission requirements by the case officer and attached to the blood kit. The detective division is to be notified via email so that the item can either be transported to the NYSP lab.
  
9. Evidence which requires submission to the New York State Police or other laboratory for analysis will be transported by an evidence custodian. The evidence custodian will note the new location of the evidence in the department's New World records management system. The evidence custodian will obtain a receipt from the person accepting custody of the evidence and the receipt will be filed in either the detective case file, if a detective case was opened, or with the defendant's arrest file.




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- a. The evidence custodian will complete the appropriate NYSP lab submission paperwork specifying the exams to be performed.
  - i. The NYSP lab submission paperwork is located in the “NYSP Lab Submission Forms” folder in the “Detective Forms” folder in the “Company” drive.

10. Evidence which requires submission to the District Attorney’s Office will be transported there by the case officer. The evidence custodian will release the evidence to the case officer and the new location of the evidence must be updated in the department’s New World records management system. The case officer must obtain a receipt from the District Attorney’s Office personnel who accept custody of the evidence and the receipt will be filed in either the detective case file, if a detective case was opened, or in the defendant’s arrest file.

**Non-Agency Property**

1. The procedure for handling non-agency property that is found and/or turned into the New Paltz Police Department and is not secured as part of a criminal investigation will be governed by the provisions 252-258 of the New York State Personal Property Law. Persons reporting recovery of what is apparently lost property will be provided with a receipt describing the property turned into the department.
  - a. These items will be secured and entered into the department’s records management system in the same following the same procedures listed above for evidence.
2. Notification of Lost and Found Non-Agency Property - When the owner of recovered lost property can be located; the case officer will contact them and make arrangements for them to retrieve their property. A receipt will be issued. The evidence custodian will notify owners of items that have been held in safekeeping as designated in New York State Personal Property Law section 253.7 and 8 that said items may be destroyed or placed into auction if not claimed unless advance arrangements have been made. If the owner of the said property cannot be located ownership may be claimed by the finder as per New York State Personal Property Law section 253.7 and 8.
3. Vehicles- Vehicles as defined by the Vehicle and Traffic Law of New York State, impounded as a result of the commission of a crime must be transported to a department approved tow company secured storage lot. A department vehicle impoundment and inventory record (generated by “Tracs”) must be completed on every vehicle impounded by the case officer. These files will be secured in the department’s communication’s center and will be accessible to the case officer and police dispatchers so that vehicles can be lawfully returned when allowed by law. Vehicles impounded/seized pursuant to a criminal investigation and to be held for prosecution purposes will be towed by Tom’s Repair to the

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New Paltz Police Department parking lot. Said vehicles will be parked so they can be monitored 24/7 by the department's surveillance cameras. The keys to the vehicle will be entered into evidence.

4. The evidence custodian shall assign a storage location to each item of evidence and record this information in the department's New World evidence management system.
5. Perishable items, when applicable, shall be stored in the refrigerator in the evidence processing room. The detective division will be notified via email so that arrangement can be made to secure the item in the evidence room freezer or make necessary arrangements to store, dispose of, or return the item.

### **General Property**

Property that is case related but is not taken into New Paltz Police custody. IE: lost, damage, vandalized, etc. is entered under the General Property tab in New World Systems "Mobile" case report, but is not entered via "Quick Property Entry". Members will enter in the requisite information to complete the entry.

### **Right of Refusal**

The Evidence Custodian has the right to refuse any property or evidence submitted to the temporary storage lockers that is not properly labeled or packaged as specified in this order prior to the property or evidence being moved to its permanent storage location.

1. If evidence or property is refused by the Evidence Custodian due to not being properly labeled or packaged, the Evidence Custodian will notify the submitting officer via email and carbon copy the approving supervisor of the refusal and direct the submitting officer to meet with them upon their next tour.
2. The Evidence Custodian will keep the evidence in the temporary lockers until they can meet with the submitting officers to make the necessary corrections.
3. After the necessary corrections have been made, the Evidence Custodian will move the evidence to a permanent location in the evidence room and note the location change in the New World evidence management system.

### **Evidence Room Access**

Evidence Custodians of this agency authorized by the Chief of Police may enter the evidence room. An electronic enter/exit log shall be kept by the department via an alarm/access control panel to track entry. All others entering the evidence room must be accompanied by an evidence custodian and will sign an entry/exit paper log.