

PITTSFIELD POLICE DEPARTMENT  
PROCEDURE

POLICY & PROCEDURE: 7	SUBJECT: Property/Evidence Control	
EFFECTIVE DATE: 01/01/2008	EXPIRATION DATE: Indefinite	
THIS POLICY RESCINDS ANY PREVIOUSLY ISSUED MEMORANDUM, DIRECTIVES, NOTICES, SPECIAL OR GENERAL ORDERS IN CONFLICT WITH THIS POLICY.		
AUTHORIZED BY:	Matthew E. Harshberger Director of Public Safety	
REVISIONS: 04-18-14, 01-20-15, 05-31-18, 07-19-18		

**POLICY:**

All department personnel shall follow this policy. This policy shall apply in every case involving the seizure, acceptance, acquisition, and/or retention of property, including evidence, contraband, and property of any type received by any member of the Pittsfield Township Police Department.

Adherence to any and all procedures related to this policy are required and are hereby incorporated by reference for the purpose of determining compliance.

It is the policy of the Pittsfield Police Department to ensure that property in its custody is properly secured and stored, readily retrieved, disposed of, and that all changes in its custody is properly and fully documented by using the department approved inventory and control system.

The Director of Public Safety or his/her designee shall appoint a department property officer, who will directly oversee, manage, and facilitate the processing of property as outlined in this order.

**PURPOSE:**

The purpose of this policy is to establish guidelines for maintaining the integrity of all property, which is collected as evidence, found, kept for safekeeping, or seized as the result of legitimate police activities.

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**I. DEFINITIONS**

- A. **Chain of Evidence:** The continuity of the custody of physical evidence – from time of original collection to final disposal – which may be introduced in a judicial proceeding.
- B. **Impounding Officer:** The member of this Department who initially collects the evidence and initiates the chain of custody.
- C. **Physical Evidence:** Any substance, material, or property found or recovered in connection with a criminal investigation that has evidentiary value.
- D. **Property Officer:** Department personnel, designated by the Director of Public Safety, who are accountable for the control and maintenance of all evidence accepted by or stored in the departments property room.
- E. **Property Room:** Secure facilities authorized and utilized by the Department to store evidence of crimes, confiscated, seized or found property, and property stored for safekeeping or subsequent destruction.
- F. **Junk:** Property that has no evidentiary value, no rightful owner can be identified or located, and has a value of less than twenty dollars (\$20) which includes the cost of processing, storing and disposing of said property.
- G. **Minor and Major Value:** Items with an estimated value over one hundred dollars (\$100) are considered "Major Value" and items with an estimated value under one hundred dollars (\$100) are considered "Minor Value".

**II. PROCEDURES**

- A. Processing evidence and property
  - 1. Any officer who has evidence/property to be placed in the property room shall make an inventory of that evidence/property; noting the location it was found or recovered. The inventory shall include the following information for all items of evidence/property:
    - a. Description of the item (including make, model, and serial number if any, and the weight of the evidence or property when appropriate);
    - b. Source (from whom or location obtained);
    - c. Name of person primarily responsible for collecting the item or items;

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- d. Report number; and
  - e. Detailed owner information if known.
2. The impounding officer shall properly handle, mark, and package all evidence/property, and transport all physical evidence/property to the property-intake room, or other authorized secure location, as outlined in this policy.
  3. Evidence/property of a hazardous nature shall be appropriately packaged and stored in the designated hazardous materials container located in the fleet storage lot. Such substances include, but are not limited to, items that may have been exposed to or contaminated by hazardous chemicals or waste products, and explosives or highly combustible products. Where appropriate, the property officer will make arrangements and assume responsibility for storage and control of such substances outside of the evidence room.
  4. "Junk" property shall be disposed of in an appropriate garbage facility and not entered into the property system, unless contraband or required by procedure. A report shall be written, including a description of the property and how the property was disposed.
  5. Cash shall be separated from all other property.
- B. Logging in evidence/property
1. The Officer responsible for the logging in of evidence/property shall follow the instructions for the CLEMIS evidence system.
  2. The property officer shall be responsible for maintaining a master file of all evidence/property logged into the property system.
- C. Storage of evidence
1. The property officer shall assign a storage location to each item of evidence/property and record this information in the CLEMIS evidence system.
  2. Money shall be secured in the safe located in the property room.
  3. Perishable items shall be stored in a refrigerator or other suitable container.

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4. Hazardous materials shall be stored in the hazardous materials cabinet.
5. Food items shall be photographed and released to owner, or destroyed if owner is unknown.

D. Access to the evidence room

1. Only the property officer is permitted within the secured area of the evidence rooms. Any additional entries shall be documented on the entry log.
2. Any sworn / non-sworn personnel or citizen shall be escorted by the property officer at all times.

E. Recording transfers of custody

1. Sworn personnel shall be responsible for maintaining the chain of custody and shall document all transfers of evidence that occur on scene. The date/time and officer the property has been transferred to shall be recorded within the narrative of the incident report.
2. The property officer shall be responsible for maintaining all changes in custody of physical evidence/property on the CLEMIS evidence system. The chain of custody shall be readily available to identify the individual or organization currently maintaining custody of all evidence.
3. Sworn personnel who assume custody of evidence from the evidence room bear full responsibility for ensuring its security, proper storage and maintenance, the ready retrieval of such evidence upon demand, and returning the evidence to the property room, unless the evidence is turned over to the court or prosecutor. The chain of custody must be documented in the CLEMIS Property Room system.

F. Instructions for packaging evidence and property

Refer to the Property Room Packaging manual for instructions on packaging and labeling procedures for all evidence and property.

**III. PROPERTY OFFICER RESPONSIBILITIES**

- A. The property officer shall secure all property from holding lockers to the designated area of the property room.

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- B. The property officer shall prepare all necessary paperwork for release and/or disposal of property, including follow up reports.
- C. The property officer shall release and/or dispose of all property placed into the property system as outlined by department procedure.
- D. The property officer shall assign and coordinate duties of the assistant property officer.
- E. The property officer, or assigned assistant property officer, shall be responsible for evidence submission to the forensic laboratory for analysis. All submissions to the laboratory shall be packaged and submitted in accordance with the Michigan State Police laboratory guidelines.

**IV. EVIDENCE/PROPERTY INSPECTION**

- A. Purpose of inspections
  - 1. To ensure the property room is being maintained in a clean and orderly fashion.
  - 2. To ensure the integrity of the property is being maintained.
  - 3. To ensure the policies and procedures concerning property management are being followed.
  - 4. To ensure that property is being protected from damage or deterioration.
  - 5. To ensure that proper accountability procedures are being maintained.
  - 6. To ensure that property having no further evidentiary value is disposed of promptly and purged from the system.
- B. Frequency of inspections
  - 1. The Administrative Lieutenant shall be responsible for a semi-annual inspection of the property room. The Deputy Chief of Police will be responsible for the annual unannounced inspection of the property room and storage areas.
  - 2. The results of the inspections shall be reported to the Director of Public Safety in the form of a memorandum.

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C. Annual audit

1. The Deputy Chief of Police, as part of the annual inspection, shall conduct an annual audit of property held by the department.
  - a. For the annual audit, property inventory items selected at random shall be checked to ensure that the evidence is sealed properly and the property is stored correctly.
  - b. Random selections shall be taken from the following cases:
    - i. Drugs;
    - ii. Firearms;
    - iii. Miscellaneous valuables (money, jewelry, etc.); and
    - iv. Miscellaneous property.
  - c. Accounting of all property room keys.
  - d. The results of the audit shall be reported to the Director of Public Safety in the form of a memorandum.

D. Changing evidence / property room officer

1. Whenever a new evidence/property officer is appointed, an inventory of property to ensure that records are correct and properly annotated will, whenever possible, be conducted jointly by the newly designated and the outgoing officer.
2. The inventory will be reviewed by the Deputy Chief of Police; all discrepancies will be recorded prior to the assumption of evidence/property accountability by the newly appointed officer.
3. All evidence/property room locks will be re-keyed.

**V. DISPOSAL OF EVIDENCE**

- A. When no longer needed for evidentiary purposes, all property, with the exception of firearms and contraband, shall be returned to its lawful owner *unless title to the property is transferred to another jurisdiction by court order*, or the lawful owner fails to claim the property. In such cases the agency may, as permitted under state law, and upon following due diligence to notify the owner:

1. Destroy it;

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2. Dispose of it by public auction or other legitimate sale; or
3. Retain it for use by the Department.

Items of minor value shall be disposed of after 30 days, and items of major value shall be disposed of after 6 months. A report shall be provided to the Director of Public Safety or his/her designee after the destruction of firearms or narcotics.

B. Firearms shall be destroyed by the Michigan State Police unless:

1. The firearm is required by state law to be returned to its lawful owner;
2. State law allows the firearm to be turned over to the Department; or
3. With the approval of the Director of Public Safety, a firearm may be authorized for sale to a third party vendor.

C. The Director of Public Safety or his/her designee shall designate an investigator to monitor the entire drug destruction process and:

1. Prior to the scheduled date of destruction, select random samples of the items designated for destruction;
2. Have these items quantitatively and qualitatively tested using a field test kit and scale;
3. Compare these results with prior testing conducted by the Michigan State Police Crime Laboratories results, and if no discrepancies are found, return the items to the property room;
4. If any discrepancies are found before the drugs are destroyed, the assigned investigator shall immediately notify the Director of Public Safety who will initiate an appropriate investigation;
5. On the date of destruction, monitor the loading of the items to be destroyed, accompany the items to the destruction site, and observe the destruction process unless otherwise approved by the Director of Public Safety;
6. The property officer and a minimum of one additional officer shall accompany any drugs to be destroyed and maintain custody until they are destroyed and/or turned over to the appropriate agency; and

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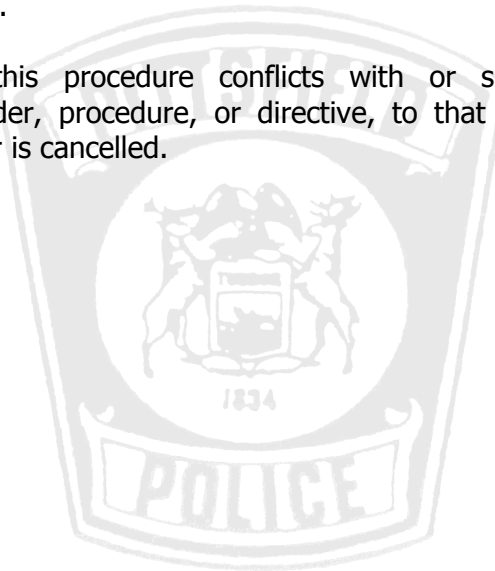
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7. After the completion of the destruction process, a report shall be provided to the Director of Public Safety including:
  - a. The date, time, and location of the destruction;
  - b. An inventory of the items destroyed;
  - c. A list of those present at the destruction; and
  - d. The results of the random tests.

**VI. REVISION RESPONSIBILITY**

- A. Responsibility for continuous updating and revision of this policy and order lies with the Director of Public Safety. Continuous shall mean when necessary or mandated by law.
- B. In the event this procedure conflicts with or supersedes any previous departmental order, procedure, or directive, to that extent the conflicting or superseded order is cancelled.



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ATTACHMENTS: Property Room Entry Log



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