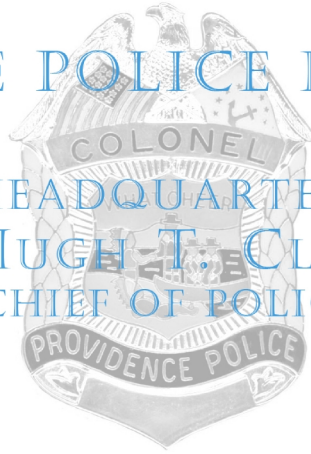


PROVIDENCE POLICE DEPARTMENT

HEADQUARTERS

COLONEL HUGH T. CLEMENTS, JR.
CHIEF OF POLICE



TYPE OF ORDER	NUMBER/SERIES	ISSUE DATE	EFFECTIVE DATE
General Order	420.01	2/6/2014	2/8/2014
SUBJECT TITLE		PREVIOUSLY ISSUED DATES	
Property and Evidence Control		7/28/2013; 7/16/2010; Also Supersedes General Order #2 Series 2011	
REFERENCE		RE-EVALUATION DATE	
CALEA 84.1.1 - 84.1.6		7/26/2016	
SUBJECT AREA		DISTRIBUTION	
Support Operations		All Personnel	

PURPOSE

The purpose of this policy is to establish guidelines for maintaining the security and control of property and evidence that comes into the possession of the Providence Police Department.

POLICY

It is the policy of the Providence Police Department to ensure that evidence and property and its custody can be properly secured, stored, readily retrieved, and that any changes in its custody have been properly and fully documented.

DISCUSSION

For the purpose of this policy, the following definitions shall apply:

Chain of Custody: The continuity of custody of items of property/evidence. The Property Form shall accurately reflect by signature each change of custody, from initial collection through final disposition, with each succeeding person having custody of impounded property identified.

Seizing Officer: A sworn member of the Providence Police Department who impounds evidence and initiates the chain-of-custody.

Confiscated/Impounded Property: Any item of property seized in compliance with law by an officer in the lawful conduct of investigation for evidentiary purposes, or found property.

Evidence Room: Any secured, Department-designated repository used to temporarily store evidence and property, including the narcotics drop boxes in Patrol and NOC Bureaus.

Found Property: Any property which is not needed for evidence or investigation; which is not contraband or hazardous material; and for which the owner is, at least initially, unknown.

Property/Evidence Officer: A Providence Police Officer accountable for control and maintenance of all property/evidence accepted by or stored in the Department's Property/evidence rooms.

Property Storage Facility: Facilities used by the Department to store property/evidence.

PROCEDURE

I. THE PROPERTY AND EVIDENCE BUREAU (PEB)

- A. The Department has a Property and Evidence Bureau (PEB). The Chief of Police has appointed an officer as the Property and Evidence Custodian (PEC), and has assigned one or more officers under the PEC's supervision.
- B. Collectively, the PEC and the officers under his supervision shall be known as Property and Evidence Officers (PEOs). The PEC and PEO's shall be assigned to work under the direction of the Commanding Officer of the Administrative Staff Division with respect to their duties.

II. GENERAL SECURITY OF PEB FACILITIES

- A. Only authorized members of the Providence Police Department may enter a property storage facility. No other persons may enter or remain in these facilities unless a PEO is present.
- B. The reasons for entering the PEB's main location beyond the waiting area, or any other Department property storage facility, shall be specifically limited to the evidence function or building maintenance.

III. GENERAL OFFICER RESPONSIBILITIES

- A. All property/evidence coming into the possession of members of the Providence Police Department in the official course of their respective duties shall be logged into the Aegis™ Records System by the seizing officer via an incident report.
- B. All evidence/ property, and all corresponding property tags (needed only for large items) and property forms shall be turned-over to the PEB as soon as possible prior to the end of the seizing officer's tour of duty.

1. Property tags and property forms shall include detailed descriptions of each item of property/evidence submitted.
 2. Numerical values pertaining to the number(s) of an Item(s) submitted shall be documented, and officers shall refrain from using ambiguous terms such as “numerous”, “several”, or “assorted”.
- C. To facilitate the submission of property/evidence, the Department maintains evidence lockers located in the second floor hallway just outside room 250 in Central Station.
1. If PEB is closed or a PEO unavailable, officers shall place all property/evidence and accompanying paperwork in an open evidence locker. The officer shall then secure the locker by closing it and ensuring that it is locked.
 2. Officers shall ensure that items that are too large to fit inside an evidence locker are not left unsecured (i.e., placed in the hallway outside room 250 in Central Station). In regards to all such items:
 - a. The OIC of the Patrol Bureau shall have electronic access to the PEB’s waiting area located in room 250 in the event that items too large to fit in an evidence locker require submission to the PEB outside of its normal hours of operation. All such large items of evidence, with associated paperwork attached, shall be placed in the PEB waiting area by the OIC, who shall also ensure that the door to the PEB is secured upon exiting.
- D. Officers are responsible for the security, storage, maintenance, or accessibility of evidence in their custody.

IV. PROPERTY / EVIDENCE CHAIN OF CUSTODY

- A. All actions that are taken which pertain to the initial entering of property and evidence; property and evidence movement; and the disposition of such property and evidence; shall be documented and recorded in the Aegis™ Records Management System at the time of such entering / movement / disposition. These records shall include:
1. CCR Number, and Property Number – to include an accurate description of item(s).
 2. Identification of seizing and evidence officer(s).
 3. Location of storage within a property storage facility.

4. Defendant's name, DOB, and related charges.
 5. A written record of all persons having custody of a particular item of property, including names, dates, times, and reasons for movement and/or changes in custody, shall be maintained from the moment of impoundment through final disposition on the Property Form.
 - a. A computer-generated evidence chain of custody form is available to the Property/evidence Officer that depicts a history of transactions of property/evidence.
- B. Officers requiring evidence for court shall request such item(s) at least twenty-four (24) hours in advance of a scheduled court date.
1. Upon completion of the case, the officer will return the evidence and all pertinent forms to the PEC.
 2. All evidence is to be returned to the PEB on the same day that custody was transferred from the PEB to the officer, unless the court has taken custody of it.
 - a. The officer shall submit notification to the PEC that the evidence is in Court custody, and the PEC shall reflect this on the appropriate records.
- C. No property/evidence that comes into the possession of the Department, including seized or forfeited controlled substances, weapons, or explosives, shall be used for investigative or training purposes.

V. PACKAGING, PRE-PROCESSING, AND SUBMISSION OF PROPERTY

In cases where property/evidence is to be turned over to the PEB for storage and safekeeping, the following procedures shall be followed:

- A. When possible, all articles that are impounded will be packaged, utilizing plastic bags or boxes and appropriate labels, to ensure preservation. If the size of an article precludes packaging, a legible identification tag or label will be conspicuously affixed to the item. However, the seizing or impounding officer may be required to provide temporary protective packaging and identification for articles which are fragile or which present a safety hazard.
1. Knives and other sharp instruments will be placed in a "knife box".
 2. Hypodermic needles should be enclosed in a container or the needle removed.

3. Glass containers will be securely wrapped and legibly identified as "GLASS – FRAGILE" in red letters on the exterior wrapping.
- B. PEOs shall ensure that all packaging and labeling of all property/evidence meets Department and statutory requirements, as applicable.
- C. Controlled substances shall be placed in bags or envelopes of appropriate size.
1. These substances will be initially placed in the narcotics drop box located in the Patrol Bureau, from where they will be retrieved by a Narcotics & Organized Crime Bureau (NOC) detective.
 - a. Narcotics seizures made by NOC personnel shall not be placed in the Patrol Bureau drop box, but shall otherwise be handled according to the procedures outlined in this section.
 2. The NOC detective shall be responsible for creating a property form and a State Toxicology form, and for forwarding the forms and narcotics to the PEO designated to oversee narcotics evidence.
 3. The NOC detective shall also be responsible for completing the appropriate log book and for the placing of controlled substances in the narcotics storage box "P220" (the State Toxicology bin).
 4. Paraphernalia related to a controlled substance seizure shall be placed in a separate evidence package and secured in the temporary evidence storage lockers located just outside room 250 in the second floor hallway of Central Station.
- D. Firearms.
1. Officers shall take and secure firearms that come into their possession.
 2. Seizing officers shall document all pertinent information regarding the firearms seizure in the appropriate Aegis™ property fields and narratives, to include:
 - a. The circumstances surrounding the seizure.
 - b. A description of the firearm, including, but not limited to, make, model, serial number, and caliber.
 - c. Their performance of, and the results of, an NCIC firearms check, aimed at ascertaining whether or not the firearm is stolen, lost, or has been involved in criminal activity.

- i. The officer will contact Channel 4 personnel at the Public Safety Communications Center (PSCC) either via telephone or fax, communicating the make, model, caliber, and serial number of the firearm in question as well as information pertaining to whether or not the firearm is known or suspected to have been involved in criminal activity.
- ii. PSCC personnel shall run a check on the firearm against the NCIC database, and communicate the results back to the officer for inclusion in the police report narrative. The report shall be forwarded to the Investigative Division in those cases when a firearm is confirmed to be lost, stolen, or wanted.
- iii. Firearms obtained by this agency via a “gun buy-back” or similar program shall have the information outlined in paragraph (i) communicated to the PSCC by Weapons Bureau personnel, via an electronic spreadsheet, for an NCIC check.

Any such firearms that are found to be lost, stolen, or wanted shall be forwarded to the PEB by Weapons Bureau personnel, along with all required paperwork, as stipulated within this policy. Weapons Bureau personnel shall also be responsible for completing an incident report pertaining to said lost, stolen, or wanted firearms, and for forwarding said report to the Investigative Division.

- d. In cases when BCI does not respond to seize a firearm located in the field, the firearm shall be secured in one of the temporary storage lockers located just outside room 250 in the second floor hallway of Central Station.
 - i. In the case of firearms that are obtained via a “gun buy-back” or similar program and that are not found to be lost, stolen, or wanted via an NCIC check, secured storage of the firearms shall be accomplished by the Weapons Bureau in a Department-approved property storage facility, pending destruction.
3. Personnel shall promptly generate a property form in Aegis for all seized firearms.
 - a. Firearms turned over to the PEB from BCI shall be delivered in Department-issued gun boxes, and cannot be stored with other evidence.

4. Property forms may contain several entries, but a firearm entry must not be combined with any other evidence.
5. Firearms will be held by the PEB until such time they may be transferred to BCI for processing or released for another legitimate purpose (i.e., court evidence, destruction, etc.). Once a firearm is processed by BCI, it shall be recorded, catalogued, and forwarded to the PEB for long-term storage.
 - a. The PEB shall be responsible for performing an ATF *eTrace* query on all non-Department-authorized firearms that come into the possession of the Department.
 - i. A firearm that is obtained via a Department “gun buy-back” program shall only be traced when it is believed that the firearm may be linked to criminal activity.
 - b. *eTrace* query results, which contain information of a highly sensitive nature, shall be maintained by the PEB and shall only be disseminated by the PEB to the appropriate Department entity.

E. Monies.

1. Monies that are impounded shall be counted by the seizing officer in the presence of another sworn Providence Police Department officer.
2. Denominations of all the monies shall be listed separately on a property form along with and a total tally, and both the monies and the property form shall be submitted to the PEB.

VI. PEB PROPERTY/ EVIDENCE PROCESSING AND STORAGE

- A. The PEB shall be responsible for receiving, storing, maintaining, releasing, and accounting for all evidence in compliance with all Department policies and applicable statutes.
 1. PEOs shall remove all evidence from the evidence lockers at the beginning of their tour of duty.
 - a. All items shall be inspected to ensure that the items are properly packaged.
 - b. The accompanying documentation shall be examined to ensure accuracy, completeness, and the proper chain of custody.

2. PEO's shall process all property/evidence within two (2) business days of receipt of custody.
3. All monies that equal or exceed twenty dollars (\$20), jewelry, and extremely valuable items shall be secured by PEOs in locked safes/cabinets located within the PEB.
 - a. Property/evidence submitted by BCI or another Department investigative entity in a "sealed" package shall remain intact so as to not compromise the evidence collection process
 - b. Narcotics-related monies shall be deposited in the Department's respective bank accounts for such purposes by the PEO, who shall also ensure that proper entries are entered into the bank log and accompanied by a copy of deposit slip for each transaction.
 - i. The PEC may temporarily place narcotics-related monies in a secured vault/drawer located in the PEB for safekeeping until such time when a courier run is executed.
4. All property/evidence shall be stored in a designated property storage facility. The PEO shall assign a storage location to each item of evidence and record this information on the Property Form in duplicate – one remaining with the property item, and the second placed in the records binder. In addition, said location shall be noted in the computerized records of the Aegis™ Property module.
 - a. The Property/evidence Officer will securely fasten a unique barcode label to each item that is received. This will be done by affixing the adhesive side to the item, or its sealed container, paper page, envelope, plastic sleeve, unless directly adhering the label will damage the item or its evidentiary value.
5. Unopened containers of alcoholic beverage will not usually be analyzed for alcohol. The label will act as sufficient proof of contents. Opened containers, however, may be submitted for analysis when such analysis becomes necessary to the case. In most instances, the License Bureau will be aware of such requirement, or need for analysis.
6. Items deemed as flammable or combustible, i.e. gasoline, acetone, kerosene, etc. shall be stored in the PEB's safety cabinet marked "FLAMMABLE".

7. Controlled substances shall be stored within the secured drug room located in room 250.
 - a. The PEC and the Officer-In-Charge (OIC) of the Narcotics & Organized Crime (NOC) Bureau shall possess a single key to only one of the two door locks that are affixed to the door of the drug room. Each key shall be to a different door lock.
 - i. The Property and Evidence Custodian and the OIC of the NOC Bureau shall be responsible for the security of the key that is assigned to each of them.
 - ii. The drug room shall only be opened and entered when the PEC and the OIC of NOC, or their designees from their respective bureaus, are present.
 - iii. A log book shall be maintained, containing the names of those personnel who enter the drug room and the dates and times of entry.
 - b. Controlled substances that are too large to fit within the drug locker shall be transferred to another secured Department property storage facility.

VII. PEB INSPECTIONS, INVENTORY, AND AUDITS

- A. The PEC shall conduct a semi-annual inspection of the PEB in order to determine adherence to procedures used for the control of property and evidence.
- B. The Commanding Officer of the Office of Professional Responsibility, or his designee from within his office, shall conduct an annual audit of property and evidence held by the Department.
 1. A full accounting of every single item of property is not required. However, the inventory needs to be sufficient enough to ensure the integrity of the system and accountability of property.
- C. The Chief of Police shall insure that unannounced inspections of property storage areas are conducted at least once per year.
- D. An audit of property and evidence held by the PEB shall occur whenever the PEC is either assigned to or transferred from the PEB. The audit shall be conducted jointly by the newly assigned PEC and a member of the Office of Professional Responsibility who has not been formerly assigned as a PEC or PEO.

VIII. FOUND PROPERTY

- A. The seizing officer shall make every reasonable effort to identify and notify the owner of any found property, and shall document the efforts undertaken in an Aegis™ incident report narrative.
- B. If the owner of the property is identified and ownership verified prior to the submission of the property to the PEB, the property shall be released to the owner by the seizing officer and such action documented in an incident report.
 - 1. If the property is already in the custody of the PEB when the owner is identified and verified, a PEO shall return property to the rightful owner and shall ensure that a property form is completed and that a record of the property is entered into the property module of the Aegis™ Records system.
- C. A proper and acceptable form of identification of any person given possession of any found property of value shall be required and verified, and a photocopy of the identification made and filed for record keeping purposes.

IX. DISPOSITION OF EVIDENCE

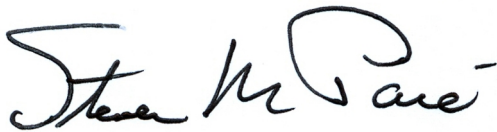
- A. Personnel assigned to the Property & Evidence Bureau are solely responsible for the release and/or destruction of property/evidence in the care/custody of the Providence Police Department in accordance with Department policy and applicable statutes. As such, all property/evidence related telephone calls and inquiries made by the public to other Department bureaus, i.e. Central Station, Detectives, and Narcotics, will be forwarded to the Property & Evidence Bureau. PEOs will receive such inquiries, then coordinate and facilitate the return of property/evidence to the citizenry.
 - 1. The PEC shall transfer all firearms and other weapons to be destroyed to the Weapons Bureau, and shall make proper notations in the Aegis™ property module.
 - a. Upon destruction of the firearms, the Department Armorer shall submit a signed report to the Property/Evidence Custodian, who shall maintain said report and update the property module to reflect the data contained therein.
 - 2. The PEB will turn over license plates no longer needed for evidentiary purposes to the Traffic Bureau for return to either the RI Registry of Motor Vehicles or the registration owner.

3. The PEB shall receive permission from the charging bureau prior to the disposition of any property/evidence.
- B. The Property/Evidence Custodian shall coordinate the periodic purging of property/evidence as appropriate, but shall do so at least once every four (4) months.
1. In order to provide an effective system of checks and balances, the purging of property shall be conducted jointly by two PEOs.
- C. Final disposition of found, recovered, and evidentiary property shall be accomplished within six (6) months after the PEB obtains notification that all legal requirements have been satisfied.
1. Property/evidence that is associated with an adopted Federal case shall not be destroyed, disposed of, or returned without official confirmation of final case disposition from the Office of US Attorney General, RI District.
 2. The Prosecution Bureau shall notify the PEB whenever a misdemeanor case has been adjudicated and the evidence is no longer required. In these cases, the PEC shall be responsible for returning property/evidence as necessary to its rightful owner(s).
 3. The PEB, through the case management system in Aegis and in conjunction with the “monthly” Disposition Report provided by the RI Department of Attorney General, shall dispose of or return property/evidence when a defendant has pled “Nolo, or Guilty” and the evidence is no longer required.
 4. The Investigative Division shall notify the PEB whenever property/evidence is no longer necessary for prosecution of case.
- D. Once a case has been adjudicated and a final disposition rendered, all associated property/evidence will be identified and given one of the following status designations in Aegis™, as follows:
1. Destroyed: These items were termed destroyed with date and method of destruction indicated.
 2. Returned: Items that have been returned, such as found property, or evidence that can be returned to an identifiable person or agency; i.e. RMV documents, registration plates, licenses, etc. The return process shall be precipitated through a “notice to claim property”.
 3. Transferred: Items turned over to another agency, court, or departmental unit, and will not be returned to the custody of the

Providence Police Department, will be termed as "out", and shall indicate to whom they were turned over and the date of transfer.

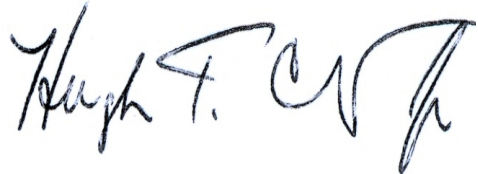
NOTE: This order is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

APPROVED:



STEVEN M. PARÉ
COMMISSIONER
DEPARTMENT OF PUBLIC SAFETY

APPROVED:



HUGH T. CLEMENTS, JR.
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