

Section 7 – Non-Agency Property

New York State Law Enforcement Accreditation Program

7.1 Evidence and Non-Agency Property Management – **CRITICAL STANDARD**

ADMINISTRATION

STANDARD 7.1

The agency has a written directive that details its procedures for the collection, maintenance of chain-of-custody, documentation, classification, labeling, packaging, secure storage, transfer from and return to evidence storage, and disposition of all evidentiary and non-agency property within its custody. The directive designates the position(s) accountable for the control of all such property. The directive requires that the collecting person(s) enter the property into secure storage prior to the end of the shift in which it was obtained.

- A. A chain-of-custody record shall be maintained from the time of collection/receipt to final disposition/purging. The record shall detail the name and signature (or equivalent identification) of each person or name the location (e.g., evidence locker, impound area) taking possession of an item of evidence, the date of receipt, transfer, or destruction, and the description or unique identifier of the evidence.
- B. The labeling of property must include as much data as possible, to include information such as inventory/control number, incident/case number, time and date of seizure, source/owner of item, character of incident, description of item (i.e., make, model, serial number, etc.), and the storage location of the item. If an agency utilizes computer-generated, barcoded labels, the incident/case number must also be printed on the label in alphanumeric format.
- C. Documentation of such property must include inventory/control number, incident/case number, time and date of seizure, source/owner of item, incident type, description of item, type of item (e.g., evidence, found property, safekeeping), person's name and or identification number of person collecting the item, investigating officer, storage location, and purge review date.
- D. The directive must address the procedures for the packaging of items so that evidence is not permitted to be tampered with, contaminated, or contaminate other evidence.
- E. Records required pertaining to transfers from and return to evidence storage (e.g., for crime laboratory processing, latent print analysis, judicial proceedings) must include descriptive information for the item, date and time of transfer, the person's identity who receives the item(s), the reason for the transfer, the name and location to which the item was transferred, and a complete list of examinations performed (if transferred for testing).
- F. Disposition documentation required by the directive must include the position(s) authorized to approve disposal, property retention schedule, witness requirements, and authorized method(s) of destruction. Disposition procedures shall include the destruction of contraband, due diligence in contacting property owners, return of items to the owner, auction of non-contraband evidence and non-agency property, and the transfer of items to other law enforcement agencies.
- G. All money, firearms, controlled substances, and high-value items must be adequately secured by or within secondary secure storage (e.g., safes, caged areas, locked cabinets, wall-mounted racks with security cable/wire rope) inside of designated property storage areas.
- H. Right of Refusal must be addressed in the written directive to include identifying problems with submitted items, the method(s) to obtain item(s) from property/evidence room for correction, and the procedure required to resubmit corrected item(s) to the property/evidence room.

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Commentary:

Nothing in this standard should be construed to indicate the necessity to develop or implement a computer-based property management system by any agency. The requirements set forth in the standard are applicable to both handwritten and computerized property management methods. Chain of custody may be maintained without written signatures in computer-based evidence management systems.

The right of refusal allows an evidence custodian to refuse to accept evidence submissions. It is a tool provided to the evidence custodian by a chief executive to maintain good practices in evidence management. It gives them clear authority to ensure necessary data (chain of custody, location of seizure) is completely documented, evidence is packaged pursuant to procedures, safety is maintained (submission of accelerants for storage in a property room) and provides consistency among agency staff.

Agencies may consider developing a Property and Evidence Room manual that outlines the responsibilities and tasks for personnel within the property/evidence room. Other topics that may be included in the manual are staffing, hours of operation, room design, alarms & security, and audits, inventories & inspections.

Compliance Verification Strategies

Assessors may seek to verify compliance with this standard by using one or more of the strategies listed below. There may be other strategies identified by the agency which could also be acceptable.

1. A copy of the written directive is available for review.
2. Provide records, logs, or other documentation used in this system for review by assessors.
3. Review agency files to verify that the record keeping system is consistent with agency procedures.
4. Random selection and examination of evidentiary items to verify that the procedures are being followed.
5. Interview(s) with personnel responsible for handling, storing, and retrieving evidentiary items to verify their knowledge of and compliance with the directive.
6. Observation of the security measures employed.
7. Provide documentation describing any prescription drug "take back" programs the agency participates in. This should include written documentation of the dates of such programs and that the agency complied with the program guidelines.