

### 3.6.1 Security and Storage of Property

#### A. POLICY

It is the policy of the Johnstown Police Department that all evidence and property recovered or turned into the department be properly and lawfully preserved, packaged, recorded, handled, stored, accounted for, and retrieved if necessary. The department will take the initiative to return items to its rightful owner[s] in the most expedient manner. Property and evidence that is no longer useful, is potentially dangerous, or has ownership that is unknown or unclaimed or otherwise provided by law will be disposed of in the proper manner mandated by law.

#### B. PURPOSE

The purpose of this directive is to establish a logical, lawful, easy-to-follow system for the safe and efficient storage of evidence and property that comes into the custody of the department. The system utilized will maintain strict accountability for all property and/or evidence. These procedures are designed to coexist with federal, state and local statutes and will not supersede or contradict these statutes.

### 3.6.2 DEFINITIONS

**A. Administrative Records Log:** A log used to store all the Inventory/Inspection of Property Storage Area Forms and General Investigation Reports documenting missing property or transfers to the State Treasury.

**B. Alternate Custodial Officer:** A sworn police officer who assists the Custodial Officer in daily activities involving the Property Management System, and who assumes all duties and responsibilities of the Custodial Officer when the Custodial Officer is absent from daily activities.

**C. Property:** Any item held as evidence, or any item found, recovered, or relinquished by any person which comes into the possession of a sworn member of the Johnstown Police Department.

**D. Chain of Custody:** The continuity of the custody of physical evidence, from the time of the original collection to final disposal that may be introduced in a judicial proceeding.

- E. Custodial Officer:** A sworn police officer accountable for controlling and maintaining all evidence accepted by or stored in the Johnstown Police Departments **property room**.
- F. Escheatable Property:** Property which has no further evidentiary value, as determined by the Custodial Officer, and has been held for more than a year with an unknown owner, or has been held more than three years with a known owner.
- G. Escheat Report:** A list of all property designated as escheatable which is held in a property storage area.
- H. Inventory:** A comparison audit of each item of stored property with the active records as determined by the Visual Alert Inventory Audit process.
- I. Joint Inventory:** An inventory conducted by an incoming Custodial Officer with the existing Chief of Police, or an inventory conducted by a newly appointed Chief of Police with an existing Custodial Officer.
- J. Property Management System:** The areas within which all property coming into Department custody are securely stored including, but not limited to: receiving lockers, property rooms, vehicle storage areas, and any off-site, non-Department storage areas such as impound lots, explosives magazines, or commercial storage lockers.
- K. Property Room:** The primary area utilized for long-term, secure storage of property which has entered Department custody.

**NOTE:** Only those items not capable of being physically stored in the property room shall be stored in other areas of the Property Management system. The property room shall also serve as the storage area for Administrative Records Log.

- L. Property Storage Area:** An area utilized solely for the storage of property.
- M. Receiving Locker:** A temporary storage area for securing property until it can be transferred to the property room by a Custodial Officer or an Alternate Custodial Officer.

**NOTE:** Items entered into the receiving locker shall be transferred to the property room no later than the next shift a Custodial Officer is available.

**N. Vehicle Storage Area:** An area of sufficient size equipped to restrict access. For purposes of this regulation those areas shall be limited to one of the contracted City Services.

### **3.6.3 DUTIES AND RESPONSIBILITIES**

**A. Responsibilities of the Chief of Police**

- 1. The Chief of Police** is responsible for the overall management of evidence and property for the police department.
- 2. Designate the Sergeant of Detectives or a member of the Bureau of Criminal Investigation as the Custodial Officer. The Chief of Police shall not serve as the Custodial Officer.**
- 3. Designate two Alternate Custodial Officers. The first Alternate Custodial Officer shall perform Custodial Officer duties only in the absence of the Custodial Officer. The second Alternate Custodial Officer shall only perform duties when the Custodial Officer and the first Alternate Custodial Officer are not available.**
- 4. Conduct a joint inventory of all property storage areas:**
  - a. Within 30 days of appointment as Chief.**
  - b. With a newly assigned Custodial Officer within 30 days of such assignment.**
- 5. Conduct at least two semiannual, unannounced inspections of the property storage areas in accordance with this regulation.**

**B. Responsibilities of the Custodial Officer**

- 1. Responsible for the daily operation of the evidence and property management system of the department.**
- 2. Upon assignment, sign onto the Inventory/Inspection of Property Storage Areas form as the Custodial Officer.**
- 3. Conduct a joint inventory of all property storage areas under their purview:**
  - a. With the Chief of Police within 30 days of initial assignment.**
  - b. With a newly appointed Chief of Police within 30 days of his assignment.**

4. Be accountable for the control of all evidence and property stored in the **Property Room and Property Storage Areas**.
5. Will maintain electronic property records of the custody history of all items stored in the Johnstown Police Departments **Property Room and Property Storage Areas**.
  - a. Items placed within the evidence rooms are logged in the "Visual Alert" computer system from 2004 to the present.
  - b. From 1997 until 2004 all evidence were logged in the "BDD" computer system.
  - c. Prior to 1997 all evidence logs were hand written in logbooks secured in the evidence room.
6. Maintain a clean, orderly and secure **property room** and all associated storage areas. Take necessary steps to ensure the evidence and property in custody is protected from damage, deterioration, or theft.
7. Any evidence requiring submission to the Pennsylvania State Police Laboratory for analysis will be handled by the Custodial Officer to ensure the Chain of Custody.
  - a. The Custodial Officer will record what officer is transporting the evidence to include all dates & times.
  - b. All items sent will be sealed with Permanent Bond evidence tape:
8. The Custodial Officer will restrict entry into all secure areas, only allowing entry by the Chief of Police or his designee.
9. The Custodial Officer will handle evidence returns as directed by the investigating officer.
  - a. **Arrangements to return items will only be made by the Custodial Officer:**
10. Ensure items entered into the **Visual Alert** Property Management System are properly packaged, labeled, sealed, or properly tagged. Evidence not properly documented or packaged will be denied by the **Custodial Officer**.
11. **Ensure that all handguns entering the property room are subject to a query of the eTrace system.**

12. **Ensure that prior to any weapon being returned or relinquished to an individual that a PICs check is conducted. Under no circumstances shall a weapon be returned or relinquished without a PICs check being conducted.**
13. **Ensure that property is removed from the receiving locker at least daily, or no later than the next shift worked, and entered into the Visual Alert Property Management System.**
14. **Conduct quarterly evidence audits intended to reduce evidence which is no longer needed. These audits shall be recorded in the administrative log.**

C. **Responsibility of the Recovering Officer**

The officer finding, recovering, investigating or reporting on any item to be confiscated, stored or held, will be the Recovering Officer. The Recovering Officer will take the following steps after recovery of any property and evidence.

1. **Ensure items entered into evidence are accurately prepared and submitted in accordance with this regulation. All evidence shall be submitted as soon as practical, but no later than the completion of their shift. Failure to promptly enter property shall be addressed by the Custodial Officer and the Captain of Police Administration.**
2. **Ensure items entered into evidence are properly sealed in the presence of the shift supervisor or another sworn member.**
3. **Ensure all items entering the receiving locker are logged in the evidence pre-log binder.**
4. If an item of evidence requires special treatment and/or attention the shift supervisor is to be made aware of the situation. The shift supervisor will then make the decision to contact the Custodial Officer or his Alternate.
5. **Submit the District Attorneys Seized Property Forfeiture Form with the evidence being submitted.**

### 3.6.4 EVIDENCE SUBMISSION PROCEDURES

1. All evidence entering the property management system shall have two signatures placed across the evidence tape. In addition to the two signatures; the date, time and badge number of those signing the evidence shall also be included.
2. All evidence obtained by this department will be placed in an appropriately sized evidence envelope, cardboard box, paper bag, or have the standard manila evidence tag attached to the item.
3. All handguns shall be placed in an appropriately labeled evidence box upon entry into the receiving locker. All long guns shall be affixed with an evidence tag.
4. Regardless of weapon type all weapons shall be rendered safe and under no circumstances shall a weapon be stored with a magazine inserted into a weapon.
5. The evidence **label/tag** will be completed in its entirety. If information is requested on the **label/tag** that is not applicable, the officer filling out the **label/tag** will simply place N/A in the appropriate space.

#### A. Narcotics and Dangerous Drugs

The primary concern when handling narcotics and dangerous drugs is the safety of officers and personnel. Many harmful substances can be absorbed through the skin and can be fatal. Officers should use protective clothing and be as careful as possible when handling these substances

##### 1. Drug Analysis

- a. All recovered substances suspected of being narcotics or dangerous drugs will be counted and sealed prior to being placed into the Receiving Locker.
- b. The Recovering Officer will complete a Request for Laboratory Analysis Form which will include requests for identification, description, amount, weight and if crack request if cocaine base. The evidence will be delivered to the PA State Police Crime Lab or an approved testing facility

i. Following analysis the evidence will be returned to the **Custodial Officer**.

2. Storage of Narcotics and Dangerous Drugs

- a. Narcotics, suspected narcotics, or dangerous drugs will not be removed from the sealed bags once the evidence bags are sealed and placed into evidence.
- b. These substances will only be stored in the designated evidence area.

B. Firearms

The recovery of firearms as evidence or property and the method of storage can be critical to solving a crime and convicting the alleged defendant. Firearms are considered to be extremely dangerous wherever they are kept. All firearms coming into custody or control of the Police Department will be handled with the strictest safety in mind

1. All recovered firearms will be brought directly to the police department. At no time will recovered firearms be left unattended in a patrol car.
2. **Any firearm, which includes handguns, rifles, shotguns or any variation of same, brought into this department as evidence or for safe keeping will be logged into the pre-log as prescribed for all evidence.**
3. **All handguns shall be placed in gun boxes, long guns will be tagged. In those cases where a firearm has a magazine; the magazine shall be removed, the rounds shall be placed in an appropriately labeled evidence envelope. The magazine and rounds can then be placed in the gun box as individual items.**
4. All firearms will be checked for ammunition as soon as practicable in a safe area to minimize risk of an accidental discharge.
5. Firearms that need to be processed or chemically tested for evidence will be handled as little as possible, and will be tested as soon as possible. Ammunition will be handled as little as possible and will be recorded and stored as evidence.

6. All firearms will be stored in a designated area located within the department's **property room**.
7. All firearms will be checked through N.C.I.C. and C.L.E.A.N. computer systems by the Recovering Officer to determine the owner or determine if they are stolen or wanted.
  - a. All **firearms entering the property management system shall be subject to an eTrace verification conducted by the Custodial Officer**.
8. Firearms as evidence will follow the same guidelines for destruction/disposal as all other evidence. After all time periods have expired, the **Custodial Officer** will either return the firearm to the owner, if allowed by law, or make application to the Court of Common Pleas to have the weapon[s] **forfeited or** turned over to the Johnstown Police Department.

#### C. Blood and Body Fluid Evidence

1. Recovering Officer **will place the whole blood into the refrigerator, located in the receiving locker, after tagging and properly logging it into the evidence pre-log**.
  - a. At NO time will any blood evidence be stored in the police department's record's room.
2. The Custodial Officer will be responsible for placing the whole blood into the refrigerator within the department Property Room.
3. All rape kits will be handled in the same manner as the whole blood.
4. Items that have blood and /or body fluid on them will be air dried before packaging and placing them into evidence.
5. All packages will be labeled as "Biohazard"
  - a. "Biohazard" sticker
  - b. Written in big bold letters
6. Syringes
  - a. All needles will be disposed of by placing them within the sharps container located in the Receiving Locker.



- b. Report the disposal within the incident report
- c. If the syringe is necessary for prosecution, written justification from the Chief of Police or Cambria County District Attorney is required before submission:

D. Submission of Evidence to State Police Lab

Any evidence requiring submission to the Pennsylvania State Police Laboratory for analysis will require that the officer responsible for such item fill out the lab request form in its entirety. Said form will then accompany the item of evidence into the receiving locker.

1. Smallest envelope accepted is a 9 X 6
2. When more than one item – each item must be individually packaged and labeled Item: 1, 2, 3, etc.
3. Place all individual packaged items into one package, tagging the outer package
  - i. Place incident or reference number on the outside
  - ii. List the number of items inside
  - iii. Type of offense
  - iv. Officers name
  - v. Date of incident
  - vi. Actor's and/or Victim's name
  - vii. If Biohazard place notification on the outside
  - viii. Gun; state if loaded or unloaded on the outside
4. Fill out the lab request in full
  - i. Mark the evidence to the attention of the appropriate Pennsylvania State Police Crime Lab
  - ii. Set forth the name of the suspect and victim, when known

- iii. Set forth the type of criminal violation involved, listing the evidence and method of transmittal. State the types of examination desired.
- iv. Furnish any information that would be of assistance to the examiner or pertinent to the making of such examination.
  - a. Homicide/Aggravated Assault Form
  - b. Rape Form
  - c. Gun Residue Request Form
- v. Reference any previous correspondence or reports, if there have been any.

#### E. Alcoholic Beverages

- 1. Alcoholic beverages recovered or confiscated will be treated as any other evidence or property and care will be taken to ensure that they are safely stored
  - a. Alcoholic beverages will be stored in the evidence room in such a manner that they will not leak or spill
- 2. Beer Kegs and Taps
  - b. Beer kegs and taps can be temporarily placed into the JPD garage enclosure. Tags will be placed on them.
  - c. Once identification of the Beverage Company is made the arresting officer will make arrangements to return the keg and tap. A receipt for those items will be obtained from the distributor, and then placed in the associated file.
  - d. A photo, when possible, should be taken to include in the case file.

## F. Lost and Found Money

1. Money found or turned over to any officer of this department will be counted, sealed and placed into the Receiving Locker.
2. Any and all monies will be kept by this department for a period not to exceed one [1] year from the date of recovery. If at the end of one [1] year the rightful owner cannot be located or has not come forward the monies will be forfeited as per Federal & State guidelines.
3. **The Custodial Officer will submit those unclaimed monies to the State Treasury by March 15<sup>th</sup> of each year.**
4. The Recovering Officer will make every effort to locate the rightful owner of such monies and document their attempts.
5. The Custodial Officer shall then make every effort to locate the rightful owner as well and document the attempts.

## G. Lost and Found Items

1. Any and all items found by officers of this department or turned over to the officers that are not considered items of evidence, such items lost and recovered are property of the City of Johnstown.
2. Any item brought into this department that is not considered evidence, such as lost and found items will be handled in the same manner as evidence.
3. **The Custodial Officer will then place those items into the department Property Room. All items will be entered into the Visual Alert Property Management System in the same manner as evidence.**
4. This department will maintain lost and found items for a period of 90 days. If the rightful owner has not come forward or cannot be located at the end of the 90 day period, the Custodial Officer will then dispose of that particular item and **note the disposal within the evidence logging system associated with the particular property.**
5. **Valuables, such as jewelry, which meet the criteria established in paragraph four will be forfeited as per Federal & State guidelines to the Pennsylvania State Treasury.**
6. **The Custodial Officer will submit unclaimed valuables to the State Treasury by March 15<sup>th</sup> of each year.**

## H. Bicycles

1. All bicycles brought into the Johnstown Police Department will be properly tagged and **logged into the Visual Alert Property Management System by the Custodial Officer.**
2. Bicycles will be maintained by this department for a period of thirty [30] days **within the garage bay of the Public Safety Building.** If the rightful owner has not come forward or cannot be located at the end of the thirty [30] day period the bicycle will then be disposed of.
3. **All non-functioning bicycles will be disposed of immediately by the Recovering Officer and so noted in that incident report.**

### 3.6.5 ACCESS TO STORAGE AREAS

#### A. Property Storage Areas:

Property storage areas shall be secured with an electronic locking system which permits access via key fob. The electronic locking system shall have the capability to record the fob identification number assigned to the Custodial Officer and the Alternates as well as date and time. Custodial Officers and Alternate Custodial Officers shall have access to all property storage areas; whereas all other sworn members are only permitted access to the Receiving Locker, unless otherwise authorized by the Chief of Police.

#### B. Receiving Locker:

The receiving locker shall be secured with an electronic locking system which permits access via key fob. The electronic locking system shall have the capability of recording the fob identification number assigned to all sworn members gaining accessing the receiving locker as well as date and time.

### **3.6.6 REMOVAL OF ITEMS FROM PROPERTY STORAGE AREAS**

- A. No item shall be removed from the property storage areas without justification and the permission of the Custodial Officer or Alternate Custodial Officer. The Alternate Custodial Officer shall only exercise this authority only when the Custodial Officer is absent from the facility due to leave or other assignment. For each item which is removed an entry shall immediately be made in the Visual Alert Property Management System.**
  
- B. Evidence shall be removed only when necessary and appropriate for an investigation and only for the time necessary to accomplish the purpose. Evidence temporarily relinquished to an investigator shall be returned to the Property Room by the end of their shift. Custodial Officers and Alternate Custodial Officers shall be responsible for the strict adherence to these procedures, particularly when property is of a sensitive nature.**
  
- C. Resubmission of Evidence to Property Storage Areas: Evidence which is resubmitted, following removal, shall be accepted, as is, if the original evidence tape is still intact and complete. If the seal has been broken or removed, the Custodial Officer or Alternate, along with the submitting officer, shall follow the procedures outlined in this regulation regarding initial submission of evidence.**

### **3.6.7 INVENTORIES / INSPECTIONS**

- A. Inventories shall be conducted according to the following provisions:**
  - 1. Upon assignment of a new Custodial Officer or a newly appointed Chief of Police, an inventory of all property storage areas shall be made the Custodial Officer and Chief of Police within 30 days.**
  
  - 2. If there is an indication of evidence being tampered with, an inventory of all property storage areas shall be made by the Custodial Officer and the Chief of Police immediately.**
  
  - 3. An annual inventory shall be conducted during each calendar year. This inventory shall be conducted by the Custodial Officer, Captain of Police Administration, Chief of Police and or his designee and shall be recorded in the Administrative Log.**

**B. Quarterly and Semiannual Inspections**

1. Each inspection shall include a partial evidence audit of 15% of the entire property room inventory.
2. This shall be accomplished by utilizing the Visual Alert Evidence Room Audit function of the property management system.
  - a. Evidence Room Audit
  - b. Partial Evidence Inventory Audit
  - c. Enter 15% of Inventory by bin number
2. Two semi-annual, unannounced inspections of all property storage areas shall be conducted by the Captain of Police Administration or Chief of Police and shall be recorded in the Administrative Log.

**3.6.8 DISPOSAL OF EVIDENCE**

- A. When no longer needed for evidentiary purposes, all evidence, with the exception of firearms and contraband, shall be returned to its lawful owner unless the evidence is transferred to the Johnstown Police Department or other jurisdictions by court order. If the lawful owner fails to claim the evidence within one year after disposition the agency may, as permitted under state law:
- a. Destroy it
  - b. Dispose of it by public auction
  - c. Retain it for the use by the jurisdiction
  - d. Firearms and other nondrug contraband shall be physically destroyed unless:
    - i. Court order authorizes use of the item by this department
  - e. Unclaimed monies and valuables shall be surrendered to the State Treasury by March 15 of each year according to 3.6.4(F).

**B. QUARTERLY EVIDENCE AUDITS**

1. Conduct quarterly evidence audits intended to reduce evidence or property which no longer has evidentiary value. These audits shall be recorded in the administrative log.

ANY AND ALL ITEMS CURRENTLY IN THE POSSESSION OF THE JOHNSTOWN POLICE DEPARTMENT AT THE TIME OF THE EFFECTIVE DATE OF THIS POLICY ARE INCLUDED AS PART OF THIS POLICY.

Effective: November 3, 2017

By Order Of:

A handwritten signature in black ink, appearing to read "Robert F. Johnson". The signature is written in a cursive style with a large, sweeping initial "R".

Robert F. Johnson  
Chief of Police