



MEDFIELD POLICE DEPARTMENT

POLICY NO. 6.03

PROPERTY MANAGEMENT

MASSACHUSETTS POLICE
ACCREDITATION STANDARDS

REFERENCED: **84.1.1, 84.1.2, 84.1.3, 84.1.4, 84.1.5,
84.1.6, 84.1.7**

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Chief of Police

BACKGROUND:

As part of their routine responsibilities, police officers and dispatchers come into possession of property that varies widely in nature, value and condition. Storing, safekeeping, and managing property are important responsibilities for all members of the Department. The failure of police departments to establish effective and efficient systems to manage property can lead to civil and criminal charges against employees and may tarnish the Department's reputation.

POLICY:

The Medfield Police Department will effectively and efficiently manage and control all property coming into the custody of the Department, this policy shall include found property, seized property, recovered property, impounded property, abandoned property, and any other form of property that the Department has in its custody that is not evidence.

All property recovered or turned in to the Department will be properly and lawfully preserved, packaged, recorded, accounted for, handled and stored. The Department will take the initiative to return property to its rightful owner or owners in the most expedient manner. In cases where the owner of found property cannot be determined within one year, the Department will notify the finder of the property that the property may be claimed, in accordance with Massachusetts law.

See Chapter 134 and 135 below.

CHAPTER 134. LOST GOODS AND STRAY BEASTS

Chapter 134: Section 1. Report of lost money or goods by finder

Section 1. Any person who finds lost money or goods of the value of three dollars or more, the owner of which is unknown, shall within two days report the finding thereof to the officer in charge at a police station in the town where said property was found, or, if there is no police station, post notice thereof in two public places therein, or, instead of such report or posting, cause notice thereof to be advertised in a newspaper published therein.

Chapter 134: Section 4. Rights of finder if no owner appears

Section 4. If the owner of lost money or goods does not appear within one year after the finding thereof, they shall enure to the finder, provided he has complied with section one.

CHAPTER 135. UNCLAIMED AND ABANDONED PROPERTY

Chapter 135: Section 8. Unclaimed property in possession of police department; sale at public auction; notice

Section 8. If such property remains unclaimed in the possession of such police department or member thereof for **one month** and the owner thereof or his place of abode or business is unknown, or if the owner and his place of abode or business are known and the owner, after receipt by registered mail of a written notice from such department or member to take possession of said property, refuses or fails for a period of ten days following said receipt so to do, such department may sell the same, excepting money unclaimed, by public auction, notice of the time and place of sale, with a description of the property to be sold, first being given by publishing the same once in each of three successive weeks in a newspaper published in such city. Any violation of the provisions of this section shall be punished by a fine of not less than fifty nor more than one hundred dollars and by forfeiture of any such property obtained as a result of such violation.

Property that is no longer useful or is potentially dangerous will be disposed of as provided by law. Department employees who find or receive found or turned-in property may not convert the property to their own use.

Items voluntarily turned in to the Department by a citizen for destruction shall be processed in the same manner as found property.

PROCEDURES:

Handling of Found Property

It is necessary that property be carefully accounted for in order to minimize the possibilities of adverse claims against the Department. To ensure this, the following procedures shall be followed:

1. Following receipt of turned in property; an officer shall return it to police headquarters.
2. No property will be stored by any member of the Department in his office, desk or locker.
3. Found property shall be handled with care so as to protect it from damage.
4. No member of the Department shall take, use, or possess any item that has been received by the Department, other than for those purposes sanctioned by the Department. [84.1.4]

Submission of Found Property

All property which comes under the control of this Department shall be properly recorded in the Department's Information Systems (IMC) property control database and within the dispatch call log, consistent with the procedures outlined in this directive, prior to the end of their tour of duty. [84.1.1(a)]

1. An offense report or log entry shall be filled out detailing the property obtained and circumstances by which it was obtained. An officer receiving an item(s) for destruction shall record the owner's intent for the property. [84.1.1(c)]
2. The officer, dispatcher, or person assigned shall make an entry into the IMC property control database and indicate where he has placed the property in the narrative.
3. All property shall be properly packaged and marked prior to being submitted for storage. Property that is too large for packaging shall be marked by affixing an appropriate evidence label to the item. [84.1.1(d)]

4. The Shift Commander shall ensure that the incident is entered in the log, an offense report is completed, and the item is stored securely in temporary property storage. [84.1.1(b)][84.1.3]

5. Offense reports pertaining to firearms, ammunition, or found property will be turned into the Evidence Officer.

6. Accuracy and completeness are important. Items not properly packaged, marked, and submitted may be returned to the officer or his supervisor for corrective action and resubmission.

Note: A diligent attempt will be made to determine the identity of the person who owns any found property. If the owner's identity is established in a timely manner, the item may be returned without entering it into the IMC property control database and secure storage. In all cases a Property Release Form should be filled out and a log entry created. [84.1.1(a)]

Security and Access to Found Property

The Department shall maintain areas for the secure storage of property. These areas shall be secured at all times when unoccupied.

1. Only those officers authorized by the Chief of Police shall access the areas used to secure property.

2. Bicycles and other large items shall be secured in evidence/ Large storage cage in garage area under 24/7 video surveillance.

Property Control Personnel

Evidence Officer

The Evidence Officer shall be the official custodian of all found property in the custody of the Department, and will maintain control of the records and inventory system for all found property coming into police custody.

The Evidence Officer shall receive all found property from police officers and dispatchers who receive it. His duties shall include, but not be limited to, the following functions:

1. Preserving the security of all found property in his possession.
2. Checking the secure evidence lockers on a regular basis.
3. Receiving found property and ensuring that it is properly packaged and accurately documented with the necessary forms and computer entries.
4. Moving received items into the evidence room.

5. Maintaining all IMC property control database entries regarding each item of found property.
6. Returning property to the rightful owner as directed by this policy.
7. Maintain a written record of all property being held or used by the Department for training or investigative purposes. [84.1.4]

The Evidence Officer shall be the official custodian of all firearms and ammunition turned in for destruction, and will maintain control of the records and inventory system for all such items coming into police custody.

The Evidence Officer shall receive all firearms and ammunition turned in for destruction. His duties shall include, but not be limited to, the following functions:

1. Preserving the security of all firearms and ammunition in his possession.
2. Checking the evidence lockers on a regular basis for firearms.
3. Receiving firearms and ammunition and ensuring that it is properly packaged and accurately documented with the necessary forms and computer entries.
4. Maintaining all IMC property control database entries regarding firearm, ammunition and their destruction.

Safekeeping of Found Property

All unclaimed recovered or found property shall be kept by the Department for a period of at least one (1) year in accordance with Mass General Law.

Reasonable attempts shall be made to locate the owners of found property. The property will be returned to the owner as expeditiously as possible or disposed of according to existing law (M.G.L. Ch. 134 § 3). [84.1.1(f)]

Release of Property [84.1.1(g)]

Only the Evidence Officer or persons allowed access to the evidence room will release property from the Department's secure storage. Whenever property is to be removed from secure storage, an entry shall be made in the IMC property control database.

Individuals claiming found property will be required to provide proper identification and sign a property release before taking possession of such property. If property is not clearly identifiable, and an individual claims ownership, the property shall be released only when that individual establishes ownership rights to such property.

Any property that becomes the subject of controversy as to the rightful owner shall not be released to any person, except by order of the Chief of Police or by a court order.

Final disposition of disputed property shall be completed within six (6) months after legal requirements have been satisfied. [84.1.7]

Disposition of Unclaimed Property

The Evidence Officer shall dispose of unclaimed found property that has been in the Department's possession for more than one month.

Unclaimed property may be returned to the finder, who shall be required to sign a property release before taking possession of such property.

Unclaimed property found by a member of the Medfield Police Department, any employee of the Town of Medfield who was acting in his official capacity when he found the item, or any member of another law enforcement agency shall be disposed of by means of auction, sale or any other means approved by the Chief of Police.

Unclaimed found property may be released to the finder of the property if one year has passed since the date the item was turned in to the Department. (M.G.L. Ch. 134 § 4)

Unclaimed or donated property may be used by the Department for official police business when approved by the Chief of Police.

Added Precautions for Specific Types of Property [84.1.1(e)]

Whenever a citizen or member of the Department finds an explosive device or any item of unusual value, the Shift Commander shall be notified.

The following items of property shall be provided the extra security stated in the evidence policy; firearms, cash, all drugs, explosive devices. Firearms shall be locked in the firearms locker, cash and jewelry shall be locked in the high value locker, and drugs shall be locked in the drug locker. Explosives shall not be brought into the station with the exception of an explosive device that has been rendered inert.

Firearms

Firearms are considered to be extremely dangerous. All firearms turned in as found property or submitted to the Department for destruction will be handled with the strictest safety considerations in mind.

Prior to handling or unloading any found or recovered firearm, officers must determine whether the weapon may be evidence of a crime. If it is possible that the firearm was used in a crime, the officer must adhere to all Department standards and procedures related to the collection of evidence.

All recovered firearms will be brought directly to the station. At no time will firearms be left unattended in a cruiser.

All firearms will be checked for ammunition by a police officer in a safe area as soon as practicable in order to minimize risk of an accidental discharge. All firearms shall be left in a safe, unloaded condition with their action open. Any ammunition removed from the firearm will be placed in a separate property bag and submitted with the firearm. Firearms seized or turned in as evidence will be secured in the evidence room.

All firearms will be checked through the CJIS/NCIC computer system by Dispatch immediately upon being received. A copy of the computer printout will be attached to the Property Entry Form. ATF checks will be run on firearms where appropriate.

Cash

Upon the discovery of currency in any significant amount, the officer shall immediately notify the Shift Commander who shall, if at all possible, witness the recovery.

At no time will the money leave the presence of the officer and/or the Shift Commander until it is placed into evidence for storage. Both the officer and the Shift Commander will participate in the counting and packaging of the money and will ensure that it is properly and immediately secured.

Any cash received as recovered, lost, or abandoned property will be entered into an offense report.

Explosive Devices

Under no circumstances will explosive devices such as dynamite, hand grenades, blasting caps, fireworks etc., be brought into Police Headquarters.

When an explosive device or suspected explosive device is located, the officer locating the device shall inform the Shift Commander, who shall notify the State Police Bomb Squad.

If fireworks become property they shall be brought to the attention of the Shift Commander who will determine the appropriate storage depending on the size and type of firework. Once fireworks devices are rendered safe they may be stored in the evidence area as they are no longer considered to be an explosive device. Rendering safe may include, but not be limited to, removal of gunpowder or soaking the device in water.

Motor Vehicles

If a motor vehicle is impounded and transported to the police station for processing it will be secured in the station garage bay. Once the processing is complete, the motor

vehicle will be transported by the tow operator of the week and held at their secure facility.

Secure Property Inspections

The evidence rooms as well as the corresponding property records are to be inventoried according to the following schedule:

At least semi-annually, The Chief of Police or his designee shall conduct an investigation of all departmental property storage areas to ensure that property and the records relating thereto, are being maintained in full compliance with the procedures outlined in this directive and that proper accountability procedures are being maintained; to include: [84.1.6(a)]

1. Property is properly stored and protected from damage and/or deterioration; and
2. Property held for over one month or turned in for destructions is being disposed of.

In order to ensure the integrity of the Department's Property Management System, a supervisor not routinely connected with the property function (assigned by the Chief of Police) will conduct a full inventory and accounting of all property held by the Department and will submit a report of his findings to the Chief of Police. [84.1.6(c)]

In addition to and in support of other regularly scheduled inspections, the Chief of Police shall conduct an unannounced inspection of the Department's property rooms on, at least, an annual basis. Accountability and security procedures will be the primary focus of this inspection. [84.1.6(d)]

Inspection /audit records will be filed in the administrative office by the supervisor conducting the inspection/audit.

Evidence Officer Reassignment

Should the Evidence Officer be reassigned, there shall be an inventory and inspection of the records of all property in custody by: [84.1.6(b)]

1. The former Evidence Officer,
2. The new Evidence Officer, and
3. The Executive Officer.