



Division of Criminal Justice

# The Property and Evidence Function

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## INTRODUCTION

The property and evidence function is an integral and essential part of every law enforcement agency. Every day, police officers come into custody of lost or stolen property, contraband, and any manner of evidence. The law enforcement agency is charged with establishing a system for the secure and efficient classification, inventory, retrieval, and disposition of these items. To accomplish this goal, the law enforcement agency must specifically:

- Establish a system of documentation to track property from its receipt to its eventual disposition.
- Establish a secure and orderly storage facility to meet the needs of the particular agency.
- Establish a property officer to be responsible for the department's property and evidence function.
- Provide for periodic and special audits of the contents of the property storage facility to insure continuing accuracy.
- Provide for the proper and timely disposition of property and evidence.
- Provide policy, training and adequate supplies for the consistent marking and packaging of property.
- Establish a written uniform policy and procedure to be followed by police officers in all aspects of property handling.

This chapter will discuss each of the above and provide direction with relevant references. For clarity sake, the term "property" shall be used to refer to both evidence per se and all other property taken into police custody, unless otherwise indicated.

## PROPERTY RECORDS

The maintenance of an orderly, accurate and contemporary record system is essential to the overall property function. The property record system should include a centralized filing system and a system of property reports and receipts to record the details of each property transaction. These records serve several purposes:

- Inventory of items in custody;
- Inventory of items that have been disposed of and released from custody or destroyed;
- Chronological record of the chain of custody of each item.

In addition, the records of a property transaction may in fact become evidence themselves to verify or dispute some fact about that item of property.

The maintenance of the property records should be assigned to the designated property officer to insure that the type and manner of entries are consistent.

Centralized Filing System. Each law enforcement agency must have a centralized filing system which contains information on all property which is taken into police custody. This single source filing system provides consistency and uniformity to the overall property records system. Any inquiry about property should begin at the centralized filing system, where sufficient references will identify the appropriate detailed records.

There are several important principals to be followed in maintaining a centralized filing system. These principals apply whether the centralized record in a bound log book or a computerized data base.

First, the data must be permanent. It must be maintained for a considerable period, and the individual records may have data added, but not deleted. This permanence is available in both a log book and in an electronic data base.

Second, the centralized filing system must be secure against damage, destruction or theft. Here, the electronic system provides more simplicity through data backup with off-site storage. A log book would require either secure containment, such as a fireproof safe, or frequent photocopying with off-site storage.

Third, the centralized filing system must be accessible for all authorized personnel. Access for entering data should be limited to the designated property officer. However, other officers must often track or locate property in the absence of the property officer, and therefore must be able to review the centralized record. This is easier with a log book, since a

computerized system requires the officer to have a working knowledge of the system.

The centralized file should contain the following information for all property in police custody:

1. An identification number unique to the property.
2. Description of each item of the property, including particular identifiers such as make and model and unique identifiers such as serial number and owner applied number.
3. Name of person(s) to whom property is related (defendant, owner, finder).
4. Date that each item came into police custody.
5. Identity of officer who took custody of property (name, initials, badge or employee number).
6. Location where each item is stored.
7. Date that each item was entered into storage.
8. Identity of officer who entered property into storage.
9. Date of each time that item was removed from storage or police custody.
10. Identity of officer who removed item from storage or police custody each time it was removed.
11. Reason the item was removed (e.g. trial or lab) for each time it was removed.
12. Date of final disposition of each item.
13. Manner of disposition (returned to owner, destroyed, turned over to another agency, etc.).
14. Identity of officer responsible for authorizing final disposition.
15. Identity of officer responsible for carrying out final disposition.

Property Reports. In addition to the centralized filing system, the law enforcement agency must have reports to collect the detailed information for all property on a case specific basis. Most agencies currently use some form of a property/vehicle report based on the LEIRS

system. Each agency should carefully review its form to determine if improvements can be made.

Property reports should include, at a minimum, the following information:

1. Incident report number.
2. File number.
3. Date property is received, confiscated, turned into headquarters, etc.
4. Date of the loss or theft of property.
5. Indication whether the property is stolen, lost, found, seized as evidence, recovered or held for safekeeping.
6. Storage location.
7. Name, address, and phone number of the person who found the property or was in possession of the property.
8. Owner's name, address and phone number (if the owner of the property is different from the person listed above).
9. Location where property was recovered, found or confiscated.
10. Item number and full description of each item, including:
  - a. Make, model, serial number and owner applied number.
  - b. Quantity (estimate if necessary).
  - c. Value (estimate if necessary).
  - d. Vehicle make, model, year, body type, color, registration number and state, and vehicle identification number (VIN).
11. Signature of person completing the report.
12. Chain of custody record. The following entries should be made each time property is transferred from one person to another:
  - a. Item number.

- b. Date the property is being transferred from one person to another.
- c. The printed name and signature of the person relinquishing custody of the property.
- d. The printed name and signature of the person receiving the property.
- e. The specific purpose of the change of custody, such as "Court," "Returned to Owner," etc.

In cases with many transfers of custody of an item, it may be necessary to attach a chain of custody continuation page to the property report. Each item listed above should be reflected on this chain of custody continuation page.

Many departments use multi-part forms which are separated soon after the preliminary information is entered. It is essential that all later entries are consistently made on one part of the form. Photocopies can be made of the new, updated property report and distributed as necessary. The dated entry will allow the reader to identify the most recent update.

Model Property Description Report (Short Form), Property Description Report (Long Form), Chain of Custody continuation page, and Victim Property Loss Report are found in the model Property S.O.P in Appendix A. These forms were developed by the Division of Criminal Justice Police Bureau's Police Data Processing Project. The purpose of these forms is to combine the thorough collection of information and efficient entry of information into an electronic database.

Records Retention. Records retention requirements promulgated by the New Jersey Department of State, Division of Archives and Records Management are found in the New Jersey Records Manual (March, 1986). A second reference for records retention is the New Jersey Prosecutor's Manual (October, 1988 Revision) published by the New Jersey County Prosecutors Association.

## **PROPERTY STORAGE FACILITY**

The law enforcement agency must provide adequate space to organize and maintain a property vault which will facilitate the storage, auditing and retrieval of property and evidence. In addition, the storage facility must provide adequate security and control.

The design of a property vault will be unique for every law enforcement agency. The three primary considerations are the volume and type of property held, the overall security of the agency facility, and the total available space.

Volume and Type of Property. In designing a property vault, the total volume of property to be stored should be forecasted as far as possible into the future. In addition, the various types of property to be stored should be reviewed. This includes, but is not limited to: weapons, ammunition, volatile or toxic substances, perishable items, valuable items, and cash. Consideration should also be given to the different types and quantities of controlled dangerous substances seized and held by the department. The agency may wish to establish different policies for the storage of such diverse items.

In determining total storage area, it is important to remember that mere storage is not enough. The vault must have ample space to be organized to facilitate the location, retrieval and audit of the property. In other words, all property must be readily accessible.

The property vault should contain a refrigerator for the storage of perishables, such as blood. A safe or other separately secured container should be provided for the storage of cash, jewelry and other small, valuable items.

Security. Security is an extremely important consideration in the maintenance of a property vault. The vault must be situated, constructed, secured and protected in such a way as to prevent accidental or deliberate tampering, damage or loss of property.

The property vault would ideally be located within a police headquarters which is staffed twenty-four hours a day. In this case, the property vault should have its own alarm system. In the alternative, it should be located in an area of a police facility which is completely secure from unauthorized access. In this case, the police facility and the property vault should have separate alarm capabilities.

The vault should be constructed with materials which would frustrate attempts to breach the perimeter walls, floor and ceiling. There should be only one entrance, with a steel door, steel frame and dead bolt locks. The alarm system should contain both an entrance switch on the door and some type of interior backup, such as motion or infrared sensors. The control panel for the alarm system should be inside the vault, with a time delay for deactivation.

The vault should also have an automatic fire suppression system to limit damage in case of accidental fire or arson. Special consideration should be given to the type of chemicals used in the fire suppression system in relation to the contents of the vault.

Construction of storage within the vault will vary with the department's needs. The use of shelves, pins, pegboards, cabinets, racks and any combination thereof will depend on the specific needs of the agency. The key is organization.

Temporary Storage. Facilities for temporary storage of property should be available when the property officer is unavailable. For instance, a series of airport type metal lockers could be used by department personnel until the property officer can assume custody of the property.



These lockers can either stand alone outside of the vault, or be installed in one wall of the vault. By installing them, the property officer has access to items placed in temporary storage from the inside the vault itself. Keys to the lockers must be a type that can not be reproduced without proper written authorization.

Procedures for temporary storage of property should require the officer to place the property into a locker compartment, lock the locker and retain possession of the key. The property officer, upon coming on duty, would remove the property from the sealed locker by using a master key. The property officer would then place the property items in the vault after following proper inventory and logging procedures. The property officer should prepare and issue a receipt to the officer that recovered the property when the officer appears to turn in the key to the locker used for temporary storage.

### **PROPERTY OFFICER**

To maintain the continuity of the property function, the chief law enforcement officer should delegate the property control function to one specific officer. The primary duties of the property officer include the preservation and safeguarding of all property, as well as the disposition of all property. In medium to large departments, the duties of a property officer can be a full time assignment for one or more officers. In smaller departments, the property officer duties along with other duties might be assigned to one officer. If this is the case, the chief law enforcement officer must insure that the property function is receiving the time, effort and attention that it needs.

The property officer's duties, responsibilities and authority should be clearly defined by department rules and policies. At a minimum, the property officer shall:

1. Maintain appropriate written records, including records which reflect the chain of custody of property while it is in the possession of the police department.
2. Maintain the property in a place and under conditions which eliminate as much as possible any risks of loss or tampering.
3. Maintain physical control of property until it is properly disposed.

Access to evidence and the property vault must be restricted to the property officer. One other officer, preferably the property officer's supervisor, should have access in case the property officer is unable to perform his duties.

## **AUDITS**

Audit procedures are essential to maintaining the integrity of the property function. There should be a complete audit of stored property as well as selected or random audits of completed transactions on a routine annual basis. In addition, there should be a complete audit whenever there is a change of property officer, unit supervisor, chief law enforcement officer or change of any other personnel with responsibility over or access to the property. An audit should also be conducted if there is any indication or suspicion of a breach of integrity in the property system. These audits should be conducted by the designated property officer with assistance and verification provided by another officer. To provide a completely independent source of verification, a representative of the county prosecutor's office could assist the property officer during the audit.

An audit should begin with a complete inventory of all items currently in the property vault. The inventory of the property vault should then be used to verify the accuracy of the central filing system. An audit of completed transactions should be conducted by examining the case files to verify that required notifications and release authorizations have been properly submitted. In addition, a legitimate basis for the release decision should be clearly apparent in the file.

## **DISPOSITION OF PROPERTY**

The police department must provide for the proper and timely disposition of property and evidence. This is necessary to maintain the property storage facility and property records in an orderly fashion. Failure to promptly purge property leads to overloading limited storage space, continues the department's liability longer than necessary and makes auditing procedures more difficult and time consuming.

Seized property may be disposed of by forfeiture or by returning it to the owner. Forfeited property may be disposed of by destruction or by public sale or auction. Found property may be disposed of by returning it to the owner, returning it to the finder, by destruction or by public sale or auction. These dispositions are controlled by state statute, state retention regulations, Attorney General and county prosecutor's guidelines, and police department policy. Each police department must have a written policy on the disposition of property consistent with the above sources. Police departments should contact their municipal attorney, the county prosecutor's office or the Division of Criminal Justice Police Bureau with any questions concerning property disposition.

Return to Owner or Finder. When stolen property comes into the custody of police, N.J.S.A. 2C:65-1 et seq. provides that law enforcement agencies may release the property to the owner. The law specifies that the agency enter a description of the property into its central filing system and make a complete photographic record of the property. This photographic record may

be introduced as evidence in any court in lieu of the property.

A law enforcement agency may immediately return stolen property to its rightful owner where the agency is satisfied there is no dispute as to ownership.

If the person entitled to stolen property is unknown, the law enforcement agency may apply to the court for an order to release the property from the custody of the agency. The application, which must specify the property for which a release is sought, can be made six months after the final determination of the case. The property will then be disposed at public sale, with proceeds going to the state, county or municipality, whichever was the prosecuting authority.

When property is found by a civilian, turned over to the police department for safekeeping, and the owner does not claim the property for six months, N.J.S.A. 40A:14-157(b) provides that the property shall be returned to the finder.

N.J.S.A. 53:1-26.1 and N.J.S.A. 40A:14-157(a) state that property which is found by a state or municipal law enforcement officer and remains unclaimed becomes the property of the state or municipality, which may provide for its sale at public auction.

Abandoned motor vehicles which are found or recovered shall be disposed of pursuant to N.J.S.A. 39:10A-1 et seq. If the vehicle is not stolen, the agency should attempt to notify the owner of the recovery. If the vehicle is not certifiable for a junk title certificate, and the owner does not claim it a minimum of twenty and a maximum of ninety business days after the agency has taken possession of the it, the vehicle can be sold at public auction. If the vehicle is certifiable for a junk title certificate and the owner does not claim it within fifteen business days after the agency has taken possession of it, the vehicle can be sold at public auction.

The owner or any other person entitled to take possession of the vehicle may do so at any time before sale. The owner must pay reasonable costs for the removal and storage of the vehicle and any fine, penalty and court costs assessed against him for a violation which gave rise to the seizure of the vehicle.

Forfeiture. Law enforcement agencies are referred to N.J.S.A. 2C:64-1 et seq. as the primary statutory source on the forfeiture of property. The law provides that property is subject to forfeiture if it is "prima facie contraband" (e.g., controlled dangerous substances, illegally possessed firearms), if it was used in furtherance of an unlawful activity (e.g., vehicles used to smuggle contraband), or if it is the proceeds of illegal activity (e.g., currency or assets earned by drug transactions).

Any property subject to forfeiture under N.J.S.A. 2C:64-1 et seq. may be seized by a law enforcement officer and held by a law enforcement agency as evidence pending a criminal prosecution. If no criminal proceeding is instituted, law enforcement officers may seize and

hold without court process property which is "prima facie contraband" or which poses an immediate threat to the public health, safety or welfare.

If a criminal proceeding is instituted, "prima facie contraband" shall be retained by the state until entry of judgment or dismissal of the criminal proceeding, including any appeals, and then shall be forfeited to the entity funding the prosecution. When property other than prima facie contraband is subject to forfeiture, such forfeiture may be effected by a civil action. Civil forfeiture proceedings must begin within ninety days of the seizure of the property. Police departments should contact their county prosecutor regarding any civil forfeiture action.

Property which has been forfeited shall be destroyed if it can serve no lawful purpose or it presents a danger to the public health, safety or welfare. All other forfeited property shall become the property of the entity funding the prosecuting agency.

The forfeiture law also provides that the entity prosecuting the case shall divide the forfeited property or any proceeds resulting from the forfeiture with any other law enforcement agency that participated in the surveillance, investigation, arrest or prosecution resulting in the forfeiture. Distribution of forfeited property or any proceeds among participating agencies will be in proportion to that agency's contribution to the case. Such forfeited property and proceeds shall be used solely for law enforcement purposes.

Destruction of Property. "Prima facie contraband" may be destroyed after entry of judgment or dismissal of the criminal proceeding, including the appeal process, if it can serve no lawful purpose or it presents a danger to the public health, safety or welfare.

In any case involving a bulk seizure of a controlled dangerous substance, the prosecuting authority may apply to the trial court for an order to destroy all or some portion of the seized substance before the completion of criminal proceedings. If the law enforcement agency has such a bulk seizure and wants to destroy it, the agency should contact the prosecutor handling the case.

Documentary exhibits shall be destroyed only after the clerk of the court has posted a notice in the county describing the exhibit and indicating the date after which the exhibit will be destroyed.

## **PROPERTY CONTROL POLICY AND PROCEDURE**

The chief law enforcement officer should develop and implement written policy governing the property and evidence function. This policy should outline the responsibilities and duties of officers as they apply to the handling of property. The policy also provides practical, step-by-step procedures for the receipt, handling, packaging, storage and reporting functions pertaining to property. Appendix A contains a model property and evidence policy which can be

used as a guideline for a police department in developing its own written policy.

## **MARKING AND PACKAGING PROPERTY AND EVIDENCE**

All property and evidence must be identified and marked to insure that it can be identified in the future. In addition, the property must be securely packaged to preserve the contents and prevent accidental loss or deliberate tampering. Methods of marking and packaging property will vary from department to department. It is important that the department's methods are consistent and clearly defined by written policy.

It is essential the methods for marking and packaging property be in conformity with accepted practice. The Evidence Manual published by the Division of State Police Special and Technical Services Section is an excellent source of information concerning the marking and packaging of property and evidence.

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## APPENDIX A Model Property & Evidence Policy

### 1.0 APPLICATION

- 1.1 The property and evidence procedures hereafter described shall be followed for all recovered, stolen, found or confiscated property coming into the possession of any member of this department.

### 2.0 PROPERTY MARKING AND PACKAGING

- 2.1 The New Jersey State Police Special and Technical Services Section Evidence Manual will be used as a guide in the marking and packaging of property.
- 2.2 Each item will be properly marked with the date and the officer's initials, if possible, then tagged and/or placed in appropriate size envelopes or bags which are provided.
- 2.3 The tag which accompanies articles being turned in to the Property Officer will include the following information on the tag or outermost container (bag or envelope):
  - 2.3.1 Incident Report number
  - 2.3.2 Date of recovery
  - 2.3.3 Location of recovery
  - 2.3.4 Owner of property, if known
  - 2.3.5 Brief description of article
  - 2.3.6 Officer's name and identification number
- 2.4 Should there be numerous small items relating to the same case, after each item has been tagged, enveloped, etc., place all the items in one or more larger bags, marking each larger bag with the Incident Report number and the item numbers contained in said bag.

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### 3.0 PROPERTY SUBMISSION

#### 3.1 Property officer available

- 3.1.1 A property description report, as described in Section 6.0, shall be completed. The officer will then present the labeled article(s) and property description report to the officer in charge for review.
- 3.1.2 The officer in charge shall review the article(s) to insure that they are properly labeled and the property description report is accurately completed. The officer in charge will then initial the property description report to indicate the evidence or recovered property has been processed correctly.
- 3.1.3 The officer who took custody of the property will then submit the property, along with the property description report, to the property officer for safekeeping.

#### 3.2 Holding locker procedure

- 3.2.1 In the event an officer has property to be submitted for safekeeping in the property room, and the property officer is not available to accept same, the property description report will be completed, up to the chain of custody section. In the first chain of custody section, entries will be made under ITEM NO., DATE, RELINQUISHED BY and PURPOSE FOR CHANGE OF CUSTODY. No other entries are made.
- 3.2.2 The officer in charge will inspect the property for proper identification, labeling and packaging, as well as the property description report.
- 3.2.3 The officer in charge will then accompany the officer who took custody of the evidence to the property holding locker, where the officer will place both the property and the completed property description report. The locker must then be properly secured by the officer who took custody of the evidence, under the supervision of the officer in charge.
- 3.2.4 When the property officer removes the property from the holding locker, he will complete the first chain of custody section of the property description report under RECEIVED BY.
- 3.2.5 Copy 2 of the property description report will then be returned to the

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submitting officer with the property officer's signature showing receipt of property.

### 3.3 Property Submission: Refrigerated Material

3.3.1 If any material or substance (evidence) must be refrigerated, and the property officer is available, the officer shall deliver the property to the property officer.

3.3.2 If any material or substance (evidence) must be refrigerated, and the property officer is unavailable, the material or substance shall be placed into the refrigerator located in the Detective Bureau. This will be done through one of the detectives on duty, or, if there is no detective on duty at the time, the on-call detective is to be contacted. The property description report will be signed in the same manner as if it were to be stored in the holding locker. No such material or substances are to be refrigerated at any other place unless it is absolutely necessary.

### 3.4 Laboratory Cases

3.4.1 In cases where the physical evidence requires laboratory analysis or other handling by outside agencies, this department shall transport the evidence to and from the laboratory or other agency and obtain a report of the analysis or other handling before turning the evidence over to the County Prosecutor's Office. In particular cases, this procedure may be changed with the approval of the Assistant Prosecutor to whom the case is assigned.

### 3.5 Request for Evidence Form

3.5.1 If it is necessary for an officer to obtain evidence for court proceedings, he must first submit a Request for Evidence Form to the property officer as soon as that officer becomes aware that such evidence is required.

3.5.2 Evidence required for courtroom presentation will not be released to the officer making the request until the date of the courtroom testimony.

3.5.3 Prior to the release of secured evidence, the form will be completed by both the property officer and the officer making the request for the evidence.



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- 3.5.4 The officer receiving the evidence for courtroom presentation is required to return that evidence intact to the officer in charge on duty at police headquarters immediately following the termination of the court hearing.
- 3.5.5 The officer in charge will obtain the Request for Evidence Form which was completed for the transaction of the evidence (filed in a predesignated location) and review the form and the evidence being returned.
- 3.5.6 Once the officer in charge is satisfied that everything is in order, the form will receive the appropriate entry from the officer in charge and the officer returning the evidence.
- 3.5.7 The officer in charge will then accompany the officer returning the evidence to the holding locker where the officer returning the evidence will place both the evidence and the completed Request for Evidence Form in the holding locker.
- 3.5.8 The officer returning the evidence will properly secure the locker under the supervision of the officer in charge.

### 4.0 PROPERTY OFFICER DUTIES

- 4.1 The Property Officer shall maintain written records which reflect the chain of possession of the evidence during the time the evidence is in the custody of the police department.
- 4.2 The Property Officer shall maintain physical evidence in a place, and under conditions which guarantee that the evidence cannot be tampered with.

### 5.0 STOLEN PROPERTY

#### 5.1 Identifying Stolen Property

- 5.1.1 If an officer locates property which he suspects might be stolen, he may have the Control Desk operator check the NCIC/SCIC terminal for any record of it being stolen. The officer must provide the following information for such checks:
  - a. Description of article (TV, stereo, radar detector, etc.)

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- b. Brand name of article (RCA, Sony, GE, etc.)
- c. Model number or name
- d. Serial number of the article
- e. Any owner ID numbers (O.A.N.).

5.1.2 Any property which has been identified as being stolen should always be confirmed through the law enforcement agency which has entered the item into the terminal.

### 5.2 Identification of Stolen Motor Vehicles

5.2.1 There are two ways to determine if a motor vehicle has been reported stolen:

- a. NCIC/SCIC terminal check of the license plate number
- b. NCIC/SCIC terminal check of the Vehicle Identification Number (VIN).

#### 5.2.2 NCIC/SCIC Terminal Check of Registration Number

- a. Supply the Control Desk operator with the registration number of the vehicle, along with issuing state information.
- b. The Control Desk operator will run "wants" for the vehicle on both a State and Federal level.

#### 5.2.3 NCIC/SCIC Terminal Check of the Vehicle's VIN

- a. The officer must supply the Control Desk operator with complete description of the vehicle, including the manufacturer, model, body style, color, year and VIN.
- b. The Control Desk operator will run "wants" on both State and Federal level.

5.2.4 Whenever there is a "hit" on a stolen motor vehicle, the officer shall always check with the law enforcement agency issuing the want to confirm

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that the vehicle is stolen.

### 5.3 Entry of Stolen Property into NCIC/SCIC Terminal

5.3.1 When an officer is investigating a theft where property that has been stolen has sufficient identifiers, the officer should make every effort to obtain this information for entry into the NCIC/SCIC terminal. Once this information has been obtained, it is to be provided to the Control Desk operator who will make the entry. The teletype number shall be logged on the officer's incident report.

5.3.2 If this information is not available, but there is enough of a description of the articles taken, the officer should make sure that at least teletype information be dispatched through the Control Desk operator as soon as the report has been received.

### 5.4 Stolen/Recovered Bicycles

5.4.1 Whenever a bicycle is reported stolen or recovered, the investigating officer shall complete a Bicycle ID Report. This report will be completed in addition to the officer's Incident Report.

5.4.2 The Bicycle ID Report will be turned over to the Control Desk Operator who will maintain a file of these reports for future reference.

5.4.3 Whenever an officer recovers a bicycle, he will reference the information obtained from the recovered bicycle with the Bicycle ID Reports on file at the Control Desk.

5.4.4 The officer will initiate the same teletype procedures which are normally utilized with any stolen article.

## 6.0 REPORT PROCEDURE

### 6.1 Purpose of the PROPERTY DESCRIPTION REPORT

6.1.1 The Property Description Report (Short or Long Form) shall be used to report the following:

- a. Stolen property.
- b. Lost property.

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- c. Found property.
  - d. Seized property.
  - e. Recovered property.
  - f. Burned property.
  - g. Damaged/destroyed property.
  - h. Property held by a police authority for safekeeping.
- 6.1.2 The Property Description Report (Short or Long Form) shall be submitted following the recovery or loss of any property. When a Property Description Report is submitted in conjunction with an Investigation Report, the INCIDENT NO. and the DEPT. CASE NO. must coincide with the corresponding blocks on the Investigation Report.
- 6.1.3 The officer will use a Property Description Report (Short Form) and as many Property Description Reports (Long Form) as necessary to completely record the listed information for each item of property and each transfer of custody.
- 6.2 This report shall be prepared in four copies on the forms provided.
- 6.3 Routing of the four copies shall be as follows:
- 6.3.1 Copy 1, Copy 2 and Copy 3 - Will accompany the property to the Property Officer or placed into the Holding Locker with the property until the Property Officer completes the chain of custody section.
  - 6.3.2 Copy 1 - Will be forwarded to the Records Unit with the Incident Report.
  - 6.3.3 Copy 2- Will be returned to the submitting officer with the property officer's signature showing receipt of property.
  - 6.3.4 Copy 3 - Will be retained by the Property Officer until the property is released or otherwise disposed of, and the transaction completely noted on the report; then, will be forwarded to the Records Unit.
  - 6.3.5 Copy 4 - To be given to the person the property was taken or received from, as their receipt.
- 6.4 This report shall be accurate, factual, clear, concise, complete and free of errors in spelling and grammar. Appropriate abbreviations are acceptable. Complete all boxes, i.e., if information is unknown, enter "UNK", if not available, enter dash

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(-), if not applicable, enter "N/A".

- 6.5 The report shall be typed whenever possible. If the report must be hand-written, it must be printed clearly and with black ink.
- 6.6 Reviewing officers shall make certain that all personnel comply with this procedure.
- 6.7 Instructions for preparation of PROPERTY DESCRIPTION REPORT (SHORT FORM)
  - 1. DEPARTMENT - The name of the law enforcement agency that takes the report will be entered here.
  - 2. ORI NO - Enter the department's National Crime Information Center (NCIC) New Jersey Identifier Number.
  - 3. INCIDENT NO - The department may use this box to enter a local Incident/Event number.
  - 4. PROS CASE NO - This box will be used for the County Prosecutor's Office to enter their case number.
  - 5. DEPT CASE NO - This box may be used by the local department for entering a case/report number.
  - 6. VICTIM NO. OF VICTIMS - Enter the victim number and the total number of victims involved with this incident.  
  
Example: If three victims were robbed as part of the same incident, and this is the second victim of the three, enter "2/3."
  - 7. OWNERS NAME - Enter the full name (last, first, middle) of the owner of the property, if known.
  - 8. PHONE (AREA) - Enter the full phone number of the owner, if known.
  - 9. OWNERS ADDRESS - Enter the full address (premise number, street name, municipality, state and zip), if known.
  - 10. DATE OF LOSS - Enter the date of loss (month-day-year).

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11. LOCATION OF LOSS - Enter the location of loss, if known (premise number, street name, municipality, state and zip).
12. NCIC NO. - Enter the National Crime Information Center (NCIC) or Teletype number if a message has been sent on related property.
13. FINDER/POSSESSORS NAME - Enter the full name (last, first, middle) of the person who was in possession of the property, either a finder of property or a person who is encountered in possession of the property.
14. PHONE (AREA) - Enter the full phone number and area code of the person who was in possession of the property.
15. DATE NCIC CANCELLED - Enter the date that the NCIC message for the property was cancelled or cleared.
16. FINDER/POSSESSORS ADDRESS - Enter the full address (street number, street name, municipality, state and zip), of the finder or person who was in possession of the property.
17. TELETYPE NO. - Enter the Teletype of NCIC number of the message sent that relates to the property indicated.
18. LOCATION OF RECOVERY/SEIZURE - Enter the full address (street number, street name, municipality, state and zip) of the location where the property was recovered or seized.
19. DATE OF RECOVERY/SEIZURE - Enter the appropriate date, month, day, year.

### **BLOCKS 20 THROUGH 26 ARE TO BE USED IF THE PROPERTY IS A VEHICLE**

20. YEAR - Enter the year of the vehicle.
21. MAKE - Enter the make of the vehicle.
22. MODEL - Enter the model of the vehicle.
23. BODY TYPE - Enter the body type of the vehicle.
24. COLOR - Enter the color(s) of the vehicle.

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25. REGISTRATION NO./STATE - Enter the vehicle's plate/registration number and the State it is registered in.
26. V.I.N. - Enter the vehicle's full Vehicle Identification Number.
27. ITEM NO. - Enter the item of each piece of property recovered or seized, relating to the case.
28. PROPERTY CODE - Enter the Property Description Code number from the code table located in the center of the report.
29. PROPERTY STATUS - Enter the Property Status code number from the code table located in the center right portion of the report.
30. ESTIMATED/QUANTITY - Enter the quantity or the estimated quantity of items.
31. UNIT OF MEASURE - Enter the appropriate Unit Of Measure code if necessary, from the code table located in the center portion of the report.
32. DESCRIPTION/O.A.N. - Enter a description of the property and any Owner Applied Numbers that may exist.
33. SERIAL NUMBER - Enter the full serial number of the property if it exists.
34. ESTIMATED VALUE - Enter the estimated value of the property.
35. DISPOSITION OF ITEM - Enter the disposition of the property from the Disposition Code Table, located in the center right portion of the report.
36. PRINT RANK/OFF. NAME - PRINT the rank and name of the officer doing the report.
37. BADGE NO. - Enter the badge number, if used, of the officer doing the report.
38. REPORT DATE - Enter the date of the report, month, day, year.
39. PAGE NO. OF PAGES - If additional page(s) are needed to describe property relating to the case, indicate which page and the total number of

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pages that are being submitted.

40. **REVIEWED BY** - For use by the person in the agency after reviewing and approving the report(s).

**BLOCKS 41 THROUGH 45 ARE TO BE USED FOR TRACKING THE CHAIN OF CUSTODY OF THE ITEMS RELATED TO THE CASE.**

41. **ITEM NO.** - Enter the Item Number of the piece of property that will be moved.
42. **DATE** - Enter the date that the item was moved, month, day, year.
43. **RELINQUISHED BY** - PRINT the full name of the officer/person who is releasing property.
44. **RECEIVED BY** - PRINT the full name of the officer/person who is receiving property.
45. **PURPOSE FOR CHANGE OF CUSTODY** - Enter the purpose for which the property is changing custody. Examples of change of custody may be for transportation to the lab, to court, for destruction, for return to owner or for auction.

### 6.8 Instructions for preparation of PROPERTY DESCRIPTION REPORT (LONG FORM)

1. **DEPARTMENT** - The name of the law enforcement agency that takes the report will be entered here.
2. **ORI NO** - Enter the department's National Crime Information Center (NCIC) New Jersey Identifier Number.
3. **INCIDENT NO** - The department may use this box to enter a local Incident/Event number.
4. **PROS CASE NO** - This box will be used for the County Prosecutor's Office to enter their case number.
5. **DEPT CASE NO** - This box may be used by the local department for entering a case/report number.



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27. ITEM NO. - Enter the item of each piece of property, recovered or seized, relating to the case.
28. PROPERTY CODE - Enter the Property Description Code number from the code table located in the center of the report.
29. PROPERTY STATUS - Enter the Property Status code number from the code table located in the center right portion of the report.
30. ESTIMATED/QUANTITY - Enter the quantity or the estimated quantity of items.
31. UNIT OF MEASURE - Enter the appropriate Unit Of Measure code if necessary, from the code table located in the center portion of the report.
32. DESCRIPTION/O.A.N. - Enter a description of the property and any Owner Applied Numbers that may exist.
33. SERIAL NUMBER - Enter the full serial number of the property if it exists.
34. ESTIMATED VALUE - Enter the estimated value of the property.
35. DISPOSITION OF ITEM - Enter the disposition of the property from the Disposition Code Table, located in the center right portion of the report.
36. PRINT RANK/OFF. NAME - PRINT the rank and name of the officer doing the report.
37. BADGE NO. - Enter the badge number, if used, of the officer doing the report.
38. REPORT DATE - Enter the date of the report, month, day, year.
39. PAGE NO OF PAGES - If additional page(s) are needed to describe property relating to the case, indicate which page and the total number of pages that are being submitted.
40. REVIEWED BY - For use by the person in the agency after reviewing and approving the report(s).

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### 7.0 DISPOSITION

#### 7.1 Forfeiture

7.1.1 If property subject to forfeiture in an indictable or juvenile case, other than prima facie contraband, is seized by this department, the Detective Bureau must notify the Evidence and Property Control Unit of the County Prosecutor's Office, in writing, within one week of the seizure. If forfeiture proceedings are approved, the property subject to forfeiture must be immediately turned over to the Evidence and Property Control Unit of the County Prosecutor's Office. If forfeiture is declined, the property should be returned to its owner provided that the property has no evidential value.

7.1.2 A completed file should be given to the Assistant Prosecutor as soon as possible, but not later than 30 days after seizure.

7.1.3 Civil forfeiture proceedings must begin within 90 days of seizure of the property to be forfeited.

7.1.4 See N.J.S.A. 2C:64-1 et seq. for the law concerning forfeitures.

#### 7.2 Disposition of Stolen Property and Documentary Exhibits

7.2.1 When any article of stolen property comes into the custody of this department, the property officer shall enter in the property book a description of the article and shall attach a number to each article, and make a corresponding entry. The assigned detective shall make and retain a complete photographic record of the property.

7.2.2 Upon receipt of satisfactory proof of ownership of the property, and upon presentation of proper personal identification, and with the consent of the County Prosecutor's Office, the property officer may release the property to the person presenting such proof.

7.2.3 The person receiving the property shall be asked to view the photograph taken pursuant to Section 7.2.1 to verify that it accurately depicts the property that is being released to his custody. The person receiving the property shall sign a sworn declaration of ownership. This department shall retain the photograph and the sworn declaration.

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7.2.3 See N.J.S.A. 2C:65-1 et seq. for the law concerning the disposition of stolen property and documentary exhibits.

### 7.3 Tangible Personal Property - Recovered and Disposition

7.3.1 Where tangible personal property comes into the possession of the police department, by finding and recovery, by a member of the police force acting in the line of duty, and if the owner or his whereabouts is unknown and cannot be ascertained, or if the owner shall refuse to receive the property, then the property shall not be disposed of for 6 months, except in cases of motor vehicles, which shall be for 3 months. The municipality, by resolution, may then provide for the sale, in whole or in part, of any such property, at public auction. Moneys received from the sale of any such property shall be paid into the general municipal treasury. All unclaimed moneys coming into the possession of the police department shall be turned over within 48 hours to the municipal treasurer for retention in a trust account and, after 6 months, if unclaimed by any person entitled thereto, be paid into the general municipal treasury.

7.3.2 Whenever any money or tangible personal property other than a motor vehicle is found or discovered by any person other than by a member of the police department acting in the line of duty, and the finder shall have given or shall give custody of the found money or tangible personal property to the police department for the purpose of assisting the police to find the owner thereof, the police department shall retain custody of said money or tangible property for a period of 6 months. If the money or tangible personal property is unclaimed during the 6 month period by the person entitled thereto, the money or property shall be returned by the police department to the finder, who shall be deemed the sole owner thereof.

7.3.4 See N.J.S.A. 40A:14-157 for the law concerning the disposition of tangible personal property found or recovered.

### 7.4 Disposition of Controlled Dangerous Substances: Disorderly Persons Offense

7.4.1 The New Jersey State Police will not examine marijuana weighing less than 50 grams (disorderly persons offense) unless the defendant has appeared in Municipal Court and entered a plea of not guilty. When drafting complaints charging defendants with possession of less than 50 grams of marijuana, schedule the case to be heard on the closest court date

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following the arrest. If the defendant pleads not guilty on his first court appearance, the court will schedule another date so that the evidence may be examined and the results obtained.

- 7.4.2 In a disorderly persons case involving a controlled dangerous substance, our department shall maintain the controlled dangerous substance until at least 60 days following final judgement in the case. If a defendant is convicted of the disorderly persons offense, the final judgement would be measured from the date the defendant is sentenced. If an appeal is pending, the final judgement would be when the appeal is decided. It is incumbent on the law enforcement agency to track appeals.
- 7.4.3 The County Prosecutor's Office submits a copy of the judgement entered on municipal appeals to the person designated to handle record keeping for each police department. If the defendant is found guilty and the decision appealed to a higher court, that action will be noted on the judgement. The opinion is considered rendered when received by this office. Any questions about status, decision, or opinions on municipal appeals or questions about appeals on an indictable matter should be directed to the Head Clerk, Appellate and Motion Practice Section.
- 7.4.4 At the expiration of 60 days following the final judgement, our department shall destroy the controlled dangerous substance at a facility designated by the Prosecutor's Office. The controlled dangerous substance shall be destroyed within one year of the final judgement. All aspects of the destruction shall be documented on the Uniform Destruction of Evidence Form. Notice to and approval of the Chief of the Trial Section is not necessary for the destruction of controlled dangerous substances in a disorderly persons offense, or where the amount and type of drug would qualify for disorderly persons offense treatment.
- 7.5 Disposition of Controlled Dangerous Substances: Indictable or Juvenile Offense
  - 7.5.1 In an indictable case or for a juvenile offense involving controlled dangerous substances where the County Prosecutor's Office seizes the controlled dangerous substance, the controlled dangerous substance shall be turned over to the Evidence & Property Control Unit immediately.
  - 7.5.2 In an indictable case or for a juvenile offense involving controlled dangerous substances where our department seizes the controlled dangerous substance, we shall maintain custody of the evidence until the

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assistant prosecutor to whom the case is assigned directs that the evidence be turned over to the County Prosecutor's Office. When the evidence has been turned over to the County Prosecutor's Office, the Evidence & Property Control Unit shall maintain the controlled dangerous substance until at least 70 days following the final judgement in the case. If an appeal is taken, the evidence should be held until the expiration of the appeal. At the expiration of 70 days following final judgement, the Evidence & Property Control Unit shall make contact with the Chief of the Trial Section of the County Prosecutor's Office and/or the Narcotics Squad Prosecutor and seek approval for destruction of the controlled dangerous substance. The request and approval must be in writing. If the Chief of the Trial Section or Narcotics Squad Prosecutor approves destruction, the Evidence & Property Control Unit shall destroy the controlled dangerous substance at a designated facility. All aspects of the destruction shall be documented.

7.5.3 In an indictable case or for a juvenile offense where our department seizes a controlled dangerous substance but is not called upon to turn the controlled dangerous substance over to the County Prosecutor's Office, we shall maintain the controlled dangerous substance until at least 70 days following final judgement in the case. If an appeal is taken, the evidence should be held until the conclusion of the appeal. At the expiration of the 70 days following judgement, we shall request approval from the Chief of the Trial Section or Narcotics Squad Prosecutor of the Prosecutor's Office for destruction of the evidence. The request for the destruction and the approval must be in writing. If the Chief of the Trial Section or Narcotics Squad Prosecutor approves destruction of the evidence, our department shall destroy the controlled dangerous substance at a designated facility. All aspects of the destruction shall be documented. All controlled dangerous substances approved for destruction should be destroyed within one year of the written approval from the Chief of the Trial Section or Narcotics Squad Prosecutor.

7.5.4 If after the conviction of the defendant there is still an investigation pending concerning other prospective defendants relating to the possession or distribution of that substance, the substance may be retained if reports are duly filed justifying non-destruction.

7.6 Disposition of Controlled Dangerous Substances with no prosecution

7.6.1 If the police department comes into possession of controlled dangerous

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substances, for example by finding, and a viable prosecution cannot be developed in relation to the drug, then it should be retained for at least 60 days. The controlled dangerous substance shall be destroyed within one year of its receipt. All aspects of the destruction shall be documented on the Uniform Destruction of Evidence Form. Notice to and approval of the Chief of the Trial Section or Narcotics Squad Prosecutor is not necessary in this situation unless a significant quantity or quality of controlled dangerous substance is involved. The term "significant quantity" should at least mean enough controlled dangerous substance to support a charge of possession with intent to distribute if the owner or possessor were known.

### 7.7 Controlled Dangerous Substance Destruction process

- 7.7.1 Documentation of the destruction of controlled dangerous substances must be done through the utilization of the "Uniform Destruction of Evidence Form." When a request for destruction is made, the original and two copies shall be sent to the Chief of the Trial Section or Narcotics Squad Prosecutor. One copy shall be retained by our department. If destruction is approved the original and two copies will be returned to our department. When the evidence is destroyed, a completely executed copy should be left with the contact person for the authorized destruction facility. An original and one copy would then be retained by our department. Controlled dangerous substances and firearms should not be included on the same destruction of evidence form.
- 7.7.2 In a juvenile case the Chief of the Trial Section or Narcotics Squad Prosecutor will refer the requests to the Director of the Juvenile Division for his approval.
- 7.7.3 It will be the responsibility of the assigned officer to destroy the evidence and a copy of the Uniform Destruction of Evidence Form will be left with the contact person or his representative at the facility. The role of the contact person for the authorized facilities is limited. He will simply make arrangements for the destruction and will be present during the destruction of the controlled dangerous substance; it is not his responsibility to insure the integrity of the destruction process. The authorized facilities are simply providing a place for the evidence to be destroyed. Our assigned officer shall call the contact person prior to bringing the controlled dangerous substance for destruction in order to allow the contact person to make the necessary arrangements. It is not necessary for the contact person to sign the Uniform Destruction of Evidence Form.

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- 7.7.4 No fewer than two witnesses shall observe the officer destroy the controlled dangerous substance at the authorized facility. The contact person should not be counted as a witness. The witnesses shall also sign the Uniform Destruction of Evidence Form in the appropriate place.