


Evidence Room

802.1 POLICY HEADER

Original Effective Date:	Revised Date:
September 1, 2021	January 4, 2023
Authorization:  Jason Haberman Chief of Police	

802.2 PURPOSE AND SCOPE

This policy provides guidelines for the proper processing, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and identifies those persons authorized to remove and/or destroy property.

802.2.1 DEFINITIONS

Definitions related to this policy include:

Property - All articles placed in secure storage within the Evidence Room, including the following:

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.
- Found property - Items found by members of the Department or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping - Items received by the Department for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence and items taken for safekeeping under authority of law.

802.3 POLICY

It is the policy of the Mt. Lebanon Police Department to process and store all property in a manner that will protect it from loss, damage or contamination, while maintaining documentation that tracks the chain of custody, the location of property and its disposition.

802.4 EVIDENCE ROOM SECURITY

The evidence custodians shall maintain secure storage and control of all property in the custody of this department. All evidence and recovered property shall be stored within designated and secure areas and/or facilities that are under the direct control of the Mt Lebanon Police

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Department. The evidence custodians shall be appointed by and will be directly responsible to the Operations Deputy Chief of Police or the authorized designee. The evidence custodians are responsible for the security of the Evidence Room.

The Chief of Police or authorized designee shall establish and implement a record system to reflect the location and status for all evidence and recovered property held by the agency.

802.4.1 REFUSAL OF PROPERTY

The evidence custodians have the obligation to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the evidence custodians refuse an item of property, he/she shall maintain secure custody of the item in the property pick-up locker or other safe location and inform the submitting member's supervisor of the reason for refusal and the action required for acceptance into the Evidence Room.

802.4.2 KEY CONTROL

Evidence Room access shall be maintained by the evidence custodians and members assigned to the Evidence Room. Evidence Room access shall be maintained in a secure manner. If an Evidence Room key is lost, all access points shall be re-keyed and new keys issued as necessary. In the event of an emergency after-hours access to the Evidence Room must be documented in a memorandum and submitted to the Deputy Chief of Police as soon as practicable.

802.4.3 AUTHORIZATION

Only authorized members shall have access to evidence/property storage areas. Any individual who needs to enter a designated storage area (e.g., maintenance or repair contractors) must be approved by the Deputy Chief of Police or the authorized designee and accompanied by one of the evidence custodians. Each individual must sign the Evidence Room access log and indicate:

- (a) The date and time of entry and exit.
- (b) The purpose for access, including the specific case or property number.

Each access log entry shall be initialed by the accompanying department member.

802.5 PROPERTY HANDLING

The member who first comes into possession of any property is generally responsible for the care, custody and control of such property until it is transferred to the evidence custodians and/or processed and placed in a temporary property locker or storage area. Care shall be taken to maintain the chain of custody for all items of evidence.

Whenever property is taken from an individual, a [property receipt](#) form will be completed. The receipt should describe the property and contain a notice on how to retrieve the property from the Department. A copy of the property receipt form shall be given to the individual from whom the property was taken.

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802.5.1 PROCESSING AND PACKAGING

All property must be processed by the responsible member prior to the member going off-duty, unless otherwise approved by a supervisor. Members shall process and package property as follows:

- (a) An entry into the bar code system shall be completed describing each item. List all known information, including:
 1. The serial number.
 2. The owner's name.
 3. The finder's name.
 4. Other identifying information or markings.
- (b) All items of value or evidentiary value shall be photographed.
- (c) Each packaged item shall be marked with the member's initials and the date processed using a method that will not damage, deface, degrade or devalue the item. Items too small or too delicate to mark should be individually packaged and labeled and the package marked with the member's initials and date.
- (d) Property shall be packaged in a container suitable for its size.
- (e) A property tag shall be completed and attached to the property or container in which the property is stored.
- (f) The case number shall be indicated on the property tag and the container.
- (g) The property form or a receipt from the bar code system shall be submitted with the case report.
- (h) A copy of the property receipt form shall be submitted with the property directly to the evidence custodians or placed in a temporary property locker. Items too large to fit in a temporary property locker may be placed in a designated storage area that can be secured from unauthorized entry, and the property control card placed in a temporary property locker.
- (i) Officer will articulate in the RMS narrative report the circumstances by which any seized evidence or recovered property came into the Department's possession.

802.5.2 EXCEPTIONAL PROCESSING

The following items require special consideration and shall be processed as follows, unless special conditions dictate a reasonable deviation:

Bicycles - Bicycles and bicycle frames shall have a property tag securely attached and should be placed in the bicycle storage area.

Biological and related items - Evidence that may contain biological samples shall be indicated as such on the property form.

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Clothing or other items containing blood, semen, or other body fluids shall be stored in paper bags (never plastic) which will be sealed with tape, not staples. All such fluids must be air-dried and out of direct sun-light, before storage.

Items of evidence collected from a crime scene that require specific storage requirements pursuant to laboratory processing shall have such storage requirements clearly indicated on the property form.

Items that are potential biohazards shall be appropriately packaged and marked "Biohazard" to reduce the risk of exposure or contamination.

Cash - Cash shall be counted in the presence of another member. The cash shall be placed in a property envelope, with evidence tape, then signed and dated by both members on the appropriate label. A supervisor shall be contacted for cash in excess of \$1,000. The supervisor shall witness the count, initial and date the envelope, and specify any additional security procedures that may be necessary. Cash shall be packaged separately from all other items.

Explosives and fireworks - Explosives will not be retained in the police facility. Fireworks that are considered stable and safe, as well as road flares or similar signaling devices, may be stored in proper containers in an area designated for storage of flammable materials.

Firearms and other weapons - Firearms shall be unloaded and packaged separately from ammunition. If a weapon can't be unloaded for some reason one of the evidence custodians and a supervisor shall be notified. Knife boxes should be used to package knives.

Government property - License plates that have not been reported stolen or are of no evidentiary value should be placed in the designated container for return to the Pennsylvania Department of Transportation (PennDOT).

Municipality property that is of no evidentiary value should be released directly to the appropriate Municipality department. No formal property processing is required.

If no responsible Municipality personnel can be located, the property should be held for safekeeping.

Sharps - Syringe tubes should be used to package syringes and needles.

802.5.3 CONTROLLED SUBSTANCES AND DANGEROUS DRUGS

- (a) Controlled substances and dangerous drugs shall not be packaged with other property.
- (b) The member processing controlled substances and dangerous drugs shall retain such property in his/her possession until it is packaged, tagged and placed in an evidence locker, accompanied by the property report and lab submittal form.
- (c) The member shall package controlled substances and dangerous drugs as follows:
 1. Maintain the property in the container in which it was seized and place it in a property envelope of appropriate size.

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2. Seal and initial the property envelope and cover the initials with cellophane tape.
 3. Initial and date both the outside of the package and the property report.
- (d) When the quantity of controlled substances and dangerous drugs exceeds the available safe storage capacity as determined by the evidence custodians
1. A representative sample of sufficient quantity to allow scientific analysis of the controlled substances and dangerous drugs should be taken as allowed by state law and placed in a separate package or container.
 2. Excess quantities should be stored or disposed of as required by law or directed by court order with the approval of the District Attorney's Office.
- (e) Marijuana with any perceptible moisture content shall be loosely packaged in a container that allows for drying or shall be dried prior to storage. The evidence custodians shall monitor stored marijuana for growth of mold.

802.5.4 STORAGE AND PRESERVATION FOR SEXUAL ASSAULT EVIDENCE

These guidelines provide for optimal storage conditions for the preservation of sexual assault evidence, and applies in all cases regardless of whether or not a victim has consented to forensic testing. When a member of the Department takes possession of the sexual assault evidence from the health care facility, the Sexual Assault Kit (SAK) must be in a sealed condition. The evidence seal should remain intact and only broken by laboratory personnel for the purpose of testing the contents of the SAK. In general, items typically collected in the SAKs manufactured in compliance with the minimum standards} as provided by the Department of Health, under the act, should be treated the same as dry biological stained items and stored in a temperature controlled setting (see the following definitions). However, to ensure proper storage conditions are met, the following information should be obtained by the law enforcement agency prior to taking possession of the SAK:

- Does the SAK contain any liquid blood samples?
- Does the SAK contain any urine samples?
- Does the SAK contain any wet items that cannot be dried (for example, tampons, used condoms)?

If the SAK contains any of these three types of items, then the entire SAK should be stored in accordance with that item's storage recommendation (for example, if the SAK contains liquid blood, the entire kit should be refrigerated).

Long-term storage conditions, described as follows, should be maintained for evidence retained longer than 72 hours to preserve evidence integrity. Ideally, evidence should be stored under these conditions as soon as practicable once in the possession of law enforcement.

Long-Term Storage Conditions Matrix				
TYPE OF EVIDENCE	FROZEN	REFRIGERATED	TEMPERATURE CONTROLLED	ROOM TEMPERATURE
Liquid Blood	Never	Best		

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Urine	Best			
Dry Biological Stained Item			Best	
Hair			Best	
Swab with Biological Material			Best (dried)	
Buccal Swabs			Best	
DNA Extracts	Best (liquid)	Acceptable (liquid)	Acceptable (dried)	
Wet Items (<i>if can't be dried</i>)	Best	Acceptable		

Definitions:

Frozen: Temperature is maintained thermostatically at or below —1 OOC (140F).

Refrigerated: Temperature is maintained thermostatically between 20 C and 80C (360F and 460F) with less than 25% humidity.

Temperature controlled: Temperature is maintained thermostatically between 15.5 0C and 24 0 C (600F to 750F) with less than 60% humidity.

Room temperature: Temperature is equal to the ambient temperature of its surroundings; storage area may lack temperature and humidity control methods.

802.6 RECORDING OF PROPERTY

The evidence custodian receiving custody of property shall ensure each item or group of items have been entered into the electronic evidence system.

A unique property number shall be issued for each item or group of items by the electronic evidence system. The electronic evidence system shall contain the:

- (a) Case number
- (b) Item storage location
- (c) Receipt, release and disposal dates

Any change in the location of property held by the Mt. Lebanon Police Department shall be noted in the system.

802.7 PROPERTY CONTROL

Evidence Custodians temporarily relinquishing custody of property to another person shall record in the electronic evidence system, the date and time the property was released, the name and signature of the person accepting custody of the property and the reason for release.

Any member receiving property shall be responsible for such property until it is returned to the evidence custodians, placed in an evidence locker, or released to another authorized person or entity.

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The return of the property to the Evidence Room should be recorded in the electronic evidence system, indicating the date, the time, and the name of the person who returned the property.

802.7.1 EVIDENCE

Every time evidence is released or received, an appropriate entry in the electronic evidence system shall be completed to maintain the chain of custody. No evidence is to be released without an entry into the electronic evidence system. The entry in the electronic evidence system shall contain at a minimum:

- (a) Name of person possessing the evidence collected for processing or storage
- (b) The date and time of every transaction/transfer
- (c) Name of the person receiving the evidence
- (d) Reason for the transaction/transfer
- (e) Name and location of any laboratory and/or agency where the evidence was transferred
- (f) Type of examination(s) requested or the reason for the transfer of the evidence.

The temporary release of evidence to members for investigative purposes or for court proceedings shall be noted in the electronic evidence system, stating the date, time and to whom it was released. Requests for items of evidence needed for court proceedings shall be submitted to the evidence custodians at least one week prior to the court date.

Requests for laboratory analysis shall be completed on the appropriate lab form and submitted to the evidence custodians. This request may be submitted any time after the property has been processed.

802.7.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

Evidence Custodians releasing items of evidence for laboratory analysis must complete the required information in the electronic evidence system. The transporting member will acknowledge receipt of the evidence by indicating the date and time in the electronic evidence system. The lab form will be transported with the evidence to the examining laboratory. Upon delivering the item, the member will record the delivery time on the lab form and in the electronic evidence system, and obtain the signature of the person accepting responsibility for the evidence. The original copy of the lab form will remain with the evidence and a copy of the form will be returned to the Records Department for filing with the case.

802.7.3 CONTROLLED SUBSTANCES AND DANGEROUS DRUGS

The evidence custodians will be responsible for the storage, control and destruction of all controlled substances and dangerous drugs coming into the custody of this department.

802.7.4 UNCLAIMED MONEY

The evidence custodians shall submit an annual report, or more frequently as directed, regarding money that is presumed to have been abandoned to the Chief of Police or the authorized designee.

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The evidence custodians may deposit such money in compliance with existing laws upon receipt of proper authorization from the Chief of Police.

802.8 RELEASE OF PROPERTY

The evidence custodians shall authorize the release of all property coming into the care and custody of the Department.

Release of property shall be made in the electronic evidence system, listing the name and address of the person to whom the property is to be released. The receipt shall be signed by the the person obtaining the property, and must conform to the items listed in the electronic evidence system. Release of all property shall be documented in the electronic evidence system and the appropriate report.

Firearms or ammunition should only be released upon presentation of valid identification and authorized documents showing that the individual may legally possess the item. A PICS/NIC check shall be completed prior to the return of any firearm.

All reasonable attempts shall be made to identify the rightful owner of found property and items held for safekeeping. The officer who recovered the property should make an effort to identify and notify the owner(s) of the recovered property by searching Department records for similar reported incidents. Their efforts to identify and contact an owner shall be documented in the appropriate report.

Found property and property held for safekeeping shall be retained for the period of time required by law. During such period, members shall attempt to contact the rightful owner by telephone and/ or mail when sufficient identifying information is available. The final disposition of all such property shall be fully documented in the electronic evidence system.

The evidence custodians shall release such property when the owner presents proper identification and an authorized property release form has been received. The signature of the person receiving the property shall be recorded on the appropriate form.

When all property listed in the electronic evidence system has been released, a copy of the electronic evidence system report shall be forwarded to the Records Department for filing with the case.

802.8.1 DISCREPANCIES

The Watch Commander or Investigative Services Unit supervisor shall be notified whenever a person alleges that there is a shortage or discrepancy regarding his/her property. The supervisor will interview the person claiming the shortage. The supervisor shall forward the information to the Operations Deputy Chief of Police for further review.

802.8.2 DISPUTED CLAIMS TO PROPERTY

Occasionally, more than one party may claim an interest in property being held by this department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or establishes an undisputed right to the property.

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All parties should be advised that their claims are civil. In extreme situations, legal counsel for this department should be contacted.

802.8.3 PROPERTY ACQUIRED THROUGH CIVIL PROCESS FUNCTION

Property acquired through the exercise of civil process may only be disposed of pursuant to legal authority.

802.9 DESTRUCTION OR DISPOSAL OF PROPERTY

The Chief of Police or the authorized designee shall approve the destruction or disposal of all property held by this department.

All property not held for evidence in a pending criminal investigation or proceeding may be destroyed or disposed of in compliance with the District Attorney's Office. The disposition of all property shall be entered in the electronic evidence system.

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law, unless a different disposition is ordered by a court:

- Weapons or devices declared by law to be illegal to possess
- Controlled substances or dangerous drugs declared by law to be illegal to possess without a legal prescription

802.9.1 BIOLOGICAL EVIDENCE

The evidence custodians shall ensure that no biological evidence held by this department is destroyed without adequate notification to the following persons, when applicable:

- (a) The appropriate prosecutor
- (b) Any sexual assault victim
- (c) The Chief of Police or the authorized designee

Biological evidence shall be retained for a minimum period established by law or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice, unless a motion seeking an order to retain the sample is filed and served on this department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Chief of Police or the authorized designee.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of the applicable statute of limitations, the Chief of Police or the authorized designee should be consulted and the sexual assault victim should be notified.

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802.9.2 REQUEST FOR NOTICE

Upon written request by a victim of sexual assault, the Chief of Police or the authorized designee should notify the victim at least 60 days before the date of intended disposal of biological evidence relating to the victim's case (35 P.S. § 10172.5).

802.9.3 MARIJUANA

At the first sign of mold growth, stored marijuana shall be photographed showing the mold growth. As soon as practicable, the evidence custodians shall make efforts to lawfully destroy the contaminated marijuana, in compliance with this policy. The evidence custodians should consult with the member assigned to the case investigation for authorization to destroy the remaining marijuana, after taking representative samples, and should request assistance from the appropriate prosecutor in obtaining a court order for immediate destruction.

802.10 RELINQUISHED FIREARMS

Relinquished firearms shall be stored, transferred, and returned in accordance with this policy and state law (18 Pa.C.S. § 6105; 18 Pa.C.S. § 6105.2; 23 Pa.C.S. § 6108).

802.10.1 RELEASE AND DISPOSAL OF FIREARMS

A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922 or any state law.

Firearms relinquished under a protection from abuse order shall be returned pursuant to the requirements set forth in 23 Pa.C.S. § 6108.1, including providing notice to the person who was the plaintiff in the protection from abuse order. The following conditions must be satisfied prior to the firearms, other weapons, or ammunition being returned to the defendant:

- (a) Firearms, other weapons, or ammunition relinquished must not be evidence of a crime.
- (b) Defendant or owner must not be otherwise prohibited by applicable federal or state law or other condition, including but not limited to bail, from taking possession of the firearms, other weapons, or ammunition seized.
- (c) Defendant or owner must have been given a clearance by Pennsylvania Instant Check System (PICS) or through the National Instant Criminal Background Check System (NICS), requested by the Department.

Firearms, weapons, or ammunition determined to be abandoned shall be disposed of according to the requirements contained in 18 Pa.C.S. § 6128(a). These items shall not be disposed of without providing notice to the owner (18 Pa.C.S. § 6128).

802.11 INSPECTION OF THE EVIDENCE ROOM

The Operations Deputy Chief of Police shall ensure that periodic, unannounced inspections of the Evidence Room operations and storage facilities are conducted to ensure adherence to appropriate policies and procedures, including an audit conducted annually or as directed by the Chief of Police. The audit should include a compliance to protocol element. Inspections and audits shall be conducted by a member of this department who is not routinely or directly connected with the Evidence Room operations in conjunction with the evidence custodians.

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Whenever there is a change of assignment for any member with authorized access to the Evidence Room, an inventory of all property shall be conducted by a person who is not associated with the Evidence Room or its function, as assigned by the Chief of Police and the incoming evidence custodians. This is to ensure that all property is accounted for and the records are correct.

An Audit in compliance with PLEAC's [Evidence Irregularities Audit Table](#) shall be conducted if there is any reasonable belief that the integrity of the Evidence Room, or property being held, has been compromised, including irregularities, incompetence or malfeasance relating to property, warrants an audit by persons not routinely or directly connected with the Evidence Room operations, as assigned by the Chief of Police.

802.11.1 ADDITIONAL ACCREDITATION REQUIREMENTS

Investigative Services Unit audits conducted annually or as directed by the Chief of Police shall be in accordance with the routine column of the Pennsylvania Law Enforcement Accreditation Commission (PLEAC) audit/inventory table.

Audits related to the integrity of the Investigative Services Unit shall be conducted in compliance with the irregularity column of the PLEAC audit/inventory table.

Inventories related to the change of member assigned access to the Investigative Services Unit shall be in accordance with the routine column of the PLEAC audit/inventory table.

Attachments

Form 285a - Property Seizure - Relinquishment Form.pdf



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Property Receipt



CASE #	OFFENSE	DATE	TIME
OFFICER	BADGE #	RECOVERY LOCATION	
RECOVERED FROM (name, address, phone #)			
<input type="checkbox"/> EVIDENCE <input type="checkbox"/> SAFE KEEPING <input type="checkbox"/> FOUND / RECOVERED <input type="checkbox"/> PROCESSING <input type="checkbox"/> OTHER: _____			

ITEM #	QTY.	ARTICLE	BRAND / MODEL #	SERIAL #	RECOVERED BY	LOCATION

For the return of property seized or taken as evidence of a crime, please consult your attorney for the proper procedures for the return of your property.

For the return of property taken for processing or safekeeping or for found property, please contact the Investigative Services Unit at (412) 343-4095 to speak with an Evidence Custodian.

All recovered property and property taken for safekeeping will be disposed of after 90 days unless prior arrangements have been made.

I acknowledge that the items listed above were taken and are now in the possession of the Mt. Lebanon Police Department.

Print Name: _____
PROPERTY OWNER

Signature _____
PROPERTY OWNER

Print Name: _____
OFFICER / INVESTIGATOR

Signature _____
OFFICER / INVESTIGATOR

Evidence Audit Table.pdf

Evidence Irregularity Audit Table

The below table should be used by agencies when determining the appropriate sample size for conducting audits of high risk property as required by Standard 3.6.6 (c). This table only applies to high risk property and only for those circumstances when there is an irregularity in the evidence process. The sample sizes in this table have been calculated based on a 95 percent confidence level and a confidence interval of +/- 3 percent.

When using this table, agencies should determine the total amount of high risk property they currently possess and find that number under "Pieces of High Risk Evidence/Property". The corresponding "Required Sample Size" should be applied when conducting the respective audit. If the exact number for "Pieces of High Risk Evidence/Property" is not listed, the next higher number should be used.

If an error rate of more than 3 percent is discovered when conducting the audit, a complete inventory of the high risk property must be performed.

Pieces of High Risk Evidence/Property	+/- 3% Required Sample Size
100	92
250	203
500	341
1000	516
1500	624
2000	696
2500	748
3000	787
3500	818
4000	843
4500	863
5000	880
5500	894
6000	906
6500	917
7000	926
7500	934
8000	942
8500	948
9000	959
10000	964
15000	996
20000	1013
25000	1023
50000	1045
100000	1056