



NEWARK POLICE DIVISION GENERAL ORDER



SUBJECT: PROPERTY AND EVIDENCE DIVISION		GENERAL ORDER NO. 18-24
SUPERCEDES: 2000-02 Property & Evidence Management	DATED: April 3, 2019	
<p>Rules and Regulations Chapter 12 NPD G.O. 64-20, <i>Records Retention Schedule</i> NPD G.O. 67-6, <i>Issuance and Return of Equipment</i> NPD G.O. 80-1, <i>Responsibilities of Command and Supervisory Personnel</i> NPD G.O. 08-08, <i>Municipal Holding</i> NPD G.O. 16-03, <i>Municipal Arrest Processing Section</i> NPD G.O. 18-23, <i>Property and Evidence Management</i> N.J.S.A. 2C:65-440A:14-157(a-b), 2C:65-4, et.al. Division of Criminal Justice “The Property and Evidence Function” NJ Attorney General Directive 2011-1 Essex County Prosecutor’s Office Directive</p>		

This Order consists of the following numbered sections:

- I. POLICY**
- II. PURPOSE**
- III. RESPONSIBILITY FOR COMPLIANCE**
- IV. DEFINITION OF TERMS**
- V. COMMAND PERSONNEL FUNCTIONS AND RESPONSIBILITIES**
- VI. PROPERTY AND EVIDENCE HANDLING PROCESS**
- VII. PROPERTY AND EVIDENCE DISPOSITION PROCESS**
- VIII. INVENTORY CONTROL AND RECORDS MANAGEMENT**
- IX. INTEGRITY CONTROL**
- X. EFFECT OF THIS ORDER**



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I. POLICY

The Property and Evidence Division shall be responsible for maintaining the integrity of both property and evidence through continuous accountability, from acquisition to final disposition. All personnel assigned to the Property and Evidence Division shall be familiar with, and adhere to all New Jersey State Laws, Attorney General (AG) Directives, Essex County Prosecutor Office (ECPO) policies and Police Division General Orders.

II. PURPOSE

The purpose of this policy is to ensure the integrity and maintenance of the Newark Police Division's Property & Evidence Management System from intake to disposal of privately owned property and evidence to be used in pending cases. In addition, this policy:

1. Establishes guidelines and responsibilities for Property and Evidence Division personnel;
2. Establishes a system to track property from its acquisition to disposition;
3. Ensures that video cameras are properly installed and maintained in the Property & Evidence Division as well as other locations where temporary storage lockers are used throughout the Police Division;
4. Provides for the proper and timely disposition of evidence and property in accordance with ECPO and the AG Directives;
5. Maintains overall control of the Computerized Evidence Management Systems (CEMS) management system;
6. Provides guidelines and procedures for general and random audits and inspections, ensuring integrity and proper internal controls throughout the Police Division; and
7. Prevents the loss or unauthorized release of any property in the custody of the Newark Police Division.

III. RESPONSIBILITY FOR COMPLIANCE

All Police Division members assigned to the Property & Evidence Division shall be responsible for complying with this policy. Command and Supervisory Officers will review, understand and comply with this policy and also shall ensure that all subordinate personnel read and acknowledge understanding all facets of this General Order.



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IV. DEFINITION OF TERMS

- A. **Auction** – A public sale, conducted by the City of Newark and the Newark Police Division, in which eligible property is sold to the highest bidder.
- B. **Audit** – An examination of records, files, against real items to verify accuracy, and compliance with New Jersey law and / or Police Division policy.
- C. **Barcode Evidence Analysis Statistics Tracking (BEAST)** – The current commercial product that the Police Division utilizes for its Computerized Evidence Management System (“CEMS”).
- D. **Chain of Custody** – The chronological, geographical and tracking of any Property/Evidence item impounded or seized by the Police Division, to final disposition.
- E. **Computerized Evidence Management System (CEMS)** - A commercially licensed computer based program that electronically tracks and monitors the status, type and location of property & evidence within the Police Division.
- F. **Contraband** – Controlled dangerous substances, firearms which are unlawfully possessed, carried, acquired or used, illegally possessed gambling devices, untaxed cigarettes, and untaxed special fuel. No property rights shall exist.
- G. **Destruction** – The act of rendering useless property, which can serve no lawful purpose, or presents a danger to the health, safety, or welfare of the public.
- H. **Evidence** – Any material object that tends to logically prove or disprove a fact at issue in a judicial case or controversy; any material object that is admissible as testimony in a court of law; any material object that might have the slightest bearing on the guilt or innocence of a criminal defendant.
- I. **Inspection** – A periodic physical evaluation of designated aspects of the Property & Evidence Division facility as well as other locations throughout the Police Division, which contain temporary property/evidence storage containers.
- J. **Inventory** – A detailed itemized list, report, or record of property in possession of the Newark Police Division; the process of making such a list, report or record.
- K. **Prisoner’s Personal Property Receipt, (DP1:1755)** – Division form completed by arresting officers when accepting prisoner personal property. The form contains a notice to prisoners advising them that any personal property must be retrieved within six (6) months of arrest date or the property will be disposed of according to NJ State Law.



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In addition, the Receipt shall state that where a prisoner is held in law enforcement custody for longer than six (6) months from arrest date, the prisoner may contact the Property & Evidence Division via telephone or U.S. Mail to hold the property until his/her release from custody, or make alternate arrangements for property retrieval. **Upon the date of release from custody, the Property & Evidence Division shall hold the personal property for a ninety (90) day period.** If the property is not retrieved within ninety (90) days of release from custody, the property shall be disposed. The Receipt **must also** state the address that the prisoner wants NPD to use to send the prisoner future notices about the prisoner's property.

- L. Property** –Tangible items seized by the Newark Police Division including but is not limited to: (1) items of value that have been found by or turned into the Police Division, (2) items of value whose ownership is unknown or in dispute, or (3) private property constituting the personal belongings of prisoners or victims.
- M. Property Bag-** A sealable, tamper-resistant clear plastic bag of varying sizes and assigned a specific control number, serving as the primary receptacle in which all evidence or property collected will be stored.
- N. Property Clerk** – A member of the Property & Evidence Division who is responsible for collecting, recording, and safe storing of property and evidence acquired or confiscated by the Police Division.
- O. Property Journal-** A journal book that is maintained by all Police Division Commands/Units, that are not equipped with a CEMS, for the recording of all evidence and property. The journal shall contain the (i) time, (ii) date, (iii) central complaint number, (iv) property bag control number and property description, (v) location stored, (vi) Supervisor's identification number and initials, (vii) date of release, and (viii) the identification number and initials of the and Property and Evidence Officer/Clerk removing the evidence from the Command.
- P. Property Release** – The auction, transfer, relinquishment, disposal, surrender, return, destruction, or other disposition of property. A release can be either temporary or permanent:

 - 1. Temporary – When an item of property is released for a specific reason (e.g., court, forensics lab, ballistics lab), but is expected to be returned.
 - 2. Permanent – When an item of property is **not** going to be returned to the Evidence and Property Section at any time (e.g. released to owner, auctioned, destroyed, charitable donations)
- Q. Repurpose** - The legitimate transfer of eligible property that has been slated for destruction or disposal and placing it into the City's inventory for official use.



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- R. **Staging Area** – A secured area inside the Property and Evidence Division that functions as a receiving terminal for all incoming property/evidence, and where property/evidence is inventoried and accounted for.
- S. **Supplies**- Items purchased by the City of Newark or the Newark Police Division, for the mutual use and convenience of the Police Division and its' members.
- T. **Temporary Property/Evidence Storage Container** – An authorized secured receptacle, locker or room in a command or unit, dedicated to the temporary storage of recovered property and evidence. The temporary storage container **shall at all times** be in the view of a functioning video surveillance system. For this definition, “**secured**” means lockable with limited and restricted access.
- U. **Two-Officer Rule** – Two officer submission and verification process for handling, documenting and monitoring property and evidence. A second officer or Supervisor shall observe and verify items being submitted by the primary officer.

V. COMMAND PERSONNEL FUNCTION AND RESPONSIBILITIES

- A. **The Commanding Officer of the Property and Evidence Division shall be responsible for:**
 - 1. Overseeing the Newark Police Division’s Property and Evidence Management System in cooperation with the various commands that come in contact with and intake property/evidence to include prisoner property;
 - 2. Conducting at least one (1) on-site inspection of the entire facility for security and safety **each quarter**. The results of the inspection shall be documented on an Administrative Report (DP1:1001) and forwarded to the Bureau Commander;
 - 3. Conducting selected or random compliance audits of completed transactions. This shall be done on a **monthly basis**;
 - 4. Ensuring that monthly, quarterly, and annual reports are completed and submitted to the Bureau Commander. These reports shall contain the following information:
 - a. Staffing levels;
 - b. Sick and injured leave;
 - c. Overtime summary;
 - d. Property accepted;
 - e. Property released;



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- f. Gambling and vending machines recovered, released, or destroyed
- g. Requisitions;
- h. Firearms recovered, released, or destroyed;
- i. Narcotics recovered and destroyed;
- j. Money received or deposited in the County and Municipal accounts;
- k. Any auctions conducted and money collected;
- l. Court overtime hours; and
- m. All other property destroyed.

- 5. Ensuring that all purchase requisitions for all Police Division supplies and reports are forwarded to the Business Office in a timely fashion. The appropriate follow-up mechanisms must be in place to ensure that the requisitions are filled; and
- 6. Ensuring that all the tenets of General Order 80-1, *Responsibilities of Command and Supervisory Officers* are complied with.

B. Supervisors shall be responsible for:

- 1. Maintaining evidentiary integrity through continuous accountability, from acquisition to final disposition, and shall enforce all New Jersey State Laws, Attorney General Guidelines and Directives, Essex County Prosecutor Guidelines, and Division General Orders upon all assigned personnel;
- 2. Overseeing the entire intake and release process and ensuring that all transactions are properly recorded;
- 3. Conducting selected or random compliance audits of completed transactions on at least a monthly basis in accordance with Property and Evidence Division policy;
- 4. Conducting quarterly on-site inspections of all Property & Evidence Division temporary and permanent storage containers for security, i.e., working cameras, limited access, doors that automatically close, etc. The results of the inspection shall be documented on an Administrative Report (DP1:1001) to the Commander. On-site inspections shall also include Command/Unit property ledger books for unit compliance; and
- 5. Complying with the tenets of General Order 80-1, *Responsibilities of Command and Supervisory Officers*.

C. Division Officer/Clerk shall be responsible for:

- 1. Collecting property/evidence from ALL designated commands/units;



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2. Releasing property as necessary;
3. Providing assistance with auctions, destructions, deposits, and charitable donations;
4. Providing courteous service at all work-sites to Police Division members and citizens;
5. Logging, segregating, and accounting for incoming / outgoing property;
6. Storing of all property and evidence in its respective areas;
7. Processing orders and requests for property, whether temporary or permanent, from within the Police Division, and from other authorities;
8. Knowing alarm procedures for activation and deactivation;
9. Maintaining all property files and log information, including purging closed cases and indicating same with the appropriate entries into the CEMS;
10. Locating lost or misplaced items of property in a timely manner;
11. When directed by a Supervisor researching invoices to determine those that may be purged consistent with ECPO directives and the NJ AGG;
12. Responding to the Crime Scene Unit on a daily basis and in a timely manner for firearms and ballistic evidence pickup and delivery to the Ballistics Unit;
13. Receiving and storing all returning lab evidence;
14. Receiving and issuing all applicable police equipment as per *General Order No. 67-6 Issuance and Return of Equipment*; (revised) DM 14-0020;
15. Receiving and stocking of incoming supplies; and
16. Maintaining the decorum and upkeep of the facility to ensure cleanliness, safety, security and order.

VI. PROPERTY & EVIDENCE HANDLING PROCESS

- A. Command Supervisors shall oversee the recording process and ensure that all property & evidence obtained from outside Commands/Units is properly itemized and recorded.



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B. Data Entry:

All property/evidence movement conducted by Property & Evidence Division Personnel will be entered into the Newark Police Division's CEMS. The only exception will be if the CEMS stops functioning. If that occurs, then movement of property and evidence shall be entered into a backup property journal and, thereafter, shall be entered into the CEMS *immediately* upon the resumption of CEMS's functioning.

C. Collection:

1. Property & Evidence Division Officer/Clerk shall be responsible for:

- a. Responding on a regular basis to all Police Division Commands/Units that have temporary property/evidence storage for property and evidence collection;
- b. Making sure all property/evidence is packaged properly;
- c. Making sure there is a Property Report (DPI 152) for each piece of property and/or evidence, and inspecting the Property Report for accuracy and completeness;
- d. Scanning each item out in the command's CEMS when property/evidence is to be collected;
- e. If the Command/Unit does not have a CEMS, entering the date, their identification number and initials, next to the corresponding item in the Command/Unit Property Journal (the supervisor will then sign and date below the last entry in the Command/Unit Property Journal);
- f. If there is a discrepancy and/or missing items, immediately notifying the On-Duty or Desk Supervisor.
 - i. The On-Duty or Desk Supervisor shall make every attempt to resolve the property/evidence discrepancy prior to the departure of the Evidence and Property officer;
 - ii. If the discrepancy cannot be resolved, the notified On-Duty Supervisor shall immediately initiate an Investigation of Personnel with notifications to their Commanding Officer and the Office of Professional Standards;



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- iii. All discrepancies shall be documented by the Supervisor in the Command's Property Journal. The property in question shall remain at the Command until properly corrected, or accounted for;
- iv. The Property & Evidence Officer/Clerk shall notify the Property & Evidence Division Commander immediately and document the discrepancy and/or missing items on an Administrative Report (DP1:1001);
- v. The Property & Evidence Officer/Clerk shall then transport all collected property/evidence to the Property & Evidence Command "Intake Area."

D. Intake:

ALL items taken into the Property & Evidence Division will be entered into the CEMS with an assigned Central Control number and secured before the end of the workday, without exception.

- 1. For items that have not already been entered into the CEMS at their originating command, the following information will be recorded as it enters the Property & Evidence Division;
 - a. Date item was originally collected;
 - b. Central Complaint Number;
 - c. Property Bag Control Number;
 - d. Description of Property, to include;
 - i. Make;
 - ii. Model;
 - iii. Serial Number; and
 - iv. Markings.
 - e. Name and identification number of Officer that originally collected the item;
 - f. Location where the property was originally collected;



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- iii. Scan the item in with the “Received at Property Room” code; and
 - iv. Store all property/evidence in its designated location.
6. For **Prisoner Personal Property** use the following procedures:
- i. The Prisoner Property Bag will be inspected to ensure that it has not been tampered with;
 - ii. The prisoner’s name and Central Arrest Number (C.A. No.) on the bag will then be matched with the name and Central Arrest Number indicated on the Property Report, (DPI:152). A corresponding Prisoner Property Receipt, DP1:1755 (Cell Block Copy) must be verified and correspond with each bag; and
 - iii. The property will be stored in its designated location.

E. Release of Property:

1. **Temporary Release** - When an item of property is released for a specific reason, but is expected to be returned.

Property shall only be released to:

- a. A law enforcement officer;
 - b. A Court Officer;
 - c. The owner or the owner’s agent;
 - d. Laboratory personnel (forensics, narcotics, ballistics).
- a. **Forensics Lab** – Narcotics cases will only be transported to the forensics lab for analysis after a written request has been received from an authorized person in the forensics lab or the Assistant Prosecutor in charge of the case. All transports and returns to the lab will be conducted by two members of the Property & Evidence Division.
- i. The CEMS shall be utilized for all narcotics sent to the forensics lab, including the date, Central Complaint Number, date sent and date returned to the Property & Evidence Division.
- b. **Court Proceeding** – Requests to produce evidence for a criminal trial, from Newark Police Officers and other Law Enforcement Agencies will be granted **ONLY** upon the presentation of a Subpoena or Court Order, and valid identification card.



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- i. Property & Evidence Division Officers/Clerks shall copy the Subpoena and identification card, which shall remain a permanent part of the property file;
 - ii. All temporary releases shall be entered into the CEMS documenting the chain of custody;
 - iii. Officers signing out the evidence shall be responsible for the safeguarding of such evidence until it has been received by the Court or returned to the Property & Evidence Division;
 - iv. If the Property & Evidence Division has closed before an officer can return the evidence, the officer shall immediately respond to their command and turn the evidence over to the On Duty or Desk Supervisor;
 - v. The receiving Supervisor will log the name, rank, identification number, time envelope control number and Central Complaint Number of the item into the Property Journal and then deposit the item into the temporary storage mailbox or locker.
2. **Permanent Release** – When an item no longer needs to be stored by the Newark Police Division, one of the following actions will be assigned:
- i. Returned to Owner/Finder;
 - ii. Destruction;
 - iii. Disposal;
 - iv. Auction;
 - v. Donated charitably;
 - vi. Repurposed; or
 - vii. Deposited to City or County Treasury
- a. Proper personal identification, preferably photo identification, must be presented prior to any property release. Proper identification shall consist of any of the following:
- i. A valid driver's license;



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- ii. A state issued identification card;
 - iii. A U.S. Government issued identification card;
 - iv. A valid passport;
 - v. Two of the following; welfare identification card, employment identification card, or social security card; or
 - vi. If the person requesting the release of property does not possess proper identification, Property & Evidence Division staff shall make every effort to verify the person's identification.
- b. A photocopy of the person's identification shall be made and attached to the CEMS file.
- c. **All releases will be conducted utilizing the CEMS and approved by a Property & Evidence Division Supervisor.**
- d. Prisoner personal property and victim's property shall be released, in accordance with the outlined conditions set forth in this policy.
- e. Found property shall be released in accordance with the previously outlined conditions set forth in this policy.
- f. Property may be shipped to the owner or the owner's agent under circumstances where the owner or their agent cannot physically appear in person in the Property & Evidence Division. Prior to release, the owner or the owner's agent must comply with the following conditions:
- i. A Declaration of Ownership form must be completed and notarized by the property owner and must state that the owner has authorized the agent to receive the property.
 - ii. Proper authorization from the prosecuting agency is obtained;
 - iii. Temporary Shipping Account (Fed Ex/UPS, U.S. Postal Service, etc.) must be established by owner/agent allowing the Newark Police Division to ship items. A money order or bank check, payable to the Newark Police Division for the following charges, must be received prior to shipping any items via Federal Express, UPS or U.S. Postal Service: (i) shipping charge and (ii) \$500 minimum insurance per item.



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- g. Weapons that are not *prima facie* evidence may be released **only** under the following circumstances:
 - i. The owner must complete a Declaration of Ownership form and have the form **notarized**;
 - ii. if the owner's agent is to receive the property, then the owner's Declaration must state that the owner has authorized the agent to receive the property on behalf of the owner;
 - iii. Authorization must be granted by the Essex County Prosecutor's Office in writing;
 - iv. The owner must present a Voluntary Form of Registration of Firearms and a Permit to Purchase or valid NJ Firearms Purchaser Identification Card. This identification will be scanned into CEMS;
- h. The following disposition shall be entered into CEMS indicating the type of release effectuated:
 - i. Returned to Owner/Finder;
 - ii. Destruction;
 - iii. Disposal;
 - iv. Auction;
 - v. Charitable Donation;
 - vi. Repurposed; and
 - vii. Deposit to City or County Treasury.

3. Currency-Disposition Process

- a. A Property and Evidence Supervisor will review the Evidence Property Receipt, identifying currency to be deposited into the County Treasury Account.
- b. The Property & Evidence Division Supervisor shall complete an Essex County Currency Disposition Form, listing the amount, Central Complaint Number, date of incident, defendant's name(s), and charge(s) lodged against the defendant.



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- c. All currency will be counted ensuring accuracy, and placed in a County Currency Briefcase and stored in the vault with the corresponding Currency Disposition Forms, awaiting delivery to the bank.
- d. Property Bags will be opened when arriving at the financial institution with all currency counted and verified by bank personnel, with the amount indicated on the deposit slip. Any discrepancies shall be reported to the Property & Evidence Division Commander **immediately** and documented on an Administrative Report (DPI 1001).
- e. Currency will be deposited in the County Treasury as soon as the appropriate financial institution is open and available. The following procedures will be followed:
 - i. The Prosecutor's Office will be notified weekly by a Property & Evidence Division Supervisor that the money has been deposited;
 - ii. A Prosecutor's Deposit cover sheet with copies of bank deposit forms will be reported on a weekly basis; and
 - iii. The original cover sheet, original currency disposition form, and copy of the deposit receipt will be attached together and maintained on file at the Property & Evidence Division.

VII. PROPERTY DISPOSITION PROCESS

A. Found Property:

- 1. **Owner Unknown** and recovered, by a member of the Police Division acting in the line of duty, shall be retained for six months (40A:14-157N(a)). If, after the expiration of six months, the property remains unclaimed, the property shall be purged.
- 2. Owner Unknown and **recovered by a private party**, the following procedures will be followed:
 - a. A Property Claim Notification Letter shall be mailed to the original finder via certified mail, and contact shall be attempted via telephone. The assigned Property & Evidence Division clerk shall be responsible for this function.
 - b. If the original finder cannot be located after 31 days of its receipt, the item shall be purged.
- 3. **Prisoner personal property** that remains in the custody of the Newark Police Division in excess of six (6) months from the original date of arrest shall become the property of



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the Police Division. Said property will be purged. Signed Prisoner Personal Property Receipts, (DP1:1755) shall be maintained at the Property & Evidence Division, and attached to any associated Destruction reports.

- a. Prisoner Property Bags will be released upon the presentation of a Prisoner Property Receipt (Prisoner's Copy), which will be matched with the corresponding copy that is retained on file.
 - b. Prisoners who are unable to respond directly to the Property & Evidence Division due to conditions of long term detentions or otherwise will be afforded the opportunity to have alternate arrangements for property pick up.
 - i. The Police Division shall provide written notice, (Prisoner Property Receipt; DP1:1755) to the prisoner at the time of arrest that his/her property will be deemed abandoned and shall be destroyed if not claimed within six (6) months from the date of arrest. Prisoners held in law enforcement custody for longer than six (6) months shall be afforded the opportunity to contact the Property & Evidence Division via telephone or U.S. Mail to place a hold on their property or make alternate arrangements for property retrieval. Prisoners may have adult family members assist in this process as well. Proper verifications will be necessary.

In the event where a prisoner has notified the Property and Evidence Division of a confinement that will extend past six (6) months, the Property and Evidence Division shall maintain the property for ninety (90) days from the date of the prisoner's release. If the property is not retrieved within ninety (90) days of custody release, the property will be disposed.
 - ii. Prisoners must provide a notarized letter or other satisfactory notice to the Property & Evidence Division granting authorization for property pick up to another person. Said person shall be identified in the letter.
 - iii. Said property pick up person shall provide satisfactory identification for property retrieval.
 - iv. Property & Evidence Division personnel shall only release the prisoner's property upon proper verification of all documentation.
 - v. Conduct the CEMS procedures for property release.
4. After an item of property/evidence has been assigned its proper disposition it shall then be secured in the designated room;
- i. Destruction Room
 - ii. Auction Room



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B. Evidence Retention Schedule:

The following is a brief outline of the New Jersey Attorney General Guidelines for the Retention of Evidence. Personnel should consult with the Guidelines in their entirety before taking action to purge evidence.

1. Homicide Evidence

- a. When **all** defendants are charged, but deceased;
- b. Conviction with no appeals, 5 years after conviction or sentence, whichever is later;
- c. No suspect, but DNA or fingerprints, retain indefinitely.

2. Sex Crimes Evidence

- a. When **all** defendants are charged, but deceased;
- b. Conviction with no appeals, 5 years after conviction or sentence, whichever is later;
- c. Cases where defendants enter and completed PTI and upon expiration of the longest sentence for the co-defendants;
- d. No suspect, but DNA or fingerprints, retain indefinitely.

3. Narcotics Evidence

- a. When **all** defendants are charged, but deceased;
- b. Cases where defendants enter and completed PTI and upon expiration of the longest sentence for the co-defendants;
- c. Investigation closed without prosecution, 1 year and 1 day;
- d. Found property without prosecution, 1 year and 1 day.

4. Firearms Evidence

- a. When **all** defendants are charged, but deceased;
- b. Conviction with no appeals, 5 years after conviction or sentence, whichever is later;
- c. Cases where defendants enter and completed PTI and upon expiration of the longest sentence for the co-defendants;
 - i. May return to rightful owner who may lawfully possess the firearm
- d. **Prior to any destruction authorization being granted, no firearms evidence shall be considered for destruction until all necessary tracing tests and IBIS submissions have been completed.**

5. Other Evidence

- a. When **all** defendants are charged, but deceased;
- b. Conviction with no appeals, 5 years after conviction or sentence, whichever is later;
 - i. May return to rightful owner

6. Special Circumstances

- a. Cases where defendant found incompetent, must retain until competent, or defendant is deceased, or case dropped;



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- b. Not guilty by reason of insanity, time frame to be determined by Prosecutor;
- c. Pursuant to N.J.S.A. 2C:65-1, stolen property may be returned to the owner after a complete photographic record of the property is made.

7. Narcotics Destruction Process

- a. All narcotics to be destroyed shall be documented on an Evidence Destruction form, listing the Central Complaint Number, description and quantity of the items to be destroyed.
- b. The Commanding Officer of the Property & Evidence Division shall ensure that copies of the form are forwarded to the Essex County Prosecutor's Office along with a written request for its' destruction, and the original copies are maintained on file at the Property & Evidence Division.
- c. The Office of Professional Standards will be present to witness the destruction of **all** narcotics.
 - i. No fewer than two witnesses shall observe the actual destruction of narcotics at the authorized site. The witnesses shall be required to sign the Uniform Destruction of Evidence Form in the appropriate place;
 - ii. The narcotics being destroyed shall be observed to the point where human accessibility is no longer possible;
 - iii. A Post-Destruction Report (DP1:1001) shall be executed by the Commander of the Property & Evidence Division, which shall contain:
 - The location of destruction;
 - The summary of the destruction; and
 - The list of attendees by name and agency; and
 - iv. The Post-Destruction Report shall become the cover sheet for those items of property that have been destroyed, and shall be retained in the Destruction File.
- d. The Commanding Officer of the Property & Evidence Division shall ensure that narcotics and firearms do not appear on the same destruction request form, and ensure that **ONLY** narcotics (no paraphernalia) appear on the Narcotics Destruction forms and **ONLY** Firearms (No ammunition or ballistic evidence) appear on the Firearm Destruction forms.
- e. The destruction shall be at a facility licensed by the State of New Jersey to burn trash (incinerator) at an acceptable temperature to ensure complete destruction. The authorized site should also be approved by the Essex County Prosecutor's Office.



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8. Weapons Destruction Process

- a. Once the Commander of Property & Evidence Division receives case dispositions that would allow for the destruction of firearms, he/she shall have prepared a "Uniform Destruction of Evidence Form," indicating the Central Complaint number, manufacturer, caliber and serial number of the weapon.
- b. The Commanding Officer of the Property & Evidence Division shall ensure that copies of the form are forwarded to the Essex County Prosecutor's Office along with a written request for its destruction and the original copies are maintained on file at the Property & Evidence Division.
- c. The Office of Professional Standards will be present to witness the destruction of **all** weapons.
 - i. No fewer than two witnesses shall observe the actual destruction of weapons. at the authorized site. The witnesses shall be required to sign the Uniform Destruction of Evidence form in the appropriate place.
 - ii. The weapons being destroyed shall be observed to the point where human accessibility is no longer possible.
 - iii. A Post Destruction Report (DP1:1001) shall be executed by the Commander of the Property & Evidence Division, which shall contain:
 - The location of destruction;
 - The summary of the destruction; and
 - The list of attendees by name and agency.
 - iv. The Post Destruction Report shall become the cover sheet for those items of property that have been destroyed, and shall be retained in the Destruction File.
- d. The destruction shall be at a facility licensed by the State of New Jersey to melt metal (smelter) at an acceptable temperature to insure complete destruction of the weapons. The authorized site, should also be approved by the Essex County Prosecutor's Office.

9. Records Destruction Process

In accordance with *N.J.S.A. 47:3-15*, the Commanding Officer of the Property & Evidence Division shall maintain and destroy public records according to the Records Retention and Disposition Schedule, *refer to General Order 64-20*.



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VIII. INVENTORY CONTROL AND RECORDS MANAGEMENT

A. The Commanding Officer of the Property & Evidence Division shall ensure that separate, secured and limited access space is maintained for the following:

1. Intake staging area;
2. Firearms;
3. Narcotics;
4. Bulk narcotics;
5. Ammunition;
6. Homicide evidence;
7. Sexual Assault evidence;
8. Flat Files;
9. Police Division Supplies;
10. Annual Arrest Evidence; and
11. Personal/Found Property.

IX. INTEGRITY CONTROL

A. Vault Security:

1. The vault will be secured by a digital combination lock. The lock access code shall be restricted to the Commander and Supervisors of the Property & Evidence Division.
2. The room containing the vault and its entry doors shall be monitored by camera and alarm system. Additionally, the room shall have self-closing and locking doors monitored by electronic access.
3. Property & Evidence Division Supervisors shall ensure the vault remains locked and secured at all times. When in use, Supervisors shall ensure that there is no unauthorized access to the vault or its contents.



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4. Any issues with the surveillance or alarm systems shall be reported immediately to the Commanding Officer who will then notify Director of the Department of Public Safety, the Chief of Police and the Office of Information Technology who will be responsible for immediately correcting the issue.

B. Audits:

It is essential to maintain the highest integrity when it comes to inventory, audits and inspections of the property and evidence function. There should be a complete audit of all stored property as well as random in-person compliance audits of completed transactions on a routine **annual** basis. There should also be a complete audit whenever the following occurs;

1. A change of the Property & Evidence Division Commanding Officer;
2. A change of **any** of the Property & Evidence Division Supervisors;
3. An indication or suspicion of a breach of security within the Command;
4. A transfer of a staff member because of a rule violation related to their duty.

C. Audit Types:

1. **General Audit** - A complete check of ALL items stored within the Property & Evidence Division against an Inventory List.
2. **Compliance Audit** - **Monthly** checks of procedures, processes, and transactions to assure compliance with policy.

D. Audit Procedures:

1. General Audit:

- a. The audit should be conducted by members of the Police Division who are not assigned to the Property & Evidence Division under the supervision of the Office of Professional Standards and/or the Essex County Prosecutor's Office.
- b. An audit begins with a complete inventory of all items that should be stored within the command, an "Inventory List."
- c. That "Inventory List" is then compared to the actual contents stored within the command.



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- d. A Positive Inventory will result in all items on the Inventory List being located and accounted for onsite in the Command. Upon this outcome no further action is needed beyond filing the audit with Bureau Command.
- e. A Negative Inventory will result when items on the Inventory List cannot be located.
 - i. When an item cannot be located all necessary steps shall be taken to locate the item within the command, taking into account that the item could have been misfiled or stored in another location.
 - ii. Once alternate steps have been exhausted and the item or items are still not accounted for, immediate notification to Bureau Command and the Office of Professional Standards shall be made, and the audit shall be suspended.
- f. At no time should an audit be conducted by simply listing items that are found within the command, without being checked against the "Inventory List."

2. Compliance Audits:

- a. The Property & Evidence Division Commander shall ensure that **monthly** compliance audits are conducted by Command Supervisors of various types of property/evidence stored within the command (guns/narcotics/homicide sex assault evidence).
- b. The Office of Professional Standards shall conduct **at least two unannounced random compliance audits** of **all** Temporary Storage Locations and Permanent Property & Evidence Storage locations. These unannounced random audits shall occur on an **annual** basis.
- c. Compliance audits should be performed on completed transactions by comparing case files to verify that required notifications and release and/or destruction authorizations have been properly followed.
- d. All documentation shall be examined to verify that:
 - i. All transactions are accurately noted;
 - ii. Required notifications and release authorizations have been properly documented;
 - iii. A legitimate basis for release is clearly demonstrated;



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- iv. Each inventoried item has a corresponding Property & Evidence receipt or CEMS;
- v. All items shall contain documentation as to its final disposition;
 - Returned to Owner/Finder
 - Destroyed
 - Disposed
 - Auctioned
 - Donated to a Charitable entity
 - Repurposed
 - Deposited to City or County Treasury

E. Inspections:

1. An inspection is a periodic review of designated aspects of the Property & Evidence Division function by its Commanding and Supervisory Officers as well as outside commands such as the Office of Professional Standards. Inspections should be both announced and unannounced.
2. The Property & Evidence Commander shall ensure that **monthly random inspections** are conducted by Command Supervisors of all Temporary Property & Evidence Locations throughout the Police Division.
3. Inspections should include the following;
 - a. Security;
 - b. Access control;
 - c. Property files or entries;
 - d. Cleanliness and organization of the space;
 - e. Safety issues;
 - f. Training of assigned personnel.
4. The results of all inspections shall be reported on a DP1:1001 and included in the Division's monthly report.



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X. EFFECT OF THIS ORDER

All Division Orders, Memoranda, and sections of Rules and Regulations concerning the custody of evidence and property that are inconsistent with this policy are hereby rescinded and repealed.

BY ORDER OF

A handwritten signature in blue ink, consisting of stylized, overlapping letters that appear to be "AFA".

**ANTHONY F. AMBROSE
PUBLIC SAFETY DIRECTOR**

AFA/BO:jjc

c: Darnell Henry, Chief of Police