
**MONMOUTH COUNTY
UNIFORM POLICY**

Evidence Procedures Manual

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TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION	1
II. SCENE CONTROL	3
III. EVIDENCE COLLECTION AND PRESERVATION	4
A. Types of Physical Evidence	4
B. Evidence Collection and Packaging	6
C. Marking Evidence	8
D. Submitting Evidence to Laboratory for Analysis	9
IV. EVIDENCE STORAGE	12
A. Storage Facility	12
B. Evidence System—General	13
C. Evidence System—Basics	18
V. RETENTION AND PURGING OF OLD EVIDENCE	19
VI. DISPOSITION AND DESTRUCTION OF EVIDENCE	20
VII. FOUND OR RECOVERED TANGIBLE PERSONAL PROPERTY	26
VIII. ITEMS TO BE FORFEITED	26
IX. SUBMISSION OF EVIDENCE TO THE EVIDENCE AND PROPERTY CONTROL UNIT OF THE MONMOUTH COUNTY PROSECUTOR'S OFFICE	26
APPENDIX	
A. Applicable Statutory Laws	
B. Evidence Breakdown Chart	
C. Firearms and Weapons Destruction Procedure	
D. Sample Forms	
E. Monmouth County Ordnance Handling S.O.P	

I. Introduction

A. Importance of Physical Evidence

In most criminal matters, physical evidence is extremely important and basic to the search for the truth. It can answer, or at least help answer, the questions "who, what, when, where, why and how?"

A criminal investigation can be compared to building a house with the scene and evidence processing phase forming the foundation of the structure. The subsequent investigation usually rests squarely on the work of the scene and evidence technicians. Shoddy workmanship in the evidence phases will result in a weak and unreliable case. Conclusions drawn from poorly or improperly handled evidence can result in false leads and erroneous information being passed on to the criminal investigator. In turn, wasted investigative efforts and even the targeting of the wrong suspect can result.

B. Nature of Physical Evidence

Physical evidence can be *any physical item*. It can be as big as a house or as small as a molecule of DNA; it can be fixed and immovable or easily transportable; it can be obvious and easily observed or invisible and require special developing techniques; and, it can be as durable as a diamond or as fragile as a vapor. It can be of any substance made by man or nature.

C. Preservation and Accountability

For the most part, evidence must be kept in the same condition as when it was first observed. Observations and test results must be explainable, repeatable and/or verifiable at some point during the subsequent investigation or judicial process. Obviously, then, there must be standards established for the collection and preservation of evidence. As in most other areas of evidence handling and processing, a *common sense* approach is required in evidence preservation.

Since, as stated earlier, physical evidence can be any physical item, this document cannot possibly describe preservation techniques for every item potentially encountered. However types of physical evidence can be addressed.

It is important to understand the following fact. An item of evidence has a life span, that is, a period of time during which it has value as physical evidence. Every moment during the life span of a piece of physical evidence must be accounted for. Law enforcement officials must be able

to demonstrate when and where an item of evidence was recovered, stored, examined, transported, produced in court and so on. And, it must be shown who had control of the item during each step. The inability to account for the whereabouts or control of an item of physical evidence, even for a moment, will result in doubts concerning the validity and integrity of the item, thereby diminishing or destroying its value.

D. Protection

It stands to reason that, in order to keep an item of physical evidence in its original condition, it must be protected from the environment. That's fairly straightforward. But, we have come to understand that, when dealing with certain items of physical evidence, we must also consider the subject of protection in another light...*we must protect the environment from the evidence.*

Continuing research has revealed that serious and even fatal diseases can be contracted through exposure to blood, blood products and body fluids from a human body. It just so happens that these items are often the most common elements encountered in a major crime scene. At the same time, these elements can be some of the most valuable evidence obtainable. These elements can be safely processed and handled, and the potential risks involved can be minimized, if established procedures are followed by ***all*** members of the law enforcement community. This includes not only the first responding officers and crime scene technicians, but also laboratory personnel, evidence custodians, attorneys and courtroom personnel. ***“At no time should any piece of evidence be handled without the proper level of personal protection”***. The “proper level of personal protection” can be determined by trained evidence personnel.

E. Storage, Purging and Disposition of Evidence

Even though physical evidence is extremely important to the law enforcement mission, few police agencies have more than minimal space available for proper evidence handling, processing and storage. Because of this, the timely purging and disposition (e.g., destruction, return to owner.) of items which are no longer of value as physical evidence is critical. The old must make way for the new.

The proper control, maintenance and disposition of physical evidence are a labor intensive job. In many departments, it's a fulltime job, or should be. It's common to find that the responsibility for all evidence is placed with an "ID" officer. Usually, this same officer has additional multiple responsibilities, several of which could be viewed as full-time jobs in themselves. The thinking seems to be that, since the "ID" officer is

involved in crime scene processing, and since crime scenes involve evidence, it follows that the "ID" officer should handle the department's evidence. It is typically found that the departmental "ID" officer is involved in arson investigations, fingerprinting, applications processing, firearm functions, forfeiture processing, public relations programs, and so on.

Typically, problems can begin when the assigned evidence control officer is faced with a quandary: Incoming evidence must be processed and placed under lock and key, but at the same time, other duties must be attended to. A common recourse is to "stockpile" the new evidence; lock it in the evidence vault until later when time permits the proper processing, logging, etc. However, other responsibilities can prevent this, so that the problem becomes compounded day after day. The purging of old evidence, at that point, is no longer a consideration.

Left unattended, such a situation will result in an evidence vault, which is completely out of control. Only an all out effort by several personnel over an extended period of time can restore the proper control. The restoration period typically runs from several months to several years depending on the amount of evidence to be researched.

Problems such as this can be prevented by recognizing:

- a. the importance of physical evidence in the law enforcement mission; and
- b. that the processing, storage and purging of evidence is extremely labor intensive. In addition, being sensitive to requests for assistance on the part of the evidence control officer, and performing unannounced in-house audits of the evidence system, will catch developing problems.

II. Scene Control

Since most evidence is generated in, and recovered from, some type of crime scene, it is important to touch on a few basic scene control practices that directly impact on evidence preservation, even at the risk of repeating procedures and policies spelled out in other areas of the overall Policy Manual. While the complexion and complexity of each scene is different, these practices are fairly generic and can be applied, to one degree or another, in almost all scenes.

A. Approaching the Scene

Once at the general scene, first responding officers should determine a route of approach to the seat of the scene, which will afford the best protection to themselves and others in the area. At the same time, this

"route of approach" should be one which causes the least amount of disturbance to the scene and the potential evidence contained therein. Officers and specialists arriving later should also use this same route of approach.

B. Boundaries

As soon as possible, outer scene boundaries should be established in order to restrict unwanted persons from the area. Onlookers, members of the media, curiosity seekers and other personnel will gather at the boundary line and generate debris in the form of coffee cups, cigarette butts, burned matches, film cartons and so on. It is, therefore, more desirable to set boundary lines too far out from the scene as opposed to too close to the scene. There is always the potential that, as the scene investigation progresses, it will be necessary to expand the scene boundaries. When this is done, all of the debris deposited by the perimeter crowd is suddenly located within the new confines of the crime scene, not to mention the real items of evidence which may have been trampled.

C. Access Control

People moving through a scene will cause changes to the scene. It makes no difference to the laws of physics who the people are: citizens, police officers, police commissioners, doctors, clergy and so on. People can both introduce trace items to a scene and remove trace items from it. The more people moving through a scene, the more alteration to the scene. Therefore, it is important that access be strictly controlled at scenes where physical evidence must be detected and collected. This is one of the oldest and most important problems faced by scene and evidence technicians.

D. Dead Bodies

Bodies of the obviously dead are some of the most important pieces of evidence in a fatal crime scene. Because it is so disruptive to the scene and the body itself, body removal is usually held until the later phases of the scene processing effort. However, as with other types of critical evidence, bodies must be properly noted, recorded, protected, processed, identified, transported and preserved. This type of evidence should only be handled by specially trained personnel.

III. **Evidence Collection and Preservation**

A. Types of Physical Evidence

1. Immovable evidence

Evidence which cannot be removed from the crime scene and placed within a secure area is *immovable* evidence. The most frequently encountered immovable evidence involves structures associated with arson type fires. Often, burn patterns indicating the progress of the fire are of such magnitude that they cannot possibly be removed and transported to a proper storage facility.

2. Movable Evidence

Evidence which can be collected, preserved and removed from the crime scene is called *movable* evidence. The vast majority of physical evidence encountered in police work is movable evidence.

3. Visible evidence

Evidence which can be observed directly without special processing is *visible* evidence. Visible evidence can be either movable or immovable.

4. Invisible or Latent Evidence

Evidence which requires special processing or lighting techniques to be seen is *invisible or latent* evidence. Latent fingerprints or seminal stains are examples of this type of evidence. Another example would be the images present on a roll of exposed, undeveloped photographic film. These items require some type of processing or special handling to be observed.

Obviously, since this type of evidence cannot be seen, it is at great risk of being destroyed or altered by personnel within the crime scene. Preservation of this type of evidence is another reason for proper and strict scene control.

5. Evidence for Safekeeping / Laboratory Evidence

Rarely, if ever, should two or more pieces of physical evidence be placed in the same container due to the possibility of cross-contamination. It is common, however, to place smaller evidence containers in a larger, sealed container to facilitate handling and storage. At no time should items of evidence destined for laboratory or special examination be mixed in a larger container with evidence requiring simple storage.

When smaller packaged items of evidence are placed in a larger container for handling and storage, they should be separated by

victim, defendant, and scene, to further prevent cross contamination of the evidence. It should never be left to an evidence officer or evidence custodian to segregate items for storage from items to be sent for further examination. This should always be the responsibility of the officer collecting, packaging and submitting the evidence.

B. Evidence Collection and Packaging

1. The collection and preservation of evidence at crime scenes is necessary to ensure admissibility in court proceedings. Crime scenes varying from potentially minor burglaries to major scenes such as homicides require specialized forensic techniques and equipment in the gathering of evidence.
2. Each crime scene shall be evaluated and a determination will be made whether the evidence will be collected by the local police department's forensic officers, the Monmouth County Prosecutor's Office Crime Scene Unit, or by another specialized forensic unit or law enforcement agency.
3. Whenever physical evidence is seized or collected, every effort should be taken to keep the evidence in its original condition--protect the evidence from the environment.
4. Depending on the type of evidence involved, law enforcement personnel should take sufficient precautions to protect themselves from the evidence. Some evidence may not require any type of personal protection at all; some might require the use of gloves; and some might require total personal protection. The level of personal protection required should be determined on a case by case basis.
5. Proper collection techniques should always be used when gathering evidence. Personnel unfamiliar or not trained in proper collection techniques should take steps to preserve the evidence in its original position and seek assistance from trained personnel.
6. Except when limited by size, all evidence shall be placed in suitable evidence containers--paper evidence envelopes, vials, pill boxes, plastic baggies, etc. Each item must be placed in a separate container and be properly labeled. Items moistened with any type of fluid water, blood, body fluids and so on--shall be **temporarily** placed in **paper** bags or wrappings until they can be properly air dried. All air dried items shall be stored in **paper** bags, envelopes, wrappings, etc. (Any questions as to how to properly air dry a piece

of evidence, can be answered by any of the Monmouth County Prosecutor's Office forensic officers at 732-431-7012.)

7. Unusually large items--doors, car seats, windows, etc.--should be protected with paper wrapping materials, if possible, and handled with extreme care. Areas of particular evidential value on or within these larger items should be covered or protected separately in addition to the overall outer wrappings.
8. Volatile materials shall be placed in airtight, inert containers--such as new, fresh paint cans--and properly marked as to the contents.
9. Biological materials--tissues, blood, body fluids, etc.--may require special handling such as refrigeration or freezing. If not absolutely certain about how these items should be handled, assistance should be sought from knowledgeable personnel--forensic specialists within your own department, the Prosecutor's Office Forensic Unit or the Monmouth County Medical Examiner's Office.
10. Magnetic media--audio and video tapes, computer disks, computer tapes, etc.--require special consideration to some degree. These items shall be placed in suitable plastic or paper containers and protected from all sources of high heat, humidity and electromagnetic radiation--radio speakers, telephone ringers, TV and monitor screens, magnets, transmitter antennas, etc.
11. Computer equipment and components should be placed in suitable cardboard boxes or cartons and protected from heat, moisture, electromagnetic radiation and vibration.
12. Items of immovable evidence should be extensively photographed, video taped, diagramed and described in written notes. Numerous representative samples should be taken of the immovable item. Each sample should be properly and separately packaged and identified.
13. Vehicles of evidential value should be handled as movable evidence and stored in a secure area pending further processing or evaluation. At no time shall vehicles of this nature be driven or towed to a secure storage facility. Rather, these vehicles shall be transported through the use of a flatbed vehicle transporter. Loading, unloading and transportation of the vehicle shall be closely supervised by law enforcement personnel. The vehicle shall be sealed to prevent intrusion by unauthorized personnel. All exterior surfaces of evidential value shall be recorded immediately--

through the use of photographs, video tape, sketches and/or written notes--and protected.

14. Unexploded ordnance(s) shall not be handled. The supervisor shall contact the **New Jersey State Police Bomb Disposal Unit** to take custody of the explosives for proper storage and disposal. Special care must be taken to minimize the risk of unintended detonation (example, no radio or wireless telephone transmissions in close proximity and do not operate wall switches).
15. If a suspected drug laboratory is encountered, nothing should be touched or moved including containers, paraphernalia, instruments, or suspected CDS. Additionally, do not (de)activate lights and electrical switches; operate portable radios, flashlights or other battery operated objects. The location shall be immediately evacuated by all occupants, including law enforcement officials, and secured. **The Monmouth County Hazardous Materials Unit** shall be contacted to assist with the handling of the drug laboratory.
16. It is not possible to cover every type of item that may be encountered. When unusual situations arise, seek assistance from qualified personnel.
17. Any officer involved in the collection of evidence shall document in an evidence property report the location where and when the evidence was located and by whom. When evidence is transferred, the transfer shall be recorded along with a signature receipt to establish a chain of custody. This chain of custody shall include the agency information, defendant/victim information, case number, charges or type of crime being investigated, crime date, item number, quantity of items being submitted, and an accurate description of items. The Evidence Custodian shall record the evidence into a master evidence ledger or computerized system.

C. Marking of Evidence

1. All evidence seized shall be immediately and properly marked, labeled or otherwise identified by the investigating officer in order to assure its proper identification at some later date.
2. At no time shall a permanent marking be made on the item itself, especially firearms, shell casings, projectiles, rounds of ammunition. Marking these items could destroy valuable evidence in the case. Also see section III.C.6. below.

3. At no time shall the marking of an item destroy or alter its evidential value. Marking may be accomplished by affixing a tag or label to the item or marking the container in which the item is located.
4. Markings shall include the recovering officer's initials, the date of the recovery, the applicable investigation or case number and the item number corresponding to its item number appearing in any documentation, receipt or report.
5. Some items require special consideration when marking. For example, markings should not be made directly on a computer disk because the pressure involved with the marking may damage the underlying magnetic material. In this specific case, a pressure sensitive label bearing the proper markings should be affixed to the disk. The container holding the disk should also be marked.
6. Identifying markings, in the form of engravings, should not be made on firearms bearing proper make, model and serial number nomenclature. These "already uniquely identified" items should be tagged or labeled with the officer's identifying marks.
7. All bags, envelopes, vials, containers, etc. shall be marked as to their contents. Packages containing such items as knives, hypodermic needles, razor blades and so on shall be marked so as to prevent possible injury to personnel subsequently handling the item (e.g. laboratory personnel, evidence specialists, court officials, etc.)
8. Any evidence containing bodily fluids, (blood, urine, semen etc.) should be securely packaged, and clearly labeled with a "BIO HAZARD" label placed on the outside of the packaging.

D. Submitting Evidence to Laboratory for Analysis

1. In cases requiring the submission of evidence to the New Jersey State Police Laboratory or another laboratory/agency for analysis, it shall be the responsibility of the investigating officer and/or the department's evidence custodian to process the necessary forms and transport the evidence to the laboratory. It is imperative that whomever does the transport (investigating officer or evidence custodian), that the officer sign for the evidence to ensure the proper chain of custody.
2. The method of packaging and transferring of evidence to the FBI Laboratory shall be consistent with the **US Department of Justice's Handbook of Forensic Science.**

3. The method for packaging and transferring of evidence to the NJSP Laboratory shall be consistent with the **NJ State Police Evidence Field Manual**.
4. When submitting evidence to the laboratory, the transporting detective shall, ensure that the proper documentation such as the evidence submission receipt accompanies the evidence when transmitted to the laboratory.

a. NJSP Laboratory

- 1) When submitting evidence to the NJSP Laboratory, the transporting Detective will be responsible for the proper logging into the New Jersey State Police Laboratory Information Management System (LIMS).
- 2) Evidence for ballistics analysis must be logged separately on the LIMS web page when submitted in conjunction with other examinations to the NJSP Laboratory.
- 3) The evidence receipt form printed at the laboratory will be individually signed by the person delivering the evidence.
- 4) When submitting Bio-Chem or DNA evidence to the NJSP Laboratory, the Bio-Chem Questionnaire form, (SP 648) shall also be required.

b. FBI Laboratory

- 1) Evidence being submitted to the FBI Laboratory, Washington, D.C. 20535, requires a cover letter written on official agency stationary. Three copies of this letter will be made and addressed to the Director of the FBI and contain the following information:
 - a) Make reference to any previous correspondence submitted;
 - b) Include the agency case number on the letter;
 - c) Provide a brief synopsis of the case;
 - d) Include names and any descriptive data on all of the subject(s);
 - e) Provide a listing of the evidence enclosed;
 - f) State the type of examination requested.
- 2) Place a copy of the letter in the case file.

- c. Evidence submitted to any other laboratory shall be accompanied with an evidence submission report.
5. Upon delivery of the evidence to a laboratory, an original stamped submission receipt shall be obtained and forwarded to central records to be placed into the original records file. Copies shall be forwarded to the case Detective for placement in the case file.
- a. When evidence is transported to the laboratory, the Evidence Custodian will make all arrangements to ensure that all logs and related reports reflect the details and status of the evidence so as to preserve the chain of custody at all times. A supplemental report indicating the circumstance detailing the transportation of evidence to the laboratory will be documented in the event that the initial report had already been filed for this case.
6. Upon completion of analysis at the laboratories, the Evidence Custodian or designee shall be responsible for the arrangement of transporting, safeguarding and return of all evidence to the evidence/property room. All laboratory results shall be submitted in writing and placed in the appropriate file.
- a. When evidence is returned from the laboratory, the Evidence Custodian or designee will ensure that all logs and related reports reflect the details and status of the evidence so as to preserve the chain of custody at all times.
7. Any firearm seized or recovered under any circumstances, the recovering officer shall promptly enter the information concerning the make, model, caliber, and serial number of the weapon into the NCIC 2000 System to determine whether the firearm was reported stolen.
8. Any firearm seized or recovered that was unlawfully possessed or used, or recovered from a crime scene, or reasonably believed to have been involved in the commission of a crime, or that was found property, (e.g., abandoned or discarded), the officer shall enter e-trace related information directly into the **New Jersey Trace System**, which is part of the **Criminal Justice Information System (CJIS)**. The information shall be entered as soon as practicable, but no later than within twenty-four hours after the time that the weapon was recovered.
9. Any firearm seized or recovered that was unlawfully possessed or used, or recovered from a crime scene, or reasonably believed to

have been involved in the commission of a crime, or that was found property, (e.g., abandoned or discarded), the Evidence Custodian or designee shall make arrangements to have any such weapon that is suitable for **National Integrated Ballistics Identification Network (NIBIN)** examination test fired as expeditiously as practicable, by the appropriate Ballistics Laboratory and shall submit the test results to **NIBIN** to determine whether the weapon is related to any other criminal investigation, incident or person.

When a local police department recovers any spent shell casings from a crime scene or otherwise has reason to believe that a shell casing is related to the commission of a crime or an improper discharge of a firearm, the investigating Detective shall as expeditiously as possible submit the spent shell casings to **NIBIN**.

10. All urgent inquiries and requests for assistance with firearms traces should be directed twenty-four (24) hours per day to the New Jersey Crime Gun Center at the New Jersey Regional Operations Intelligence Center 609-963-6900.
11. In accordance with the Attorney General's Directive, the New Jersey State Police shall identify trends, interconnectivity of events or transactions, source states, source vendors, and individual trafficking or importing guns in New Jersey. After the designated Evidence Custodian has submitted information to e-Trace, the New Jersey State Police shall report on the results of the trends, interconnectivity, and case-specific analyses.

NIBIN SUBMISSIONS:

New Jersey State Police Central Forensic Science Laboratory
1200 Negron Drive
Hamilton, NJ 08691
609-584-5054, Ballistics-ext. 5815

IV. Evidence Storage

A. Storage Facility

1. Each law enforcement agency within Monmouth County shall be responsible for the safe and proper storage of all evidence gathered by its personnel.
2. Each agency shall maintain a secure evidence storage area.
 - a. This area shall provide the proper environmental conditions and physical security so as to prevent alteration or

degradation of stored items or access by unauthorized individuals.

- b. A sufficient, but limited, number of evidence custodians shall be appointed and charged with the responsibility of maintaining the good order of the evidence storage facility, all associated records and the items in storage overall.
- 3. The evidence storage facility in each agency shall be subject to periodic, unannounced audits and inspections by the highest ranking officer of the agency. Written records of such audits, along with findings and any corrective actions, shall be maintained by the inspecting officer. These records shall be available for review during any investigation of the evidence system or audits performed by outside agencies.
- 4. Each agency's evidence facility and control system shall be open to inspection and audit by the Monmouth County Prosecutor's Office:
 - a. upon request by the highest ranking officer of the department;
 - b. upon a change of personnel in the position of department head; or
 - c. as part of any investigation of the agency or its personnel.

B. Evidence System--General

- 1. All evidence seized by departmental personnel shall be submitted to the evidence custodian for storage as soon after the seizure as practicable.
 - a. When a local agency requests the assistance of the Monmouth County Prosecutor's Office Bureau of Forensic and Technical Services for the sole purpose of gathering such evidence as latent fingerprints, photographs, plaster casts, etc., all evidence gathered by that bureau shall be turned over to the requesting local agency. A receipt shall be obtained and kept on file in the Bureau of Forensic and Technical Services.
 - b. When evidence is collected by the Bureau of Forensic and Technical Services as part of an investigation involving the Monmouth County Prosecutor's Office (e.g., homicide crime scenes, suspicious deaths), that evidence shall be logged

and retained by the Bureau of Forensic and Technical Services unless otherwise indicated by the officers in charge of the investigation.

2. At no time shall items of evidence be secured in any vehicle (except during scene processing while the evidence collection process is ongoing) or left in any unsecured area.
3. It shall be the responsibility of the local agency to determine if any item taken into custody is stolen property or the property of a third party not involved in the criminal activity under investigation.
4. The officer seizing physical evidence shall include in his/her written report a description of what was seized, exactly when and from where the seizure was made, from whom the seizure was made and what was done with the seized item.
5. The officer seizing physical evidence shall initiate a written record of the chain of custody for each item taken into evidence. This document is the Monmouth County Prosecutor's Office Evidence Receipt (sample attached), which is signed and countersigned by all individuals relinquishing and taking control of the evidence. This includes the evidence custodian. The number of individuals involved in the chain of custody for any item of evidence shall be kept to an absolute minimum.
6. The evidence custodian shall maintain written records for each item in storage reflecting the chain of custody during the time the item was under the control of the custodian's department.
7. Whenever a stored item is removed--for shipment to a laboratory, for court, etc.--a dated notation shall be made in the appropriate records. The records shall be signed by both the officer relinquishing control (the evidence custodian) and the officer taking control of the item.
8. The same procedure shall take place when items are returned to the storage facility.
9. In each case bound for Superior Court, the local agency shall maintain physical control of the associated evidence until the assistant prosecutor, to whom the case is assigned, directs that the evidence be turned over to the Monmouth County Prosecutor's Office. The transfer of any evidence shall be noted in the appropriate records.

10. In cases where the physical evidence requires laboratory analysis or processing by outside agencies, the local agency shall transport the evidence to and from the laboratory or other agency and obtain a report of the analysis or processing. The delivery of physical evidence for analysis or processing to the New Jersey State Police Laboratory or other outside agencies should be accomplished as soon as possible, but no later than two weeks after collection of that evidence.
 - a. An exception to the two week deadline applies to disorderly persons arrest for under 50 grams of marijuana, or under 5 grams of hashish. In order to submit this type of evidence, the laboratory requires a "NOT GUILTY PLEA, AND A COURT DATE SET" prior to the evidence submission. Accordingly, once a not guilty plea has been entered and court date set, the evidence must be submitted for analysis within two weeks.
 - b. For evidence requiring special handling, particularly biological materials such as tissue, blood and bodily fluids, the nature of the sample and requirements of the laboratory will dictate the appropriate time for its delivery for analysis. This shall be accomplished while the evidence is still under the control of the local agency and before the evidence is sent to the Monmouth County Prosecutor's Office.
 - c. In certain cases, the time for delivery of evidence requiring special handling may be changed with the approval of the Assistant Prosecutor to whom the case has been assigned.
 - d. All transfers of evidence shall be properly noted in the appropriate records.
11. Firearms evidence.
 - a. All firearms, together with related evidence such as bullets, shells, pellets, wads, cartridges, and so on, shall be *promptly* transported to the ballistics laboratory which provides service to the jurisdiction.
 - b. Firearms may be submitted to the ballistics laboratory for testing as to operability. However, if facilities are available, the local agency may perform the operability tests. The results of the testing shall be recorded in applicable investigative reports along with a complete description of the firearm. In addition, the test shells relating to semi-automatic

firearms shall be submitted to the ballistics laboratory for entry into N.I.B.I.N.

- c. Firearms should be handled as little as possible. When a firearm is to be handled, appropriate protective gloves should be donned by the officer handling the firearm.
- d. When submitting firearms to the ballistics laboratory, the officer should never request to compare the firearms to all unsolved crimes. However, comparisons against particular crimes may be requested. Said requests require a written factual basis and reason for request. In addition, special attention may be requested in cases where firearms have been confiscated from criminals suspected of other serious crimes involving firearms.
- e. As a general rule, firearms should not be sent through the mail. Title 18 of the US Code Annotated 1715 governs the mailing of firearms.

The statute provides that firearms "are non mail-able and shall not be deposited in or carried by the mail or delivered by an officer or employee of the Postal Services." However, the statute provides that, subject to Postal Services Regulations, such firearms "may be conveyed in the mail...for use in connection with their official duty...to officers of the United States or of a State, Territory or District whose official duty is to serve warrants of arrest or commitments; ."

- f. When one law enforcement agency mails a firearm to another, it should be packaged tightly and the firearm should be insured and sent registered mail so it can be traced in case of loss or theft. The fact that the package contains a firearm should not be revealed to postal employees and the package should **not** reflect that it contains a firearm.
 - g. For obvious reasons, loaded weapons **shall never** be sent through the mail!
12. Basically, evidence breaks down as follows (see attached Evidence Breakdown diagram):
- a. Money--which is further broken down as follows:
 - 1. Proceeds

This is seized money, which has no evidential value other than the total amount and the breakdown of the denominations present. This money shall be deposited with the Evidence and Property Control Unit of the Monmouth County Prosecutor's Office within two (2) business days. An evidence receipt form indicating the breakdown of the money by denomination shall be used for this transaction.

2. Antiquity Value

This is money in the form of property--such as a coin collection. It has value other than the face value of the money itself. Once this has lost its evidential value--after the court case is resolved, it shall be held as property to be returned to the rightful owner or sold at auction, as appropriate.

3. Dog Sniff

This is money with the potential of becoming hard physical evidence. It is usually involved in drug investigations. It should be held for thirty (30) days pending "sniffing" by a specially trained drug dog.

4. Per Se

This is money, which has a greater value as hard evidence and must be held. An example would be marked money. This money shall be held as evidence.

b. Evidence-which is subdivided as:

1. Evidence for storage

These items need no further processing or examination and must only be stored for future use.

2. Laboratory Evidence

These items require processing or analysis at a laboratory or other agency. The associated paperwork would indicate movements in and out of the evidence storage facility as the items are moved to and from the laboratory or other agency.

c. Property-which can be:

1. Items not restricted by law, which no longer have value as evidence. Unless restricted or controlled by

law, these items must be returned to the rightful owner, taken into the departmental inventory or disposed of through public auction.

2. Items submitted for safekeeping which have no evidential value. Found items would be an example.

d. CDS

This is handled as a separate category due to its nature and the sensitivity involved in handling it. *In addition* to the normal records and receipts involved with evidence, all CDS should be recorded and tracked in a separate, bound log book and the CDS evidence segregated in the evidence storage facility.

C. Evidence System--Basics

1. The evidence custodian shall perform the following tasks on items submitted to him/her.
 - a. Determine the presence of all required paperwork and documentation. As a minimum, evidence should be submitted with an evidence receipt.
 - b. Determine that all items are properly separated and packaged.
 - c. Determine that all items are properly marked.
2. If any discrepancies are found, the evidence custodian should notify the submitting officer that his/her evidence does not conform to established standards.
3. Upon receipt of notification, the submitting officer should immediately rectify the problems and resubmit the evidence.
4. Once found to be correct, the evidence should be secured in the storage facility and associated documentation filed.
5. It is a departmental decision as to exactly how and by whom money is deposited with the county and evidence is transported to and from a laboratory. The evidence custodian shall see to it that these functions are performed as required. In any event, a copy of all resulting laboratory analysis reports for CDS shall be filed with the paperwork associated with the item of CDS evidence (receipt).

V. Retention and Purging of Old Evidence

- A. Periodically, the evidence custodian shall review the status of each case associated with evidence on hand.
 - 1. The Monmouth County Prosecutor's Office provides written notice of disposition of indictable criminal matters as soon as the actions occur. This is done immediately upon administrative action on a case; upon Grand Jury remand, no bill or indictment and upon sentence, not guilty verdict or dismissal.
 - 2. The letters are forwarded to the person in each department designated by the Chief to handle record keeping.
 - 3. The evidence custodian may check on the status of an indictable criminal matter by accessing the Promis/Gavel computer database. Further clarification may be obtained by contacting the Prosecutor's Docket Department (732) 431-7160. The Docket Clerk will advise whether a case is still pending action or has been disposed of.
 - 4. In addition, the Monmouth County Prosecutor's Office submits a copy of the judgment 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 judgment. The opinion rendered by the higher court will be forwarded to the police department when received by the Monmouth County Prosecutor's Office.
 - 5. Any questions about status, decisions or opinions on municipal appeals or questions about appeals on any indictable matter should be directed to the Lead Clerk, Appellate and Motion Practice Section (732) 431-7160.
- B. If a defendant has been found guilty, or pled guilty to the charges, the evidence custodian shall determine the date of sentencing and enter it in the documentation associated with the evidence involved in the case.
- C. The evidence shall be retained in the evidence facility for a waiting period in accordance with the Timelines for Evidence Retention established by the Attorney General. <http://www.nj.gov/oag/dcj/agguide/directives/dir-2011-1-EvidenceRetention.pdf>

- D. Once the waiting period has elapsed, the case shall, again, be researched. If no further action has been taken, disposition shall be made of the evidence.
- E. If it is found that some type of legal action has taken place during the waiting period, the evidence shall again be retained for another period of at least six months from the date of the action.
- F. This shall continue until it is found that no action has been taken during the waiting period.
- G. Evidence involved in a murder case, if it is still present and has been turned over to the Prosecutor's Office, shall also be retained for a minimum period of five years from the date of the last action. At the end of this period, the evidence shall be sealed and stored for retention.
- H. Whenever a case status is checked, the possibility of codefendants should be considered. It is possible that the evidence would no longer be needed for the case against one individual, however it would be needed in a case against a codefendant.
- I. Evidence held for a case against an individual who is a fugitive from justice must be stored until that individual has been captured and returned for trial. The period for which the evidence in this type of situation must be stored may be quite lengthy. If a fugitive defendant is not apprehended, the Prosecutor's Office may ultimately move to have the charges dismissed. When that occurs, notice will be given to the local police agency, which can then dispose of the evidence.
- J. Active evidence in excess of two years old should be reviewed every six months to determine case status.

VI. Disposition and Destruction of Evidence

- A. All items which are no longer of evidential value shall be disposed of by destruction, public auction or return to their rightful owner. In any case, all dispositions shall be properly documented.
- B. The evidence custodian shall prepare and submit a "Destruction of Evidence" form for each case in which old evidence is to be destroyed.
 - 1. Completed forms shall be submitted for approval to the Director of the Trial Section of the Monmouth County Prosecutor's Office for cases involving charges against adults, and to the Director of the Family Division of the Monmouth County Prosecutor's Office for

cases involving charges against juveniles, and domestic violence cases.

2. No item shall be destroyed without proper approval.
- C. All other evidence to be destroyed shall be disposed of by burning (vegetation and CDS) or mutilation (hardware, paper, etc.).
 - D. All evidence destruction shall be properly documented on the Destruction of Evidence Forms. Records of Destruction, and related authorization, shall be filed with the agency's evidence custodian.
 - E. The destruction of CDS shall be performed as follows:
 1. In cases disposed of in Superior Court, the CDS shall only be destroyed with proper authorization from the Director of the Trial Section, (Adult cases), or the Director of the Family Division of the Monmouth County Prosecutor's Office (Juvenile cases).
 2. All CDS destruction shall be performed in the presence of two individuals in addition to the evidence custodian. One of these individuals shall be a sworn officer who shall have complete control and responsibility for the destruction process.
 3. The sworn officer supervising the destruction shall not be a member of the same chain of command in which the evidence custodian is positioned.
 4. Each item of CDS to be destroyed shall be accompanied by the following documents:
 - a. the associated receipt indicating the description of the item and the entire chain of custody;
 - b. if required pursuant to Sec. VI.F(1) of this Policy, above, the signed authorization indicating the approval for the destruction (Destruction of Evidence Form); and
 - c. the associated laboratory analysis report indicating the type and amount of substance.
 5. An adequate weight scale and variety of CDS field test kits shall be available for use by the sworn officer supervising the destruction.
 6. The sworn officer shall have the authority to randomly check the evidence about to be destroyed. Selected items shall be tested for

weight, count and contents and compared to the associated laboratory report.

7. Any indication that another substance has been substituted for the original CDS, or that a portion of the evidence is missing, shall be reported immediately to the head of the police agency and to the Monmouth County Prosecutor's Office. The sample in question shall not be destroyed, but shall be retained under safe keeping for further examination.
8. The destruction of each item shall be noted in the associated documentation (Destruction of Evidence Form) which shall be filed with the evidence custodian.
9. In a disorderly person's case involving a controlled dangerous substance, the law enforcement agency shall maintain the CDS until at least one year following final judgment in the case. If a defendant is convicted of the disorderly person's offense, the final judgment would be measured from the date the defendant is sentenced. If an appeal is pending, the final judgment would be when the appeal is decided.
10. Such destruction shall occur at a facility designated by the Monmouth County Prosecutor's Office.
11. Even if notice to and approval of the Director of the Trial or Family Division is not necessary for the destruction of CDS pursuant to this Policy, all aspects of the destruction shall be documented on the Destruction of Evidence Form.
11. All CDS approved for destruction shall be destroyed within one (1) year of the written approval from the Director of the Trial Division, or the Director of the Family Division, as appropriate.
12. If a law enforcement agency comes into possession of a controlled dangerous substance—by finding, for example—and a viable prosecution cannot be developed in relation to the CDS, then it must be retained for one year. The CDS shall be destroyed within one (1) year of its receipt in accordance with the procedures of this manual. Notice to and approval of the Director of the Trial or Family Division is not necessary in this situation unless a significant quantity or quality of CDS is involved. The term "significant quantity" should mean at least enough CDS to support a charge of possession with intent to distribute in a quantity for a second degree crime or greater if the owner or possessor was known.

14. If after conviction of the defendant in a CDS related case there is still an investigation pending concerning other prospective defendants relating to the possession or distribution of the same substance, the substance may be retained if reports are duly filed justifying non-destruction.
 15. "The Comprehensive Drug Reform Act of 1986" N.J.S.A. 2C:35-1 has a section dealing specifically with the pretrial destruction of bulk seizures of controlled dangerous substances. In order for the pretrial destruction of a bulk seizure of CDS to take place, the Directors of the Narcotic Strike Force and the Trial Section of the Monmouth County Prosecutor's Office must be notified so that they can determine that all of the statutory requirements have been met before they approve the destruction. Once their approval is given, the procedures for the destruction of CDS as set forth in this manual must be followed. "Bulk seizure" shall mean ten (10) or more pounds of any CDS, CDS analog or any "package" measuring two feet by three feet (2' x 3').
- F. Old evidence to be returned to the rightful owner shall be returned in person only and shall be documented. All receipts for returned items shall remain on file with the evidence custodian. *All* returns of stolen property shall be in accordance with the procedures set forth in 2C:65-1 et seq.
- G. The destruction of firearms shall be performed as follows:
1. No firearm approved for destruction shall be retained for a period longer than three (3) years from the date the firearm came into the possession of the law enforcement agency. It is the intent of this paragraph that all firearms should be transferred or destroyed within three (3) years of their receipt by a law enforcement agency, provided that all related charges have been disposed of.
 2. Firearms which are recovered as stolen property should be returned to their lawful owners as soon as they are no longer needed for evidentiary purposes, provided that the lawful owner possesses all required permits.
 3. No firearm can be returned under this section unless a written request is made to the Director of the Trial Section of the Monmouth County Prosecutor's Office and written approval from the same is received by the law enforcement agency.
 4. Firearms which were *not* unlawfully possessed, acquired or used but were required to be maintained as evidence, shall be turned to the owners of the firearms at the expiration of six months after the

conclusion of the criminal proceedings arising out of the seizure of the firearms.

5. If the owner of the firearm was a defendant, the firearm should not be returned unless a court order is obtained by the defendant. This is true even if the charges ultimately resulted in an acquittal.
6. If the owner of such firearm was a victim or witness, the firearm can only be returned upon approval of the Director of the Trial Section of the Monmouth County Prosecutor's Office. The request for approval and the approval shall be in writing.
7. With the exception of firearms turned over to law enforcement agencies by their lawful owners to be held for a fixed period of time--for example, for safekeeping during the owner's vacation--no firearm shall be returned or given to anybody without the written approval required by this paragraph.
8. Firearms approved for destruction may be retained by the law enforcement agency but only after it has been demonstrated that there is an actual, current need for the authorization of such weapons for law enforcement purposes. Firearms retained for law enforcement purposes should be of the calibers, types, or gauges normally used for such purposes. Indiscriminate retention of all types of firearms shall not be permitted.
9. In the event that a law enforcement agency desires to retain a firearm, approval must be received from the County Prosecutor. The law enforcement agency shall write to the Prosecutor giving a full description of the weapon and the justification for the retention of the weapon. If approved by the Prosecutor, the following actions must be taken by the requesting agency:
 - a. A request for an ATF L.I.S.A. trace must be submitted to the Monmouth County Prosecutor's Office L.I.S.A. trace coordinator to document the original seller and purchase of the firearm requested to be maintained by the local agency. (If not already completed at a prior time.)
 - b. A complete description of the weapon must be sent to the New Jersey State Police Firearms Section, on agency letterhead. This correspondence should indicate that the weapon was evidence and will now be used for law enforcement purposes;

- c. An "ATF Form 10" should be completed according to the instructions listed on the form. The form is available from the Trenton office of the ATF.
- 10. If it is determined that a weapon retained for law enforcement purposes is of no further value to the agency, the weapon should be either:
 - a. immediately destroyed in accordance with the "Firearms and Weapons Destruction Procedure," or
 - b. if another law enforcement agency desires to retain the weapon for law enforcement purposes, the weapon may be transferred through the use of "ATF Form 5." This form is self-explanatory and may be obtained from the Trenton office of the BATF.
- H. When evidence is required for a court appearance, the requesting officer should notify the evidence custodian in advance. The evidence custodian will transfer custody of the evidence to the requesting officer or Assistant Prosecutor. The evidence should be returned to the evidence custodian at the conclusion of the court hearing unless it is released to the Prosecutor's Office for indictable cases. If being released to the Prosecutor's Office, the officer who brought the evidence to court must have a representative of the Prosecutor's Office (detective or Assistant Prosecutor) sign the property evidence receipt to complete the chain of custody and to ensure that the department has a record of where the evidence is being held.
 - a. The requesting officer is responsible for all evidence signed out to him/her for court.
- I. Property/evidence must be returned to the rightful owners at the earliest possible time. All evidence no longer needed for court and not able to be returned may be converted into law enforcement use, turned over for auction, or destroyed pursuant to applicable guidelines. All items stored for more than a year should be revisited every six (6) months in order to determine if destruction or conversion is the appropriate course of action.
 - a. The owner of the property must sign a receipt indicating the date they received the item(s), and from whom they received it. Proof of ownership must be established prior to any property being returned. Whenever there is a dispute concerning ownership of property, do not release the property pursuant to N.J.S.A. 2C:65-2. The court having jurisdiction over the case in which the stolen

property is involved shall review the matter. The identity of the individual presenting him/herself as the owner should be verified.

b. Stolen property should be retained if it will materially assist in the prosecution of the case. Whenever there is any question as to whether or not the stolen property should be returned prior to the final disposition of the case, the assigned municipal or assistant prosecutor will make the final decision.

VII. Found or Recovered Tangible Personal Property

- A. Found or recovered tangible personal property shall be disposed of in accordance with the procedures set forth in N.J.S.A. 40A:14-157.
- B. If money is recovered, it shall be turned over to the County Treasurer within 48 hours for retention. After six (6) months, if it is unclaimed, it shall be transferred into the General County Treasury Account.

VIII. Items to be Forfeited

- A. Items seized for forfeiture, or which may be forfeited under state or federal law, shall be handled and processed in accordance with the procedures enumerated in "Section VIII, Forfeiture Procedures Manual" in this policy manual.

IX. Submission of Evidence to the Evidence and Property Control Unit of the Monmouth County Prosecutor Office

- A. The Evidence and Property Control Unit of the Monmouth County Prosecutor's Office is charged with the responsibility of storing and maintaining the integrity of items of evidence submitted for use in criminal trials. The unit shall be concerned with the proper Identification, packaging, handling, processing, security and retrievability of evidential items. The unit will maintain and shall produce an accurate record of the chain of custody for any item of evidence under its control.
- B. Evidence may be submitted to the Evidence and Property Control Unit between 8:30 AM and 12:00 PM; 1:00 PM and 4:30 PM each business day.
- C. Evidence transported by a local agency for display before the Grand Jury and actually marked into evidence before the Grand Jury shall be turned over to the Evidence and Property Control Unit utilizing the procedures set forth herein.

- D. Evidence being submitted to the Monmouth County Prosecutor's Office shall be given to the Evidence and Property Control Unit. However, at times, the assistant prosecutor may desire to receive the evidence directly from the member of the local agency. In either case, the official submitting the evidence shall complete an "Evidence Property Receipt Form." All available information shall be entered on the form and the form shall be signed by the official submitting the evidence and the party receiving the evidence. All money submitted shall be listed by denomination on a separate receipt form.
- E. *Under no circumstances* will evidence be accepted from any local agency without a properly completed receipt form.
- F. Narcotic evidence shall be submitted with a copy of all applicable laboratory reports indicating the amount and nature of the CDS being submitted.
- G. *Under no circumstances* shall narcotics evidence be accepted from any agency without the required laboratory report copy.
- H. If evidence has been submitted from a local agency to the assistant prosecutor, the assistant prosecutor, at his/her earliest convenience, shall submit the evidence with the completed receipt form and all applicable laboratory reports to the Evidence and Property Control Unit. The receipt form shall be signed and countersigned by the assistant prosecutor and the person receiving the evidence.
- I. If unusual items (e.g., unusually large, requiring special handling, requiring special storage facilities) are to be submitted, the submitting agency shall notify the Evidence and Property Control Unit giving sufficient time to make arrangements for the unusual items.
- J. It shall not be the responsibility of the Evidence and Property Control Unit to pickup or deliver evidence to or from any other agency. The responsibility for evidence transportation rests with the submitting agency.

Appendix A

Applicable Statutory Laws

2C:65-1 “Procedure to be Followed by Law Enforcement Agencies when Stolen Property is Taken into Custody.”

When any article of property alleged to be stolen comes into the custody of a law enforcement agency, that agency shall enter in a suitable book a description of that article and shall attach a number to each article, and make a corresponding entry thereof. The agency shall also make and retain a complete photographic record of the property. The photographic record, upon proper authentication, may be introduced as evidence in any court in lieu of the property.

2C:65-2 “Release of Stolen Property Prior to Final Determination of Proceeding”

a. A law enforcement agency, upon satisfactory proof of ownership of property held pursuant to this section, and upon presentation of proper personal identification, may release the property to the person presenting such proof pursuant to the provisions of subsection b. The release shall be without prejudice to the State or to the person from whom custody of the property was taken or to any person who may have a claim against the property. Any such delivery shall be noted in the book required by 2C:65-1. The person to whom the property is delivered shall sign a sworn declaration of ownership which shall be retained by the agency.

b. Nothing in this section shall prohibit a law enforcement agency from immediately returning property to its rightful owner where the agency is satisfied that there is no colorable dispute as to ownership; provided, however, that where the law enforcement agency has reason to believe that there is a dispute concerning ownership of property, or if the person from whom custody of the property was taken shall claim ownership, or if any other person shall claim ownership, the property shall not be released to any person claiming it until a hearing has been held pursuant to subsection c.

c. The court having jurisdiction over the case in which the stolen property is involved, upon application by the person from whom possession was taken, or the person claiming ownership, shall review the matter and order the property to be delivered to the person claiming ownership, or to be retained by the law enforcement agency upon a finding that the person claiming ownership of the property is not entitled thereto.

2C:65-3 “Disposition of Stolen Property after Final Determination of Proceeding”

a. After final determination of any action or proceeding, the court, on application of the person claiming ownership, or an agent designated in writing by the person, may order all property, other than documentary exhibits, to be delivered to the person.

b. After the expiration of 6 months from the final determination of the action, if the person entitled to the property is unknown, or fails to apply, the court in which the case was tried, upon application of law enforcement agency in possession of the property, shall make an order specifying what property may be released from the custody of the agency without prejudice to the State. Upon receipt of the order, the clerk of the court shall transfer the property for disposal at public sale to the state, county, or municipality, whichever was the prosecuting authority. The property shall not be transferred where it consists of money or currency, but it shall be deposited immediately in the general fund of either the state, county or municipality.

2C:65-4 “Disposition of Documentary Exhibits”

No exhibit shall be destroyed or otherwise disposed of until 60 days after the clerk of the court has posted a notice conspicuously in three places in the county, referring to the order for disposition, describing briefly the exhibit, and indicating the date after which the exhibit will be destroyed or other otherwise disposed of.

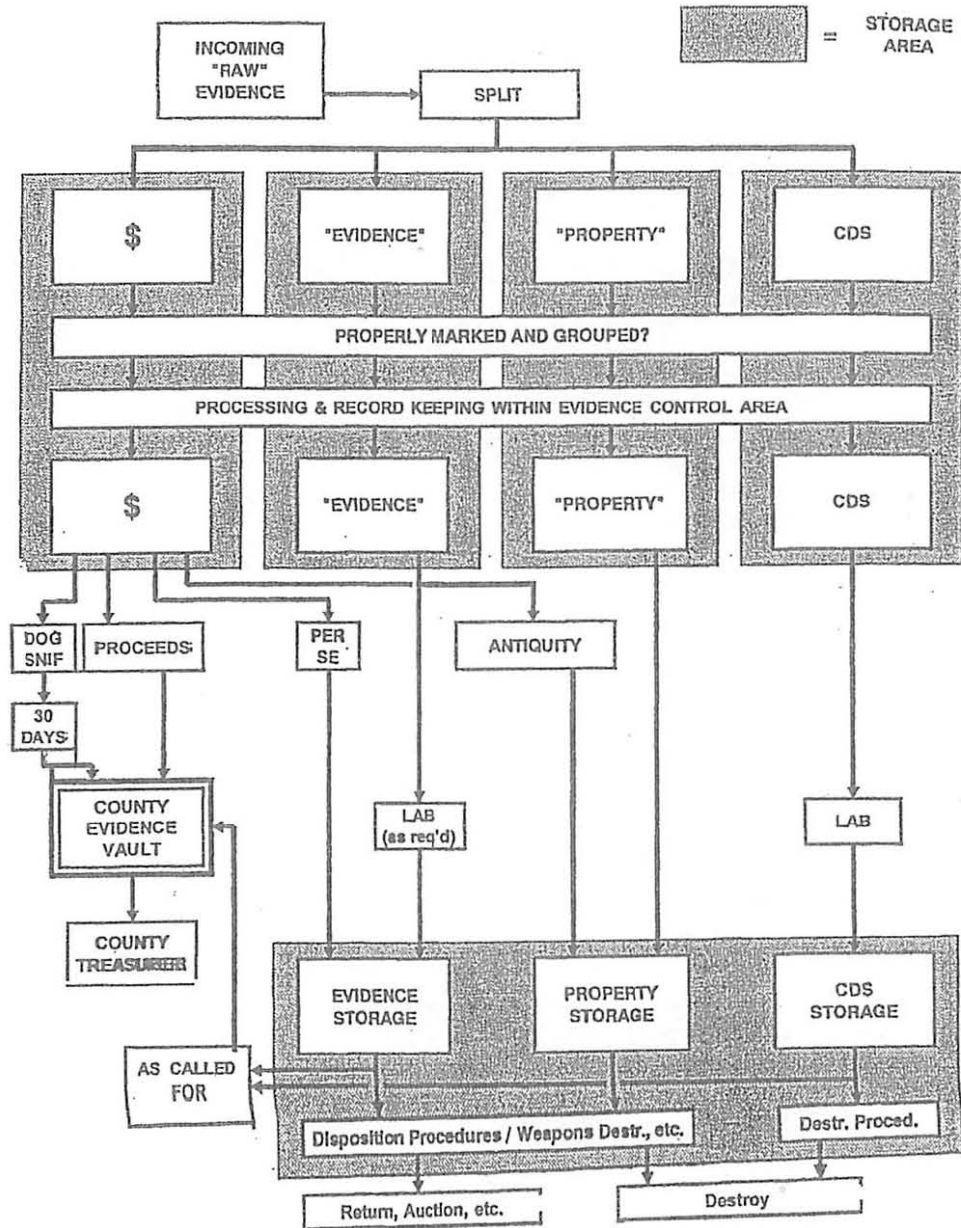
40A:14-157 “Tangible Personal Property Found or Recovered; Disposition”

a. Where tangible personal property comes into possession of the police department or force of a municipality, 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 said owner shall refuse to receive such property, then the said property shall not be disposed of for 6 months, except in cases of motor vehicles, which shall be for 3 months. In any such case, the governing body of said municipality, by resolution, may then provide for the sale, in whole or in part, of any such property, at public auction, after notice if designated time and place therefore, not less than 10 days property thereto, published in a newspaper circulating within the municipality. Perishable items may be sold without reference to the said periods of time. Moneys received from the sale of any such property 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.

b. Whenever any money or tangible personal property other than a motor vehicle has been or shall be found or discovered by any person other than a member of the municipal police force 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 municipal police department or force for the purpose of assisting the police to find the owner thereof, the police department or police force shall retain custody of said money or tangible personal property for a period of 6 months. If the money or tangible personal property is unclaimed during said 6 month period by the person entitled thereto, the money or personal property shall be returned by the municipal police department or police force to the finder, who shall be deemed the sole owner thereof.

c. This act shall apply to all money or tangible personal property which now is in, or which hereafter may come into, the possession or custody of any municipal police department, police force, or municipal treasury in the manner herein described.

APPENDIX B
EVIDENCE BREAKDOWN



APPENDIX C

FIREARMS AND WEAPONS
DESTRUCTION PROCEDURES

Revised March 2012

TABLE OF CONTENTS

A.	PURPOSE	34
B.	ITEMS INCLUDED	34
C.	ITEMS NOT INCLUDED	34
D.	SAFETY CONSIDERATIONS	35
E.	DESTRUCTION SITE AND METHOD	35
F.	DESTRUCTION SCHEDULING	35
G.	ITEMS SUBMISSION	36
H.	ACTIONS BY THE EVIDENCE AND PROPERTY CONTROL UNIT; DESTRUCTION OF FIREARMS AND WEAPONS	37
I.	RECORD KEEPING	39
J.	REVIEW, MODIFICATION AND UPGRADING	39

A. PURPOSE

- 1) At some point in time, each law enforcement agency in Monmouth County will be faced with the question of how to destroy firearms and weapons. These will include weapons which are inherently illegal and those which have lost their value as physical evidence. Also included will be firearms, which are no longer serviceable or wanted by the agency.
- 2) This procedure provides a simple, direct and standardized method of firearms and weapons destruction for the local agencies of Monmouth County. The mechanical apparatus to be used has demonstrated its ability to render this type of material utterly useless.

B. ITEMS INCLUDED

- 1) Items to be destroyed in accordance with this procedure shall include, but not be limited to, the following types:
 - a. Firearms (revolvers, semi-automatic and automatic handguns, semi-automatic and automatic rifles, shotguns, grenade launchers, air rifles, B-B guns, crossbows, spear guns, etc.)
 - b. Gun parts, equipment and machinery used to manufacture, repair or modify firearms.
 - c. Weapons (knives, brass knuckles, bats, clubs, bludgeons, arrows, spears, the housings of improvised explosive and improvised incendiary devices (IED and IID) (SEE PARAGRAPH C, FOLLOWING, and so on).
- 2) Common sense and safety considerations shall prevail when selecting items for this method of destruction. Questions concerning the ability of the apparatus to safely destroy an item shall be directed to the superintendent or assistant superintendent in charge of the machinery's operation. As indicated later in this procedure, all items shall be inspected by plan supervisory personnel prior to actual destruction.

C. ITEMS NOT INCLUDED

- 1) The following types of items shall NOT be included in this method of destruction. This is EXTREMELY IMPORTANT! Please note that this list is NOT all inclusive.
 - a. Explosives, bullets, live ammunition, grenades of any type, tear gas, live or charged improvised explosive or incendiary devices (IED's or IID's), fireworks, blasting caps, primers, fuses or fuse materials, boosters, barricade rockets, paper caps, blanks, chemicals, "flash bangs," accelerants, combustibles, gunpowder, etc.

- b. Ordnance of any type (call EOD).
- 2) Any substance, material or device which, as a result of severe and sudden mechanical overstressing, could explode, detonate, ignite or release hazardous, toxic or noxious fumes or vapors.

D. SAFETY CONSIDERATIONS

- 1) The ultimate concern throughout the entire destruction process shall be for the safety and well being of the personnel involved.
- 2) Strict adherence to all evidence destruction procedures shall be maintained at all times.
- 3) The management of the destruction site shall insist on complete compliance with their established safety and operational rules and regulations. The operation of the equipment and the physical methods employed to enter materials for destruction shall be under the supervision and direction of the destruction site superintendent or his designee. Violations may result in the loss of this facility as a destruction site for firearms and weapons.
- 4) Facility supervisory personnel shall have the right to inspect any and all items to be destroyed in order to assure safe and efficient operations and prevent damage to the apparatus.

E. DESTRUCTION SITE AND METHOD

- 1) The destruction site for firearms and weapons is Gerdau Ameristeel, North Crossman Road, Sayreville, New Jersey 08872. Telephone number is 732-721-6600. They incinerate all of the firearms.

F. DESTRUCTION SCHEDULING

- 1) Destruction dates shall be scheduled directly through Gerdau Ameristeel at 732-721-6600.
- 2) Appointment shall be scheduled at least one week prior to the desired date of destruction.
- 3) Gerdau Ameristeel should be advised, in general terms, of the types and quantities of items to be destroyed.

G. ITEMS SUBMISSION

- 1) Each agency shall be responsible for the storage of its own firearms and weapons until authorization for destruction has been granted by the Director of the Trial Division or the Director of the Family Division of the Monmouth County Prosecutor's Office.
- 2) Once destruction authorization has been granted, the firearms and weapons may be submitted to the Evidence and Property Control Unit of the Monmouth County Prosecutor's Office.
- 3) The Evidence and Property Control Unit will be available to accept items for destruction during normal business hours; however, it would be advisable to telephone and schedule a submission of this nature. (732-431-7160).
- 4) All items submitted for destruction shall be:
 - a. Accompanied by a "FIREARMS AND WEAPONS DESTRUCTION REQUEST" form completed by the submitting agency prior to submission (attached forms may be copied as needed for use);
 - b. Tagged or labeled with the name of the submitting agency and the item number corresponding to the item number on the "REQUEST" form;
 - c. Accompanied by a copy of the authorization for destruction granted by the Director of the Trial Division of the Monmouth County Prosecutor's Office.
- 5) All items, especially firearms, shall be rendered safe by the submitting agency prior to submission.
 - a. Under no circumstances shall unsafe items be accepted.
 - b. The Evidence and Property Control Unit shall not be responsible for unloading, clearing or otherwise rendering safe any weapon or firearm.
 - c. Violations shall be reported immediately to the officer responsible for the Evidence and Property Control Unit.
- 6) Each item submitted under this procedure shall be checked against the accompanying "FIREARMS AND WEAPONS DESTRUCTION REQUEST" form.
 - a. The accuracy of the descriptive information for each item shall be verified;

- b. The number of items submitted shall be compared to the number of items listed;
 - c. The presence of a copy of the authorization for destruction for each item listed shall be verified.
- 7) Discrepancies shall be noted on the 'FIREARMS AND WEAPONS DESTRUCTION REQUEST' forms and initialed by both the submitting and receiving officials.
- 8) After verification, each page of the "FIREARMS AND WEAPONS DESTRUCTION REQUEST" form shall be signed by the submitting and receiving officials.
- 9) Once properly signed, a copy of each page of the 'FIREARMS AND WEAPONS DESTRUCTION REQUEST' form shall be issued to the submitting official. This copy shall remain on file in the submitting official's agency file.

H. ACTIONS BY THE EVIDENCE AND PROPERTY CONTROL UNIT:
DESTRUCTION OF FIREARMS AND WEAPONS

- 1) The Evidence and Property Control Unit shall store and maintain all firearms and weapons submitted for destruction by local agencies and items slated for destruction through internal evidence processes.
- 2) The Evidence and Property Control Unit shall notify the lieutenant in charge of the Major Crimes Section of all firearms and weapons on hand destined for destruction.
 - a. Notification shall be made as soon as practicable after receipt of the items.
 - b. The Major Crimes Lieutenant shall, within five business days, review the information and notify the Evidence and Property Control Unit of items of potential value in relation to any unsolved investigation.
 - i. The Evidence and Property Control Unit shall pull any items of interest and set them aside.
 - ii. Major Crimes personnel shall physically examine these items within five business days and determine dispositions (e.g., return to destruction status, send to laboratory for examination.
 - iii. Items found to have no potential value shall be destroyed in accordance with his procedure.

- iv. Items requiring further examination shall be entered into the normal evidence process by Major Crimes personnel.
 - v. Update the appropriate "FIREARMS AND WEAPONS DESTRUCTION REQUEST" form(s) as needed.
- 3) Firearms and weapons destruction shall be conducted by two members of the Evidence and Property Control Unit and one sworn officer of the Monmouth County Prosecutor's Office as noted below. (At this point, the requirements of Section H Part 2 should be satisfied).
 - a. Contact the officer in charge of the Monmouth County Prosecutor's Office Evidence Vault and request a sworn officer of the department to attend the destruction on the set date. (Officers assigned to the destruction should be on a rotational basis.)
 - b. Verify the presence and quantity of the items to be destroyed.
 - c. Prepare the items for destruction.
 - i. Separate the items for destruction from all other evidence in the evidence vault.
 - ii. Place handguns in containers for transport.
 - d. Arrange for the transportation of the items to Gerdau Ameristeel.
 - i. Use assigned vehicle(s) if possible.
 - ii. For larger or heavier shipments, request a truck from the Monmouth County Department of Buildings and Grounds (732) 431-7360.
 - e. Notify the sworn officer responsible for the Evidence and Property Control Unit on the date of destruction prior to transporting weapons.
 - f. Transport the items to Gerdau Ameristeel.
 - i. If other than assigned vehicles are used, they must be guarded and escorted until the items are off-loaded at Gerdau Ameristeel.
 - ii. At no time shall the firearms and weapons be out from under the control of the Evidence and Property Control Unit.

- g. Inspect the items with Gerdau Ameristeel in order to verify compliance with all safety regulations.
- h. Members of the Evidence and Property Control Unit shall handle the items.
- i. Commence the destruction cycle.
- j. Note the destruction on all applicable "FIREARMS AND WEAPONS DESTRUCTION REQUEST" forms.
 - i. Note that all listed items were destroyed.
 - ii. The form shall be dated and signed by the member of the Evidence and Property Control Unit attending the destruction.
 - iii. A vault report will be written up, listing the amount of weapons destroyed and the agencies that had weapons destroyed.

I. RECORD KEEPING

- 1) Each local agency shall maintain a record of all items submitted for destruction to the Monmouth County Prosecutor's Office Evidence and Property Control Unit.
- 2) The Monmouth County Prosecutor's Office, Evidence and Property Control, Unit shall maintain records of all firearms and weapons destroyed by that unit.

J. REVIEW, MODIFICATION AND UPGRADING

- 1) This procedure shall be reviewed, modified and upgraded on an as-needed basis.
- 2) The method of distributing future revisions shall be determined at the time of the revision.

APPENDIX D

MONMOUTH COUNTY PROSECUTOR'S OFFICE EVIDENCE AND PROPERTY CONTROL UNIT				FIREARMS AND WEAPONS DESTRUCTION REQUEST			
THIS FORM IS TO BE USED BY ALL AGENCIES SUBMITTING FIREARMS AND WEAPONS FOR DESTRUCTION IN COMPLIANCE WITH THE MONMOUTH COUNTY FIREARMS AND WEAPONS DESTRUCTION PROCEDURE							
Submitting Agency Long Branch Police Department						Main Phone 222-1000	
Address 344 Broadway, Long Branch, NJ 07740							
Contact Official Lt. John Doe, Operations Section						Phone 222-1032	
Delivered By (Type or Print) Pd. George Smith				Signature			
THE FOLLOWING FIREARMS AND/OR WEAPONS ARE SUBMITTED FOR DESTRUCTION. AUTHORIZATION FOR DESTRUCTION FOR EACH ITEM LISTED IS ATTACHED HERETO.							
ITEM	MAKE	MODEL	CAL	SERIAL NUMBER	BBL	TYPE A ONE-WORD DESIGNATION SUCH AS REVOLVER, SHOTGUN, RIFLE, PISTOL, KNIFE, SWORD, CLUB, BAT, ETC.	DESCRIPTION ONE OR TWO WORD DESCRIPTION WHICH MAY HELP IDENTIFY THE ITEM, ESPECIALLY A NON-FIREARMS ITEM. EXAMPLES: 4" BLADE, DOUBLE HANDED, BLUE FINISH.
1	S&W	433	9MM	1A544389	4	PISTOL	BLUE FINISH
2	---	---	---	---	---	KNIFE	6" FOLDING
3	---	---	---	---	---	CLUB	20" WOOD
4	WALTHER	PPK	.380	A031094	3	PISTOL	STAINLESS
6	COLT	PYTHON	.357	144369	4	REVOLVER	BLUE FINISH
3	REMINGTON	310	12GA	12345-			
7							
Received By (Type or Print)						Date	
Signature						Page 1 of 4	

- SAMPLE -

1. THIS FORM SHALL: A) ONLY BE USED FOR THE SUBMISSION OF FIREARMS AND WEAPONS SLATED AND APPROVED FOR DESTRUCTION. IT SHALL NOT BE USED FOR OTHER TYPES OF ITEMS TO BE DESTROYED NOR AS A RECEIPT IN THE NORMAL TRANSFERENCE OF EVIDENCE; B) BE COMPLETED BY THE SUBMITTING AGENCY PRIOR TO SUBMISSION TO THE EVIDENCE & PROPERTY CONTROL UNIT.
2. ALL SUBMITTED ITEMS SHALL BE TAGGED OR LABELED WITH THE SUBMITTING AGENCY'S NAME AND CORRESPONDING ITEM NUMBER.
3. A COPY OF THE DESTRUCTION AUTHORIZATION FOR EACH ITEM SHALL BE ATTACHED TO THE FORM.
4. IMPORTANT: ALL ITEMS SHALL BE RENDERED SAFE BY THE SUBMITTING AGENCY PRIOR TO SUBMISSION. UNSAFE ITEMS SHALL NOT BE ACCEPTED AND VIOLATIONS SHALL BE REPORTED IMMEDIATELY.
5. ALL PAGES OF THE FORM SHALL BE SIGNED BY THE SUBMITTING AND RECEIVING OFFICIALS.

MONMOUTH COUNTY PROSECUTOR'S OFFICE EVIDENCE AND PROPERTY CONTROL UNIT						FIREARMS AND WEAPONS DESTRUCTION REQUEST	
<i>THIS FORM IS TO BE USED BY ALL AGENCIES SUBMITTING FIREARMS AND WEAPONS FOR DESTRUCTION IN COMPLIANCE WITH THE MONMOUTH COUNTY FIREARMS AND WEAPONS DESTRUCTION PROCEDURE</i>							
Submitting Agency						Main Phone	
Address							
Contact Official						Phone	
Delivered By (type or print)					Signature		
THE FOLLOWING FIREARMS AND/OR WEAPONS ARE SUBMITTED FOR DESTRUCTION AUTHORIZATION FOR DESTRUCTION FOR EACH ITEM LISTED IS ATTACHED HERETO							
ITEM	MAKE	MODEL	CAL	SERIAL #	BBL	TYPE A ONE-WORD IDENTIFIER SUCH AS REVOLVER, SHOTGUN, RIFLE, PISTOL, KNIFE, SWORD, CLUB, BAT, ETC	DESCRIPTION 1 OR 2 WORD DESCRIPTION WHICH MAY HELP IDENTIFY THE ITEM ESPECIALLY A NON-FIREARM ITEM EXAMPLES 6" BLADE BROKEN HANDLE BLUE FINISH
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
Received By (Type or Print)						Date	
Signature						Page of	

MONMOUTH COUNTY PROSECUTOR'S OFFICE EVIDENCE AND PROPERTY CONTROL UNIT						FIREARMS AND WEAPONS DESTRUCTION REQUEST (Continuation Page)	
THIS FORM IS TO BE USED BY ALL AGENCIES SUBMITTING FIREARMS AND WEAPONS FOR DESTRUCTION IN COMPLIANCE WITH THE MONMOUTH COUNTY FIREARMS AND WEAPONS DESTRUCTION PROCEDURE							
Submitting Agency						Date	
Delivered By (type or print)					Signature		
THE FOLLOWING FIREARMS AND/OR WEAPONS ARE SUBMITTED FOR DESTRUCTION AUTHORIZATION FOR DESTRUCTION FOR EACH ITEM LISTED IS ATTACHED HERETO							
ITEM	MAKE	MODEL	CAL	SERIAL #	BBL	TYPE A ONE WORD IDENTIFIER SUCH AS REVOLVER, SHOTGUN, RIFLE, PISTOL, KNIFE, SWORD, CLUB, BAT, ETC	DESCRIPTION 1 OR 2 WORD DESCRIPTION WHICH MAY HELP IDENTIFY THE ITEM ESPECIALLY A NON-FIREARM ITEM EXAMPLES 6" BLADE BROKEN HANDLE BLUE FINISH
Received By (Type or Print)						Date	
Signature						Page of	

[illegible]

EVIDENCE/PROPERTY RECEIPT

[illegible]

[illegible]

SWORN DECLARATION OF OWNERSHIP

AGENCY:	
PROSECUTOR'S CASE NO.	DEPARTMENT NO.
NAME OF DEFENDANT:	
NJS:	CRIME DATE:
CLAIMANT OF PROPERTY:	
CLAIMANT'S ADDRESS:	PHONE NO.

I, _____, OF FULL AGE, BEING DULY SWORN, DO DEPOSE AND SAY:
(OWNER'S NAME)

1. I AM THE OWNER OF THE PROPERTY STOLEN IN THE ABOVE CRIME AND KNOW OF NO OTHER PERSON HAVING A LEGITIMATE CLAIM TO THE PROPERTY. MY PROPERTY IS FULLY DESCRIBED BELOW.
2. I HAVE PRESENTED SATISFACTORY EVIDENCE OF OWNERSHIP AND IDENTIFICATION TO THE _____ POLICE DEPARTMENT CONSISTING OF _____
3. I HAVE VIEWED AND INITIALED THE PHOTOGRAPHIC RECORD OF MY PROPERTY.
4. MY PROPERTY IS FULLY DESCRIBED AS FOLLOWS:

(SIGNATURE OF OWNER)

SWORN AND SUBSCRIBED TO
BEFORE ME THIS _____ DAY
OF _____, 20____



INSTRUCTIONS: This form is to be used for the submission of seized money to the Evidence Warehouse. Money shall be listed by denomination as configured below. This is the only form that shall be accepted by the Evidence Warehouse in seized money matters!

MONEY RECEIPT

SUBMISSION CONTROL No.
(WAREHOUSE USE ONLY)

1 SEIZING AGENCY INFORMATION		2 DEFENDANT INFORMATION	
SEIZING AGENCY:		NAME:	
ADDRESS:		ADDRESS:	
ZIP + 4:		ZIP + 4	
PHONE:		PHONE(S):	
E-MAIL:		E-MAIL:	
INVEST OFFICER:		SSN:	RACE:
CHARGES:		SEX:	
AGENCY CASE No:		CO-DEFENDANT(S):	
DATE OF SEIZURE: (MM-DD-YYYY)	TIME OF SEIZURE: (24 HOUR CLOCK)		

3 CLAIMANT INFORMATION		4 REASON FOR SUBMISSION	
NAME:		☐ SEIZED MONEY - DESTINED FOR TREASURY	
ADDRESS:		☐ MARKED MONEY - HOLD AS EVIDENCE	
ZIP + 4		☐ TO BE HELD FOR OTHER EVIDENTIAL VAULE	
PHONE(S):		☐ OTHER - EXPLAIN	
E-MAIL:			
SSN:	DOB:		

5 INVENTORY OF MONEY			6 TIME-OF-SEIZURE VERIFICATION	
QTY	DESCRIPTION	TOTAL \$	VERIFICATION INSTRUCTIONS: ALL SEIZED MONEY SHALL BE COUNTED, RECORDED AND VERIFIED AT THE TIME-OF-SEIZURE BY TWO(2) OFFICERS AND THE CLAIMANT FROM WHOM THE MONEY WAS SEIZED. EACH OFFICER AND THE CLAIMANT SHALL COMPLETE THE APPROPRIATE AREAS IMMEDIATELY BELOW.	
1	\$100.00 DOLLAR BILL(S), U.S. CURRENCY	\$	1 ST OFFICER COUNTING (PRINT NAME, RANK, BADGE):	
2	\$50.00 DOLLAR BILL(S), U.S. CURRENCY	\$	1 ST OFFICER COUNTING (SIGNATURE):	
3	\$20.00 DOLLAR BILL(S), U.S. CURRENCY	\$	2 ND OFFICER COUNTING (NAME, RANK, BADGE):	
4	\$10.00 DOLLAR BILL(S), U.S. CURRENCY	\$	2 ND OFFICER COUNTING (SIGNATURE):	
5	\$5.00 DOLLAR BILL(S), U.S. CURRENCY	\$	CLAIMANT VERIFICATION (PRINT NAME):	
6	\$2.00 DOLLAR BILL(S), U.S. CURRENCY	\$	CLAIMANT VERIFICATION (SIGNATURE):	
7	\$1.00 DOLLAR BILL(S), U.S. CURRENCY	\$	DATE/TIME OF VERIFICATION:	
8	SAMOUNT IN U.S. COIN	\$		
GRAND TOTAL OF ENTIRE INVENTORY > > >		\$		

7 SUBMISSION INFORMATION		
DELIVERED TO EVID. WHSE. BY:	SIGNED:	DATE:
RECEIVED IN TREASURY EVID. WHSE BY:	SIGNED:	TIME:

8 DEPOSIT INFORMATION		
☐ NORMAL DEPOSIT OF SEIZED MONEY	☐ CANNOT BE DEPOSITED: THE MONEY DESCRIBED ON THIS FORM IS OF A TYPE OF EVIDENCE CLASSIFICATION THAT REQUIRES IT TO BE HELD IN SAFE KEEPING. USE ADDITIONAL EVIDENCE RECEIPT FORM (NORMAL) FOR PROPER EVIDENCE TRACKING.	
DELIVERED TO TREASURY BY:	SIGNED:	DATE:
RECEIVED IN TREASURY BY:	SIGNED:	TIME:
NOTES / COMMENTS:		

FOREIGN CURRENCY SHALL BE LISTED ON COMMON EVIDENCE RECEIPT FORMS AND SUBMITTED AS NORMAL EVIDENCE.

1b12/02

Appendix E

**Monmouth County
Prosecutor's Office**

Ordinance Handling

Standard Operating Procedures

This Standard Operating Procedure documents the proper handling, transportation and storage of ordnance, i.e. fireworks, explosive materials, ammunition and hazardous chemicals.

Table of Contents

I.	ITEMS TOO DANGEROUS TO HANDLE	PAGE 51
II.	TRANSPORTATION OF HAZARDOUS ITEMS	PAGE 53
III.	PROCEDURES FOR DISPOSAL	PAGE 54
IV.	NEW JERSEY STATUTES RELATED TO EXPLOSIVES	PAGE 55

I. THE FOLLOWING ITEMS ARE DEEMED TOO DANGEROUS TO BE HANDLED, TRANSPORTED, OR PLACED INTO EVIDENCE

1. Any improvised explosive device
 - A. Pipe Bombs
 - B. Caustic chemical bombs
2. Any deteriorated commercial explosive
 - A. Old blasting caps
 - B. Old dynamite
 - C. Military explosives displaying white crystal on it
 - D. Black or smokeless powder with rusty lids
3. Military ordnance
 - A. Military ordnance from .50 caliber and above
 - B. All foreign military ordnance
 - C. Improvised military ordnance: anything not found on a military installation is considered improvised
 - D. Railroad torpedoes
4. Hazardous chemicals
 - A. Ether
 - B. Picric acid
 - C. Any phosphorous

Note: This list is endless. Information to assist in identification and handling of hazardous substances can be obtained by calling Chemtrex 1-800-424-9300 or the New Jersey Poison Control Hotline at 1-800-222-1222.

5. Ammunition
 - A. Corroded ammunition with discolored primers, bullet heads disfigured or discolored, bulging or discolored casings
 - B. Bulk ammunition

6. Dangerous Fireworks

A. M-50's, M-80's, or M-100's without factory markings

The following is provided for illustrative purposes only :

M-80 Average size: 5/8" diameter, 1 1/2" long.

Average load: 12 oz. explosive mixture.

Risk factor: Damage to fingers, hands and eyes.

M-100 Average size: 1" diameter, 2 1/2" long.

Average load: 33 oz. explosive mixture.

Risk factor: Severe damage to face, arms and body.

M-250 Average size: 1" in diameter, 3" long.

Average load: 48 oz. explosive mixture.

Risk factor: Severe crippling and disfiguring injuries.

M-1000 Average size: 1" in diameter, 6" long.

Average load: 97 oz. explosive mixture.

Risk factor: Extremely severe injuries to body, possibly death

B. Loose fireworks in plastic bags

C. Bulk or large quantities of fireworks

Note: This list is by no means all inclusive. The degree of hazard in each case must be determined individually.

II. TRANSPORTATION OF HAZARDOUS ITEMS

1. Vehicle should be placarded at to type of explosive/hazardous chemical transported.
2. Vehicle's driver should have a CDL with a hazmat attachment.
3. Vehicle should be in compliance with D.O.T. standards.
4. Vehicle's driver should check with highway regulations for the transportation of hazardous materials.
5. Placement of items should be away from the vehicle's gas tank.
6. Mixing explosives is not permitted, i.e. improvised explosive devices with class "c" explosives (common fireworks).

III. PROCEDURES FOR DISPOSAL

1. Small Arms Ammunition and Small Quantities of Fireworks
 - A) The Evidence Vault of the Monmouth County Prosecutor's Office will continue to accept small arms ammunition and small quantities of fireworks (properly packaged) from local departments. Clarification as to proper packaging of these items may be obtained by contacting the Monmouth County Prosecutor's Office Evidence Vault at 732-431-7160 ext. 7041 or 2954.
2. Military Ordnance, Dangerous Fireworks and Suspected Explosive Devices other than Small Arms Ammunition.
 - A) Local departments will contact the New Jersey State Police Bomb Squad during business hours at 609-882-2000 ext. 6538 or 2283, or after hours at 609-882-6941 or 6951.
 1. Arrangements for pick up will be made by the local departments.
 - B) Each case will be handled individually, and a determination as to the viability of pick up will be made by the New Jersey State Police Bomb Squad.
3. Emergency Situations
 - A) In the event that the New Jersey State Police Bomb Squad is unable to respond in a reasonable time, local departments can contact the Earle Naval Base, Explosive Ordnance Disposal Unit, Mobile Unit 12, at 732-866-2291.

IV. NEW JERSEY STATUTES RELATED TO EXPLOSIVES

A. NEW JERSEY STATUTES TITLE 21

1. 21:1A-133 Permits for manufacturing, sale, storage, transportation or use of explosives; posting or nontransferables.

A. No permit shall be required for the storage, transportation or use of smokeless powder which is used by private persons for hand loading of small arms ammunition and which is not for resale. For this purpose not more than 36 lbs. of smokeless powder and not more than 25 lbs. of black powder shall be stored or transported without a permit.

2. 21:1A-142 Possession of Bombs, Shells or Explosives for Unlawful Purposes.

Any person who shall have in his possession or control any explosives, including any bomb, shell or similar device filled with one or more explosive, intending to use the same for unlawful purposes shall be guilty of a high misdemeanor, and upon conviction shall be punished by imprisonment in State prison for a term of not more than 25 years. The possession of explosives or any bomb, shell or similar device filled with explosives, without a permit as required by this act, shall be evidence of an intent to use the same or cause the same to be used for an unlawful purpose. Unlawful purpose shall mean a purpose that cannot be authorized under the provisions of this act.

3. 21:2-3 "Dangerous fireworks" defined.

"Dangerous fireworks" mean and include the following: Toy torpedoes containing .35 grain of explosive composition. Cannons, canes, pistols and other devices designated for use otherwise than with paper caps. Any fireworks containing a compound or mixture of yellow or white phosphorous or mercury. Any fireworks that contain a detonator or blasting cap. Fireworks composition that ignite spontaneously or undergo marked decomposition when subjected for 48 consecutive hours to a temperature of 167° Fahrenheit. Fireworks that can be exploded en masse by a blasting cap placed in one of the units or by impact or a rifle bullet or otherwise. Fireworks, such as sparklers or fuses, containing a match tip,, or head or similar ignition point of surface, unless such individual tip, from accidental contact or friction with any surface. Fireworks containing an ammonium salt and chlorate.

4. 21: 2-29 “Prohibited Places – Storage or Sale”

It shall be unlawful to store or sell fireworks:

- A. In any building where paints, oils or varnishes are manufactured or kept for use or sale, unless paints, oils and varnishes are in original unbroken containers.
- B. In any building where matches (other than safety matches), rosin, turpentine, gasoline, or other highly inflammable vapors are used, stored or kept for sale.
- C. In any building where stoves or exposed flame are used in part of the building where fireworks are stored or offered for sale.

B. NEW JERSEY STATUTES TITLE 2C

1. Chapter 12 Assault, Reckless Endangerment, Threats

2C: 12-2b (1) Recklessly Endangering Another Person

2. Chapter 17 Arson, Criminal Mischief, and Other Property Destruction

2C:17-1a Aggravated Arson

2C:17-2a (1) - (2) Causing or Risking Wide Spread Injury or Damage

2C:17-3a (1) Criminal Mischief

3. Chapter 33 Riot; Disorderly Conduct, and Related Offenses

2C:33-3a - e False Public Alarms

4. Chapter 39 Firearms, Other Dangerous Weapons and Instruments of Crime

2C:39-3a Prohibited Weapons and Devices

2C:39-4b Possession of Weapons for Unlawful Purposes

2C:39-7a - c Certain Persons Not to Have Weapons

2C:39-9d Manufacture, Transport, Distribution and Defacement of Weapons and Dangerous Instruments and Appliances

2C:39-14a - b Weapons Training for Illegal Activities