



Office Of The Sheriff  
**Allegany County**  
Maryland

GENERAL ORDER NO: **5-000.00**

TO: All Patrol and Judicial Personnel

RE: **COLLECTION/PRESERVATION/DISPOSITION OF  
EVIDENCE AND RECOVERED/ABANDONED PROPERTY**

PURPOSE: To establish procedures for collection and preservation of evidence to meet legal requirements and aid in prosecution of offenders. To establish policy for the disposal of found or abandoned property.

EFFECTIVE DATE: 2004

REVISION DATE: 3/1/2016

**5-001.00 General Responsibilities in Securing, Protecting, and Processing a Crime Scene**

.01 Proper collection, safeguarding, chain of custody, and documentation of physical evidence is crucial to a successful investigation and prosecution. Evidence, collected from the scene, can often develop or eliminate suspects, and substantiate or disprove leads/theories. Any evidence collected may, at a later date, be subject to presentation before a court of law. Therefore, care should be taken in identifying, safeguarding, gathering, and processing evidence. Personnel collecting evidence will be responsible for maintaining accurate chain of custody documentation, and for making applicable entries into the chain of custody log each time evidence/property comes into their possession. Personnel who are routinely involved in investigating criminal activity will be equipped sufficiently to collect and preserve evidence. Assistance may be obtained from Criminal Investigation Unit personnel in collection of evidence requiring specialized equipment. Personnel responding to a crime must secure and protect the scene as soon as possible, taking into consideration care for injured or other safety factors involved. Personnel will request assistance as needed in securing and protecting the scene. Establishing security at a crime scene as a prelude to scene processing may include, but not be limited to:

A. Personnel physically isolating a location and strictly controlling entrance.

- B. Use of ropes, tape, barriers or signs.
  - C. Maintaining log of anyone accessing the crime scene.
- .02 Crime scenes may be processed by a uniformed deputy, or by a criminal investigator. Evidence may be secured and taken to the department for later processing if to do so will not damage the evidence. A Search Warrant may be necessary before the crime scene processing can begin. In cases where evidence collection requirements exceed the expertise/capabilities of departmental personnel, assistance may be requested from an allied agency; i.e., Maryland State Police, Combined Criminal Investigation Unit (C3I), etc.
- .03 Care and deliberation should be exercised when entering and processing a crime scene, remembering that successful prosecution hinges upon evidence presented in court. Crime scenes, (especially those that are fresh), should be approached as though a suspect could possibly still be at the scene. While safety for victims must be of paramount importance, deceased persons should not be disturbed until evidence is collected. If the victim has evidence that must be removed or obtained by medical personnel; i.e., bullets or rape kit, the reporting deputy or other assigned personnel will accompany the victim to retrieve the evidence once it is removed, thus establishing a chain of custody.
- .04 Only personnel necessary to protect/process the scene, or directly involved in the investigation, will be allowed access to a crime scene prior to and during processing. The initial deputy at the scene will maintain, to the best of his/her ability, a list of people who had access to the crime scene prior to processing.
- .05 Personnel entering a crime scene prior to processing will not disturb, touch, or handle articles/evidence unless a danger exists that the evidence will be lost or destroyed prior to processing and must be moved for protection, or because a question of safety or treating injured subjects is involved.
- .06 Personnel processing a crime scene where evidence is developed, will digitally photograph, collect, preserve, and transport the evidence to the property/evidence room in accordance with departmental policy. Evidence will be secured, marked, sealed, tagged, and placed in the property room by the end of shift, or submitted to the appropriate laboratory.

- .07 If photographs are not taken, or other physical evidence is not removed, from the scene of a serious crime because of prohibiting circumstances, the investigating deputy will explain same in the Criminal Investigation Report. For purposes of this section, serious crimes include: Homicides, Felony Sexual Assault, Robbery, Burglaries, Serious Assaults. This paragraph is not to infer that misdemeanor crimes or other felony crime scenes are exempt from being photographed, printed, or searched for physical evidence. Any action with the goal of gathering or recording evidence should be taken if to do so may enhance the chances of a successful closure of the crime.
- .08 Priority should be given to any evidence that might be perishable; i.e., blood. Any perishable evidence requiring laboratory examination should be transported to the laboratory the same day, if at all possible. If immediate transportation is not feasible, the material should be air dried or refrigerated until transportation can be arranged.
- .09 All evidence submitted to the property room will be accompanied by the original copy of the completed departmental property sheet and request for laboratory examination, if applicable.

**5-002.00 Evidence Processing Procedures**

- .01 The collection, preservation, and packaging of evidence will be in strict compliance with the Allegany County Sheriff ' s Office policy.
- .02 Any action taken at a crime scene will be detailed in a Criminal Investigation Report or Supplement.
- .03 Crime Scene Sketches
  - A. Crime scene sketches are valuable tools in documenting locations of evidence or other pertinent articles during the crime scene processing. Sketches accurately depicting a crime scene may enhance subsequent follow-up investigations, as well as court proceedings.
  - B. Rough sketches will include measurements so that a scale drawing can be made at a later date if necessary. Sketches will be treated as evidence and attached to the Initial Report. Sketches will include the following:
    - 1. Dimensions
    - 2. Relation of the crime or incident to other buildings, structures,

geographical features, or roads.

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3. Address, floor, room/apt. number, as applicable.
4. Location of significant features of the scene to include victim.
5. Date/time of preparation.
6. Name/rank/department of person preparing the sketch.
7. Direction of North.
8. Location of recovered physical evidence.
9. Which lights were on or off, appliances which were on, etc.
10. Notation as to whether sketch was drawn to scale or not.

.05 Crime Scene Photography

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- A. Crime scene digital photography is important because through it a pictorial is obtained as to conditions, evidence, and relative location of objects at a given point in time. Generally, crime scene photography is the responsibility of the deputy processing the scene. Photographs of the overall scene should be taken as soon as possible before it is disturbed or processed. The initial responding deputy should take photographs even though he/she will not be processing the scene if they feel that the scene may be changed or evidence destroyed prior to processing.
- B. All enforcement vehicles are supplied with basic Digital cameras for general photography. Photographs should be taken, if at all possible, of evidence before it is collected.
- C. Video equipment may be requested if deemed beneficial. This equipment is available which can be utilized to record crime scenes. Video photography, however, will supplement still photographs and not replace them.

- D. If the exact size of an item needs to be depicted in a photograph, two photographs will be taken. The first taken will be that of the article only. The second will be one of the article with a scale next to it to add dimension; i.e., a ruler. Both photographs will be taken using the same camera, settings and lighting conditions.
- E. If the object to be photographed is a fixed object, the dimensions of the object should be taken to provide a scale of reference.
- F. The use of a wide angle lens is recommended when it would be of benefit for the entire scene to be encompassed in one photograph, especially at a major crime scene.
- G. If the scene is in the open; (i.e., not in a building), photograph the surrounding area as well.
- H. While photographing the scene using standard lens, include the same object in all photographs, if at all possible, such as a tree if outside, a desk, bed, table, etc., for a point of reference.
- I. Personnel taking photographs will complete a chain of custody on the photo submission and attach said digital photographs as PC files in the Incident Reporting System.
- J. A notation that photographs or video tapes were taken, person taking the photos, type of scene, conditions, and articles photographed will be placed in the Criminal Investigation Report. If the photographs have important evidentiary value, applicable information will be included in the Criminal Investigation Report concerning the type of camera and the time of day.
- K. Personnel taking photographs should review the finished product, and should place initials, date taken, and complaint number on back of photo.
- L. Digital photographs will be attached to the reporting system and when applicable included in “hard copy” arrest files.

.06 Latent Prints

- A. An attempt to develop latent prints will be made when it can be determined that the perpetrator may have touched a particular item or surface and that it may be possible to obtain a print through the use of print powder, other methods may be determined Criminal Investigator, or through laboratory examination. The decision to send an article to a laboratory for print development must take into consideration the type and magnitude of the case.
- B. Latent print lifts will contain information on the rear of the card to include date, deputy, complaint number, object printed, and location of the lift. In the event latent prints are developed and a suspect's prints are obtained for comparison, the investigating deputy will submit the prints to MSP or FBI laboratory for comparison and complete a supplement report on the action.
- C. Articles may be transported to the Sheriff's Office for print processing, if necessary, and to do so would not destroy evidentiary value.
- D. Latent prints will be maintained in the Property Room.
- E. All latent prints will be submitted to the Maryland Automated Finger Print Identification System for cross referencing and possible suspect identification.

.07 Controlled Dangerous Substance

- A. Special procedures will be used to ensure accurate accounting and safe keeping of controlled dangerous substances. Whenever CDS is submitted to the Property Room, the following procedure will be followed:
  - 1. In the event a field test is necessary, assistance may be requested from the Criminal Investigator or the Narcotics Task Force personnel. Patrol deputies should have access to NiK Field Test Kits for CDS.
  - 2. The submitting deputy will package CDS in a manner so as to safeguard against tampering. Multiple items of CDS will be counted; i.e., pills, Marijuana cigarettes, and the count listed on the property sheet. All CDS will be packaged in a tamper proof container either by heat sealing or by using evidence tape in such a way so as to make tampering obvious. Different types of CDS will be placed in separate containers. During Property Room inspections and inventories, CDS/Dangerous Drug Containers will be inspected for signs of tampering. The Property Control Officer will inspect CDS containers for any signs of tampering when releasing CDS for court or lab examination, and upon return of the evidence.

3. If a large quantity of CDS or suspected CDS is seized, it is necessary to submit only a sample for laboratory examination. For CDS in capsule form, in quantities of 50 or more identical items, a random ten percent (10%) of like capsules or tablets would be submitted for analysis. When bulk amounts are seized, submit random samples taken from each kilo, bale, etc. Only random cuttings of leaves, tips, stems, and seed stalks from marijuana plants larger than one foot should be submitted. Guidance pertaining to the submission and storage of large quantities of other CDS may be obtained directly from the laboratory. The Property Record will indicate samples submitted for lab analysis as follows:

- a. "Twenty five capsules of suspected CDS submitted for analysis -package P-0000 #1 of 5; 975 like capsules remain in property storage."
- b. "Five pipes with suspected CDS residue remain in CDS storage facility - package P-0000 #3 of five."
- c. "One package containing two grams of suspected CDS, submitted for analysis in package P-0000 #4 of 5; 998 grams suspected CDS remain in property storage facility as package P-0000 #5 of 5."

4. A Western Maryland Regional Crime Laboratory "Request for Analysis" MSP for 67, form will be completed for CDS requiring lab

analysis.

The CDS will then be placed in evidence room drop box, before the end of duty tour. Submission to the lab will be done by the collecting deputy, if at all possible, to minimize the chain of custody. Personnel transporting CDS to the Hagerstown MSP Barrack laboratory will complete the chain of custody portion on the accompanying form indicating receipt of the items and their transfer to the laboratory.

5. CDS will be secured by the end of the shift in the Departmental Property Room.

6. Contaminated Hypodermic syringes will be sent for laboratory analysis only when it is critical to the successful prosecution of a case. Syringes will be transported in a puncture resistant container, in person if at all possible. Appropriate biohazard warning will be placed on containers.
7. To obtain CDS evidence from the property room, personnel requesting the evidence must notify the Property Control Officer or his designee at least five (5) calendar days prior to the trial.
8. Paraphernalia, (pipes, cigarette papers, bongs, spoons, etc.), without CDS residue will not be submitted for analysis but should be documented on the "Property Record" form. Such items will be recorded, processed, and disposed of in accordance with established procedures regarding personal property/evidence.
9. The Property Control Officer will be responsible for ensuring that the CDS has been picked up from the laboratory in time for court. The request for lab analysis and the results will be firmly secured to the evidence and it will be returned to the Property Control Officer or drop box of the evidence room.
- 10.. When CDS or suspected CDS is taken into custody by the court, a Court Evidence Receipt will be attached to the property record to establish that it is no longer in the possession of this department. Upon completion of the Judicial Proceedings, and return of the evidence to this department ' s custody, the completed court evidence report will be attached to the property record.

.08 Processing of Currency

- A. Special procedures are necessary for the accurate processing of currency. Whenever currency is taken into custody as evidence or found property, the following procedure will be used:

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1. Old or rare coins/currency, the date of each, and the denomination will be listed individually on the property form.

2. Currency from multiple owners will not be placed in same envelope or recorded on the same property sheet.
3. The reporting deputy will count any currency taken as evidence or found property. A supervisor will also count the currency in the presence of the reporting deputy. The supervisor verifying the amount will be documented in the report.

.09 Hazardous Substances

- A. Any items considered as evidence or found property that have a danger of exploding; i.e., bombs, artillery shells, certain chemicals, will be photographed, if at all possible, where they are found. The State Fire Marshal 's Office will then be contacted to take control of the items or provide assistance in collection, transportation, and storage.

.10 Equipment in Vehicles for Processing Crime Scenes

- A. Vehicles used by uniformed enforcement personnel and Criminal Investigators will have, at a minimum, the following equipment for processing crime scenes:
  1. Basic equipment for lifting latent prints to include tape, powder, cards, brush, latex gloves.
  2. A digital camera for taking general crime scene photography.
  3. Paper, pencils, and ruler suitable for sketching a crime scene, if necessary.
  4. Evidence bags/other containers suitable for holding/transporting evidence; i.e., sharps transport tube.
  5. 100 foot Measuring tape
  6. "Crime Scene Access" Logs

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- .11 Whenever possible, materials and substances will be collected from a known source for submission to a laboratory for comparison with physical evidence collected. This is especially important where such materials as hair, fibers, fabrics, paint, glass,

wood, soil, etc., are involved.

### **5-003.00 Submission of Evidence to Outside Agency Laboratories**

- .01 The services of a forensic laboratory are required when evidence is to be:
  - A. Identified as to substance; i.e., drugs, blood, poison, chemicals, etc.
  - B. Compared to other submitted materials in an attempt to establish a link between the evidence and a suspect. In this case, items from the known source must be submitted for comparison. For example, latent prints from a burglary are submitted. In order to connect a suspect to the location of the crime, known prints of the suspect must be submitted for comparison. Carpet fibers are on the clothing of a crime suspect. In order to link the suspect to a particular location, known fibers from that location must also be submitted for comparison. Semen is recovered from a rape/homicide, and a suspect is developed. In order for DNA testing to be done on the suspect, blood must be obtained from him/her for comparison.
- .02 Forensic evidence will be submitted to a laboratory in a timely fashion unless otherwise directed by the State ' s Attorney ' s Office. This should be detailed in the Investigation Report.
- .03 Evidence may be held in the Property Room pending collection of comparison items for submission to a laboratory. The FBI Handbook of Forensic Science can be referred to regarding preservation of evidence. Perishable evidence such as blood or blood stained items may be hand carried to the Maryland State Police Laboratory the same day as recovered, if possible. If such action is not possible, the items may be placed in the Evidence Room or prepared for future transport in accordance with the FBI Forensic Science Handbook.
- .04 It is the responsibility of the investigating deputy to request necessary laboratory examinations, and to ensure the proper forms/letters requesting the examination are completed. Assistance may be requested from C3I personnel. The primary laboratories to be used by the Sheriff ' s Office for forensic examinations are:

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- A. The Maryland State Police Crime Laboratory.
- B. The Federal Bureau of Investigation Laboratory

- .05 Syringes or other possibly contaminated sharps, to be transmitted to a laboratory for examination, will be transported in puncture resistant containers and sealed with biohazard tape. Any other articles which may possibly be contaminated with a blood borne pathogen will be transported in a leak resistant container also clearly marked with biohazard tape or decals.
- .06 All forensic laboratories currently utilized by the Sheriff ' s Office transmit findings in writing. Should the department find itself in a situation in which results are given verbally only, personnel requesting the laboratory work will request the findings be submitted in written form also.
- .07 When it is necessary to submit items for laboratory analysis, the following procedures will be followed:
- A. Submissions of evidence to the Western Maryland Regional Crime Laboratory:
1. CDS will be submitted for analysis to the MSP Hagerston Barrack. CDS will be submitted in a sealed container, with an MSP form 67 attached with all applicable captions completed to include chain of custody. The CDS, prior to submission to the laboratory, will have been processed and packaged in accordance with this Order.
  2. The Property/Evidence Room Officer will periodically check the lab for analysis requests which have been completed.
  3. When the deputy becomes aware that the lab analysis results will not be available for trial, he will immediately notify the State ' s Attorney ' s Office.
  4. All other evidence sent to the Maryland State Police Crime Laboratory will be packaged and submitted as per the guidelines of by the laboratory will be detailed on an MSP form 67.
- B. Submission of Evidence to the Maryland State Police Laboratory:
1. All evidence must be accompanied by the MSP request for laboratory examination/chain of custody log. If more than one type of examination is requested on an individual item; i.e., blood analysis and latent prints from a knife, list both requests on the MSP Lab Analysis form. MSP Laboratory will determine the order in which the examinations are performed. Evidence submitted to the MSP Laboratory for examination will be in accordance with MSP Laboratory "Guidelines for Submitting Physical Evidence , "

available from a Criminal Investigator.

2. Evidence sent to the MSP lab will be packaged in the following manner:
  - a. Each item will be packaged individually and clearly labeled. The packaging will be secure enough to prevent leakage or contamination during shipment.
  - b. Submitting deputies will coordinate with the CIU supervisor to ensure that evidence is transported and retrieved in a timely manner to and from the MSP Lab. In most instances, evidence may be hand delivered to the MSP Laboratory by the investigating deputy or CIU personnel. It is the responsibility of personnel conducting an investigation to keep track of evidence submitted for analysis.
- C. The Federal Bureau of Investigation (FBI), Alcohol, Tobacco, Firearms (ATF), and the U. S. Secret Service will perform many types of evidence analysis at the Department ' s request. The investigating deputy requesting the examinations will coordinate the following procedures when requesting analysis:

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1. A transmittal letter will be written for the Sheriff ' s signature describing the evidence, listing the type(s) of examination requested and a brief summary of the case investigation.
2. Each item of evidence will be individually packaged and labeled.
3. Items will be placed in a box that is properly sealed to prevent leakage or contamination during transit. The box will be marked "evidence".
4. The transmittal letter will be placed in the envelope marked "INVOICE". The envelope will be attached to the outside of the sealed box.
5. The submitting deputy or CIU personnel will complete the chain of custody entries on the departmental property sheet when transferring evidence for analysis.

.08 Evidence retrieved or returned from a laboratory will be forwarded directly to the

property room. The chain of custody log will be immediately updated by anyone taking possession of the evidence. Property room personnel will, upon receipt of evidence returned from a laboratory, sign the evidence back into the Property Room.

#### **5-004.00 Processing Recovered Stolen Vehicles**

.01 Recovered stolen vehicles will be processed as follows:

- A. The reporting agency will be promptly notified when a stolen vehicle is recovered. Communications Operators will immediately send a "locate" via the MILES/NCIC Computer regarding the recovered vehicle. The agency will be asked if they want the vehicle processed and disposition of the vehicle. If distance or other factors make processing by the reporting agency impractical, Sheriff's Office personnel, or the MSP CST Unit may process the vehicle, if requested to do so.
- B. If the reporting agency wishes the vehicle secured pending processing by their personnel, the vehicle will be towed to a secured location, preferably indoors, and cordoned with evidence tape. After processing, the vehicle will be stored at the Sheriff's Office Impound Lot.

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- C. If the Sheriff's Office is the reporting agency, the owner of the vehicle will be promptly notified, by the Duty Officer, as to the recovery and when it can be retrieved. The vehicle will be immediately removed from the NCIC network if entered, and any lookouts given will be canceled. At the discretion of the Investigating Deputy, the recovered vehicle may be towed to the Sheriff's Office for processing. The Shift Lieutenant will make a determination of who will process the recovered vehicle.
- D. Stolen vehicles will be processed for latent prints, and inventoried. A chain of custody will be maintained when applicable. If the vehicle must be towed to the Sheriff's Office for processing, the investigating deputy will follow the vehicle in sight to maintain necessary chain of custody.
- E. Vehicles towed to the Office will be released promptly after processing if no longer required as evidence, and after any towing bills incurred by the department have been satisfied. Vehicles will be released upon proof of ownership, or to a person presenting a notarized letter of authorization from the owner.

## **5-005.00 At Scene Evidence Records**

### **.01 Chain of Custody**

- A. In order for evidence to be admitted into the record, an accurate chain of custody must be maintained. The chain of custody begins with the deputy who first takes the evidence into possession. It is essential that anyone thereafter who takes the evidence into their possession be documented on the chain of custody log.
- B. It is imperative that a deputy recovering evidence be able to testify in court that the article/substance presented in court is indeed that which he/she recovered. In order for this identification, deputies will:
  - 1. If possible, make some sort of unique identifying mark such as initials on the article. At the time of court, the deputy can then identify the article as the evidence upon which their mark was placed upon recovery. Serial numbers are also excellent identifiers.

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- 2. If the article/substance cannot be marked due to its nature or if to do so would destroy evidence or significantly alter the worth of the item, it will be sealed in a container labeled with date, time, case number, recovering deputy.

### **.02 List of Evidentiary Exhibits**

- A. The reporting deputy will include, in the Criminal Investigation Report, (or Supplement), the following inventory information on evidence recovered (list of exhibits caption):
  - 1. Description of item to include make, model number, and serial number, if available.
  - 2. Source, (from whom or location which obtained).
  - 3. Name of person collecting the item(s).

- .03 Report of Crime or Accident Scene Processing
- A. Personnel processing a crime scene will include, (at a minimum), the following information in the initial Criminal Investigation Report or in a supplement:
1. Date/time of arrival at the scene.
  2. Location of the crime.
  3. Name of victims.
  4. Name of suspect, if known.
  5. Action taken in processing the scene such as photographs or measurements, attempts to recover latent prints, etc.
  6. Location and description of evidence recovered.
- .04 Record of Evidence Change of Custody

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- A. Any change in the custody of the evidence will be noted on an MSP from 67. Information will include:
1. Date/time of transfer, (if evidence is going to a laboratory include method of transmission).
  2. Name of personnel last having custody.
  3. Person to whom evidence is being transferred.

**5-006.00 Organization and Administration**

- .01 When it is determined that the services of an investigator are needed to process a scene, notification should be made to the specialist as soon as possible. When such a need is determined, the scene will be secured and no admittance allowed, (except for health/safety reasons), until the investigator arrives. A rapid response by the investigator will reduce the chances of evidence destruction or deterioration.

- .03 Relationship Between Investigators and Others in the Investigatory Process
- A. The functional relationship between the crime scene processor and others involved in the investigation must be a cooperative effort. Patrol deputies can request the assistance of a Criminal Investigator in processing a scene by contacting the Criminal Investigator, if on duty, or by contacting the C3I unit. Prior to notifying the C3I, however, the deputy will advise the Duty Officer of the circumstances and request permission to contact C3I.
  - B. A Criminal Investigator responding to process a crime scene will be in charge of the crime scene. He/she may direct assistance as needed.
  - C. Unless the responding investigator/specialist assumes responsibility for investigating the case, the initially assigned deputy will be responsible for requesting lab analysis and for insuring that the evidence is properly prepared and transported to the laboratory.

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**5-007.00 Training**

- .01 Periodic training will be provided to all law enforcement personnel who routinely investigate criminal incidents. Training will include, but not be limited to:
- A. Recovery of latent finger prints and palm prints.
  - B. Recovery of foot, tool, and tire impressions.
  - C. Photographing crime or accident scene.
  - D. Preparing crime or accident scene sketches.
  - E. Collecting, preserving, and transmitting physical evidence to include biological materials.
- .02 Criminal Investigation personnel who are required to process serious crime scenes or assist uniformed personnel will periodically be given specialized training in crime scene processing.

**5-008.00 Evidence/Property Management**

- .01 Personnel assigned an incident are responsible for properly processing and securing any evidence or property which has come under their care in the course of an investigation.
- .02 Personnel are responsible for safeguarding the property of others. Personnel will use discretion when taking property into custody. Property rights of individuals are guaranteed under the United State Constitution. Departmental personnel will not take property into custody except when:
  - A. It has evidentiary value and is seized in accordance with law. Property held as evidence will be returned to the rightful owner as soon as possible. In many instances, with the approval of the State ' s Attorney ' s Office, evidence may be photographed and then returned to the owner.
  - 2. It is found property.

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- 3. It is contraband.
- 4. A question of ownership arises with possible criminal activity involved. Extreme care must be exercised in this situation. Such a question should be resolved immediately and the property returned to the person in possession if it is not evidence or recovered stolen property.

**5-009.00 Property Storage**

- .01 Personnel coming into possession of any evidence, contraband or found/recovered property which has come under their care will log the property into agency records as soon as possible, and no later than the end of their shift for that day. If found property is received from someone other than the owner, the name, address, and telephone number of the reporting party will be listed in the remarks section. Recovered motor vehicles and mopeds will be documented on a "Towed Vehicle Report" form. Evidentiary or found property will be placed under the control of the evidence/property function before the end of the shift by releasing the property to a property officer, depositing it into the Property Room drop box, or by placing it in the secure closet. At no time will any property be returned to the owner without documentation on a Property Record or CDS Analysis form. The release portion of the form will be signed by the owner and releasing deputy.

- .02 All property, (except motor vehicles), taken into possession will be recorded on a Property Record. Issuance of Property Records will be recorded on the "Property Record Issuance Log" form, maintained in the Communications Center along with Property Records. All property will be identified by the Property Record Number and Report Number placed on the evidence sticker or tag. Personnel will detail, in the appropriate Investigative Report, the circumstances under which the property was obtained, along with a complete description of the property.
- .03 All property stored by the department will be within a designated secure area. A storage area for property held, (CDS, evidence, found and recovered property), will, by its nature, be a separate, secured entity, not utilized for storage of departmental property. Secured, refrigerated storage will be maintained for perishable items. In addition, the Property Room will be configured as follows:
  - A. CDS shall be stored separately within the property room in a secured container. Other articles to include large amounts of money, precious metals, jewelry, gemstones, weapons, etc., will also be kept in a locked secure area within the property room.

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- B. Only personnel authorized will have access to the property held storage areas. Personnel designated as Property Control Offices will be kept to a minimum. Personnel authorized access to the property room will be designated by the Sheriff.
- C. When property comes into custody of a deputy and custodial personnel are not available, the property will be placed in the property room drop box if size allows. If the article is too large for the drop box, it may be placed in basement locker. Property records will be placed in the evidence room drop box with the "Released to" caption being "Property Locker".

**5-010.00 Notifications**

- .01 Personnel coming into possession of personal property will, within three (3) days, attempt to notify the owner, if known, that the property is being held and procedures and times for release. The applicable portion of the "Property Record" form, regarding owner notification and NCIC check will be completed. Property owners will be instructed to contact the Property Control Officer for coordination in retrieving their property prior to coming to the department. Deputies instructing owners that their property may be retrieved will also give that information to the

Property Officer as soon as possible. Deputies will make a reasonable effort to identify the owner of property, if unknown. Such attempts will include, but not be limited to: checking serial numbers, reviewing department records of stolen property, speaking to subjects living in vicinity where the property was recovered.

.02 Property, which is not claimed by the owner or for which no owner can be identified, will be disposed of by the department in accordance with this Order and State law. Prior to disposal, however, a final attempt at notification will be made, by the Property Control Officer, to the owner, advising of an "intent to dispose". Notification will be sent to the last known address of the owner by Certified Mail, return receipt requested. A copy of the notification and evidence of mailing will be attached to the original of the property record. The attempt at notification will include at a minimum:

- A. Type of property
- B. Date property was stored.
- C. Event number

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- D. Property record number
- E. Any type of identification or proof of ownership required to retrieve the property.

### **5-011.00 Releasing Property**

.01 Property will be released to authorized persons in accordance with departmental procedures. Final disposition of found, recovered, and evidentiary property will be accomplished within six months after legal requirements have been satisfied. Deputies will advise the evidence/ property function when evidentiary property is no longer needed for court. When applicable, this decision should be made after consultation with the State's Attorney's Office indicates the appeals process is complete.

.02 Personnel will not convert to their own use any evidence, contraband, or recovered property.

.03 When releasing property, personnel must ensure that persons claiming the property are entitled to possession and are either the rightful owner or authorized representative. Each release may necessitate different forms of authorization.

Personnel should consider circumstances in each case, and based on information available, establish the right of possession. Methods of establishing the right of possession include, but are not limited to:

- A. A notarized letter from the owner granting authority for a third party to claim the property.
  - B. A court order as in the case of divorced spouses, judgments or other civil decrees.
  - C. Legal documents such as Wills, Powers of Attorney, Bills of Sale, Titles, Deeds, etc.
  - D. The ability of the person to clearly identify the property through specific characteristics; i.e., engravings, identification markings, serial numbers, photographs, other specific markings. This identity may have been established at the time information was gathered for the CIR.
- .04 The department has the responsibility of safeguarding property and should take steps to ensure, to the best of our ability, that the property is released to the rightful party.

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- .05 When multiple items are taken into custody for evidence, and the rightful owner is known, the reporting deputy will contact the State ' s Attorney ' s Office as soon as possible to ascertain if a partial release is possible.
- .06 A release of all items listed on a property record will be documented by completion of the release section found in the lower portion of the property record.
- .07 A partial release of one or more items will result in the completion of the "Partial Release" columns of the property record. Personnel releasing the property will type or legibly print in the appropriate space, the name of the person to whom article(s) are released and have that individual sign in the same space. Releasing personnel shall sign and date in the space provided for items released. The last item or group of items on a property record will not require the completion of the partial release columns, but will be handled in the same manner as a full release.

**5-012.00 Property Records**

- .01 The following categories of property will be recorded on separate property records:
- A. Controlled Dangerous Substance (CDS), suspected CDS, and paraphernalia

containing CDS.

B. Evidence or recovered property.

- .02 Separate property records will be completed for each known owner. Items of obvious resale value will be listed one item per line on the property record. Items which can be lumped together on property records include such articles as keys, pencils, old clothes, etc., (except if any article is taken into custody as evidence, it will be entered one item per line).
- .03 Whenever there is a greater number of items to be listed on a property record than the form will accommodate, additional items will be recorded on a "Continuation Sheet". Continuation sheets will be referenced to the corresponding property record by indicating the property record number in the space provided. In instances where more than one property record is used for the same case, all property record numbers will be cross referenced.
- .04 Property records regarding handguns which were confiscated/forfeited under the provisions of Article 27, Section 36, shall indicate in the disposition section of the form, "Confiscated or forfeited under provisions of Article 27, Section 36".

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- .05 A "Property Held" form will have three copies,. When a form is used, distribution of the copies is as follows:
  - A. Original and additional copy is attached to the property/evidence, or is placed in the Property Room drop box, if applicable, such as in the case of a found bicycle.
  - B. Third copy attached to submitted report.
- .06 Upon disposition of the property or evidence, the original sheet will be placed in a master property file to be maintained in the Property Room. The original property record will have documented chain of custody and release or other disposition of the property. The Sheriff will co-sign along with the Property Officer for any property disposed of by conversion to department use, auction, or destruction.
- .07 Upon disposition, a third copy will be forwarded to the case file. This copy will contain the same information as the original.
- .08 "Property Record Issuance Log" will be maintained to indicate the status of each individual numbered property record. Supervisors will issue property records and will complete the log. The "Property Record Issuance Log" and the "Property

Record" forms will be maintained with the Property Control Officer.

- .09 Property Records will be completed in their entirety. Dates and times of all inspections/audits will be maintained on file.

**5-013.00 Restrictions on Resale of Specified Items**

- .01 Federal, State, and local law prohibits/governs the sale/resale of certain property, regardless of its condition. Such items include:
  - A. Handguns
  - B. Ammunition
  - C. Explosives
  - D. Electronic/mechanical gambling devices.
  - E. Electronic surveillance devices and related equipment.

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- F. Recorded materials such as pirated tapes, computer programs, etc.
- G. Any vehicle with an altered serial number.

**5-014.00 Currency**

- .01 Currency will be treated as property, but will be handled as indicated below:
  - A. Currency that can be identified as to ownership and not classified as evidence, will be returned to the owner or authorized representative as soon as possible.
- .02 Any currency coming into the care of departmental personnel will immediately be forwarded to the Property Control Officer for storage after completion of appropriate property records.
- .03 When currency is taken into custody as evidence, and the rightful owner is known, the reporting deputy will, as soon as possible, contact the State ' s Attorney ' s Office to determine to what extent the currency must be retained for evidence. Such currency will be returned to the owner as soon as possible.

- .04 Currency seized or recovered during an investigation of certain illegal activities shall revert back to the Allegany County Treasurer as prescribed in Article 27, Section 297A. The "release" portion of the property record will indicate such releases.
- .05 Forfeiture proceedings for money seized in connection with CDS investigations may be initiated immediately as a conviction for the offense is not a pre-requisite. The investigating deputy will forward a detailed report with this request to the Sheriff, (excluding when NTF personnel have confiscated the currency). The report will outline the case and have copies of laboratory analysis, property record, itemized serial numbers and photos of the currency in question, and if applicable, the affidavit, search warrant and criminal investigation report.
- .06 The investigating deputy will follow the same procedure in forfeitures involving currency seized in connection with gambling where a conviction is required. This currency will also be turned over to the County Treasurer.
- .07 Any currency, such as collectibles and coins, or currency worth more than face value, will be retained as originally received and no other currency or coins substituted.

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- .08 Information for verification of rightful ownership where currency is involved will include:
  - A. An accurate, (if not exact), description of the currency lost as to amount and denomination of bills.
  - B. If valuable collectors items, a more detailed description such as type of currency or coins, serial numbers or years of coinage.
- .09 When recording currency on a property record, the various denominations will be itemized. The words "total amount" and the exact total value will be entered at the end of the last entry.

**5-015.00 Property Control Officer**

- .01 The Sheriff shall be designated a the Property Control Officer. The Property Control Officer will be directly responsible for the storage, security, and accountability of property.

**5-016.00 Court Exhibits**

- .01 Whenever evidence is retained by a court, the Clerk of Court will acknowledge receipt on the Property Record. The receipt will indicate the Clerk of Court is retaining the evidence for court. If a court disposes of any property without returning it to the department, a request will be made of court personnel to sign the release portion of the property record as the releasing official. If the request is refused, it will be so noted on the property record.
- .02 A receipt indicating evidence has been retained by a court will not be considered as a final disposition. The Property Control Officer will ensure that personnel follow up on evidence retained by a court. When a case has been adjudicated and property has been retained by a court, personnel are to obtain the property and process according to policy. If the court refuses to return the property or has disposed of same, the property released portion of the record will be completed as specified.
- .03 Personnel are responsible for evidence and the original of the property sheet upon removal of evidence for court. The property record and evidence will be returned to the evidence locker when court has concluded each day. If the property can be released after court to the rightful owner, the property record will so indicate with the signature of the owner.

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**5-017.00 Inventories**

- .01 Annually, commencing the month of January, the Property Control Officer will conduct a full inventory of the Property Room. The inventory will consist of an item by item comparison between stored property and active property records. CDS in sealed containers which have obviously not been tampered with do not need to be opened. Inventories will be reviewed/approved by the Sheriff.
- .02 Within two weeks after the end of the inventory month, the Property Control Officer will submit a report to the Sheriff documenting the inventory and discrepancies found, if any.
- .03 The Sheriff will initiate an investigation to reconcile any discrepancies in the inventory.
- .04 During the inventory, the Property Control Officer will attempt to contact the last known owner in accordance with this policy. The Property Control Officer will also ensure proper disposition of the evidence once it is no longer required for court.
- .05 The Sheriff will make semi-annual unannounced inspections of the property control system. During these inspections random property sheets will be chosen to compare

with property on hand.

- .06 Whenever there is a change in the positions of Sheriff or Property Control Officer, all held property will be inventoried by departing personnel and their replacement. Records will be checked to ensure that this directive is being followed, that accountability procedures are being followed, and property no longer needed for evidence or which has been abandoned is being disposed of promptly and in accordance with policy.
- .07 A staff inspection will be conducted of the property management system annually. Evidence/property items and systems will be spot checked for accuracy and compliance. Personnel conducting staff inspection of the property room will, in no way, be connected to the room through assignment.

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**5-018.00      Firearms**

- .01      Ownership Tracing
  - A.      Personnel taking a firearm into custody where ownership is in question will attempt to identify ownership by requesting a search of Alcohol, Tobacco and Firearms (ATF) records, Maryland State Police Firearms Registration File, or the Baltimore City Police Department's Firearm Registration File if it is thought the owner may live in Baltimore. Pertinent information accompanying the request will include: type of weapon, manufacturer, serial number, caliber or gauge, along with any other information that may be helpful in establishing the trace.
  - B.      A request for a trace of MSP files will be assigned a priority. "Routine" traces are usually completed within seven (7) working days. "Urgent" requests are processed as rapidly as possible and are assigned when the firearm was used in a crime and the trace is essential to the detention or apprehension of a subject.
  - C.      Whenever a handgun comes into possession of this department, or whenever an individual is found to be in possession of a handgun (with or without a handgun permit) the following procedures will be followed:

1. The Property Control Officer, or his designee, will ensure the weapon is checked through MILES/NCIC to ascertain if the weapon is stolen. A trace request will be faxed to ATF requesting same.

.02 Handgun Forfeiture

- A. A handgun may be subject to forfeiture when it is seized pursuant to a violation of Article 27, Section 36B.
- B. When a handgun is seized, the Property Control Officer, or his designee, will attempt to ascertain and locate its owner. The handgun may be released to the owner if it is determined the owner did not know nor could have known that the weapon was being used in violation of Section 36B, if it is not needed for evidence, and if the owner is qualified to own it under Article 27, Section 442.

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- C. If the owner is not local and cannot respond because of legitimate reasons to retrieve the weapon, it may be forwarded to a local police agency for release to the owner. In this instance, prior coordination would be necessary with the other agency. In addition, the white copy of the property record would be forwarded with the weapon to maintain chain of custody and release documentation, with a request that it be returned to this department after release.
- D. If the department opts for forfeiture proceedings, the Property Control Officer will promptly notify the owner, in writing, that he may apply within 30 days to the department for a review to determine whether the owner knew, or should have known that the handgun was worn, carried, transported, or used in violation of Section 36B, and whether the owner is qualified to possess it. A copy of Article 27, Section 36C will be forwarded to the owner.
- E. Upon timely receipt of an application, the Sheriff will hold an informal review, not subject to the Administrative Procedure Act, on the matter of whether the owner knew or should have known of the use or intended use of the weapon. If after review, determination is favorable to the owner, the handgun shall be released to the owner if he is qualified to possess it, unless the handgun is needed as evidence in which event the handgun shall be promptly returned upon the final conclusion of the case or investigation.

- F. If the Sheriff determines after review that the handgun should be forfeited, the owner shall be so notified at his last known address and within 30 days, thereafter, he may petition the appropriate District Court for release of the handgun to him. The State's Attorney's Office shall represent the State in the action. The court shall hear the matter and grant whatever relief is proper and in accordance with this subsection.
- G. In a criminal proceeding, the court may order forfeiture or release of the handgun in accordance with the criteria for release set forth in this subsection. Persons who have made written claim of ownership of a handgun to the seizing authority or the State's Attorney's Office shall be notified of the proceeding and of the claimant's right to present his claim at the proceeding. A claimant who has completed the review procedure provided for by this subsection does not have the right to a second review under this paragraph.
- H. If no timely application for a review is received, no petition to the court effected, and no order for release by the court during the criminal proceeding, the handgun shall be forfeited without further proceedings and destroyed or disposed of by the department in accordance with Section 36C, Section (d).

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- I. If the owner of a seized handgun is not ascertained and located pursuant to inquiry or investigation, the handgun is forfeited without further proceedings.

.03 Disposition on Forfeited Property

- A. Whenever a handgun is forfeited, the Sheriff may, in accordance with Article 27, Section 36C (d):
  - 1. Order the property retained for the official use of the department; or,
  - 2. Make sure other disposition of the property as he deems appropriate.
- B. Within 30 days of the disposition of the forfeited property, the Property Control Officer shall notify the Superintendent of the Maryland State Police of:
  - 1. The description of the property forfeited.
  - 2. The type of disposition made.
  - 3. The identity of the person to whom the property was transferred for disposal, retention, or resale; and,
  - 4. If the person was a licensed firearms dealer and, if so, the dealer's

license number and address.

**5-019.00 Hazardous Materials**

- .01 Hazardous materials are not only being legally transported and used throughout the State, but they are finding their way into the criminal atmosphere; i.e., hazardous waste dumping, CDS laboratories, explosives, etc. The following guidelines are established to assist personnel when confronted with such material in its safe and proper disposition.
  - .02 If the necessity arises for the department to deal with the storage of a hazardous material as in the case of evidence in a criminal investigation or property storage situations, personnel will notify the Patrol Commander or higher authority. Personnel will not handle, transport, or store any hazardous material without proper equipment or guidance. Assistance may be obtained from:
    - A. The Hazardous Waste Division, Waste Management Administration, Office of Environmental Programs, Department of Health and Mental Hygiene; or,
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- B. The Maryland State Fire Marshal 's Office; or,
  - C. Commercial distributor of material; or,
  - D. CHEMTREC
- .03 If at all possible, such materials will be released to personnel with hazardous material expertise for transportation, storage, and/or disposition.
- .04 Should hazardous material be evidence, necessary to a criminal prosecution, the following procedures will apply:
  - A. Photograph the materials to include proper identification, labels, placards, etc.
  - B. Ensure that the material is properly transported/disposed of by authorized personnel.
  - C. Complete a property record and have the release signed by the representative of the authorized agency removing the material. Should laboratory analysis be necessary, members of the Allegany County Hazardous Incident Response Team can supply information and assistance.
- .05 Personnel discovering violations of the hazardous waste laws; i.e., illegal dumping, storage, transportation, etc., will contact the Office of the Attorney General,

Environmental Crimes Section. This unit has the responsibility for all investigation and prosecution dealing with hazardous waste materials.

- .06 Property records will follow the distribution as specified elsewhere in this policy. In criminal proceedings, property records, photographs, along with other documents may prevail under the "Next Best Evidence Rule". Guidance should be requested from the State's Attorney's Office in such instances.

#### **5-020.00 Controlled Dangerous Substance Disposal Procedures**

- .01 CDS Destruction: The departmental Property Control Officer will arrange for the destruction of found CDS or CDS no longer needed for evidence as soon as practical. CDS will be compared to the information originally placed on the property sheet. CDS will be destroyed by the Property Control Officer in the presence of the Sheriff or his designee. CDS will be destroyed by incineration. CDS Property Records will be reviewed and approved by the Sheriff, or his designee, prior to destruction.

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- .02 During inventories or upon change of custody of the sealed evidence pouch/envelope after laboratory analysis, the Property Control Officer conducting the inventory shall inspect the evidence and verify that the seal is intact. The Sheriff will be advised if any evidence indicates tampering.
- .03 Storage for CDS will be in a secure location within the Property Room, away from other types of evidence.

#### **5-021.00 Disposal of Found/Abandoned Property**

- .01 The Sheriff's Office will dispose of found/abandoned property in accordance with the following policy and Maryland State Law.
- .02 Definitions
  - A. Found Property - Property in custody of the Sheriff's Office for which no owner can be identified.
  - B. Abandoned Property - Property in custody of the Sheriff's Office for which an owner is known but does not respond to claim the property after being notified to do so in accordance with this policy, or after reasonable attempts have been made to contact the owner without success.
- .03 Found or abandoned property may be disposed of by:

- A. Converting non-monetary/negotiable property for use in departmental operations.
  - B. Proceeds from public auction will be forwarded to the County Finance Department for accountability.
- .04 Reasonable attempts shall be made to locate or notify the owner of found/abandoned property before disposal. Such actions will include, but not be limited to:
- A. The department will advertise, in the local newspaper of record, its' intent to dispose of found property before the disposal date, along with a general description of the articles and a notice of the disposal date, and that the owner may retrieve the property up until the disposal date.

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- B. Investigating personnel will notify known owners to retrieve recovered or evidentiary property as soon as no legal requirement justifies holding it. Attempts and notifications will be documented as supplements to the original report. If attempts to notify a known owner have failed, a certified letter will be sent to the last known address instructing them to retrieve their property, advising that failure to do so will result in disposal by the department. Owners will be given 60 calendar days from notification to retrieve their property before it is subject to disposal, (certified notification applicable to property with a value of over \$50).
- .05 Owners of property must be able to identify property through serial numbers, specific/unique markings, or other such characteristics that would distinguish the property from other like articles, before the property is released.
- .06 The Sheriff's Office will operate in accordance with existing State law regarding disposal of certain specified property; i.e., handguns and motor vehicles.

**5-022.00 Procedures for Weapons Seized by District Court Constables**

- .01 When a District Court Constable serves a “warrant of restitution” and locates firearm(s), he shall seize the weapons. He completes a District Court form DCCR20 (Property Received as Evidence) which lists each weapon by make, model, caliber, and serial number.

- .02 Once the constable has seized the weapons, he shall make arrangements to contact a criminal investigator at the Sheriff's office during the normal working hours of the Criminal Investigation Unit.
  - a. Only a criminal investigator is authorized to take custody of the weapon(s).
- .03 Prior to taking custody of the weapon(s), personnel shall:
  - a. ensure the warrant of restitution has been signed by a judge, and
  - b. ensure the DCCR20 (Property Received as Evidence) has been completed in detail
- .04 An event will be started for the seizure in the incident reporting system.
- .05 The following portions of the DCCR20 (Property Received as Evidence) will be completed:
  - a. "Police Case Number" – enter the incident reporting system.event number

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- b. "By Officer" – printed name and signature of criminal investigator
  - c. "Police Department" – enter Allegany County Sheriff's Office
- .06 Personnel will retain a copy of the warrant of restitution and the DCCR20.
- .07 The weapons shall be placed in the Sheriff's Office property room. A separate binder will be maintained and shall include copies of the warrant of restitution and DCCR20 for each weapon stored.
- .08 The weapon(s) shall be held for a minimum of ten (10) days and any inquiries about the weapon(s) shall be referred to the seizing District Court Constable.
- .09 The seizing constable shall notify the Criminal Investigation Unit, within ten days of the seizure, if the owner is requesting return of the weapon(s). The Sheriff's Office will retain custody of the weapons and will release them only to the seizing constable and only in the event they are to be returned to the rightful owner.
- .10 Upon request for return of the weapon(s) to the owner, the Sheriff's Office shall conduct an ATF trace of the weapon(s) and a criminal history check of the owner, via CJIS/NCIC. These checks shall be complete prior to releasing the weapon(s) to the seizing Constable.
  - a. copies of the trace and CJIS/NCIC checks will be attached to the warrant of

restitution and DCCR20

- b. If the owner does not request the weapons, an ATF trace and CJIS/NCIC criminal history check will not be conducted.
- .11 Upon return of the weapon(s) to the Constable, the releasing deputy shall write a statement, similar to the example below, on the DCCR20.
- a. On \_\_(date)\_\_, I returned the weapon(s) listed above to District Court Constable \_\_\_\_\_.
  - b. The releasing deputy and the receiving Constable shall sign and date the DCCR20.

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- .12 If the owner of the weapon(s) has not requested the return of the weapon(s) and the ten day period has expired, the weapon(s) become the property of the Sheriff's Office and shall be disposed of according to current, governing law.
- .13 All records pertaining to each weapon shall be maintained for a minimum of three years from the date that the Sheriff's Office took custody of the weapon.

By Order Of:

Craig A. Robertson, Sheriff