



# SYKESVILLE POLICE DEPARTMENT

Evidence and Property Control

General Order 10-1      Effective: 03/2417

Authorized By: *Michael A. Spaulding* Chief of Police

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## I. PURPOSE

To provide policy for the proper control and handling of all evidence and property that comes into the possession of Sykesville Police Department personnel.

## II. POLICY

Sykesville Police Department personnel are responsible for safeguarding the property of others, as well as any evidence that may come under their control as a result of exercising their authority. It shall be the policy of the Sykesville Police Department that all evidence and/or property seized or found, shall be handled according to policies and procedures outlined in this General Order.

## III. PROCEDURES

### A. Evidence/Property Control

1. It is the responsibility of the Sykesville Police Department to manage and control all evidence and property directed to this Office for safekeeping. As part of this responsibility, accurate records shall be maintained. Evidence and property will be stored, released, and disposed of according to policies and procedures outlined in this General Order.
2. The Sykesville Police Department will make every effort to return items of evidence/property (that is legal to possess) to its rightful owner, or if the owner is deceased, incarcerated, or otherwise incapacitated, to the family of the owner. Other property will be disposed of in a manner which best serves the interest of the public.
3. It is the responsibility of the Evidence/Property Custodian to manage and control all citizens property in custody for evidentiary, recovered, found, or safekeeping purposes. The Evidence/Property Custodian will be appointed by the Chief.
4. The officer taking initial custody of the property/evidence will enter it into the Interact online RMS system.
5. The officer taking custody of an item will deposit the item with a printed copy of the evidence label from the Interact online RMS (attached to the outside of the sealed container) into the property mailbox located in the hallway of the police department as soon as possible, and no later than the

end of their shift. No evidence or property may be retained in an officer's vehicle, desk, or office or any other location other than the approved evidence storage areas or lockers, past the end of the officer's shift. The Evidence/Property Custodian will remove items from the property mailbox in a timely manner and secure them in the secured access property storage room. The Evidence/Property Custodian will also utilize the Interact online RMS system to log the property into the Police Departments secured access property room for chain of custody purposes.

- a. In the instance where the Interact online RMS is down for maintenance or the system cannot be accessed, an officer seizing property will utilize a carbon copy hand written property inventory form.
  - b. This form will be submitted as temporary documentation until the property can be submitted into the Interact online RMS system.
  - c. The carbon SPD property inventory forms are kept in the reports file cabinet located in the police departments squad room.
6. In the case of found or recovered property where no other department incident report exists, the officer taking custody of the item will submit a written incident report detailing the circumstances by which the property came into Police custody and a detailed description of each item seized or recovered. All attempts to contact the owner of the property will be documented on the Property Report.
  7. All property taken into the Police custody for those purposes will be sealed in an approved envelope, bag or other container and will entered into the Interact online RMS as "evidence." The property will then be placed into the property mailbox for the evidence custodian to secure in the departments secured access property room.
  8. C.D.S. and firearm related items will be sealed in a clear plastic envelope of a type and size approved by the Maryland State Police Crime Laboratory (KPAK evidence bag). The plastic envelope will be heat sealed and an identifying Maryland State Police laboratory label affixed to the upper right corner next to the heat seal. The evidence KPAK bag will be signed with the seizing officer's initials and ID number on the seal. Oversized items not requiring laboratory analysis may be sealed in a paper bag of a type approved and provided by the Evidence/Property Unit.
    - a. An officer will utilize a completed MSP 67 form as the chain of custody prior to sending to the lab for analyzation.

- b. The form will be attached to the front of the sealed KPAK bag and will remain with the property until the property custodian deems the property suitable for destruction.
9. Non C.D.S. or firearm related items may be sealed in either a paper bag or paper envelope of a type approved and provided by the Evidence/Property Unit. The bag or envelope will be sealed with an approved clear plastic tape and marked with the incident and property numbers. If the item is of evidentiary value, it will also be sealed with tamper proof "Evidence" tape, initialed, and dated by the submitting officer.
  - a. An officer submitting non CDS items to the lab for analysis will utilize an MSP 67 form for chain of custody.
  - b. The MSP 67 will be completed and attached to the front of the sealed property bag/envelope prior to submittal to the lab. This form will remain with the property until the property custodian deems the property suitable for destruction.
10. Items entered into evidence or property having high monetary value i.e., precious metals or minerals, controlled dangerous substances, or firearms, or cash will be stored in segregated areas, in the secured access police department property room, under added security.
11. An inventory of all these items will be conducted during the month of September in a general inventory. This inventory will be conducted by the Evidence/Property Custodian and reviewed by the Chief of Police.
12. All money submitted to the property room will be sealed in a package, properly marked and tagged with an evidence label from the Interact online RMS. The evidence label must identify the amount of money and bear the signature of the submitting officer and supervisor verifying count.
  - a. Money not properly packaged or tagged will not be accepted into the custody of the Evidence Unit. A Patrol Supervisor will be notified to correct any problems with packaging or tagging of money.
  - b. The Evidence/Property Custodian will not open the sealed package to verify the contents or amount.
  - c. Money submitted to the property room, once logged in by the evidence custodian, will be stored inside a safe in the property room for added security.

13. Police Department officers taking possession of another person's property will immediately enter the item into evidence/property and then make a reasonable attempt to notify the owner of the status of his/her property within three days of taking custody of the item.
14. Items of Evidence or Property will only be released to officers on their summoned court date, or for the purpose of identifying and returning the item to its rightful owner. Each item will be signed out utilizing the Interact online RMS evidence management section. This will make an electronic documentation for chain of custody purposes. All property no longer needed for court or not released to its owner will be returned to the Evidence/Property Unit immediately.
15. If Evidence items are held in the custody of the State's Attorney's Office or the Clerk of the Court, it will be so noted on the Chain of Custody utilizing the Interact online RMS. The officer who signed the item out of evidence/property will notify the Evidence/Property Custodian so the location of the item can be recorded on the Interact online RMS evidence management section.

B. Evidence/Property Storage Areas

1. All property stored at the Sykesville Police Department will be within a designated Evidence/Property Storage Area. All Evidence/Property Storage Areas/rooms will be secured with limited access. C.D.S., Firearms, and items of high monetary value will be locked in a special area within an already locked storage area. No unauthorized persons are allowed in any Evidence/Property Storage Area without either the Evidence/Property Custodian or Chief of Police being physically present in the area/room.

C. 24 Hour Submission of Evidence/Property

1. Officers submitting evidence or property to the Evidence/Property Unit will complete the required incident report with property added into the Interact online RMS as "evidence" for all items seized. They will deposit the items in the Evidence/Property mailbox located in the hallway of the police department. The property mailbox is available at all times. If the item is too large for the property mailbox, or the property mailbox is full, the seizing officer will place the items in the police department shed, located next to the police department. The shed will be re-secured after the items are placed inside and the location will be indicated on the property/evidence section of the Interact online RMS as so the property custodian can be notified.

D. Access to Evidence/Property Storage Areas/Rooms

1. The Evidence/Property Custodian, Patrol Sergeant and the Chief of Police will be the only personnel authorized to have access to the Evidence/Property Storage Areas. The Evidence/Property Custodian, Patrol Sergeant and the Chief of Police will be the only Sykesville Police Department personnel authorized to escort non-office and unauthorized office person(s) into these secured areas after prior approval. Person(s) permitted access must be accompanied and observed at all times by the Evidence/Property Custodian or designate having authorized access. All Evidence/Property Storage Areas/Rooms will be locked when not attended by the Evidence/Property Custodian or designate.
2. The Evidence/Property Custodian and the Chief of Police will be the only personnel with access to keys to the property mailbox.
3. The Evidence/Property Custodian and Chief of Police will be the only personnel with access to the combination safes. The safes will be secured at all times.

E. Property Held Records

1. Items of evidence and property under the control of the Evidence/Property Unit will be recorded by means of the Interact online RMS evidence management section.
2. A copy of the evidence label printed from the Interact online RMS will be attached to the property. This label will contain the case number for the report and arrestee/owner information, if available. A copy of the incident report, with all property and evidence information completed, will be submitted for approval and kept in the Records Section.
3. When an item is released or destroyed, the status will be noted in the chain of custody section of the evidence management section of the Interact online RMS. The chain of custody of the evidence management section of the Interact online RMS will reflect the status (Open, Released, Destroyed, or Closed) of all property seized by this police department. This system will also indicate where the items are located and if they have been sent to any laboratory for analysis.
4. The Evidence/Property Custodian, Patrol Sergeant, or Chief of Police who has signed out an item utilizing the Interact online RMS may release the item to its rightful owner. If the owner is deceased, incarcerated, or otherwise incapacitated, then it may be released to the family of the owner as long as the item is legal to possess and is of no further evidentiary value.

5. The owner or person to whom the item is being released will provide proof of ownership, and/or have on file a police report identifying the item as stolen from them. The person accepting the property will provide a photo identification which will be photocopied for report purposes. The evidence custodian, Patrol Sergeant or Chief of Police will notate the property being released utilizing the Interact online RMS. They will notate the "owners" name in the release section of the evidence management section for the chain of custody. A supplemental report will be generated linking to the original case number of the seized property to document the release.

F. Periodic Inspections

1. The Chief of Police will make a routine inspection of all Evidence/Property Storage Areas on a quarterly basis to ensure that all locking devices are in good repair, the storage areas are maintained in a clean and orderly manner, that all Ledgers, Files, and records are up to date and accurate, and all office procedures and policies are being followed.
2. Whenever a new Evidence/Property Custodian is appointed, an inventory will be conducted. This inventory will be performed jointly by the outgoing and newly appointed custodians.
3. If any problems or discrepancies are found, action will be taken to correct the problem immediately and a full report compiled by the appointed supervisor forwarded to the Chief of Police.

G. Final Disposition of Evidence/Property

1. The Sykesville Police Department will make every effort to return items of evidence/property (that is legal to possess) to its rightful owner, or if the owner is deceased, incarcerated, or otherwise incapacitated, to the family of the owner. Other property will be disposed of in a manner which best serves the interest of the public.
2. Police Department employees coming into possession of other person's property will immediately enter the item onto evidence/property and within three (3) days make reasonable efforts to notify the owner of the status of his/her property.
3. Non-evidentiary property will be packaged separately from and listed on different Property Reports from items of Evidence.
4. Items having no evidentiary value will be returned to the owner, or owner's family as appropriate.

5. If a non-evidentiary item is held for one year without contact from the owner, the last known owner will be notified by Certified Letter and advised to pick up the item within 31 calendar days. If no owner is known, the citizen who delivered the item to the office will be notified, and may take possession of the item (if legal to possess and not a firearm.)
6. After attempts to notify the owner or related citizens have failed, the items will be converted to government use, sold, destroyed or otherwise disposed of.
7. Property held for evidentiary purposes that is legal to possess and the proper owner can be identified may be released to the owner prior to trial after the item is photographed. The photograph will be entered into the main case file.
8. After a case has been adjudicated, related evidence will be held for a period of twelve months to allow for appeal. Unless the office has been advised in writing by the State's Attorney's Office that the case has been appealed, the items will then be disposed of within six months after the initial twelve month holding period. Items of evidence which have not been adjudicated but where no active investigation is under way, will be disposed of after being held for five years.
9. C.D.S. or other items that are at face value illegal to possess and are not of use to the Police Department, will be destroyed by incineration, shredding, or other appropriate means.
10. Some samples of C.D.S. or other items may be retained for training and demonstration purposes after proper documentation.
11. Firearms and other deadly weapons (that are legal to possess) will be returned to its rightful owner, or owner's family if appropriate after adjudication if the weapon is not needed for appeal. A written request for return of Firearm must be submitted prior to the release of any firearms or deadly weapons.
12. Firearms (handguns, rifles, or shotguns) will only be released after a criminal history check of the owner (if living) and the persons attempting to recover the item is conducted. Firearms may not be released if the owner (or the person attempting to obtain the weapon) has been convicted of any crime in the United States that carries a possible jail sentence of one year or more.
13. Handguns and ammunition carried in violation of Criminal Law Article § 4-203 will be automatically forfeited to the Police Department unless

investigation reveals that the rightful owner had no knowledge that the weapon was carried in violation of the law (CLA § 4-203).

- a. Owners of handguns forfeited under this section will be notified in writing (after final court adjudication) as to the disposition of the item.
  - b. The Owner of the weapon may petition the Police Department directly or through the District Court for release of the handgun within 30 days after receipt of his written notification.
14. Firearms forfeited or abandoned to the department, that are legal to possess, will be either sold to a federally and state licensed firearms dealer or retained by the department for internal use.
  15. All weapons that become property of the Police Department either by means of being unclaimed in accordance with policy or by court-ordered forfeiture will be immediately transferred to the department.
    - a. The weapon will be inspected so as to determine the suitability of the weapon for departmental use. If it is determined that the weapon is:
      - (1) Appropriate for use:
        - i. The weapon will be placed in inventory
        - ii. The Evidence/Property Custodian will make a written report of the weapon's identification and provided a copy of the forfeiture order, if applicable
      - (2) Unsuitable for Police Department inventory:
        - i. The weapon will be held in the property pending sale or disposal
  16. Firearms that are not legal to possess, or of no value to this office, and any ammunition or fireworks, will be disposed of according to Maryland Law.
  17. Items to be destroyed will remain sealed and marked with its Incident and Property Held Numbers. The preferred method of destruction is incineration or shredding. All items destroyed will be logged on a destruction of Inventory incident Report.
  18. The destruction will be witnessed by a supervisor and the Evidence/Property Custodian will notate the Destruction of Inventory Report indicating a list of each item as it is destroyed. They will then

complete and submit the report utilizing the Interact online RMS. A copy of the report will be forwarded to the Chief and the original filed with the Records section.

19. Items may be held in the regular property inventory after adjudication. These include items of public or office interest, and/or items relating to cases with indefinite appeals (death penalty, life or near life incarceration, etc.).
20. Those items will be secured within the Evidence/Property storage areas or in specially constructed display cases. The items will be inventoried each year in-conjunction with the regular annual inventory.
21. At no time will any member of the Office convert any item of evidence or property to their personal use, or have any ownership claim.

#### H. Submission of Controlled Dangerous Substances

1. Controlled Dangerous Substances (C.D.S.) include all legal and illegal drugs, narcotics, paraphernalia, and non-commercially manufactured alcohol. Legal tobacco and commercial alcoholic beverages (bottled wines, beer, liquor) are not considered a C.D.S. for this section.
2. Items of C.D.S. will be logged on separate Property Reports and packaged in separate containers from non- C.D.S. related items.
3. C.D.S. will be weighed and (if pills or capsules) counted prior to being packaged and sealed (preferably in clear plastic, heat sealed envelopes) with the weight and count verified by the on-duty supervisor. After the item has been sealed it will not be opened except by laboratory analysts.
  - a. The method of sealing and marking the envelope will be determined by the receiving laboratory.
  - b. Should it be discovered that a seal or container is broken, the Evidence/Property Custodian will notify the Chief of Police and the item will be inspected, weighed, counted, re-packaged, and sealed. This will be noted on the chain of custody. If any items are discovered missing, the Chief of Police will institute an investigation and a full report will be made.
  - c. Items of C.D.S. requiring laboratory analysis will be sealed in separate containers from items not requiring laboratory analysis.

#### I. Hazardous Materials

1. With the exception of small quantities of biologically contaminated materials needed for evidentiary purposes, the Evidence/Property Unit will not accept any biologically or chemically hazardous or contaminated material. Should an officer encounter such material, it must be disposed of in a manner consistent with O.S.H.A. and Maryland Department of the Environment guidelines. If an officer is not trained or equipped to handle such material, the Maryland Department of the Environment should be contacted immediately.
2. Small items of biologically hazardous or contaminated material may be collected and submitted for evidentiary purposes. All items containing biologically hazardous materials must be packaged according to Maryland State Police Crime Laboratory Guidelines and clearly marked "BIO-HAZARD".
3. At no time will explosives, fireworks, or large quantities of ammunition be transported by an officer or submitted to the Evidence Unit/Property Unit.

#### **IV. CANCELLATIONS**

This General Order cancels and replaces the following policies:

General Order 84.1, entitled Evidence/Property Control, dated December 31, 2001.