



## PROPERTY AND EVIDENCE

**Directive: 9-100**

Date of Revision: August 2015 Cancels: 9-100, April 2015

---

### I. PURPOSE

The purpose of this Directive is to establish written policy and procedures for the handling and disposition property and evidence coming into the control of DGS-MCP personnel.

### II. POLICY

- A. The duties and responsibilities of Police Officers include the tasks related to receiving, handling, safeguarding, storing, and disposing of property that has been recovered, confiscated or found. Additionally, property that may be useful as evidence must be processed properly as it may be introduced as evidence during criminal proceedings.
- B. It shall be the policy of the Department that all property will be handled and secured in accordance with established DGS-MCP police procedures and in conformity with all applicable laws. Detachment Commanders will be responsible for ensuring that all personnel under their command strictly follow the procedures detailed in this Directive.
- C. Under no circumstances will a Police Officer, Security Officer, or other employee of DGS-MCP convert to their own use property or money which has been found, confiscated, recovered or which has come under the care or custody of a member of the Department at any point in time.

### III. DEFINITIONS

- A. Contraband – Any illegal item, weapon, Controlled Dangerous Substance, device, or other property that is unlawful to produce, possess, or transport.
- B. Evidence – Any item taken into police custody that is expected to aid an investigation or may be needed for courtroom presentation.
- C. Non-evidentiary property – Any item taken into protective custody when there is valid reason to believe that the property is lost, misplaced, abandoned, etc., and the owner is not known or immediately available.

## **IV. PROCEDURES**

### **A. General Responsibilities:**

1. A Security Officer or other member of the Department that comes into contact with such property will immediately request that a Police Officer respond to the location of the incident to take custody of the property.
2. Security Officers will not inventory property (including wallets, purses or briefcases) in hopes of trying to identify an owner.
3. Police Officers will not refuse to handle, document, process or secure property that has been found or recovered by the Officer or some other person on State property and given or offered to a member of the Department. Further, Police Officers will not do or say anything that might discourage or impede any person from giving a Security Officer or Police Officer custody of property that was found or recovered on State property.
4. Police Officers will, before the end of their shift, unless otherwise authorized by proper authority, submit the property for storage at the Detachment and complete a property record/report.
5. All DGS-MCP employees will be responsible for safeguarding the property of others and will exercise discretion when handling the property of other persons.
6. There are instances when property may be transferred to other custodians.
  - a. Except for evidence and contraband, which will be processed according to policy, personal property of an arrested individual will be separated from the person, packaged, and appropriately identified as to ownership. The package should be transported with the arrestee. If it is not possible to transport the property with the arrestee, established procedures for storage will prevail.
  - b. Personal property should not be taken from an agency that has its own procedures for handling property unless that property is part of an investigation or is the product of judicial process, such as property seized during the execution of a search warrant, etc.
  - c. Personal property that is hazardous materials should be disposed of by authorized personnel having the training,

equipment and facilities to properly control and store such items. If items such as hypodermic syringes, etc., need to be transported by the Property Officer to a Crime Laboratory, all universal precautions will be taken. When delivering hypodermic syringes to a Crime Laboratory, the needles will be removed by qualified personnel prior to delivery.

7. Detachment Commanders will take all appropriate measures to ensure all property is handled, documented, stored and disposed of in accordance with this directive and the law. Each Detachment Commander will appoint one supervisor within the Detachment to assume the duties and responsibilities of a Property Officer, however, the Detachment Commander will maintain overall accountability.
8. Detachment Commanders will also maintain overall responsibility and accountability for the timely transport of evidence for analysis. A delay in transport and/or lengthy stay within a Crime Laboratory may be considered by judges as a reason to dismiss the case.
9. Storage areas will be kept secure and strictly controlled at all times. Only the Chief of Police, Detachment Commander and the Property Officer will have keys to the mailboxes and other storage areas.
10. The Detachment Commanders will designate storage areas within each Detachment. The storage area will be a location capable of being secured with areas allowing for separate storage of evidence and property and access limited to the Detachment Commander and his designee.

**B. Police Officer Responsibilities:**

1. When a Police Officer is dispatched or otherwise becomes aware that someone wants to give custody of property to the DGS-MCP, the Officer will verify the request for service and ask the Police Communication Operator to assign a case number for the property record/report that will be completed and submitted.
2. Police Officers coming into possession of any property, including evidence and Controlled Dangerous Substances (CDS) will, before the end of their current tour of duty, unless otherwise directed by the proper authority, process and store the property and complete all reports required by established property and evidence procedures.
3. No property or evidence will be placed or stored in the Officer's assigned locker, personally owned vehicle, police vehicle, or in any other unauthorized container or location.

4. It is imperative all reports be written clearly, accurately and legibly. An incident report will be submitted documenting all information necessary to describe and detail the circumstances surrounding the recovery of the property.
5. Whenever property is received from someone other than the owner, the name, address and phone number of the person delivering the property will be noted on the appropriate report form(s).
6. The recovering Officer will sign-out a Property Record, MCP Form 67, that will be affixed to the property that is to be stored.
7. The recovering Officer is responsible for properly packaging and labeling collected or recovered property to prevent any tampering, contamination or destruction and maintain the integrity of any property that may be of evidentiary value. If the property is evidence that is going to be tested or analyzed, the evidence must be packaged and labeled according to allied law enforcement specifications.
8. Any piece of property of significant value will be packaged in a plastic bag. The Officer will label each plastic bag that contains evidence. At a minimum, the label will contain the case number, date and time that the property was recovered and packaging Officer's name. The packaging Officer's initials will be placed over the seal with an indelible pen.
9. The recovering Officer will photograph any property that is reasonably believed to have significant value, such as gems, antiques, precious metals, pieces of art, gold or silver coins, and large sums of currency or other negotiable instruments prior to storing the items. Printed photographs will indicate the date of recovery, case number, and name of the Officer that took the photograph. The Officer will also record the serial numbers on any money or currency seized.
10. The chain of custody will always be maintained and properly documented in the appropriate section of the Property Record.
11. When a Police Officer seizes evidence to be used in a criminal case, the Officer will photograph the evidence so as to show the date, time and assigned case number. This can be accomplished by writing down the required data on a white piece of unlined paper with a black permanent marker and placing it next to the evidence when it is photographed. All printed photographs will indicate the name of the Officer that took the photograph.

12. Police Officers handling cases of recovered, found or confiscated property will check all property against the MILES/NCIC records prior to storing the property.
13. All property taken into possession and stored in departmental facilities will be recorded in the Temporary Property Control Log, MCP Form 99B. The Property Control Log will list, at a minimum, the following information for each item of stored property:
  - a. Detailed description of the property.
  - b. Date and time the property is stored.
  - c. Complaint Number.
  - d. DGS-MCP Property Number.
  - e. Signature, ID#, and printed last name of Police Officer storing property.
  - f. Signature, ID#, and printed last name of police Supervisor witnessing storage.
14. If an error is made in the Temporary Property Control Log, the error will be lined through with a single line and initialed by the individual making the entry and correction.
15. A Supervisor will witness the property being placed in the mailbox or other storage container or area.
16. All found, recovered, confiscated property, including evidence, will be deposited in the property mailbox. If an item is too large for the mailbox, it may be stored in a designated storage room, with the approval of the Detachment Commander.
17. It is the responsibility of the Police Officer seizing evidence to notify the Property Officer that there are pieces of evidence that need to be transported to a Crime Laboratory or other facility for testing and/or analysis. The Officer will state exactly which pieces of evidence are to be transported to the Crime Laboratory and where those items are stored. The contact will be made with the Property Officer without unnecessary delay and no later than three days after the seizure of the evidence. If unable to contact the Property Officer within three days for whatever reason the seizing Officer will notify his immediate Supervisor. The Supervisor will then contact the Property Officer's Commander.

### **C. Property Officer Responsibilities:**

1. The Property Officer will be responsible for transporting evidence, including Controlled Dangerous Substances (CDS), from the Detachment to an approved Crime Lab or other allied law enforcement facility. Within five days after receipt of a request for Crime Laboratory analysis, the Property Officer will deliver the evidence to the appropriate Crime Laboratory.
2. The Property Officer will transfer all property placed in a mailbox to the designated property storage area within 72 hours. The Property Record/Report will reflect the transfer.
3. When the Property Officer receives written notification from a Police Officer that a piece of evidence needs to be transported to a Crime Lab, the Property Officer will write or stamp "Received" on a copy of the memorandum, date and sign the copy, and return it to the requesting Officer. This protocol insures that notification has been made and reduces the possibility of a case being dismissed for lack of evidence.
4. The Property Officer will inspect all pieces of evidence to insure each item has been packaged and labeled properly.
5. If errors are found in packaging, labeling or documentation of evidence, the Property Officer will notify the Police Officer that recovered the evidence of the errors and make suggestions for corrections. If the Officer doesn't make corrections within three days, the Property Officer will notify the Officer's immediate Supervisor.
6. The Property Officer will retrieve property from a mailbox or other storage area when:
  - a. A Police Officer is releasing property to the owner or the owner's representative.
  - b. A Police Officer needs evidence for courtroom presentation.
  - c. The property is evidence that will be transported to a Crime Laboratory for analysis.
  - d. Property is being transferred from a mailbox to a property storage area.
  - e. The property is being disposed of in some other approved manner.

7. If the Property Officer is not available to retrieve property from a mailbox or storage area, the Detachment Commander will perform this function for release to the owner or the owner's representative or for courtroom presentation. Officers are encouraged to make arrangements in advance when property is needed for courtroom presentation.
8. Quarterly in March, June, September, and December the Property Officer will conduct a physical inventory of all property held at the Detachment. All inventories will be completed by the end of the inventory month.
9. Property and/or evidence that has been sealed will not be opened in order to facilitate the inventory procedure.
10. These inventories will be compiled on an Inventory Log, MCP Form 99C. This completed report will then be compared with the Property Record/Reports submitted as well as the Property Control Log. The Inventory Log will list the names of all individuals assisting with the inventory process and the date(s) that the assistance was rendered.
11. The results of the inventory will be summarized and submitted to the Detachment Commanders who in turn will forward it to the Chief of Police. This report will list specific information concerning any discrepancies found during the inventory procedure and actions taken to resolve the discrepancy.
12. If the discrepancy cannot be resolved an internal investigation will be initiated.

#### **D. Notification Process:**

1. Police Officers that take possession of another person's property will immediately take any reasonable steps to ascertain, at a minimum, the name of the owner and phone number(s) where the owner may be contacted.
2. If the owner of the personal property is identified and a valid phone number acquired, the Officer will notify the owner as soon as possible that the property has been located and is in the custody of DGS-MCP. The name of the Officer dates and times that notification is attempted will be noted on the Property Record/Report in the "Additional Information/Comments" section. Repeated attempts to contact the owner will be made for the next 72 hours. When contact has been made with the owner, this information will also be detailed in this section.
3. If the owner is able and willing to come to the location where the Officer is holding the item(s) within a reasonable amount of time, the property

may be released to the owner without being stored. The item will still be listed on a Property Record with release to the owner documented on the form.

4. Items of substantial value should be safeguarded by securing and storing them immediately.
5. For personal property that has not been released by the end of the fifth month following the date it was obtained by DGS-MCP, and there is a last known owner or, in lieu of an owner, a known party who had delivered the property to DGS-MCP, the Detachment Property Officer will initiate a notification of the intent of DGS-MCP to dispose of said property. The notification will be sent by certified mail, return receipt requested, to the last known address of the owner or person who delivered the property. The notification shall include:
  - a. Date stored;
  - b. Property record number;
  - c. Complaint control number;
  - d. Last date that the property may be claimed at the Detachment;
  - e. Location and times where the property may be claimed; and
  - f. Required identification and proof of ownership (may vary with types of property).
6. A copy of the notification made to the owner or person who delivered the property will be attached to the original Property Record/Report.

#### **E. Releasing Property:**

1. Property will only be released to individuals in accordance with established policy and procedures.
2. Persons authorized to receive property eligible for release are the rightful owner or the properly authorized representative of the identified owner.
3. Persons receiving property will be required to sign for the property on the Property Record/Report form that lists the property.
4. Abandoned property that has remained unclaimed in the custody of DGS-MCP for a period of six months may be claimed by the person who delivered the property. (Excluding members of DGS-MCP).

5. Property not claimed within ten days of the last claim date, as specified on the letter of notification, or within ten days of the first date it available to the party other than the owner, will be disposed of according to law. The Property Officer will make arrangements to have such property turned over to Maryland State Surplus Property.
6. Federal, State and local law prohibits the sale of certain property, regardless of its condition. The following items are considered to fall within these guidelines:
  - a. Firearms.
  - b. Ammunition.
  - c. Commercially manufactured knives.
  - d. Law enforcement uniforms and equipment.
  - e. Military uniforms and insignia.
  - f. Electronic/mechanical gambling machines.
  - g. Electronic surveillance devices and related equipment.
  - h. Tobacco products
  - i. Recorded material, such as “pirated tapes”, computer programs, etc.
  - j. Any vehicle part with altered serial number.
  - k. Any article that is missing the manufacturer’s serial number or the serial number has been defaced or obliterated.
  - l. Artificial limbs.
  - m. Unopened alcoholic beverages.
7. DGS-MCP personnel releasing property must take steps to ensure that the party claiming the item is entitled to possession. Each release may necessitate different forms of authorization. Personnel should consider the circumstances of each report and take steps, based on the information available, to establish the right of possession. Items that may be considered to establish authorization are:

- a. Under limited circumstances, verbal authorization may be sufficient to release property to someone other than the owner, provided that it has been clearly established that the owner is giving the authorization to release the property. In this case, only proper identification from the person receiving the property would be required to release the property.
- b. Third party releases require substantial documentation. Forms of authorization may be:
  - (1) A notarized letter from the owner.
  - (2) A court order as in the case of divorced spouses, judgments, incarcerated individuals.
  - (3) Legal documents as in the case of wills, power of attorney, writs of replevin.
  - (4) The ability to specifically identify property. The right of possession may be established by the claimant's ability to specifically identify the item(s), i.e., engravings, identification numbers, serial numbers, insurance photographs, etc. Identification of items should be established with as much specificity as possible prior to the party viewing the item(s).
- c. Property coming into DGS-MCP possession where the owner of said is not a resident of the State of Maryland, was visiting on business or as a tourist and may reside a considerable distance away.
  - (1) The owner may return to Maryland and reclaim their property in which case regular property release procedures are applied.
  - (2) Owner of the property may notify DGS-MCP, via a notarized letter, they (owner) are authorizing DGS-MCP to turn said property over to a local resident, business associate, friend, relative, etc. in which case proper identification from the person receiving the property would be required for the release of the property.
  - (3) If the owner of the property is unable to return to Maryland and has no local contacts to retrieve the

property for them they may recover the property by the following procedure:

- (a) Send a notarized letter to DGS-MCP indicating their desire to have the recovered property returned to them.
    - (b) Send to DGS-MCP a pre-paid, pre-addressed envelope/box/package from USPS, UPS, FED-EX etc. that the item(s) can be placed in for return to the owner. Under no circumstances will DGS-MCP be responsible for any charges or fees related to returning the property to the owner.
  - (4) If the owner of the property is contacted about recovered property and the owner determines the property is not of sufficient value, and authorizes DGS-MCP to dispose of the property, procedures listed in 9-100 section G will be followed.
8. Property Officers will ensure that evidence is no longer needed before releasing or disposing of the property. If any doubt exists, the Property Officer will contact the seizing/receiving Police Officer directly.

#### **F. Property Records:**

1. Whenever a Police Officer seizes different categories of property and evidence, the following items must be listed on a separate Property Record/Report:
  - a. Controlled Dangerous Substances (CDS), suspected CDS and paraphernalia that contain CDS.
  - b. Evidence having a resale value.
  - c. Lost and found property having a resale value.
2. Separate Property Record/Reports will be initiated for each owner of property.
3. All items listed on the Property Record/Report will be accurately described with sufficient detail so as to distinguish the property from other items and facilitate identification.

4. Items that can be generally excluded from item by item listing are: keys, pencils, old or used clothes, etc.
5. Evidence removed from a crime scene, such as blood samples, latent prints, broken glass, plaster casts, expended ammunition, etc., will also be included in the Property Record/Report. This procedure documents the seizure and establishes and maintains the chain of custody.

**G. Worthless Property Disposal:**

1. Items determined to be worthless (i.e. without value) may be disposed of at the Detachment level; unless the possibility exists that the items may be needed as evidence in a court. If there is any doubt, the Property Officer will contact the seizing/receiving Officer.
2. Property disposed of at the Detachment level will be completed as follows:
  - a. The Police Officer that disposes of the property will document the disposal properly and accurately on the Property Record/Report, including the name and rank of the witnessing Officer; and
  - b. The disposal will be witnessed by the Property Officer or, in his or her absence, the Detachment Commander.

**H. Money:**

1. Whenever a Police Officer exercises custody or control over money, the following procedures will be followed:
  - a. The Officer will immediately contact his or her Supervisor and request the presence of the Supervisor at the location where the money is located, found, recovered, or seized.
  - b. If possible, the Supervisor will respond to the location where his or her presence is requested.
  - c. In the event that a Supervisor is unable to respond, the Supervisor will direct another Officer to respond to the stated location.
  - d. When the Supervisor or additional Officer arrives, the money will be carefully and accurately counted by the recovering Officer in the presence of the other Officer or Supervisor. The Supervisor or his designee will then count the money in order to ensure the accuracy of the count.

- e. In the event that the amount of currency or coin is such that it is not practical or feasible to conduct the count in the field, the currency or coin will be photographed in the condition in which it was found. The money will be immediately transported to the Property Officer. If the amount of money is significant and is not counted on the scene, two Officers should transport the money to the Property Officer. The Property Officer will determine the appropriate manner and means to be used to count the money and then witness the process. If the Property Officer is not available, the property will be transported to the Detachment Commander, who will determine the manner and means to be used to count the money and supervise the process. There should always be a witness present until the money has been secured and stored as evidence.
  - f. If the money is not considered to be evidence, it will be promptly delivered to the Department of General Services Fiscal Accounts Chief, 301 W. Preston Street, Room 1309, Baltimore. If the amount is significant, the Property Officer will arrange to have another officer accompany him to deliver the money to the Fiscal Accounts Chief.
  - g. Whenever money is delivered to the Fiscal Accounts Chief, the Officers will obtain a receipt and attach the original to the Property Record/Report form. A copy of the receipt will be attached to the incident report detailing the circumstances that led to the recovery, action(s) taken by the DGS-MCP, etc.
2. Money may be seized whenever the Police Officer has probable cause to believe that it has been used or is intended to be used in connection with the possession, distribution, manufacturing or importation of illegal drugs or alcohol, in connection with illegal gambling, or the money is evidence or the fruits of any other crime.
- a. Money that is evidence will never be transported to the Fiscal Accounts Chief until the case is concluded and the appropriate prosecuting attorney authorizes the disposition of the property. Whenever money is to be stored as evidence, it will be packaged in plastic bags after the money has been counted. The original copy of the Property Record/Report will be attached securely to each bag. If there are two or more plastic bags, a separate Property Record/Report will be written for each plastic bag of currency and the reports cross-referenced numerically. (i.e. 1 of 3, 2 of 3, 3 of 3)

3. A separate Property Record/Report will be completed for each individual from whom money is seized. When money is not seized from the person of any individual, all individuals present are deemed to be in “constructive” possession of the money, unless one or more individuals assert a claim to the money.
4. If the owner of money can be identified and the money is not evidence, the property should be returned to the owner or authorized representative as soon as possible. If the owner or authorized representative cannot arrive at the Detachment in a reasonable amount of time, the money will be delivered to the Fiscal Accounts Chief or stored until such time as it can be delivered.

#### **I. Controlled Dangerous Substance (CDS):**

1. All personnel will handle, package, prepare, process and document all cases involving Controlled Dangerous Substances (CDS) in conformity with established procedures as detailed in this order.
2. All CDS will be taken to a Crime Laboratory for analysis and/or be destroyed. When CDS is to be destroyed, the Property Officer CDS will only be destroyed after receiving a memorandum from the seizing/receiving Officer that the CDS will not be needed as evidence.
3. When CDS or suspected CDS is seized or received by a member of the DGS-MCP, it will be weighed on a scale and counted by the seizing/receiving Police Officer in the presence of a Supervisor. The weight and count will be recorded on the Property Record/Report. The supervisor will verify the weight on the report with his signature.
4. The seizing/receiving Officer will list all seized and/or received property associated with a case involving a violation of CDS laws, on a Property Record/Report. The Officer will specify the CDS, paraphernalia, trace evidence, etc., on the report.
5. If suspected CDS or paraphernalia containing suspected CDS will not be needed as evidence, the seizing/receiving Officer will notify the Property Officer.
6. If the CDS is evidence and will be delivered to a Crime Laboratory, the CDS, suspected CDS, and/or paraphernalia containing CDS will be secured in an approved, clear polyester evidence pouch.
7. Only evidence that will be used in a criminal prosecution should be submitted to a Crime Laboratory. Found or abandoned evidence that cannot be linked to a suspect will not be submitted for analysis.

8. Do not submit paraphernalia, rolling papers, empty capsules, empty packing (especially absent evidence of CDS residue) unless absolutely essential to the case. They will not be analyzed. Only submit the bowl of a bong, not the whole bong.
9. Do not submit moldy or wet vegetable matter. Dry prior to submission. Wet vegetable matter presents a health hazard as well as probable weight changes due to water loss in the drying process. It should also be noted that decomposed vegetable matter might not produce positive results.
10. Do not submit marijuana seeds unless they are absolutely essential to the case.
11. Hypodermic syringes are hazardous. Unless absolutely critical to the prosecution of a major case, hypodermic syringes will not routinely be analyzed by a Crime Laboratory. It is of paramount importance when determining the significance of such evidence to weigh the inherent dangers involved against the seriousness and probable disposition of the case if the analysis is not performed. In many cases, there are other, less hazardous exhibits emanating from the same case that can be introduced into evidence with more substantial results. When possible, photographs should be used as second best evidence. If a syringe is the only evidence of CDS seized, a letter from the prosecuting attorney must be forwarded to the Crime Laboratory, prior to submitting the syringe, requesting permission to have the syringe analyzed.
12. The use of field test kits on small samples is discouraged. Evidence may be destroyed. Field test kits may be used by properly trained individuals for probable cause or screening purposes. However, they are not to be considered as thorough as laboratory testing. Do not include the test kit with the submission.
13. Seizures involving the submission of liquids must be securely sealed to prevent spillage and/or leakage of fumes. Many chemicals are highly flammable and toxic. If these chemicals are not essential to proving intent or have no probative value, do not submit them. Police Officers should seek advice from the prosecuting attorney concerning these matters. If not needed, these materials should be disposed of properly. Members may contact the State Fire Marshall or other local authority for advice and assistance.
14. The procedure for the destruction of CDS and suspected CDS are as follows:

- a. All CDS is to be destroyed by delivering it to the Crime Lab for destruction. The Property Officer will make prior arrangements with the Laboratory regarding the destruction date and delivery.
- b. CDS will only be destroyed after receiving a memorandum from the seizing/receiving Officer that the CDS and/or other items will not be needed as evidence. The Police Officer that placed charges against the defendant in the case will ensure that the evidence will not be needed is any doubt; the prosecuting attorney will be contacted and asked to make the determination.
- c. The Property Officer and Detachment Commander/other command staff personnel will both sign the Property Record/Report and indicate that all of the items listed have been destroyed. In the event that some items listed on a Property Record/Report can be destroyed and other items stored, a supplemental report will be generated listing the items that were destroyed. This supplemental report will be submitted under the same case number.
- d. For CDS paraphernalia, The Property Officer can destroy the item locally in the presence of the Detachment Commander/command staff. Both the Property Officer and Detachment Commander/command staff person will both sign the appropriate form(s) after witnessing the destruction of the property.

**J. Other Property/Evidence:**

1. Evidence or other property which may be considered offensive, such as sexually explicit or derogatory in nature:
  - a. Will be processed by all DGS-MCP personnel in a professional manner.
  - b. Will not be reproduced, disseminated or displayed beyond investigatory and/or prosecutorial needs.
  - c. Will be stored in a sealed, opaque envelope or other appropriate opaque container, which will prevent viewing by persons not directly involved with the investigation. A detailed log of review, to include the names of persons present and purpose of review, will be maintained in the case file whenever films, video, slides and photographs are involved.

2. Except for evidence and contraband, which will be processed according to policy, personal property of an arrested individual will be separated from the person, packaged, and appropriately identified as to ownership. The package should be transported with the arrestee. If it is not possible to transport the property with the arrestee, established procedures for storage will prevail.
3. Personal property should not be taken from an agency that has its own procedures for handling property unless that property is part of an investigation or is the product of judicial process, such as property seized during the execution of a search warrant, etc.
4. Personal property that is hazardous materials should be disposed of by authorized personnel having the training, equipment and facilities to properly control and store such items. If items such as hypodermic syringes, etc., need to be transported by the Property Officer to a Crime Laboratory, all universal precautions will be taken. When delivering hypodermic syringes to a Crime Laboratory, the needles will be removed by qualified personnel prior to delivery. Liquid samples must be securely sealed in a 20 milliliter glass vial with a screw-on cap. Evidence contaminated with any type of body fluid must have a “**BIOHAZARD**” warning label prominently attached to the polyester evidence pouch. Evidence involving large quantities of materials must be random sampled.

#### **K. Firearms:**

1. Handling of Firearms:
  - a. Police Officers that locate firearms at the scene of a crime will leave the firearm where it was discovered, unless doing so would place anyone in danger. Examples of these types of situations include, but are not limited to, scenes that are not under the control of the police, handguns that are found cocked, etc.
  - b. The Officer recovering the firearm will note the condition in which the firearm was found (e.g., round in the chamber, number of rounds in the magazine or cylinder) and include this information in the Incident Report.
  - c. Confiscated firearms will be unloaded and made safe prior to being transported or brought into any building or facility for storage. If circumstances indicate that a seized handgun may be processed for latent prints, care will be exercised in unloading the weapon so as to attempt to preserve any latent prints that may be present.

- d. If an Officer is not familiar with a firearm and therefore does not know how to safely unload the weapon, the Officer will not attempt to do so; rather, the Officer will request the assistance of another Officer familiar with the weapon. If a weapon cannot be unloaded because of unfamiliarity or malfunction, it will be so tagged and stored in the property storage room. As soon as possible, an armorer or firearms instructor will be requested to render such weapons safe.
  - e. Unloading weapons at a Detachment will be done in a safe location. If an unloading box is not available, firearms will be unloaded outside with the muzzles pointed in a safe direction.
  - f. If a firearm is submitted to a Crime Laboratory for fingerprints, trace evidence, etc., the firearm will be unloaded and submitted in accordance with established procedures.
2. Police Officers that seize or receive firearms will attempt, in all cases, to identify ownership by:
- a. contacting the Maryland State Police Gun Center by calling 1-855-677-6486 (1-855-MSP-MGUN). The following information concerning the firearm should be provided:
    - (1) Make
    - (2) Model
    - (3) Type
    - (4) Caliber or gauge
    - (5) Serial number
    - (6) Country of Origin
    - (7) Importer
    - (8) Finish
  - b. Gun Center personnel will search the Maryland Automated Firearms Services System (MAFSS) to determine the owners of regulated firearms.
  - c. A trace of both regulated and non-regulated firearms will also be conducted through the Bureau of Alcohol, Tobacco, Firearms and Explosives' (ATF) National Tracing Center. The information received from ATF will be reviewed by Gun Center personnel to determine if additional enforcement action is warranted.

- d. The response from MAFSS and the ATF Firearms Trace Summary report will be forwarded to the investigating officer for inclusion in the investigative case file.

3. Firearms Returned to Owners:

- a. Prior to returning a firearm to the owner, the Property Officer will contact the Gun Center and provide the person's identifying information. Gun Center personnel will check all available State and federal criminal history records to ensure the person receiving the firearm is not prohibited from possessing it.
- b. After the check is completed, the date the Gun Center was contacted and conducted the check will be noted on a supplemental report and affixed to the Property Record/Report at the time the firearm is released. If a decision is made not to release the firearm, the reasons will be explained in the body of the supplemental report.
- d. Anyone claiming ownership of a firearm may also provide proof of purchase that contains, at a minimum, the make, model and serial number of the firearm.
- e. If the owner is a non-resident of Maryland and he is entitled to his firearm, the Property Officer will notify a law enforcement agency within the jurisdiction where the owner resides to ensure compliance with applicable laws, prior to releasing the weapon; the firearm will then be sent to that agency for disposition using a carrier other than the US Postal Service.
- f. All other provisions of this order concerning the release of property are also applicable to the release of firearms.

4. Seized Weapons:

- a. The authority of DGS-MCP to seize and/or retain possession of a firearm is provided by Maryland Criminal Law and Public Safety Article, Annotated Code of Maryland.
- b. In a proceeding in a criminal case involving a seized handgun, a court may order forfeiture or release of the seized handgun in accordance with Maryland Criminal Procedure Articles.

- c. All confiscated firearms not converted to DGS-MCP use will be destroyed in accordance with established procedures.
- d. Before confiscated firearms are destroyed or converted to DGS-MCP use, the Property Officer will notify the owner concerning the intended disposition via certified mail, return receipt requested. The notification will include:
  - (1) the statutory disqualifier that prevents the return of the firearm, and
  - (2) the right of the owner to file a written appeal to the decision within 30 days.
- e. Upon receipt of an appeal, the Chief of Police or designee will hold an informal review, not subject to the Administrative Procedures Act, to determine whether the forfeiture should continue or the firearm should be returned to the owner.
- f. the armorer will examine the firearm and make a recommendation to the Chief of Police concerning the usefulness of the weapon to the Department. The Chief of Police makes the final determination as to whether the weapon will be converted to departmental use or destroyed.

**L. Storage:**

1. The area designated for storage of recovered, seized and found property and evidence will not be used to store any other items, such as police equipment, uniforms, auto supplies, records or any other material not considered to be property held.
2. Under no circumstances will property seized, found or received by DGS-MCP personnel be stored at any other place other than the mailboxes or storage room without the permission of the Detachment Commander.
3. All CDS and evidence will be separated or physically stored apart from other property held.
4. All property will be stored in an organized and systemic manner so that an item can be located easily and quickly.
5. Whenever property comes into the possession of the DGS-MCP that cannot be placed in a designated mailbox and the Property Officer or Detachment Commander is not readily available, the property may be temporarily placed by the shift Supervisor in a secure location until the Property Officer or

Detachment Commander can be contacted and respond to open the property storage room.

6. Each item of property stored will be identified by a Complaint Control Number and the DGS-MCP Property Number assigned to that item. Several items may carry the same Complaint Control Number. When appropriate, items will be tagged to facilitate identification.
7. All property storage rooms will be kept secured at all times. The key to such facilities will not be loaned or given to any unauthorized person.
8. Whenever a property storage room is unsecured, the Property Officer or Detachment Commander will be physically present and able to monitor the area.
9. Any breach of security of the property storage area will be immediately reported to the Detachment Commander.