

Evidence and Recovered Property

Index Code: 1202

Effective Date: 05/15/03 (Revised 11/22/2023)

I. Purpose

The purpose of this directive is to establish formal procedures governing the management of evidence and other property by all employees of the Office of the Sheriff.

II. Policy

It is the policy of the Office of the Sheriff to safeguard and make proper disposition of all evidence and property which comes into the care and custody of the agency.

III. Definitions

A. Evidence

For purposes of this directive, evidence is anything that may be used during a criminal prosecution to establish a case and prove facts or elements of a crime before a court of law.

B. Found Property

For purposes of this directive, found property is any property found which comes into the custody of an employee which:

1. Has an apparent value to the owner;
2. Is in substantially operable, functioning condition;
3. Is of no evidentiary value whatsoever, and;
4. Whose rightful owner may or may not be known to the finder or the agency.

C. Recovered Property

For purposes of this directive, recovered property is defined as any property turned in, seized, or otherwise coming into the custody of the Office of the Sheriff, which will not be utilized as evidence and is available for immediate release to the rightful owner if known.

D. Property for Disposal

For purposes of this directive, property for disposal is defined as any property submitted for destruction or legal disposal, including firearms, ammunition, knives and other weapons, as well as controlled dangerous substances and other contraband having no evidentiary value. Property for destruction/disposal may have been seized from a citizen by a deputy or released by a citizen to the Sheriff's Office for disposal purposes.

E. Exculpatory Evidence

Exculpatory evidence is any evidence that could suggest a suspect's innocence.

IV. General Provisions

All employees will properly process and secure property which has come into their possession. The proper handling and security of property received will comply with current law and established policy and procedures. Property which comes under the care of an employee which is subject to the evidence/property function as outlined in this directive and is not to be released to the rightful owner by the end of the employee's work shift, will be turned into the Property Room by the conclusion of the shift.

The accountability, control, and safe storage of evidence and found/recovered property are the responsibility of the Evidence Manager. Only authorized personnel may have access to the area used by the Office of the Sheriff to store evidence and other property. In the event that the Evidence Manager is not in attendance, the Evidence Room will be closed. The Evidence Room is secured and alarmed and can only be accessed by the Evidence Manager and the Commander of the Support Services Division.

V. Reporting Requirements

A. Any item of property taken into custody by any member of the Office of the Sheriff must be documented with a Fieldcase Report. The report will describe how the property came into the agency's possession, a detailed description of the property, and vital information available regarding the owner and/or finder to include names, addresses and telephone numbers. There are **three** authorized exceptions to this requirement:

- 1) Employees who receive ammunition for destructive purposes and that has no evidentiary value are permitted to obtain an incident number and document all necessary information into a call for service/incident record through the agency electronic reporting system.
- 2) Employees who receive unwanted medications for destruction will follow the

instructions detailed in prescription roundup and prescription drug box guidelines.

- 3) **Employees who receive lost and found, confiscated and MSP pick-up ordered license plates and driver's licenses which have no evidentiary value.**

B. Employees will check traceable property through NCIC and MILES to ascertain whether the property has been reported stolen. The results of the NCIC and MILES checks will be documented in the Fieldcase Report. The Property Module in the CAD/RMS Records Management System is a database that stores all information on evidence and other property, tracks its location, and describes its disposal. The program creates an electronic chain of custody in conjunction with the chain of custody forms attached to the property itself. Proper entry of all pertinent information is necessary to create a thorough and well-documented chain of custody.

C. Anytime an employee of the Queen Anne's County Office of the Sheriff gains knowledge of exculpatory evidence pertaining to a current criminal case, that information and/or evidence must be immediately turned over to the lead investigator/deputy. The exculpatory evidence shall be processed and held as any other evidence and a case supplement shall be initiated. A witness statement or case supplement shall be provided by the employee who originally obtained the exculpatory evidence. The State's Attorney shall be notified as soon as possible. The supplemental documentation shall include details related to when the information/evidence was received, the recipient and when it was provided to the prosecuting authorities.

Post-conviction investigations in which claims of omitted exculpatory evidence are the result of the initial investigation **shall not** be conducted by any investigative personnel involved in the initial case. The State's Attorney shall be consulted regarding the assigning of a new investigator who will investigate all aspects of the newly discovered exculpatory evidence. The supplemental documentation shall include details on when the information/evidence was received, by whom and when it was provided to the prosecuting authorities.

VI. Proper Packaging

Items of property taken into custody and turned into the Evidence Room must be appropriately packaged and documented to ensure the safety of those handling it while maintaining the integrity of the items contained

within. Property and evidence will be packaged in a manner that prevents damage, loss, or corruption of physical evidence. All items, unless of such size so great as to prevent doing so, will be sealed with evidence tape, initialed, and dated by the submitting person.

A. MSP 67

Any employee of the Office of the Sheriff coming into possession of found/recovered property or securing property as evidence will complete a Request for Laboratory Examination – Chain of Custody Log (MSP 67). The form will be completed in its entirety, with all available information, and securely attached to the envelope or box containing the recovered property or evidence. A copy of the MSP 67 will be submitted along with the initial report for the case file. For specific instructions on completing the MSP 67, refer to the sample copy posted on the bulletin board in the Evidence Processing area.

Exception: License plates and driver's licenses to be returned to MVA will not require an MSP 67. A printout of the license or registration check will be affixed to the item with tape or rubber band. The submitting deputy will write the words "return to MVA" on the printout

B. Property Tag

In cases involving large items, where it's not feasible to securely attach a MSP 67, a Property Tag may be attached to the item and the MSP 67 submitted to the Evidence Manager with a copy placed in the case file.

C. Evidence Envelopes

Property will be placed in appropriately sized evidence envelopes or bags. The designated areas on the envelopes and bags will be completed with the appropriate information, in addition to attaching the proper form.

D. Evidence Boxes

Items too large, or unsafe, for an envelope or bag will be placed in approved evidence boxes. The designated area on the boxes will be completed with the appropriate information, in addition to attaching the proper form.

E. Package Seals

All evidence envelopes, bags, and boxes will be sealed using the available sealing tape. The sealing deputy's initials must be placed across the seal or flap, in a manner that would indicate entry into the package if the seal were broken.

F. Memory Sticks

Photos are submitted into evidence on memory sticks. Memory sticks will be packaged and stored in a 6x9 envelope with a completed MSP 67 attached. Upon receipt of a memory stick, the Evidence Manager will download the photographs from the memory stick onto a CD and return the memory stick to the submitting deputy.

G. Special Packaging Requirements

Money, firearms, and CDS, will be packaged separate and apart from all other property. In addition, they will be packaged as follows:

1. Money will be counted and sealed in the presence of another deputy, who will also initial all documents and seals verifying the contents. Paper money will be photocopied prior to sealing. The number and type(s) of each coin and currency will be listed separately on the appropriate form(s).
2. Firearms will be packaged separately from any ammunition, as well as any other property.
3. Controlled Dangerous Substances (CDS), and CDS paraphernalia will be packaged separately in heat-sealed plastic bags. If room allows, separate smaller plastic bags containing CDS or CDS paraphernalia may be placed in a larger heat-sealed plastic bag. However, each individual bag must be appropriately numbered with a description of its contents indicated on the MSP 67. The description must include accurate counts for each countable item which must be listed on the MSP 67 attached to the evidence. This requirement includes but is not limited to tablets, capsules, marijuana cigarettes, heroin baggies, etc. Weights of CDS will not be listed on the MSP 67.

For additional information concerning firearms and controlled dangerous substances refer to Index Codes 1203 and 1204.

VII. Owner Notification

A. Employees coming into possession of property, which is not evidence or contraband, will make reasonable attempts to identify and notify the owner or custodian that the property is being held and the manner in which the owner may seek release. Details and method of notification and/or attempts at notification will be documented on the Fieldcase Report or in a Supplement Report.

B. In the event a deputy is unable or unsuccessful in contacting an owner to provide notification of recovery, the Evidence Manager will attempt to notify the owner at their last known address within thirty (30) days of receipt of the property. The notification will instruct the owner to pick up their property within thirty (30) days of the notification. Such notification will be indicated on the property form.

C. If the owner does not pick up their property within the (30) day period, the Evidence Manager will send a second notification stating that the property must be picked up within thirty (30) days of receipt or the property will be deemed abandoned and ownership transferred to the Office of the Sheriff.

D. Positive identification and proof of ownership must be provided by anyone claiming property, to the satisfaction of the member releasing the property.

E. Upon the seizure of personal property (excluding contraband) related to MD Annotated Code, Criminal Procedure, Title 12 (Forfeiture-CDS Violations), the seizing deputy is required to provide a written receipt to the owner by completing and submitting the "Receipt for Seized Property." If the owner is not available at the time of the seizure or there is believed to be more than one owner, the seizing deputy will send a "Notice to Owner of Seized Property" via postal service to all known owners within ten days of the seizure.

VIII. Return to Finder

The Evidence Manager may return recovered property to the finder if:

- A. The property is not claimed by the owner within ninety (90) days;
- B. The property is not a weapon or contraband;
- C. The finder lays claim to the property within (90) days; and
- D. The finder/claimant has proper identification.

If the finder fails to claim the property, ownership of the property will automatically transfer to the Office of the Sheriff. If property is found by a deputy on duty or while acting in an official capacity the property will not be released to the finder (deputy).

IX. Release of Property

- A. Authority to release property will not be

granted via telephone. If a deputy determines that property can be released, which had originally been marked as "hold for evidence," the deputy must:

1. Respond to the Evidence Room and sign off on the original property slip; or
2. Send the Evidence Manager an interoffice correspondence indicating the case number, description of the property, and to whom the property can be released; or
3. Complete a property disposition form sent out by the Evidence Manager.

The deputy's signature must appear on any document authorizing the release of property.

B. Every ninety (90) days the Evidence Manager will request deputies update their recovered property forms marked, "Hold for Evidence," for possible release. Deputies will respond by returning the property disposition forms within seven (7) days of receipt.

C. If a deputy who recovered property is not available to authorize release or disposal of the property, the Evidence Manager will obtain authority for release or disposal from the deputy's supervisor.

D. When releasing property that has been stored as evidence, deputies will adhere to the following guidelines:

1. Verdict of not guilty – Release/destroy evidence.
2. Verdict of guilty (felony) – Hold for one (1) year and thirty (30) days after conviction.
3. Verdict of guilty (misdemeanor) – Hold for ninety (90) days after conviction.
4. Unsolved felony cases – Hold for three (3) years.
5. Unsolved misdemeanor cases – Hold for one (1) year.
6. Homicide, manslaughter, and felony sex offense cases – Hold indefinitely, or may be released with approval from the State's Attorney's Office.

X. Contraband Retained for Training or Investigative Purposes

At the request and with the authorization of a division commander, some items of seized or forfeited controlled substances, weapons, or explosives may be retained for investigative or training purposes.

A. Storage

1. All controlled dangerous substances (CDS) utilized for training or investigative purposes will be stored and maintained by the Evidence Manager unless otherwise authorized by the Sheriff or Chief Deputy.

2. All weapons utilized for training or investigative purposes will be stored and maintained in a "safe" condition by the Evidence Manager.

3. All weapons turned over to the Lead Firearms Instructor or SWAT Team Leader for training purposes will be transferred and stored in the weapons vault.

B. User Requirements

Deputies wanting to utilize any item(s) of CDS or weapons for training or investigative purposes will make the request, in writing, through his/her supervisor. The supervisor will contact the Evidence Manager directly to make arrangements.

XI. Inspections, Audits, and Inventory

The following documented inspections, inventory, and audits will be completed:

A. An inspection to determine adherence to procedures used for the control of property will be conducted semi-annually by the supervisor of the evidence room or his/her designee. A report of his/her findings will be submitted to the Chief Deputy through the chain of command within 10 days of completion of the audit.

B. An inventory of property occurs whenever the custodian of the property or the unit supervisor of the property are assigned to and/or transferred from the position and is conducted jointly by the outgoing custodian if available, the newly designated Evidence Manager and the unit supervisor or designee to ensure records are correct and property annotated.

C. An annual audit of property is conducted by a supervisor not routinely or directly connected with the control of property. A report of his/her findings will be submitted to the Chief Deputy through the chain of command within 10 days of completion of the audit.

D. Unannounced inspections of property storage areas are conducted at least annually as directed by the Sheriff or his designee and will be documented by the person assigned to the inspection.

XII. Equipment Operational Readiness

Division Commanders, Training Instructors, or Team Leaders will oversee the operational readiness of stored agency equipment assigned to their individual units. Operational readiness includes the care, cleaning, preventive maintenance and repair of the equipment. The division commander or designee will inspect the equipment monthly for operational readiness. All inspections will be documented and maintained within each commander's division.

XIII. Prescription Round-up Program

- The Office of the Sheriff is a major participant in the Prescription Round Up Program. This program is a national program with the objective of removing prescription medications that are no longer useful from homes. By collecting these medications, hopefully the program will prevent medications being used for unlawful purposes or being disposed of improperly, impacting the environment.
- The Office of the Sheriff participates in the program by collecting unwanted medications and used syringes or other sharps at different collection events in the community and by serving as a drop off point where 24 hours a day, 7 days a week the public can bring in their unwanted medications, syringes, or other sharps for disposal. This policy will serve as a guide for handling the drop off by citizens of these unwanted medications, syringes, or other sharps.
- The Sheriff's Office is advertised to the community as a prescription drop off location. It is advertised that we accept unwanted medications 24 hours a day, 7 days a week. It is the policy of the Office that only sworn law enforcement personnel, or the Evidence Manager, will handle medications being submitted for disposal.
- Personnel contacted by a person who wishes to dispose of unwanted medications will receive same by providing the citizen with a sealable plastic bag. The citizen will place the unwanted medications in the bag and seal it closed. Prior to sealing the bag, the citizen should be offered the opportunity to use a marker to black out their personal information on any medications if they choose to do so. Receiving personnel should do a cursory inspection of the medications to ensure that there are no leaking containers, syringes, or other sharps.
- If the citizens have syringes or other sharps to dispose of, they will be provided the appropriate sharps container. The citizens will place their unwanted syringes or other sharps in the container. Personnel should avoid handling unwanted medications, syringes, or other sharps unless absolutely necessary. If it is necessary to handle those items, personnel should wear gloves or other bodily protection clothing as appropriate, to isolate the substance.
- The sealed plastic bag containing the unwanted medications should be immediately deposited in the specifically marked drop box located in the patrol room. The Prescription Round Up Program advertises that citizens can anonymously present medications for disposal. Based on this fact, the person submitting the medications does not need to provide identification solely for the purpose of the disposal, nor is an inventory required to be documented by the receiving person.
- The Prescription Drop Box located in the Patrol room is exclusively for use of unwanted medications being submitted for disposal and not for the use of evidence submissions. The Prescription Drop box is to be kept locked, and the primary key is to be kept by the Evidence Manager in the locked Evidence Room. The Commander of CIU will also have a key to the Prescription Drop Box. At least once per week, the Evidence Room Manager, accompanied by the CIU Commander or their designee, will recover all of the sealed plastic bags containing unwanted medications from the Prescription Drop Box. The Evidence Manager will then place the sealed plastic bags into boxes with in the locked "RX Disposal Storage" containers in the Evidence Room. Once a

box is filled, the Evidence Manager will seal it, and document by weight the amount of medications received. The Evidence Manager will complete a chain of custody form and attach it to the sealed box within the "RX Disposal Storage" container.

- Once a sufficient number of sealed boxes is accumulated, the Evidence Manager, accompanied by the CIU Commander or their designee, will transport those sealed boxes to the designated facility for their destruction. A receipt of the total weight of the destroyed boxes will be obtained and kept by the Evidence Manager, and the chain of custody form for each box will reflect their destruction. All records will be kept and maintained by the Evidence Manager.

A. CALEA References: 17.5.3, 84.1.1a, 84.1.1b, 84.1.1c, 84.1.1d, 84.1.1e, 84.1.1f, 84.1.1g, 84.1.2, 84.1.3, 84.1.4, 84.1.5, 84.1.6a, 84.1.6b, 84.1.6c & 84.1.6d.

B. Proponent Unit: Administrative Services Division

C. Cancellation: This directive cancels Index Code 1202 dated 9/28/2023, Index Code 1202.1 dated 06/15/03 and Index Code 1205 dated 04/15/06.



Sheriff Gary Hofmann